

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 1023

Short Title: Family Foster Home Standards.

(Public)

Sponsors: Senators Foxx; Blust, Carpenter, Carrington, Clark, Cochrane, Forrester, Garwood, Hartsell, Horton, Kincaid, Ledbetter, and Rucho.

Referred to: Children & Human Resources.

April 21, 1997

A BILL TO BE ENTITLED

AN ACT TO PROVIDE STANDARDS FOR THE QUALITY OF CARE IN FOSTER HOMES AND TO ALLOW COUNTY DEPARTMENT OF SOCIAL SERVICES TO GRANT WAIVERS TO THE STANDARDS UNDER CERTAIN CIRCUMSTANCES.

The General Assembly of North Carolina enacts:

Section 1. Effective January 1, 1998, Article 1A of Chapter 131D of the General Statutes is amended by adding a new section to read:

"§ 131D-10.10. Family foster home rules.

(a) The Commission shall adopt standards, by rule, to ensure at a minimum, but shall not be limited to, the provision of the following by family foster homes:

(1) Not more than seven children may be served in any family foster home at any one time. These seven children shall include the foster parent's own children, foster children, day care children, or any other children.

(2) Not more than five foster children shall reside in a family foster home at any one time.

(3) Of the maximum capacity, there shall be no more than:

a. Two children under two years of age;

b. Four children under four years of age;

1 c. Six children under 12 years of age, in a family foster home at any
2 one time.

3 (b) Within 30 days of a prior written notice to the Department, the County
4 Department of Social Services may grant a waiver to a family foster home to one or more
5 of the standards described in subsection (a) only if the following conditions are met:

6 (1) Written verification by a licensed building inspector is presented to the
7 County Department of Social Services that the family foster home
8 residence meets the fire and building safety standards in Section 510 of
9 the residential building code, as set forth in 10 NCAC 41E .0700; and

10 (2) Written and certified documentation is presented to the County
11 Department of Social Services regarding the foster parents skill,
12 stamina, and capacity to care for the children.

13 (c) Members of the natural family 18 years old and over are not included in
14 capacity, but physical accommodations in the home must be adequate.

15 (d) If the Department is made a party of any action, suit, or proceeding arising out
16 of the county's granting of the waiver as provided for in subsection (b), the Department
17 shall be held harmless from any and all liability and costs, including the amounts of
18 judgments, settlements, fines, or penalties, and expenses and reasonable attorneys' fees
19 incurred in connection with the action, suit, or proceeding."

20 Section 2. The Commission shall adopt temporary rules to implement this
21 section. These rules shall take effect no later than January 1, 1998.

22 Section 3. This act is effective when it becomes law.