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**Department of Social Services**

CHAPTER 114

Statutory Authority: 1976 Code Section 63‑11‑30

114‑4910. Child Placing Agencies; Definitions and Application Procedures.

114‑4920. Administration and Organization of Child Placing Agencies.

114‑4930. Requirements for Licenses and Types of Licenses.

114‑4940. Relicensing Procedures.

114‑4950. Confidentiality Requirements.

114‑4960. Personnel Requirements.

114‑4970. Child Placing Agency Records.

114‑4980. Procedures and Practices of Child Placing Agencies.

**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 agencies engaged in the business of receiving children for care and maintenance related to foster care and adoption. The regulations governing licensing standards for child placing agencies (South Carolina Code of Regulations 114‑4910, 4920, 4930, 4940, 4950, 4960, 4970, and 4980) are being amended to make updates necessary to meet the current needs of the State’s foster care and adoption systems.

Section‑by‑Section Discussion:

1. 114‑4910

(A), Defines key terms

(B), Clarifies license application procedures

(C), Clarifies license application procedures

2. 114‑4920

(A), Provides standards for organizational administration

(B), Provides standards for organizational governance

(C), Provides standards for organizational charts

(D), Provides standards for fee schedules

(E), Establishes monitoring standards

3. 114‑4930

(A), Explains application procedures

(B), Describes the types of licenses issued by the Department

(C), Establishes standards for the display of licenses

(D), Establishes standards for compliance

(E), States conditions for issuing a standard license

(F), Establishes standards for issuing a temporary license

(G), Provides standards for denial and revocation of a license

(H), Describes administrative appeal process

(I), Describes procedures for license amendments

4. 114‑4940

(A), Outlines license renewal processes

(B), Outlines license application processes

(C), Outlines contents of license application

5. 114‑4950

(A), Establishes confidentiality standards

(B), Establishes information sharing standards

6. 114‑4960

(A), Outlines personnel policy standards

(B), Outlines staff qualifications and functions

(C), Establishes staffing requirements

(D), Outlines training and professional development requirements

(E), Describes volunteer standards

(F), Establishes standards for certified investigators

7. 114‑4970

(A), Outlines standards for child record keeping

(B), Outlines standards for birth family record keeping

(C), Outlines standards for foster home record keeping

(D), Establishes standards for adoption record keeping

8. 114‑4980

(A), Sets standards for foster family home licensing

(B), Outlines standards for the monitoring of foster family homes

(C), Describes procedures for license amendments

(D), Outlines foster family home selection standards

(E), Outlines case planning requirements

(F), Outlines case plan monitoring requirements

(G), Establishes general adoption services requirements

(H), Sets forth general standards for services to families

(I), Sets forth general standards for services to unmarried parents

(J), Establishes requirements for adoption preservation services

(K), Outlines requirements for pre and post adoption support of out‑of‑state foster children

The Notice of Drafting was published in the *State Register* on June 28, 2024.

**Instructions:**

Print the regulation as shown below. All other items remain unchanged.

~~Indicates Matter Stricken~~

Indicates New Matter

**Text:**

ARTICLE 49

Child Placing Agencies Regulations

(Statutory Authority: 1976 Code Section ~~20‑7‑2250~~ 63-11-30)

~~114‑4910. Child Placing Agencies; Definitions and Application Procedures.~~

~~A. Definitions~~

~~(1) “Adoptive home” means a household of one or more persons which has been approved by a licensed child placing agency to accept a child for adoption.~~

~~(2) “Case plan” means the goal oriented, time limited individualized plan of action for a child and his family developed by the child placing agency in cooperation with the family and/or referring agency for the child.~~

~~(3) “Caseworker” means a person employed by the Agency who has a minimum of a Baccalaureate or an Associate degree and related experience.~~

~~(4) “Casework Supervisor” means a person who has a Masters in Social Work or a Baccalaureate in a related field approved by the Department with a minimum of two years of directly related casework experience in a Child Placing Agency.~~

~~(5) “Certified adoption investigator” means an individual, self employed or employed by an agency, corporation, or association who prepares a document addressing issues of concern and information necessary for a court to make a decision in adoption matters and is certified pursuant to applicable statutes and regulations.~~

~~(6) “Child” means a person under eighteen years of age.~~

~~(7) “Child placing agency” means any person or entity which is licensed under the requirements of 20‑7‑1650 (e), Code of Laws of South Carolina.~~

~~(8) “Client” means the individual(s) to whom a child placing agency is providing services. This includes, but is not limited to children, foster parents, biological parents, and adoptive parents.~~

~~(9) “Commissioner” means the chief administrator of the Department of Social Services.~~

~~(10) “Department” means the Department of Social Services.~~

~~(11) “Foster Family home” means a private household of one or more persons who provide full time care under licensure of the Department of Social Services for one (1) or more children living apart from their parent(s), guardian(s), or relative(s). A foster family home shall not be licensed for more than six (6) children, including the foster parents’ own children and/or other children who are household members.~~

~~(12) “Foster home licensing/relicensing study” means an assessment of whether or not the applicant or licensee meets foster home regulations.~~

~~(13) “Home study” means the joint assessment process entered into by the child placing agency and/or adoptive or foster family for the purpose of assessing the family’s strengths, and how they could best serve the children that the child placing agency has available for placement, and whether or not the applicant complies with the approval standards.~~

~~(14) “Person” means an individual, partnership, joint stock company, business trust, voluntary association, corporation, governmental organization, court operated program or any other type organization or profit or nonprofit business enterprise.~~

~~(15) “Post placement services” means to provide support, education and assistance to the family from the time of adoptive placement through consummation.~~

~~(16) “Substitute care” means twenty four (24) hour care provided to a child who must be separated from his/her own family/parents for a specific purpose and for a planned period of time. This could take the form of a foster family home, group home, child care facility, emergency shelter, residential treatment program, independent living program, wilderness camp or maternity home.~~

~~B. Application Procedures for Licensure~~

~~(1) Child placing agencies who are subject to these regulations and are already operating on the effective date of these regulations shall not be exempt from licensure. A Temporary license for a period of 90 days will be issued by the Department to already existing child placing agencies for preparation and submission of their applications for licensure.~~

~~(2) If at the expiration date of the temporary license and/or upon completion and submission of the licensing study, the agency is unable to comply with a regulation, a second temporary license may be issued in accordance with R. 114‑4930 F.~~

~~(3) Applications for licensure as a child placing agency shall be made on forms prescribed and furnished by the Department.~~

~~(4) All applications and supporting documentation shall be considered public information.~~

~~(5) An application is not considered complete unless all required supporting documentation is attached. Failure to supply all required documentation may result in denial of a license.~~

~~C. Procedure for Licensure. With the initial application for a license, the following information shall be forwarded to the Department:~~

~~(1) Statement of Purpose: The child placing agency shall submit to the Department a written statement which shall contain a description of the geographical area to be served and the specific services to be provided. The statement shall be available to the referral sources and the public on request.~~

~~(2) A copy of its charter, if applicable.~~

~~(3) Governance.~~

~~(a) A copy of the by laws and/or statute by which the agency was created;~~

~~(b) A list of officers and Board or Advisory Committee members and their addresses;~~

~~(4) Personnel.~~

~~(a) A list of job descriptions of administrative and program staff shall be submitted to the Department;~~

~~(b) A list of Certified Adoption Investigators who will be utilized or employed by the child placing agency shall be submitted to the Department;~~

~~(c) A copy of resumes for program staff.~~

~~(5) A copy of the proposed/current procedural manuals shall be submitted to outline policies including, but not limited to, the following areas:~~

~~(a) Finance;~~

~~(b) Personnel;~~

~~(c) Intake and content of records for planning and caring for children;~~

~~(d) Replacement, placement, and postplacement services to children, foster families, adoptive families and biological parents, if applicable;~~

~~(e) Recruitment for both foster and adoptive homes;~~

~~(f) Family assessment formats for both foster and adoptive homes;~~

~~(g) Qualification criteria for foster and adoptive families;~~

~~(h) Procedures for closing cases;~~

~~(i) Schedule of payment for services;~~

~~(j) Copies of all forms used by the child placing agency in the foster care and adoption process i.e., application, financial forms, medicals, renewal, etc.~~

~~(k) Statement of clients’ rights.~~

~~(6) A notarized statement attesting that a Central Registry check has been done and that staff members and volunteers who work directly with children have not had a case of child abuse or neglect indicated against them. If a case has been indicated and the individual continues to be employed by the child placing agency or continues to serve in a volunteer capacity, the agency must provide documentation that a waiver as provided for in R. 114‑4930 G(1)(c) has been granted. Notarized statements must be signed by the staff member or volunteer. Upon request of the child placing agency, the Department shall provide such information at no charge from the Central Registry. If staff members and volunteers have resided in South Carolina for three (3) years or less, last state of residency checks must be completed.~~

