CROSS FUNCTION TOPICS: POLICY, PROTOCOL, AND GUIDANCE

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Confidentiality

Definition
Concern for confidentiality exists throughout the social services delivery system. However, system of care emphasizes interagency collaboration. The purpose of this section is to provide guidance surrounding collaboration with the understanding that the provision of child protective services (CPS) involves responsibility for the sensitive management of confidential information. The rationale for stringent confidentiality rules in CPS is concern for the protection of the child. CPS records contain detailed information about child maltreatment, which may include graphic documentation received during CPS assessment activities and verbatim documentation of the child's version of maltreatment. Information provided by the initial reporter, supportive statements from collateral contacts, and other such information is collected because of a thorough CPS assessment by the agency. Families have a right to privacy. More critically, the child has a right to protection from public disclosure of information learned during the CPS assessment. North Carolina General Statute (N.C.G.S.) § 7B-2901, subsections c., d., h., and i., address the confidentiality of protective services records for children in the custody of the Department of Social Services or under placement by the court. N.C.G.S. §108A-80 addresses confidentiality of all social services records. The North Carolina Administrative Code (10A NCAC 70A .0113) specifically defines the conditions under which a director may allow access to a child's protective services record.

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INTERAGENCY SHARING OF INFORMATION ABOUT JUVENILES N.C.G.S. § 7B-302 (a) states that the Department of Social Services (DSS) shall disclose confidential information to any federal, State, or local governmental entity or its agent needing confidential information to protect a juvenile from abuse and neglect. This, along with N.C.G.S § 7B-302 (e), expands the release of confidential information from county held records to qualified **out-of-state** entities and to situations other than an open CPS assessment. A. The county director shall allow the District Attorney or his designee full access, except for any substance abuse patient records covered by 42 CFR Part 2, to the case record as needed to carry out his or her mandated responsibilities that result from a report of confirmed abuse or from the county director's decision not to file a petition. B. When giving or receiving assistance with a case, the agency may share oral or written information with the following:	

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1. Law enforcement officers - when being asked to assist in CPS assessments or when the county director informs them about reports of abuse; 2. The prosecutor - when responding to reports of confirmed abuse; or when providing a summary for a review requested because a petition was not filed; or when necessary to carry out his mandated responsibilities; 3. The court - when an evaluation report is required for a dispositional hearing or at the time of a scheduled review. N.C.G.S. § 7B-801 enables the court to be open for adjudicatory hearings regarding juveniles unless the judge determines that the court should be closed. 4. Public and private mental health providers - when necessary to assist in CPS assessments or CPS In-Home or Out-of-Home services; 5. Public and private health care providers - when necessary to assist in CPS assessments or CPS In-Home or Out-of-Home services; 6. Multidisciplinary teams - such as the Child and Family Teams, Child Fatality Review Team, the Community Child Protection Team, and the Child Fatality Prevention Team that provide case consultation on child abuse, neglect, dependency, or fatalities. (Other agencies such as Mental Health, the Juvenile Court, and schools have multidisciplinary teams as well); 7. Institutional staff - who may be assisting in a CPS assessment or preparing In-Home Family Services Agreements; 8. School personnel - when necessary to assist in CPS assessments or service delivery; 9. DHHS personnel responsible for licensing or approving day care, foster care, group care, or institutional child caring facilities. 10. DSS representatives such as Work First and other child welfare programs- assisting with a CPS assessment or development and provision of CPS In-Home or Out-of-Home Services. Collaboration with other agencies to provide for safety of children is family-centered practice. C. Department **of Juvenile Justice and Delinquency** N.C.G.S. § 7B-3100 and 28 NCAC 01A .0301 state that the Department of Juvenile Justice and Delinquency Prevention shall designate local agencies that are authorized to share information concerning juveniles. Agencies so designated shall share with one another, upon request and to the extent permitted by federal law and restrictions, information in their possession that is relevant to any assessment of a report of child abuse, neglect, or dependency or the provision or arrangement of child	

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protective services by a DSS or to any case in which a petition has been filed alleging that a juvenile is abused, neglected, dependent, undisciplined, or delinquent and shall continue to do so until the protective services case is closed by the local department of social services, or if a petition is filed when the juvenile is no longer subject to the jurisdiction of the juvenile court. Agencies that may be designated as "agencies authorized to share information" include, but are not limited, to the following: • Local mental health facilities • Local health departments • Local departments of social services • Local law enforcement agencies • Local school administrative units • The district attorney's office • The Office of Juvenile Justice • The Office of Guardian ad Litem services. Any information shared among agencies under this provision shall remain confidential, shall be withheld from public inspection, and shall be used only for the protection of the juvenile and others or to improve the educational opportunities of the juvenile, and shall be released in accordance with the provisions of the Family Educational and Privacy Rights Act. Nothing in this section or any other provision of law shall preclude any other necessary sharing of information among agencies. Nothing herein shall be deemed to require the disclosure or release of any information in the possession of the district attorney. D. Release **of confidential information** When a request for confidential information is received from a federal, State (in or out of state), or local government entity or its agent, the county DSS may share information from its record to carry out its mandate to protect children. This does not include substance abuse patient records covered under 42 CFR Part 2. It is permissible to inquire about former residences and to seek information from each county's records. The following are situations that would be appropriate for sharing confidential information from the county's records: • A request from an in-state or out-of-state DSS with an open child welfare case.	

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• A request from an in-state or out-of-state Guardian Ad Litem / CASA with an open child welfare case in the requester's jurisdiction. • A request from an in-state or out of state law enforcement entity with an open child welfare case or open criminal case resulting from the abuse or neglect of a child(ren). • A request from an out-of-state DSS (public child welfare agency) with a juvenile court case (including permanency planning or termination of parental rights (TPR)) resulting from the abuse or neglect of a child(ren). • A request from an in-state or out-of-state court or District Attorney that has a criminal case resulting from the abuse or neglect of a child(ren). Please note that an open child welfare case refers not only to an open CPS assessment but to CPS In-Home or Out-of-Home services as well. **Civil child custody cases between parents or other parties that do not involve child welfare do not apply.** Requests for information from out-of-state entities may read as requests for information from the central registry of abuse and neglect. When such a request meets the requirements specified above, information from the case record may be shared with the authorized person requesting the information. However, the Central Registry should not be accessed to fulfill that request. Information in the Central Registry may only be released when one of the conditions specified in 10A NCAC 70A .0102(6) exists. If the information is requested to comply with Adam Walsh legislation concerning foster and adoptive parents or fitness to care for children employment, use the form DSS-5268 and see "Responsible Individuals List" in Appendix 1 of the NC Child Welfare manual for further information. Requests for information from the Central Registry must be made using the DSS-5277, Request for Confidential Information Regarding Abuse, Neglect and Dependency form. **CONFIDENTIALITY OF ALCOHOL AND DRUG ABUSE RECORDS** Alcohol and drug abuse patient records are protected under the federal regulations, 42 CFR Part 2 and **cannot** be disclosed or **re-disclosed** without the patient's **written** consent unless otherwise provided for in the regulations. 42 CFR Part 2 allows for substance abuse records to be released without written consent under the following conditions: A. To medical personnel to meet a bona fide medical emergency; B. To qualified personnel for the purpose of conducting scientific research, audits or program evaluation, and;	

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C. If authorized by an appropriate order of a court of competent jurisdiction granted after application showing good cause therefor. (See 42 CFR 2.61 and follow the instructions outlined for obtaining this order.) However, no State law may either authorize or compel any disclosure prohibited by the federal regulations. The Guardian Ad Litem's (GAL) general appointment letter does not allow them access to information about the diagnosis or treatment of substance abuse for the child or parent/caretaker. If the GAL does not have a court order explicitly allowing for the release of alcohol or drug abuse patient records for the child or parent/caretaker, those records and any references to them would have to be removed from the record prior to the GAL's review. Please note that a violation of any provision of 42 CFR Part 2 is subject to a criminal penalty, a fine of not more than $500.00 for the first offense and not more than $5,000.00 for any subsequent offense. Consent for Release of Confidential Information, DSS-5297, must be initialed and signed by the patient. The patient must initial on the consent form which information the patient is allowing to be released. If the patient is a juvenile, **both** the juvenile and the juvenile's parent/guardian must initial and sign the consent. If the patient is an incompetent adult, both the adult and the adult's guardian must initial and sign the consent. The patient will need to sign the Consent for Release of Confidential Information, DSS-5297, prior to DSS obtaining any information regarding any assessments for substance abuse/dependency/addiction and any substance abuse treatment that has been provided as a result of the assessment. Before DSS can disclose any information it has received regarding diagnosis or treatment of substance abuse to the court, to the foster parent or relative caregiver, or any service provider involved with the case, a Consent for Release of Confidential Information, DSS-5297 must be signed by the patient or a court order must be obtained according to the instructions outlined in 42 CFR 2.61. Please be aware that the list above is not all inclusive and additional Consents for Release of Confidential Information may need to be obtained. The Consent for Release of Confidential Information should be completed based on the situation at the time it is completed. If the circumstances change, the Consent for Release of Confidential Information should be updated to reflect these changes. For example, if the case is opened for In-Home Services and Juvenile Court is not involved, but a petition is filed during the provision of In-Home Services, then the parent/caretaker should be asked to sign a new consent allowing information to be shared with the parties to the court action, specifically initialing the corresponding purpose. While 42 CFR Part 2 covers alcohol and drug abuse patient records, it does not cover all substance abuse information that may be in obtained in a child protective services record. Examples of information that can be shared would be the child's statement that one of his parents is using drugs or the chemicals and other hazards a child was exposed to in a confirmed methamphetamine laboratory. The following definitions will assist the agency in determining if the information that is being requested is covered by 42 CFR Part 2:	

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• Patient: Any individual who has applied for or been given diagnosis or treatment for alcohol or drug use at a federally assisted program and includes any individual who, after arrest on a criminal charge, is identified as an alcohol or drug abuser to determine that individual's eligibility to participate in a program. • Record: Any information, whether recorded or not, relating to a patient received or acquired by a federally assisted alcohol or drug program. • Treatment: The management and care of a patient suffering from alcohol or drug abuse, a condition which is identified as having been caused by that abuse, or both, to reduce or eliminate the adverse effects upon the patient. **EXAMINATION OF THE CASE RECORD** The court may order the sharing of information among such public agencies as the court deems necessary to reduce the trauma to the victim (N.C.G.S. § 7B-2901). The county director shall not allow anyone outside the county department of social services to directly examine the protective services case records, except under the following circumstances: A. Federal and State personnel shall have access to the case record when carrying out their lawful responsibilities for program audit, review, and evaluation. See "Interagency Sharing of Information about Juveniles" above. B. The child and his/her guardian ad litem shall have access to the child's record upon request. The child's attorney who has been employed to represent the child in a court hearing, and who has a specific need to see the case record to prepare the case, may have access to the record. Adults who were found to be abused, neglected, or dependent as children and who have child protective services records may view their CPS record. The county director must document the examination by the victim child (or victim who is now adult), the guardian ad litem, or the attorney. The county director has a right to withhold from examination any materials which are not related to protective services for the child. For example, the identity of the reporter and confidential materials specific to persons other than the victim child must be removed from the case record prior to examination by the child or child victim who is now an adult. When such materials are withheld, the child or his attorney must be informed. C. The agency attorney shall have access to the case record when helping the agency prepare for and present its case in court or when advising on a case. D. The prosecutor will have access to the case record when carrying out his or her mandated responsibilities. When law enforcement investigates a CPS case on behalf of a prosecutor, they shall be given access. E. Persons other than those identified shall examine a case record only when they have an order from a judge. When a person claims to have such authorization, he or she should have a written order signed by the judge. If a written judge's order cannot	

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be produced, the director may allow access only after verifying the oral order with the judge or another person who would have firsthand knowledge of the order. Documentation of the written or oral order must be entered into the case record. F. The agency, through its attorney, may make a motion to the court to limit access to all or part of the case record. The agency attorney should be consulted in advance on the appropriate procedures to follow in such situations. G. Release of the Name of the Reporter Due to the reporter's potential vulnerability to actions by the alleged perpetrator, the name of the reporter should fully be protected possible. The reporter's identity may be divulged only under the following conditions: 1. By specific order of the court to release the identity of the reporter; or 2. By decision of the agency director, the reporter's name, address, and telephone number may be shared with the district attorney or law enforcement when the sharing of such information is necessary for the performance of their duties; or 3. By decision of the agency director, identifying information about the reporter may be shared orally with an individual or investigative team that has mandated authority to conduct a criminal investigation into allegations of criminal abuse; (e.g., in an SBI child care investigation of sexual abuse). NOTE: Any information about the diagnosis or treatment of substance abuse must be removed from the case record prior to review unless there is a valid Consent for Release of Confidential Information signed by the patient or a court order. **DISCLOSURE IN CHILD FATALITY OR NEAR FATALITY CASES (N.C.G.S. § 7B-2902)** N.C. G.S. § 7B-2902 states that if a child dies, or is in serious or critical condition as the result of sickness or injury caused by suspected abuse, neglect, or dependency **and** the person responsible for the fatality or near fatality is charged in the incident (or would have been charged were it not for that person's prior death), the DSS shall prepare a written summary for public release that includes: • The dates, outcomes, and results of any actions taken, or services rendered; • The results of any review by the State Child Fatality Prevention Team, a local child fatality prevention team, a local CCPT, the Child Fatality Task Force, the State Child Fatality Review Team, or any public agency; • Confirmation of the receipt of all reports accepted or not accepted by the DSS for an assessment of suspected child abuse, neglect, or maltreatment. This includes the results of the assessments, a description of services rendered, and a statement of the basis for the department's decision.	

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Within 5 working days from the receipt of a request for findings and information, the agency shall consult with the appropriate District attorney and provide the findings unless the agency has reasonable belief that release of the information: • Is not authorized under sections (a) and (b) of N.C.G.S. § 7B-2902; • Is likely to cause mental or physical harm or danger to a minor child living in the deceased or injured child's household; • Is likely to jeopardize the state's ability to prosecute the defendant; • Is likely to jeopardize the defendant's right to a fair trial; • Is likely to undermine an ongoing or future criminal investigation; or • Is not authorized by federal law and regulations. For further information on handling child fatalities, see Child Fatality Prevention and Review in the NC Child Welfare manual.	

Intensive Family Preservation Services (IFPS Family Service Manual)

Definition
INTENSIVE FAMILY PRESERVATION SERVICES (IFPS FAMILY SERVICE MANUAL) • Provide intensive, in-home crisis intervention services designed to help families with children at imminent risk of being removed from the home; • Are time-limited (a maximum of six weeks); and • Are characterized by very small caseloads for workers, 24-hour availability of staff, and the provision of services primarily in the child(ren)'s home.

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Intensive Family Preservation I. **INTRODUCTION** North Carolina's Family Preservation Services is a model that it is a short-term, intensive, crisis-intervention program with services provided primarily in the family's home or community. North Carolina General Statute §143-150 specifies the program design requirements for the Intensive Family Preservation Services (IFPS) Program. They are as follows: 1. Each eligible family shall receive intensive family preservation services— beginning with identification of a child who is at imminent risk of out-of- home placement—for an average of four weeks but not more than six consecutive weeks; 2. At least one-half of a caseworker 's time spent providing family preservation services to each eligible family shall be provided in the family's home and/or community; 3. Family preservation caseworkers shall be available to each eligible family by telephone and on-call for visits 24 hours a day, seven days a week; 4. Each family preservation caseworker shall provide services to a maximum of four families at any given time. A. **GOALS AND OBJECTIVES**	IFPS should be considered as an option for all cases in which there is a risk rating of "high." Contact between IFPS and the county child welfare worker can either be over the telephone, via e-mail, or in person.

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The goal of North Carolina's Family Preservation Services Program is to prevent unnecessary placement of children away from their families by providing in-home services aimed at restoring families in crisis to an acceptable level of functioning delivered within a System of Care framework. These services are designed to meet the following objectives: • Stabilize the crisis which put the family at imminent risk; • Keep the child, family, and community safe by defusing the potential for violence (physical, sexual, emotional, and/or verbal abuse); and • Help families develop the skills, competencies, and resources they need to handle future crisis more effectively. II. **AGENCY STANDARDS & PROGRAM DESIGN** **A. ELIGIBILITY** Families eligible for IFPS services have at least one child age birth through 17 years who is at imminent risk of placement in out-of-home care. Families with adopted children are eligible for referral to the program when it is determined that a disruption in the adoption placement will occur without intensive services. The priority for case assignment are those children at risk of placement into the child welfare system, and at least 75% of cases served each year shall be county child welfare agency referred cases, but referrals may also come from the mental health, developmental disabilities, substance abuse, or juvenile justice systems. Out-of-home placement means the removal of a child from his or her own home with placement in a non-relative setting for a duration of two weeks or more. Responsibility for his or her supervision, care and essentials of daily living is given to the county child welfare agency, juvenile justice, or public or private mental health/developmental disabilities/ substance abuse systems. At least one parent or another primary caretaker must indicate that he or she is willing and able to participate in IFPS. Note: Primary caretaker means a parent (including adoptive or long-term foster parent), legal guardian, or someone who is acting in loco parentis (has assumed the status and obligation of a parent) in relation to the child(ren). Imminent risk of out-of-home placement is defined as follows: For county child welfare agency referred cases:	

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• There has been a substantiation of abuse, neglect, and/or dependency (as determined by the county child welfare agency prior to the referral to IFPS) and there is a rating of "high" on the Family Risk Assessment (DSS-5230) or the Family Risk Reassessment (DSS-5226); or • There is a substantiation of abuse, but there is no rating of "high" on the Family Risk Assessment (DSS 5230) or Family Risk Reassessment (DSS 5266); or • There has been a finding of Services Needed (as determined by the county child welfare agency prior to referral to IFPS) and there is a rating of "high" on the Family Risk Assessment (DSS-5230) or Family Risk Reassessment (DSS5226). For juvenile justice referred cases: • There has been an adjudication that the juvenile is delinquent or undisciplined, and the juvenile violates protective supervision or probation, or there are new charges; or • The juvenile has been placed on Level 2 disposition by the court. For mental health referred cases: • It is determined by the child's treatment team that if IFPS is not offered, the child would be referred to a residential or inpatient setting, and • A standardized assessment tool must be completed demonstrating that the child is at imminent risk of removal from the home if IFPS services are not provided. The Community-Based Programs Team of the North Carolina Division of Social Services must approve the tool utilized prior to referrals based on that tool being accepted. **B. AGENCY REQUIREMENTS** NCDSS requirements are as follows: Contract Compliance: • Develop a working knowledge of State policy and procedures regarding IFPS and ensure staff compliance. The Contractor shall use and maintain forms as required by the NCDSS. • Complete regular evaluations of IFPS staff to assess knowledge of, and compliance with, philosophy and intervention strategies of the IFPS model.	

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• Participate in quality assurance evaluation activities as designated by NCDSS. Activities include, but are not limited to, participating in group meetings, site visitations, and peer review of policies and procedures. • Make accessible to the assigned State IFPS Consultant or other designated NCDHHS or NCDSS representative full access to and the right to examine all case and administrative records for the purpose of monitoring this contract. • Unit Definition: one unit equals one family intervention as outlined in the program description. • The Contractor shall provide services only in the region identified in its contract. Staffing Requirements: The Contractor shall assure that the IFPS program shall be staffed as identified herein and that the staff identified to fill the roles of program manager, supervisor, and worker shall have the following minimum qualifications for each position: Program Manager: • Appropriate degree in the human services area or in management and experience to manage in-home programs. Administrative and clinical experience preferred. • Participation in initial and ongoing training provided by the North Carolina Division of Social Services staff or trainers coordinated by NCDSS. Supervisor: • A degree in the human services area and field experience working with multi-issue families. A master's degree in social work is preferred. • Demonstrated experience in, or potential for, providing supervision to workers who provide in-home services. • Knowledge of child welfare policies and programs, family therapy theories, treatment philosophies and strategies of home-based services, as well as knowledge and availability of local resources is necessary. • An understanding of and commitment to the IFPS model is essential.	

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• Capacity for overseeing program operations related to the family's entry into and participation in the program. • The ability to relate to and collaborate with county and state personnel, the courts, and other service providers on behalf of the family. • Ability to maintain a flexible work schedule. • Participation is required in initial and ongoing training provided by the North Carolina Division of Social Services staff or trainers coordinated by NCDSS. Worker: • A degree in the human services area. A master's degree in social work is preferred. • Field experience working with multi-issue children and families and overall ability to relate to and engage with these families. • Ability to maintain a flexible work schedule. • Understanding of the IFPS philosophy and intervention strategies is essential. • Willingness and ability to participate in initial and ongoing training provided by the North Carolina Division of Social Services staff or trainers coordinated by NCDSS. Activities the Contractor shall perform include: Referrals: • Market the IFPS program to eligible referral sources. It is the responsibility of the Contractor to ensure an adequate number of referrals are received in order to meet contractual requirements for the number of families to be served. • Develop a procedure for accepting referrals. The procedure shall include accepting referrals 24 hours per day, seven days per week. There shall be no provision for maintaining a waiting list. The Contractor shall make available to referring units notice of any vacancies.	

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• Accept a second referral for any given family only if it has been 90 days since the Contractor or any other IFPS contractor terminated the most recent intervention for the family, or if permission specific to the referral is granted by the State IFPS Consultant. • Accept a third, or subsequent, referral for any given family served by the Contractor or any other IFPS contractor only after consultation with and approval by the State IFPS Consultant. Capacity and Staffing: • Maintain the capacity to serve the anticipated number of families specified in the contract. The Contractor shall be responsible to provide one full-time IFPS worker for every 18 anticipated families to be served. It is expected that a full-time worker can deliver at least 18 interventions per year. Supervisors shall directly serve some families each year. • Assign a caseload of two families to each IFPS worker. The Contractor may assign a third family only during the final week of an intervention. • Maintain a supervisory/direct service staff ratio that ordinarily shall be one full-time supervisor to no more than five full-time IFPS workers. • Ensure IFPS workers and supervisors work a flexible schedule determined by the needs of the families (rather than a standard 8am to 5pm schedule). Full-time IFPS staff shall submit to the Contractor a disclosure statement regarding any supplemental employment and/or educational commitment. The Contractor must ensure that the supplemental employment and/or educational commitment does not negatively impact services provided by the contract. • Each new IFPS worker shall shadow the supervisor for at least one case and be shadowed by the supervisor for at least one case before being assigned cases. (Shadowing shall be defined as accompanying the person responsible for the case on at least half of the home visits to the family.) • The IFPS supervisor shall accompany experienced staff on home visits, as needed. Feedback on accompanied visits shall be part of the weekly individual conference or team meeting. Supervision: • Conduct regularly scheduled team meetings involving all IFPS staff, including the IFPS supervisor. The purpose of these meetings shall be to review individual family progress; consult on alternative service plans,	

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action steps and activities needed on IFPS cases; staff all active cases; and use results to develop weekly plans to achieve family goals. Meetings shall be documented, and documentation shall be maintained. • Conduct conferences between each IFPS worker and supervisor at least once weekly for the express purpose of enabling individual IFPS workers to discuss his or her client families on a one-to-one basis. The conferences shall be directed toward review of individual family progress, consultation on alternative service plans, and determination of action steps and activities needed on active cases. These conferences will be documented. • Ensure the IFPS program manager reviews and approves, by signature, all service plans and termination reports of cases assigned to IFPS supervisors. • Ensure the IFPS program supervisor reviews and approves, by signature, all service plans and termination reports of cases assigned to IFPS workers. **C. PROGRAM REQUIREMENTS** Ensure IFPS workers attempt to make face-to-face contact with the family within 24 hours (immediately in the case of an emergency) from time of referral to IFPS. If unable to make face-to-face contact within 48 hours, the referring staff shall be notified immediately. • The assigned IFPS worker shall maintain ongoing contact with the referring staff at a frequency enough to address the circumstances of the individual family, as agreed upon with the referring staff. • Provide services in the family‘s home or, at the family's request, a location (other than the Contractor's facility) mutually agreed upon by the Contractor and the family. • Ensure IFPS staff is directly available to the families assigned to them 24 hours per day, seven days a week. • During each service period, the IFPS worker shall provide no less than 40 hours of face-to-face contact per family. Each family will receive face-to- face contact an average of two and a half times per week. • Ensure IFPS workers provide services to each family for a minimum of four weeks. Services may be extended up to a maximum of six weeks when an extension will substantially decrease the chance of an out-of-home placement. A service extension shall be determined by the IFPS supervisor and worker in consultation with the referring staff.	

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• Require IFPS workers to develop a Service Plan Report for each family. The IFPS worker shall establish the service plan and goals in collaboration with the family. The family's involvement shall be clearly documented by the signing of the final Service Plan. • The Service Plan shall address safety measures put into place and shall include, but not be limited to: – identifying family strengths; – helping the family define the specific goals of intervention; – showing the family how improvements can occur; – helping the family resolve or improve safety concerns by such techniques as examining positive alternatives for negative behaviors; – teaching skills to prevent the reoccurrence of abuse and neglect and other family conflict; and – connecting with resources to maintain ongoing progress. • The Contractor shall submit the Service Plan to the referring staff within 14 days from the time of the referral to IFPS. An In-Home Family Services Agreement developed as a part of a Child and Family Team Meeting (CFT) will be enough in place of the Service Plan if the IFPS worker is present during the CFT meeting. • Develop a written plan to administer flexible monies averaging $500 per family. These funds will be used to purchase concrete supports, such as furniture, utilities, and respite care. This plan must be available to the IFPS Worker and State IFPS Consultant. Discuss termination recommendations with the referring staff. A termination conference shall occur no later than seven days prior to the anticipated closure of the case. The family may be invited to attend the termination conference. • Conduct a termination meeting with the family to summarize the progress made during the IFPS intervention and options for maintaining progress. The meeting shall occur at the final family session. When possible, a CFT to discuss termination held with the referring staff and family will meet this requirement. The case shall be considered closed as of that date. • Within seven days of case closure, send to the family, and to the referring staff, a Termination Report signed by the appropriate IFPS staff which shall summarize the progress the family made during the IFPS intervention.	

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• Administer the Family Satisfaction Survey and Referring Worker Survey upon termination of each case to determine satisfaction with the IFPS program. • Contact the most involved parent in each family served by the IFPS program and administer a follow-up evaluation at six and twelve months after termination. If a home visit is not possible, a telephone contact shall be attempted. Five telephone attempts to contact shall be made and documented. This evaluation shall determine the status of the family and whether out-of-home placement of a child has occurred. **SERVICE REQUIREMENTS** North Carolina General Statute § 143B-150.6 requires: **FAMILY ASSESSMENT** Family assessment is an ongoing process, which continues from intake through termination of services. The purpose of the family assessment is: • To identify the family's strengths, resources, needs, and problems; • To help family members identify measurable, realistic, achievable, and time-limited treatment goals; • To help family members develop strategies for achieving their goals. Consistent with System of Care practice, the family assessment is comprehensive and considers the family's strengths as well as needs within its entire social context (i.e. nuclear family, extended family, school, work, church, neighborhood, etc.). Family assessment information is gathered through: • Ongoing observation of family members in their natural environment; • Family and individual meetings; • A social history gathered over time through interactions with family members; • Reports from other professionals; • Assessment instruments completed by/with family members.	

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Specialized assessments are considered on a case-by-case basis. These may include neurological, nutritional, speech and language, developmental, offender, and psychological, as well as alcohol and drug screenings, blood chemistry, vocational evaluations, etc. **INTENSIVE FAMILY AND INDIVIDUAL COUNSELING** Counseling in this context means the therapeutic interaction between IFPS workers and family members focused on problem-solving and skill building. Intensity is characterized by small caseloads (averaging two families per worker) and high service hours of up to 20 hours per week per family, within a limited timeframe (four to six consecutive weeks per family). Counseling services may include individual, couple, family, and group counseling. During counseling, the IFPS worker and family members: • Establish a trusting relationship; • Define and clarify family issues and perceptions; • Assess the need for change and develop and implement strategies for making those changes; • Evaluate progress and make appropriate changes to strategies and goals; and • Effectively terminate the relationship. **CLIENT ADVOCACY** Client advocacy means providing the family with information about the services available in the community and helping the family to obtain them. It also means helping families learn to advocate for themselves and to negotiate with bureaucracies and service systems to obtain needed help. **CASE MANAGEMENT** Case management in this context means that the IFPS worker takes responsibility for assuring that the needs of the family as a whole are assessed; that service plans are created with the family and reflect its priorities and goals; and that the efforts of all service providers involved with the family are coordinated and consistent with the Service Plan. This is also consistent with the foundational philosophy of System of Care. The goals of family-centered case management are to: • Develop joint service plans which delineate the roles and functions of all agencies involved with the family;	

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• Ensure that the efforts of all agencies are directed toward common goals; • Ensure that methods and techniques of various service providers do not conflict or confuse family members; and • Ensure assessment of a family's need for follow-up services and to plan with appropriate agencies for follow-up services to be provided. **DEVELOPMENT AND ENHANCEMENT OF PARENTING SKILLS** Through the assessment, counseling, and case management processes, parenting skill deficits will be identified. The IFPS worker offers instruction in these skills and provides support as parents implement newly learned skills. This involves a wide range of parenting activities and functions such as nurturing, age-appropriate expectations, adequate supervision, acceptable discipline, behavior management, communication, anger control, etc. **REFERRAL TO OTHER SERVICES AS APPROPRIATE** In keeping with the System of Care, the IFPS worker provides family members with information on the range of useful community resources and helps the family access necessary services. The family makes its own decisions about which services it will use and participates in meetings with service providers. **RECORDKEEPING AND DOCUMENTATION OF SERVICES** Documentation on the case includes completion of all required forms as appropriate. Regardless of the referral source, it is also important to include any other documented information pertinent to service delivery (e.g., behavior plans, letters written on behalf of the client/family, etc.). The required forms include: **FOR ALL PROGRAM TYPES:** • IFPS Referral Form with Referring Agency Supervisor's signature; verifying that family meets eligibility criteria; • Signed participant permission form; • Signed release of information form; • Family service plan; • Weekly progress notes and/or ongoing contact log; and • Completion of services summary. In addition, different forms are required for the various program types.	

Intensive Family Preservation Services (IFPS Family Service Manual)

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COUNTY CHILD WELFARE AGENCY PROGRAMS: The following forms shall also be provided to the IFPS worker from the referring county child welfare agency, but are not required prior to acceptance of a referral: • Family Risk Assessment (DSS-5230) and/or Family Risk Reassessment (DSS-5226), whichever is most current; • The Case Decision Summary / Initial Family Services Agreement (DSS-5228) or the Case Decision Summary portion (Section XI) of the Structured Documentation Instrument for CPS Assessments (DSS-5010); • The North Carolina Safety Assessment (DSS-5231); and • North Carolina Assessment of Family Strengths and Needs (DSS- 5229) **JUVENILE JUSTICE PROGRAMS:** If the referral is coming from a juvenile justice program, it must include a copy of the Adjudication and Disposition Order to the IFPS program. **MENTAL HEALTH PROGRAMS:** If the referral is coming from a mental health program, a copy of the Treatment Team 's decision to refer to IFPS and a copy of the standardized assessment instrument must be provided to the IFPS program. **TRAINING** All direct service staff and their supervisors shall attend the NCDSS Family-Centered Practice in Family Preservation Programs, which is a specialized curriculum designed for IFPS workers. Specifics regarding the course content and availability may be found on NCSW Learn: A Learning Site for North Carolina's Human Services Professionals at https://ncswlearn.org/. All staff is expected to complete this training prior to being assigned cases. Contractors shall have trained staff and/or facilitators in place prior to contract execution or shall demonstrate that staff is scheduled to be trained prior to case assignment. Also, all direct service staff and their supervisors shall complete The National Alliance of Children's Trust and Prevention Funds (Alliance) online training course to support implementation of the Strengthening Families™ Protective Factors Framework in Multiple Settings: Bringing the Protective Factors Framework to Life in Your Work – A Resource for Action (https://ctfalliance.org/preventing-child-neglect/#Training). This training shall be completed by all required staff within 90 days of the beginning of the contract period. New hires must also complete this training within 90 days of being hired by the Contractor.	

