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Document No. 4900

**DEPARTMENT OF SOCIAL SERVICES**

CHAPTER 114

Statutory Authority: 1976 Code Section 43‑1‑80

114‑550. Licensure for Foster Care.

**Synopsis:**

The Department of Social Services is charged with administering the provisions of the law relating to foster family homes and with making and promulgating such rules and regulations relating to licensing standards and other matters as may be necessary to carry out the purposes of the laws relating to foster family homes. The existing regulations regarding foster family homes (S.C. Code of Regulations Section 114‑550) need to be amended. These proposed regulations set forth the requirements for foster family homes to be licensed by the Department and enable the Department to enforce licensing standards for foster family homes. These regulations help protect children residing in foster family homes.

The Department is promulgating these proposed regulations so that South Carolina foster home licensing standards will be consistent with the model foster home licensing standards published by the United States Department of Health and Human Services, Administration on Children, Youth and Families.

The Notice of Drafting was published in the *State Register* on August 23, 2019.

**Instructions:**

Print the regulation as shown below.

~~Indicates Matter Stricken~~

Indicates New Matter

**Text:**

114‑550. Licensure for Foster Care.

~~A. Definitions.~~

~~(1) Foster Care—This is care for children in the custody of the South Carolina Department of Social Services who must be separated from their parents or guardians. It is a temporary living arrangement within the structure and atmosphere of a private family home (kin and non relative), or a group home, emergency shelter, residential facility, child care institution, or pre adoptive home, and is utilized while permanent placement plans are being formulated for the involved children.~~

~~(2) Board Payments—These are monthly funds appropriated for daily care and maintenance for eligible children in foster care.~~

~~(3) The Foster Family—A family that is generally composed of a father and mother, but may be widowed, divorced or single adults, who are licensed by SCDSS, and who are mutually interested in and evidence a capability to care for foster children.~~

~~(4) Kinship Care Foster Family—This is a relative family that has been identified and licensed to provide foster care for a specified child or children. Unless otherwise stated, the term foster parent or foster family includes kinship foster care parents and families.~~

~~(5) Assessment Study—This is the actual documentation of the assessment study of a family or related family applying to provide foster care services, completed by designated agency staff of the South Carolina Department of Social Services or designated staff of a child placing agency.~~

~~(6) Child Placing Agency—For the purposes of these regulations, any person or entity who holds legal or physical custody of a child for the purpose of placement for foster care or adoption or a private placement, or a person or entity who facilitates the placement of children for the purpose of foster care or adoption or a private placement and, which for the purpose of these regulations, retain their own system of foster homes, is a child placing agency. Homes assessed by child placing agencies are licensed in accordance with the Department of Social Services licensing regulations and issued a license by SCDSS.~~

~~(7) Agency—South Carolina Department of Social Services.~~

~~(8) Foster child—for the purposes of these regulations, a child in the custody of SCDSS.~~

~~(9) Household member—for the purposes of licensing interviews and assessment, an individual who spends significant amounts of time (as defined by SCDSS or the child placing agency) in an applicant’s household, can be considered a household member.~~

~~B. Applications.~~

~~(1) An application form shall be completed by all foster families desiring to be licensed and relicensed.~~

~~(2) Applicants must supply thorough, complete and accurate information. Incomplete or erroneous information or violation of regulations can be grounds for denial of an application, revocation of a current license or denial of a renewal.~~

~~(3) SCDSS or a licensed child placing agency reserves the right to request and consider additional information if needed during the licensing or renewal process. This additional information may be considered during the licensing or renewal decision‑making process.~~

~~C. Licensing Procedure.~~

~~(1) Any application for licensure pursuant to these regulations shall be studied by SCDSS or a licensed child placing agency.~~

~~(2) A decision regarding each application for a license shall be made within 120 days subsequent to the date the standard application is completed by the applicant(s) and is received by SCDSS or the child placing agency. If SCDSS or the child placing agency has requested information that has not been received within 120 days, then the decision is stayed pending receipt of all information.~~

~~(3) An initial Standard license shall be issued or denied by the director of SCDSS or his/her designee based on the result of the assessment study and recommendation of SCDSS or child placing agency.~~

~~D. Licenses.~~

~~(1) The issued license shall not be transferable from either the address or foster family specified on the license.~~

~~(2) A Standard license shall be issued when all requirements of these regulations are met. A Standard license is valid for two years from the date of issuance.~~

~~(3) A Standard with Temporary Waiver license may be issued for up to 90 days. The utilization of this type of license is warranted when SCDSS or the child placing agency is acting in the best interest of children already in placement and for whom stability is necessary. The Standard with Temporary Waiver license shall include language that reflects the expiration period and the reason for the temporary waiver. No additional children may be placed during temporary waiver periods. Standard with Temporary Waiver licenses can be issued under the following circumstances:~~

~~(a) A standard licensed foster parent moves to a new home and SCDSS or child placing agency is waiting to receive written documentation that the fire and health inspections have been completed and any noted deficiencies have been corrected; or~~

~~(b) A standard license has previously been issued to a foster family and subsequently a household member reaches the age of eighteen years, or a new adult household member has entered the home since licensure, and SCDSS or child placing agency is waiting to receive written clearance on all background checks for that individual.~~

~~(4) A Standard‑Exceeds Maximum Number Allowed license may be issued when a standard licensed foster parent receives placement of more children than allowed under requirements due to SCDSS or child placing agency trying to preserve unity of a sibling group or making an adoptive placement. This license can continue until the number of children again satisfies licensing requirements.~~

~~(5) No license issued shall be effective for more than two years from the date of issuance. Subsequent relicensure studies must be completed prior to the expiration of the last license.~~

~~(6) A foster home shall not be licensed for more than five (5) children, including the foster parents’ own children and/or other children who are household members unless SCDSS or child placing agency is keeping siblings together or the placement has been court ordered.~~

~~(7) Foster Home licensure by more than one agency, or by more than one division within an agency, is not permitted.~~

~~E. Assessment Study.~~

~~(1) Each prospective foster family shall be assessed by designated staff of SCDSS or by designated staff of a licensed child placing agency.~~

~~(2) Such assessment shall be conducted in order to determine:~~

~~(a) Whether the applicant(s) complies with licensing requirements and standards;~~

~~(b) For which gender and age range of children the home can be licensed;~~

~~(c) Whether the prospective foster parents fully understand the purpose of foster care; and~~

~~(d) Applicant(s) and other household members ability to provide quality foster care.~~

~~(3) All members of the household over six years of age shall be assessed and interviewed in order to determine their willingness to accept a child and to evaluate the stability of the family unit.~~