~~114‑4920. Administration and Organization of Child Placing Agencies.~~

~~A. Administration~~

~~(1) The child placing agency shall meet the following requirements:~~

~~(a) Have an office and staff located within the state, or within a twenty five (25) mile radius, and~~

~~(b) Shall be incorporated in South Carolina, or shall be lawfully doing business in this state in accordance with all applicable statutes and regulations.~~

~~(2) When the corporate offices of a child placing agency are located out of state:~~

~~(a) There shall be a local advisory board composed of residents of South Carolina;~~

~~(b) If the corporate office is licensed by the State in which it is located, a copy of this license shall be submitted to the Department at the time of issuance and at the time of each renewal thereafter;~~

~~(c) Documentation shall be provided as to the supervision and evaluation of the South Carolina office by the corporate office.~~

~~B. Governance. The child placing agency shall have a governing body of the agency and the governing body shall exercise authority over and have responsibility for the operation, policy, and practices.~~

~~C. Organization Chart~~

~~(1) The child placing agency shall maintain a current organizational chart showing the administrative structure and staffing, including the lines of authority.~~

~~(2) A copy of this shall be submitted to the Department.~~

~~D. Fees and Payments~~

~~(1) If fees are charged, the child placing agency shall have a written policy on fees for services which shall be submitted to the Department.~~

~~(2) A copy of the foster or adoptive parent payment schedule shall be submitted to the Department.~~

~~(3) The child placing agency shall provide the Department, foster parent(s), or adoptive parent(s) with written notification of changes in the payment schedule ninety (90) days prior to the implementation of any change.~~

~~E. Monitoring Child Placing Agencies~~

~~(1) The Department shall monitor all child placing agencies. The Department reserves the right as part of its monitoring function to visit the individual foster, group and adoptive homes as well as the primary offices of the child placing agency.~~

~~(2) Child placing agencies shall monitor all of their licensed foster homes and adoptive homes for compliance with the regulations established by the Department.~~

~~114‑4930. Requirements for Licenses and Types of Licenses.~~

~~A. Application. After the receipt of the application for licensure/relicensure by the Department, the Department shall initiate a licensing study within two (2) weeks and shall complete the study within ninety (90) days.~~

~~B. Issuance. Upon completion and submission of the licensing/relicensing study to the Department, the Department shall issue a Temporary license or a Standard license or deny the application/reapplication.~~

~~C. Display of License. The license is the property of the Department and shall be prominently displayed at all times.~~

~~D. Compliance. Any child placing agency which operates any form of child care program, whether day care or residential in nature, must comply with all applicable State regulatory requirements for that type of child care program.~~

~~E. Standard License. The Department shall issue a Standard License when a child placing agency meets all the regulations. A Standard License is in effect for one (1) year from the date of issuance unless cancelled, modified to a Temporary License, revoked or suspended.~~

~~F. Temporary License~~

~~(1) The Department may grant a Temporary License to a child placing agency that is temporarily unable to comply with a regulation(s).~~

~~(2) The licensee shall have a written plan, approved by the Department, to correct the areas of noncompliance within the probationary period.~~

~~(3) A Temporary License may be issued for up to six (6) months. It may be extended once for an additional six (6) months after consideration of noted deficiencies.~~

~~(4) A Temporary License that states the condition of the probation may be issued at any time; provided, however, that a Temporary License may only be issued when the Department is satisfied that:~~

~~(a) The regulations can and will be met within a reasonable time, and;~~

~~(b) The deviations do not seriously threaten the health and safety of children, or otherwise adversely affect clients.~~

~~(5) Any existing license is invalid when a Temporary License is issued.~~

~~(6) At the expiration date of the Temporary License, if the provider wishes to continue or remain open the Department shall reinstate the original license to the end of its term, issue a new license, or revoke the license.~~

~~(7) To request a change from a Temporary License to a Standard License, the child placing agency shall notify the Department that all deficiencies which required the Temporary License have been corrected.~~

~~(8) After the Department determines that the areas of noncompliance have been corrected, a Standard License shall be issued.~~

~~G. Denial or Revocation of a License~~

~~(1) Any of the following actions by a child placing agency or any employee thereof may be grounds for denial or revocation of a license:~~

~~(a) An intentional act or omission violating the South Carolina Child Protection Act, or any other act or omission in violation of professional social work standards and threatening the health or safety of clients;~~

~~(b) A violation of the provisions of the Licensing Law, S. C. Code 20‑7‑2230 through 20‑7‑2290 or any regulation pursuant to that law, or any violation of the adoption law or its regulations;~~

~~(c) The employment of any individual who has been determined to have committed any act referenced in R. 114‑4910 C(6) of these regulations, where that individual has direct contact with children as a result of employment. However, the child placing agency may request a waiver of this requirement. The individual must submit written documentation regarding the type of rehabilitation program they might have undergone and the effects of the rehabilitative efforts on their behavior/lives. An evaluation by the involved counselor or therapist must also be submitted to the Department. The Commissioner or his designated representative(s) will review this data and determine if a license can be issued;~~

~~(d) A failure to comply with licensing regulations with a determination by the Department that compliance cannot be accomplished within established or reasonable time limits;~~

~~(e) False information given during the application or relicensing process;~~

~~(f) Material misrepresentations to clients during the course of child placing agency business;~~

~~(g) A judicial determination of a violation of the South Carolina Unfair Trade Practices Act;~~

~~(2) The decision to deny or revoke a license is made by the Department.~~

~~(3) A license which has been revoked must be returned to the Department within ten (10) working days.~~

~~H. Appeal of Denial of Application or Revocation of a Child Placing Agency License~~

~~(1) Any child placing agency whose application has been denied or whose license has been revoked may request a hearing pursuant to the same provisions applicable to private child day care centers found in 20‑7‑2760, Code of Laws of South Carolina, except that any judicial review of a final agency decision shall be based upon a review of the administrative hearing record, rather than a trial de novo. The Department will be responsible for documenting violations which warrant denial of an application/revocation of a license. If the Department is not represented by an attorney, the Department staff will be responsible for presenting the case, cross examining witnesses, etc.~~

~~(2) If the child placing agency does not appeal a denial or revocation within thirty (30) days, the Department may proceed to require immediate cessation of business by the child placing agency, including injunctive action where necessary. Where harm to clients is imminent, the Department may proceed to seek an injunction prior to the expiration of thirty (30) days.~~

~~I. License Amendments~~

~~(1) Amendments must be requested in writing to the Department prior to a change in location, name change, or in the case of foster homes, the number of children served.~~

~~(2) Upon receipt and approval of the amendment, a new license shall be issued within thirty (30) calendar days. The original license must be returned to the Department within five (5) working days after receipt of the new license.~~

~~114‑4940. Relicensing Procedures.~~

~~A. Renewal Process. Each year, all licensed child placing agencies shall receive written notification from the Department within ninety (90) days prior to the renewal date of the license. Where the Department has failed to so notify, the license shall be valid for an additional ninety (90) days from the date of actual notification unless revoked for other reasons.~~

~~B. Application Requirements. When the child placing agency submits an application for renewal prior to the current expiration date, the current license shall remain in effect until the Department issues a new license or denies the renewal application. An application is not considered complete unless all required supporting documentation is attached. Failure to supply all required documentation may result in denial of a license. The complete relicensing application shall be submitted to the Department at least sixty (60) days prior to the expiration date of the current license.~~

~~C. Application Content. The following information shall be submitted to the Department along with the application for renewal:~~

~~(1) DSS Form 1536, Original Licensing/Relicensing/Changes for Residential Facility and Child Placing Agency Form;~~

~~(2) DSS Form 1520, Annual Report of Children Under Care or Supervision of Licensed Child Placing Agencies;~~

~~(3) Copy of the financial report certified by a Certified Public Accountant (CPA) for the fiscal year prior to current licensing period;~~

~~(4) A list of job descriptions including qualifications of current administrative and program staff;~~

~~(5) For any new program staff since the previous licensing/relicensing, a statement complying with R. 114‑49‑10 C(6);~~

~~(6) A written report of any major changes in program since the last license was issued or any changes planned for the new license period;~~

~~(7) All fee schedules.~~

~~114‑4950. Confidentiality Requirements.~~

~~A. Child placing agencies and their personnel are subject to 20‑7‑690 and 20‑7‑1780, Code of Laws of South Carolina.~~

~~B. Except as provided below, without written consent of the parent or legal guardian of the child, no officer, agency or employee of the Department or of a licensed facility, agency, group home or foster home shall directly or indirectly disclose personally identifiable information learned about the children placed in their care, their parents, or relatives or other persons having custody or control of them. Such information must be made available upon written request to appropriate Department staff, local child protection agencies, ombudsman of the Governor’s office, Foster Care Review Board, person or agency having legal responsibility or authorization to care for, treat, or supervise the child or the child’s family, multidisciplinary evaluation teams impaneled by agencies, and law‑enforcement agencies investigating suspected cases of abuse and neglect, Family Court, the child, his parents, guardian, or adoptive parents, child’s guardian ad litem or attorney.~~