Time Limited Family Reunification Services

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Time Limited Family Reunification **HISTORY** In August 1993, under the Omnibus Budget Reconciliation Act of 1993, Public Law 103-66, (H.R. 2264), Congress amended Title IV-B to extend the range of child and family services to include family preservation and support services. The Adoption and Safe Families Act (ASFA) of 1997 (H.R. 867) (http://www.gpo.gov/fdsys/pkg/BILLS-105hr867enr/pdf/BILLS-105hr867enr.pdf) re-authorized the Family Preservation and Support Program of 1993, and renamed it the Safe and Stable Families Program. ASFA was passed by Congress and signed into law by President Clinton on November 19, 1997. It clearly defined national goals in the areas of safety, permanency, and well-being for children in the child welfare system. The law addressed the realization that human services systems impacting families need to work in partnership with one another to better meet the needs of both children and their families. The law also gave renewed impetus to overcome the multitude of barriers that exist between children lingering in out-of-home placements and the stability of permanency. It has since become known as the Promoting Safe and Stable Families Program (PSSF) and was reauthorized within the Children and Family Services Improvement Act of 2011. PSSF promoted several key principles for implementation: • The safety of children is the paramount concern that must guide all child welfare services; • Foster care is a temporary setting and not a place for children to grow up; • Permanency planning efforts for children should begin as soon as a child enters foster care and should be expedited by the provision of services to families; • The child welfare system must focus on results and accountability; • Innovative approaches are needed to achieve the goals set in the areas of safety, permanency and well-being. With emphasis on permanence and a major overhaul of the child welfare system, PSSF significantly expanded the scope of services set forth by the previous Family Preservation and Family Support Program (FP/FS). This expansion included requirements for more adoption promotion and support and family reunification, in addition to the continued investment in ongoing FP/FS services. The term “family reunification” is defined as “the planned process of reconnecting children in out-of-home care with their families by means of a variety of services and supports to the children, their families, and their foster parents or other	

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service providers. It aims to help each child and family achieve and maintain, at any given time, their optimal level of reconnection—from full reentry of the child into the family system to other forms of contact, such as visitation—that affirm their child's membership in his/her family." (Maluccio, Krieger, & Pine, *The Child Welfare Challenge*, page 341.) The Time-Limited Family Reunification Services (FRS) will provide services to families who have one or more children in out-of-home placement with the county child welfare agency having custody or placement authority and with the goal of the Out of Home Family Services Agreement being reunification. FRS will be provided to families of children that have been found to be abused, neglected, dependent or in need of services. **VALUES** The Division believes that the family is the fundamental resource for the nurturing of children and children have a right to their own families. Parents should be supported in their efforts to care for their children in ways that assure the safety and wellbeing of the child. The family's cultural, racial, ethnic, and religious heritage should be respected throughout the provision of services. The catalyst for developing goals of service delivery through a system of care to support the family is the Child and Family Team (CFT) meeting. Child and Family Team meetings are family members and their community support that come together to create, implement and update a plan with the child, youth and family. The plan builds on the strengths of the child, youth and family and addresses their needs, desires and dreams. This includes engaging parents that may have been considered non-custodial/non-residential to involve them in the planning to meet the family's needs. For additional information about CFT's, please refer to Child and Family Team Meetings Judgments about families are often based on incomplete information and can wait. A crisis can be an opportunity for change; inappropriate intervention can do harm. Individual workers and agencies can and should instill hope because even families who feel hopeless can grow and change. Agencies working with the family should arrange schedules to accommodate the child and his/her family. This models that the family's ideas and resources are given the same legitimacy as those proposed by professionals, and that mutual agreement in decision making is a primary goal. For youth and families whose supports may exist outside the family unit, this means allowing and encouraging them to invite those whom they wish to attend CFT Meetings. Shared parenting meetings are another opportunity to encourage partnerships between caregivers and birth families that enable families to best parent their children. Shared parenting emphasizes foster parents as being a support to birth	

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families instead of substitute caretakers. By cultivating a nurturing relationship with the family, the foster parents begin to mentor the birth parents in appropriate practices. For additional information on shared parenting, please refer to Permanency Planning in the NC Child Welfare manual Service delivery does not exist in a vacuum. In order to best serve the needs of children and families, all agencies that work with the family should work cooperatively in ways that maximize service delivery and resources. To the fullest extent possible, service providers should be within the family's community, convenient for the family and child. It is important to note the foundational philosophy of North Carolina's Multiple Response System (MRS) is family-centered practice delivered within a System of Care (SOC) framework. The six family-centered principles of partnership are: • Everyone desires respect; • Everyone needs to be heard; • Everyone has strengths; • Judgments can wait; • Partners share power; • Partnership is a process. The six SOC principles are: • Interagency collaboration; • Individualized strengths-based care; • Cultural competence; • Child and family involvement; • Community based services; • Accountability. **GOALS AND OBJECTIVES** The primary goal of family reunification services is to support the family in eliminating the conditions which led to the child's removal and to build protective factors that enable the parent(s) to safely parent the child in their own home. These services are designed to meet the following objectives:	

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• Help families develop the skills, competencies and resources necessary to effectively parent the child(ren) in a safe and nurturing environment.
• Help families develop the skills, competencies and resources they need to handle future crisis situations more effectively.
 	
Undeniably, the ideal family for a child is the child's own family, but this is true only if his/her family can provide a safe, stable, and nurturing environment. Once the parent(s) receive the assistance and services necessary to not only remove the barriers that keep them from raising their children in their own home, but also to build protective factors, there is a greater likelihood that the family can be safely restored and, eventually, thrive. Protective factors are conditions in families and communities that, when present, increase the health and well-being of children and families. These attributes serve as buffers, helping parents to find resources, supports, or coping strategies that allow them to parent effectively, even under stress[1]. Research has shown that the following protective factors are linked to a lower incidence of child abuse and neglect:
• Nurturing and attachment
  • Knowledge of parenting and of child and youth development
  • Parental resilience
  • Social Connectedness
  • Concrete supports for parents
 	
THE PRINCIPLES OF FAMILY REUNIFICATION
Delivered within a System of Care (SOC) framework, the definition of FRS leads to the following principles which form an important foundation for the development of sound policies, programs, and practices.
 	
• With its emphasis on ensuring continuity of relationships and care for children, family reunification is an integral part of the philosophy of permanency planning.
• Children are best reared in families, preferably their own. Most families can care for their own children if properly assisted.	

[1] U.S. Department of Health and Human Services, Administration for Children and Families, Child Welfare Information Gateway, https://www.childwelfare.gov/

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• Family reunification practice must be guided by SOC principles and a family-centered competence perspective that emphasizes:
  • Promoting family empowerment,
  • Engaging in advocacy and social action,
  • Reaching for and building on family strengths,
  • Involving any and all whom the child considers family as partners,
  • Providing needed services and supports.
• Teamwork among the many parties involved in family reunification is critical.
• All forms of human diversity including ethnic, racial, cultural, religious, lifestyle, physical and mental challenges must be respected.
• A commitment to early and consistent child-family visiting is an essential ingredient in preparing for and maintaining reunification.
• The family, foster parents and child welfare workers must be involved as members of the service delivery team. In keeping with the SOC principle of Interagency Collaboration, the local child welfare agency should share the same information with family reunification workers about the child and family that is shared with other service providers and include them in Child and Family Team meetings. Many families will have continuing service needs in multiple areas even after case closure. Services to meet these needs must be provided to assist children and families with reunification efforts. Appropriate linkage and referrals to other community agencies will also be required in order to continue supporting reunification as cases are completed.
• Agencies must empower their staff members by providing adequate training and supervision and by using a team approach in making case decisions.
 	
TIME-LIMITED REUNIFICATION SERVICES
The term "Time-Limited Family Reunification Services" means the services and activities described below are provided to a child that is removed from the child's home and placed in a foster family home or a child care institution and to the parents or primary caregiver of such a child, in order to facilitate the reunification of the child safely and appropriately within a timely fashion, but only during the 15-month period that begins on the date that the child is considered to have entered foster care[2]. 475(5)(F) (http://www.ssa.gov/OP_Home/ssact/title04/0475.htm#act-475-5-f)	

[2] U.S. Social Security Administration, Title IVB-Child and Family Services, Subpart 2-Promoting Safe and Stable Families, Section 431-Definitions. http://www.ssa.gov/OP_Home/ssact/title04/0431.htm

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Eligible services and activities include: • Individual, group, and family counseling; • Inpatient, residential, or outpatient substance abuse treatment services; • Mental health services; • Assistance to address domestic violence; • Services to provide temporary childcare and therapeutic services for families, including crisis nurseries; • Peer-to-peer mentoring and support groups; • Facilitation of access to and visitation of children with parents and siblings; • Transportation to or from any of the services and activities listed above. Reunification services are directed to families in which one or more children have been removed from their home and placed in foster care. The target populations include children who are found to be abused, neglected or dependent or in need of services; and are currently in the custody of a county child welfare agency. A child is legally removed from both parents when the county child welfare retains custody of the child even if the child may have been in the physical and or legal custody of just one of the parents at the time of the removal. Eligibility for services must be certified through documentation of the following referral/acceptance criteria: The criteria for parent(s)/caregiver(s) to participate in the program are as follows: • At least one of the child's parents/caregivers whom the child was removed from must be willing to participate in reunification on a voluntary basis; and • Must be willing to work to achieve goals of the Out of Home Family Services Agreement. The criteria for child(ren) to participate in the Program are as follows: • The child must be in the custody or placement authority of a county child welfare agency; AND • The child must either be in a current out of home placement when services are initiated or just recently moved from an out of home placement within a foster home or residential child care facility to the home of the	

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parent/caregiver to be reunified (for example a "trial basis" where the child welfare agency still has legal custody/placement authority);
• The child must be age birth through 17 years.
 	
DEFINITIONS
 	
Primary Caregiver
Acting in loco parentis (has assumed the status and obligation of a parent) in relation to the children, or legal guardian.
 	
Legal Guardianship
"A judicially created relationship between child and caretaker which is intended to be permanent and self-sustaining as evidenced by the transfer to the caretaker of the following parental rights with respect to the child: protection, education, care and control of the person, custody of the person, and decision-making. The term 'legal guardian' means the caretaker in such a relationship." Sec. 475 [42 U.S.C. 675]. (http://www.ssa.gov/OP_Home/ssact/title04/0475.htm)
 	
Foster Care
"Foster Care" means the continuing provision of the essentials of daily living on a 24-hour basis for dependent, neglected, abused, abandoned, destitute, orphaned, undisciplined or delinquent children or other children who, due to similar problems of behavior or family conditions, are living apart from their parents, relatives, or guardians in a family foster home or residential child-care facility. The essentials of daily living include but are not limited to shelter, meals, clothing, education, recreation, and individual attention and supervision [G.S. §131D-10.2] (http://www.ncga.state.nc.us/gascripts/statutes/statutelookup.pl?statute=131D)
 	
Entering Foster Care
A child shall be considered to have entered foster care on the earlier of:
• the date of the first judicial finding that the child has been subjected to child abuse or neglect; or
• the date that is 60 days after the date on which the child is removed from the home (Sec. 475. **[**42 U.S.C. 675**]).** (http://www.ssa.gov/OP_Home/ssact/title04http://www.ssa.gov/OP_Home/ssact/title04/0475.htm/0475.htm)
  • **Family Foster Care**
  "Family Foster Care" means a planned, goal-directed service in which the temporary protection and care of children take place in a family foster home. Family foster care is a child welfare service	

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for children and their parents who must live apart from each other for a period due to abuse, neglect, dependency, or other circumstances necessitating out-of-home care.
 	
• **Residential Child-Care Facility (Child Care Institution)**
"Residential Child-Care Facility" means a staffed premise with paid or volunteer staff where children receive continuing full-time foster care. Residential child-care facility includes child-caring institutions, group homes, and children's camps which provide foster care (G.S. §131D-10.2) (http://www.ncga.state.nc.us/gascripts/statutes/statutelookup.pl?statute=131D).
 	
• **Child Placement**
Services are designed to:
  • Strengthen, preserve and/or reunite families after children have come into agency custody or placement responsibility by helping families improve the conditions in the home that caused agency intervention;
  • Ensure a single, stable, safe, nurturing, and appropriate temporary living arrangement for children removed from their homes;
  • Achieve an alternative safe, permanent home for all children in agency custody or placement responsibility who cannot return home.
 	
Reunification:
The primary consideration for the child's return home should be whether the child can be assured of at least a minimally enough level of care. Society can require that parents provide this level of basic care, and the County Department of Social Services has been given the authority to intervene when that level of care is not provided. Conversely, social workers should recognize that personal values can lead them to feel that children deserve the "better" life offered by placement than can ever be provided by the parents. Social workers should be careful that their personal standards do not cloud their professional judgment about removal or decisions about reunification. See the Permanency Planning section of the NC Child Welfare manual for further information.
 	
RECORD-KEEPING & DOCUMENTATION
Please see "Documentation and Record Keeping" in Permanency Planning in the NC Child Welfare manual for more information on record keeping during family reunification services. Guidelines for Out of Home Placement cases and cases involving family reunification services should mirror each other.	

Safety

Policy	Legal Basis
The primary concern of Child Welfare Services is protecting children. When a safety threat (present or impending) is identified, the county child welfare services agency must respond and develop a plan of safety. At no time should a county child welfare worker leave a child(ren) in unsafe circumstances. The intent of safety planning is to reach an agreed upon plan with the family that imposes the lowest level of intrusiveness possible while assuring a child(ren)'s safety.	Non-secure custody will only be granted when one or more criteria exist as specified in N.C.G.S. § 7B-503. North Carolina statute N.C.G.S. § 7B-101 (19) defines a safe home as "a home in which the child is not at substantial risk of physical or emotional abuse or neglect."

Definitions
<u>Safety Threat Defined</u> A safety threat exists when there are conditions or actions within the child(ren)'s home that represent the likelihood of imminent serious harm to the child(ren). There are two types of safety threats: present and impending. 1) "Present safety threat" refers to an immediate, significant, and clearly observable family condition (severe harm or threat of severe harm) occurring to a child(ren) in the present. Present danger is easier to detect because it is transparent and is occurring now. If present danger is observed, the child(ren) is not safe. 2) "Impending safety threat" refers to threatening conditions that are not immediately obvious or currently active but are out of control and likely to cause serious harm to a child(ren) soon. Impending danger is covert. Impending danger is a threat that can be reasonably expected to result in serious harm if safety action is not taken and/or sustained. These threats may or may not be identified at the onset of involvement by a county child welfare services agency but are understood upon a more complete evaluation and understanding of the individual and family conditions and functioning. To be classified as a safety threat, a situation, condition, or behavior must meet the "safety threshold." The safety threshold is the point when a parent's behaviors, attitudes, emotions, intent, or circumstances create conditions that fall beyond mere risk of future maltreatment and have

Safety

Definitions
become an actual imminent threat to the child(ren)'s safety. These conditions could reasonably result in the serious and unacceptable pain and suffering of a vulnerable child(ren). Safety Agreement Defined A safety agreement/plan is made between a parent and a county child welfare services agency when a child(ren) is in immediate danger in their own home because of a safety threat. A safety agreement/plan must be all the following: 1) Enough to manage safety; 2) Tailored to the address the child(ren)'s safety issues that exist within the family; 3) Immediately available so that it is capable of being in operation the same day it is created; and 4) A plan that includes actions and goals that are specific and measurable. Due Process Considerations Under the United States Constitution, parents have a fundamental right to the care, custody, and control of their child(ren). Safety actions that require the separation or restriction of a parent's access to their child(ren) affect a parent's custodial rights. When a county child welfare services agency interferes with this right, reasonable procedural protections must be in place. This procedural protection often takes the form of a hearing in juvenile court. In certain situations, to protect a child(ren), a county child welfare worker conducting an assessment may be required to perform actions that affect a parent's custodial rights without first providing procedural due process. These instances should be used only to the extent necessary to protect the child(ren) and should not continue longer than necessary to assure safety. Procedural protection must be provided within a reasonable period, even when a parent agrees to the infringement on the parent's own custodial right. Guardians, custodians, caretakers, and other relatives do not have these same constitutional rights; this due process consideration only applies to birth and adoptive parents.

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ASSESSING SAFETY The Safety Assessment (DSS-5231) must be used during a CPS-A and establishes the safety threats for ongoing service needs. The assessment of safety is an ongoing process that starts at the time a case is accepted for a CPS-A and continues until case closure.	The Safety Assessment (DSS-5231) is completed during a CPS-A. However, the Safety Assessment can be referred to for guidance regarding safety concerns identified during ongoing services. SAFETY PLANNING

Safety

Protocol – What you must do	Guidance – How you should do it
SAFETY PLANNING An individualized safety agreement must be developed when a safety threat has been identified. The Safety Agreement/Plan must be documented through: • The Temporary Parental Safety Agreement (TPSA) developed with a CPS Safety Assessment or • The Safety Agreement developed with a family during a CFT during the provision of CPS services (Assessments or In-Home). When a Safety Agreement requires modification (i.e., new concerns arise; some safety issues identified have been addressed and others remain) the Safety Agreement must reflect the changes. As soon as the county child welfare services agency obtains enough evidence that the safety threats no longer exist, the agency must dissolve the Safety Agreement. The Safety Agreement must be signed by: • A parent (someone with legal authority) and • The county child welfare worker and • The county child welfare supervisor. If applicable, a guardian, custodian, or caretaker, and/or approved TSP must also sign the agreement. The Safety Agreement must be signed the same day it is developed by the parent and county child welfare worker. The county child welfare supervisor must review and approve the Safety Agreement the same day (within 24 hours). This must be evidenced by: • A Safety Agreement signed by the county child welfare supervisor	While this is not an exhaustive list, there are four main categories of safety interventions that may be incorporated into a safety agreement: 1) Resource support refers to safety actions that address a shortage of family resources and resource utilization (such as obtaining heat, water, electricity, food, childcare, etc.), the absence of which directly threatens the safety of the child(ren). 2) Social support includes actions that reduce social isolation. Social support may be used alone or in combination with other actions to reinforce and support the capacity of the parents or other caretakers. 3) Crisis management is specifically concerned with intervening to halt a crisis and to facilitate problem solving to bring a state of calm to a family. The purpose of crisis management is to quickly control the threat to the child(ren)'s safety. Crisis management will often be employed along with other safety actions. 4) Separation or restriction refers to the removal of any household member from the home for a period or otherwise interfering with a parent's custodial rights. Separation is viewed as a temporary action. Separation may involve, among other things, the child(ren) temporarily moving to a safe environment, a friend or relative moving into the home, the protective parent moving with the child(ren) to a safe environment, a parent agreeing not to have unsupervised contact with the child(ren), a parent agreeing to forfeit decision-making authority over the child(ren), or the alleged perpetrator agreeing to leave the home. At any time while a Safety Agreement is in place, the county child welfare services agency may consider involving the court.

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Protocol – What you must do	Guidance – How you should do it
or • Documentation that reflects the joint decision-making process between the county child welfare worker and supervisor and the supervisor's subsequent approval of the plan. A CFT meeting must be held when a safety threat exists and: • A Safety Agreement requiring separation or restriction is being proposed or • Non-secure custody is the only means necessary to ensure safety of the child(ren). During this CFT meeting, other safety interventions as well as possible TSP must be discussed. If a CFT cannot be held prior to making a Safety Agreement involving separation or restriction or filing a petition for non-secure custody, a CFT must be held as soon as possible. A Safety Agreement must be used when part of the environment must be controlled to determine whether there is enough evidence to support a case decision finding that the reported allegations of abuse, neglect, or dependency occurred. In some cases, it may involve one or more family members leaving the home or an agreement that certain family members will not have unsupervised contact with other family members. When a Safety Agreement involves separation or restriction, the county child welfare services agency must complete an Initial Provider Assessment (DSS-5203) and have it approved by the county child welfare supervisor, prior to the child(ren) being in the care of the identified TSP. See Temporary Safety Provider regarding ongoing monitoring.	A CFT meeting may be held at any time during a CPS involvement to address issues of safety planning.

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WHEN A PETITION IS REQUIRED There are some circumstances when juvenile court involvement (through filing a petition) must occur. When risk to the safety of a child(ren) is so great that the agency must protect the child(ren) by removing the child(ren) from the home, the county child welfare services agency must file a petition including non-secure custody. Although the following is not an exhaustive list, it covers many of the circumstances requiring immediate removal. • The juvenile has been abandoned; or • The juvenile has serious physical injuries that are not accidental, such as abusive head trauma, internal injuries, or numerous broken bones; or • The juvenile has been sexually abused; or • The juvenile is exposed to a substantial risk of injury or sexual abuse due to the actions or inaction of the parent, guardian, or custodian; or • The juvenile needs medical treatment to cure, alleviate, or prevent suffering serious physical harm which may result in death, disfigurement, or substantial impairment of bodily functions and the parent, guardian, or custodian is either unable or unwilling to provide or consent to treatment; or • A safety threat exists, and a prior Safety Agreement/plan was executed, but the parent did not adhere to the agreement; or • A safety threat exists and the parent's ability to make changes is limited because of limited intellectual ability or a mental health diagnosis; or • A safety threat exists and there is no identified alternative caregiver that is willing to protect the child(ren); or • A safety threat exists and there is no identified alternative caregiver whose home environment is appropriate; or	

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• The parent consents to continuation of the non-secure custody order; or • The juvenile is a runaway and consents to non-secure custody; and • There is a factual basis to believe that no other reasonable means are available to protect the juvenile. Additionally, filing a juvenile petition during CPS involvement must occur when: • A Safety Agreement is not enough to ensure the safety of the child(ren) or • There is reason to suspect the parent, guardian, or custodian will not abide by the Safety Agreement. Voluntary Placement Agreements are not appropriate for use in any of the above situations regarding immediate removal. The filing of a juvenile petition requesting non-secure custody must occur in lieu of a Safety Agreement when a child(ren) will move to a home in another state, unless specifically allowed by a border agreement with the other state. The Interstate Compact on the Placement of Children (ICPC) must be followed whenever required by N.C.G.S. § 3800 et. seq. or the ICPC regulations. When a safety threat exists and at least one parent has communicated that they will not agree to a TSPA or other safety agreement, the county child welfare services agency must file a juvenile petition when protective services are refused, regardless of whether the agency requests custody of the child(ren).	
VOLUNTARY REQUIREMENT Safety Agreements are only available when the parent voluntarily agrees. Only the court may restrict parents' access to their child(ren), including	VOLUNTARY REQUIREMENT A county child welfare worker should never attempt to coerce a parent into agreeing to a TSPA with threats or promises that would affect the

Safety

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supervised visitation between a parent and that parent's child(ren). Because a Safety Agreement exists only when it is voluntary, it may be revoked at any time. • Revocation by a parent must include notification of the county child welfare services agency. • The Temporary Safety Provider must communicate their inability or unwillingness to continue to care for the child(ren) directly to the county child welfare services agency. • If a Safety Agreement is modified or dissolved by the county child welfare services agency, the county child welfare services agency must ensure that everyone included in the Safety Agreement has been notified as soon as possible. Any time a Safety Agreement is revoked or dissolved, the county child welfare services agency must: • Inform all individuals involved with the Agreement, and • Assess safety and act to ensure that the child(ren) is safe.	voluntary nature of the TSPA. An offer of a TSPA, even when the parent does not agree, may be included as an effort to prevent removal when asking the court to find that the agency made reasonable efforts. If a Safety Agreement is revoked or dissolved, the county child welfare services agency should consider: • If safety still requires the need for a TSP; • Scheduling a CFT; • Other options to address remaining safety threats, including if necessary • Filing a petition.
MONITORING SAFETY The county child welfare services agency must monitor all aspects of the Safety Agreement to ensure that the child(ren) continues to be safe and the agreement continues to be necessary and voluntary. The county child welfare worker must meet with the parents and the child(ren) at intervals enough to ensure the safety and protection of the child(ren) and to monitor progress toward goals. At each contact, it is important that the county child welfare worker assess safety, risk, and any other concerns that have arisen.	

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PURPOSE Child Protective Services are federally mandated; however, North Carolina remains one of the few states that administers its child welfare system at the county level. These federally mandated services are applicable to the entire state without consideration to county lines. The Division of Social Services (the Division) recognizes that all children in North Carolina have the right to live free of abuse and neglect without regard to where they live or with whom they live. Therefore, all 100 counties in North Carolina bear the responsibility for ensuring the safety and well-being of all children and their families. This policy provides guidance but does not cover every conceivable situation that may arise. Therefore, counties must remember that some basic premises exist that guide this policy. The safety of North Carolina's children and their families is paramount. Although North Carolina is a county-administered system, the protection of children knows no county lines. The county of residence is the primary county responsible for the delivery of services to a family. NCGS § 153A-257 (http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_153 A/GS_153A-257.html) provides guidance to the Division to determine which county is responsible for a needy person who meets the eligibility requirements for public assistance offered by the county or for social services required by the person. This statute includes a provision about the residence of a minor and further provides that the Division is responsible for determining which county shall be provide child protective services when two or more counties cannot agree. Although the statue does not define the term "reside," in this context the term has its ordinary meaning. A child "resides" where: • He or she is receiving public assistance, • He or she is enrolled in school or childcare, • He or she works, • He or she receives mail, or • The location listed on the child's medical records, driver's license, or library card. The child resides in the place where he or she sleeps most often, lives, and has the greatest number of daily contacts unless the child is in a licensed foster care placement, a hospital, or other remedial facility. This policy defines a process that addresses the complicated issues presented when more than one county is engaged in the delivery of	

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services to a family. With the implementation of the Multiple Response System, county child welfare agencies utilize the principles of both family-centered practice and System of Care. Both recognize that the protection of children is a collaboration between the county child welfare agency, the family, and other professionals that are involved with the family. It is also a partnership between county child welfare agencies where collaboration and accountability model a desired behavior to the families that are served. When the family-centered practice and System of Care principles are applied to the interactions with families and other professional, there is the expectation to see greater accountability which leads to better outcomes for children and families. When the delivery of child welfare services involves multiple counties, it is expected that each county child welfare agency work in a collaborative and coordinated manner in order to provide greater continuity of services to families while providing stability and ensuring safety for children. Each community is best able to identify, build, and make the most of existing resources to assist families. This section will provide guidance on conducting Child Protective Services (CPS) Assessments that involve out-of-home placement providers, as well as, when there are multiple counties involved. Guidance is also provided for situations when multiple counties are involved during the provision of CPS In-Home Services, Child Placement Services and Adoption Services that involve disruptions and dissolutions. When a CPS report indicates more than one county will be involved with the delivery of services, the county where the child resides is responsible for conducting the CPS Assessment except for specific circumstances identified in this section. Whenever possible, face-to-face meetings should occur when discussing case decisions and case plans by all county child welfare agencies involved. Note: When a county child welfare agency requests any assistance from another county child welfare agency, that request shall be honored. LEGAL BASIS North Carolina laws regarding the provision of protective services are in Chapter 7B of the North Carolina General Statutes. Please refer to "Legal Basis" in Assessments in the NC Child Welfare manual for additional information regarding the laws that govern the provision of child protective services in North Carolina. Additional guidance is provided in North Carolina's Administrative Code Title 10A - Health and Human Services - Chapter 70 - Children's Services. Laws regarding the provision of child placement services are also located in Chapter 7B of the North Carolina General Statues. Please refer to the Permanency Planning section of the NC Child Welfare manual.	

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Chapter 48 of the North Carolina General Statues establishes a clear judicial process for adoptions. Please refer to Adoptions in the NC Child Welfare manual for additional guidance regarding the delivery of adoption services. Determining the County Child Welfare Agency Responsible for Providing Social Services When determining the county child welfare agency responsible for providing services, the guiding principle is where the child(ren) resides. To determine the county with the responsibility to provide social services, NCGS §153A-25 (http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/By Section/Chapter_153A/GS_153A-257.html) states: Legal residence in a county determines which county is responsible (i) for financial support of a needy person who meets the eligibility requirements for a public assistance or medical care program offered by the county or (ii) for other social services required by the person. 1.) Legal residence in a county is determined as follows: (a.) Except as modified below, a person has legal residence in the county in which he or she resides. (b.) If a person is in a hospital, mental institution, nursing home, boarding home, confinement facility, or similar institution or facility, he or she does not, solely because of that fact, have legal residence in the county in which the institution or facility is located.	

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(c.) A minor has the legal residence of: (i) The parent or other relative with whom he or she resides. (ii) If the minor does not reside with a parent or other relative and is not in a foster home, hospital, mental institution, nursing home, boarding home, educational institution, confinement facility, or similar institution or facility, he or she has the legal residence of the person with whom he resides. (iii) Any other minor has the legal residence of his or her mother, A. If the mother's residence is not known, then the legal residence of his or her father, B. If the residence of either parent is unknown, the minor is a legal resident of the county in which he or she is found. If the minor is in the legal custody of the father, then the minor's residence shall be that of the father. 2.) A legal residence continues until a new one is acquired, either within or outside this State. When a new legal residence is acquired, former legal residences terminate. 3.) This section is intended to replace the law defining "legal settlement." Therefore, any general law or local act that refers to "legal settlement" is deemed to refer to this section and the rules contained herein. B. When Two or More County Child Welfare Agencies Disagree	

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Furthermore, NCGS §153A-257 (http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_ 153A/GS_153A-257.html) states: "If two or more county departments of social services disagree regarding the legal residence of a minor in a child abuse, neglect, or dependency case, any one of the county departments of social services may refer the issue to the Department of Health and Human Services, Division of Social Services, for resolution. The Director of the Division of Social Services or the Director's designee shall review the pertinent background facts of the case and shall determine which county department of social services shall be responsible for providing protective services and financial support for the minor in question. " It is the expectation of the Division that prior to seeking the intervention of the Division that the respective county directors become involved in these disagreements and work towards a resolution. III. CPS ASSESSMENTS NCGS §7B-302 defines the responsibility of the director when receiving reports of child abuse, neglect, and dependency. North Carolina Administrative Code 10A NCAC 70A.0105 further clarifies the responsibility of counties when receiving a report of alleged abuse or neglect. A. Intake/Screening Policy for screening reports of alleged abuse, neglect, and/or dependency can be found in Intake in the NC Child Welfare manual. NCGS §7B-302 (http://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_7B/G S_7B-302.html) directs county child welfare agencies that upon receipt of any report, a prompt and through assessment shall be conducted. The county that receives the report is responsible for screening the report based on the available information, except for reports involving conflicts of interest for the county child welfare agency. Please see Conflict of Interest for details of how to screen reports involving conflicts of interest.	

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Note: Receipt of a report refers to the first time that the reporter contacts the agency even if that county child welfare agency will not be the county responsible for conducting the CPS Assessment. The screening decision will be made by the county child welfare agency receiving the report, except for reports involving conflicts of interest for the county child welfare agency. The screening decision stands regardless of which county child welfare agency ultimately conducts the CPS Assessment or is requested to provide assistance. Given the statewide use of the Structured Intake Form and process, it is expected that what constitutes a report in one county also constitutes a report in any other county in North Carolina. 1.) Screening The report shall be documented on the DSS-1402 Structured Intake Form (https://www2.ncdhhs.gov/info/olm/forms/dss/dss-1402-ia.pdf). The screening decision for all reports shall determine if the report: (a.) Meets criteria and is accepted. When upon the receipt of a report that has been accepted for CPS Assessment by another county, the allegations are exactly the same as allegations that have already been assessed, the resident county should document the information and screen out the report. (b.) Does not meet criteria and is not accepted, the screened-out report shall be faxed to the county where the child resides at the time of the report, if applicable, with documentation supporting the screening decision within two hours. When a report that is not accepted by another county is received by the resident county, and there is a belief that based on information known to the resident county that the report should have been accepted, the resident county should make a self-report and screen the report accordingly. (c.) Meets criteria and is accepted but is referred to the county that has been determined to have the responsibility for conducting the CPS Assessment based on residency of the child at the time of the report and as defined in statute.	

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The county child welfare agency that screened the report and accepted the report will indicate the reason that the report was accepted, and whether it was accepted for abuse, neglect, and/or dependency. The county child welfare agency conducting the CPS Assessment determines whether the case is assigned as a family assessment or investigative assessment in reports involving neglect (except for certain neglect reports) or dependency and assigns a response time to the report. The process of referring the report shall be immediate. The timeframe for initiation begins with the first contact with the reporter. The responsibility for ensuring that the transfer of information occurred lies with the county screening the report. When screening a report to determine if the report should be accepted for CPS Assessment, it is also necessary to determine if the report indicates that the issues pertain to licensed providers and/or which jurisdiction is responsible for assessing the allegations. Categories of Multiple County Cases in CPS Out of Home Placement Requests for assistance The county child welfare agency that receives the report is responsible for screening the report based on the available information. Screening decisions are based on the statutory definitions of abuse, neglect, or dependency--not licensing policy. The county child welfare agency that receives the report is responsible for the screening decision. The county child welfare agency that receives a request to complete an activity in a CPS Assessment does NOT make a determination regarding the acceptance of the report. Definitions: Out of Home CPS Assessments are those involving children in foster homes, public and private group homes, other child caring institutions, boarding schools, Department of Health and Human Services facilities, and Division of Juvenile Justice facilities. Definitions: A request for assistance shall be made when the activity required in a CPS Assessment cannot be performed by the county child welfare agency conducting or coordinating the CPS Assessment. Example of a request for assistance includes: Conducting home visits to assess for safety, interviewing alleged victim children, parents, guardians, caretakers, or other collaterals, Note: All children living in the home shall be considered alleged victim children, including the biological children of the foster parents.	

