

**DSS ADMINISTRATIVE LETTER
CHILD WELFARE SERVICES CWS-AL-02-16**

TO: COUNTY DIRECTORS OF SOCIAL SERVICES

ATTENTION: ALL CHILD WELFARE STAFF

DATE: NOVEMBER 1, 2016

SUBJECT: STATE CHILD WELFARE LEGISLATIVE CHANGES 2016

EFFECTIVE: AS INDIVIDUALLY SIGNED INTO LAW OR EFFECTIVE DATES

I. Intent and Background

The purpose of this Administrative Letter is to provide information regarding legislative changes during the 2016 North Carolina General Assembly's short session that may impact child welfare services. Please discuss any new or revised legislation in its entirety with your agency's attorney(s) or legal staff to understand the impact that each law may have within your county. The Session Laws and all other state statutes can be accessed through the North Carolina General Assembly website (<http://www.ncleg.net>).

The Division will continue to evaluate the implications that these legislative changes may have on policy. Any required changes will be included in the upcoming manual revisions or communicated through regular correspondence.

II. Legislative Summary

Session Law 2016 – 94 - Appropriations

Effective date: Except as otherwise noted, these changes became effective July 1, 2016.

Section 12C.1.(a) – states that the Division shall collaborate with county departments of social services to develop a model of oversight that supports program outcomes and a county's ability to meet performance standards as outlined in the Program Improvement Plan. Oversight may include support for continuous quality improvement, staff training, and data analysis. This provision includes funding for the addition of three Human Services/Planner Evaluator positions within the Division of Social Services to carry out the activities detailed in the plan.

Section 12C.1.(b) – provides that the Division of Social Services shall develop a statewide strategic plan for child welfare services that complements the required federal Program Improvement Plan. The strategic plan is required, at a minimum, to address the findings of the North Carolina Statewide Child Protective Services Evaluation, which was completed and published in March of 2016 (<https://www2.ncdhhs.gov/dss/stats/docs/child%20welfare%20docs/NC%20Statewide%20CPS%20Evaluation%2002-26-16.pdf>), in the areas of county performance, caseload sizes, administrative structure, adequacy of funding, social worker turnover, and monitoring and oversight. The plan is also required to address and ensure that Native American children in the State are served in a culturally appropriate manner, including in placements for adoption and foster care.

Section 12C.1.(c) – provides that the Department of Health and Human Services, Division of Social Services continue toward completion of the child welfare component of the North Carolina Families Accessing Services through Technology (NC FAST) system to bring the state into compliance with the Statewide Information System systemic factor of the Child and Family Services Review (CFSR) and to

ensure that data quality meets federal standards and adequate information is collected and available to counties to assist in tracking children and outcomes across counties. This section of the legislation also states that it is the intention of the General Assembly that the child welfare component of NC FAST be operational by December 31, 2017.

Section 12C.1.(d) – G.S. 7B-101(3) – amended to include potential adoptive parents under the definition of caretaker when a juvenile in the custody of a department of social services is with the potential adoptive parents for a visit or trial placement.

Section 12C.1.(e) – G.S. 7B-302(a1)(1) – amended to include any private child placing agency or adoption agency licensed by the Department of Health and Human Services among those entities to whom the county department of social services shall disclose confidential information in order to protect a juvenile from abuse or neglect.

Section 12C.1.(g) – G.S. 7B-901(c) – amended to include that, in cases where a disposition order places a juvenile in the custody of a county department of social services, unless the court concludes that there is compelling evidence warranting continued reunification efforts, the court shall direct that reasonable efforts for reunification as defined in G.S. 7B-101 shall not be required if the court makes written findings of fact pertaining to: a court of competent jurisdiction has determined that aggravated circumstances exist because the parent has committed or encouraged the commission of, or allowed the continuation of, any of the following upon the juvenile – sexual abuse, chronic physical or emotional abuse, torture, abandonment, chronic or toxic exposure to alcohol or controlled substances that causes impairment of or addiction in the juvenile, or any other act, practice, or conduct that increased the enormity or added to the injurious consequences of the abuse or neglect.

Section 12C.1.(h) – G.S. 7B-906.2 – amended by adding a new subsection to state that concurrent planning shall continue until a permanent plan has been achieved.

Session Law 2016-115 – Unlawful Transfer of Custody of a Minor Child

Effective: Sections 1, 3, and 4 of this act become effective December 1, 2016 and apply to offenses committed on or after that date. The remainder of this act is effective when it becomes law.

Section 1. – G.S. 14-321.2 – created to prohibit a parent to effect or attempt to effect an unlawful transfer of custody of that parent’s minor child, a person to accept or attempt to accept custody pursuant to an unlawful transfer of custody of a minor child, a person to advertise, recruit, or solicit, or to aid, abet, conspire, or seek the assistance of another to advertise, recruit or solicit the unlawful transfer of custody of a minor child. This section further includes definitions of the following terms: “minor child”, “parent”, “relative”, and “unlawful transfer of custody”. Any person who commits an offense under subsection (a) of this section is guilty of a Class A1 misdemeanor. Any person who commits an offense under subsection (a) of this section that results in serious physical injury to the child is guilty of a Class G felony.

Section 2. – G.S. 48-10-101(b) – amended to include computerized systems, electronic mail, internet sites, internet profiles, or any similar medium provided via the internet as “other public medium” through which only county departments of social services, adoption facilitators, or an agency licensed by the Department in this State may advertise that any person or entity will place or accept a child for adoption.

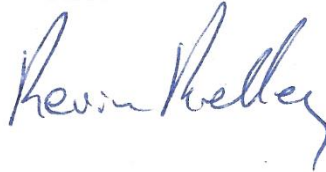
Section 3. – G.S. 7B-101 – amends the definition of neglected juvenile to include children for whom custody has been unlawfully transferred under G.S. 14-321.2.

Section 4. – G.S. 7B-302(a) – amended to specify that when a child protective services report alleges abandonment of a juvenile or unlawful transfer of custody under G.S. 14-321.2, the director shall immediately initiate an assessment and when a report alleges abandonment, the director shall also take appropriate steps to assume temporary custody of the juvenile, and take appropriate steps to secure an order for nonsecure custody of the juvenile.

III. Additional Information

The information above was provided, in part, by Sara de Pasquale of the School of Government at the University of North Carolina at Chapel Hill, via a blog post which summarized the legislation impacting child welfare. The blog can be accessed online at <https://www.sog.unc.edu/blogs/civil-side/2016-legislative-changes-impacting-child-welfare>. The full text of Session Law 2016-94 can be accessed online at <http://www.ncleg.net/Sessions/2015/Bills/House/PDF/H1030v8.pdf>, and the full text of Session Law 2016-115 can be accessed at <http://www.ncleg.net/Sessions/2015/Bills/House/PDF/H424v6.pdf>. If you have any questions about these legislative changes please contact your Children's Program Representative or the Child Welfare Policy Team at (919) 527-6340.

Sincerely,

A handwritten signature in blue ink that reads "Kevin Kelley". The signature is written in a cursive style with a large, stylized initial "K".

Kevin Kelley, Section Chief
Child Welfare Services