~~114‑4960. Personnel Requirements.~~

~~A. Policies and Practices~~

~~(1) The child placing agency shall make available written personnel procedures and practices conducive to recruitment, retention, and effective performance by qualified personnel. These procedures and practices shall include, but not be limited to the following:~~

~~(a) Written job descriptions and titles for each position defining the qualifications, duties, and lines of authority;~~

~~(b) Provisions for activities which shall encourage professional growth through supervision, orientation, in‑service training, and staff development;~~

~~(c) An evaluation of job performance at the end of a probationary period and at least annually thereafter for each staff member.~~

~~(2) A personnel file shall be maintained for each employee which includes, but is not limited to:~~

~~(a) The application for employment, including record of previous employment; social security number, personal information, and a signed notarized statement attesting to the information required in R. 114‑4910 C(6);~~

~~(b) A notarized statement signed by the applicant;~~

~~(c) Qualifications for position;~~

~~(d) Required professional credentials/certifications;~~

~~(e) Copy of annual job performance evaluations;~~

~~(f) Training record and conferences attended including dates and topics;~~

~~(g) Commendations, disciplinary notices;~~

~~(h) Date(s) of employment and termination date(s);~~

~~(i) Reason(s) for termination;~~

~~(j) Forwarding address of former employer, if available;~~

~~(3) The employee shall have reasonable access to his/her file and shall be allowed to add any written statement he/she wishes at any given time. The personnel file of all employees who leave the child placing agency shall be maintained for a period of at least three (3) years.~~

~~B. Staff Functions and Qualifications~~

~~(1) Staff shall be employed who have education, training and experience to equip them for duties assigned. An adequate number of staff shall be employed to perform administrative, supervisory and child care functions.~~

~~(2) The child placing agency must request the Department to perform a Central Registry check prior to employment of all employees and volunteers working with children. These checks along with notarized statements shall show them to be in compliance with R. 114‑4910, C (6).~~

~~(3) Agencies operating multistate programs under the supervision of an Executive Director shall serve or employ an assistant Director to whom the responsibility for administration of the South Carolina program shall be delegated.~~

~~(4) The Executive Director or Assistant Director shall have as a minimum a Bachelor’s Degree and two years administrative experience in the field of human services. If the Executive Director or Assistant Director is responsible for direct supervision of casework services or provides direct placement services he/she shall have a Master’s Degree in Social Work or a related field and at least two years administrative experience.~~

~~(5) The Executive Director or the Assistant Director shall:~~

~~(a) Be a full time resident of the State of South Carolina or a resident of a city located within twenty five (25) miles of the State’s border;~~

~~(b) Be responsible for administration of policies and procedures established by the Board for operation of the Agency;~~

~~(c) Be responsible for preparation, or assisting in the preparation of the annual budget, and control of expenditures according to budget allowance;~~

~~(d) Be responsible for personnel matters including hiring, assigning duties, in service training, supervision, evaluation of staff and terminations;~~

~~(e) Be responsible for professional leadership and technical consultation to the Board, and for periodic evaluations of the Agency’s performance in terms of the conditions of licensure;~~

~~(f) Represent the Agency in the community, maintain a good working relationship with other social agencies, services and resources within the community;~~

~~(g) Shall demonstrate through confidential references, an acceptable professional standard of ability and integrity. In determining the qualifications of the Director, the Department may inquire into relevant information concerning the Director’s background, including but not limited to inquiries into complaints of unprofessional and unethical conduct.~~

~~(6) There shall be at least one Casework Supervisor. The Executive Director or assistant Director may perform this function if qualified. The Casework Supervisor shall be responsible for the supervision of the placement services.~~

~~(7) There shall be a minimum of one Casework Supervisor for every eight (8) Caseworkers.~~

~~(8) There shall be sufficient clerical staff to keep correspondence, records, bookkeeping and files current and in good order.~~

~~C. Staffing Requirements. Each supervisor shall be responsible for no more than eight (8) caseworkers. Caseworker’s caseloads shall be limited to allow for all the required contacts with the children, biological families, foster families, adoptive families, and collateral parties.~~

~~D. Staff Development~~

~~(1) The child placing agency shall have a written plan for the orientation, ongoing training and development of all staff members.~~

~~(2) The child placing agency shall ensure that placement supervisors and child placement workers receive at least ten hours of training activities during each full year of employment. Activities related to supervision of the staff member’s routine tasks shall not be considered training activities for the purpose of this requirement.~~

~~E. Volunteers~~

~~(1) A child placing agency which utilizes volunteers on a regular basis shall:~~

~~(a) Develop a description of duties and specify responsibilities for volunteer positions;~~

~~(b) Designate a staff member to supervise and evaluate volunteers;~~

~~(c) Have volunteers sign a statement indicating their understanding and compliance with confidentiality requirements.~~

~~(2) If volunteers are working directly with children, they shall:~~

~~(a) Be oriented and trained in the philosophy of the agency, the needs of the children served, the needs of their families, and the methods of meeting these needs.~~

~~(b) Be subject to reference checks under R. 114‑4910, C (6);~~

~~(c) Be instructed as to their specific duties and be informed of a child’s special needs as appropriate.~~

~~(3) Records shall be kept on the hours and activities of volunteers.~~

~~F. Certification Requirements. All certified Adoption Investigators and persons certified to take relinquishments must meet the requirements of 20‑7‑1750, South Carolina Code of Laws.~~

~~114‑4970. Child Placing Agency Records.~~

~~A. Child’s Record~~

~~(1) The child placing agency shall maintain records for each child or sibling group placed in substitute care or in an adoptive home which shall include, but not be limited to:~~

~~(a) Demographic information including the name, address, sex, race, birth date, and birth place of the child;~~

~~(b) The name, address, telephone number, and marital status of the parent(s) or guardian(s) of the child;~~

~~(c) Unless precluded by statute, the name, address, and telephone number of siblings, if placed elsewhere, and other significant relatives;~~

~~(d) The name, address and telephone number of the caseworker/supervisor for the child;~~

~~(e) Copies of legal documents of importance to the child, such as birth record and any court dispositions, where available;~~

~~(f) The medical history, cumulative health record, and available psychological and psychiatric reports;~~

~~(g) The social assessment and background of the family and parent(s);~~

~~(h) Case notes which reflect the dates of contact, initial assessment, family contacts, placement, case review, administrative reviews, and content of the placement worker’s visits;~~

~~(i) The circumstances leading to the decision to place a child into substitute care or into an adoptive home, the agency’s involvement with the parent(s) or legal guardian(s), including services offered, delivered, or rejected; and~~

~~(j) Relevant educational records and reports, where available.~~

~~(2) The child placing agency shall ensure that upon the child’s discharge from foster care, a child’s records contain the following:~~

~~(a) A discharge summary showing services provided during care, the growth and accomplishments, assessed needs which remain to be met, and recommendations of the services needed to meet these goals;~~

~~(b) Dates of discharge, reason for discharge, and the name, address, telephone number and relationship of the person(s) or agency to whom the child was discharged;~~

~~(c) Aftercare plans which specify the responsibility for follow through.~~

~~(3) The child placing agency shall ensure that there shall be a report pursuant to 20‑7‑1740, (B), Code of Laws of South Carolina prior to the finalization of adoption.~~

~~B. Biological Family Records Maintained by the Agency~~

~~(1) The child placing agency shall maintain a record of the family of every child whom the agency places into care which contains:~~

~~(a) Demographic information including address, birth dates, race, religion, family composition, and significant others;~~

~~(b) The social history, including any psychological or psychiatric reports and medical histories;~~

~~(c) Strengths and needs of the family and the services required;~~

~~(d) Worker’s assessment and initial case plan;~~

~~(e) Signed agreements between the child placing agency and family or the Department;~~

~~(f) Summary of dates of contact and progress toward goals;~~

~~(g) Case review reports; and~~

~~(h) Discharge summary.~~

~~(2) The child placing agency shall keep all records current and shall record the following events within thirty (30) days of occurrence: intake study, case plan, reviews, and major events in the lives of the child or family members.~~

~~C. Foster Home Records. The child placing agency shall keep separate records for each foster home which contain:~~

~~(1) The application;~~

~~(2) Family assessment;~~

~~(3) Child Protective Services Registry Report;~~

~~(4) Summary of dates and content of worker’s contacts;~~

~~(5) References from at least three sources;~~

~~(6) Annual assessment of strengths and weaknesses of the foster family relative to the care of individual children placed with them;~~

~~(7) Annual relicensing compliance study and reports connected with compliance with foster home regulations;~~

~~(8) Summary of the care given by the family, children placed, dates admitted and discharged from care; and~~