~~(a) A minimum of one family interview, and one interview per individual, shall be conducted in the home with the prospective applicant, spouse, their children and other household members.~~

~~(b) The applicant and spouse shall provide information to SCDSS or the child placing agency staff that enables the licensing staff to interview adult children of the applicant and spouse.~~

~~(4) Documentation for the assessment summary at a minimum includes the following issues:~~

~~(a) motivations to foster parent;~~

~~(b) preferences related to placements;~~

~~(c) family history, relationships, parenting experiences, and coping ability;~~

~~(d) educational, health, and work history of family members;~~

~~(e) information on other household members, adult children, and related children not in the physical custody of the applicant or spouse;~~

~~(f) home environment and community resources;~~

~~(g) completion of preparation training;~~

~~(h) results of CPS/Sex Offender/SLED and FBI background checks;~~

~~(i) compliance with all requirements;~~

~~(j) income is reasonably secure and not dependent on board payments;~~

~~(k) appropriateness of day care arrangements for foster children; and~~

~~(l) family’s overall understanding of the purpose of foster care and ability to provide quality foster care.~~

~~(5) The assessment summary and the SCDSS or child placing agency’s recommendation shall be explained to the applicant. If SCDSS or the child placing agency is not recommending licensure, the applicant family should be offered the opportunity to elect to withdraw their application. If the applicant elects to continue their request to be licensed and if the application is denied, the reason(s) for the denial shall be provided in writing. The applicant shall be advised regarding the right to appeal.~~

~~F. Working Foster Parents.~~

~~(1) If foster parents are employed outside the home, a written statement outlining a total plan of care, including plans for any necessary emergency care for the child, shall be submitted by the foster family.~~

~~(2) Individuals who are to provide child care on behalf of employed foster parents must be interviewed by SCDSS or child placing agency staff prior to the issuance of a Standard license to a foster home.~~

~~G. The Requirements for Licensing of a Foster Family.~~

~~(1) The following requirements shall be met prior to the issuance of a Standard license to provide foster care:~~

~~(a) Background checks shall be documented including a review of abuse and neglect history, criminal history found with SLED and the FBI, and the Sex Offender Registry.~~

~~(i) The applicant(s) cannot be considered for licensure if an applicant and/or any household member over age eighteen has a substantiated history of child abuse and/or neglect and/or convictions of those crimes listed in SC Code 20‑7‑1642 and/or is listed on the SC Sex Offender Registry.~~

~~(ii) The applicant(s) may be considered for licensure if an applicant and/or any household member over age eighteen has a conviction, or has been pardoned for a conviction of an offense other than those offenses listed in SC Code 20‑7‑1642. The Director of SCDSS or his/her designee shall review the conviction or pardoned conviction taking into account the nature of the offense(s), any implications of the offense which have bearing on the individual having access to foster children; the length of time that has elapsed since the conviction(s); the applicant’s life experiences indicating reform or rehabilitation during the ensuing period of time; and the fitness and ability to perform as a caregiver or the degree of risk which an individual may pose to children placed in the home. The Director of SCDSS or his/her designee shall document the basis of the decision to approve applicant in light of applicant’s and/or household member’s criminal record.~~

~~(2) The applicant(s) shall be able to access community services and activities.~~

~~(3) The applicant’s home and property shall be inspected by licensing or child placing agency staff, State Fire Marshal authorities, and health authorities.~~

~~(a) A fire inspection by State Fire Marshal authorities who are required or permitted to inspect and enforce fire regulations must be conducted prior to the initial standard licensure.~~

~~(b) Annual fire inspections are required thereafter.~~

~~(c) A health inspection by such health authorities who are required or permitted to inspect and enforce health and sanitation regulations must be conducted prior to the initial licensure and as needed thereafter.~~

~~(d) Additional fire and health inspections are required if there is a change in residence.~~

~~(e) Additional fire and health inspections may be required if there are structural changes made to a residence or if such an inspection is deemed necessary by SCDSS or the licensed child placing agency.~~

~~(f) Any deficiencies must be corrected prior to initial licensure and/or relicensure.~~

~~(4) The applicants/foster parents shall:~~

~~(a) Be at least twenty one years of age or older. Age of foster parents should be considered only as it affects their ability to care for children within the age group applicant has expressed an interest in, and in relation to the probable duration of placement of a particular child.~~

~~(b) Have knowledge of the needs of children, be capable of meeting the needs of foster children and provide adequate foster care services;~~

~~(c) Be capable of handling an emergency situation;~~

~~(d) Be cooperative with SCDSS or child placing agency staff in furthering the best interest of the child; and~~

~~(e) Provide all relevant and factual information to SCDSS or the child placing agency.~~

~~(5) Foster parents must each have a minimum of fourteen (14) hours of appropriate foster care pre service training and which includes training on licensing requirements and expected standards of care prior to licensure commencing January 1, 2003.~~

~~(a) The foster parents will each subsequently be required to complete a minimum of fourteen (14) hours training each year, or twenty (28) hours prior to each subsequent relicensure commencing January 1, 2003.~~

~~(b) Viewing standard television programs or reading popular news or magazine articles will not be accepted for training hours and the training shall be provided by SCDSS or via another source which is approved by SCDSS.~~

~~(6) The applicant’s or current foster family’s income shall be reasonably secure and not dependent upon foster care boarding payments. The family shall supply verifiable information on family income and expenditures whenever requested to do so by SCDSS or the child placing agency.~~

~~(7) All applicants and household members shall submit an initial medical report by a duly licensed physician or licensed nurse practitioner verifying that such individuals are in reasonably good health, including an evaluation as to any communicable or contagious diseases. If deemed necessary by SCDSS or the child placing agency, additional medical reports may be required.~~

~~(a) If applicant/household member has sought treatment for issues related to mental health or drug or alcohol abuse, such information must be disclosed to SCDSS or the child placing agency during the assessment. Applicants shall only be licensed after consultation between SCDSS or the child placing agency staff and appropriate therapist, counselor or physician, if applicable, of the applicant/household member to obtain a history of rehabilitation and to assess the potential effects on their ability to care for children placed in the home.~~

~~(b) SCDSS or the child placing agency has the authority to request a psychological report on an applicant or household member, at the expense of the applicant, pursuant to securing information during the assessment study process that could indicate a need for professional consultation.~~

~~(c) Applicants/household members will execute the necessary releases to allow SCDSS or the child placing agency to access this information.~~

~~(8) A minimum of three written letters of reference shall be initially obtained in regard to foster parent applicants.~~

