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Document No. 5023

**DEPARTMENT OF SOCIAL SERVICES**

CHAPTER 114

Statutory Authority: 1976 Code Section 43‑1‑80

114‑550. Licensure for Foster Care.

**Synopsis:**

As the administrator of the State’s foster care system, the Department of Social Services is responsible for establishing and promulgating rules and regulations for the licensure of family foster homes and the approval of adoptive homes for children who are in the State’s foster care system. The existing regulations regarding family foster homes and adoption of children who are in foster care (S.C. Code of Regulations Section 114‑550) need to be amended.

The Department is promulgating these proposed regulations so that South Carolina family foster home licensing standards will be consistent with model licensing standards published by the United States Department of Health and Human Services, Administration for Children, Youth and Families and to make clear that the department will apply these licensing standards to persons who seek to adopt children who are in the State’s foster care system. The proposed regulations promote the application of a consistent set of rules and regulations for the licensure of family foster homes and the approval of adoptive homes for children who are in the State’s foster care system. The consistent application of one set of rules and regulations furthers the Department’s mission to promote the safety, permanency, stability, and well‑being of children who are in the State’s foster care system.

The Notice of Drafting was published in the *State Register* on October 23, 2020.

**Instructions:**

1. Delete Regulations 114‑550 (A through O) in their entirety.

2. Replace with Proposed Regulations 114‑550 (A through Z) as follows:

 114‑550A sets forth a statement of applicability.

 114‑550B sets forth definitions relating to licensure for foster care.

 114‑550C sets forth general application process requirements.

 114‑550D sets forth the application procedure.

 114‑550E sets forth the types of licenses that may be issued.

 114‑550F sets forth assessment study requirements.

 114‑550G sets forth eligibility standards.

 114‑550H sets forth physical and mental health standards.

 114‑550I sets forth home study standards.

 114‑550J sets forth capacity standards.

 114‑550K sets forth sleeping arrangement standards.

 114‑550L sets forth living space standards.

 114‑550M sets forth fire safety and evacuation plan standards.

 114‑550N sets forth health and safety standards.

 114‑550O sets forth criminal history records check standards.

 114‑550P sets forth abuse and neglect background check standards.

 114‑550Q sets forth requirements of certain assurances from applicants.

 114‑550R sets forth training standards.

 114‑550S sets forth emergency placement standards.

 114‑550T sets forth records requirements for child placing agencies.

 114‑550U sets forth standards relating to issuance, renewal, denial, revocation, or termination.

 114‑550V sets forth standards relating to kinship foster parents.

 114‑550W sets forth standards relating to confidentiality.

 114‑550X repeals prior licensing regulations.

 114‑550Y sets forth period to review regulations regarding need for revision.

 114-550Z set forth effective date

The Department of Social Services proposes the placement of these regulations in the South Carolina Code of Regulations, Chapter 114, Article 5, Subarticle 5, governing foster care. Specifically, the amended regulations will replace Regulation 114‑550, titled Licensure for Foster Care.

The title of Regulation 114‑550 will be changed to, “Licensure of Family Foster Homes and Approval of Adoptive Homes for Children in Foster Care.”

**Text:**

114‑550. Licensure of Family Foster Homes and Approval of Adoptive Homes for Children in Foster Care.

 A. Applicability: The department will apply these regulations to decisions related to licensing family

foster homes and approval of adoptive homes for children who are in foster care.

 B. Definitions.

 (1) “Adoptive Parent” means a person who is seeking or has adoptive placement of a child in foster care.

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

 (3) “Applicant” means a person who has submitted an application and is seeking a license to operate a family foster home or who is seeking approval to adopt a child from the State’s foster care system.

 (4) "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.

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

 (6) "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.

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

 (8) “Corporal punishment” means physical punishment inflicted directly upon the body.

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

 (10) “Family foster home” means the private home of an individual or family that is licensed by the department and in which a child in foster care has been placed in the care of an individual; who resides with the child; who has been licensed by the department to be a foster parent that the department deems capable of adhering to the reasonable and prudent parent standard as defined in Section 63-7-20(24); that provides 24-hour substitute care for children placed away from their parents or other caretakers; and that provides care for children subject to capacity limitations set forth in Section 63-7-2400. This term includes a kinship, relative, and child‑specific home.

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

 (12) “Home study” means the screening of the home, life, and parental fitness of a prospective foster or adoptive parent by a certified investigator through face-to-face encounters

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

 (14) “Kin” means an adult who is related to a child by blood, marriage, or adoption and means, an adult who is not related to a child by blood, marriage, or adoption, but who has a relationship with the child or the child’s family (fictive kin).

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

 C. Applications.

 (1) An application form shall be completed by all applicants desiring to be licensed or relicensed to provide foster care or approved as an adoptive home.

 (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, and denial of a renewal to provide foster care and denial or termination of approval to become an adoptive parent.

 (3) SCDSS or a licensed child placing agency reserves the right to request and consider additional information if needed during the foster care licensing or renewal process and the adoptive home approval process for persons seeking to adopt children who are in the State’s foster system. This additional information may be considered during the licensing or renewal and the adoptive home approval decision‑making processes.