~~(9) A termination summary for homes which are closed containing the reasons for the closing;~~

~~(10) Any fire or health records otherwise required by law or regulation for foster homes.~~

~~D. Adoptive Study Records~~

~~(1) The child placing agency shall keep separate records for each adoptive family which contain:~~

~~(a) The application;~~

~~(b) The adoptive assessment study;~~

~~(c) Current medical records of the family;~~

~~(d) References from at least three sources;~~

~~(e) A summary of contacts following approval for adoption until placement of a child;~~

~~(f) Summary containing the placement decision, pre‑placement and post‑placement contacts with the adoptive child.~~

~~(2) In the event a family was not accepted or did not have a child placed with them, a narrative clearly indicating the reason and the manner in which the decision was presented to the family shall be made a part of the record prior to case closure.~~

~~114‑4980. Procedures and Practices of Child Placing Agencies.~~

~~A. Foster Home Licensing/Relicensing~~

~~(1) Child placing agency foster homes shall be licensed/relicensed in accordance with R. 114‑550 C(1).~~

~~(2) Foster Home Licensing procedure is as follows:~~

~~(a) The child placing agency shall utilize the regulations established by the Department to conduct the foster home investigations;~~

~~(b) The child placing agency shall record the licensing study in their foster home records and make results available to the applicant(s);~~

~~(c) The child placing agency shall notify the applicant(s) in writing if the license is denied or revoked;~~

~~(d) The Department may issue a license based on the foster home study and retains the sole authority for issuing, denying and revoking that license.~~

~~(3) Foster Home Relicensing procedure is as follows:~~

~~(a) The child placing agency shall conduct annual relicensing studies on all licensed foster homes to determine continued compliance with the regulations;~~

~~(b) The Department may issue, deny or revoke a license based on the relicensing study.~~

~~(4) Monitoring Foster Homes. The child placing agency shall monitor all of its licensed foster homes for compliance with the foster home regulations established by the Department.~~

~~(5) Complaints in Licensed Foster Homes. When receiving a complaint which may indicate possible violations of the foster home regulations, the child placing agency shall:~~

~~(a) Conduct an investigation to assess compliance with applicable licensing rules;~~

~~(b) Send a written report to the foster home stating findings, conclusions, and any anticipated action affecting the license;~~

~~(c) Notify the Department of the complaint with pertinent information and the identity of both the complainant and the foster home;~~

~~(d) Notify the Department of its recommendation as to revocation or continuation of the license;~~

~~(e) The Department will investigate complaint(s) according to established policy and procedure.~~

~~(6) With regard to child protective services, the child placing agency shall report any suspected cases of abuse or neglect to the local Department of Social Services, as required by law.~~

~~(7) Amendments to a Foster Home License. The child placing agency shall utilize the regulations established by the Department whenever there is an amendment to the foster home license.~~

~~(8) Recommendations to Revoke a License. The child placing agency shall maintain on file an assessment that includes the specific regulation(s) violated and the act of violation to support their recommendation for revocation.~~

~~(9) Selection of Home~~

~~(a) The child placing agency shall select the most appropriate home for a child consistent with the family assessment, the child’s needs, and the terms of the license;~~

~~(b) If the child is placed, must be placed with a licensed provider;~~

~~(c) The child placing agency shall not place children in licensed foster homes which are in use by another agency without written permission of that agency.~~

~~B. Intake Procedures and Practices~~

~~(1) At the time of a referral or application, the child placing agency shall assess the needs and strengths of the child and/or the adoptive family.~~

~~(2) A comprehensive written intake study shall be completed, and this intake study shall contain sufficient information to substantiate the formation of a case plan.~~

~~(3) The child placing agency shall provide referral assistance to persons requesting services not provided by the agency.~~

~~C. Case Plan~~

~~(1) The child placing agency shall develop a written case plan upon completion of the intake study and prior to placement. The assessment and case plan shall be completed within sixty (60) days of placement. The plan shall include, but not be limited to, specific initial case goals for the clients, a clear designation of responsibilities for those goals, and appropriate time frames for the completion of those responsibilities and achievement of those goals.~~

~~(2) The child placing agency shall include the parent(s), other significant persons, and the child (twelve years or older) in the development of placement and care plans. The parent(s) and child must sign the placement and case plan. The child does not have to sign if she/he is unable to do so because of physical and/or mental impairments.~~

~~(3) The child placing agency, prior to accepting a child for placement, shall secure from the parent(s), guardian(s), or agency holding custody, written authority to place the child adoptively.~~

~~(4) The child placing agency, prior to accepting a child for adoptive placement, shall secure from the parent(s), guardian(s), or agency holding custody, written authority to provide routine medical care and to sign educational plans.~~

~~(5) The child placing agency shall help the parent(s) or legal guardian to understand the legal rights and obligations that they retain and those delegated to the child placing agency, and shall document this in writing.~~

~~(6) The child placing agency shall have a signed agreement with the parent(s) or legal guardian(s) of the child in care which includes, but is not limited to, the expectations and responsibilities of the child placing agency and the parent(s) or legal guardian(s) for carrying out the steps to meet the case plan goals, in the financial arrangements for the child in care, and visitation plans.~~

~~D. Supervision and Review of the Case Plan~~

~~(1) The child placing agency shall complete a review of the case plan at least every six (6) months indicating progress toward goal achievement and changes made in the service plan.~~

~~(2) The child placing agency shall include in the review an assessment of the child in care, the progress of the growth and development of the child, the relationships between the child and caregivers, and any problems which have occurred.~~

~~(3) The parent(s) and the child shall participate in these reviews.~~

~~E. Adoptive Services~~

~~(1) The child placing agency shall provide information to prospective adoptive parent(s) about the adoption process, the agency’s policies and practices, legal procedures, adoptive record content, types of children available, the fees, structure and the availability of subsidy.~~

~~(2) Adoptive Home Application~~

~~(a) The child placing agency shall provide an application form or prospective adoptive parent(s);~~

~~(b) The child placing agency in response to an application for adoption and acceptable screening interview shall conduct an adoptive study to assess the applicant(s) appropriateness to be an adoptive parent(s).~~

~~(3) Adoptive Study~~

~~(a) The child placing agency should include in any home study at least two (2) face to face interviews. These interviews may be in the form of one (1) office visit if possible and one (1) home visit or two (2) home visits. Separate face to face interviews with each member of the household must be conducted. The study process shall be a joint effort of the child placing agency and the applicant(s).~~

~~(b) The child placing agency shall also study the following areas and shall record the information in the adoptive applicant(s) record:~~

~~(1) Motivation for adoption;~~

~~(2) Strengths and weaknesses of each member of the household;~~

~~(3) The attitudes and feelings of the family, extended family, and significant others involved with the family toward accepting adoptive children, and parenting children who are not born to them;~~

~~(4) Attitudes of the applicant(s) toward the birth parent(s) and the reason(s) the child is in need of adoption;~~

~~(5) The applicant’s plan for discussing adoption with the child;~~

~~(6) Record of arrests and criminal convictions and checks with the Central Registry for Child Abuse and Neglect.~~

~~(7) Adjustment of birth children, foster children or previously adopted children, including school reports, if applicable;~~

~~(8) A report of a physical examination for members of the adoptive family living in the household within six (6) months of the study which verifies that each person suffers no communicable disease, specific illness, or disabilities which would interfere with the family’s ability to parent a child;~~

~~(9) Ability to provide financially for the child or children to be adopted with or without agency financial assistance through adoption subsidy;~~

~~(10) Personal and community character references;~~

~~(11) Religious orientation, if any;~~

~~(12) Location and physical environment of the home;~~

~~(13) Plan for child care if parent(s) work; and~~

~~(14) Recommendations for adoption in regard to number, age, sex, characteristics, and special needs of children best served by the family.~~

~~(4) Notification Regarding Application~~

~~(a) The child placing agency shall notify applicant(s) in writing within thirty (30) days of completion of the adoption investigation of the acceptance or denial of their application;~~

~~(b) When applicant(s) are not accepted, the child placing agency shall inform them of the reasons why the application is denied.~~

~~(5) Service to Adoptive Parent(s)~~

~~(a) The child placing agency shall prepare the adoptive family or the placement of a particular child. Preparation shall include:~~

~~(1) Information about the needs, characteristics, expectations of the child, the child’s biological family and foster family, excluding identifying information on the child’s biological family;~~

~~(2) Review of medical histories of the child and of the child’s biological family; and~~

~~(3) Visits with the child prior to placement, where age appropriate to the child.~~

~~(b) The caseworker shall be in contact with the adoptive family at least monthly after the placement of a child prior to final decree. Information obtained from the contact shall be used in making recommendations for the finalization of the adoption.~~

~~F. Services to Families~~

~~(1) The child placing agency shall make appropriate agency services available to parent(s). When custody of the child is held by another agency, these services may only be made available upon that agency’s approval.~~