~~(a) If deemed necessary by SCDSS or the child placing agency, additional references may be required.~~

~~(b) References should have known the applicants three years prior to the application and, unless specifically requested, should not be related to the applicants.~~

~~H. The following standards of care shall be maintained by foster families. Failure to comply with one or more of these standards of care may result in removal of foster children from the home and revocation of the foster home license:~~

~~(1) The child’s daily routine shall be planned to promote the development of good health habits.~~

~~(2) Each child shall be provided with adequate health and hygiene aids.~~

~~(3) Space for a child’s possessions shall be provided.~~

~~(4) The foster family home shall be able to comfortably accommodate a foster child as well as their own family.~~

~~(a) Each child in care shall be provided with his or her own bed and storage space, however same sex siblings may be allowed to share a bed or storage.~~

~~(b) No child may routinely share a bed or a bedroom with an adult and except for a child under one year of age, a child must not share a bedroom with an adult unless SCDSS or the child placing agency staff document extenuating circumstances exist.~~

~~(c) Children of opposite sex sleeping in the same bed must be limited to siblings under the age of four years. Children of opposite sex sleeping in the same room must be limited to children under the age of four years.~~

~~(d) Children shall sleep within calling distance of an adult member of the family, with no child sleeping in a detached building, unfinished attic or basement, stairway, hall, or room commonly used for other than bedroom purposes.~~

~~(e) No biological children of the foster family shall be displaced and made to occupy sleeping quarters prohibited in (b), (c) and (d) above because of a foster child being placed in the home.~~

~~(f) The top level of bunk beds shall not be used for children under the age of six years.~~

~~(5) If deemed appropriate by SCDSS or the child placing agency, the foster family will cooperate in assuring that foster children are able to maintain regular contact with their birth parents, siblings, and other significant relatives.~~

~~(6) Unless advised otherwise by the responsible agency, each foster child shall be prepared by foster parents to eventually leave the home.~~

~~(7) Foster parents shall follow instructions and suggestions of providers of medical and health related services. If receiving medication, a child’s prescription shall be filled on a timely basis and medications will be administered as prescribed, and otherwise be kept secured.~~

~~(8) Foster parents shall obtain emergency medical treatment immediately as need arises, and shall notify SCDSS and child placing agency staff, no later than 24 hours of receiving such care.~~

~~(a) If the primary source of payment for medical care is medicaid, foster parents must insure that the child’s card is accessible at all times.~~

~~(b) Foster parents should contact SCDSS for coordination of any elective or non‑emergency surgical procedures as far in advance of the procedure(s) as possible.~~

~~(c) Any injuries sustained by a foster child must be reported as they occur and no later than 24 hours of incident.~~

~~(9) Foster parents are responsible for notifying SCDSS and child placing agency staff as soon as possible when a critical incident has occurred such as:~~

~~(a) Death of any child in the home;~~

~~(b) Attempted suicide by the child;~~

~~(c) Child is caught with a weapon or illegal substance;~~

~~(d) Child is charged with a juvenile or adult offense;~~

~~(e) Child is placed on homebound schooling or is suspended or expelled from school;~~

~~(f) Child has left the home without permission and has not returned.~~

~~(10) School attendance shall be in accordance with State law requirements and be in accordance with the ability and in the best interest of the child.~~

~~(a) The foster parents will assure that each foster child has access to education, educational opportunities and related services. Foster parents must emphasize the value of education and encourage and support children in their care to fully participate in educational activities;~~

~~(b) SCDSS will choose school foster child attends.~~

~~(c) SCDSS will not pay for costs associated with private tuition.~~

~~(d) Unless extenuating circumstances exist, foster parents shall not home school foster children. SCDSS must approve any such plan.~~

~~(11) Religious education shall be in accordance with the expressed wishes of the natural parents, if such wishes are expressed.~~

~~(12) All discipline must be reasonable in manner, moderate in degree and responsibly related to the child’s understanding and need.~~

~~(a) Discipline should be constructive or educational in nature (e.g. withdrawal of privileges).~~

~~(b) Cruel, inhumane and inappropriate discipline is prohibited. This would include but not necessarily be limited to the following: head shaving or any other dehumanizing or degrading act; prolonged/frequent deprival of food or serving foster children meals which are not as nutritionally adequate as those served to other family members or requiring children to be isolated from other family members when eating, deprival of mail, slapping or shaking; a pattern of threats of removal from the home as punishment; disciplining a child for a medical or psychological problem over which he/she has no control (e.g. bedwetting, stuttering, etc.).~~

~~(c) All foster homes are subject to South Carolina laws relating to child abuse and neglect.~~

~~(d) The use of corporal punishment as a form of discipline is prohibited.~~

~~(13) Tasks which are assigned to foster children shall be appropriate to the ability of the child, similar to responsibilities assigned to other children, and geared toward teaching personal responsibility.~~

~~(14) Foster parents must assist older foster adolescents in their care in learning skills that are necessary for successful independent living.~~

~~(15) Varied recreational activities shall be available to each child.~~

~~(16) Infants and children shall not be left without competent supervision.~~

~~(17) Foster parents, in conjunction with SCDSS, shall keep a life book/scrapbook on each foster child placed in their home. Children’s records and reports shall be kept confidential and shall be returned to SCDSS when a foster child leaves the foster home.~~

~~(18) Firearms and any ammunition shall be kept in a locked storage container except when being legally carried upon the foster parent’s person; being used for educational, recreational, or defense of self or property purposes by the foster parent; or being cleaned by the foster parent.~~

~~(19) Applicant must be able to secure/supervise access to in ground or above ground swimming pools and maintain adequate supervision during periods of swimming.~~

~~(20) Fire escape plans must be developed, posted and routine drills conducted.~~

~~(21) A plan for how the family will respond and travel in the event of a disaster (e.g., a hurricane evacuation) must be developed and shared with SCDSS or child placing agency.~~

~~(22) All pets must be kept current with rabies vaccinations and proof of such provided. Pets must not pose a safety concern. SCDSS or the child placing agency will determine what constitutes a safety concern.~~

~~(23) Applicants and current licensed families must make themselves reasonably available on an ongoing basis to SCDSS or the child placing agency for statutorily required contacts or other contacts SCDSS or the child placing agency deems necessary. SCDSS or the child placing agency has the right to make unannounced visits, and talk to any foster child on an as needed basis.~~

~~(24) Board payments shall be utilized but not limited to reimbursement for a foster child’s board, school expenses, food, clothing, incidentals, minor medical needs and other expenses.~~