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Note: All requests for assistance to a county child welfare agency shall carry the same sense of responsibility as if the activity for its own resident children. The exception is for reports involving residential is childcare facilities and boarding schools. To determine the responsible licensing authority: Division of Health Services Regulation https://info.ncdhhs.gov/dhsr/ Division of Social Services sources. http://www.ncdhhs.gov/providers/ This is not licensure / facility-licensure / social- an all-inclusive list of activities. Division of Juvenile Justice http://www.ncdps.gov/juvenile-justice/ 2.) Notices (a.) Notice to the reporter NCGS §7B-302 (http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySect ion/Chapter_7B/GS_7B-302.html) and Administrative Rule 10A NCAC 70A .0109 (http://reports.oah.state.nc.us/ncac/title%2010a%20-%20health%20and%20human%20services/chapter%2070%20-%20children's%20services/subchapter%20a/10a%20ncac%2070a%20.0109.pdf) instructs the county child welfare agency to provide written notice to the person making the report, as to whether or not the report was accepted or referred to another county child welfare agency for a CPS Assessment within five business days. Nothing in this section alters the requirements for notices. The resident county child welfare agency is responsible for sending the notice to the reporter. There may be instances where the county child welfare agency accepting responsibility for conducting the CPS Assessment may not be the resident county. Then the county child welfare agency conducting the CPS Assessment would send the notice to the reporter. In cases where the resident county child welfare agency, upon receipt of a screened-out report, reviews its own information and	

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believes that a new report is warranted, shall make a self-report and provide a notice to the original reporter. Please refer to Intake in the NC Child Welfare manual, for instructions regarding notices of screened out reports and reports to law enforcement and the District Attorney. (b.) Reports Not Accepted for CPS Assessments. Nothing in this section alters any of the requirements established in Intake or Assessments in the NC Child Welfare manual. The county child welfare agency that screened the report shall send the notice to the reporter. (c.) Notice to the District Attorney and local law enforcement agency NCGS §7B-302, 7B-307, and Administrative Rule 10A N.C.A.C. 70A .0109 (http://reports.oah.state.nc.us/ncac/title%2010a%20-%20health%20and%20human%20services/chapter%2070%20-%20children's %20services/subchapter%20a/10a%20ncac%2070a%20.0109.pdf) governs when notices are to be sent to the district attorney or law enforcement. B. Assignment of CPS Assessments Every report that meets the criteria outlined in statue (NCGS §7B-301), and administrative code (10 A NCAC 70A.0103 and .0105) must be assigned for CPS Assessment. During the CPS Intake process, the county child welfare agency that accepts the report shall determine county of residence for that child, based on the statutory definitions. If the county of residence is different from the county that accepts the report, the county accepting the report shall refer the report to the county of residence for that county child welfare agency to conduct the CPS Assessment. The response time assigned to an accepted report begins from the moment that the reporter makes contact with the agency even if that county child welfare agency will not be the county conducting the CPS Assessment.	

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The county child welfare agency conducting the CPS Assessment determines whether the case is assigned as a family assessment or investigative assessment in reports involving neglect (except for certain neglect reports) or dependency. 1.) Assigning CPS Assessments NCGS § 153A-257 mandates that services shall be assigned according to where the child resides including child protective services. (a.) The county child welfare agency that receives the report must review the Structured Intake Form (DSS-1402) that takes into consideration the following when determining the county with responsibility to conduct the CPS Assessment: (i.) The address that the reporter used. (ii.) The results of the Online Verification search of services: Work First, Medicaid, Food Stamps, Health Department Services, DMV, Employment Security Commission (ESC), or child support. (iii.) The county where the child attends school or childcare. (iv.) Mail and if there is a physical address or a post office box. (v.) The presence of utility service. (vi.) The address of the parent or caretaker where the child spends the majority of the time or where the child goes to an after-school care program. (vii.) Where the child is located at the time of the report.	

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(b.) Homeless/DV Shelters are not considered residences unless the individual: (i.) States he or she intends to make the county his or her permanent residence, (ii.) Has a job in the county where the shelter is located, or (iii.) Has a child in school or a childcare program in the county where the shelter is located. (c.) Other situations to take into consideration when determining the residence of the child. When custody of the child is jointly held between parents who reside in different counties, and none of the above items determine the county of residence, consider the residence of the mother first, and then the residence of the father in accordance with NCGS §153A-257. In situations where the residence of the mother or father is known but the child does not reside with either, it is not necessary for the CPS Assessment to be assigned to the resident county of one of the parents. In this instance, the CPS Assessment would be assigned to the county in which the child is found. 2.) Assigning CPS Assessments involving multiple counties (a.) Open CPS Assessment If it is determined that a CPS Assessment is currently active, the county child welfare agency with the open CPS Assessment will be the county assigned to complete the CPS Assessment with requests for assistance from other county child welfare agencies as needed.	

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(b.) Open CPS In-Home Services If it is determined that a CPS In Home Services case is open, the county child welfare agency with the open CPS In Home Services case shall be the county responsible for conducting the CPS Assessment of any new reports received, unless there has been a change in the residence of the child as outlined in statute. The chart below is may be helpful when determining the appropriate county child welfare agency to conduct the CPS Assessment when CPS In-Home Services are being provided. When children are in another county as part of a Temporary Parental Safety Agreement or with a Temporary Safety Provider during CPS In-home Services, the county child welfare agency where the child resides will conduct the CPS Assessment, and the CPS In-Home Services case will be transferred to that county child welfare agency if necessary, at the completion of the CPS Assessment. Each county child welfare agency involved shall share information regarding the case. A Temporary Safety Provider is to be considered a voluntary temporary arrangement and is not legally secure. It should not be considered a change in residence. (c.) Multiple Counties of Residence When it is determined that children who are residents of multiple counties are involved in a CPS report, the following guidelines shall be considered (i.) If during CPS Intake, the children are still in the county where the alleged abuse, neglect, and/or dependency occurred, that	

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county child welfare agency is responsible for initiating the CPS Assessment and assessing safety for all of the children. That county child welfare agency will determine the counties of residence for each child and will make referrals to the child welfare agency in each child's county of residence to complete the CPS Assessment for those children. (ii.) If during CPS Intake, the children alleged to have been abused, neglected, and/or dependent have returned to their counties of residence from the county where the abuse, neglect, and/or dependency occurred, the resident county child welfare agencies will be notified of the report, and those agencies will be responsible for conducting the CPS Assessments for the children residing in their counties. (iii.) When there are multiple county child welfare agencies involved in conducting CPS Assessments for multiple children resulting from a report of abuse, neglect, and/or dependency, it is the responsibility of each county child welfare agency of residence to determine if it will conduct a family assessment or an investigative assessment for the child that is a resident of its county. (iv.) Each county child welfare agency will complete its assessment and make its case decision based on that assessment. Each county child welfare agency will submit one DSS-5104for the child that is the resident of that county. (d.) Open Child Placement case Nothing in this section alters the requirements for the delivery of services when there is a jurisdictional issue in a placement case. If it is determined that the victim child is in the legal custody of a county child welfare agency, refer to Conflict of Interest for guidance. (e.) Transfer of information When multiple county child welfare agencies are involved with multiple children resulting from one CPS report, it is imperative that all the agencies share information with one another for each county child welfare agency to be able to conduct thorough assessments for each child residing in their counties.	

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(i.) The verbal exchange of information between counties shall be IMMEDIATE--not to exceed two hours and followed by transmittal of the completed DSS-1402, as well as any other written information deemed necessary by the county child welfare agency. If the two-hour time limit extends beyond normal business hours, then the county child welfare agency that screened the report must make arrangements with the after-hours worker in the other county child welfare agency. (ii.) It is the responsibility of the county that received the report to ensure that the transfer of information occurs. Should the transfer of information be delayed due to the inaccessibility of a CPS Intake worker, supervisor, program manager or administrator, then the directors of each county child welfare agency shall be notified by the county sending the information. The date, time of contact, and the name of the county child welfare worker contacted regarding the transfer of information shall be documented on the DSS1402. Refer to the following chart when the assistance of another county is necessary to conduct the CPS Assessment in an out-of-home living arrangement. Type of Home Supervised / Licensed by The County Child Welfare Agency with the Responsibility for Conducting an Out-of-Home CPS Assessment Family foster home, therapeutic foster home, residential child care facility, or boarding school * None of the county child welfare agency's children are in the home. Children placed voluntarily without the intervention of a county	

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child welfare agency may be in the home. Licensed by the Division of Social Services or the Division of Health Services Regulation and supervised by a private child placing agency • A parent/caretaker should be assessed by the parent/caretakers' resident county child welfare agency if the allegations are related to when the child was with the parent/caretaker. • A foster parent should be assessed by the foster parent's resident county child welfare agency. • A worker of a facility should be assessed by the county child welfare agency where the facility is located. Family foster home, therapeutic foster home, residential childcare facility, or boarding school with children in the custody of the county child welfare agency in the home. Any agency County child welfare agency where the report arose with the assistance of another county child welfare agency, if necessary. If the allegations are regarding: • A parent/caretaker, those reports should be assessed by the parent/caretakers' resident county child welfare agency. • A worker of a facility should be assessed by the county child welfare agency where the facility is located, unless the victim child is in the custody of that county child welfare agency. Family foster home, therapeutic foster home, or residential childcare facility Licensed by the Division of Social Services or the Division of Health Services Regulation and supervised by the county child welfare agency County child welfare agency where the report arose with the assistance of another county child welfare agency. Allegations regarding: • A parent/caretaker should be assessed by the parent/caretakers' resident county child welfare agency. • All others must be assessed as a conflict of interest. When a CPS Assessment is conducted that involves children who are in the custody of a county child welfare agency other than the county in which the home is located, the county with custody of the child shall be notified that a CPS Assessment is being conducted. Information shall be shared between the county agencies, including the case decision. Regardless of which county child welfare agency is responsible for conducting the CPS Assessment in an out-of-home living arrangement, it is the responsibility of the county child welfare agency where the child is found at the time of the report to initiate the	

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CPS Assessment and to assess the safety of the child. Initiation and completion of an assessment on an out-of-home placement provider shall be in accordance with timeframes established for the completion of Investigative Assessments. 5.) Requests for assistance from one county to another The request for assistance has the same priority as if the activity were for the resident county child welfare agency. Responding to a request for assistance is not optional and must be completed within timeframes established. (a.) A thorough CPS Assessment is required for every CPS report accepted for assessment. All of the activities required for a thorough CPS Assessment must be completed or there shall be documentation to justify why a particular activity could not be done as required. See Assessments in the NC Child Welfare manual for complete details. If the county child welfare agency conducting the CPS Assessment needs assistance from another county child welfare agency to perform a required activity, that county child welfare will make the request of the appropriate county child welfare agency. (b.) Requests for assistance may include: (i.) A visit to the home where the alleged abuse, neglect, and/or dependency occurred, (ii.) A face-to-face interview with the alleged perpetrator, (iii.) A face-to-face interview with other parents or caretakers, (iv.) Contacts with other adults living in the home, (v.) A face-to-face interview with other children who were in the home at the time that the alleged abuse, neglect, and/or dependency occurred,	

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(vi.) Contacts with collaterals, (vii.) Assessment of a safety provider, (viii.) Any other activities that will provide information to complete a thorough CPS Assessment so that a sound case decision can be made, and/or (ix.) When it is determined that assistance is required from another county child welfare agency to conduct any part of a CPS Assessment, the county child welfare agency conducting the CPS Assessment shall document its request for assistance and maintain a log of such requests. This log will be available for the CPR to review at regular intervals. (c.) The request for assistance may or may not be from the resident county child welfare agency. The county child welfare agency receiving the request for assistance does not have the option of refusing to perform the requested activity. (d.) The request for assistance shall: (i.) Be verbal with acknowledgment by the assisting county child welfare agency of the receipt of the request, (ii.) Include sharing of the completed and legible DSS-1402, Central Registry check, and any other pertinent information gathered during the CPS Intake process to the assisting county child welfare by fax or secure email, and (iii.) Include sharing of the completed and legible documentation of pertinent information gathered during the CPS Assessment process to the assisting county child welfare agency by fax. C. Conducting an assessment with multiple counties involved	

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1.) Responsibilities of the county child welfare agency conducting the CPS Assessment It is the responsibility of the county child welfare agency where the child is found at the time of the CPS report to initiate the CPS Assessment and to assess and ensure the child's safety, regardless of what county child welfare agency is ultimately responsible for conducting the CPS Assessment. (a.) If the child moves following the initiation of the CPS Assessment, the county conducting the CPS Assessment will not change until the completion of the CPS Assessment. The exception is if the move of the child is planned, then the CPS Assessment may be transferred to the new county of residence if it is in the best interest of the child. However, if there is sufficient information available to make a case decision, it should be made prior to the transfer occurring. It is at the discretion of the county child welfare agency that initiated the CPS Assessment to make the decision if there is sufficient information to make the case decision or the need to transfer to the other county child welfare agency. The new county of residence for the child shall be contacted to assist with the completion of the CPS Assessment. The new county child welfare agency of residence shall be included in the discussion of the case decision and the need for any ongoing services that they will be responsible for providing if the case decision is to substantiate or find services needed. (b.) In most cases, the county child welfare agency responsible for conducting the CPS Assessment is the child's county of residence as defined by statute. In some out-of-home placement cases, the county child welfare agency responsible for conducting the CPS Assessment will not be the child's resident county. The county child welfare agency conducting the CPS Assessment accepts full responsibility for the completion of a thorough CPS Assessment and for ensuring that all of the components of a thorough assessment occur. When requested to conduct a CPS Assessment for another county, the county child welfare agency responsible for conducting the CPS Assessment must begin within mandated timeframes.	

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It remains the responsibility of the county of residence to ensure that the CPS Assessment is initiated and to ensure the safety of the child. (c.) In some instances, the county child welfare agency conducting the CPS Assessment may need to ensure that a required activity is done in another county that is nearby. Instead of asking the other county child welfare agency to perform the activity, the county child welfare worker may cross county lines to perform the required activity if time and required driving distance permit. Permission should be obtained first. (d.) The county child welfare agency conducting the CPS Assessment is responsible for requesting assistance from any county where a significant party to the assessment is found during the course of the assessment. (e.) The county child welfare agency conducting the CPS Assessment is responsible for ensuring that all required and appropriate activities to complete a thorough CPS Assessment are completed and occur within the timeframes established in law NCGS §7B-302 and rule, 10A NCAC 70A .0105, .0106, .0107, .0108, .0109, .0110, .0112, .0114. (f.) The county child welfare agency conducting the CPS Assessment is responsible for ensuring the completion of all Structured Decision Making tools with information provided from other counties as appropriate. (g.) The county child welfare agency responsible for conducting the CPS Assessment is responsible for making the case decision. Once the case decision is made by the county child welfare agency who conducted the CPS Assessment, other county child welfare agencies must abide by that decision. (h.) When one county child welfare agency conducts a CPS Assessment for another county child welfare agency, it is the responsibility of the resident county child welfare agency to assist the county child welfare agency conducting the assessment in making arrangements to explain the case decision.	

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(i.) In family-centered practice, it is highly recommended that the CPS In-Home Services worker in the county where the ongoing services will occur, accompany the worker who conducted the CPS Assessment in a face-to-face contact with the family to explain the case decision to substantiate or find the services needed. This provides an opportunity to explain the Responsible Individuals List (see Assessments in the NC Child Welfare manual), if applicable, and to begin the transition from the CPS Assessment phase to the CPS In-Home Services phase. (j.) The county child welfare agency conducting the CPS Assessment is responsible for completing all required notices associated with the assessment. (k.) The county child welfare agency conducting the CPS Assessment is responsible for ensuring all documentation is received and placed in the case record. In cases where one county child welfare agency is conducting the CPS Assessment for another county, the conducting county child welfare agency is responsible for ensuring that all documentation is provided to the county child welfare agency for whom it conducted the assessment within seven business days. 2.) Responsibilities for the resident county child welfare agency (a.) When a resident county child welfare agency needs another county child welfare agency to conduct CPS Assessment, the resident county child welfare agency is responsible for contacting the other county child welfare agency directly. Direct contact by telephone is preferable. The resident county child welfare agency is responsible for ensuring that the CPS Assessment is initiated within the required timeframes to assess safety of the child(ren) and to develop a safety agreement with the parents/caretakers, if needed prior to the other county beginning the ongoing assessment. (b.) It is the responsibility of the resident county child welfare agency to respond and cooperate in every way possible, providing all necessary assistance as may be requested by the county child welfare agency conducting the CPS Assessment. (c.) It is the responsibility of the resident county child welfare agency to make available the Structured Intake Form, case record, Central Registry report, and other pertinent information. It may be asked to conduct local criminal records checks and make any necessary appointments with individuals pertinent to the assessment within the community.	

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(d.) It is also the responsibility of the resident county child welfare agency to coordinate with the other county child welfare agency to discuss the information learned during the CPS Assessment prior to the county child welfare agency conducting the assessment making the case decision. While the county child welfare agency conducting the CPS Assessment has the sole responsibility for making the case decision, both counties will discuss the finding before the case decision is made. (e.) The resident county child welfare agency is responsible for completing and sending all required notices. This includes delivering personal notice to the perpetrator in substantiated cases when his or her name will be included on the Responsible Individuals List (RIL). See Assessments in the NC Child Welfare manual for the procedures in providing this notice. If multiple attempts to deliver the notice are unsuccessful or if distance is an issue, it is permissible for the county child welfare agency conducting the CPS Assessment to request the resident county child welfare agency to deliver the notice. All required timeframes must be met as outlined in statute and in Assessments in the NC Child Welfare manual. (f.) The resident county child welfare agency is responsible for ensuring all documentation is received from the county child welfare agency that conducted the CPS Assessment and placed in the case record. 3.) Requests for assistance in a CPS Assessment A county child welfare agency will respond to requests for assistance in the following manner: (a.) If related to initiation, the response will occur within the timeframe established in law NCGS §7B-302 and rule 10A NCAC 70A .0105, but no later than 72 hours. Permission should be granted for the conducting county child welfare agency worker to cross county lines if necessary. If permission is	

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not granted the conducting county child welfare agency acknowledges responsibility, but not liability, for the activity requested. (b.) If related to an assessment of a Temporary Safety Provider, the response shall be immediate, or permission granted for the conducting county child welfare agency worker to enter the county. The Initial Provider Assessment shall be completed prior to the child staying with the Temporary Safety Provider. The form to be used for Temporary Safety Provider assessments is the Initial Provider Assessment (DSS-5203). If the conducting county child welfare agency fails to notify the safety provider's county of residence, then the conducting county child welfare agency assumes all responsibility for the Temporary Safety Provider if approved and the child is with that safety provider. (i.) If the initial provider assessment is completed by the conducting county child welfare agency, the Initial Provider Assessment shall be provided to the Temporary Safety Provider's county of residence. Included shall be a request for the Temporary Safety Provider's county child welfare agency to monitor the Temporary Safety Provider. (ii.)The completed Initial Provider Assessment that is conducted by the Temporary Safety Provider's county child welfare agency shall be provided to the requesting county prior to the child moving into the safety provider's home. The decision of the temporary safety provider's county child welfare agency to approve or not approve the Temporary Safety Provider shall be final. A request for the Temporary Safety Provider to be monitored shall be made by the county conducting the CPS Assessment or CPS In-Home Services. (c.) Comprehensive kinship assessments are not required during CPS Assessments (only during CPS In-Home Services and Child Placement Services). (d.) If related to a collateral contact, a response shall be no later than five business days, unless otherwise requested by the coordinating county child welfare agency. (e.) Complete Structured Decision-Making process and tools as requested. (f.) Supply documentation to the county child welfare agency requesting assistance no later than seven business days after the	

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completion of the requested activity, unless otherwise requested. (g.) Any request for an activity that promotes the safety of the child will be honored. 4.) Initiation / response timeframes In all cases, it is the responsibility of the county child welfare agency where the child is found to initiate the CPS Assessment within the statutory time frames (NCGS §7B-302) and (10A NCAC 70A .0105), regardless of what county is identified as the agency that will conduct the CPS Assessment 5.) Required activities in special CPS Assessments Nothing in this section alters any of the required activities to complete an assessment (refer to Assessments in the NC Child Welfare manual.) CPS Assessments of an Out-of-Home Placement When the CPS Assessment is related to an out-of-home placement provider, there are additional required activities. (i.) The agency responsible for supervising the home shall be notified verbally within two hours that a report was received and accepted for a CPS Assessment. For facilities licensed by Division of Health Services Regulation (DHSR), verbal notification shall be to the intake/complaint unit at 1- 800-624-3004. Should this occur after-hours, it is permissible to leave a message.	

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A written report shall follow the verbal notification within five business days of receiving the CPS report. Please refer to the DSS-5282. Note: When notifying the agency responsible for supervising the placement, refer the agency to its internal protocol for responding to allegations of child abuse and/or neglect. (ii.) Depending on the nature of the report, and if appropriate, it is permissible for the agency responsible for supervising the placement provider or licensing staff to notify the provider that a report has been received. When notifying the agency that a report has been received, it will be important to advise the agency on what to expect during the CPS Assessment. (iii.) Identifying information regarding the alleged victim child shall not be included in any written documents found in the placement provider's record. (iv.) All children living in the home are considered victim children. All children named as victims that are no longer living in the home are still required to be seen. (v.) A visit to the home where the alleged incident occurred is required. (vi.) All required activities must be completed even if the child(ren) has been removed from the home. (vii.) Unless parental rights have been terminated, biological parents shall be informed that a CPS Assessment has been conducted and the results of the assessment. (viii.) A discussion of the case decision with the placement provider and the supervising/licensing agency is required. (ix.) Contact with the assigned Children's Programs Representative (CPR), by the county child welfare agency conducting the CPS Assessment shall occur after all involved county child welfare agencies have discussed the findings and the case decision is ready to be made. This should occur prior to reporting a case decision to the Division on the DSS-5104. The county child welfare workers, county child welfare supervisors, and/or program managers should be involved in the discussion of the findings with the CPR. If more than one CPR is involved, each county child welfare agency should notify its own CPR and all should be part of the same discussion at the same time, whether in a face to face meeting or by conference call. The CPR's role shall be to provide guidance that ensures the CPS Assessment is thorough, and that counties are clear about the differences between licensing issues and true CPS issues. (x.) The foster parent's license may or may not be revoked when a substantiation occurs.	

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(xi.) The placement provider's record should contain documentation of the occurrence of a CPS Assessment and the results of the assessment, including any recommendations by the county child welfare agency conducting the assessment. Identifying information regarding all alleged victim children shall be removed from all documents to be included in the placement provider's record. Note: It is permissible for the county director to share information and a summary of documentation from the case record without a court order with public or private agencies or individuals that are being utilized to provide or facilitate the provisions of protective services to a child. (xii.) When the allegations are within a DHHS facility (that provides 24- hour care), all volunteers and employees of the facility are automatically considered caretakers under NCGS § 7B-101(3). (xiii.) Notification to the licensing authority of an accepted report and notification of the case decision are also required. If licensed by the Division of Social Services, utilize the DSS-5282. To determine if the DSS is the licensing authority refer to http://www.ncdhhs.gov/dss/licensing/listings.htm All notices shall be sent to: Regulatory and Licensing Services North Carolina Division of Social Services 952 Old US Highway 70, Black Mountain, North Carolina 28711 (828) 669-3388 (828) 669-3365 fax If licensed by the Division of Health Services Regulation, utilize the DSS-5282. To determine if DHSR is the licensing authority refer to	

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https://www2.ncdhhs.gov/DHSR/reports.htm All notices shall be sent to: Division of Health Services Regulation Complaint Intake Unit 2711 Mail Service Center Raleigh, North Carolina 27699-2711 1800-624-3004 (919) 715-7724 fax These reports should only contain the required information. Do NOT reveal the name of the reporter in any notice. However, sufficient information should be provided so that victim children do not need to be re-interviewed. 6.) Placement during the CPS Assessment (b.) The county where the child resides is the county child welfare agency responsible for filing a petition requesting nonsecure custody when that becomes necessary. Usually, this is the county child welfare agency that is conducting the CPS Assessment. If the county child welfare agency conducting the CPS Assessment is not the resident county, the county child welfare agency where the child resides is responsible for filing the petition, unless the case is has been identified as a conflict of interest for the resident county child welfare agency. Information from the county child welfare agency conducting the CPS Assessment will be provided to the resident county child welfare. It is important to remember that any North Carolina district court can have jurisdiction over a person, regardless of where in the state he or she resides, if the person is served a summons and notice of the hearing.	

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NCGS 7B-903 (c) states: "In the case of any juvenile who needs more adequate care or supervision or who needs placement, the court may: Place the juvenile in the custody of the department of social services in the county of the juvenile's residence, or in the case of a juvenile who has legal residence outside the State, in the physical custody of the department of social services in the county where the juvenile is found so that agency may return the juvenile to the responsible authorities in the juvenile's home state." (c.) When multiple counties are involved, a discussion shall take place as to the roles and services needed from each county child welfare agency. Consider: (i.) What is the permanent plan for the child? (ii.) Who is identified as the child's planned permanent family? (iii.) Who has the most information/relationship with the child? (d.) The Inter-County Agreement (DSS- 1797) shall be completed when the county where the child is placed and the county child welfare agency that made the arrangement are not the same. This also applies to Temporary Safety Providers. (e.) Prior to the transfer of custody or a change of venue, a hearing shall be held giving each county the right to appear and plead their position. North Carolina Rules of Civil Procedure 13(h) (http://www.ncga.state.nc.us/enactedlegislation/statutes/html/bychapter/chapter_1a.html) states, "Additional parties may be brought in. When presence of parties other than those to the original action is required for granting of complete relief in the determination of a counterclaim or crossclaim, the court shall order them to be brought in as defendants as provided in these rules, if jurisdiction of them can be obtained." North Carolina Rule of Civil Procedure 19(b) (http://www.ncga.state.nc.us/enactedlegislation/statutes/html/bychapter/ch apter_1a.html) states, "The court may determine any claim before it when it can do so without prejudice to the rights of any party or to the rights of others not before the court; but when a	

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complete determination of such claim cannot be made without the presence of other parties, the court shall order such other parties summoned to appear in the action." Should a county elect not to be present at the change of venue hearing, all rights to argue against the transfer are forfeited. (f.) The county with venue shall notify all involved counties of any changes in venue. (g.) The case record shall be shared in its entirety when a case is transferred from one county child welfare agency to another within seven business days. IV. CPS IN-HOME SERVICES (215 SERVICES) A. CPS In-Home Services Policies Regardless of whether One or More County Child Welfare Agencies are Involved 1.) Nothing in this section alters the requirements for the delivery of CPS In-Home Services. Please see In-Home in the NC Child Welfare manual for a full discussion of CPS In-Home Services policies. The following policies are required, and if fulfilling these policies involves more than one county child welfare agency, it is the responsibility of the involved county child welfare agencies to work together to identify which county child welfare agency will conduct the activities. 2.) When ongoing CPS In-Home Services are indicated following substantiation or a finding of services needed, the county child welfare agency that will be providing ongoing CPS In-Home Services with the family will assume responsibility for the case. Generally, the county where the child resides is the county that will be responsible for the CPS In-Home Services. Plans involving a child staying with a Temporary Safety Provider during the CPS Assessment do not equate to a change in residence for the child(ren). The CPS In-Home Services case should remain with the county where the parent resides in this instance. The involved county child welfare agencies should coordinate the provision of services to the parent and the child(ren). It will be important to determine whether other county child welfare agencies continue to remain involved with the family or need to become involved with the family. Case closure should not	

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be considered until the child(ren) is able to return home. Otherwise, consideration should be given to obtaining nonsecure custody to establish legal permanence. 3.) A family shall be seen by a county child welfare worker within one week after substantiation of abuse, neglect, and/or dependency or a finding of services needed to begin the transition from the CPS Assessment phase to CPS In-Home Services, unless there is documentation of diligent efforts made and/or rationale for the delay. It is imperative that the decision regarding what county child welfare agency will be responsible for providing the ongoing CPS In-Home Services is made timely in order to meet this timeframe. B. CPS In-Home Services When There are No Other Counties Involved 1.) Requesting assistance from another county Whenever it becomes necessary to involve another county child welfare agency to facilitate the delivery of services or to contact collaterals, the request shall be in writing. The request shall be specific and include enough information necessary to complete the request. 2.) When a family moves When a family moves during the provision of CPS In-Home Services to another county, the county child welfare agency with the open CPS In-Home Services case will attempt to determine to what county the family has moved. Once there has been another county identified, the county child welfare agency with the open case will contact the county child welfare agency where the family is believed to have relocated. They will request the other county child welfare agency to verify that the family has relocated in that county. The Diligent Efforts form in Assessments in the NC Child Welfare manual is to be used to document the verification activities. Verification shall include but is not be limited to: (a.) a visit to the new home,	

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(b.) proof of utilities, (c.) school enrollment, or (d.) the application for services. Upon verification that the family has moved, plans should be discussed between the two county child welfare agencies involved about transferring the CPS In- Home Services case. It is never appropriate to transfer a case from one county child welfare agency to another without this discussion--either face- to-face or by conference call. Simply faxing information to the other county child welfare agency is not sufficient. County child welfare workers, supervisors and/or program managers from both county child welfare agencies should be involved together in this discussion. C. Providing CPS In-Home Services When Multiple Counties are Involved 1.) When it is necessary to open a CPS In-Home Services case and multiple county child welfare agencies are already involved, a decision shall be made collaboratively as to which county child welfare agency should be responsible for providing the CPS In-Home Services. In most cases, the county where the child resides is the county child welfare agency that is responsible for providing CPS In-Home Services. This discussion should involve all county child welfare workers, supervisors and/or program managers--either face-to-face or by conference call. The discussion should also identify the ongoing roles of the county child welfare agencies involved in assisting the county child welfare agency providing the CPS In-Home Services. Factors to consider in defining the services needed from the different county child welfare agencies include: (a.) The home where the safety issues to be resolved is located, (b.) Where and to whom the child is going to be returned, if the child is with a Temporary Safety Provider, (c.) Where the child is located and how long the child is anticipated to remain, and (d.) The best interest of the child and family.	

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2.) During the provision of CPS In-Home Services, the responsible county child welfare agency will collaborate with the other county child welfare agencies involved in the case to determine which county child welfare agency will make the necessary contacts and assessments based on the needs of the case. The county child welfare agency providing these contacts and assessments will provide written documentation, to the county child welfare agency responsible for providing the CPS In-Home Services. 3.) When a new CPS report is received during the provision of CPS In-Home Services, the county child welfare agency that is providing the CPS In-Home Services will conduct the CPS Assessment and will collaborate with any other county child welfare agencies involved in accordance with the principles outlined in this section. The chart below is may be helpful when determining the appropriate county to conduct the CPS Assessment when CPS In-Home Services are being provided. Location of the Child Allegations against: Assessment by: Parent Parent Parent's county of residence Temporary Safety Provider Temporary Safety Provider Temporary Safety Provider's county of residence Temporary Safety Provider Parent Parent's county of residence Facility Facility County where the facility is located Facility Parent Parent's county of residence 4.) If an out of home placement becomes necessary during the provision of CPS In-Home Services, all required activities shall be completed to comply with law N.C.G.S. §7B-302 and rule 10A N.C.A.C. 70A .0110. (a.) Placement of a child out of the home with a Temporary Safety Provider during CPS In-Home Services shall be conducted in accordance with In-Home and Permanency Planning in the NC Child Welfare manual.	

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(i.) Placements with relatives and fictive kin shall be legally secure prior to case closure if there is any question that the child would be unsafe if the parent were to take the child out of the relative's home. (ii.) If the conditions that necessitated the placement of the child with a Temporary Safety Provider are not remedied within 90 days of the arrangement, the county child welfare agency that has the open CPS In-Home Services case shall reassess the child(ren)'s need for permanence. A request for assistance from the county child welfare agency where the Temporary Safety Provider is located may be needed if the Temporary Safety Provider resides in a different county. (b.) The county child welfare agency where the child(ren) resides shall be responsible for filing the petition for nonsecure custody, unless the case has been identified as a conflict of interest case. In most cases, that county is providing the CPS In-Home Services. NCGS 7B-903 (c) states: "In the case of any juvenile who needs more adequate care or supervision or who needs placement, the court may: Place the juvenile in the custody of the department of social services in the county of the juvenile's residence, or in the case of a juvenile who has legal residence outside the State, in the physical custody of the department of social services in the county where the juvenile is found so that agency may return the juvenile to the responsible authorities in the juvenile's home state." (c.) When multiple county child welfare agencies are involved, a discussion shall take place as to the roles and services needed from each county child welfare agency. Consider: (i.) What is the permanent plan for the child? (ii.) Who is identified as the child's planned permanent family? (iii.) Who has information regarding the child and family? (d.) The inter-county agreement (DSS- 1797) shall be completed when the county where the child is placed, and the county child welfare agency that made the placement are not the same.	

