

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

SESSION LAW 2023-82
HOUSE BILL 815

AN ACT TO ALLOW ONE CHILD OR SIBLINGS IN FOSTER CARE TO BE PLACED IN A FAMILY FOSTER HOME IF THE FOSTER FAMILY HAS FIVE BIOLOGICAL CHILDREN.

The General Assembly of North Carolina enacts:

SECTION 1. Article 1A of Chapter 131D of the General Statutes is amended by adding a new section to read:

"§ 131D-10.2C. Allowable number of children in family foster home.

(a) Except as provided in subsection (b) of this section, no more than five children shall reside in any family foster home at any time. These five children include the foster parent's own children, children placed for family foster care, licensed capacity for in-home day care children, children kept for babysitting, or any other children residing in the home. Children kept for in-home day care and babysitting are considered residents of the home.

(b) A family foster home may have more than five children if one of the following exceptions applies:

(1) If written documentation is submitted to the licensing authority for family foster care that siblings will be placed together and the foster home complies with all other licensure requirements. The out-of-home family services agreement for each sibling shall specify that siblings will be placed together and shall also address the foster parents' skill, stamina, and ability to care for the children.

(2) A family foster home that would otherwise qualify for family foster home licensure or placement of one child or siblings in foster care, but does not qualify solely due to the presence five children in the home, shall be eligible for licensure as a family foster home or placement of a child or siblings in foster care. Written documentation must be submitted to the licensing authority that siblings will be placed together to allow more than five children to be placed in the foster home under this section. The out-of-home family services agreement for each sibling shall specify that siblings will be placed together. Any family foster home qualifying for placement of more than five children under this section shall meet all other licensure requirements."

SECTION 2. The Social Services Commission shall adopt temporary rules to implement G.S. 131D-10.2C, as enacted by Section 1 of this act. Temporary rules adopted in accordance with this section shall remain in effect until permanent rules that replace the temporary rules become effective.

SECTION 3. If necessary to implement G.S. 131D-10.2C, as enacted by Section 1 of this act, the Department of Health and Human Services, Division of Social Services, or appropriate agency must submit an amended State Plan to the United States Secretary of Health and Human Services for approval in accordance with 42 U.S.C. § 671 to maintain federal funding for foster care maintenance payments.



SECTION 4. Section 1 of this act becomes effective on October 1, 2023, if a State Plan amendment is not necessary to implement G.S. 131D-10.2C, as enacted in Section 1 of this act. Section 1 of this act becomes effective on the date that the amended family foster care home rule is approved by the United States Secretary of Health and Human Services in accordance with Section 3 of this act, if applicable, to implement G.S. 131D-10.2C, as enacted in Section 1 of this act. The Secretary of the North Carolina Department of Health and Human Services shall report to the Revisor of Statutes the applicable effective date once known. The remainder of this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 28th day of June, 2023.

s/ Phil Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Roy Cooper
Governor

Approved 12:55 p.m. this 7th day of July, 2023