



HENRY McMASTER, GOVERNOR  
MICHAEL LEACH, STATE DIRECTOR

October 8, 2021

To: Child Placing Agency's, Foster and Adoptive Families

From: Dawn Barton, Director of Permanency Management

Re: New Foster and Adoptive Home Regulations

### **Background**

On February 9, 2018, President Trump signed into law the bipartisan Family First Prevention Services Act (FFPSA) as part of Division E in the Bipartisan Budget Act of 2018 (H.R. 1892). Family First includes long-overdue historic reforms to help keep children safely with their families and avoid the traumatic experience of entering foster care, emphasizes the importance of children growing up in families, and helps ensure children are placed in the least restrictive, most family-like setting appropriate to their special needs when foster care is needed.

The FFPSA required all States to report to the United States Administration for Children and Families, Children's Bureau (ACF) whether the State's foster family home licensing standards are consistent with model standards identified by the United States Department of Health and Human Services (USDHHS). The model licensing standards published by the USDHHS are designed to be broad and flexible enough to respond to individual circumstances, state and tribal jurisdictions, and help ensure children in out-of-home care have safe and appropriate homes.

To the extent that a State's foster family home licensing standards are inconsistent with the USDHHS model licensing standards, the FFPSA required States to provide an explanation of the deviation to the ACF. In 2019, South Carolina provided an explanation of the State's foster family licensing regulations to the ACF and began a process to bring the State's foster family home licensing standards into alignment with the model licensing standards published by the USDHHS. While South Carolina sought to integrate the USDHHS model licensing standards into the licensing and approval system, the State tailored its regulations to allow flexibilities in a manner that would not compromise the safety and well-being of children in foster care.

Additionally, to enhance consistency in the departmental decisions, South Carolina's foster family home licensing regulations are now also applicable to decisions related to adoptive home approval. The new regulations found at the South Carolina Code of Regulations 114-550 became effective on September 12, 2021 and will be applied to all decisions related to foster family home licensure and adoptive home approval from that date forward.

Over the past few weeks, South Carolina Department of Social Services (SCDSS) has received questions regarding requirements related childhood immunizations and what the SCDSS deems "extenuating circumstances" that may exempt a foster family from immunization requirements. SCDSS also received

questions related to continuing education requirements for adoptive family homes. At this time, SCDSS would like to provide some guidance regarding the interpretation of the applicable regulations.

SCDSS Regulation 114-550(H)(2)

The new childhood immunization regulation reads, “All children who are household members must be current on immunizations jointly recommended by the American Academy of Pediatrics, the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention, and the American Academy of Family Physicians, unless the immunization is contrary to the child’s health as documented by a licensed health care professional or the department determines that other extenuating circumstances exist.”

South Carolina Department of Social Services has decided to implement the following guidelines which are aligned with the South Carolina Department of Health and Environmental Control’s school vaccination requirements and allowed exemptions:

***Medical Exemption***

A Medical Exemption may be granted when a licensed healthcare professional has determined, that a particular vaccine(s) required by this South Carolina Department of Health and Environment Control regulation 61-8 is not advisable. The exemption is granted when the licensed healthcare professional or his/her authorized representative completes and signs the South Carolina Certificate of Immunization containing the Medical Exemption. The licensed healthcare professional must indicate whether the exemption is permanent or temporary. If the exemption is temporary, an updated South Carolina Certificate of Immunization showing proof of immunization must be presented by the end of the exemption period.

***Religious Exemption***

Religious Exemption may be granted to any household member after signing the approved Religious Exemption form that states that one or more immunizations conflicts with their religious beliefs. The Religious Exemption form will be provided by South Carolina Department of Social Services upon request.

***Special Exemption***

South Carolina Department of Social Services will allow for time limited special exemptions that will allow a child to “catch up” on their immunizations or time to allow the family to obtain medical records to provide the immunization history.