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(e.) Prior to the transfer of custody or a change of venue, a hearing shall be held giving each involved county the right to appear and plead their position. Should a county child welfare agency elect not to be present at the change of venue hearing, all rights to argue against the transfer are forfeited. North Carolina Rules of Civil Procedure 13(b) (http://www.ncga.state.nc.us/enactedlegislation/statutes/html/bychapter/cha pter_1a.html) states "Additional parties may be brought in. – When the presence of parties other than those to the original action is required for the granting of complete relief in the determination of a counterclaim or crossclaim, the court shall order them to be brought in as defendants as provided in these rules, if jurisdiction of them can be obtained." North Carolina Rules of Civil Procedure 19(b) (http://www.ncga.state.nc.us/enactedlegislation/statutes/html/bychapter/cha pter_1a.html) states "The court may determine any claim before it when it can do so without prejudice to the rights of any party or to the rights of others not before the court; but when a complete determination of such claim cannot be made without the presence of other parties, the court shall order such other parties summoned to appear in the action." (f.) All involved county child welfare agencies shall be notified of any changes in venue. (g.) The case record shall be shared in its entirety when a case is transferred from one county child welfare agency to another within seven business days. V. WHEN COUNTY DEPARTMENTS DISAGREE A. Process for Resolving Disagreements in CPS Cases When Multiple Counties are Involved	

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1.) Should a disagreement occur among staff when more than one county child welfare agencies are involved regarding any or all parts of a child welfare case, the staff involved with the case and their respective supervisors should attempt to resolve the issues and come to a consensus with a focus on family-centered practice. 2.) If the staff from the county child welfare agencies involved and the respective supervisors cannot reach a consensus, the program managers/administrators from each county child welfare should confer, attempt to resolve the issues, and come to a consensus with a focus on family-centered practice. 3.) If the issues cannot be resolved at the program manager/administrator level, the directors of the involved child welfare agencies will be notified of the issues and the fact that the issues cannot be resolved by their staff and management. The directors will confer, attempt to resolve the issues, and come to a consensus with a focus on family-centered practice. B. Consultation with the Division of Social Services In the event that the county child welfare agencies involved cannot resolve the issues and come to a consensus at the directors' level, the appropriate Children's Programs Representative (CPR) will be contacted. If multiple CPRs are assigned to the different counties involved in the situation, each county's CPR should be included in the discussion. The Local Support Team Manager may also be contacted as a means of resolving the disagreement between the county child welfare agencies. In the event that the CPR or Local Support Team Manager is unavailable, contact the Division's CPS Policy Team at (919) 527-6340. NCGS §_153A-257(d) provides the Division of Social Services with the authority to make a decision when disagreements occur and the decision of the Division shall be final.	

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NOTE: At no time shall a CPS Assessment be allowed to go un-assessed due to a disagreement between county child welfare agencies. Although nothing should prevent a county child welfare worker from crossing into another county to conduct a CPS Assessment activity if necessary, a request from the other county should be made first. VI. CHILD PLACEMENT SERVICES A. Child Placement Policies Regardless of Whether One or More County Child Welfare Agencies Are Involved 1.) Nothing in this section alters the requirements for the delivery of services when a county has placement responsibility of a child. Please refer to Permanency Planning in the NC Child Welfare manual for a full discussion of the relevant policies. It is the responsibility of the involved county child welfare agencies to work together to identify which county child welfare agency will conduct the activities. B. Providing Services When There are No Other Counties Involved 1.) When the parents move to another county When the parents move to another county and the transfer of the case is being considered, take into consideration the following: (a.) When the permanent plan for the child is reunification, with whom is the child being reunified and where does he or she reside? (b.) When reunification with the parent is no longer the goal or does not appear likely. (c.) The transfer of court cases is discussed in VII (Venue) of this Section. (d.) Whenever the county child welfare agency who has placement responsibility for the child(ren) needs assistance from another county child welfare agency to make contacts, provide supervision, or conduct an assessment, the staff and their respective supervisors	

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will discuss the case either face-to-face or by conference call and jointly determine the activities, timeframes, documentation required, and communication expectations. 2.) When a child who is in the custody of a county child welfare agency is placed with unlicensed relatives or fictive kin and the relatives or fictive kin move to another county (a.) Once notified that the placement provider will be moving to another county, the county child welfare agency with custody and placement responsibility shall immediately contact the child welfare agency in the county where the relatives or fictive kin will be relocating. The county child welfare agency with custody and placement authority shall request an updated provider assessment. (b.) The new county child welfare agency shall complete a new provider assessment within five business days. (c.) A new DSS-1797 shall be completed and returned to the county child welfare agency with custody and placement responsibility. C. Providing Services When Multiple Counties are Involved 1.) Placement of a child out of county (a.) Although it is policy and best practice to place a child within his or her own county and his or her own community, it is sometimes necessary to place the child with an unlicensed relative or other court-approved placement provider. When a child is placed out of the county with a relative or other court-approved placement provider: (i.) Prior notice to the other county child welfare agency of the impending placement is required. A child shall not be placed in another county without prior notification to that county child welfare agency. (ii.) In cases that the county with legal custody of the child desires to place the child(ren) in a kinship placement in another county	

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at the time of removal, the county child welfare agency with legal custody of the child shall make a request to the county child welfare agency where the potential kinship care provider resides for an Initial Provider Assessment and criminal history check of the potential safety providers. This shall be completed prior to the placement of the child. The county child welfare agency conducting the provider assessment shall complete the Initial Provider Assessment and criminal history check within one business day. If the Initial Provider Assessment or criminal history check documents safety concerns about the proposed provider, placement of the child shall not occur. (iii.) If the results of the Initial Provider Assessment and criminal record check are favorable, the county child welfare agency with legal custody of the child(ren) has responsibility for quarterly face-toface contacts with the child and placement provider. The county child welfare agency where the kinship care placement is located will follow up with the comprehensive kinship care assessment, will provide any required contacts, and will provide documentation of contacts to the placing county child welfare agency on a monthly basis. (iv.) The county child welfare agency that has legal custody of the child(ren) shall send all pertinent documentation regarding the child to the county child welfare agency where the placement provider resides within five business days. Documentation shall include case narrative, copies of the juvenile petition, nonsecure custody court order, Structured Decision-Making tools, and the Family Services Agreement. (v.) If the court in the county assuming custody of the child(ren) orders immediate placement with a relative or fictive kin in the other county upon issuance of the nonsecure custody court order, the county child welfare agency obtaining custody of the child shall immediately notify the county child welfare agency where the placement provider resides. (vi.) Whenever possible, there should be careful planning for placement of a child with a relative or fictive kin. It may be that the child is already in a placement with a relative or fictive kin who may be a potential placement provider and resides in another county. When there is more time for assessment, the county child welfare agency with legal custody should request a Provider Assessment (both initial and comprehensive) and any home study that is requested by its court. These assessments must be completed prior to placement of the child. (vii.) The Inter-County Agreement, DSS-1797, shall be completed at the time of placement. The DSS-1797 assists county child welfare	

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agencies with the determination of responsibilities while the child(ren) is in that placement. The agreement should also indicate the timeframes for the sharing of documentation. The DSS-1797 shall also describe what should happen should the placement disrupt. If the DSS-1797 is not completed and signed, the placement of the child shall not occur. (viii.) If a placement with relative or fictive kin disrupts, the county child welfare agency that has legal custody of the child(ren) is responsible for making other placement arrangements for the child(ren). (b.) There are times when the best placement for a child in the custody and placement authority of a county child welfare agency is a licensed family foster home, therapeutic family foster home, group home, or institution located in another county. The Inter-County Agreement, DSS-1797, shall be completed at the time of placement. The DSS-1797 assists county child welfare agencies with the determination of responsibilities while the child is in that placement. The agreement should also indicate the timeframes for the sharing of documentation. (c.) The county child welfare worker shall have face-to-face contact with the child(ren) at least monthly. The county child welfare agency shall have more frequent contact when indicated by the child(ren)'s needs. The need for less frequent contact must be documented in writing and the documentation should include the level of contact expected. The county child welfare agency where the placement provider is located may serve as the monthly contact for the child(ren)'s resident county. (d.) There shall be monthly contact with the placement provider in reference to the child(ren)'s needs and progress which shall be documented in the child(ren)'s record. Documentation shall reflect diligent efforts made to contact. (e.) In cases where a contractual party is conducting the required contacts, the county child welfare agency shall request regular status reports and have face-to-face contact with the child(ren) at least once a quarter, or there shall be documentation to reflect efforts made or rationale for not making the contact. 2.) Collaboration among county child welfare agencies in out-of-home placement cases	

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Collaboration among all county child welfare agencies involved in a Child Placement Services case is essential to providing continuity and stability for children and families during the times they most need it. County child welfare agencies must facilitate the transfer of information about the family from one to the other in a timely manner. A thorough transfer of information between county child welfare workers is critical. Sharing information also helps the child placement worker in developing a timely Out-of-Home Family Services Agreement for the family and a parallel legal plan for achieving safety and permanence for the child(ren) within one year. All information previously obtained about the family and a history of the agency's involvement with the family must be thoroughly documented in the case record and effectively transferred from one county child welfare worker to the next. County child welfare workers may even overlap or share services to the child and family before, during, and after a transfer of a case from one county child welfare agency to the other. Whenever a Child Placement Services case is transferred, a transitional face-to-face visit with the child(ren) and his or her placement provider should be planned with both county child welfare workers present to allow for the child(ren) and placement provider to be introduced to the new worker. This same kind of face-to-face meeting should be arranged with the child's birth family if the plan continues to be reunification in order for the family to be introduced to the new county child welfare worker. Using the DSS-1797, county child welfare agencies will negotiate who makes contacts with the respective individuals in their counties, and who documents or completes various pieces of the required tools. VII. ADOPTION A. Adoption Services Nothing in this section alters any of the requirements for the delivery of services once the plan for a child has become adoption. The adoption manual can be found in Adoptions in the NC Child Welfare manual.	

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B. When Multiple Counties Become Involved with a Child Who is Legally Free for Adoption 1). When the final decree of adoption has been issued (a.) If the adoption dissolves, the county child welfare agency where the child(ren) resides is responsible for the overall case management for the child(ren), including placement and financial responsibility for Child Placement Services. The county child welfare agency that had custody of the child prior to the finalization of the adoption maintains responsibility for Adoption Assistance until adoption assistance issues are resolved. (b.) If the county child welfare agency that had custody of the child(ren) prior to the finalization of adoption decides that it is in the best interest of the child to return to that county, the county child welfare agencies should work together to plan for this. It is important to remember that best practice dictates the county child welfare agency that had custody prior to the finalization share all case information deemed important by the county child welfare agency where the child(ren) and adoptive family reside in providing supportive services to the child and placement resources. (c.) If the child is placed in a residential facility, detention facility, hospital, or other treatment facility in another county (not the placing county child welfare agency and not the county child welfare agency where the adoptive parents reside) and the adoptive parents abandon the child, follow the guidelines in this section regarding the assessment of CPS reports involving more than one county. The county child welfare agency responsible for initiating the CPS Assessment in this situation will be the county where the facility is located. However, the county child welfare agency where the adoptive parents reside is considered by statute as the county of residence for the child. The resident county child welfare agency will be the county child welfare agency responsible for conducting the CPS Assessment and for filing a juvenile petition, as well as a request for nonsecure custody, if warranted. The resident county child welfare agency has overall responsibility for the case including case management, financial responsibility for child placement services, and adoption assistance if the child is readopted.	

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(d.) If the child(ren)'s residence with the adoptive parents is in another state but the child is in a placement in North Carolina and the adoptive parents abandon the child(ren), the county child welfare agency where the child(ren) is found is responsible for the child's safety and maintains responsibility for placement. This county child welfare agency maintains this responsibility until the state of residence agrees to accept jurisdiction. If a North Carolina county child welfare agency placed the child(ren), they continue to be responsible for Adoption Assistance for the child(ren). 2). When the final decree of adoption has not been issued If the child(ren) is in the legal custody of one county child welfare agency and is placed in an adoptive home in another county, the placement disrupts, and the child(ren) must be moved, the county child welfare agency with legal custody of the child is responsible for locating a new placement. That county child welfare agency may request that the county child welfare agency where the child(ren) and adoptive family reside assist by actually removing the child(ren) from the placement. However, the county child welfare agency that has custody of the child(ren) is responsible for transporting the child(ren) to the new placement. In many instances, the county child welfare agency that had been supervising the adoptive placement may have provided significant contact and services to the child(ren) during the placement. The two county child welfare agencies may jointly decide that both county child welfare workers need to accompany the child(ren) to the new placement in order to minimize further trauma. This decision should be based on the needs of the child(ren). The county where the child(ren) resides with the adoptive family is responsible for ensuring the child(ren)'s safety until the county child welfare agency with legal custody moves the child(ren) to the new placement. The DSS-1797 shall detail the responsibility of each county child welfare agency involved should a disruption occur. Each agreement should individually reflect the child(ren)'s and family's needs. VIII. VENUE	

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Requests to change venue should consider the permanent plan for the child(ren), the child(ren)'s current placement, visitation issues, and any other information that affects the well-being of the child(ren). The decision to change venue is at the court's discretion. A. Notice of Hearing 1.) Before filing a motion to change venue of a juvenile court case, the involved county child welfare agencies must discuss the case. When it becomes necessary to request a change of venue, county child welfare agencies must collaborate with one another to achieve a resolution that is in the best interest of the child(ren) without interrupting services to the family. The original county child welfare agency shall ensure that notice of the hearing to transfer venue is served on the county child welfare agency proposed to receive venue so that it is afforded an opportunity to be present at the hearing and to present any arguments against changing venue, or send written consents. 2.) An order changing custody of the child(ren) from one county child welfare agency to another should be entered only after that county child welfare agency is given notice and an opportunity to be heard or consented to the transfer. North Carolina Rule of Civil Procedure 13(h) (http://www.ncga.state.nc.us/enactedlegislation/statutes/html/bychapter/cha pter_1a.html) states, "Parties may be brought in. When the presence of parties other than those to the original action is required for the granting of complete relief in the determination of a counterclaim or cross-claim, the court shall order them to be brought in as defendants as provided in these rules, if jurisdiction of them can be obtained." North Carolina Rules of Civil Procedure 19(b) (http://www.ncga.state.nc.us/enactedlegislation/statutes/html/bychapter/chapter_ 1a.html) states, "The court may determine any claim before it when it can do so without prejudice to the rights of any party or to the	

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rights of others not before the court; but when a complete determination of such claim cannot be made without the presence of other parties, the court shall order such other parties summoned to appear in the action." 3.) If a county child welfare agency fails to appear or respond after having received notice, that county child welfare is considered as having forfeited its right to be heard, and venue may be properly transferred. B. Changing Venue Changing venue does not automatically transfer custody of the juvenile(s) to the other county child welfare agency. The court order must specifically state that custody will also transfer. Any order changing venue should include: 1.) Language justifying the transfer of venue. 2.) The process of physically transferring the case. 3.) Clear description of the next action required. C. When a Parent Moves When a parent moves and a decision is made to transfer venue, the following should be considered: 1.) The permanent plan for the child. 2.) The current placement of the child. 3.) Visitation issues. 4.) Any other relevant facts. IX. INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN The Interstate Compact on the Placement of Children (ICPC) regulates the interstate movement of children. The Compact is a uniform	

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law that has been enacted by all the fifty states, the District of Columbia, and the US Virgin Islands. The North Carolina legislature enacted the Compact on July 1, 1971. The Compact is the best means to ensure protection and services to children who are placed across state lines for child placement services or adoption. The Compact is a legally and administratively sound means of placing children across states lines with the same safeguards and services as are available when they are placed within their own state. The Compact provides the means for securing an evaluation of a prospective placement before the child is sent outside the state and provides assurance that the sending state retains jurisdiction over the child sufficient to ensure that the child receives adequate care and protection. See Interstate Compact on the Placement of Children in the NC Child Welfare manual for more information.	

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PURPOSE Child Protective Services are federally mandated; however, North Carolina (NC) remains one of the few states that administer its child welfare system at the county level. These federally mandated services are applicable to the entire state without consideration to county lines. The North Carolina Division of Social Services (Division) recognizes that all children in NC have the right to live free of abuse and neglect without regard to where they live or with whom they live. Therefore, all 100 counties in NC bear the responsibility for ensuring the safety and well-being of all children and their families. The primary purpose of this policy is to avoid conflicts of interest or the potential for the appearance of conflicts of interest. It was developed in collaboration with the NC Association of County Directors of Social Services Children's Services Committee to provide guidance to county child welfare agencies on managing conflicts of interest. County child welfare agencies should develop Memoranda of Understanding (MOU) between partner county child welfare agencies, as well as, case-specific Memoranda of Agreement to address the needs of individual county child welfare systems. An example of a MOU can be found at the end of this policy. When the delivery of child welfare services involves multiple counties, it is expected that each county child welfare agency work in a collaborative and coordinated manner in order to provide greater continuity of services to families while providing stability and ensuring safety for children. Each community is best able to identify, build, and make the most of existing resources to assist families. All efforts should be made to resolve disagreements related to the identification of and the provision of services to families where a Conflict of Interest (COI) or a perceived Conflict of Interest (COI) exists. These efforts should include involving county child welfare agency management up through and including directors in the attempt to reach a resolution. This policy addresses COI cases only. It does not cover every conceivable situation that may arise and nothing in this policy alters any of the required activities to complete the child welfare services activities that are outlined in NC child welfare law, rule, and policy.	

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II. LEGAL AND POLICY BASIS This policy is based on the following sources: • North Carolina General Statutes regarding the provision of protective services located in Chapter 7B. • North Carolina's Administrative Code Title 10A - Health and Human Services - Chapter 70 - Children's Services (http://reports.oah.state.nc.us/ncac.asp?folderName =%5CTitle%2010A%20-%20Health%20and%20Human%20Services %5CChapter%2070%20-%20Children's%20Services). • Assessments in the NC Child welfare manual. Please also see "Jurisdiction in Child Welfare" where policies that govern requests for assistance, CPS In-Home Services across county lines, assistance in settling multi-county disagreements, cross county adoptions, venue, and cross county ICPC cases in NC is located. • A client record (DSS-5027) shall be established for any person for whom services will be provided as outlined in the Services Information System manual (http://info.dhhs.state.nc.us/olm/manuals/dss/rim-01/man/SIS.pdf) and a DSS-5104 (http://info.dhhs.state.nc.us/olm/forms/dss/dss-5104.pdf) shall be completed at case decision as defined in "Central Registry" in Assessments in the NC Child welfare manual. **Conflict of Interest** 1. NC Administrative Codes 10A NCAC 70A .0103 (http://reports.oah.state.nc.us/ncac/title%2010a%20-%20health%20and%20human%20services/chapter%2070%20-%20children's%20services/subchapter%20a/10a%20ncac%2070a%20.0103.pdf) and 10A NCAC 70E .1105 (http://reports.oah.state.nc.us/ncac/title%2010a%20-%20health%20and%20human%20services/chapter%2070%20-	

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%20children's%20services/subchapter%20e/10a%20ncac%2070e%20.1105.pdf) address COI. County child welfare agencies shall refer reports of abuse, neglect, and/or dependency to another county child welfare agency when there is a COI. The following relationships can create a COI: a. Agency (county child welfare agencies) employees, b. A caretaker in a sole-source contract group home, c. County Commissioner, d. County Manager, e. Foster parent supervised by the county, f. Governance structure, g. Members of the board of directors, h. Member of the Board of Social Services, or i. Relatives of agency employees. Note: Relatives include birth and adoptive parents, blood and half-blood relative and adoptive relatives including brother, sister, grandparent, great-grandparent, great-great grandparent, uncle, aunt, great-uncle, great-aunt, great-great uncle, great-great aunt, nephew, niece, first cousin, stepparent, stepbrother, stepsister and the spouse of each of these relatives. 2. A child's parent/caretaker who is an incompetent adult and who is a ward of that child welfare agency.	

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3. A minor in foster care who is also a parent/caretaker. 4. There is a COI when in the professional judgment of the county agency director, the agency would be perceived as having a COI. **III. CHILD PROTECTIVE SERVICES (CPS)** NCGS § 7B-302 (http://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/ Chapter_7B/GS_7B-302.html) addresses the responsibility of the director when receiving reports of child abuse, neglect, and dependency. North Carolina Administrative Code 10A NCAC 70A .0105 (http://reports.oah.state.nc.us/ ncac/title%2010a%20-%20health%20and%20human%20services/chapter%2070%20%20children's%20services/subchapter%20a/10a%20ncac%2070a%20.0105.pdf) further clarifies the responsibility of county child welfare agencies when receiving a report of alleged abuse or neglect and Assessments in the NC Child welfare manual, as well as in NCGS § 7B-301 (http://www.ncleg.net/EnactedLegislation/Statutes/HTML/ BySection/Chapter_7B/GS_7B-301.html). Review the DSS-1402 Structured Intake form at (http://info.dhhs.state.nc.us/olm/ forms/dss/dss-1402.pdf) for further assistance. **A. Intake/Screening** 1. Screening a. When there is an immediate safety concern for a child, the resident county child welfare agency should screen and initiate the report, regardless of whether a COI exists. The resident county child welfare agency shall immediately request assistance from a partner county child welfare agency due to COI and notify the partner child welfare agency of the need to immediately address a safety concern.	

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b. After determining if there are any immediate safety issues, the resident county child welfare agency shall determine whether a COI exists. c. When the resident county has identified a report as a COI and there is not an immediate safety concern for a child, the report is referred immediately to a partner county where the report will be screened within two hours of receipt. Screening decisions stand regardless of which county child welfare agency ultimately conducts the CPS Assessment. Given the statewide use of the DSS-1402 CPS Structured Intake Form, it is expected that a report accepted by one county child welfare agency also will be accepted by any other county child welfare agency in NC. Note: A report is considered received when the reporter contacts the initial county child welfare agency, starting the clock for completing the screening process and case initiation. d. The resident child welfare agency shall immediately request assistance from a partner county child welfare agency that would address a COI or reduce the perception of a conflict of interest as outlined in 10A NCAC 70A .0103 (http://reports.oah.state.nc.us/ncac/title%2010a%20%20health%20and%20human%20services/chapter%2070%20%20children's%20services/subchapter%20a/10a%20ncac%2070a%20.0 103.pdf). 1) The immediate request for COI assistance from a partner county child welfare agency shall be verbal. 2) The following documents shall be transmitted via fax include: (a) A brief identification of the COI;	

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(b) A complete Structured Intake Form (DSS-1402); and (c) Signature and designation on the DSS-1402 of the party responsible for identifying the report as a COI case. 3) The request shall be in accordance with all established timeframes for completion (ex. timeframe for initiation of a report). 4) Requests should be acknowledged by the partner county child welfare agency. 5) All pertinent information gathered during the CPS Intake process shall be provided to the partner county child welfare agency. e. Refer to 10A NCAC. 70A .0105 (http://reports.oah.state.nc.us/ncac/ title%2010a%20-%20health%20and%20human%20services/ chapter%2070%20-%20children's%20services/subchapter%20a/ 10a%20ncac%2070a%20.0105.pdf) and Intake in the NC Child welfare manual for further guidance on documenting a report and the information to be included. 2. Reports on Children in Placement Services a. Reports involving a child in custody of a county child welfare agency placed in family foster homes or residential facilities will be assigned as investigative assessments. b. When a child who is in the custody of a county child welfare agency makes an allegation of abuse and/or neglect, a partner county child welfare agency shall screen the allegations and, if found to meet the screening criteria, the partner county child welfare agency will initiate the report. 3. Notice to the Reporter a. North Carolina General Statute §7B-302	

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(http://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chap ter_7B/GS_7B-302.html) and Administrative Rule 10A NCAC 70A .0109 (http://reports.oah.state.nc.us/ncac/title%2010a%20-%20health%20and%20human%20services/chapter%2070%20%20children's%20services/subchapter%20a/10a%20ncac%2070a%20.0109.pdf) instruct the county child welfare agency to provide written notice to the person making the report, as to whether the report was accepted or referred to another county child welfare agency within five business days after receipt of the report, unless waived or anonymous. This notice must come from the agency that makes the screening decision. If accepted for CPS Assessment, the notice will also include the county child welfare agency responsible for performing the assessment. b. North Carolina General Statue §7B-302 (http://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_7B/GS_7B-302.html) also states that "within five working days after completion of the protective services assessment, the director shall give subsequent written notice to the person making the report, unless requested by that person not to give notice", as outlined in Assessments in the NC Child welfare manual). Notice should be provided by the partner child welfare agency that makes the case decision. **B. Assessments** 1. Procedures a. The county child welfare agency that receives a CPS report shall determine whether there is COI as defined in 10A NCAC 70A .0103 (http://reports.oah.state.nc.us/ncac/title%2010a%20-%20health%20and%20human%20services/chapter%2070%20-%20children's %20services/subchapter%20a/10a%20ncac%2070a%20.0103.pdf) and this policy, and determine whether there is an immediate threat to the child's safety. b. If there are immediate concerns of harm for a child, then the report shall be screened, initiated, and the safety of the child ensured by the resident county child welfare agency as directed in law NCGS § 7B-302 (http://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chap ter_7B/GS_7B-302.html) and rules 10A NCAC 70A .0105, .0106, .0107,	

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.0108, .0109, .0110, .0112, .0114 (http://reports.oah.state.nc.us/ ncac.asp?folderName=\Title%2010A%20-%20Health%20and%20 Human%20Services\Chapter%2070%20-%20Children%27s%20 Services). c. In COI cases, the resident county child welfare agency shall immediately request assistance from a partner child welfare agency. Assistance shall be provided within 2 hours when there is an identified COI. d. County child welfare agencies should make a request via telephone to ensure timely case screening. e. The resident child welfare agency is then responsible for ensuring that it has an acknowledgment of receipt of the request and that all documentation has been provided within 2 hours to the partner county child welfare agency. f. The partner county child welfare agency will make a screening decision, assign the CPS Assessment for a family assessment or an investigative assessment, and set the initiation timeframe as defined in statute NCGS § 7B-302 (http://www.ncleg.net/EnactedLegislation/ Statutes/HTML/BySection/Chapter_7B/GS_7B-302.html), in rule 10A NCAC 70A .0105 (http://reports.oah.state.nc.us/ncac/title%2010a%20-%20health%20and%20human%20services/chapter%2070%20%20children's%20services/subchapter%20a/10a%20ncac%2070a%20.0105.pdf), and in Intake in the NC Child welfare manual. g. The partner county child welfare agency should update the resident child welfare agency at 45 days as to the status of the case decision. h. County child welfare agencies shall conduct a prompt and thorough assessment upon receipt of a report, as directed by NCGS § 7B-302 (http://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chap ter_7B/GS_7B-302.html) and rules 10A NCAC 70A .0105, .0106, .0107, .0108, .0109, .0110, .0112, .0114 (http://reports.oah.state.nc.us/ ncac.asp?folderName=\Title%2010A%20-%20Health%20and%20Human %20Services\Chapter%2070%20-%20Children%27s%20Services).	

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i. The partner child welfare agency should make a case decision in a timely manner within the timeframes defined in Assessments in the NC Child welfare manual. j. COI assistance requests should be documented by all involved child welfare agencies in a log that will be available for the agency director and Division staff to review upon request. k. New reports on open COI cases should be screened and completed by the partner child welfare agency. 2. Responsibilities of the Partner Child Welfare Agency A client record (DSS-5027) must be established for any person receiving services as outlined in "Services Information System" manual in the NC Child welfare manual and a DSS-5104 shall be completed at case decision as defined in "Central Registry" in Assessments in the NC Child welfare manual by partner county child welfare agencies. a. All COI assessments should be given the same priority as any CPS Assessment conducted by the partner county child welfare agency. If a family changes residence to a new county at any time during a CPS Assessment, the child welfare agency conducting the assessment will not change until a case decision is made. If there is a finding of "services needed" or a substantiation, then the new resident child welfare agency shall provide CPS In-Home Services as defined In-Home Services in the NC Child welfare manual for further information concerning this instance. However, if a juvenile petition (with or without nonsecure custody) was filed during the CPS Assessment, the county that filed the petition will retain case responsibility. b. The partner child welfare agency accepts full responsibility for screening and conducting the COI assessment. They are to ensure that all required and appropriate activities of the CPS Intake process and a thorough CPS Assessment are completed and occur within the timeframes established in NCGS § 7B-302 (http://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chap ter_7B/GS_7B-302.html) and rule 10A N.C.A.C. 70A .0105, .0106, .0107, .0108, .0109, .0110, .0112, .0114 (http://reports.oah.state.nc.us/ ncac.asp?folderName=\Title%2010A%20-%20Health%20and% 20Human%20Services\Chapter%2070%20-%20Children% 27s%20Services).	

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After the partner county child welfare agency completes the screening process, that child welfare agency should complete the Day Sheet (DSS-4263) utilizing service code 211 paired with the appropriate program code per the SIS manual as part the NC Child welfare manual. c. Upon finding that the COI report meets the statutory requirements to open the case for a CPS Assessment, the partner county child welfare agency will open services and retrieve a SIS ID (new or available) for any child contained in the report. The partner county child welfare agency should not use the SIS ID from the resident county child welfare agency, even when the case has been initiated due to an immediate response by the resident child welfare agency. In that case, the partner county child welfare agency can open the SIS ID and provide it to the resident county to account for initiation time. d. The partner county child welfare agency should update the resident child welfare agency of the case decision at 45 days. The partner child welfare agency has the final responsibility for determining the case decision and providing the case notifications. Once the case decision is made by the partner agency, the resident agency must abide by that decision. Inclusion of the Children's Program Representative (CPR) in case status updates should take place as needed. e. The partner child welfare agency is responsible for completing and sending all required notices. This includes delivering personal notice to the perpetrator in substantiated cases when his or her name will potentially be included on the Responsible Individuals List (RIL). Note that the RIL judicial review must take place in the county where the abuse or serious neglect arose, regardless of which county child welfare agency made the RIL finding. f. In cases involving foster homes supervised by a county child welfare agency, the licensing social worker should accompany the partner agency social worker in a face-to-face contact to explain the case decision. Additionally, the licensing worker should explain the implications for the foster home's license as outlined in "Foster Home Licensing" in the NC Child welfare manual, including revocation of the license if that is indicated. g. The partner child welfare agency is responsible for ensuring that all documentation is provided to the resident child welfare agency within 72 hours of case decision including the DSS-5010, case narratives, court reports, court orders, CFT notes, all Structured Decision-Making tools, and case staffing documentation.	

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h. If nonsecure custody becomes necessary during the case, the partner child welfare agency would be responsible for filing the necessary paperwork to assume custody in either the resident or partner county according to NCGS § 7B-400(b) (http://www.ncleg.net/ EnactedLegislation/Statutes/HTML/BySection/Chapter_7B/GS_7B400.html). The partner child welfare agency would be responsible for completing the DSS-5120 Determination of Foster Care Assistance Benefits and/or Medical Assistance Only (http://info.dhhs.state.nc.us/ olm/forms/dss/DSS-5120-ia.pdf) to establish IV-E eligibility. A MOA or DSS-1797 Inter-County Agreement on the Placement of Children (http://info.dhhs.state.nc.us/olm/forms/dss/dss-1797-ia.pdf) may need to be developed between the counties outlining the responsibilities with regard to maintenance and administrative costs of a specific case. i. When conducting a COI assessment, a partner county agency may request assistance from additional partner agencies if needed. 3. Responsibilities of the Resident Child Welfare Agency a. When a resident county child welfare agency needs a partner agency to conduct a CPS Assessment, the resident child welfare agency is responsible for contacting the partner child welfare agency in person or via telephone immediately upon receipt of the report. It is not appropriate to make this contact via email or fax. The resident child welfare agency is responsible for determining if a COI exists and to assess any immediate safety concerns of the child and to ensure the safety of the child, if needed, prior to the partner child welfare agency beginning the ongoing assessment. b. It is the responsibility of the resident child welfare agency to make available all pertinent information provided during CPS Intake by the reporter immediately via fax or encrypted email. This will need to occur within two hours so that the report can be screened within that period. c. A completed CPS Structured Intake Form (http://info.dhhs.state.nc.us/ olm/forms/dss/dss-1402.pdf) shall include all of the information provided by the reporter; any information that may be needed by the partner child welfare agency to appropriately screen the report; the CPS Intake worker's name and designation; the supervisor's name and designation who was responsible for the decision to classify the report as a COI; and the	

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reporter's name and contact information when they wish to be notified of screening and case outcome. The CPS Structured Intake Form (https://www2.ncdhhs.gov/info/olm/forms/dss/dss-1402-ia.pdf) should include a brief description of the conflict of interest. If COI is a foster parent supervised by the resident county, the contact information for the licensing social worker should be included. d. Arrangements shall be made by the resident agency to ensure initiation of the report by the after-hours worker of the partner child welfare agency if after normal business hours. When there is an immediate safety concern for a child, the resident county child welfare agency should screen and initiate the COI report. It is the responsibility of the resident child welfare agency to staff and provide dictation and documentation within 72 hours of all the information gathered during case initiation when the resident child welfare agency has ensured the safety of the child. e. When a COI is uncovered during case initiation or at any time during the CPS Assessment prior to a partner child welfare agency accepting responsibility for the COI case, it is the responsibility of the resident child welfare agency to staff and provide documentation within 72 hours of all the information gathered thus far. f. The RIL judicial review must take place in the county where the abuse or serious neglect arose, regardless of which county child welfare agency made the RIL finding. g. In cases involving foster homes supervised by a county child welfare agency, the licensing social worker should accompany the partner child welfare agency social worker in a face-to-face contact to explain the case decision. If the visit is not made jointly, the licensing worker shall make contact as soon as possible to explain the implications for the foster home's license as outlined in Foster Home Licensing in the NC Child welfare manual. h. If at any point including CPS Assessments, CPS In-Home Services, and/or Child Placement Services, the resident county child welfare agency is involved with conducting case activities, the resident county child welfare agency will use the partner county's SIS ID on its Day Sheets, even if the resident county child welfare agency has a SIS ID for the child/children.	