~~(2) The child placing agency shall make every reasonable effort to help the parent(s) to assume or to prepare them to resume their parental roles and responsibilities.~~

~~(3) The child placing agency shall help the family gain access to the services necessary to preserve and strengthen the family and to accomplish the case plan goals. While the child is in care, the child placing agency shall assist parent(s) or legal guardian(s) with the problems and needs that led to the necessity for placement.~~

~~(4) The child placing agency shall encourage contacts between parent(s) or legal guardian(s) and children after placement, in accordance with the case plan.~~

~~(5) The child placing agency shall have a signed agreement with the parent(s) or legal guardian(s) of the child in care which includes, but is not limited to, the expectations and responsibilities of the child placing agency and the parent(s) or legal guardian(s) for carrying out the steps to meet the case plan goals, the financial arrangements for the child in care, and visitation plans.~~

~~G. Services to Unmarried Parents~~

~~(1) Upon request, the child placing agency shall make counseling services available to unmarried parents considering adoptive placement both prior to and after the birth of the child.~~

~~(2) After the birth of the child, counseling services shall continue for a reasonable period of time to assist the unmarried parent(s) to accept their decision to release the child for adoption or to keep the child.~~

~~H. Selection of Care~~

~~(1) The child placing agency shall select the most appropriate form of substitute care for the child consistent with the child’s and family’s needs. In choosing such care, the child placing agency shall arrange for any specialized services the child may need and shall make every placement effort to select the most appropriate setting for the child and within as close proximity to the family as possible.~~

~~(2) The child placing agency shall select substitute care that has the capacity to assist in the achievement of the steps and goals in the child’s case plan.~~

~~I. Aftercare Service~~

~~(1) The child placing agency shall make supportive services available for children and families for at least six (6) months following an adoption or a child’s return to his/her family in order to strengthen and support new or renewed family functioning.~~

~~(2) The child placing agency shall offer referral services to parent(s) who decide not to place their child.~~

114‑4910. Child Placing Agencies; Definitions and Application Procedures.

A. Definitions

As used in this article unless the context requires otherwise:

(1) “Adoptive home” means a household of one or more persons which has been approved by a child placing agency licensed to provide adoption services or by the Department to accept a child for the purpose of adoption.

(2) “Adoptive parent” means a person who is seeking or has adoptive placement of a child.

(3) “Adoption preservation services” means services provided to help meet the individualized therapeutic or support needs of families, preserve the family unit, enhance stability, prevent dissolution of adoption, and elevate overall family well‑being.

(4) “Agency means a child placing agency.

(5) “Assessment study or home study” means documentation of the assessment of the applicant in a narrative format, completed by a certified investigator, or other person approved by the department.

(6) “Case plan” means a written document that is developed by the Department or Agency, in cooperation with the family, based upon an assessment of the circumstances which required child welfare intervention, and that identifies goals to be achieved and the specific services to be provided. The child’s case plan is the portion of the plan that identifies a child’s specific needs and services and includes the permanency and visitation plan.

(7) “Caseworker” means a person employed by the Agency or Department who has a minimum of a Baccalaureate or an Associate degree and related human services experience.

(8) “Casework Supervisor” means a person who has a a Baccalaureate in a related human services field approved by the Agency or Department with a minimum of two years of directly related child welfare experience.

(9) “Certified adoption investigator” means an individual, self‑employed or employed by an agency, corporation, or association who prepares a document addressing issues of concern and information necessary for a court to make a decision in adoption matters and is certified pursuant to applicable statutes and regulations.

(10) “Child” means a person under eighteen years of age or under twenty‑one years of age if the person meets requirements of Title 63, Chapter 7, Article 8.

(11) “Child placing agency” means any person or entity who holds legal or physical custody of a child for the purpose of placement of children for adoption. A person or entity who offers services for compensation where the intent of those services is to arrange or secure adoptions must be considered “facilitating the placement of children for adoption,” whether those services constitute counseling, referrals, searches, or any other form of adoption services. However, an attorney engaged in the practice of law who represents a client in an adoption or who otherwise facilitates an adoption in the course of that practice is exempt from this definition. A child placing agency is also any person or entity engaged in the business of certifying foster family homes for licensure in accordance with the Department’s standards and receiving such children for care and maintenance.

(12) “Client” means the person to whom a child placing agency is providing services. This includes, but is not limited to children, foster parents, biological parents, and adoptive parents.

(13) “Commissioner or director” means the chief administrator of the Department of Social Services.

(14) “Department” means the Department of Social Services.

(15) “Foster Family home” means a private home of an individual or family that is licensed by the Department or in accordance with the Department’s standards 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 to be a foster parent that the Department deems capable of adhering to the reasonable and prudent parent standard defined in Section 63‑7‑20(24); that provides 24‑hour substitute are 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 kin, fictive kin, relative, and child‑specific homes.

(16) “Foster home licensing/relicensing study” means an assessment of whether the applicant or licensee meets foster home regulations.

(17) “Foster parent” means an individual who is licensed by the Department or an Agency to provide foster family care for children.

(18) “Person” means an individual, partnership, joint stock company, business trust, voluntary association, corporation, governmental organization, court operated program or any other type of organization or profit or nonprofit business enterprise.

(19) “Post placement services” means to provide support, education, and assistance to the family from the time of adoptive placement through consummation.

(20) “Substitute care” means twenty‑four (24) hour care provided to a child who must be separated from his/her own family/parents for a specific purpose and for a planned period of time. This could take the form of a foster family home, group home, childcare facility, emergency shelter, residential treatment program, independent living program, wilderness camp or maternity home.

(21) “Therapeutic foster care” means a treatment focused form of foster care provided in a foster family home by trained caregivers for children and adolescents with serious emotional, behavioral, or medical needs that can be met with community based supportive services.

B. Application Procedures for Licensure

(1) Applications for licensure as a child placing agency shall be made on forms prescribed and furnished by the Department.

(2) All applications and supporting documentation shall be considered public information, with the exception of personal identifying information or other private information on Agency personnel.

(3) An application is not considered complete unless all required supporting documentation is attached. Failure to supply all required documentation may result in denial of a license.

C. Procedure for Licensure. With the initial application for a license, the following information shall be forwarded to the Department:

(1) Statement of Purpose: The child placing agency shall submit to the Department a written statement which shall contain a description of the geographical area to be served and the specific services to be provided. The statement shall be available to the referral sources and the public on request.

(2) A copy of its charter, if applicable.

(3) Governance.

(a) A copy of the bylaws and/or statute by which the agency was created;

(b) A list of officers and Board or Advisory Committee members and their addresses.

(4) Personnel.

(a) A list of job descriptions of administrative and program staff shall be submitted to the Department;

(b) A list of Certified Adoption Investigators who will be utilized or employed by the child placing agency shall be submitted to the Department;

(c) A copy of resumes for program staff.

(5) A copy of the proposed/current procedural manuals shall be submitted to outline policies including, but not limited to, the following areas:

(a) Finance;

(b) Personnel;

(c) Intake and content of records for planning and caring for children;

(d) Placement, and postplacement services to children, foster families, adoptive families and biological parents, if applicable;

(e) Recruitment for both foster and/or adoptive homes;

(f) Assessment study formats as approved by the Department;

(g) Qualification criteria for foster and/or adoptive families;

(h) Procedures for closing cases;

(i) Schedule of payment for services for those Agencies offering adoption services;

(j) Copies of all forms used by the child placing agency in the foster care and adoption process i.e., application, financial forms, medicals, renewal, etc.

(k) Statement of clients’ rights.

(6) Background checks in accordance with Section 63‑11‑70.

114‑4920. Administration and Organization of Child Placing Agencies.

A. Administration

(1) The child placing agency shall meet the following requirements:

(a) Have an office and staff located within the state, or within a twenty five (25) mile radius, and

(b) Shall be incorporated in South Carolina, or shall be lawfully doing business in this state in accordance with all applicable statutes and regulations.

(2) When the corporate offices of a child placing agency are located out of state:

(a) There shall be a local advisory board composed of residents of South Carolina;

(b) If the corporate office is licensed by the State in which it is located, a copy of this license shall be submitted to the Department at the time of issuance and at the time of each renewal thereafter;

(c) Documentation shall be provided as to the supervision and evaluation of the South Carolina office by the corporate office.

B. Governance. The child placing agency shall have a governing body of the Agency and the governing body shall exercise authority over and have responsibility for the operation, policy, and practices.

C. Organization Chart

(1) The child placing agency shall maintain a current organizational chart showing the administrative structure and staffing, including the lines of authority.

(2) A copy of this shall be submitted to the Department at the time of licensing, re‑licensing, and within 5 days of any leadership change.

D. Fees and Payments

(1) If fees are charged, the child placing agency shall have a written policy on fees for services which shall be submitted to the Department.