~~(25) A foster home shall not provide full time care for more than five (5) children, including the foster parents’ own children and/or other children who are household members unless SCDSS or the child placing agency is keeping siblings together or making an adoptive placement or the placement has been court ordered.~~

~~(a) No more than two (2) infants (age birth to one year) shall be placed in the same foster home without prior approval from SCDSS or child placing agency management staff.~~

~~(b) No foster home shall exceed the number of children stipulated on their issued license without permission from SCDSS or child placing agency staff.~~

~~(c) No foster home shall accept children referred by another public or private source without obtaining the permission of SCDSS or child placing agency staff prior to the actual placement.~~

~~(26) When a home is licensed to provide care for an unmarried mother, a plan for medical and hospital care, as well as appropriate protection from community stresses associated with pregnancy, must be made.~~

~~(27) A foster family is required to notify SCDSS or child placing agency staff of any significant change in the family/home including, but not limited to, any structural changes in the home; plans involving a change of residence; any major changes in the health of anyone living in the home; change in marital status and the addition of any occupants to the home; significant changes in finances; and criminal and/or child abuse allegation charges and/or investigations.~~

~~(28) No unrelated lodger or boarder shall be allowed to move into a foster home without the agency’s concurrence. Foster children may be placed or remain in a foster home where there is an unrelated lodger or boarder or room mate after necessary safety checks have been made and written concurrence obtained by SCDSS or the child placing agency. Anyone over the age of eighteen years and living in the home must undergo a fingerprinting, SLED, Sex Offender, and CPS check. If children are already in placement, an affidavit must be submitted by the household member confirming there is no record. The license must be amended to a Standard with Temporary Waiver until the results of the submitted checks have been received.~~

~~(29) Applicants or current foster families must advise SCDSS or the child placing agency staff prior to opening a day care or other home based business in the home.~~

~~(30) Foster parents shall transport children in accordance with state public safety laws.~~

~~I. Records Documentation Required for Child Placing Agencies.~~

~~(1) All child placing agencies in the State shall keep records regarding each of their foster children containing the following information:~~

~~(a) The child’s name;~~

~~(b) The child’s birth date;~~

~~(c) The date of his admission and discharge from each foster care placement;~~

~~(d) Name, address and telephone number of relatives;~~

~~(e) Place and hours of employment of child’s relatives; and~~

~~(f) Name, address and telephone number of available physician.~~

~~(2) All child placing agencies in the State shall keep records regarding each of their foster homes and said records shall contain documentation of compliance with these regulations and SCDSS procedures related to foster home licensing.~~

~~J. Adoption of Foster Children by Foster Parents.~~

~~(1) Foster parents may apply to adopt a foster child.~~

~~(2) Foster families who have been approved for adoption will be given first consideration for the adoption of a foster child under the following conditions:~~

~~(a) The child has been in the same foster home for a consecutive six months period of time or more; and~~

~~(b) The child is legally free for adoption; and~~

~~(c) Placement for adoption with the foster family is deemed to be in the best interest of the child by SCDSS or the child placing agency.~~

~~K. Initial Licensing, Renewal, Denial, Revocation, and Termination of License.~~

~~(1) Foster family licenses shall be studied for renewal every two years and prior to the expiration of the last license.~~

~~(2) Renewal process requirements include documentation of annual fire inspection, additional training hours, background checks through CPS, SLED, and Sex Offender Registry, home visit, assessment of ongoing compliance with requirements and standards of care, and any additional requirements as SCDSS or the child placing agency staff may deem necessary.~~

~~(3) A license will not be issued or renewed if licensing requirements are not met, or standards of care have not been maintained as prescribed within these regulations or if, in the opinion of SCDSS, it would be detrimental for children to be placed in the home. Written notification of the denial, signed by the director of SCDSS or his/her designee will be mailed via certified mail from SCDSS to the applicant(s) or license holder. The notification will inform the applicant(s) or license holder of any right to appeal this decision pursuant to established SCDSS procedure.~~

~~(4) A foster home license may be revoked by SCDSS if minimum licensing requirements or standards within these regulations are not met, or, if in the opinion of SCDSS or child placing agency staff, it would be detrimental for additional children to be placed in the home. Written notification of the revocation, signed by the director of SCDSS or his/her designee will be mailed via certified mail from SCDSS to the license holder. The notification will inform the license holder of any right to appeal this decision pursuant to established SCDSS procedure.~~

~~(5) A foster family license shall be terminated when:~~

~~(a) The time specified on the license has elapsed; or~~

~~(b) The foster family has moved to a new location without applying for a change in license; or~~

~~(c) The license has been revoked or renewal denied and the time frame for appeal has elapsed; or~~

~~(d) A foster family voluntarily returns the current license to SCDSS of the child placing agency for cancellation or otherwise informs SCDSS or the child placing agency that they no longer desire to be licensed.~~

~~L. Kinship Foster Parents.~~

~~(1) Per federal policy, relatives being licensed must be licensed in accordance with the same requirements as non‑relative applicants. SCDSS may waive, on a case by case basis, for relatives or non‑relatives, non‑safety elements as SCDSS deems appropriate. Safety elements such as history of child abuse/neglect, state and/or federal criminal history checks must not be waived. SCDSS must note on the standard license if there was a waiver of non‑safety element and identify the element being waived.~~

~~(2) Relatives are given preference in placement options provided such placement is in the best interest of the child(ren).~~

~~M. Confidentiality.~~

~~(1) No foster family shall directly or indirectly disclose any information regarding foster children, their biological families/relatives or other individuals who have had control of the foster children, other than to professionals treating, caring and providing services for the child or others as SCDSS or the licensed child placing agency deems appropriate.~~

~~(2) Information that is disclosed shall be limited to information that is necessary to provide for the child’s needs and in their best interest.~~

~~N. Prior Regulations Repealed.~~

~~All regulations concerning foster family homes previously promulgated by the agency are hereby repealed, including: Regulations 114‑550 (Vol. 27).~~

~~O. Regulations Review.~~

~~These regulations are to be evaluated at a minimum, every five (5) years from the date of initiation, to assess the need for revision.~~

A. Definitions

(1) “Agency” means the South Carolina Department of Social Services (SCDSS).

(2) “Applicant” means a person who has submitted an application and is seeking a license to operate a family foster home.

(3) "Assessment Study" means documentation of the assessment of an applicant, completed by designated SCDSS staff, a certified investigator, designated staff of a child placing agency, or other persons approved by SCDSS.

(4) "Board Payment" means funds appropriated for the care and maintenance of children in foster care.