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4. Assuming Placement in COI Cases If placement becomes necessary during a CPS Assessment, all required activities shall be completed to comply with laws NCGS § 7B Article 5 (http://www.ncleg.net/EnactedLegislation/Statutes/HTML/ByArticle/Chapter_7B/A rticle_5.html), NCGS § 7B-302 (http://www.ncleg.net/EnactedLegislation/ Statutes/HTML/BySection/Chapter_7B/GS_7B-302.html), in rule 10A NCAC 70A .0110 (http://reports.oah.state.nc.us/ncac/title%2010a%20-%20health%20and%20human%20services/chapter%2070%20-%20children's %20services/subchapter%20a/10a%20ncac%2070a%20.0110.pdf), and detailed in Assessments in the NC Child welfare manual. When a COI exists NCGS § 7B 400 (http://www.ncleg.net/EnactedLegislation/ Statutes/HTML/BySection/Chapter_7B/GS_7B-400.html) provides the authority for a petition to be filed in either county. Cases will be continually assessed to determine if a COI remains throughout the life of a case. a. The partner county child welfare is responsible for filing a petition for nonsecure custody if that becomes necessary. Usually this is the county child welfare agency that is conducting the CPS Assessment in a COI case. If the resident child welfare agency files a juvenile petition requesting nonsecure custody of the child due to an emergency, then the resident child welfare agency will request partner COI assistance within 24 hours. All case information from the resident child welfare agency will be provided to the partner county child welfare agency within 72 hours so that a thorough assessment shall be completed in accordance with NCGS § 7B-302 (http://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chap ter_7B/GS_7B-302.html) that is detailed in Assessments in the NC Child welfare manual. b. The partner county child welfare agency should initiate the COI out of home assessment and assess the safety of the child in accordance with established timeframes. If the partner county child welfare agency is required to assume placement responsibility during initiation as outlined in Assessments in the NC Child welfare manual: The partner county child welfare worker must complete all required legal documents and procedures for removal of the child from the home as outlined in NCGS § 7B Article 5 (http://www.ncleg.net/EnactedLegislation/Statutes/PDF/ByArticle/	

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Chapter_7B/Article_5.pdf), NCGS §7B-302 (http://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySectio n/Chapter_7B/GS_7B-302.html), in rule 10A NCAC 70A .0110 (http://reports.oah.state.nc.us/ncac/title%2010a%20-%20health%20and%20human%20services/chapter%2070%20%20children's%20services/subchapter%20a/10a%20ncac%2070a%20.0110.pdf) and detailed in Assessments in the NC Child welfare manual if a child's immediate safety is threatened and viable alternate placement is not identified. d. The resident county child welfare agency will absorb county dollar costs for the child if a juvenile petition is filed and the partner county placed the child. **IV. IN-HOME SERVICES** **A. A COI Case Moving from CPS Assessment into CPS In-Home Services** 1. Once a case decision has been made to transfer the case to CPS In-Home Services, the case should be reviewed to assess the ongoing need to continue assistance by a partner county child welfare agency. If a COI continues to exist, the partner child welfare agency must provide CPS In-Home Services to the family. County child welfare agencies may develop a MOA to outline any specific tasks and responsibilities. The MOA should address various aspects of the ongoing case that might be similar to those indicated in 10A NCAC 70E .0903 (http://reports.oah.state.nc.us/ncac/title%2010a%20-%20health%20and%20human%20services/chapter%2070%20-%20children's%20services/subchapter%20e/10a%20ncac%2070e%20.0903.pdf) and outlined in the DSS-1797 (http://info.dhhs.state.nc.us/olm/forms/dss/dss-1797-ia.pdf). When ongoing CPS In-Home Services are indicated, the partner child welfare agency will maintain responsibility for the case. As outlined in NCGS § 153A-257 (http://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_153 A/GS_153A-257.html), use of a Temporary Safety Provider does not equate to a change in residence for the child; however, CPS In-Home Services should be provided by the child welfare agency that made the case decision.	

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2. The partner county child welfare agencies will continue to utilize its current SIS ID and maintain the DSS-5027 (http://info.dhhs.state.nc.us/olm/manuals/dss/rim01/man/). 3. With the COI in mind, NC family-centered practice dictates that the partner county child welfare agency should coordinate the CFT and provision of services with the parent and the child with input from the resident county child welfare agency, when appropriate. 3. If the child has been placed with a Temporary Safety Provider by the parent due a safety issue, case closure should not be considered until the child is able to safely return home. Consideration should be given to the filing of a petition to ensure safety and establish legal permanence by the partner county child welfare agency. If this becomes necessary, information should be provided to the resident county child welfare agency to a supervisor or higher level, unless there is an immediate need. **B. COI Identified During CPS In-Home Services** 1. County child welfare agencies should understand that when the COI arises during the provision of CPS In-Home Services, the resident county child welfare agency will not retain the case. The partner county child welfare agency will provide case management services as outlined in In-Home Services in the NC Child welfare manual. 2. The partner child welfare agency will respond to the COI request within 24 hours. 3. A CFT shall be scheduled per " Child and Family Team Meetings" in Cross Function Topics in the NC Child welfare manual within 72 hours of any major case event or family life event to address the change in situation and to ensure that the family is as informed as possible concerning the ongoing case status and case management. Those included in the meeting should include, but are not limited to, the resident child welfare agency worker and the partner child welfare agency worker. 4. The resident county child welfare agency will discontinue utilizing its current SIS ID for any child contained in the case and closing its case as soon as the partner county child welfare agency opens services for those children.	

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5. A MOA may be utilized to address funding issues that arise during COI assistance in instances where COI arises during an open CPS In-Home Services case. 6. If there is court involvement on the open CPS In-Home Services case, and a COI arises, a motion to review in juvenile court must be filed. **C. Assuming Placement during CPS In-Home Services** If placement becomes necessary during the provision CPS In-Home Services, all required activities shall be completed to comply with NCGS § 7B Article 5 (http://www.ncleg.net/EnactedLegislation/Statutes/HTML/ByArticle/Chapter_7B/Article_5.html), NCGS §7B-302 (http://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_7B/GS_7B-302.html), and 10A NCAC 70A .0110 (http://reports.oah.state.nc.us/ncac/title%2010a%20-%20health%20and%20human%20services/chapter%2070%20-%20children's%20services/subchapter%20a/10a%20ncac%2070a%20.0110.pdf). When a COI exists, NCGS § 7B 400 (http://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_7B/GS_7B400.html) provides the authority to the partner county to file a juvenile petition in either county. The DSS-5203 Initial Provider Assessment (http://info.dhhs.state.nc.us/olm/forms/dss/dss-5203.pdf) shall be completed in accordance with In-Home in the NC Child welfare manual at initial placement with relatives or fictive kin prior the child being placed in that home. 1. The partner county child welfare agency worker must complete all required legal documents and procedures for removal of the child from the home as outlined in NCGS § 7B Article 5 (http://www.ncleg.net/EnactedLegislation/Statutes/HTML/ByArticle/Chapter_7B/Article_5.html), NCGS §7B-302 (http://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_7B/ GS_7B-302.html), 10A NCAC 70A .0110 (http://reports.oah.state.nc.us/ ncac/title%2010a%20-%20health%20and%20human%20services/ chapter%2070%20-%20children's%20services/subchapter%20a/	

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10a%20ncac%2070a%20.0110.pdf), and detailed in Assessments in the NC Child welfare manual, if a child's immediate safety is threatened or viable alternate placement is not identified. 5. The partner county child welfare agency will inform the resident county child welfare agency when the child enters custody. 6. The partner agency will supply documentation to the resident child welfare agency no later than 72 hours after the completion of case closure unless otherwise requested. 7. The partner county child welfare agency will close 215 services on the DSS-5027 and open 109 services on the DSS-5094. 8. The resident county child welfare agency will absorb county dollar costs for the child if a juvenile petition is filed and the partner county placed the child. **V. CHILD PLACEMENT SERVICES IN COI CASES** Nothing in this section alters the requirements for the delivery of services when a county has placement responsibility of a child. Refer to Permanency Planning in the NC Child welfare manual for the details outlining the provision of Child Placement Services. Nothing in this section alters the requirements for the delivery of services when there is a jurisdictional issue in a placement case. Refer to "Jurisdiction in Child Welfare" in Cross Function Topics in the NC Child welfare manual for a full discussion of the relevant policies. **A. COI Cases Identified During Placement Services** 1. All reports of neglect, abuse, and/or dependency involving a child in the custody of a county child welfare agency shall be referred to a partner county child welfare agency for CPS Assessment.	

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2. The resident county child welfare agency will continue to utilize its current SIS ID for any child contained in the case. The partner county child welfare agency will use the resident county child welfare agency's SIS ID. A MOA or DSS-1797 Inter-County Agreement on the Placement of Children (http://info.dhhs.state.nc.us/olm/forms/dss/dss-1797-ia.pdf) may be utilized to address funding issues that arise during an open Child Placement Services case. **B. COI Cases Moving from CPS Assessment or CPS In-Home Services into Child Placement Services** 1. A partner child welfare agency will maintain responsibility for any case where COI assistance has been provided and it transitions into Child Placement Services and a COI still exists. Child welfare agencies should develop a case specific MOA and/or develop an Inter-County Agreement on the Placement of Children that can address specific aspects of the ongoing case. Guidance on an Inter-County Agreements can be found in 10A NCAC 70E .0903 (http://reports.oah.state.nc.us/ncac/title%2010a%20-%20health%20and% 20human%20services/chapter%2070%20-%20children's%20services/subchapter %20e/10a%20ncac%2070e%20.0903.pdf) and in the DSS-1797 (http://info.dhhs.state.nc.us/olm/forms/dss/dss-1797-ia.pdf). 2. The partner county child welfare agency will determine IV-E eligibility using the DSS-5120 (http://info.dhhs.state.nc.us/olm/forms/dss/DSS-5120-ia.pdf). The partner county child welfare agency will claim reimbursement per Appendix 2 (Child Placement and Payment System) the NC Child welfare manual using the (DSS-5094 http://info.dhhs.state.nc.us/olm/forms/dss/dss-5094.pdf) for state and federal shares. 3. The partner county child welfare agencies will continue to utilize its current SIS ID for any child contained in the case. The resident county child welfare agency will use the partner county child welfare agency SIS ID when conducting case activities. 4. The resident county child welfare agency will absorb county dollar costs for the child if a juvenile petition is filed and the partner county placed the child.	

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5. Nothing in this section alters the requirements for the delivery of services when a county has placement responsibility of a child. Refer to Permanency Planning in the NC Child welfare manual for the details outlining the provision of Placement Services. **VI. WHEN COUNTY CHILD WELFARE AGENCIES DISAGREE** At no time shall a report of child maltreatment be allowed to go un-assessed due to a disagreement between counties. When the delivery of child welfare services involves multiple counties, with a focus on family-centered practice, county child welfare agencies should work in collaboration in order to provide a greater continuity of services to families while providing stability and ensuring safety for children. County child welfare agencies should develop MOUs, as well as, case specific MOAs to prevent any disagreements with partner county child welfare agencies. County directors should be involved in addressing disagreements in the attempt to reach a resolution. In the event that the county child welfare agencies involved cannot resolve the issues and come to a consensus, either county child welfare agency can contact its CPR or the Local Support Team Manager for guidance. If the CPR or the Local Support Team Manager is unavailable, contact the Division's Policy Team at (919) 527-6340. **Draft CPS COI Memorandum of Understanding** **WHEREAS, _____ Departments of Social Services / Department of Human Services have come together to collaborate; and** **WHEREAS, the partners agencies listed above have established a collaborative agreement in which each agency will serve as equal partners in this arrangement; and** **WHEREAS, the partners herein desire to enter into a Memorandum of Understanding setting forth the services to be provided by the collaborative as follows:**	

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I) Purpose a) North Carolina Administrative Rule 10A NCAC 70A .0103 entitled Reports of Neglect, Abuse, or Dependency states "a) reports of neglect, abuse, or dependency shall be referred to another county department of social services for investigation when the alleged perpetrator is an employee of the county department of social services, a foster parent supervised by that county department of social services, a member of the Board of Social Services for that county, or a caretaker in a sole-source contract group home or agency-operated day care facility; or when in the professional judgment of the county director the agency would be perceived as having a conflict of interest in the conduct of other child protective service investigations, the director may request that another county conduct the investigations". b) The definition of Conflict of Interest cases has further been expanded to include a county child welfare agency that is involved in a child welfare case and is also appointed to serve as a parent's guardian. c) The primary goal of this collaboration is to provide timely, high quality services to neighboring counties in an efficient and cost-effective manner in situations identified as a conflict of interest for the home county. d) The long-range goals of the collaboration include building stronger professional relationships among counties within proximity, improving accountability for service provision across county jurisdictions, and developing a forum that fosters supportive discussion of challenging situations encouraging sharing of information, creative solutions, advice, and recommendations to resolve complex matters. **II) Scope of Work** a) The directors of _____ and _____ County hereby enter into this Memorandum of Understanding. b) Due to costs associated with travel and time involved in previous COI arrangements, as well as quality of services provided, the partnering counties recognized the need to collaborate more directly with those counties within close geographic distance and between which general assistance was more frequently requested. c) Respective Program Managers/Program Administrators and Social Work Supervisors representing each agency involved in this collaboration provided insight into development of shared expectations, as well as establishing clear time frames for general communication and notification of case decisions.	

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III) Roles and Responsibilities NOW, THEREFORE, it is hereby agreed by and between the partners as follows: a) Each partner agency will abide by the mutually agreed upon Conflict of Interest Case Procedures and will utilize any tools developed through the partnership. b) Each partner agency will contribute equally to the completion of Conflict of Interest CPS cases on behalf of one another; however, adjustment to acceptance of such cases will be made when the rate of request becomes disproportionate between the partners and based on each agencies size and staffing allowances. c) Each Partner agency shares the commitment to work together cooperatively, amicably and professionally to achieve stated goals and to sustain the collaboration. **IV) Oversight / Compliance** The following process will be followed when disputes or disagreements arise in a COI case: a) When a Conflict of Interest arises, the case shall be referred to a partner agency. b) If there is a disagreement about how to proceed with a case, the supervisors from the partner agencies should attempt to formulate a resolution. c) If a resolution is not achieved between supervisors, both supervisors will notify their Program Manager/Program Administrator of the discussion and failed resolution. The county program manager/program administrator will discuss the circumstances of the situation. Both agency directors will be notified when these level discussions are occurring. If a resolution is not achieved at the program manager/program administrator level, then each agency director will attempt to discuss and resolve the issue. **V) Timeline** The roles and responsibilities described above are contingent upon each partner agency's commitment to abide by the terms of this arrangement and the expectations and information sharing guidelines established within the attachments. Responsibilities under this	

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Memorandum of Understanding coincide with the date of signature below until such time as either party ends the arrangement based upon just cause as outlined above. **VI) Commitment to Partnership** a) The collaboration service area includes (identify which service areas—Child Protective Services Assessment, In-Home Services, and/or Child Placement Services). b) The partners agree to collaborate and provide (identify which service areas--Child Protective Services Assessment, In-Home Services, and/or Child Placement Services). c) Separate, case specific Memoranda of Agreement and/or Inter-County Agreements on the Placement of Children may be developed and honored for specific aspects of an ongoing case. d) We, the undersigned have read and agree with this MOU. Further, we have reviewed the proposed collaboration and approve it. **By** _____ **Director** _____ **County Department of Social Services/ Department of Human Services** **Date:** _____ **By** _____ **Director** _____ **County Department of Social Services / Department of Human Services Date:** _____ **By** _____ **Director** _____ **County Department of Social Services / Department of Human Services Date:** _____ **By** _____ **Director** _____ **County Department of Social Services / Department of Human Services Date:** _____	

Risk & Use of Assessment Tools

Policy
The primary concern of Child Welfare Services is protecting child(ren) from maltreatment.
Definition

Risk is the likelihood that a child(ren) will be harmed (abused or neglected). Safety threats are a subset of risk that represent the likelihood of immediate or imminent serious harm to the child(ren).

Risk:

- Occurs on a continuum from mild to severe;
- Includes family situations and behaviors from onset progressing into seriously troubled;
- Applies to aspects of family life relevant to understanding the likelihood of maltreatment;
- Impacts child(ren) well-being and safety;
- Is based on an unlimited time frame (could occur any time in the future);
- Is associated with family functioning and behaviors that need to be managed or treated; and
- Requires a judgement about the negative effects on the child(ren) from future maltreatment.

Risk assessment is an ongoing process to determine the probability of future harm to the child(ren). It does not predict when or how serious the harm may be, but rather the likelihood that harm will occur. Risk assessment, based on an examination of factors, attempts to address whether the harm may continue and whether the harm is acute or chronic in nature. It is used as a vehicle for decision making in child maltreatment cases. The risk scales are based on research on cases with “substantiated” abuse or neglect or “services needed” findings that examined the relationships between family characteristics and the outcomes of subsequent abuse and/or neglect. The scales do not predict recurrence; simply the likelihood that a family will have another incident without intervention by the county child welfare services agency.

“Protective capacity” is defined as the ability and willingness to mitigate or ameliorate the identified safety and risk concerns. Protective capacity can be demonstrated by a parent through their statements, actions, and reactions. Protective capacity exists both within the parent/caretaker and within the family environment.

Risk & Use of Assessment Tools

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MONITORING AND ASSESSING RISK Risk assessment is an ongoing process that starts at the time a case is accepted for a CPS-A and continues until case closure. County child welfare efforts must assess the risk and develop a plan to reduce the risk to an acceptable level with a focus on maintaining the child(ren) in the family home. When assessing for risk, county child welfare workers must observe and document the impact of maltreatment on the child(ren). The worker must use objective language to document the child(ren)'s behavior or condition and relate that behavior or condition to the identified maltreatment. **ASSESSMENT TOOLS** The following assessment tools must be completed **accurately and thoroughly**, approved, and signed within the timeframes indicated in the appropriate functional protocol: • Safety Assessment DSS-5231 (Assessments), • Risk Assessment DSS-5230 (Assessments), • Risk Reassessment DSS-5230 (In-Home),	When assessing risk, a county child welfare services agency should consider: • CPS history, how long has risk been occurring; • Parent/caretaker's reaction to and/or explanation regarding the risk (what was the parent/caretaker's intent?); • Related criminal history; • Parent/caretaker's willingness to engage and/or agreement with safety and risk planning, (what is the parent's/caretaker's attitude?); • How severe the potential risk is to the child(ren); • What is the impact of the potential risk on the child(ren)? • What is the degree of change needed by the parent(s)/caretaker(s) to remediate the risk? • What is the timeframe within which the risk is likely to occur? • What is the protective capacity of the parents/caretakers to address the identified risk? Families should be involved in the completion of all the assessment tools used by the county child welfare services agency. While the approach is family-centered, decisions regarding the risk, needs, and strengths are the responsibility of the county child welfare services agency. The outcome of any decision should not be surprising to the family if the county child welfare worker has successfully involved family members. **IMPACT ON CHILDREN** When assessing for risk, county child welfare workers should be alert for conditions, behaviors, and reactions in child(ren) that indicate an impact from maltreatment. In some cases, the impact may be directly and clearly related to the maltreatment, including but not limited to: • Bruising, burns, bites or broken bones from abuse or neglect; • Medical conditions caused by a lack of medical care; and/or • Exposure to an unsafe condition (e.g., young child running across busy street due to lack of supervision).

Risk & Use of Assessment Tools

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• Reunification Assessment DSS-5227 (Permanency Planning), and the • Family Assessment of Strengths and Needs DSS-5229 (Assessments, In-Home, and Permanency Planning). These tools assess safety and risk for all child(ren) living in the home throughout a case, define service needs of the family, and establish the basis for IH-FSA. The tools must be: • Based on face-to-face interviews with and/or observation of parents, caretakers, others living in the home, and child(ren), • Based on information gained through collateral contacts, • Be reviewed and updated as necessary when new information is received regarding safety and risk, and • Be signed by the county child welfare worker and supervisor to designate two-level review within timeframes specified by each functional area. Assessments must be completed for the household of the parent(s)/caretaker(s) where the safety or risk of maltreatment was alleged or where services are to be provided. When the parent(s)/caretaker(s) have separate	However, sometimes impact is less obvious, and the agency will have to link the maltreatment to the conditions/impact on the child(ren). The following observations or conditions regarding a child may indicate abuse or neglect: • Changes in behavior (e.g., a change in school performance, acting out or irrational behavior, or change in appetite); • Difficulty focusing that cannot be attributed to physical or psychological causes; • Hyperactivity, inability to calm themselves; • Hypervigilance, as if always concerned that something will happen; • Anxiety, with symptoms that may include headaches, stomachaches, nightmares, inability to relax or sleep through the night; • Overly compliant, passive, or withdrawn; • Demanding or aggressive; • Reluctance to interact with or be around a specific adult; • Attaches easily and quickly to strangers or new adults; • Fear, whether stated or demonstrated (e.g., shrinks away from an adult); • Abuses animals or pets; • Poor hygiene, lack of self-care; • Use of alcohol or drugs; • Runs away; • Stealing or other juvenile involvement; • Depression; • Sudden knowledge about drugs or sexual activities; • Lack of follow up care for medical, mental health, or other needs; • Repeated incidents of hunger, tardiness, missed appointments, or school absences; or • Delay in physical or emotional development. The impact on child(ren) from chronic maltreatment can be lifelong. The consequences of experiencing trauma from maltreatment impact a child's ability to cope, which can lead to cognitive delays and emotional difficulties. Childhood trauma negatively affects the body's nervous and

Risk & Use of Assessment Tools

Protocol – What you must do	Guidance – How you should do it
households and each parent/caretaker provides care independently, separate assessments based on their household must be considered. If determined that assessments are not required on parent/caretaker household, the justification must be documented. The North Carolina Family Risk Assessment (Risk Reassessment) of Abuse / Neglect identifies the level of risk of future maltreatment to the child(ren) in the family and determines the level of service to be provided to each family. The Risk Assessment identifies which families have high, moderate, or low probabilities of continuing to abuse and/or neglect their child(ren). Completing the North Carolina Family Risk Assessment of Abuse / Neglect provides an objective appraisal of the likelihood that a family will maltreat the child(ren) in the next 18 to 24 months. The difference between the risk levels is substantial. High-risk families have significantly higher rates than low-risk families of subsequent reports and substantiations and are more often involved in serious abuse and/or neglect incidents.	immune system development, putting those child(ren) at a higher risk of ongoing health problems, even into adulthood. County child welfare workers should keep an open mind about potential symptoms of maltreatment, being careful not to assume the above behaviors or conditions are always indicators of maltreatment. **PROTECTIVE CAPACITY** Parent/caretaker protective capacity should be assessed in three domains: • Behavior characteristics; • Cognitive characteristics; and • Emotional characteristics. Behavioral characteristics are defined as specific actions and activities consistent with and resulting in parenting and protective vigilance. Questions to consider include: • Does the parent/caretaker have the capacity to care for the child? If the parent/caretaker has a disability(ies) (e.g., blindness, deafness, paraplegia, chronic illness), how has the parent/caretaker addressed the disability in parenting the child? • Has the parent/caretaker acknowledged and acted to provide the needed supports to effectively parent and protect the child? • Does the parent/caretaker demonstrate activities that indicate putting aside one's own needs in favor of the child's needs (if appropriate)? • Does the parent/caretaker demonstrate adaptability in a changing environment or during a crisis? • Does the parent/caretaker demonstrate actions to protect the child? • Does the parent/caretaker demonstrate impulse control related to a risk factor? • Does the parent/caretaker have a history of protecting the child given any threats to safety of the child? Cognitive characteristics are defined as the parent/caretaker's specific intellect, knowledge, understanding, and perception that contributes to protective vigilance. Questions to consider include: • Is the parent/caretaker oriented to time, place, and space? (i.e., reality orientation)

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The Risk Reassessment identifies changes in risk after a family has been engaged in services. The North Carolina Family Assessment of Strengths and Needs: • Evaluates the presenting strengths and needs of the family, and • Identifies family strengths and needs to be utilized in case planning.	• Does the parent/caretaker have an accurate perception of the child? Does the parent/ caretaker see the child as having strengths and weaknesses, or do they see the child as "all good" or "all bad"? • Can the parent/caretaker recognize the child's developmental needs or if the child has special needs? • How does the parent/caretaker process the external stimuli? (e.g., a battered woman who believes she deserves to be beaten, because of something she has done) • Does the parent/caretaker understand their role to provide protection to the child? • Does the parent/caretaker have the intellectual ability to understand what is needed to raise and protect a child? • Does the parent/caretaker accurately assess potential threats to the child? Emotional characteristics are defined as the parent/caretaker's specific feelings, attitudes, and identification with the child and motivation that results in parenting and protective vigilance. Questions to consider include: • Does the parent/caretaker have an emotional bond to the child? Is there a reciprocal connectedness between the parent/caretaker and the child? Is there a positive connection to the child? • Does the parent/caretaker have empathy for the child when the child is hurt or afraid? • Is the parent/caretaker flexible under stress? Can the parent/caretaker manage adversity? • Is the parent/caretaker able to control their emotions? If emotionally overwhelmed, does the parent/caretaker reach out to others or expect the child to meet the parent/caretaker's emotional needs? • Does the parent/caretaker consistently meet their own emotional needs via other adults, services? A statement by the parent/caretaker that he or she has the capacity to protect should be respected but observations of this capacity are important. Observations and supporting information include: • A history of behavioral responses to crises may indicate what may likely happen. Spontaneous behavior will provide insight into how a parent/caretaker feels, thinks, and acts when they are or feel threatened.

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	• Recognize that a parent/caretaker may initially react in anger or "righteous indignation" and that this initial reaction may be appropriate and natural. However, once the initial shock and emotional reaction subsides, does the parent/caretaker blame everyone else for the "interference"? • What are the dynamics of the relationship of and between multiple parents/caretakers? Is there domestic violence? What efforts have been made by the victim to protect the child? Does the victim align with the batterer? • Does the parent/caretaker actively engage in a plan to protect the child from further harm? Is the plan workable? • Does the parent/caretaker demonstrate actions that are consistent with verbal intent, or are their words and actions contradictory? <u>Environmental Protective Capacities</u> While the assessment of the parent/caretaker's protective capacities is critical, an assessment of environmental capacities may also mitigate the safety concerns/risk of harm to a child. Below are several categories of environmental protective capacities to be considered. • Family/kinship relationships that contribute to the protection of the child; • Informal relationships; • Agency supports; • Community supports; • Financial status; • Spiritual supports; • For American Indians, the tribe; and • Concrete needs being met (e.g., for food, clothing, shelter). Scaling is a great way to assess risk with a parent/caretaker. When using scaling questions, the county child welfare worker needs to anchor the scale with specific descriptors for high and low numbers. The county child welfare worker should plan to ask follow-up questions. Identifying the number is just the beginning; the real value of scaling is in the follow-up questions. What does the parent/caretaker think makes it that number? What's one thing they could do to lower the risk?

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RISK PLANNING Family Service Agreements (FSA) and safety agreements/plans must be individualized based on the level of risk. Refer also to Safety for requirements for safety planning. When there is severe potential risk to the child(ren) and/or severe potential impact on the child(ren), the county child welfare services agency must determine if an intervention is necessary.	RISK PLANNING For ongoing cases, risk planning should be addressed by the activities in the Family Services Agreement (FSA). An intervention to address a severe potential risk, or risk with severe potential impact, could occur through development of a plan or holding a CFT. A plan may be required to reduce the risk even if a current safety threat is not present. Filing a petition for custody may be necessary in some circumstances for the protection of the child(ren).

Collateral Contacts

Legal Basis
N.C.G.S. § 7B-302 (c) states: "in performing any duties related to the assessment of the complaint or the provision or arrangement of social services, the director may consult with any public or private agencies or individuals, including the available state or local law enforcement officers who shall assist in the assessment and evaluation of the seriousness of any report of abuse, neglect, or dependency when requested by the director. The director or the director's representative may make a written demand for any information or reports, whether confidential, that may, in the director's opinion, be relevant to the protective services case. Upon the director's or the director's representative's request and unless protected by the attorney-client privilege, any public or private agency or individual shall provide access to and copies of this confidential information and these records to the extent permitted by federal law and regulations."

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A collateral contact is any person(s) identified as having information relevant to the CPS case or other persons or agencies known to be currently involved with the family or known to have knowledge of the situation. This includes, but is not limited to:
• Medical and mental health providers. When a child(ren) is alleged to have a medical or mental health condition, disease, or illness relevant to the allegation, the county child welfare services agency must consult the medical or mental health provider treating the condition. This consultation must be focused on determining the family's assertions about that medical or mental health condition, or there must be justification for why this was not done.
• Educational providers.
• Collateral sources provided by the family. The county child welfare worker should ask the family for collateral information sources. These contacts should be people who can provide reliable information concerning the child(ren) and family (i.e., not simply character references). This would include, but not be limited to:
  ○ Extended family members,
  ○ Friends,
  ○ Community members, and
  ○ Faith community members.
• Reporters/intake form collaterals.
	<u>Professional Collateral Contacts</u>
	It is expected that professional service providers and agencies will share concerns about the family with the family members themselves. When a professional collateral is to be contacted, whether provided by the reporter, the family, or the county child welfare worker, the parent/caretaker should be given the option to be present for this collateral contact. In those instances, when the parent chooses not to be present, the county child welfare worker should advise the parent of the information gathered from that collateral source.
	
	<u>Non-Professional Collateral Sources</u>
	The parent will be with the county child welfare worker when contact is made if the

Collateral Contacts

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The following case participants must be contacted but are not considered collateral contacts:
• Placement provider, including but not limited to:
  ○ Foster care providers, including residential providers,
  ○ Kinship providers, and
  ○ TSPs.
• **Parents or caretakers, including non-residential parents.**
 	
The county child welfare services agency must exercise discretion in the selection of collateral sources to protect the family's right to privacy and the confidentiality of the report.
 	
Parents must be advised of any professional collateral that will be contacted and their permission obtained to talk to that collateral. If the parent refuses permission, the county child welfare worker must first discuss the reason for the parents' refusal and try to gain their permission. Parents must be advised of any professional collateral that will be contacted during the assessment. The county child welfare worker should explain the reason why the collateral is necessary based on the reported concerns and the statutory obligation to make a thorough assessment. The parents' concerns should be noted, and all information gathered in the assessment will be considered in the case decision.
 	
The court may designate certain local agencies authorized to share information concerning juveniles. Agencies that are so designated must share, upon request, information that is in their possession that is relevant to any case in which a juvenile petition is filed alleging abuse, neglect, dependent, undisciplined, and/or delinquent and must continue to do so until the juvenile is no longer subject to the jurisdiction of juvenile court.
 	
Documentation regarding collateral contacts must include:
• Whom the county child welfare worker talked with, when, and what observations have been made regarding:
  ○ Safety and risk of maltreatment, and
  ○ The family's progress or barriers toward case goals, and
• Attempts to contact a collateral contact.
	parent chooses, and if the safety of the non-professional collateral information source is not compromised as a result. The county child welfare worker should contact the non-professional collateral information source to determine whether that individual has any concern about their own personal safety if the parent and county child welfare worker contact them together. If that collateral expresses no concern for their own personal safety, the parent should be given the option of being present during the contact.

Diligent Efforts

Legal Basis
10A NCAC 70A.0105 regarding children states: "the director shall make diligent efforts to locate the alleged victim child or children until such efforts are successful or until the director concludes that the child or children cannot be located. Diligent efforts shall include, but not be limited to, visits to the child's or children's address at different times of the day and on different days. All efforts to locate the child or children shall be documented in the case record." N.C.G.S.§ 7B-505(b) regarding diligent efforts to notify identify and notify relatives of child in agency custody.