(2) A copy of the foster or adoptive parent payment schedule shall be submitted to the Department.

(3) The child placing agency shall provide the Department, foster parent(s), or adoptive parent(s) with written notification of changes in the payment schedule ninety (90) days prior to the implementation of any change.

E. Monitoring Child Placing Agencies

(1) The Department shall monitor all child placing agencies. The Department reserves the right as part of its monitoring function to visit the individual foster, group and adoptive homes as well as the primary offices of the child placing agency.

(2) Child placing agencies shall monitor all of their licensed foster homes and adoptive homes for compliance with the regulations established by the Department.

114‑4930. Requirements for Licenses and Types of Licenses.

A. Application. After the receipt of the application for licensure/relicensure by the Agency, the Department shall initiate a licensing study within two (2) weeks and shall complete the assessment within ninety (90) days.

B. Issuance. Upon completion and submission of the licensing/relicensing study to the Department, the Department shall issue a Standard license or a Standard License with Temporary Waiver or deny the application/reapplication.

C. Display of License. The license is the property of the Department and shall be prominently displayed at all times by the Agency.

D. Compliance. Any child placing agency which operates any form of child care program, whether day care or residential in nature, must comply with all applicable State regulatory requirements for that type of child care program.

E. Standard License. The Department shall issue a Standard License when a child placing agency meets all the regulations. A Standard License is in effect for one (1) year from the date of issuance unless cancelled, modified to a Standard License with Temporary Waiver, revoked or suspended.

F. Standard License with Temporary Waiver

(1) The Department may grant a Standard License with Temporary Waiver to a child placing agency that is temporarily unable to comply with a regulations, provided the health and safety of children would not be endangered, and the health and safety of clients would not be adversely affected.

(2) The licensee shall have a written plan, approved by the Department, to correct the areas of noncompliance within the probationary period.

(3) A Standard License with Temporary Waiver may be issued for a period not to exceed 90 days, but only to an Agency that is otherwise in good standing and that currently holds a license or is in the re‑licensing process.

(4) A Temporary License that states the condition of the probation may be issued at any time; provided, however, that a Temporary License may only be issued when the Department is satisfied that:

(a) The regulations can and will be met within a reasonable time, and;

(b) The deviations do not seriously threaten the health and safety of children, or otherwise adversely affect clients.

(5) Any existing license is invalid when a Standard License with Temporary Waiver is issued.

(6) At the expiration of the Standard License with Temporary Waiver, for good cause shown, the Department may extend the period for an additional 90 days, provided the extension would not endanger the health and safety of children, or otherwise adversely affect clients.

(7) To change the status from a Standard License with Temporary Waiver to a Standard License, the Agency shall submit written notification and evidence that noted deficiencies have been corrected within the time frame specified by the Department.

(8) After the Department determines that the areas of noncompliance have been corrected, a Standard License shall be issued.

G. Denial or Revocation of a License

(1) Any of the following actions by a child placing agency or any employee thereof may be grounds for denial or revocation of a license:

(a) An intentional act or omission violating the South Carolina Child Protection Act, or any other act or omission in violation of professional social work standards and threatening the health or safety of clients;

(b) A violation of the provisions of Sections 63‑11‑10 through 63‑11‑90 or any regulation pursuant to that law, or any violation of the adoption law or its regulations;

(c) The employment of any individual who has been determined to have committed any act referenced in Regulation 114‑4910 C(6) of these regulations, where that individual has direct contact with children as a result of employment. However, the child placing agency may request a waiver of this requirement. The individual must submit written documentation regarding the type of rehabilitation program they might have undergone and the effects of the rehabilitative efforts on their behavior/lives. An evaluation by the involved counselor or therapist must also be submitted to the Department. The Commissioner or his designated representative(s) will review this data and determine if a license can be issued;

(d) A failure to comply with licensing regulations with a determination by the Department that compliance cannot be accomplished within established or reasonable time limits;

(e) False information given during the application or relicensing process;

(f) Material misrepresentations to clients during the course of child placing agency business;

(g) A judicial determination of a violation of the South Carolina Unfair Trade Practices Act;

(2) The decision to deny or revoke a license is made by the Department.

(3) A license that has been revoked must be returned to the Department within ten (10) working days.

H. Appeal of Denial of Application or Revocation of a Child Placing Agency License

(1) Any child placing agency whose application has been denied or whose license has been revoked may request a hearing in accordance with the Department’s fair hearing regulations. Any judicial review of a final agency decision shall be based upon a review of the administrative hearing record, rather than a trial de novo. The Department will be responsible for documenting violations which warrant denial of an application/revocation of a license. If the Department is not represented by an attorney, the Department staff will be responsible for presenting the case, cross examining witnesses, etc.

(2) If the child placing agency does not appeal a denial or revocation within thirty (30) days, the Department’s decision becomes final and the Department may proceed to require immediate cessation of business by the child placing agency, including injunctive relief when necessary. Where harm to clients is imminent, the Department may proceed to seek an injunction prior to the expiration of thirty (30) days.

I. License Amendments

(1) Amendments must be requested in writing to the Department prior to a change in location or name change.

(2) Upon receipt and approval of the amendment, a new license shall be issued within thirty (30) calendar days. The original license must be returned to the Department within 30 calendar days after receipt of the new license.

114‑4940. Relicensing Procedures.

A. Renewal Process. Each year, all licensed child placing agencies shall receive written notification from the Department within ninety (90) days prior to the renewal date of the license. Where the Department has failed to so notify, the license shall be valid for an additional ninety (90) days from the date of actual notification, unless the license is revoked for other reasons.

B. Application Requirements. When the child placing agency submits an application for renewal prior to the current expiration date, the current license shall remain in effect until the Department issues a new license or denies the renewal application. An application is not considered complete unless all required supporting documentation is attached. Failure to supply all required documentation may result in denial of a license. The complete relicensing application shall be submitted to the Department at least 30 calendar days prior to the expiration date of the current license.

C. Application Content. The following information shall be submitted to the Department along with the application for renewal:

(1) DSS Form 1536, Original Licensing/Relicensing/Changes for Residential Facility and Child Placing Agency Form;

(2) DSS Form 1520, Annual Report of Children Under Care or Supervision of Licensed Child Placing Agencies;

(3) Copy of the financial report certified by a Certified Public Accountant (CPA) for the fiscal year prior to current licensing period;

(4) A list of job descriptions including qualifications of current administrative and program staff;

(5) For any new program staff since the previous licensing/relicensing, a statement complying with Regulation 114‑4910 C(6);

(6) A written report of any major changes in programming since the last license was issued or any changes planned for the new license period;

(7) All fee schedules, for Agencies engaged in the business of adoptions.

114‑4950. Confidentiality Requirements.

A. Child placing agencies and their personnel are subject to Sections 63‑7‑1990 and 63‑9‑780.

B. Except as provided below, without written consent of the parent or legal guardian of the child, no officer, agency or employee of the Department or of a licensed facility, agency, group home or foster home shall directly or indirectly disclose personally identifiable information learned about the children placed in their care, their parents, or relatives or other persons having custody or control of them. Such information must be made available upon written request to appropriate Department staff, local child protection agencies, ombudsman of the Governor’s office, Foster Care Review Board, person or agency having legal responsibility or authorization to care for, treat, or supervise the child or the child’s family, multidisciplinary evaluation teams impaneled by agencies, and law enforcement agencies investigating suspected cases of abuse and neglect, family court, the child, his parents, guardian, or adoptive parents, child’s guardian ad litem or attorney.

114‑4960. Personnel Requirements.

A. Policies and Practices

(1) The child placing agency shall make available written personnel procedures and practices conducive to recruitment, retention, and effective performance by qualified personnel. These procedures and practices shall include, but not be limited to the following:

(a) Written job descriptions and titles for each position defining the qualifications, duties, and lines of authority;

(b) Provisions for activities which shall encourage professional growth through supervision, orientation, in‑service training, and staff development;

(c) An evaluation of job performance at the end of a probationary period and at least annually thereafter for each staff member.

(2) A personnel file shall be maintained for each employee which includes, but is not limited to:

(a) The application for employment, including record of previous employment, social security number, personal information;

(b) Copies of background checks specified in Regulation 114‑4910(C)(6);

(c) Qualifications for position;

(d) Required and up to date professional credentials/certifications;

(e) Copy of annual job performance evaluations;

(f) Training records and conferences attended including dates and topics;

(g) Commendations, disciplinary notices;

(h) Date(s) of employment and termination date(s);

(i) Reason(s) for termination;

(j) Forwarding address of former employer, if available;

(3) The personnel file of all employees who leave the Agency shall be maintained for a period of at least 3 years.

B. Staff Functions and Qualifications

(1) Staff shall be employed who have education, training and experience to equip them for duties assigned. An adequate number of staff shall be employed to perform administrative, supervisory and child care functions.