 D. 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.

 E. 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) The agency may issue a provisional license for kinship foster care. Except in extenuating circumstances, a provisional license should remain in effect for no more than 90 days. SCDSS shall provide a monthly stipend to kin 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) Kin has indicated in writing that the kin wants to become a licensed kinship foster parent; and

 (c) Kin is eighteen years of age or older; and

 (d) Kin and other adults living in the home have provided a written statement containing information necessary to determine whether a criminal history or history of child abuse or neglect exists and whether this history indicates there is a significant risk that a child would be threatened with abuse or neglect if placed in the home of the kin.

 (e) The agency has completed a thorough review and home assessment to verify the information contained in the written statements provided pursuant to 114-550(E)(4)(d) by completing a check of the Central Registry of Child Abuse and Neglect and other relevant records, a sex offender registry check, a check of criminal records for the preceding five years of the State Law Enforcement Division, and to the extent reasonably possible, criminal records of other jurisdictions in which the kin or other adult resided during that period. The department must not agree to or acquiesce in a placement if the review and assessment indicate there is a significant risk that a child would be threatened with abuse or neglect if placed in the home. Kin and other adults living in the kin’s home must consent to a check of records by the department.

 F. Assessment Study.

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

 (2) The assessment for initial licensing and renewal to provide foster care and approval to become and an adoptive parent 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 or adoptive placement; and

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

 (3) The assessment summary for initial family foster home licensing and renewal and adoptive home approval must include documentation of the following:

 (a) motivations to be a foster parent or adoptive parent;

 (b) preferences related to placements;

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

 (d) education, mental health, physical 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 or adoption 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 family foster care licensure or renewal or approval to become an adoptive parent, the applicant should be offered the opportunity to elect to withdraw the application. If the applicant elects to continue their request to be licensed to provide family foster care or to receive approval to provide adoptive placement, the reasons for the denial shall be provided in writing. The applicant shall be advised regarding any right to appeal.

 G. Eligibility Standards.

 (1) All applicants must submit a complete application and accompanying documentation for a family foster home license or adoptive home approval. The agency or child placing agency must maintain copies of the application.

 (2) To apply for a family foster home license or for renewal of a license or approval to become an adoptive parent, the following must apply:

 (a) Non‑kin applicants must be age twenty‑one or older. Kin or fictive kin applicants must be age eighteen 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. Other household members must be included in the assessment and support the applicants interest in fostering.

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

 (d) Applicants must have verifiable 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 the home. Income must be verified through income tax records, pay stubs, and bank 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 or adoptive 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 or approval of an adoptive family on the basis of age, disability, gender, religion, sexual orientation, gender identity or marital status.

 H. 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 must be current and within one year of application and must state that the applicant can care for additional children. In its discretion, 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 or the department determines that other extenuating circumstances exist.

 (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 or the department determines that other extenuating circumstances exist.

 (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 or the department determines that other extenuating circumstances exist.

 (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.

 I. 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 home, individual interview of each applicant must be conducted to observe family functioning and assess the family’s capacity to meet the needs of a child in foster care. It is preferred that all additional household members be interviewed in the home; however, a virtual interview may be conducted if additional household members are unable to be interviewed in person at an alternative time. 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.

 J. 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 eight, of which no more than five 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, 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, or in accord with Section 63‑7‑2400.

 K. 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 top bunk of a bed shall not be used by any children with conditions limiting mobility.

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

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

 (a) A child over the age of five 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 twelve months of age in an individual crib may share a room used as a sleeping space with the foster parent or adoptive parent.

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

 L. 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) Foster and adoptive parent and foster child must have access to a working phone at all times.

 (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 safe operating heating and cooling system in the home as outlined by state fire regulations.

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

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

 M. Fire Safety/Evacuation Plan Standards.

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

 (a) Have an approved carbon monoxide alarm installed and maintained outside of each separate

sleeping area in the immediate vicinity of the bedrooms if the home has fuel fired appliances installed, attached garages (3 sides enclosed), or a Fireplace. Carbon monoxide alarms expire based on the manufacturer’s guidelines. Bedrooms with fuel fired appliances of fireplaces shall have carbon monoxide alarms.

 (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.

 N. 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 or adoptive 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 must be confined away from and inaccessible to the child.

 (b) Unless the department concludes that extenuating circumstances exist, 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, wading pools, hot tubs, and spas:

 (a) Swimming pools and wading pools shall be enclosed with protective fencing at least four feet high , secured with a safety device (i.e. latch, lock, etc.) to restrict child’s access, and any method of access must be through a safety device.

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

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

 (d) 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.

 O. 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 five 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 eighteen 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 (O)(4) herein.

 P. 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 maintained by the state for information on applicants and any other household members who are age eighteen 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 age eighteen and older have resided in the preceding five years also check all child abuse and neglect registries maintained by that state. These checks must be conducted at the time of initial application

 (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 eighteen 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 (O)(4) herein.