Performance Measurement – CPS Assessment
The Child and Family and Family Services Review (CFSR) and the On-Site Review Instrument (OSRI) measure whether the county child welfare worker met state requirements for making face to face contacts with children during agency involvement with the family throughout the life of the case Specifically, Safety Outcome, Item 1 looks at if the county child welfare agency worker initiated a CPS Assessment according to state policy, and if not, why the initiation did not occur timely. Documentation for timely initiation is through entry of the DSS-5104, Field 6A – DILIGENT EFFORTS REASON. Failure to document a valid reason for not making timely initiation may impact the achievement of safety. Valid reasons for untimely initiation are: • Unable to Initiate Timely Despite Daily Diligent Efforts, through a variety of methods • Unable to Initiate Timely, Diligent Efforts not met • Unable to Initiate Timely Despite Daily Diligent Efforts, due to family out of State • Unable to Initiate Timely Due to Natural Disaster

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LOCATING VICTIM CHILDREN AND VICTIM CHILDREN'S FAMILY Diligent efforts to locate must be performed to: • Locate all alleged victim child(ren); • Locate parents, including a noncustodial parent; and • Locate the family residence.	To locate a parent that is in prison, contact the NC Department of Public Safety Combined Records. Contact numbers and addresses for specific prisons can be found on the NC Division of Public Safety website

Diligent Efforts

Protocol – What you must do	Guidance – How you should do it
Diligent efforts are defined as persistent, relevant attempts to locate an individual or family. Diligent efforts must include, but are not limited to: • Visits to the child(ren)'s or parent's address at different times of the day and on different days; • Attempts to call last known phone number(s); • Searches on Accurint, ASSIST, and/or equivalent; • Letters to possible address(es); • Visits to the school or daycare the child(ren) attends; • Contact with extended family members; • Initial and ongoing discussion with child(ren) and known parents regarding any contact with absent parents or missing family members; • Review of past CPS records or another agency history including other services (NC FAST); • Contact with utility providers and landlord(s); • Contact with service providers, public and private; • Contact with reporter or other collateral contacts; • Contact with current or past employer(s); • Contact with Child Support, vital records, check of civil records (including VCAP); • Review of police reports, criminal history (DOC, NC and federal inmates, sex offender registry), court calendars check, contact with parole officers, etc.; • Review of internet searches (WhitePages, Anywho, etc.); and • Review of social media (Facebook, etc.). Diligent efforts to locate a victim child(ren), victim child(ren)'s family member or the victim child(ren)'s family must continue throughout an open case. A case staffing, including supervisor approval, must occur: • To determine the frequency of diligent efforts for each case based on the safety and risk, and • Prior to ceasing diligent efforts.	https://www.ncdps.gov/adult-corrections/prisons. All inmates have a case manager or county child welfare worker that can assist in contacting a prisoner. County child welfare agencies are expected to be creative and flexible in determining the whereabouts of child(ren)ren, families, and/or parents who are not located by routine means. A diligent efforts guide is available for use.

Diligent Efforts

Protocol – What you must do	Guidance – How you should do it
IDENTIFYING AND LOCATING EXTENDED FAMILY MEMBERS Diligent efforts to identify and locate extended family members must occur at least once a month throughout an open case. See Extended Family. The same listing of diligent efforts described above pertains to identification and location of extended family members. Documentation in the case file must include: • What diligent efforts were made by the county child welfare services agency to locate the child/family; • What the county child welfare services agency considers as sufficient diligent efforts for each case. The documentation must support the decisions by the agency regarding the frequency and length of time that diligent efforts continue.	

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INTRODUCTION The provision of child welfare services is frequently enhanced by the involvement of the court system. However, invoking the jurisdiction of the court system into a child welfare case is not a measure to be taken by the agency without careful consideration and planning. This careful consideration and planning must take into account that the juvenile court process can be seen as an adversarial process and so it requires strong collaboration between the agency, the family, the service providers, and the court system. This duality of adversity and collaboration exists to serve the best interest of all parties involved by protecting the rights of both children and their parents and by holding the community accountable to serve the best interest of its families. Protecting the safety, well-being, and permanence of children is not only the role of the agency but of the community, including the court system. The court system also plays a critical role in meeting the eligibility requirements of several funding sources that are essential to meeting the needs of North Carolina's children. Despite the fact that the juvenile court process can be adversarial in nature, staff from county child welfare agencies are strongly encouraged to use these principles to guide every interaction with every person the staff member encounters throughout the court process. This includes the judge, the family and the children, the agency's attorney, the parent's attorney, the Guardian ad Litem volunteer and the attorney advocate, the bailiff or sheriff's deputy, and any other court personnel. Specifically, maintaining professional relationships with parents' attorneys and attorney advocates in this process models for families and demonstrates to the court that partnerships are valued despite differences each group may have. Albeit only a small piece of the equation, these interactions can become a part of the teaching process to help families successfully navigate the child welfare system. To solidify these principles into everyday practice, agencies are strongly encouraged to develop a Memorandum of Agreement (MOA) or a Memorandum of Understanding (MOU) with their local court system to help establish a collaborative relationship between all the participants within the court process and can be used as the basis to establish local court rules and procedures. These memoranda can also help to improve outcomes of safety, permanence, and well-being of abused, neglected, and/or dependent children in the court system by increasing timely decisions and resolution of juvenile court cases and to conduct more meaningful, thorough hearings. When used as a "living document" these memoranda can help to identify trends which impact outcomes for children and their families and	

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develop responsive strategies and highlight those training activities needed to enhance overall best practices in child welfare and juvenile court. The court process, from the first hearing to the final disposition, is critical to the achievement of a timely, appropriate, permanent plan for children. **II. PURPOSE AND PHILOSOPHY** The juvenile court is a branch of the district court whose primary function is the hearing, evaluation, and disposition of cases involving children alleged to be delinquent, undisciplined, abused, neglected, and/or dependent. In abuse, neglect, and dependency proceedings involving county child welfare agencies, juvenile court represents the power of the State to act in the best interests of children under 18 years of age. Thorough respect for this power and an understanding of the juvenile court's complex process is critical to the child welfare professional's success and efficacy in keeping children and their families safe. Within North Carolina's 100 counties, there are 42 separate judicial districts. Thus, several counties may be encompassed within a single court jurisdiction. A map overlaying North Carolina's 42 District Courts with its 100 counties may be found at http://www.nccourts.org/Courts/Trial/District/Documents/DistrictCourtmap15.pdf. This chapter is intended to be a comprehensive examination of the role of the juvenile court in North Carolina's child welfare cases. However, recognizing that each case presents its own unique characteristics, workers are strongly encouraged to seek clarifications when needed from their supervisor, from their agency's child welfare leadership, from their agency's legal counsel, or from the North Carolina Division of Social Services. THE "LIFE" AND "TIMES" OF A JUVENILE COURT CASE From the first filing of a petition through permanence, each case takes on a certain "life" and while each jurisdiction may have practices that are specific to that court, in general juvenile court cases follow a prescribed path. Just as with juvenile court terminology, developing an understanding of the path of the case will assist child welfare staff in becoming more comfortable and confident in working with the court system. Perhaps one of the best examinations of the "life" of a juvenile court case is found in Chapter 4 of the	

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text entitled Working with the Courts in Child Protection found at: http://www.childwelfare.gov/pubs/usermanuals/courts/courts.pdf. Written by The Honorable William G. Jones, a retired family court judge who served 25 years for the Mecklenburg County District Court, that manual (along with the entire Child Abuse and Neglect User Manual Series) is available online for viewing, download and printing from the Child Welfare Information Gateway at: https://www.childwelfare.gov/pubs/usermanuals/. Counties are strongly encouraged to have all workers that participate in juvenile court proceedings read and regularly refer to Judge Jones' text. Additionally, counties shall, throughout the life of an agency's involvement with families, consistently explore with the family any American Indian heritage that family may have. It is critical for agencies to understand that at any point a family identifies the child as an American Indian Child of a federally recognized tribe, the agency is required to follow all provisions clearly outlined in the Indian Child Welfare Act of 1978. In discussing the tribe's jurisdiction over child custody proceedings involving an Indian child the Act reads: An Indian tribe shall have jurisdiction exclusive as to any State over any child custody proceeding involving an Indian child who resides or is domiciled within the reservation of such tribe, except where such jurisdiction is otherwise vested in the State by existing Federal law. Where an Indian child is a ward of a tribal court, the Indian tribe shall retain exclusive jurisdiction, notwithstanding the residence or domicile of the child. In discussing the tribe's ability to intervene in the court's proceeding, the Act goes on to read, "In any State court proceeding for the foster care placement of, or termination of parental rights to, an Indian child, the Indian custodian of the child and the Indian child's tribe shall have a right to intervene at any point in the proceeding." A tool that can assist counties in following these provisions is the ICWA Checklist (DSS-5291). This tool is useful in documenting the ongoing efforts made in determining American Indian Ancestry, the efforts made to prevent the breakup of an American Indian Family, tribal notification and involvement as well as the family's placement preferences. Just as with the "life" of a juvenile court case, from the first filing of a petition through permanence each case has certain "times" in which the various parts of the case must take place. In trainings provided to GAL Attorney Advocates, Deana Fleming, Associate Legal Counsel with the Administrative Office of the Courts, provides this examination of the timeframes that a typical court case follows: Juvenile Court Case Statutory Timeline	

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• Day 0 - Juvenile Petition (AOC-J-130) and Nonsecure Custody Order (AOC-J-150) filed • Day 7 - Initial hearing to determine need for continued nonsecure custody as per NCGS § 7B-506(a) which may be continued for up to ten business days by consent; subsequent hearings within seven business days and then 30 calendar day intervals as per NCGS § 7B-506(e) • Day 60 -Adjudicatory hearing no later than 60 days from filing as per NCGS § 7B-801 unless continued as per NCGS § 7B-803 • Day 90 - Dispositional hearing should take place immediately following adjudication. If not, it shall be concluded within 30 days of the adjudication hearing as per NCGS § 7B-901 • Day 180 - Review of custody order must be held within 90 days of disposition with a subsequent review at least every six months thereafter • Day 365 - Permanency planning hearing must be held within 12 months of initial order removing custody, and may be combined with reviews with subsequent permanency planning hearings at least every six months Termination of Parental Rights (TPR) Timeline • Day 0 - TPR petition or motion filed Note: if permanent plan is adoption, TPR petition or motion must be filed within 60 days of the Permanency Planning Hearing • Day 90 -TPR hearing held no later than 90 days from filing the petition or motion • Day 270 - Post TPR review hearing held within six months after the TPR Order has been entered • Day 450 - Additional post-termination hearing held every six months until the Final Decree of Adoption is entered V. JUVENILE COURT RELATED TRAININGS Training is an essential key to the success of the county child welfare worker and to the agency as a whole in work, they do with families and their communities. Attendance at trainings, both internal and external, on the various issues related to the juvenile court process will enhance the worker's understanding of this complex system. To facilitate on-going professional development in this area, agencies are strongly encouraged to develop regular internal trainings related to the juvenile court process in general and on matters that may be specific to that agency's court district. These in-service trainings could include presentations from the agency's legal representative, from the district's judicial leadership, from court personnel, from the local Guardian ad Litem office, or from the local bar association. Information presented in these trainings could include issues such as testifying in court, understanding evidentiary standards, courtroom etiquette, court roles and responsibilities, etc. Offering joint trainings that include agency staff members, Guardian ad Litem volunteers,	

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parents' attorneys, court personnel etc. helps to foster a collaborative relationship that flourishes even within the adversarial environment of the court system. Mandated and optional trainings for county agency staff on issues specific to court offered by the North Carolina Division of Social Services include: Legal Aspects of Child Welfare in North Carolina (200 Series, Tier 1), Financial and Legal Aspects of Adoption (300 Series), and IV-E: An Overview (300 Series). Locations, training dates, and registration information related to these trainings and any other training offered by the North Carolina Division of Social Services can be accessed anytime at https://www.ncswlearn.org, a learning website for North Carolina's human services professionals hosted by the University of North Carolina at Chapel Hill School of Social Work. Legal Aspects of Child Welfare in North Carolina is mandatory for all child welfare staff (including supervisors) employed in a county child welfare agency within the first year of employment. The prerequisite for this training is Child Welfare in North Carolina (or completion of other required pre-service training required based upon date of employment and functional responsibilities). This training is a two-day foundation curriculum designed to provide child welfare services staff with legal information that will help them understand the role of the juvenile court in protecting abused, neglected, and/or dependent children, as well as the need to respect parents' rights through the use of family centered practice techniques. Financial and Legal Aspects of Adoptions is a two-day specialized training, which covers the financial and legal components of the adoption process. The curriculum focuses on the framework of the Adoption Assistance benefit program and the statutory requirements of adoption in North Carolina. The North Carolina Division of Social Services in collaboration with the North Carolina Attorney General's Office developed this training. This course is open to child welfare social workers and supervisors employed in county child welfare agencies, as well as staff from private adoption agencies. This course is not mandatory for child welfare staff from county child welfare agencies. However, completion of the course does count towards the 24 hours of continuing education required annually following the first year of employment. IV-E: An Overview is a one-day specialized curriculum focusing on the laws and policies regarding IV-E funding for children in custody or placement responsibility of county child welfare agencies. Topics covered include the importance of IV-E funding, court requirements, required court language, documentation, and eligibility and redetermination requirements. Due to the nature of this one-day training event, county staff are strongly encouraged to direct any case and county specific questions related to IV-E to the Children's Program Representative (CPR) or the Local Business Liaison (LBL). This course is open to staff and supervisors employed in a NC county child welfare agency in the areas of Income Maintenance, Work First, CPS Intake,	

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CPS Assessments, CPS Occasional On-Call, CPS In-Home Services, Child Placement including Independent Living (LINKS), Foster Home Licensing, or Adoptions or individuals or agencies contracting with a county child welfare agency to provide any of those services (this does not include staff from private foster care / adoption agencies or private residential care agencies). Completion of this course counts towards the annual requirement of 24 hours of continuing education. VI. INVOKING THE JURISDICTION OF THE JUVENILE COURT As stated previously, the act of filing a petition is a serious decision. Except for cases in which the immediate safety of the child(ren) would be compromised, a Child and Family Team (CFT) meeting shall be held before any court action is taken. If this is not possible due to an urgent need to remove the child(ren) in order to maintain safety, then the CFT meeting shall be held as soon after the removal as possible. This is an opportunity to bring the family, along with both formal and informal supports to the table to make a plan to keep the child(ren) safe, in his or her community, without court intervention. For more detailed information on conducting CFT meetings, refer to Child and Family Team Meetings. A county child welfare agency may invoke the jurisdiction of the juvenile court in these situations related to child welfare: refusal to cooperate with or obstruction of a CPS Assessment, and request to adjudicate a child as abused, neglected, and/or dependent. The filing of a petition requesting adjudication of abuse, neglect, and/or dependency can be done for various reasons including the family's unwillingness to accept critically needed services, safety-related circumstances that necessitate the need for immediate removal, and despite agency efforts to provide services the family has made no progress towards providing adequate care for the child. This chapter will examine each of these three areas in general and will explore some of the issues related to the filing of a petition. A. REFUSAL TO COOPERATE WITH / OBSTRUCTION OF A CPS ASSESSMENT If, at any point during the CPS Assessment process, any person obstructs or interferes with the CPS Assessment, the director may file a Petition: Obstruction of or Interference with Juvenile Investigation (AOC-J-120) and a Juvenile Summons and Notice of Hearing for Obstruction of or Interference with Juvenile Investigation (AOC-J-121) naming that person as a respondent and requesting an order directing that person to cease such obstruction or interference. For purposes of this section, the person obstructing the CPS Assessment is not limited only to a parent or family member. The petition must first provide sufficient evidence to demonstrate that the allegations outlined in the report would meet one or more of the definitions under NCGS § 7B-101 before proceeding to evidence of the person's conduct that constitutes obstruction or interference. When this evidence is established, then evidence of the person's obstruction or	

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interference should be specifically stated and verified. At this point, the court may issue an Ex Parte Order to Cease Obstruction of or Interference with Juvenile Investigation (AOC-J-122). It is vitally important that a thorough interview is conducted during CPS Intake, and that the interview solicits sufficient information to make a clear-cut screening decision as to whether the allegations reported meet at least one of the legal definitions of abuse, neglect, and/or dependency. The use of the structured CPS Structured Intake Form (DSS-1402) ensures that thorough, pertinent information is obtained, while the Structured Intake screening (refer to Intake in the NC Child Welfare manual) tools serve to guide screening decisions that are based on statutory definitions. NCGS § 7B-303 prohibits any person from obstructing or interfering with a CPS Assessment. Interference means refusing to disclose the whereabouts of the juvenile, refusing to allow access to the juvenile, refusing to allow the agency representative to observe or interview the juvenile in private, refusing to allow the agency representative to arrange for an evaluation of the juvenile by a physician or other expert, or other conduct that makes it impossible for the agency representative to carry out his duty to assess the child's safety. When a person or entity interferes with the CPS Assessment process, it is the worker's obligation to adequately explain the need to thoroughly complete the assessment in order to ascertain the safety and well-being of the child(ren). It is the Division's position that the provision of Child Protective Services, including visiting and interviewing the child in his or her home, with the parent's permission does not infringe upon Fourth Amendment rights. Securing parental consent to interview the child is vital. Efforts to secure voluntary consent shall never be coercive. The worker shall explain his or her role and express a desire to interview the child in order to assess safety, risk, and the strengths and needs of the family. It is important to remember that the ability to interview children at school or at childcare centers has not been compromised – schools and childcare centers are not private residences. Family-centered practice and the concept of involving parents and both their formal and informal supports in decision-making throughout service provision can be challenging at times. It is important to remember that every interaction with the family and those supports is an opportunity to make a connection. Take the time to engage the family and the individuals that comprise the family's support network, recognize the strengths, help with transitions, provide choices, pay attention to the words used when interacting with families, and make an effort to act as a change agent, rather than an authority figure. Family members and their supports should be made to feel their involvement and participation throughout the life of the case is crucial and that their feedback is valued.	

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Despite a worker's best efforts towards family centered practice, there will be instances where a county child welfare agency must file an obstruction or interference petition in order to proceed with the CPS Assessment required in the provision of Child Protective Services. If the family or person interfering with or obstructing the CPS Assessment is still unwilling to cooperate, he or she should be informed of the law and the potential outcomes of the filing of a petition in court. If necessary, the agency director or the designee can file a petition so that the court can hear the allegations and order the cessation of the obstruction. At the obstruction or interference hearing, all relevant information from the CPS report should be presented. The agency must demonstrate to the judge that the decision to initiate a CPS Assessment met the statutory threshold for abuse, neglect, and/or dependency. In determining what information from the CPS report is relevant, it is helpful to think in broad terms. The reporter's identity remains confidential. However, the judge may order disclosure of the reporter during the hearing. If the director believes the child(ren) is in immediate danger, he or she may seek an ex parte order. A detailed description of this procedure is outlined below. B. REQUEST TO ADJUDICATE A CHILD AS ABUSED, NEGLECTED, AND/OR DEPENDENT 1. Unwillingness to Accept Critically Needed Services When an allegation is substantiated or a finding of Services Needed is made, some families may refuse to follow through with services that are needed to keep the family intact. Other families may participate only marginally, receiving virtually no benefits from the process. In such situations, the agency shall document its efforts to gain cooperative participation from the family. If such efforts are not successful, this documentation shall be included with a petition to the court to order family participation in services. Just as when considering an obstruction or interference petition, agencies shall use the family-centered practice Principles of Partnership to engage the family in a discussion of the need for the parents or caretakers to accept these critical services for either themselves or their children. Listening to the parents or caretakers about their thoughts, feelings, and concerns related to receiving these services and providing an open and honest discussion aimed at assisting the parents or caretakers in working through these issues may eliminate the need to proceed with filing a juvenile petition. In the event that filing a juvenile petition is necessary and upon an adjudication finding that the juvenile is abused, neglected, and/or dependent, NCGS § 7B-904 provides for a special dispositional hearing to determine whether the court shall order the parents, custodian, or guardian to participate with the child or children in medical, psychiatric, psychological, or other treatment. The statute outlines the authority of the court to require the caretaker to undergo treatment or counseling aimed at remediating or remedying behaviors or conditions that led or contributed to the juvenile being adjudicated as abused, neglected, and/or dependent or that led or contributed to the court's decision to remove custody from the caretaker.	

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2. Safety Related Circumstances Indicating the Need for Immediate Removal Sometimes the risk to the safety of a child is so great that the agency must protect the child by removing the child from the home. Voluntary Placement Agreements are not appropriate for use in this situation. Removal of the child is most often accomplished through the filing of a Juvenile Petition (AOC-J130) with either the local clerk of court's office or when the clerk's office is closed, with the local magistrate's office (as per NCGS § 7B-404). NCGS § 7B-500(a) permits the county child welfare worker to take temporary physical custody without a court order if there are reasonable grounds to believe that the juvenile is abused, neglected, and/or dependent and that the child would be injured or could not be taken into custody if it were first necessary to obtain a court order. This same statute permits the county child welfare worker to arrange for the placement, care, supervision, and transportation of the juvenile while in the temporary custody of the worker. Upon notification by the county child welfare worker, the agency director or the designee determines whether to file a petition for nonsecure custody in accordance with NCGS § 7B-502. If no petition is filed, the child(ren) must be returned to the parent from whom he or she was removed. When taking a juvenile into temporary custody, the agency shall: • Notify the parent, guardian or custodian that the juvenile has been taken into custody and advise the caretaker of the right to be present with the juvenile until a determination is made of the need for nonsecure custody (Worker must make every reasonable effort to notify the caretaker. However, failure to notify the caretaker that the juvenile is in temporary custody shall not be grounds for release of the juvenile.), • Release the juvenile to the parent, guardian or custodian when the need for custody no longer exists, or • File a petition within 12 hours and obtain an order from the district court judge for nonsecure custody if the need for nonsecure custody exists. 3. Despite Agency Efforts to Provide Services, No Progress Has Been Made Toward Providing Adequate Care for the Child Despite an agency's best efforts to engage the family and coordinate the necessary remedial services during the provision of CPS In-Home Services, families may not make sufficient and timely progress in addressing the issues that led to the child abuse, neglect, and/or dependency. In these cases, the agency can file a petition alleging that the child is abused, neglected, and/or dependent.	

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This type of petition may only be filed following a Child and Family Team (CFT) meeting in which the agency outlines its concerns to the family and potential consequences and the outcome of that CFT meeting is to proceed with the filing of a juvenile petition. It is important to note that a petition may be filed asking for an adjudication of abuse, neglect, and/or dependency even when the agency is not seeking removal of the child(ren) from the legal custody of the caretaker. This may be the case when dealing with families who, despite diligent efforts made by both the agency and the Child and Family Team, remain uncooperative and refuse to work with the agency but the child(ren) is determined to remain safe in his or her home. The Juvenile Petition (AOC-J-130) filed by county child welfare agencies in this situation is the same petition filed when the agency is requesting custody. The petition is filed without an Order for Nonsecure Custody (AOC-J-150). This is a matter that is outlined in NCGS § 7B-302(c) which reads: If the assessment indicates that abuse, neglect, or dependency has occurred, the director shall decide whether immediate removal of the juvenile or any other juveniles in the home is necessary for their protection. If immediate removal does not seem necessary, the director shall immediately provide or arrange for protective services. If the parent, guardian, custodian, or caretaker refuses to accept the protective services provided or arranged by the director, the director shall sign a complaint seeking to invoke the jurisdiction of the court for the protection of the juvenile or juveniles. Once abuse, neglect, and/or dependency has been adjudicated, the judge may order the parents or caretaker to take certain steps to remediate the behaviors or conditions that led to the filing of the petition. If the child(ren) has already been adjudicated abused, neglected, and/or dependent and, at a later date, the agency decides that nonsecure custody is necessary to protect the child(ren), the agency shall insure that the nonsecure custody order removing the child(ren) contains language stating that the removal is in the child(ren)'s best interest or that the child(ren) remaining in the home is contrary to the welfare of the child(ren). This involves removing the child(ren) after a hearing on custody or, if nonsecure custody grounds exist, obtaining an ex-parte nonsecure custody order. NCGS § 7B-904 gives the court the authority to order the parents to attend and participate in parental responsibility classes, to provide transportation to the juvenile(s) to keep appointments for treatments, and to take appropriate steps to remedy conditions in the home that led to the juvenile's adjudication. The statute specifically sets the procedure governing the contempt proceedings. Failure to comply with the order of the court may lead to the parent(s) being found in civil or criminal contempt. VII. STEP-BY-STEP LEGAL PROCESS (NOT INCLUDING TPR)	

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The information that follows in this section is a general step-by-step examination of the most typical juvenile court actions that county child welfare workers encounter. Because Termination of Parental Rights (TPR) is such a complex issue, that process will receive a closer examination in a separate section within this chapter. While every effort has been made to accurately reflect the overall juvenile court process, the process each agency experiences may vary from district to district and possibly among cases within the same district. Frequently, local rules play a definitive role in determining how cases are handled within the court district. The impact of these local rules may cause similar cases to appear very dissimilar from district to district. County agencies are strongly encouraged to learn more about the local court rules that may be applicable for their district. The local rules for each county can be found on the Administrative Office of the Courts website: http://www.nccourts.org/courts/crs/policies/localrules/default.asp. Additionally, circumstances within each case may cause cases that appear to be similar in nature to take differing paths from one another. Developing a thorough understanding of the overall process enables the worker to remain flexible (and more successful) when cases do take alternate paths from those expected. A. FILING OF A JUVENILE PETITION ALLEGING ABUSE, NEGLECT, OR DEPENENCY AND JUVENILE SUMMONS For the purposes of this section, any references to a petition are in relation to the Juvenile Petition (Abuse / Neglect / Dependency) and not the Petition of Obstruction of or Interference with Juvenile Investigation. For more detailed information on this type of a petition, refer to Refusal to Cooperate with / Obstruction of a CPS Assessment. When information supports a determination that a petition is needed for the protection of the child(ren) alleged to be abused, neglected, or dependent, the petition shall be drawn by the director or his designee, verified before an official authorized to administer oaths, and filed by the clerk, recording the date of filing. When preparing the Juvenile Petition alleging abuse, neglect, and/or dependency, NCGS § 7B-402 states, “The petition shall contain the name, date of birth, address of the juvenile, the name and last known address of the juvenile’s parent, guardian, or custodian, and allegations of facts sufficient to invoke jurisdiction over the juvenile.” Using the Administrative Office of the Courts (AOC) Juvenile Petition (AOC-J-130) ensures all the information required is captured. County child welfare agencies are strongly encouraged to record the allegations of fact regarding the caretaker’s neglectful and/or abusive behavior along with allegations of fact of the harm this neglectful and/or abusive behavior has caused to the children. Both should be stated in a plain, concise, and objective manner. Petitions should also state the severity of harm and explain how the behavior of the caretaker has resulted in the children’s condition. The petition should also state the ability and willingness of the caretaker to adequately care for the child and, if appropriate, any services the parents have been offered but have refused. Petitions should also	

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specifically state the efforts the agency made with the family to prevent the need for removal of the child(ren). Finally, the petition should state clearly that the children are in need of the court's protection by citing any relevant statutes. Any petition initiated by the agency shall clearly state all of the conditions that would invoke the court's jurisdiction. The allegations shall also contain enough information to make a legally valid case. These allegations should be broad enough to allow introduction of all evidence that the agency considers important to the case. Allegations should only include what the agency believes to be facts in the case, not observations or opinions held by others. Workers should be aware that while only those allegations that rise to level of abuse, neglect, and/or dependency are to be included on the petition, some allegations might fit in more than one category. Workers should, in consultation with their agency's legal counsel, thoughtfully examine the benefits and the drawbacks to citing all known information in cases where allegations may fit within multiple adjudicatory categories. Juvenile Petitions should also include information relative to the agency's knowledge about issues specified under NCGS § 7B-506(h) including: • Paternity or information on absent / missing parent(s), • Known relatives able and willing to provide care for the child(ren), • ICWA related issues, • MEPA related issues, • Siblings or other juveniles remaining in the home and any specific findings of the assessment of the juveniles or any actions taken to secure the protection of the juveniles. Along with Juvenile Petitions, a Juvenile Summons must also be filed (AOC-J-142). NCGS § 7B-406 reads, "Immediately after a petition has been filed alleging that a juvenile is abused, neglected, or dependent, the clerk shall issue a summons to the parent, guardian, custodian, or caretaker requiring them to appear for a hearing at the time and place stated in the summons." In addition, the juvenile summons also contains the following information: • A parent's rights to legal representation, • In many districts, information relative to the date, time, and location of a prehearing conference or child planning conference, • If the agency has assumed custody of the child or children when filing a petition, information related to the hearing on need for continued nonsecure custody (7-day hearing),	

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• Information that the dispositional order (or any subsequent order) may require certain activities of either the parent or the juvenile or may even remove the juvenile from the parent's custody, • Information related to the local law enforcement officer's ability or inability to serve the summons, petition, affidavit as to the status of a minor child, and order for nonsecure custody (if applicable) on the persons identified within the summons, • A notice to parents, guardians, or caretakers that they may be held in contempt of court if they fail to show, without reasonable cause, at the hearing specified, and • An additional notice that with the service of the summons on the parents, guardians, or caretaker the court system has obtained jurisdiction over them and that their failure to comply with any court order may result in the court issuing a show cause order for contempt. B. REQUESTING AN ORDER FOR NONSECURE CUSTODY In cases in which custody of the child(ren) has to be removed from the caretaker due to the immediate safety needs of the child(ren), the agency is authorized to file an order for nonsecure custody under NCGS § 7B-502 which reads, "In the case of any juvenile alleged to be within the jurisdiction of the court, the court may order that the juvenile be placed in nonsecure custody pursuant to criteria set out in G.S.7B-503 when custody of the juvenile is necessary." Per NCGS § 7B-503 the court has the authority to issue nonsecure custody orders. The criteria for issuing nonsecure custody orders shall be met only when there is a reasonable factual basis to believe that the matters alleged in the petition are true and that: • The juvenile has been abandoned, or • The juvenile has suffered physical injury or sexual abuse, or • The juvenile is exposed to a substantial risk of injury or sexual abuse due to the actions or inaction of the parent, guardian, or custodian, or • The juvenile needs medical treatment to cure, alleviate, or prevent suffering serious physical harm which may result in death, disfigurement, or substantial impairment of bodily functions and the parent, guardian, or custodian is either unable or unwilling to provide or consent to treatment, or • The parent consents to continuation of the nonsecure custody order, or • The juvenile is a runaway and consents to nonsecure custody, and • That there is a factual basis to believe that no other reasonable means are available to protect the juvenile.	

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NCGS § 7B-504 explains that the Order for Nonsecure Custody shall be in writing (AOC-J-150) and directs a local law enforcement officer the authority to assume custody of the juvenile and to give a copy of the custody order to the juvenile's caretaker. NCGS § 7B-505 designates the place of nonsecure custody. This statute provides specific guidance on the location a juvenile may be placed, to which workers shall adhere. Prior to placement with a relative outside North Carolina, the placement must be in accordance with the Interstate Compact on the Placement of Children. For more information see the Interstate Compact Placement of Children section of the NC Child Welfare manual. C.PARENTS' APPOINTMENT OF COUNSEL / APPOINTMENT OF RULE 17 GUARDIAN AD LITEM In cases where the Juvenile Petition alleges that a juvenile is abused, neglected, and/or dependent, the parent has the right to counsel, and to appointed counsel in cases of indigence, unless the parent waives that right. In addition to the right to appointed counsel set forth above, a Guardian ad Litem shall be appointed in accordance with the provisions of NCGS § 1A-1, Rule 17, to represent a parent in the following cases: • Where issues related to a parent's diminished capacity are present, the court or any party may make a motion for the court to appoint a Rule 17 GAL to assist defense counsel with protection of due process, or • Where the parent is under the age of 18 years. D. APPOINTMENT OF THE GUARDIAN AD LITEM (GAL) The judge may appoint a guardian to the juvenile(s) when no parent appears in a hearing with the juvenile(s) or the judge finds it would be in the best interest of the juvenile(s). A juvenile alleged to be within the jurisdiction of the court has the right to be represented by counsel in all proceedings. If the GAL is not an attorney, the judge shall also appoint an attorney in order to assure protection of the child(ren)'s legal rights through the dispositional phase of the proceedings, and after disposition when necessary to further the best interests of the child(ren). The GAL and the Attorney Advocate have standing to represent the juvenile(s) in all juvenile court actions where they have been appointed. NCGS § 7B-601 mandates that once a Juvenile Petition is filed alleging abuse or neglect, a Guardian ad Litem is appointed to represent the juvenile before the court. In a dependency matter, the judge may appoint a Guardian ad Litem but is not required to do so. The mission statement of the North Carolina Guardian ad Litem program most appropriately summarizes the role of a GAL volunteer:	

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Our mission is to provide trained independent advocates to represent and promote the best interest of abused and/or neglected children in the state court system, working toward a plan that ensures these children are in a safe and permanent home. The individuals that comprise a local Guardian ad Litem office may vary but may include a District Administrator, a Program Supervisor, an Attorney Advocate (a contracted or staff attorney from the local bar association that represents the juvenile in court) and the GAL volunteer. Some GAL Programs may also have local office staff (usually called a Program Assistant). Volunteers are individuals from the community who receive thirty or more hours of intensive training, are sworn in before the court, and who represent the best interest of the child. The GAL volunteer also receives supervision from the GAL administrative staff and consults with GAL attorney advocates on legal matters. See the North Carolina Court System web site: Guardian ad Litem – A Child's Advocate in Court for resources and other reference material. Per NCGS § 7B-601 the duties of the Guardian ad Litem Program: "shall be to make an investigation to determine the facts, the needs of the juvenile, and the available resources within the family and community to meet those needs; to facilitate, when appropriate, the settlement of disputed issues; to offer evidence and examine witnesses at adjudication; to explore options with the court at the dispositional hearing; to conduct follow-up investigations to insure that the orders of the court are being properly executed; to report to the court when the needs of the juvenile are not being met; and to protect and promote the best interests of the juvenile until formally relieved of the responsibility by the court." The Guardian ad Litem Program and the county child welfare agency often share common goals, while sometimes representing differing perspectives. The GAL focuses on the best interests of the child and reports to the court the wishes or preferences of the child(ren). Both the GAL and the county child welfare agency focus on the safety, permanence, and well-being of the child(ren) and the need to achieve these goals in a timely manner. The county child welfare agency has the additional focus on strengthening of the family both during the court process and beyond. Prior to each hearing, it is in the best interest of all parties for the county child welfare agency and the GAL Program to collaborate by communicating with each other their perspective on the case, what their intentions are regarding presentation of evidence, and recommendations they intend to make in court. Collaboration between the GAL program and the county child welfare agency is essential. This collaboration assures that, when possible, disputed issues are resolved prior to court hearings, thus better meeting the needs of the child and the family by moving the case more quickly toward resolution.	