(5) "Child Placing Agency" means a person or entity who holds legal or physical custody of a child for the purpose of placement for foster care or adoption or a private placement, or a person or entity who facilitates the placement of children for the purpose of foster care or adoption or a private placement and which retains its own system of foster homes. Homes assessed by child placing agencies are licensed in accordance with SCDSS licensing regulations and are issued a license by SCDSS.

(6) “Community standards” means local norms bounding acceptable conduct. For housing, the term means acceptable building standards based on the neighborhood and similar homes.

(7) “Corporal punishment” means any form of physical discipline in which a child is spanked, paddled, or hit on any part of the body with a hand or instrument.

(8) “Family foster care” means continuous 24‑hour care and support services provided for a child in a family foster home.

(9) “Family foster home” means a private home, including adjacent grounds belonging to the home, in which a child is placed for family foster care under the supervision of the licensing agency. This term includes a kinship, relative, and child‑specific home.

(10) “Foster parent” means an individual who provides family foster care with a license from the licensing authority.

(11) “Functional literacy” means the ability to read and write at the level necessary to participate effectively in society.

(12) “Household member” means any relative or nonrelative who regularly lives, shares common areas, and sleeps in a home.

(13) “License” means the approval, verification, or certification of a home and applicant to provide family foster care.

B. Applications

(1) An application form shall be completed by all applicants desiring to be licensed or relicensed.

(2) Applicants must supply thorough, complete, and accurate information. Incomplete or erroneous information or violation of regulations shall be grounds for denial of an application, revocation of a current license, or denial of a renewal.

(3) SCDSS or a licensed child placing agency reserves the right to request and consider additional information if needed during the licensing or renewal process. This additional information may be considered during the licensing or renewal decision‑making process.

C. Licensing Procedure

(1) An application for licensure pursuant to these regulations shall be studied by SCDSS or a licensed child placing agency.

(2) A decision regarding each application for a license shall be made within 120 days of the date the application is completed and received by SCDSS or the child placing agency. If SCDSS or the child placing agency has requested information that has not been provided by the applicant, then the decision is stayed pending receipt of all information.

(3) An initial standard license shall be issued or denied by the director of SCDSS or the director’s designee based on the result of the assessment study and recommendation of SCDSS or the child placing agency.

(4) A standard license shall be renewed based on the results of the assessment study and recommendation of SCDSS or the child placing agency prior to the expiration of the existing standard license.

D. Licenses

(1) The issued license shall not be transferable from either the address or foster parent specified on the license.

(2) A standard license shall be issued when all requirements of these regulations are met. A standard license is valid for two years from the date issued.

(3) A Standard with Temporary Waiver license may be issued for up to 90 days. The utilization of this type of license is warranted when SCDSS or the child placing agency is acting in the best interest of children already in placement and for whom stability is necessary. The Standard with Temporary Waiver license shall include language that reflects the expiration period and the reason for the temporary waiver. No additional children may be placed during temporary waiver periods. Standard with Temporary Waiver licenses can be issued under the following circumstances:

(a) A standard licensed foster parent moves to a new home and SCDSS or child placing agency is waiting to receive written documentation that the fire and health inspections have been completed and any noted deficiencies have been corrected; or

(b) A standard license has previously been issued to a foster family and subsequently a household member reaches the age of eighteen years, or a new adult household member has entered the home since licensure, and SCDSS or the child placing agency is waiting to receive written clearance on all background checks for that individual.

(4) A provisional license for kinship foster care may be issued for up to 90 days. Except in extenuating circumstances, a provisional license should remain effect for no more than 90 days. SCDSS shall provide a monthly stipend to the kinship caregiver during the period of provisional licensure. A provisional license for kinship foster care may be issued under the following circumstances:

(a) The child is in the legal and physical custody of the department; and

(b) A relative has indicated in writing that the relative wants to become a licensed kinship foster parent; and

(c)The relative is 18 years of age or older; and

(d) The department has completed an assessment study, a child abuse and neglect history check, a sex offender registry check, state (South Carolina Law Enforcement Division (“SLED”)) and federal fingerprint‑based criminal history checks, and other investigations as deemed necessary by the agency to determine the suitability of placement. The relative must consent to a check of records necessary for the agency to determine suitability of placement.

E. Assessment Study

(1) Each prospective foster family shall be assessed by designated staff of SCDSS, a certified investigator, designated staff of a child placing agency, or other persons approved by SCDSS.

(2) The assessment for initial licensing and renewal shall be conducted to determine the following:

(a) Whether the applicant complies with SCDSS licensing requirements and standards;

(b) Whether the applicant fully understands the purpose of foster care; and

(c) Applicant’s ability to provide quality foster care.

(3) The assessment summary for initial licensing and renewal must include documentation of the following:

(a) motivations to be a foster parent;

(b) preferences related to placements;

(c) family history, relationships, parenting experiences, and coping ability;

(d) education, health, and work history of applicant and household members;

(e) information on other household members, adult children, and related children not in the physical custody of the applicant or spouse;

(f) home environment and community resources;

(g) completion of required training;

(h) results of background checks;

(i) compliance with all requirements;

(j) financial status including financial resources, income, and expenses;

(k) appropriateness of day care arrangements for children placed in the home; and

(l) applicant’s overall understanding of the purpose of foster care and ability to provide quality foster care.

(4) The assessment and recommendation shall be explained to the applicant. If SCDSS or the child placing agency is not recommending licensure or renewal, the applicant should be offered the opportunity to elect to withdraw the application. If the applicant elects to continue their request to be licensed and if the application is denied, the reasons for the denial shall be provided in writing. The applicant shall be advised regarding the right to appeal.

F. Eligibility Standards

(1) All applicants must submit a complete application and accompanying documentation for a family foster home license, and keep copies in their home.

(2) To apply for a family foster home license or for renewal of a license, the following must apply:

(a) Applicants must be age 18 or older.

(b) Applicants who are married or who reside with another adult resident of the household (e.g. a spouse, romantic partner, or roommate) must apply together with the spouse or other resident of the household.

(c) Applicants must be able to communicate with the child in the child’s own language.

(d) Applicants must be able to communicate with the licensing agency and health care and other service providers.

(e) At least one applicant in the home must have functional literacy, including the ability to read labels on medications to properly administer them.

(f) Applicants must have income or resources to make timely payments for shelter, food, utility costs, clothing, and other household expenses prior to the addition of a child in foster care. Income must be stable and verifiable such as through income tax records and pay stubs. Other financial resources must be verifiable such as through account statements. Promised gifts or donations do not constitute income or financial resources.

