

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 815
Committee Substitute Favorable 5/2/23

Short Title: The Loving Homes Act.

(Public)

Sponsors:

Referred to:

April 19, 2023

A BILL TO BE ENTITLED
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.



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

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