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The GAL volunteer has the statutory authority under NCGS § 7B-601(c) to obtain any information or reports, whether confidential or not, that may, in the GAL Program's opinion be relevant to the case. The exception to this is in regards to federally protected information such as substance abuse diagnosis and treatment records. For additional information, refer to the section entitled "Obtaining Substance Abuse Records by Court Order" within this chapter. The GAL volunteer should present his or her Order of Appointment to access the information, and the county child welfare worker should place a copy of the order in the child's record. The GAL and the agency shall share any information that is not otherwise federally protected and that will assist each in understanding the full issues of the case so that the child(ren) and family receive maximum benefit from the two services (for additional information on re-disclosure and confidentiality of records please refer to Confidentiality . E. DAY ONE CONFERENCES OR CHILD PLANNING CONFERENCES Day One Conferences or Child Planning Conferences (CPC) can be an invaluable strategy to all parties involved, especially the family. While not conducted statewide, these conferences are usually instituted in either Family Court or in Court Improvement Project (CIP) districts, are facilitated by court staff, and may be the first opportunity in which the parents are given to be present. Conferences are held either the day following (in the case of Day One Conferences) or within a few days (in the case of Child Planning Conferences) of the agency filing a juvenile petition alleging abuse, neglect, and/or dependency. The purpose of these conferences is to get the court case moving quickly and to assist the agency with court related issues of the case. To move the court process forward, the Case Coordinator informs parties present of their rights, ensures there is counsel for parents and a Guardian ad Litem volunteer appointed for the child, ensures that the Juvenile Petition and Juvenile Summons is served and sets the next hearing date. To assist the agency with the case, the Case Coordinator makes inquiries concerning the circumstances of the case, looks at issues such as the child(ren)'s current placement, early parental visitation, availability of placement with relatives, extended family or family friends, and immediate service needs of the family. F. MEDIATION "An increasing number of juvenile courts across the country are using mediation and other nonadversarial dispute resolution methods, such as family group conferencing, to settle child maltreatment and TPR cases. The mediation process usually is called 'dependency mediation' and is similar in many ways to settlement conferences, except that there is a skilled and trained mediator facilitating the discussion."	

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As with Child Planning Conferences, not all 100 counties will operate in court districts where mediation is used. Like CFT meetings, these meetings are facilitated and involve the family and their supports (which, in this situation may include their attorney, the Attorney Advocate for the GAL and the agency's attorney). The North Carolina General Assembly enacted legislation in 2006 to provide for mediation services in juvenile court to resolve issues in cases in which a juvenile is alleged or has been adjudicated to be abused, neglected, and/or dependent, or in which a petition or motion to terminate a parent's rights has been filed. This service is not currently available in all counties, but the legislation calls for the Administrative Office of the Courts to establish permanency mediation in phases in all judicial districts in the state. Mediation is a valuable tool for judges in juvenile court. Mediation is a process whereby a neutral third party--a mediator--acts to encourage and facilitate the resolution of a dispute between parties. It is informal and non- adversarial processes with the objective of helping the disputing parties reach a mutually acceptable and voluntary agreement. The mediator is not a judge, lawyer, or counselor, rather the mediator is a trained, skilled facilitator who assists in defining and clarifying issues, helps reduce obstacles to communication, and provides the opportunity for exploring possible solutions to reaching agreement. Local court rules in each judicial district determine the specific process that the judge will use to order the parties to participate in permanency mediation. The parties in permanency mediation consist of, at a minimum, each parent, the parent(s) attorney, county child welfare worker assigned to the case, county child welfare supervisor, agency attorney, attorney advocate, and GAL staff and/or volunteer. North Carolina uses a co-mediation model (two mediators) which takes into account the large number and diversity of people present, the complexity of the work, and the demands of negotiating a petition and producing agreements to be written and signed off on in the session. Mediation provides the opportunity for increased parental involvement in the development of a case plan tailored to the family's specific needs, as well as an opportunity for the agency to clearly articulate its expectations early in the case. By assisting to move a case to permanence more quickly, permanency mediation provides cost savings to both the foster care and court systems. Perhaps more importantly, moving to permanence provides emotional and physical stability for the child(ren). A thorough explanation is provided by NCGS § 7B-202 which explains: (a) The Administrative Office of the Courts shall establish a Permanency Mediation Program to provide statewide and uniform services to resolve issues in cases under this Subchapter in which a juvenile is alleged or has been adjudicated to be abused, neglected, or dependent, or in which a petition or motion to terminate a parent's rights has been filed. Participants in the mediation shall include the parties and their attorneys, including the guardian ad litem and attorney advocate for the child, provided, the court may allow mediation to proceed without the participation of a parent whose identity is unknown, a party who was served and has not made an appearance, or	

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a parent, guardian, or custodian who has not been served despite a diligent attempt to serve the person. Upon a finding of good cause, the court may allow mediation to proceed without the participation of a parent who is unable to participate due to incarceration, illness, or some other cause. Others may participate by agreement of the parties, their attorneys, and the mediator, or by order of the court. (b) The Administrative Office of the Courts shall establish in phases a statewide Permanency Mediation Program consisting of local district programs to be established in all judicial districts of the State. The Director of the Administrative Office of the Courts is authorized to approve contractual agreements for such services as executed by order of the Chief District Court Judge of a district court district, such contracts to be exempt from competitive bidding procedures under Chapter 143 of the General Statutes. The Administrative Office of the Courts shall promulgate policies and regulations necessary and appropriate for the administration of the program. Any funds appropriated by the General Assembly for the establishment and maintenance of permanency mediation programs under this Article shall be administered by the Administrative Office of the Courts. (c) Mediation proceedings shall be held in private and shall be confidential. Except as provided otherwise in this section, all verbal or written communications from participants in the mediation to the mediator, between, or among the participants in the presence of the mediator are absolutely privileged and inadmissible in court. (d) Neither the mediator nor any party or other person involved in mediation sessions under this section shall be competent to testify to communications made during or in furtherance of such mediation sessions, provided, there is no confidentiality or privilege as to communications made in furtherance of a crime or fraud. Nothing in this subsection shall be construed as permitting an individual to obtain immunity from prosecution for criminal conduct or as excusing an individual from the reporting requirements of Article 3 of Chapter 7B of the General Statutes or GS 108A-102. (e) Any agreement reached by the parties as a result of the mediation, whether referred to as a "placement agreement," "case plan," or some similar name, shall be reduced to writing, signed by each party, and submitted to the court as soon as practicable. Unless the court finds good reason not to, the court shall incorporate the agreement in a court order, and the agreement shall become enforceable as a court order. If some or all of the issues referred to mediation are not resolved by mediation, the mediator shall report that fact to the court. G. NONSECURE CUSTODY HEARING	

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A juvenile cannot be held in nonsecure custody for more than seven calendar days without a hearing on the merits or a hearing to determine the need for continued custody. The first hearing to determine the need for continued custody may be continued for up to ten business days with the consent of parent, guardian, or custodian and, if appointed, the Guardian ad Litem. In addition, the court may require consent of additional parties or may schedule a hearing despite a party's consent to a continuance. The court must also make Reasonable Efforts findings required under NCGS § 7B-507 at all similar hearings and all review hearings. If the judge determines a juvenile meets criteria for nonsecure custody and should continue in custody, the judge issues an order to that effect. The Order on Nonsecure Custody shall be in writing with appropriate Findings of Fact and signed and entered within 30 days of the completion of the hearing. Findings of Fact include the evidence that was relied upon to reach the decision, goals, and purposes that continued custody are to achieve. The order shall detail the reasonable efforts made by the agency to avoid or eliminate need for placement and whether such efforts should continue. As per NCGS § 7B-506 a second hearing on continued nonsecure custody shall be held within seven business days after the first hearing is held. Hearings thereafter shall be held at intervals of no more than 30 calendar days. All of these subsequent hearings may be waived only with the consent of the juvenile's parents and the juvenile's Guardian ad Litem. Additionally, the statute specifies that at every hearing to determine the need for continued nonsecure custody, the court shall: • Inquire about the identity and location of missing parents and agency attempts to locate and serve them, • Inquire about whether a relative is willing and able to provide proper care and supervision in a safe home and, if so, order placement with that relative, • Inquire whether other juveniles remain in the home from which juvenile was removed and, if there are, inquire as to the specific findings of the investigation conducted and any actions taken or services provided by the agency for protection of the other juveniles, and • Consider issues related to both MEPA and ICWA. H. ADJUDICATORY HEARING	

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The adjudicatory hearing shall be a judicial process designed to adjudicate the existence or nonexistence of any of the conditions alleged in a petition. NCGS § 7B-802 explains, "The adjudicatory hearing shall be a judicial process designed to adjudicate the existence or nonexistence of any of the conditions alleged in the petition." Adjudication means making a judgment (i.e., legally deciding whether something did or did not occur) based on either the evidence presented or either party agreeing (stipulating) to the existence or non-existence of the conditions of abuse, neglect, and/or dependency. In the adjudicatory hearing, the court shall protect the rights of the juvenile and the juvenile's parent to assure due process of law (NCGS § 7B-802). The adjudicatory hearing must be held within 60 days of the filing of the petition unless the judge orders that it be held later (NCGS § 7B-801). The allegations stated in the petition must be proven by clear and convincing evidence (NCGS § 7B-807). The judge may continue the hearing, for good cause, for as long as is reasonably required to receive additional evidence, reports, or assessments requested by the Court or other information needed in the best interest of the juvenile. The rules of evidence in civil cases apply in these proceedings. All adjudicatory and dispositional hearings shall be recorded. If the judge finds that the allegations in the petition have been proven, he or she shall so state. If the judge finds that the allegations have not been proven, he or she shall dismiss the petition with prejudice and the juvenile will be released from nonsecure custody. The Order on Adjudication shall be reduced to writing, signed, and entered no later than 30 days following the completion of the hearing. If the order is not entered within 30 days following completion of the hearing, the clerk of court for juvenile matters shall schedule a subsequent hearing at the first session of court scheduled for the hearing of juvenile matters following the 30-day period to determine and explain the reason for the delay and to obtain any needed clarification as to the contents of the order. The order shall be entered within ten days of the subsequent hearing required by this subsection. I. DISPOSITIONAL HEARING NCGS § 7B-807 states: "If the court finds that the allegations in the petition have been proven by clear and convincing evidence, the court shall so state. If the court finds that the allegations have not been proven, the court shall dismiss the petition with prejudice, and if the juvenile is in nonsecure custody, the juvenile shall be released to the parent, guardian, custodian, or caretaker." NCGS § 7B-903 provides a thorough examination of dispositional alternatives available to judges. Upon adjudication, the judge may dismiss the case or may order that appropriate community level services be provided to the child and his family in order to strengthen	

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the family situation. The following alternatives for disposition shall be available to any court-exercising jurisdiction, and the court may combine any of the applicable alternatives when the court finds the disposition to be in the best interests of the juvenile. 1.The court may dismiss the case or continue the case in order to allow the parent, guardian, custodian, caretaker or others to take appropriate action. 2. In the case of any juvenile who needs more adequate care or supervision or who needs placement, the court may: a. Require that the juvenile be supervised in the juvenile's own home by the agency in the juvenile's county, or by other personnel as may be available to the court, or b. Place the juvenile in the custody of a parent, relative, private agency offering placement services, or some other suitable person. If the court determines that the juvenile should be placed in the custody of an individual other than a parent, the court shall verify that the person receiving custody of the juvenile understands the legal significance of the placement and will have adequate resources to care appropriately for the juvenile. The fact that the prospective custodian has provided a stable placement for the juvenile for at least six consecutive months is evidence that the person has adequate resources, or c. Place the juvenile in the custody of the county child welfare agency in the county of the juvenile's residence, or in the case of a juvenile who has legal residence outside the State, in the physical custody of the agency in the county where the juvenile is found so that the agency may return the juvenile to the responsible authorities within the juvenile's home state. The director may, unless otherwise ordered by the court, arrange for, provide, or consent to needed routine or emergency medical or surgical care or treatment. If a juvenile is removed from the home and placed in the custody or placement responsibility of a county child welfare agency, the director shall not allow unsupervised visitation with, or return of physical custody of the juvenile to the parent, guardian, custodian, or caretaker without a hearing at which the court finds that the juvenile will receive proper care and supervision in a safe home. NCGS § 7B-905 requires that when a juvenile is placed in the custody of a county child welfare agency, the court may order the agency to arrange, facilitate, and supervise a visitation plan expressly approved by the court. The statute also makes clear that if the director makes a good faith determination that the visitation plan outlined in the court order is not in the juvenile's best interest, the Director can temporarily suspend all or part of the visitation plan until further review by the court. The agency must document with clear and	

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convincing reasons why the action was in the child's best interest and present evidence to the court at the next hearing or request an earlier review of the case. In placing a juvenile in out of home care under this section, the court shall first consider whether a relative of the juvenile is willing and able to provide proper care and supervision of a juvenile in a safe home. If the court finds that a relative is willing and able to provide proper care and supervision in a safe home, then the court shall order placement of the juvenile with the relative unless the court finds that the placement is contrary to the best interests of the juvenile. The Initial Provider Assessment (DSS-5203) shall be completed prior to placement and the Kinship Care Comprehensive Care Assessment (DSS-5204) shall be completed no later than 30 days following placement. Placement of a juvenile with a relative outside of this State must be in accordance with the Interstate Compact on the Placement of Children. For more information on the Interstate Compact Placement of Children refer to "Interstate/Intercounty Services to Children" in the NC Child Welfare manual. Additionally, it is important for agencies to keep the Guardian ad Litem Program informed of any changes in the juvenile's status (specifically, the juvenile's placement). Per NCGS § 7B-905(d): When a county department of social services having custody or placement responsibility of a juvenile intends to change the juvenile's placement, the department shall give the guardian ad litem for the juvenile notice of its intention unless precluded by emergency circumstances from doing so. Where emergency circumstances exist, the department of social services shall notify the guardian ad litem or the attorney advocate within 72 hours of the placement change, unless local rules require notification within a shorter timeframe. The dispositional hearing should occur immediately following the adjudicatory hearing if the court has sufficient information to proceed. If the court does not have sufficient information to proceed to the dispositional stage of the case, the case should be re-calendared as soon as possible thereafter once the court has sufficient information but must occur within 30 days of the conclusion of the adjudicatory hearing (NCGS § 7B-901).	

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3. Examinations of the Child and Professional Testimony In any case, the court may order that the juvenile be examined by a physician, psychiatrist, psychologist, or other qualified expert as may be needed for a court to determine the needs of the children. a. Upon completion of the examination, the court shall conduct a hearing to determine whether the juvenile is in need of medical, surgical, psychiatric, psychological, or other treatment and who should pay the cost of the treatment. b. If the court believes, or if there is evidence presented to the effect that the juvenile is mentally ill or is developmentally disabled, the court shall refer the juvenile to the director of the Mental Health / Developmental Disabilities / Substance Abuse Services Local Management Entity (LME) serving the agency's county for appropriate action. A juvenile shall not be committed directly to a state hospital or other facility designed to serve these juveniles. The Mental Health / Developmental Disabilities / Substance Abuse Services LME serving the agency's county is responsible for arranging an interdisciplinary evaluation of the juvenile and mobilizing resources to meet the juvenile's needs. c. When the court has found that a juvenile has suffered physical abuse and that the individual responsible for the abuse has a history of violent behavior against people, the court shall consider the opinion of the mental health professional that performed the mandated evaluation prior to returning custody of the juvenile to that individual. As a part of the dispositional hearing, the district court has the authority over parents to:	

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• Order the parents to pay cost of medical, psychiatric, or psychological examinations ordered for juvenile, • Order the parents to participate in their child's treatment, • Require treatment or counseling for parents or make legal custody or physical placement of the juvenile with the parent contingent upon the parent's compliance with the plan of treatment, • Order the parents to pay for their court ordered treatment, and/or • Order the parents to pay a reasonable sum for the cost of care of their child while in custody. According to NCGS § 7B-905, the Order on Disposition shall be reduced to writing, signed, and entered no later than 30 days from the completion of the hearing and shall contain Findings of Fact and Conclusions of Law. The order: 1. Shall state the precise terms of the disposition, including who is responsible for carrying them out, and 2. Shall direct that the review hearing will be held within 90 days from the date of the dispositional hearing and, if practicable, shall set the date and time for the review hearing (for cases involving custody), and 3. Shall comply with the requirements of the NCGS § 7B-507.	

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For children whose placement is in in the legal custody of the county child welfare agency, the dispositional order shall contain: a. Findings that the juvenile's continuation in or return home would be contrary to the juvenile's best interest, b. Findings as to whether reasonable efforts were made to prevent or eliminate the need for placement in foster care, and c. Required services or other efforts aimed at returning the juvenile promptly to a safe home. d. Any order that places a juvenile in the custody of the agency shall state that the placement and care of the juvenile are the responsibility of the agency. If the court finds through written Findings of Fact in the Order on Disposition that efforts to eliminate the need for placement of the juvenile in custody clearly would be futile or would be inconsistent with the juvenile's safety and need for a safe, permanent home within a reasonable period of time, the court shall specify in the order that reunification efforts are not required. J. APPEAL According to NCGS § 7B-1001 and NCGS § 7B-1002, appeals on certain orders may be made by the juvenile (through the Guardian ad Litem), parent, guardian or custodian, state or county agency or any TPR petitioner. These appeals are heard by the North Carolina Court of Appeals. Notice of appeal shall be given in writing within 30 days after entry of the order. However, if no disposition is made within 60 days after entry of the order, written notice of appeal may be given within 70 days after such entry. An expedited appeals process in juvenile abuse, neglect, and dependency exists under Rule 3A of the North Carolina Rules of Appellate Procedure.	

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K. REVIEW HEARING In any case where custody is removed from a parent, guardian, custodian, or caretaker, the court shall conduct a review hearing. The timeframes and notices are as follows: • Review hearings shall be conducted within 90 days from the date of the dispositional hearing, and • Review hearings shall be conducted within every six months thereafter. The agency shall make timely requests to the Clerk of Court to calendar each review at a session of court scheduled for the hearing of juvenile matters. The Clerk of Court shall give no less than 15 days notice of reviews to: • The parent or person standing in loco parentis, • The juvenile regardless of age, Note: When a juvenile's case is being heard, county child welfare agencies shall fully promote the participation of that child in the proceeding in a manner in which makes the child the most comfortable. This may be having the juvenile address the court, writing a	

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letter to the judge, drawing a picture of what "permanent" might look like, etc. The discussion with the juvenile shall be centered on "how" they would like to participate in court, not "if" they will participate. • The guardian, • The custodian, • The foster parent, • The agency with whom custody is vested, • The Guardian ad Litem, and • Any other person the court may specify. The court may waive or forego review hearings, may require written reports to the court by the agency in lieu of review hearings, or order that review hearings be held less often than every six months if the court finds by clear, cogent, and convincing evidence that: • The juvenile has resided with a relative or been in custody of another suitable person(s) for at least one year,	

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• The placement is stable and in the juvenile's best interest, • Neither the juvenile's best interest or rights of any other party require a hearing every six months, • All parties are aware that the matter may be brought before the Court for review at any time by filing of a motion for review, and • The court order has designated the relative or other suitable person as the juvenile's permanent caretaker or guardian of the person of the juvenile. At every review hearing, the court shall consider information from the agency, the juvenile, the parents or person standing in loco parentis, the custodian, foster parents, the Guardian ad Litem, and any public or private agency. In each case, the court shall consider and make written findings regarding: 1. The efforts that the agency has made to reunite the family, whether the judge determines those efforts to be reasonable, or whether efforts to reunite the family clearly would be futile or inconsistent with the juvenile's need for a safe, permanent home within reasonable period of time, 2. Where return home is unlikely, efforts which the agency has made to finalize or achieve some other plan for permanence and whether those efforts were reasonable, 3. Goals of placement and the appropriateness of the permanent plan,	

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4. A new permanent plan, if continuation of out-of-home care is sought, that addresses the role the current placement provider will play in planning for the juvenile, 5. An appropriate visitation plan, 6. If the juvenile is 16 or 17 years of age, a report on an independent living assessment of the juvenile and, if appropriate, an independent living plan developed for the juvenile, 7. Reports on the placements the juvenile has had and any services offered to the juvenile and parents, 8. When and if termination of parental rights should be considered, and 9. Any other criteria the court deems necessary. The court, after making any findings of fact, may appoint a guardian of the person for the juvenile pursuant to NCGS § 7B-600 or may make any disposition authorized by NCGS § 7B-903, including authority to place child in the custody of either parent or any relative found by the court to be suitable and in the juvenile's best interest. The court may enter an order continuing the placement under review or providing for a different placement as is deemed to be in the best interests of the juvenile. The order (either the Order on Ninety Day Review or the Order on Six Month Review) must be reduced to writing, signed, and entered within thirty days of the completion of the hearing. If at any time, custody is restored to a parent, guardian, custodian, or caretaker the court shall be relieved of the duty to conduct judicial reviews of the placement.	

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PERMANENCY PLANNING HEARING At a hearing designated by the Court, but at least within 12 months after juvenile's placement, a review hearing shall be held and designated as a Permanency Planning Hearing. When notice is given to the parties, the notice of the hearing shall inform the parties that this hearing is specifically designated as the Permanency Planning Hearing and the general purpose of the hearing. The purpose of the Permanency Planning Hearing is to develop a plan to achieve a safe, permanent home for the juvenile(s) within a reasonable timeframe. If the juvenile(s) is not returned home, the judge shall make specific findings as to the best plan of care to achieve a safe, permanent home for the juvenile(s) within a reasonable timeframe and shall enter an order consistent with those findings. A thorough examination of permanency placement options can be found in Permanency Planning in the NC Child Welfare manual, but portions of that text are also discussed here: There are six possible permanent plan goals: reunification, adoption, legal guardianship (with relatives or other kin), legal custody, Reinstatement of Parental Rights, and Another Planned Permanent Living Arrangement (APPLA). These options should all be considered and addressed from the beginning of placement and continuously evaluated. Although one option (reunification) may appear to be the primary plan, the other options should also be explored and planned concurrently. 1. Reunification	

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Reunification means that the biological/adoptive parent(s) or caretaker from whom the child(ren) was removed regains custody of the child. In most cases, reunification is the primary permanent resolution sought, and reasonable efforts to reunify the child(ren) with the parent must be demonstrated and documented to the court. Reunification is appropriate when the parent is capable of providing minimum sufficient level of care, as long as the safety of the child(ren) can be ensured. Reunification should be considered when: • The issues that precipitated the child(ren)'s removal have been addressed and resolved, and • Risk to the child(ren) has been reduced to a reasonable level, and • The parents have made changes in their behavior and circumstances that were identified as needing to change before the child(ren) could be returned safely to the home, and • The parent has demonstrated capacity and willingness to provide appropriate care for the child(ren), and • The child(ren)'s safety and care in the home is reasonably expected to remain secure, and • Supports from the agency and community are in place to assist the family to remain intact.	

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Reunification should not be considered when the court has found that such efforts would be futile or would be inconsistent with the juvenile's need for a safe, permanent home within a reasonable timeframe. The agency is responsible for working with the parents to help them gain capacity to provide care for their children. This includes: • Working with the family to assess its strengths and resources, as well as the issues that must be resolved for reunification, • Helping the family to build its own capacity through the use of community resources, education and training, and mutual support, • Encouraging the child(ren)/youth to work with his or her family to resolve barriers to reunification, • Providing opportunities for the family to visit, in order to assure that the parents are able to care appropriately for the child(ren), • Helping each family member to anticipate and constructively respond to conditions in the family unit that may endanger its stability, • Helping the family to connect with a support network of individuals and resources who will be available to them in the transition process,	

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• Being available to the family for at least three months after reunification to help it remain stable. A trial home visit or aftercare services may be appropriate to help facilitate the transition. Refer to the discussion regarding trial home visits and aftercare found in Appendix 3.5 in the NC Child Welfare manual for information on how to fund these services. Agency Requirements Towards Reunification The agency's efforts and the results of involvement must be documented in the case record and court review documents in order to demonstrate to the court that the agency has made efforts toward reunification that may reasonably be expected to achieve the desired result. A child who has been removed from the custody of a parent (or person acting in loco parentis) by a court order because of abuse or neglect may not be returned for any period of time without judicial review and Findings of Fact to show that child(ren) will receive proper care and supervision. County child welfare agencies are required to observe, at a minimum, two supervised visits between the parent and the child(ren) prior to recommending the child(ren) be returned home. These visits must be at least one hour in duration, and must be held at least seven (7) days apart. The agency must provide written documentation regarding the observations to the court, either as a separate document or within the agency's court report. These visits should take place no more than thirty (30) days prior to the permanency planning hearing in which the agency recommends the child(ren) be returned home. In addition to the required timeframes for court reviews, parents, the Guardian ad Litem, and the respective agency have a right to ask for a motion for review so that the court may re-evaluate the plans for the child(ren). Whenever there is a significant change in circumstances, a motion for review shall be filed by the agency. It is strongly recommended that a motion for review be filed with the court in all cases in which it is proposed that a child be returned, even on a trial basis, to a parent residing in another state. Parents have a legal right to ask the court for the return of their child even if the agency does not consider the situation appropriate. The agency may recommend against the return of the child(ren) at the time of the court hearing. The court maintains the right to return the child(ren) against agency recommendations if it so determines. If a child was accepted for placement because of a court order, the court must be kept informed of the child's progress. 2. Adoption	

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Adoption is the permanent plan offering the most stability to the child who cannot return to his or her parents. Factors to consider include whether the child(ren) is likely to return home and whether the child(ren) can be freed for adoption. In order for the child to be adopted, both parents must voluntarily relinquish their parental rights or their parental rights must be terminated by the court. The agency shall file a petition for termination of parental rights within 60 calendar days of the agency's decision that the permanent plan is adoption or within 60 calendar days of the hearing that determines that the plan is adoption unless the court makes other findings. There must be legal grounds to terminate each parent's rights. If an American Indian parent or custodian relinquishes his or her rights or consents to the plan of adoption, the consent is not valid unless procedures of the Indian Child Welfare Act are followed. This includes certification that the American Indian parent or custodian fully understood the nature of his or her relinquishment of rights and that interpreter services were provided if necessary. When the child(ren) is legally freed for adoption, the county child welfare agency shall make every effort to locate and place the child in an appropriate adoptive home. When adoption becomes the plan for a child, the agency shall develop a child-specific written strategy for recruitment of an adoptive home within 30 days. At a minimum, the plan shall document the child-specific recruitment efforts such as the use of state, regional, and national adoption exchanges including electronic exchange systems to facilitate orderly and timely in state and interstate placements. Adoption by relatives or fictive kin may be an option to consider if the relative or fictive kin are willing to adopt and can provide a safe home. Care should be taken in assessing this option to consider whether there may be conflict or divided loyalties between the parent of the child(ren) and the adopting relatives and how these issues would be handled. If an adoption by relative or fictive kin can be achieved, the child(ren)'s sense of identity and family history can be preserved. Adoption by foster parents is often an appropriate plan, especially if the child(ren) has developed a close relationship with the foster family. Such a plan has the benefit of providing continuity for the child with a family that he or she already knows without requiring an additional move.	

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When adoption by a relative, fictive kin, or foster parent is not an option, the county child welfare agency should place the child in an approved adoptive home. There may be approved families waiting that may be appropriate for the child(ren), or potential adoptive families may need to be recruited specifically for the child(ren). Recruitment activities should include the use of media resources. The county child welfare agencies shall have current information available for prospective adoptive families that describes the kind of children needing placement, the availability of Adoption Assistance, and procedures for referring families they are unable to serve to other child placing agencies. When adoption is being considered as a permanent plan, satisfactory answers to the following questions are needed: • Have all relative placement options been considered and eliminated? • Have the child's ethnic and cultural needs been considered and addressed? Refer to Adoption Services in the NC Child Welfare manual and to the requirements of the Multi-Ethnic Placement Act and the Indian Child Welfare Act of 1978. (The DSS-5291 can be used to answer these questions as well.) • Has the best interest of the child been considered and documented? • Are the parents willing to relinquish their rights, or is the agency ready to proceed with termination of parental rights? • Do legal grounds for termination of parental rights exist?	

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• Is the child already living with caretakers who are willing to adopt? • How soon can the child be placed in an adoptive home? • How long will the court process take? • Who will help the child through the placement process? • Has a pool of potential adoptive families been recruited or is the agency willing to commit to child-specific recruitment? • Has the child's particular needs and strengths been thoroughly assessed and evaluated? • Has a placement option that will be able to meet the child's needs been identified? • What is the child's relationship with siblings? • Should the child be placed with siblings and, if so, can this be accomplished?	

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• Is the child able to accept "parenting?" Agency Requirements Towards Adoption • When adoption becomes the primary permanency plan for a child, the county child welfare agency shall develop a child-specific written strategy for recruitment of an adoptive home within 30 days. At a minimum, the plan shall document the child-specific recruitment efforts such as the use of state, regional, and national adoption exchanges including electronic exchange systems to facilitate orderly and timely in-state and interstate placements. The agency shall document its diligent and consistent efforts to locate and place the child in an appropriate adoptive home. • When adoption is the concurrent plan for a child, the county child welfare agency shall search for an appropriate adoptive family. Both in-state and out-of-state options must be considered when making reasonable efforts to place the child in accordance with the permanent plan and to finalize that plan. • If adoption by a relative, fictive kin, or foster parent is not an option, the county child welfare agency should recruit an appropriate adoptive home for the child. Children and youth who are able to do so should be asked for their recommendations regarding potential adoptive families, since they may know individuals or families with whom they are comfortable. • The county child welfare agency shall conduct or arrange for an adoptive home study in accordance with agency policy.	

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• The county child welfare agency shall have face-to-face contact with the child or youth at least monthly and shall keep the child appropriately informed about the agency's progress. • Children who are free for adoption and who are not placed in their probable adoptive home shall be referred by the agency for listing in the North Carolina Adoption Exchange and the North Carolina Photo Listing Service book, as well as regional and national adoption exchanges including electronic exchange systems, in order to facilitate matches between persons interested in adoption and the children who are available. • If the county child welfare agency is unsuccessful in locating a person willing to adopt the child within one year, the permanent plan shall be changed unless the agency is able to justify to the court why the plan should remain "adoption". Justification will include the county child welfare agency's progress toward locating a person willing to assume legal responsibility for the child. • Youth who are reluctant to consider adoption shall be given an opportunity to talk in a facilitated Child and Family Team Meeting about his or her concerns. Other permanency options shall be offered, and the adolescent's preferred plan should be given strong consideration whenever feasible. Adolescents who wish to reunite with their birth families should be given an opportunity to visit them under decreasing supervision, and provided with 24-hour access to emergency support should an unsupervised visit become untenable. The county child welfare worker shall work with the adolescent to process the visitation experience and to develop strategies to cope with problems that may come up in future visits. 3. Legal Guardianship When reunification efforts are determined to be contrary to the health, safety, or best interest of a child who is in the legal custody or placement authority of the county child welfare agency, the county shall assess relative or kinship placements as a permanent option, including the child's birth father and paternal relatives. If the family is willing to provide a permanent home for the child but is not willing to adopt, then guardianship should be offered to the family as an alternative. The court must order a specific visitation plan in any	

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order (unless the specific findings support no visitation). When seeking guardianship, the county child welfare agency is strongly encouraged to make a recommendation to the court regarding a specific visitation plan as many guardianship orders have been remanded on this issue since visitation is one of the specific rights that parents retain if guardianship becomes the permanent plan. Guardianship through juvenile court, as described in NCGS § 7B-600, assigns legal authority for the custodian to act on behalf of the child without further agency involvement, but with continued supervision of the court. The legal authority of the guardian includes: • The care, custody and control of the juvenile, • The authority to arrange placement for the juvenile, • The right to represent the juvenile in legal actions before the court, • The right to consent to actions on the part of the juvenile including marriage, enlisting in the armed forces, and enrollment in school, and • A guardian may consent to remedial, psychological, medical or surgical treatment for the juvenile. The authority of the guardian continues until the court terminates the guardianship or until the child is 18 years of age or is emancipated by the court. A guardian may resign from the position of guardian, but his or her authority cannot be removed unless he or she is determined by the court to be unfit. Guardianship through juvenile court does not confer authority over the disposition of a child's estate or management of his income	

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Persons assuming legal guardianship of children in the legal custody of the county child welfare agency are not eligible for state foster care board payments. They are eligible for child support paid by the parents. The child may also be eligible for Medicaid, since the guardian's income is not considered. Countable income includes Social Security benefits, child support payments and, if applicable guardianship subsidy. If a person accepts guardianship of a child who was receiving Child Placement Services and later adopts that child, he or she will be able to receive adoption assistance payments on behalf of the child until the child is 18 years of age. The fact that the prospective guardian has provided a stable placement for the juvenile for at least six consecutive months is evidence that the person has adequate resources. Agency Requirements Towards Guardianship • Guardianship shall only be considered when reunification and adoption are ruled out as permanent options. • The county child welfare agency shall conduct and demonstrate diligent efforts to locate a suitable person who is willing to assume guardianship of the child. Both in state and out-of-state options must be considered when making reasonable efforts to place the child in accordance with the permanent plan and to finalize that plan. Such efforts shall be documented in the case record and the court report. • If the county child welfare agency is unsuccessful in locating a person willing to assume guardianship of the child within one year, the permanent plan shall be changed unless the agency is able to justify to the court why the plan should remain "guardianship." Justification will include the county child welfare agency's progress toward locating a suitable person willing to assume legal responsibility for the child.	