(2) The Agency must ensure all staff and volunteers are in compliance with the background check requirements set forth in Regulation 114‑4910(C)(6).

(3) Agencies operating multistate programs under the supervision of an Executive Director shall serve or employ an assistant Director to whom the responsibility for administration of the South Carolina program shall be delegated.

(4) The Executive Director or Assistant Director shall have as a minimum a Bachelor’s Degree and two years administrative experience in the field of human services.

(5) The Executive Director or the Assistant Director shall:

(a) Be a full‑time resident of the State of South Carolina or a resident of a city located within twenty five (25) miles of the State’s border;

(b) Be responsible for administration of policies and procedures established by the Board for operation of the Agency;

(c) Be responsible for preparation, or assisting in the preparation of the annual budget, and control of expenditures according to budget allowance;

(d) Be responsible for personnel matters including hiring, assigning duties, in‑service training, supervision, evaluation of staff and terminations;

(e) Be responsible for professional leadership and technical consultation to the Board, and for periodic evaluations of the Agency’s performance in terms of the conditions of licensure;

(f) Represent the Agency in the community, maintain a good working relationship with other social agencies, services and resources within the community;

(g) Shall demonstrate through confidential references, an acceptable professional standard of ability and integrity. In determining the qualifications of the Director, the Department may inquire into relevant information concerning the Director’s background, including but not limited to inquiries into complaints of unprofessional and unethical conduct.

(6) There shall be at least one Casework Supervisor. The Executive Director or assistant Director may perform this function if qualified.

(7) There shall be a minimum of one Casework Supervisor for every eight (8) Caseworkers.

(8) There shall be sufficient clerical staff to keep correspondence, records, bookkeeping and files current and in good order.

C. Staffing Requirements. Each supervisor shall be responsible for no more than eight (8) caseworkers. Caseworker’s caseloads shall be limited to allow for all the required contacts with the children, biological families, foster families, adoptive families, and collateral parties.

D. Staff Development

(1) The child placing agency shall have a written plan for the orientation, ongoing training and development of all staff members.

(2) The child placing agency shall ensure that placement supervisors and child placement workers receive at least ten hours of training activities during each full year of employment. Activities related to supervision of the staff member’s routine tasks shall not be considered training activities for the purpose of this requirement.

E. Volunteers

(1) A child placing agency which utilizes volunteers on a regular basis shall:

(a) Develop a description of duties and specify responsibilities for volunteer positions;

(b) Designate a staff member to supervise and evaluate volunteers;

(c) Have volunteers sign a statement indicating their understanding and compliance with confidentiality requirements.

(2) If volunteers are working directly with children, they shall:

(a) Be oriented and trained in the philosophy of the agency, the needs of the children served, the needs of their families, and the methods of meeting these needs.

(b) Be subject to background checks as stated in Regulation 114‑4910(C)(6);

(c) Be instructed as to their specific duties and be informed of a child’s special needs as appropriate.

(3) Records shall be kept on the hours and activities of volunteers.

F. Certification Requirements. All certified Adoption Investigators and persons certified to take relinquishments must meet the requirements of Section 63‑9‑360.

114‑4970. Child Placing Agency Records.

A. Child’s Record

(1) The Agency shall maintain a case record for each child or sibling group placed in a foster family home or adoptive home which shall be kept up to date and include information required by the contract with the Department, including, but not limited to:

(a) Demographic information including the name, gender, race, date of birth, and placement address;

(b) The name, address, telephone number, and marital status of the parent(s) or guardian(s) of the child;

(c) Collateral information, to the extent available, such as:

i. Name and placement of siblings;

ii. Name, address, and telephone number of birth parents and other significant kin and fictive kin;

iii. Records from the Department, including copies of legal documents of importance to the child, such as birth records, and court dispositions, and the portions of the case plan related to the child, including visitation and permanency plans;

iv. Medical records, mental health records, service provider records, and educational records; and

v. Name, address, and telephone number of caseworker/supervisor for the child.

(d) Documentation of services provided to the child during placement, such as:

i. Assessments and evaluations;

ii. Progress summary/case notes;

iii. Critical incident reports;

iv. Discharge summary that shows services provided to the child during placement, the growth and accomplishments of the child during placement, and recommendations for continued services/care after the child is discharged; and

v. The circumstances leading to the decision to place a child in substitute care or into an adoptive home, the agency’s involvement with the parents or legal guardians, including services offered, delivered, or declined.

(e) Agencies providing adoption services must have written policies specifying the timeframe for retention, location, and storage of all documentation related to adoption services, such as birth family information and after care services, and reports prepared pursuant to Section 63‑9‑520. These policies and procedures must also specify how adoptees or their parents may access records.

(2) The child placing agency shall ensure that there shall be a report pursuant to Section 63‑9‑520 prior to the finalization of adoption.

B. Birth Family Records Maintained by Agencies Providing Adoption Services

(1) The child placing agency shall maintain a record of the family of every child whom the Agency places into care which contains:

(a) Demographic information including address, birth dates, race, religion, family composition, and significant others;

(b) The social history, including any psychological or psychiatric reports and medical histories;

(c) Strengths and needs of the family and the services required;

(d) Worker’s assessment and initial case plan;

(e) Signed agreements between the child placing agency and family or the Department;

(f) Summary of dates of contact and progress toward goals;

(g) Case review reports; and

(h) Discharge summary.

(2) The child placing agency shall keep all records current and shall record the following events within thirty (30) days of occurrence: intake study, case plan, reviews, and major events in the lives of the child or family members.

C. Foster Home Records. The child placing agency shall keep separate records for each foster home which contain:

(1) The application;

(2) Assessment Study/Home Study;

(3) Background check reports required by Regulation 114‑4910(C)(6);

(4) Summary of dates and content of Agency worker’s contacts;

(5) References from at least three sources;

(6) Annual assessment of strengths and weaknesses of the foster family relative to the care of individual children placed with them;

(7) Annual relicensing assessment study and reports connected with compliance with foster home regulations;

(8) Summary of the care given by the family, children placed, dates admitted and discharged from care; and

(9) A termination summary for homes which are closed containing the reasons for the closing;

(10) Any fire or health records otherwise required by law or regulation for foster homes.

D. Adoptive Study Records

(1) Any child placing agency providing adoption services shall keep separate records for each adoptive family which contains:

(a) The application;

(b) The adoptive assessment study;

(c) Current medical records of the family;

(d) References from at least three sources;

(e) A summary of contacts following approval for adoption until placement of a child;

(f) Summary containing the placement decision, pre‑placement and post‑placement contacts with the adoptive child.

(2) In the event a family was not accepted or did not have a child placed with them, a narrative clearly indicating the reason and the manner in which the decision was presented to the family shall be made a part of the record prior to case closure.

114‑4980. Procedures and Practices of Child Placing Agencies.

A. Foster Home Licensing

(1) Child placing agency foster homes shall be licensed/relicensed in accordance with R. 114‑550.

(2) The child placing agency shall complete a home study using the Department’s home study guide and record the assessment/home study in the Agency’s foster home records. The home study must be written by a Certified Investigator.

(3) The child placing agency shall notify the affected person in writing if a license is being denied, revoked, or not renewed. The affected person is entitled to appeal such adverse decisions through the Department’s fair hearing procedures. Child placing agencies must participate and cooperate in the fair hearing process until final disposition.

(4) Foster Home Relicensing

(a) Foster family homes shall be relicensed in accordance with Regulation 114‑550;

(b) The Department may issue, deny or revoke a license based on the relicensing assessment study.

B. Monitoring Foster Homes

(1) The child placing agency shall monitor its licensed foster homes for compliance with the foster home regulations established by the Department.

(2) When a complaint is received that may indicate possible violations of foster home regulations, the child placing agency shall:

(a) Conduct an investigation to assess the complaint;

(b) Send a written report to the foster home stating findings, conclusions, and any anticipated actions;

(c) Notify the Department, in writing, of the complaint and pertinent information including, but not limited to, findings, conclusions, and any anticipated actions; and

(d) Report any suspected cases of abuse or neglect as required by law.

C. Amendments to and Revocation of a Foster Family Home License

(1) The child placing agency shall utilize the regulations established by the Department whenever there is an amendment to the foster home license.

(2) In the event a child placing agency needs to revoke a foster family home license, the child placing agency shall document violations of any and all regulations, stating with specificity, any regulatory violations informing the decision to revoke.

D. Selection of a Foster Family Home

(1) Through matching, the child placing agency shall select a family for a child’s placement, consistent with the family assessment, the child’s needs, and the terms of the license.

(2) The child placing agency shall not place children in foster homes licensed by another entity without written permission of that entity and the Department.

(3) At the time of referral, the child placing agency shall review all information provided, assess the needs and strengths of the child, and through the matching process, select the child’s placement with a foster and/or adoptive family.