(3) The agency must not deny to any individual the opportunity to become a foster parent on the basis of the race, color, or national origin of the individual, or of the child, as required by the federal Multiethnic Placement Act (MEPA), 42 U.S.C.A. sec. 1996b, and Title IV‑E of the Social Security Act, 42 U.S.C.A. sec. 671(18). MEPA also provides that this law must not be construed to affect the application of the Indian Child Welfare Act, which contains preferences for the placement of eligible American Indian and Alaska Native children in foster care, guardianship, or adoptive homes. Furthermore, the agency must not discriminate with regard to the application or licensure of a foster family on the basis of age, disability, gender, religion, sexual orientation, gender identity or marital status.

G. Physical and Mental Health Standards

(1) All applicants and household members must have physical exams completed by a licensed health care professional recognized by the agency. The exam results, which must have been issued no more than 12 months prior to application or renewal, must indicate that the applicants are capable of caring for additional children. The agency may require further documentation and evaluation to make such a determination.

(2) All children who are household members must be current on immunizations jointly recommended by the American Academy of Pediatrics, the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention, and the American Academy of Family Physicians, unless the immunization is contrary to the child’s health as documented by a licensed health care professional.

(a) All household members who will be caregivers of infants must have an up‑to‑date pertussis (whooping cough) vaccine consistent with the recommendations of the ACIP, unless the immunization is contrary to the individual’s health as documented by a licensed health care professional.

(b) All household members who will be caregivers of infants and children with special medical needs must have an up‑to‑date annual influenza vaccine consistent with the recommendations of the ACIP, unless the immunization is contrary to the individual’s health as documented by a licensed health care professional.

(3) Applicants and all household members must disclose any past or current mental health or substance abuse issues. The agency may require further documentation and evaluation to determine the suitability of the home.

H. Home Study Standards

(1) The agency must conduct a written comprehensive family assessment and home study in collaboration with the applicants upon initial application and renewal to include the following:

(a) At least one scheduled on‑site visit to assess the safety of the home using the SCDSS licensing standards.

(b) At least one scheduled in‑home, individual interview of each household member to observe family functioning and assess the family’s capacity to meet the needs of a child in foster care. The agency will determine whether to interview or just observe each household member based on his or her age and development.

(2) The agency must obtain at least three references, including at least one from a relative and one from a non‑relative.

(3) Tribal agencies may also be involved in conducting home studies for American Indian and Alaska Native children. 42 U.S.C.A. sec. 671(26)(B) provides that any receiving state must treat any tribal home study report as meeting the requirements imposed by the state for the completion of a home study.

I. Capacity Standards

(1) The total number of children in a family foster home, including the family’s own children living in the home, must not exceed 8, of which no more than 5 may be children in foster care. The agency may determine lower capacities based on the family assessment and home study.

(2) The maximum number of children may be increased with agency approval to allow for siblings to remain together or to allow applicants to provide care to a child who has an established, meaningful relationship with the applicants’ family, such as a child who was formerly in foster care with the family.

J. Sleeping Standards

(1) Each child in foster care must have a sleeping space with an individual bed or crib, mattress and linens, as appropriate for the child’s needs and age and similar to other household members.

(a) Children who are relatives may share a bed with agency approval.

(b) All cribs in the home must be in compliance with Consumer Product Safety Commission standards.

(c) All bunk beds in the home must have no more than two tiers.

(i) The upper tier must have railings on all sides to prevent falling.

(ii) The top tier must not be used by a child under the age of 6.

(2) There must be no more than 4 children total sharing a room used as a sleeping space.

(a) A child over the age of 5 must not share a room used as a sleeping space with a child of the opposite gender.

(b) Children of the opposite gender who are relatives may share a room used as a sleeping space with agency approval.

(c) A child under 12 months of age in an individual crib may share a room used as a sleeping space with the foster parent.

(d) A child over 12 months of age may share a room used as a sleeping space with the foster parent with agency approval.

K. Other Living Space Standards

(1) The home may be a house, mobile home, housing unit, or apartment occupied by an individual or a family.

(2) The applicants’ home and all structures on the grounds of the property must be maintained in a clean, safe, and sanitary condition and in a reasonable state of repair within community standards.

(3) The home must satisfy the following living space standards:

(a) Be free from objects, materials, and conditions that constitute a danger.

(b) Prevent or eliminate rodent and insect infestation.

(c) Regularly dispose of trash and recycling.

(d) Have a working phone or access to a working phone in close walking proximity.

(e) Have at least one toilet, sink, and tub or shower in safe operating condition.

(f) Have kitchen facilities with a sink, refrigerator, stove, and oven in safe operating condition.

(g) Have heating and cooling as required by the geographic area, consistent with accepted community standards, and in safe operating condition.

(h) Have ventilation where household members and children in foster care eat, sleep, study, and play.

(i) Have artificial lighting where household members and children in foster care study and read.

L. Fire Safety/Evacuation Plan Standards

(1) The applicants’ home must meet the following fire safety and evacuation plan standards:

(a) Have at least one UL (Underwriter’s Laboratory) approved smoke detector and at least one carbon monoxide detector on each level of occupancy of the home and near sleeping areas.

(b) Have at least one operable fire extinguisher that is readily accessible.

(c) Be free of obvious fire hazards, such as defective heating equipment or improperly stored flammable materials. Household heating equipment must be equipped with appropriate safeguards, maintained as recommended by the manufacturer.

(d) Have a written emergency evacuation plan to be reviewed with the child within 24 hours of placement in the home and posted in a prominent place in the home. The plan must identify multiple exits from the home, and designate a central meeting place close to the home that is known to the child yet at a safe distance from potential danger. The plan must include evacuation from the home to an area outside the emergency evacuation zone in the event an emergency evacuation is ordered.

(2) Applicants must maintain a comprehensive list of emergency telephone numbers, including poison control, and post those numbers in a prominent place in the home. If there is a landline phone located in the home, the numbers must be posted next to the phone.

M. Additional Health and Safety Standards

(1) The applicants’ home must meet the following standards concerning weapons:

(a) The following weapons must be stored in an inoperative condition in a locked area inaccessible to children:

(i) Firearms;

(ii) Air guns;

(iii) BB guns;

(iv) Hunting slingshots; and

(v) Any other projectile weapon.

(b) All ammunition, arrows or projectiles for such weapons must be stored in a locked space separate from the weapons.

(c) Applicants who are also law enforcement officials and can document that their jurisdiction requires them to have ready and immediate access to their weapons may be exempt from these weapon requirements provided the applicants adopt and follow a safety plan approved by the agency.

(2) The applicants’ home must meet the following standards concerning water:

(a) A family foster home must have a continuous supply of safe drinking water.

