

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 815

Short Title: The Loving Homes Act. (Public)

Sponsors: Representatives Chesser, Loftis, Reeder, and Willingham (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Health, if favorable, Families, Children, and Aging Policy, if favorable, Rules,
Calendar, and Operations of the House

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 apply:

(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



1 accordance with this subsection shall remain in effect until permanent rules that replace the
2 temporary rules become effective.

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

8 **SECTION 4.** Section 1 becomes effective on October 1, 2023, if a State Plan
9 amendment is not necessary to implement G.S. 131D-10.2C, as enacted in Section 1 of this act.
10 If the submittance of a State Plan amendment is necessary to implement G.S. 131D-10.2C, as
11 enacted in Section 1 of this act, then Section 1 is effective on the date that the family foster care
12 home rule is changed, as approved by the United States Secretary of Health and Human Services
13 in accordance Section 3 of this act. The Secretary of Department of Health and Human Services
14 shall report to the Revisor of Statutes when the family foster care home is changed under this act,
15 if approved by State Plan amendment and the specific date approved for that change, or on
16 October 1, 2023, as applicable. The remainder of this act is effective when it becomes law.