(4) Once a placement is made, the child placing agency shall not move a child to a different foster family home without the express permission of the Department.

(5) The child placing agency shall identify the most appropriate foster family home or adoptive home placement for the child, consistent with the child’s needs and the skills and abilities of the foster or adoptive parent to assist in the achievement of goals in the child’s case plan.

(6) The Department approves all (initial and subsequent) placement recommendations.

(7) The child placing agency shall make every effort to place a child in a home within close proximity to the child’s family.

(8) The child placing agency shall make every effort to place siblings together or in close proximity to each other.

(5) The child placing agency shall recommend and assist in identifying specialized services the child may need while in placement.

(9) The child placing agency shall adhere to Interstate Compact on the Placement of Children rules and regulations when placing a child for adoption.

E. Case Plan

(1) At the time of placement, the Department shall provide the child placing agency with the portion of the case plan that identifies the child’s specific needs and services and includes the permanency and visitation plan.

(2) For children receiving Therapeutic Foster Care, the child placing agency shall develop a case plan for the child in accordance with the Department’s standards for identified treatment services and needs within 30 days of placement.

(3) Prior to accepting a child for adoptive placement, a child placement agency shall secure from the parents, guardians, or agency having custody, written authority to place the child for adoption.

(4) Prior to placing a child in a foster family home, the child placing agency shall secure written authorization from the Department to provide routine medical care and to sign educational plans. Prior to accepting a child for adoptive placement, a child placing agency shall secure from the parents, guardians, or agency having custody, written authority to provide routine medical care and to sign educational plans.

(5) Child placing agencies that provide adoptive services shall help the parents or legal guardians to understand the legal rights and obligations that they retain and those that are delegated to the child placing agency, and shall document this explanation in writing.

F. Supervision and Review of the Case Plan

(1) The child placing agency shall participate, as determined by the Department, in case plan reviews of children placed in the Agency’s foster family homes.

(2) Child placing agencies providing therapeutic foster care shall conduct case plans reviews following standards determined by the Department.

(3) The parent(s) and the child shall participate in these reviews.

G. Adoptive Services

(1) Child placing agencies providing adoption services shall provide information to prospective adoptive parent(s) about the adoption process, the agency’s policies and practices, legal procedures, adoptive record content, types of children available, the fees, structure and the availability of subsidy.

(2) Adoptive Home Application

(a) The child placing agency shall provide an application form for prospective adoptive parent(s);

(b) The child placing agency in response to an application for adoption and acceptable screening interview shall conduct an adoptive study to assess the applicant(s) appropriateness to be an adoptive parent(s).

(3) Adoptive Study/Adoptive Home Assessment

(a) The child placing agency shall include in any home study at least two (2) face‑ to‑ face interviews in the family’s home. Separate face‑to‑face interviews with each member of the household must be conducted. The study process shall be a joint effort of the child placing agency and the applicant(s).

(b) The child placing agency shall also study the following areas and shall record the information in the adoptive applicant(s) record:

i. Motivation for adoption;

ii. Strengths and weaknesses of each member of the household;

iii. The attitudes and feelings of the family, extended family, and significant others involved with the family toward accepting adoptive children, and parenting children who are not born to them;

iv. Attitudes of the applicant(s) toward the birth parent(s) and the reason(s) the child is in need of adoption;

v. The applicant’s plan for discussing adoption with the child;

vi. Record of arrests and criminal convictions and checks with the Central Registry for Child Abuse and Neglect.

vii. Adjustment of birth children, foster children or previously adopted children, including school reports, if applicable;

viii. A report of a physical examination for members of the adoptive family living in the household within six (6) months of the study which verifies that each person suffers no communicable disease, specific illness, or disabilities which would interfere with the family’s ability to parent a child;

ix. Ability to provide financially for the child or children to be adopted with or without agency financial assistance through adoption subsidy;

x. Personal and community character references;

xi. Religious orientation, if any;

xii. Location and physical environment of the home;

xiii. Plan for child care if parent(s) work; and

xiv. Recommendations for adoption in regard to number, age, sex, characteristics, and special needs of children best served by the family.

(4) Notification Regarding Application

(a) The child placing agency shall notify applicant(s) in writing within thirty (30) days of completion of the adoption investigation of the acceptance or denial of their application;

(b) When applicant(s) are not accepted, the child placing agency shall inform them of the reasons why the application is denied.

(5) Service to Adoptive Parent(s)

(a) The child placing agency shall prepare the adoptive family for the placement of a particular child. Preparation shall include:

i. Information about the needs, characteristics, expectations of the child, the child’s biological family and foster family, excluding identifying information on the child’s biological family;

ii. Review of medical histories of the child and of the child’s biological family; and

iii. Visits with the child prior to placement, where age appropriate to the child.

(b) The case worker must make monthly in person contact with the child and family until a final decree of adoption is entered.

(c) A child must be in the physical placement with the adoptive family for a period of 90 days unless the family court finds there is good cause for modifying the time within which the final adoption hearing may be held.

(d) If the Agency is monitoring a child that has been placed by another State’s child welfare system, a minimum of 6 months monitoring is required before recommending final adoption.

H. Services to Families

(1) The child placing agency shall make appropriate agency services available to parent(s). When custody of the child is held by another agency, these services may only be made available upon that agency’s approval.

(2) The child placing agency shall make every reasonable effort to help the parent(s) to assume or to prepare them to resume their parental roles and responsibilities.

(3) The child placing agency shall help the family gain access to the services necessary to preserve and strengthen the family and to accomplish the case plan goals. While the child is in care, the child placing agency shall assist parent(s) or legal guardian(s) with the problems and needs that led to the necessity for placement.

(4) The child placing agency shall encourage contacts between parent(s) or legal guardian(s) and children after placement, in accordance with the case plan.

(5) The child placing agency shall have a signed agreement with the parent(s) or legal guardian(s) of the child in care which includes, but is not limited to, the expectations and responsibilities of the child placing agency and the parent(s) or legal guardian(s) for carrying out the steps to meet the case plan goals, the financial arrangements for the child in care, and visitation plans.

I. Services to Unmarried Parents

(1) Upon request, the child placing agency shall make counseling services available to unmarried parents considering adoptive placement both prior to and after the birth of the child.

(2) After the birth of the child, counseling services shall continue for a reasonable period of time to assist the unmarried parent(s) to accept their decision to release the child for adoption or to keep the child.

J. Adoption Preservation Services

(1) Upon request of the adoptive family, the child placing agency must provide adoption preservation services to all families for which the Agency provided adoption services until the child reaches age 21.

(2) The child placing agency must provide the Department with the following information:

(a) The location of any stored adoption records and the location where records will be stored upon closure of the child placing agency;

(b) Policies and procedures for adoptees, adoptive families, and birth parents to access adoption records.

(3) Adoption records must be retained in accordance with the Department’s retention procedures.

K. Pre and Post Adoption Support of Children Adopted from Out‑of‑State Child Welfare Systems

(1) An Agency that facilitates the placement of out‑of‑state foster children into the adoptive homes of South Carolina residents via the Interstate Compact on the Placement of Children must provide to the Department a written assurance of the Agency’s agreement to provide pre and post adoption support to prevent disruption or dissolution of adoption.

(2) The Agency is responsible for developing and implementing a case plan to prevent disruption or dissolution of adoption. The Agency is financially responsible for the provision of any necessary services. Financial responsibility may include the costs of out‑of‑home placement or foster care, medical expenses, educational support, and other costs as necessary to achieve permanency and stability for the child.

(3) The Agency must report any disruption or dissolution of an adoption under this subsection within 24 hours of the occurrence. The Agency must provide a case plan for the provision of ongoing services and support, including financial support, within 7 days of a disruption or dissolution of adoption.

(4) The Department will not approve a prospective adoptive parent to whom this subsection applies as being able to meet the needs of a child, including the child’s safety, permanency, health, well‑being, and mental, emotional, and physical development, in the absence of the Agency’s assurance through a written agreement with the Department to provide pre and post adoption services and supports as outlined in this subsection.

(5) An Agency’s failure to provide services and supports as outlined in this subsection may subject the Agency to penalties including license revocation, license suspension, and fines.

**Fiscal Impact Statement:**

The Department of Social Services estimates there will be no additional costs incurred by the State and its political subdivisions due to the promulgation of the proposed regulations.

**Statement of Rationale:**

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 agencies and institutions engaged in the business of receiving children for care and maintenance related to foster care and adoption. The regulations governing licensing standards for child placing agencies (South Carolina Code of Regulations 114‑4910, 4920, 4930, 4940, 4950, 4960, 4970, and 4980) are being amended to make updates necessary to meet the current needs of the State’s foster care and adoption systems. The proposed regulations set standards for child placing agencies that will further the States interest in ensuring safe, stable, and appropriate foster family and adoptive home placement for children.