(b) If a home uses private well water or another source of drinking water other than water through the municipal water supply, then it must be tested for safety.

(c) The temperature of any water heaters must be set to no higher than 120 degrees.

(3) The applicants’ home must meet the following standards concerning animals:

(a) Any animal that poses a threat to the safety or health of a child in foster care must be confined away from and inaccessible to the child.

(b) Pets that are required to be vaccinated by state or tribal law must be vaccinated against diseases that can transmit to humans, including rabies.

(4) The applicants’ home must meet the following standards concerning swimming pools, hot tubs, and spas:

(a) Swimming pools must have a barrier on all sides at least four feet high.

(b) Swimming pools must have their methods of access through the barrier equipped with a safety device, such as a bolt lock.

(c) Swimming pools must be equipped with a life saving device, such as a ring buoy.

(d) If the swimming pool cannot be emptied after each use, the pool must have a working pump and filtering system.

(e) Hot tubs and spas must have safety covers that are locked when not in use.

(5) The applicants’ home must meet the following standards concerning hazardous materials and first aid supplies:

(a) Prevent the child’s access, as appropriate for his or her age and development, to all medications, poisonous materials, cleaning supplies, other hazardous materials, and alcoholic beverages.

(b) Maintain first aid supplies as recommended by the Red Cross.

N. Criminal History Records Check Standards

(1) Applicants and any other household members who are adults age 18 or older must submit to fingerprint‑based checks of national (Federal Bureau of Investigation (“FBI”) and state (SLED) crime information databases before the applicants may be approved for placement of a child. Both national and state fingerprint‑based background checks must be conducted at the time of initial application. Applications for renewal must include SLED checks conducted no earlier than one year prior to renewal and FBI checks conducted no earlier than ten years prior to renewal.

(2) The agency must also check the National Sex Offender Registry and state sexual offender registries for mention of the applicants and any other household members who are adults age 18 or older. Both national and state sexual offender registry searches must be conducted at the time of initial application and no earlier than one year prior to renewal.

(3) If a record check reveals a conviction for a crime included in S.C. Code section 63‑7‑2350, approval for placement of a child must not be granted.

(4) If an applicant was convicted for a crime other than those included in S.C. Code section 63‑7‑2350, the agency must consider the following:

(a) the type of crime;

(b) the number of crimes;

(c) the nature of the offenses;

(d) the age of the individual at the time of conviction;

(e) the length of time that has elapsed since the last conviction;

(f) the relationship of the crime to the capacity to care for children;

(g) evidence of rehabilitation; and

(h) opinions of community members concerning the individual in question.

(5) Applicants and all household members have an ongoing duty to report any juvenile offenses committed by any member of the household. The existence of a household member with a juvenile offense does not automatically exclude the applicants. The agency must consider the suitability of the home based on the criteria used to assess crimes set forth in subsection (N)(4) herein.

O. Abuse and Neglect Background Check Standards

(1) The agency must meet the following abuse and neglect background checks standards:

(a) Check all child abuse and neglect registries and adult protective services registries maintained by the state for information on applicants and any other household members who are adults age 18 or older. These checks must be conducted at the time of initial application and no earlier than one year prior to the time of renewal.

(b) Request that any other state in which applicants and other adult household members who are adults age 18 and older have resided in the preceding 5 years also check all child abuse and neglect registries and adult protective services registries maintained by that state. These checks must be conducted at the time of initial application and no earlier than one year prior to the time of renewal.

(c) Comply with any request described in (1)(b) above that is received from another state.

(2) The applicant must not be licensed if the applicant or any household member who is an adult age 18 or older has been the subject of a substantiated allegation of abuse or neglect.

(3) Applicants and all household members have an ongoing duty to report any juvenile offenses committed by any member of the household. The existence of a household member with a juvenile offense does not automatically exclude the applicants. The agency must consider the suitability of the home based on the criteria used to assess crimes set forth in subsection (N)(4) herein.

P. Assurances from Applicants

(1) Applicants must sign an agreement containing the following assurances that they and all household members will comply with their roles and responsibilities as discussed with the agency once a child is placed in their care:

(a) They will not use any corporal or degrading punishment on any children in the home.

(b) They will not use any illegal substances, abuse alcohol by consuming it in excess amounts, or abuse legal prescription and nonprescription drugs by consuming them in excess amounts or using them contrary to as indicated.

(c) They will not smoke in the presence of the child in foster care, in the family foster home, or in any vehicle used to transport the child. Furthermore, guests will not be allowed to smoke in the presence of the child in the family foster home or in any vehicle used to transport the child.

(d) They will closely supervise the child in foster care when the child is in close proximity to any swimming pool or body of water. When they cannot supervise, they must restrict the child’s access to swimming pools or bodies of water. The child must never be left to swim alone.

(e) They will provide water safety instruction to the child in foster care as appropriate for his or her age and development if the home is adjacent to any body of water or has a swimming pool. Water safety instruction addresses key knowledge and skills on how to be safe around water and does not necessarily mean swimming lessons.

(f) They will maintain the swimming pool in safe condition, including testing and maintaining the chlorine and pH levels as required by the manufacturer’s specifications.

(g) They will lock all entry points when the swimming pool is not in use.

(h) They will remove or secure any steps or ladders to the swimming pool to make them unusable when the pool is not in use.

(i) They will set up and maintain wading pools according to the manufacturer’s instructions, and empty and store them when not in use.

(j) They will coordinate legal and safe transportation to and from health care, therapy, and agency appointments; school; extracurricular activities; social events; and scheduled meetings or visitation with parents, siblings, extended family members, and friends.

(k) They will confirm that if a privately‑owned vehicle, owned by the applicants, family or friends, is used to transport the child in foster care, it must be inspected (if applicable under state or tribal law), registered, and insured, and meet all applicable state or tribal requirements to be an operable vehicle on the road.

(i) The driver will have a valid driver’s license.

(ii) Safety restraints will be used that are appropriate to the child’s age, height, and weight.

(iii) Weapons must not be transported in any vehicle in which the child is riding unless the weapons are made inoperable and inaccessible.

(l) They may need to take additional steps for the safety of the child in foster care, depending on the home, the area in which it is located, and the age and any cognitive and behavioral challenges of the child. For example, applicants may be required to child proof their home or place a fence to prevent the child from accessing nearby railroad tracks or another hazard.

(m) They will adhere to the reasonable and prudent parent standard as defined and set forth in S.C. Code sections 63‑7‑20, 63‑7‑25, and 63‑7‑2310.

(2) The agency will review the assurances agreement with the foster parents at initial licensing, when a child is placed in their care, and annually thereafter.