 Q. 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) Applicants will not use any inhumane or corporal punishment on any child placed by the agency. Cruel, inhumane, and inappropriate punishment is prohibited. This includes, but is not limited to, the following: head shaving or any other dehumanizing or degrading act; deprival of food or family visits; deprival of mail; slapping or shaking; the use of handcuffs; a pattern of threats of removal from the home as punishment; use of profanity or any language that the foster parent or adoptive parent knows or should know may ridicule a child; authorizing, directing or asking a child to discipline another child; discipling a child for a medical or psychological problem over which the child has no control (e.g. bedwetting, stuttering, etc.); denial of communication and visits with family members; demeaning acts designed to embarrass children; denial of shelter, clothing, or personal needs; excessive physical exercise; excessive work tasks; and verbal abuse.

 (b) Applicants 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) Applicants will not smoke in the family foster home or in the vehicle while transporting foster children. Furthermore, guests will not be allowed to smoke in the family foster home or in any vehicle while transporting children.

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

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

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

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

 (j) Applicants 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) Applicants 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) Applicants 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) Applicants 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 and adoptive parents at initial licensing and approval and when a child is placed in their care. Additionally, the agency will review the assurances agreement with foster parents annually thereafter.

 R. Pre‑License and Adoptive Home Training Standards.

 (1) All applicants must complete at least 14 hours of pre‑license and adoptive home 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 and adoptive parents;

 (ii) Agency purpose, policies, and services;

 (iii) Courts, and applicable laws and regulations.

 (b) Information, including, but not limited to, trauma concepts and behavioral management, to provide for the needs of the child who is or may be placed in the home; early learning; child and adolescent brain development; healthy eating; protective factors; child abuse and neglect prevention; grief, loss, trauma, and separation issues; independent living skills; internet and social media safety for kids; sex trafficking prevention and warning signs; and first aid (including cardiopulmonary resuscitation (CPR) for the ages of children in placement, and bloodborne pathogen.

 (3) Foster parents will subsequently be required to complete at least fifteen (15) hours training each year, or thirty (30) 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.

 S. Emergency Placement Standards.

 (1) A child may be placed in a home on an emergency basis pending licensure for a maximum of ninety calendar days with kin. The applicants must agree to complete the full assessment and approval process for a family foster home license within ninety 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 eighteen 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.

 (b) State, tribal, and/or local child abuse and neglect registry check for information on applicants and any other household member who is an adult age eighteen or older, and a national sex offender registry check for all household members twelve and 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 (P) herein.

 (c) For other states in which applicants and any other household member who is an adult age eighteen 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 ninety 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 petition for and receive care and custody of the child directly from the court.

 (c) The agency grants an extension of up to ninety 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.

 T. 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.

 U. 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) Adoptive home approval will be updated in accordance with SCDSS policies and procedures, but if the waiting period for an adoptive placement exceeds one year from the date of the approval, the approval must be updated before the placement of a child for the purpose of adoption to determine any change in circumstances.

 (2) License renewal process requirements and adoptive home approval updates 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, and adoptive home approval will not continue 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. The agency may also deny an application to renew a family foster home license if the family has a demonstrable record of refusing to accept placement of children in foster care. 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 or adoptive home approval 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. The agency may also revoke a family foster home license if the family has a demonstrable record of refusing to accept placement of children in foster care. 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 or adoptive home approval shall be terminated when:

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

 (b) The foster parent or adoptive parent has moved to a new location without applying for a change in licensure or adoptive home approval; or

 (c) The license or adoptive home approval 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 he or she no longer desires to be licensed.

 (e).An Adoptive parent voluntarily informs SCDSS that he or she no longer desires to be an approved adoptive home.

 V. Kinship Foster Parents.

 (1) Subject to the emergency placement standards set forth in section (S) above, kin must be licensed in accordance with the same requirements as nonrelative applicants. SCDSS may waive, on a case by case basis, for kin, 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) Kin are given preference for placement, provided that such placement is in the best interest of the child.

 W. Confidentiality.

 (1) No foster family or adoptive placement home 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) No foster family or adoptive placement home shall post identifying information about foster children placed in their homes, including pictures on any closed or open social media group. Schools, daycares, and other extracurricular or childcare services may post pictures of foster children with permission from the agency.

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

 X. Prior Regulation Repealed.

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

 Y. Regulations Review.

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

 Z. Effective Date.

 This Regulation shall become effective on September 12, 2021.

**Fiscal Impact Statement:**

The Department of Social Services estimates the costs incurred by the State and its political subdivisions in complying with the proposed regulations will be approximately $ 180,000.

**Statement of Rationale:**

These regulations are proposed to enhance and improve the licensing regulations for family foster homes and to clarify that family foster home licensing regulations apply to person’s seeking to adopt a child who is in the State’s foster care system. 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 for Children, Youth and Families (see ACF Information Memorandum ACYF‑CB‑IM‑19‑01). The proposed regulations establish standards that promote the health, safety, stability, and well‑being of children residing in family foster homes and who are placed for adoption by the department.