Q. Pre‑License Training Standards

(1) All applicants must complete at least 14 hours of pre‑license training on care of the child.

(2) Pre‑license training topics must include:

(a) An overview of the child welfare system:

(i) Legal rights, roles, responsibilities and expectations of foster parents;

(ii) Agency purpose, policies, and services; and

(iii) Courts, and applicable laws and regulations.

(b) Information, including trauma concepts and behavioral management, to provide for the needs of the child who is or may be placed in the home.

(3) Foster parents will subsequently be required to complete at least fourteen (14) hours training each year, or twenty (28) hours prior to each subsequent license renewal

(4) Viewing standard television programs or reading popular news or magazine articles will not be accepted for training hours. The training shall be provided by SCDSS or another source approved by SCDSS.

R. Emergency Placement Standards

(1) A child may be placed in a home on an emergency basis pending licensure for a maximum of 90 calendar days with a relative. The applicants must agree to complete the full assessment and approval process for a family foster home license within 90 calendar days. For emergency placements of American Indian and Alaska Native children, agencies should work closely with tribal and urban Indian organizations that have expertise in recruiting and licensing tribal family foster care homes.

(2) The agency must complete the following prior to approving an emergency placement:

(a) State (SLED) criminal background check of applicants and any other household member who is an adult age 18 or older. To determine eligibility, the results of the check will be assessed using the criteria set forth in S.C. Code section 63‑7‑2350 and SCDSS licensing regulation section (N) herein.

(b) State, tribal, and/or local child abuse and neglect registry and adult protective services registry check for information on applicants and any other household member who is an adult age 18 or older. To determine eligibility, the results of the check will be assessed using the criteria set forth in S.C. Code section 63‑7‑2350 and SCDSS licensing regulation section (O) herein.

(c) For other states in which applicants and any other household member who is an adult age 18 and older have resided in the preceding five years, applicants and household members must attest that they are not on the child abuse and neglect registry or the adult protective services registry. At that time, the agency will submit its request that the other states check their registries.

(d) Preliminary visual inspection to assess the safety of the home.

(e) Preliminary assessment of the ability of the applicants to meet the needs of the child.

(f) Discuss assurances agreement, as described in standard 12 above, with applicants and obtain their signatures on the agreement.

(3) If the home is not licensed within 90 calendar days, the child must be removed from the home, unless:

(a) A direct placement of the child in the home is ordered by the court while the child is still in the custody of the child welfare agency.

(b) The applicants file for and receive care and custody of the child directly from the court.

(c) The agency grants an extension of up to 90 calendar days for applicants to complete licensure if it determines that removal of the child would be detrimental to the best interests of the child.

S. Records Required for Child Placing Agencies

(1) All child placing agencies in the State shall keep records regarding each foster child placed by that agency, including records containing the following information:

(a) The child’s name;

(b) The child’s birth date;

(c) The date of his admission and discharge from each foster care placement;

(d) Name, address and telephone number of relatives;

(e) Place and hours of employment of child’s relatives; and

(f) Name, address and telephone number of available physician.

(2) All child placing agencies in the State shall keep records regarding each of their foster homes and said records shall contain documentation of compliance with these regulations and SCDSS procedures related to foster home licensing.

T. Initial Licensing, Renewal, Denial, Revocation, and Termination of License

(1) Licenses shall be studied for renewal every two years and prior to the expiration of the last license.

(2) Renewal process requirements include documentation of safety requirements, training hours, background checks, home visits, assessment of ongoing compliance with requirements and standards of care, and any additional requirements as SCDSS or the child placing agency staff may deem necessary.

(3) A license will not be issued or renewed if licensing requirements are not met, or standards of care have not been maintained as prescribed within these regulations or if, in the opinion of SCDSS, it would be detrimental to a child to be placed in the home. Written notification of the denial, signed by the director of SCDSS or the director’s designee shall be mailed via certified mail from SCDSS to the applicant or license holder. The notification will inform the applicant or license holder of any right to appeal this decision pursuant to established SCDSS procedure.

(4) A license may be revoked by SCDSS if minimum licensing requirements or standards within these regulations are not met, or, if in the opinion of SCDSS or child placing agency staff, it would be detrimental for a child to be placed in the home. Written notification of the revocation, signed by the director of SCDSS or the director’s designee shall be mailed via certified mail from SCDSS to the license holder. The notification will inform the license holder of any right to appeal this decision pursuant to established SCDSS procedure.

(5) A license shall be terminated when:

(a) The time specified on the license has elapsed; or

(b) The foster parent has moved to a new location without applying for a change in license; or

(c) The license has been revoked or renewal denied and the time frame for appeal has elapsed; or

(d) A foster parent voluntarily returns the current license to SCDSS or the child placing agency for cancellation or otherwise informs SCDSS or the child placing agency that they no longer desire to be licensed.

U. Kinship Foster Parents

(1) Subject to the emergency placement standards set forth in section (R) above, relatives must be licensed in accordance with the same requirements as nonrelative applicants. SCDSS may waive, on a case by case basis, for relatives or non‑relatives, non‑safety elements as SCDSS deems appropriate. Safety elements such as abuse or neglect history or criminal history must not be waived. SCDSS must note on the standard license if there was a waiver of a non‑safety element and identify the element being waived.

(2) Relatives are given preference for placement, provided that such placement is in the best interest of the child.

V. Confidentiality

(1) No foster family shall directly or indirectly disclose any information regarding foster children, their biological families, or other individuals who have had control of the foster children, other than to professionals treating, caring for, and providing services for the child or others as SCDSS or the licensed child placing agency deems appropriate.

(2) Information that is disclosed shall be limited to information that is necessary to provide for the child’s needs and in their best interest.

W. Prior Regulation Repealed

All regulations concerning foster family homes previously promulgated by the agency are hereby repealed.

X. Regulations Review

These regulations shall be evaluated at least every five years from the date of initiation, to assess the need for revision.

**Fiscal Impact Statement:**

The Department of Social Services estimates the costs incurred by the State and its political subdivisions in complying with the proposed regulation will be approximately $155,000.

**Statement of Rationale:**

These regulations are proposed to enhance and improve the licensing regulations for foster family homes. These regulations are also proposed for consistency with the model foster family licensing standards published by the United States Department of Health and Human Services, Administration on Children, Youth and Families (see ACF Information Memorandum ACYF‑CB‑IM‑19‑01). The proposed regulations shall establish standards that protect the health, safety, and well‑being of children residing in foster family homes, which allows for the healthy physical and mental growth of the children in foster care.