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• The county child welfare agency shall assess the suitability using the Comprehensive Assessment for Guardianship (DSS-5205) of the home for guardianship placement and shall recommend to the court based on the findings. • The county child welfare agency shall assist the prospective guardian through the court process and shall help him or her understand the responsibilities of guardianship. • The county child welfare agency will assure that the guardian is aware of resources that may be available to the family should he or she later decide to adopt the child. • The county child welfare agency shall remain available to provide follow-up services to the guardian on an as-needed basis for six months, in order to assure the stability and health of the placement. Please see the discussion regarding aftercare in Appendix 3.7 in the NC Child Welfare manual for information on how to fund these services. For relevant questions to be considered before identifying legal guardianship as the permanent plan, refer to the list of questions at the end of the discussion on legal custody. Legal guardianship can be given to a relative or any other person deemed suitable by the Court. Persons other than relatives to consider include foster parents or adults who have a kinship bond with the child, even if they are not related by blood. 4. Legal Custody Legal custody is another permanent option for children, although legal custody is less "legally secure" than adoption or guardianship. Custody may be terminated based on a change in circumstances, regardless of the fitness of the custodian. The judge can order legal custody of a child to a relative, foster parent, or other adult person deemed suitable by the court. Legal custody has most of the same advantages and disadvantages as legal guardianship. The specific rights and responsibilities of a legal custodian, however, are defined by	

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the court order rather than being fully defined in law. The custodian must show the court order to prove his or her right to act in a parental role. Questions to consider when determining the recommendation for legal guardianship or legal custody are as follows: • What pre-placement relationship existed between the child and the potential guardian or custodian, and does the child have any attachment to them? • Have the potential guardians or custodians been carefully evaluated? Is there a written assessment or home study using both the Initial Provider Assessment (DSS-5203) and the Kinship Care Comprehensive Assessment (DSS-5204)? (For complete instructions on completion of the Kinship Care Comprehensive Assessment, refer to DSS-5204ins). • Have the potential guardians or custodians been included in the shared decision-making process? • Have both maternal and paternal relatives been considered? • Is placement with relatives or fictive kin a way to protect the child's roots in the community? • Will placement with a particular relative mean that the child must leave the community? • Have sibling attachments been considered? Will placement with siblings be positive for this child?	

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• Is this potential guardian or custodian related to all the siblings, and are they willing to take all the siblings whether related or not? • Will this placement support the child's ethnic and cultural identity? For additional information, refer to Multi-Ethnic Placement Act and Indian Child Welfare Act . • Is the potential guardian or custodian willing to provide a home for this child through the child's minority? • Are there the same issues in the extended family that existed with the parents? • What will be the on-going relationship with the child's parents? Will there be lifelong conflicts with the child's parents or is there a possibility of an unofficial return to the child's parents? While legal custody is not well defined in statute, it implies responsibility for the oversight of the child's care, protection, training, and personal relationships. Neither guardianship of the person nor custody confers authority over the disposition of the child's estate. If the child either has an estate or receives income, such as through the Social Security Administration (SSA), separate court action should be initiated to establish guardianship of the estate. For additional information on the appointment and responsibilities of the guardian of the estate, refer to NCGS § 35A-1250, NCGS § 35A-1252, and NCGS § 1253. The court must order a specific visitation plan in any custody order (unless the specific findings support no visitation). When seeking custody with a court-approved caretaker, the county child welfare agency is strongly encouraged to make a recommendation to the	

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court regarding specific visitation plan as many custody orders have been remanded on this issue since visitation is one of the specific rights that parents retain if custody becomes the permanent plan. Agency Requirements Towards Legal Custody • The county child welfare agency shall conduct and demonstrate diligent efforts to locate a suitable person who is willing to assume custody of the child. Both in-state and out-of-state options must be considered when making reasonable efforts to place the child in accordance with the permanent plan and to finalize that plan. Such efforts shall be documented in the case record and the court report, • If the county child welfare agency is unsuccessful in locating a person willing to assume custody of the child within one year, the permanent plan shall be changed unless the agency is able to justify to the court why the plan should remain "custody". Justification will include the county child welfare agency's progress toward locating a suitable person willing to assume legal responsibility for the child. • The county child welfare agency shall provide information to the potential custodian about more permanent and legally secure options, including adoption and legal guardianship. • The Kinship Care Comprehensive Assessment (DSS-5204) shall be conducted to assure that the placement is physically appropriate. • Potential conflicts with the birth parent shall be evaluated and discussed with the custodian.	

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5. Reinstatement of Parental Rights Reinstatement of Parental Rights (RPR) became a permanency option when NCGS § 7B-1114 went into effect. Circumstances that would allow this permanent option are very narrow. Only the youth, the county child welfare agency, or the youth's guardian ad litem attorney advocate may file a motion to reinstate parental rights. Three conditions must be met in order to consider filing a motion for RPR: 1. The youth is at least 12 years of age or if under the age of 12, extraordinary circumstances exist that warrant consideration of reinstatement of parental rights, 2. The youth does not have a legal parent, is not in an adoptive placement, and is not likely to be adopted within a reasonable time period, and 3. The order terminating parental rights was entered at least three years prior unless the youth's plan is no longer adoption. When the county child welfare agency with custody of the youth is considering RPR, it is important to hear from the youth and explore his or her thoughts, concerns, needs, etc. Care should be taken to ensure that the former parent is interested and appropriate, as well as, what the impact might be for the youth. A youth may be afraid to freely speak in front of a parent for fear of being disloyal or hurtful, therefore, the youth should be given an opportunity to express himself or herself without the former parent present prior to any Child and Family Team (CFT) Meeting. A CFT is required to make a change in the permanent plan. Flexibility in who should attend the CFT to discuss RPR is also required. The youth should be able to invite any supports or connections that are important to him or her to the CFT. The CFT should assist the youth in making an informed decision and provide him or her with an understanding of any possible repercussions. If a youth does not currently have a guardian ad litem, one should be requested and will be required if a motion to reinstate parental rights is filed. Finally, it is important to clarify that the court will have the ultimate decision-making authority regarding implementing this as the youth's permanent plan and it would be considered as the concurrent plan until court ordered.	

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Questions for the youth and the team to consider when RPR is an option: • What efforts have been made to achieve adoption or find a permanent guardian? Has the county child welfare agency actively worked toward other permanent plan options? • Has the former parent remedied the conditions that led to the youth's removal and placement in foster care and subsequent termination of parental rights? What specifically has changed? What evidence is there that the change will continue? Would the changed circumstance continue even if the former parent were to lose an existing support system? • Will the youth receive appropriate care and supervision with the former parent? • How mature is the youth and is the youth able to express his or her preference? Is there any reason to believe that the youth is receiving pressure from the former parent to choose this plan? • Is the former parent willing to resume contact with the youth and have rights reinstated? • Is the youth willing to resume contact with the former parent and have rights reinstated? • What services would the former parent and youth require to succeed if rights are reinstated? Will therapy be required and will access to it be available, including insurance and transportation needs? What services would no longer be available when the youth is no longer in custody?	

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• Would this plan support the best interests of the youth? What LINKS services would still be available to the youth? Would the former parent and the youth be open to those services, if in the youth's best interests? What benefits might the youth have been counting on for his or her education? See North Carolina Foster Care to Success and North Carolina Reach for details on these scholarship programs. Will the youth have health insurance? • Would the youth be able to maintain current meaningful connections, including those with siblings? Does the youth have an ongoing relationship with any sibling? How is the connection supported? If the sibling was adopted, will the adoptive parent(s) be open to continuing the relationship that might include the adoptive child's former parent? If transportation is key to continuing the relationship, is it accessible? Will the sibling want to continue the relationship if it includes the former parent? Will there be new family dynamics to work through for the connection to continue? What are the other meaningful connections that the youth has and how will they be impacted? If a former parent whose rights have been terminated contact the county child welfare agency or contacts the youth's guardian ad litem regarding RPR, then the youth must be informed of his or her right to file a motion for RPR. When a motion for RPR is filed and the court determines it to be the permanent plan for the youth, the county child welfare agency will continue to have the responsibility for the youth's placement and care. This shall include supervising visitation and monitoring placement with the former parent, if ordered until a final determination is made to either reinstate parental rights or determine another permanent plan. When the court enters an order to reinstate a former parent's rights, these rights include custody, control, and support of the youth. Another Planned Permanent Living Arrangement (APPLA) This plan shall only be an appropriate primary permanent goal for youth who are age 16 to 18, or as a concurrent goal for youth who are age 14 to 18.	

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APPLA is: • A permanent living arrangement for a youth age 14 or over who resides in a family setting which has been maintained for at least the previous six concurrent months, and • In which the youth and caretaker have made a mutual commitment of emotional support, and • The youth has been integrated into the family, and • The youth and caretaker are requesting that the placement be made permanent, and • Other permanent options, including adoption, guardianship, and custody have been determined to be inappropriate for the situation due to the youth's long-term needs, • APPLA must be initially approved by the court and the Permanency Planning Action Team (PPAT) or within a CFT meeting prior to the change in the permanent plan and periodically reviewed by the court. The youth shall participate actively in court decisions regarding APPLA either through direct testimony or through written depositions to assure that the youth's preferences are heard and respected. APPLA may be appropriate for relative or non-relative placements in licensed or court-approved non-licensed homes when the above criteria are met. The county child welfare agency retains legal custody of the youth for the period of the APPLA. If the family is a licensed caretaker or becomes licensed, it shall receive standard board payments to help support the placement. If it is not a licensed foster care facility, the family shall be informed of and given the opportunity to become licensed.	

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Agency Requirements Towards APPLA The county child welfare agency shall be required to provide and document services as follows: • Child Placement Services to ensure the child's ongoing safety and well-being needs are met. • Provision of relevant LINKS services, based on a written, objective assessment, and a plan developed with the youth. For additional information on LINKS, refer to the Permanency Planning portion of the NC Child Welfare manual. • Access to resources for the youth through the LINKS program and other resources as appropriate, • Diligent efforts to help the youth to establish a strong personal support network with friends and relatives, and • Post-placement support for the caretaker in order to avoid placement disruption. Please see the discussion regarding aftercare in Appendix 3.7 for information on how to fund these services. APPLA must be reviewed at least every six months, or more often as needed, at a facilitated CFT meeting which includes the youth and caretaker, and his or her supports, as well as the agency LINKS liaison. The CFT meeting shall review the plan and the agency's effort to maintain the stability of the placement and to assist the youth in the transition to independence. For additional information, see Child and Family Team Meetings.	

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Emancipation While emancipation is not a permanent placement option, and while very few youth pursue this (fewer still achieve), the process of emancipation is an issue that county child welfare agencies may, at some point, be required to address. Emancipation occurs in a very few cases, whether through marriage, joining the armed forces, or emancipation by the court. Some youth will leave the custody of the county child welfare agency without ever achieving a permanent family. It is the responsibility of the county child welfare agency to prepare these children for self-sufficiency. It is also the responsibility of the county child welfare agency to assist the youth in forming a positive attachment to adults who can be a resource to that youth through the rest of his or her childhood and into adulthood. Efforts to achieve a permanent plan for the youth should always remain active. If the director of the county child welfare agency is asked to consent to marriage of a child in the legal custody of the agency, or to give permission for that child to join the armed services, exceptionally careful consideration shall be given to ensure that the child's safety and needs will be provided. Under NCGS § 7B-3500 children ages 16-18 may petition the court for a judicial decree of emancipation while NCGS § 7B-3504 states that in determining the best interests of the petitioner, the court will make the following considerations: • The parental need for the earnings of the petitioner, • The petitioner's ability to function as an adult, • The petitioner's need to contract as an adult or to marry,	

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• The employment status of the petitioner and the stability of his or her living arrangements, • The extent of family discord which may threaten reconciliation of the petitioner with his or her family, • The petitioner's rejection of parental supervision or support, and • The quality of parental supervision or support. After the final decree of emancipation, the petitioner has the same right to make contracts and conveyances, to sue and be sued, and to transact business as if he or she was an adult. The parent is relieved of legal duties and obligations owed to the petitioner and are divested of all rights with respect to the petitioner. The decree of emancipation is irrevocable. M. ADOPTION RELATED COURT ISSUES For adoption policies relative to court issues, please refer to "Legal Guide" in Adoptions in the NC Child Welfare manual. VIII. TERMINATION OF PARENTAL RIGHTS (TPR) Termination of Parental Rights is the legal severing of all rights and obligations of the parent to the child and of the child to the parent (except the child's right to inheritance from the parent which continues until a final decree of adoption has been issued). This type of	

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court action comes under the jurisdiction of the Juvenile Division of the District Court. The North Carolina General Statutes governing the legal framework for Termination of Parental Rights can be found in the following statutes: NCGS § 7B-1100, NCGS § 7B-1101, NCGS § 7B-1101.1, NCGS § 7B-1102, NCGS § 7B-1103, NCGS § 7B-1104, NCGS § 7B-1105, NCGS § 7B-1106, NCGS. § 7B-1106.1, NCGS § 7B-1107, NCGS § 7B-1108, NCGS § 7B-1109, NCGS § 7B-1110, NCGS § 7B-1111, NCGS § 7B1112. As with any other juvenile court action, this particular action is initiated by the filing of a motion or petition for Termination of Parental Rights of the parent or parents whose consents have not been obtained. The Notice of Motion Seeking Termination of Parental Rights (AOC-J-210) may be used when a TPR action is filed by motion. If a TPR is filed by petition, then the Summons in Proceeding for Termination of Parental Rights (AOC-J-208) must be used. As with other petitions for Juvenile Court action, termination petitions are filed with the Clerk of Court. Due to the complex legal nature of termination proceedings, county child welfare agencies seeking to have parental rights terminated should coordinate all aspects of this court action in close consultation with their legal counsel. A. GROUNDS FOR TPR NCGS § 7B-1111 provides that the first requirement for terminating the parental rights is a finding by clear, cogent and convincing evidence that one or more of the following conditions exist: 1. The court has found that the parent has abused or neglected the child in accordance with the definitions of NCGS § 7B-101, 2. The parent has willfully left a child in foster care for more than 12 months without showing to the satisfaction of the court that "reasonable progress under the circumstances has been made within 12 months in correcting those conditions that led to the removal of the child,"	

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3. The child has been placed in the custody of a county child welfare agency, a licensed child placing facility, a child caring institution, or a foster home, and the parent, for a continuous period of six months immediately prior to filing of TPR petition, has willfully failed to pay a reasonable portion of the cost of care for the child although physically and financially able to do so, 4. One parent has been awarded custody of the child by judicial decree, or has custody by agreement of the parents, and the other parent whose parental rights are sought to be terminated has for a period of one year or more preceding the filing of the petition willfully failed without justification to pay for the care, support and education of the child, as required by said decree or custody agreement, 5. The father of a child born out of wedlock has not prior to filing of petition to terminate his parental rights: (a) established paternity, (b) legitimated the child, (c) married the mother of the child or (d) provided substantial financial support or consistent care with respect to the child and mother, 6. The parent is incapable of providing for the proper care and supervision of the child, such that the child is a dependent child, and there is a reasonable probability that such incapability will continue for the near future. Incapability under this subdivision may be the result of substance abuse, mental retardation, mental illness, organic brain syndrome, or any other similar cause or condition, 7. The parent has willfully abandoned the child for at least six consecutive months immediately preceding the filing of the petition. For the purposes of this section, a child may be willfully abandoned by his or her natural father if the mother of the child had been abandoned by and was living separate and apart from the father at the time of the child's birth, although the father may not have known of such birth, but in any event the child must be over the age of three months at the time of the filing of the petition,	

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8. The parent has committed murder or voluntary manslaughter of another child of the parent or other child residing in the home, aided, abetted, attempted, conspired or solicited murder or voluntary manslaughter of the child, another child of the parent or other child residing in the home, or has committed a felony assault that results in serious bodily injury to the child, another child of the parent or other child residing in the home, 9. The parental rights of the parent with respect to another child of the parent have been terminated involuntarily by a court of competent jurisdiction and the parent lacks the ability or willingness to establish a safe home. TPR is a two-part process. First, the agency must show by clear, cogent, and convincing evidence the existence of one or more grounds for TPR. Second, even if these grounds exist, the decision to terminate the parent's rights must be determined by the court to be in the child's best interest. Prior to the filing of a TPR petition, agencies shall thoughtfully consider the following questions. The answers to these questions should be thoroughly discussed with the agency's legal counsel in consideration of preparing evidence for the court: • Have all appropriate services been offered to the parents in a timely manner? • Have the parents responded to these services in a way that demonstrates they are now able to provide a minimally sufficient level of care for their children? • If the child has special needs, are the parents able, at the time of the TPR hearing, to meet those needs?	

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• Is there a reason to believe that the parents could materially improve the conditions or behavior that led to the removal of their child in the next three months if given the opportunity? Can any improvement be expected to last? • What type of relationship have the parents maintained with their child since he or she was removed? • What progress or problems has the child experienced while receiving Child Placement Services? The county child welfare agency must also present evidence that addresses "best interest" issues for the court. The following additional questions will help develop this evidence: • What relatives or other kin have been considered for permanent placement? Are there members of the kinship network who are willing and able to adopt the child? Is there an existing emotional attachment between the adult and child? Can the child maintain contact with them if they do not adopt the child? Will they be supportive of an adoptive placement? Will siblings remain together? Should siblings remain together? • What is the potential for adoption by non-relatives? Will the foster parents adopt this child? Are there other adoptive parents waiting? Will the agency conduct a child specific recruitment effort? • Is there a balance between what the child wants against what the child needs? Does the child understand the issues? What has the child said about his or her preferences? Who has talked to the child? Are there conflicting loyalty issues? • How long has the child been waiting for a permanent home?	

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• What will happen to this child if TPR is not granted? Who will "parent" this child when he or she is an adult? Who will be his or her "forever" family? Additionally, NCGS § 7B-1110(a) requires that the court must consider factors such as: • The age of the juvenile, • The likelihood that the juvenile will be adopted, • Whether TPR will aid in accomplishing the juvenile's permanent plan, • The bond between the juvenile and the parent, • The quality of the relationship between the juvenile and any proposed placement, and • Any other relevant consideration. B. PROCEDURES FOR FILING A TPR PETITION	

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In agency placements, the agency having placement authority has the responsibility for legally clearing the child and directly filing the documents with the Clerk of Court. These documents contain identifying information and shall not be given to the adoptive parents or their attorney. In all other placements, the adoptive parents' attorney has the responsibility to legally clear the child and file the documents with the Clerk of Court. The agency need not maintain legal clearance documents in its files except for children for whom it has placement authority. C. TPR PROCESS Adoption may become the plan for children whose parents may not be available to give consent or whose parents may be unable or unwilling to care for the children. In these circumstances, one method of assuring that the children are legally cleared for adoption is by obtaining a court adjudicated termination of parental rights. 1. Petition for TPR A petition for termination of parental rights of a child's parent or parents may be filed by the Director of the county child welfare agency or by a licensed private child-placing agency, if the agency has court ordered custody of the child or if the child has been relinquished for adoption to the agency by one of the parents or by the guardian of the person of the child. Others who may file a petition include either parent, seeking termination of the other parent's parental rights, a judicially appointed guardian of the person of the child, any person with whom the child has lived for two or more years, and a Guardian ad Litem appointed to represent the minor child pursuant to NCGS § 7B-601, who has not been relieved of this responsibility, and any person who has filed a petition for adoption. The petition must contain information that is specified in NCGS § 7B-1104, including the facts that are considered sufficient to warrant a determination that one or more of the grounds for terminating parental rights exists. If the identity and/or whereabouts of the parent are unknown, an affidavit should	

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be attached to the petition indicating both this fact and the efforts undertaken to ascertain the identity and whereabouts of the parent. The affidavit is to be that of the petitioner. If the petitioner is not one of the child's parents, the affidavit should include information furnished to the petitioner by the parent, if available, such as a mother's sworn statement of circumstances that resulted in her pregnancy without her knowledge of the father's identity. Alternatively, the affidavit may be based on personal information or absence thereof about the child's parent or parents. 2. Preliminary Hearing in the Case of Unknown Parent(s) If it appears to the court before which the petition for Termination of Parental Rights is filed that the identity of the child's parent or parents is unknown, the court shall, within ten days of the filing of the petition (or during the first available court period), conduct a preliminary hearing in an effort to ascertain the identity of the unknown parent. Though notice of this hearing is required only to the petitioner, the court may summon other persons to the hearing if it is felt that others may be apt to provide the identifying information. If the identity and whereabouts of the parent are not ascertained, notice of a hearing to terminate parental rights shall be served upon the unknown parent by publication, as set forth in NCGS § 7B-1105. If the unknown parent served by process of publication fails to answer the petition within the 30-day time period prescribed in the notice, the statute mandates the court to issue an order terminating the unknown parent's parental rights. 3. Summons In cases in which the identity of the parent whose rights are sought to be terminated is known, diligent attempts must be made to provide personal service of summons and petition. If personal service is not possible, the statute provides for alternate methods of service. The summons shall notify the parent to file written answer to the petition within 30 days after service of summons and petition. NCGS § 7B-1106 outlines the parties that should be recipients of the TPR summons. It should be noted that this statute indicates that the juvenile will receive service of the summons but goes on to also say, "Except that the summons and other pleadings or papers directed to	

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the juvenile shall be served upon the juvenile's guardian ad litem if one has been appointed, service of the summons shall be completed as provided under the procedures established by NCGS 1A-1, Rule 4(j).” Termination of Parental Rights matters have been vacated by the North Carolina Court of Appeals based on the lack of summons on the juvenile or his or her appointed Guardian ad Litem. 4. TPR Hearing After the time prescribed in the summons has expired, and whether there has been written answer to the petition from the parents served with the summons, the court shall conduct a hearing to determine the issues regarding termination of parental rights. NCGS § 7B-1107 directs that: Upon the failure of parent to file written answer to the petition or written response to the motion within 30 days after service of the summons and petition or notice and motion, or within the time period established for a defendant’s reply by NCGS § 1A-1, Rule 4(j1) if service is by publication, the court may issue an order terminating all parental and custodial rights of that parent with respect to the juvenile. The court must appoint a Guardian ad Litem for the child to represent the child’s best interests only if an answer is filed denying material allegations. If a Guardian ad Litem has already been appointed, pursuant to NCGS § 7B601, then the GAL and the Attorney Advocate continue to represent the juvenile. The court must also schedule a special hearing to determine the issues raised by the petition and the answer, and must provide notice of that hearing to the petitioner, parent, and GAL. The hearing shall not be scheduled less than ten days or more than 30 days from the time of serving notice and is often held just before the termination of parental rights hearing (NCGS § 7B-1108). a. Adjudicatory Portion of Hearing	

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The burden at this stage is on the petitioning agency to show by clear, cogent, and convincing evidence the existence of one or more grounds for termination of parental rights. The court may request additional evidence, reports, and information and may continue the hearing for the time required for the receipt of such information NCGS § 7B-1109 In addition, pursuant to this statute, the adjudicatory hearing on termination shall be held no later than 90 days following the filing of the petition or motion unless the court has entered a continuance for up to 90 days for good cause. Continuances beyond 90 days shall only be granted in extraordinary circumstances for the proper administration of justice. In cases in which a county child welfare agency petitions the court for termination of parental rights of a child in its care and/or custody, it is essential that the agency case records contain well documented entries that indicate the type and frequency of agency attempts to involve the parent, to correct or better conditions that led to the child's removal, to establish paternity, to obtain reasonable support for the child, etc. The length of time the child has received Child Placement Services, dates of contacts, kinds of contacts and quality of contacts, and contents of communication with the parent will be essential in establishing the county child welfare agency's justification for termination. Agencies are strongly encouraged to discuss with their legal counsel whether the record itself should be taken to the hearing. Regardless of the county child welfare agency's decision to take a record to court, accurate notations of factual data, such as dates of visits, etc. should be prepared and provide the basis of the social worker's sworn testimony at the hearing. b. Disposition Portion of Hearing Irrespective of grounds, if the court finds, based on clear, cogent, and convincing evidence, that TPR is not in the juvenile's best interest, then the court shall dismiss the petition or deny the motion after setting forth facts and conclusions for the denial or dismissal. If the court finds that grounds do not exist, the court shall dismiss the petition or deny the motion after making the appropriate facts and conclusions. (NCGS § 7B1110). At this stage of the proceeding, the petitioner does not have the burden of proof, the court hears all evidence and makes a discretionary determination of best interest. Should the court determine that despite the existence of	

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circumstances warranting termination of parental rights, such action would not be conducive to the child's best interests, the court may dismiss the petition after first setting forth facts and conclusions upon which the decision for dismissal is based. 5. Appeals NCGS § 7B-1001 sets forth the provisions for an appeal of an adjudication or order of disposition by any person who has been a party to a termination of parental rights proceeding. The appeal is made to the North Carolina Court of Appeals. 6. Effects of TPR Order A termination order has the effect of completely and permanently severing all parent/child rights and obligations between the parent and the child, except that the child's right to inherit from his or her parents will not be terminated until a Final Decree of Adoption has been issued. If the child is in the custody of a county child welfare agency or a licensed private child placing agency at the time the termination is filed, upon entry of the termination order that agency shall have all placement rights to the child, including the right to consent to the adoption. The agency's consent in such cases should be executed in writing. It is possible for the agency to be vested with consenting authority in some situations in which it was not the petitioner for termination of parental rights, such as if foster parents or a GAL petition for termination regarding a child in agency custody. In the case of foster parent petitioners, it is anticipated that usually the agency will feel that adoption by such long-term caretakers is in the child's best interests and will agree for the foster parents to adopt. In cases in which the child had not been in agency custody or relinquished by one parent to an agency for adoptive placement and the petition for termination was filed by someone other than an agency director or representative, the court, upon terminating parental rights, may place custody of the child with the petitioner, or some other suitable person, or with an agency, according to the child's needs and interests. 7. Post-Termination Reviews	

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Per NCGS § 7B-909, reviews are required following termination of parental rights in order to ensure that every reasonable effort is being made to finalize a permanent plan for the child who has been placed in the custody of a county agency or licensed child-placing agency. Placement reviews shall be held no later than six months from the date of the termination of parental rights. Subsequent reviews shall be held every six months until the juvenile is placed for adoption and a final decree of adoption is entered. Additionally, the appointment of the GAL continues until the decree of adoption is filed. At each review hearing, the court may consider information from the agency, the licensed child-placing agency, the Guardian ad Litem, the child, the foster parent, and any other person or agency the court determines is likely to aid in the review. The court shall consider at least the following in its review: • The adequacy of the plan developed by the county child welfare agency or licensed child-placing agency for a permanent placement, • Whether the child has been listed with the NC Adoption Resource Exchange, the North Carolina Photo Adoption Listing Services (PALS), or any other specialized adoption agency, • The specific recruitment efforts made by the agency to find a permanent home for the child, • Whether the agency's efforts toward achieving the permanent plan for the child are sufficient or reasonable. The court shall affirm the agency's plans or require additional steps that are necessary to accomplish a permanent plan in the best interest of the child.	

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If the child has been placed for adoption prior to the date scheduled for the review, written notice of placement shall be given to the clerk and placed in the court file. The review hearing shall be cancelled, and the clerk shall give notice of the cancellation to all persons previously notified. The process of selection of specific adoptive parents shall be the responsibility of and within the discretion of the county child welfare agency or licensed child-placing agency. The Guardian ad Litem may request information from and consult with the agency concerning the selection process. The county child welfare agency or the private child-placing agency must notify the GAL in writing of the filing of the adoption petition and the GAL has ten days from the receipt of the written notification to raise any concerns about the adoption selection process. IX. LEGAL MANDATES WHEN USING THE JUVENILE COURT A. CONTRARY TO THE WELFARE The very first court order must contain appropriate language if the child is to be IV-E eligible. For additional information on IV-E eligibility refer to Appendix 3.5 in the NC Child Welfare manual. The order must say that continuation in the home is contrary to the welfare of the child or removal is in the best interest of the child. This must be in the very first court order pertaining to the child's removal from the home. A finding that there were no other reasonable means to protect the juvenile meets this requirement. This must be in the initial removal order which must be the Order on Nonsecure Custody if the child is removed immediately by a nonsecure order. In addition, the court order must state that the county child welfare agency has placement and care responsibility. The removal order must result in the immediate departure of the child from the home unless the court order specifies an alternative timeframe that assures the safety of the child. In instances when a child is removed as a result of a hearing on the merits of the petition, rather than a nonsecure	

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order, or pursuant to undisciplined or delinquent actions, or in a motion for review when the county child welfare agency has custody but not placement authority, then the court order that results in placement must contain these findings because that would be the initial removal order. If this language is not in the very first court order, even if the findings are made later and included in a subsequent order, IV-E eligibility cannot be established for this removal period. B. REASONABLE EFFORTS Within 60 days of the removal of the child from the home, there must be a judicial determination that the efforts made by the county child welfare agency to prevent the removal of the child were reasonable or sufficient. The court may also meet this requirement by finding that under the circumstances (such as imminent danger to the child), making no efforts was reasonable. The court may also find that no efforts were required if certain specific situations exist (NCGS § 7B-507). In cases where the county child welfare agency is unable to locate the child, details of diligent efforts should be provided to the court. While the federal regulations allow a finding of reasonable efforts within 60 days, NCGS § 7B-506(a) requires a finding of reasonable efforts at the nonsecure custody hearing (as well as all subsequent nonsecure, dispositional, and review hearings), thus a judicial determination regarding reasonable efforts must be obtained at the earliest opportunity. If reasonable efforts language is not in the findings of the court order within 60 days of the child's entry into care, the child will not be IV-E eligible throughout the entire removal period. In some instances, children with whom the county child welfare agency has not had previous contact are placed in the legal custody of the agency. A court order issued at the request of the county child welfare agency within 60 days of the removal must contain findings that address efforts around that removal and what efforts the agency is making to work toward reunification of the child and family. The child becomes eligible from the first day of the month in which the actual order is made that details reasonable efforts, if all other requirements have been met.	

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X. JUVENILE COURT DOCUMENTATION The county child welfare worker's thorough preparation for court is a factor critical to effective and timely juvenile court decisions. The court report and the county child welfare worker's testimony must each accurately reflect the county child welfare agency's knowledge of the child and family. The contents of court reports may differ according to the requirements of the juvenile court district. However, the purpose of the report is consistent-- to document the agency's findings, determinations of risk of further harm, plan goals and activities intended to correct the conditions that led to the request for custody and/or removal, and recommendations to the court for judicial action. It is strongly recommended that court reports be shared with all parties involved in any court action (including the parent's attorney, the Guardian ad Litem and the Attorney Advocate, etc.) before the day of court. A. NONSECURE CUSTODY HEARING (SEVEN-DAY HEARING) This is generally the initial court report that the court will receive and this report shall contain the following information: • Why continuation in the home is contrary to the safety, health, and best interest of the child, • Pre-petition history that the county child welfare agency had with the family, • Description of the conditions alleged in the petition, • Description of specific efforts made by the county child welfare agency to maintain the child in the home or, if the child was removed immediately, why the county child welfare agency determined that such efforts were not in the child's interest, and	

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• Information about the child's family, including names and whereabouts of all legal and biological fathers and relatives or others who could be a temporary or permanent resource or provider. B. ADJUDICATION / DISPOSITION HEARING The next type of court report shall, in addition to the information listed above, also contain the following: • Reasonable efforts made by the county child welfare agency to prevent removal or to reunify children and families after removal when reunification is the permanent plan, • The current status of other juveniles who were living in the home from which the juvenile was removed, and services provided for the protection of these juveniles, • The identity and location of any missing parents and the county child welfare agency's specific attempts to locate and serve them, • Information about relatives or fictive kin who are willing and able to provide proper care and supervision for the child in a safe home. This includes a formal assessment and recommendation of appropriate relatives, as well as justification when recommended relatives are not being considered as placement options, • County child welfare agency recommendations for a primary and concurrent permanent plan for the child,	

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• Description of the parents' response to the county child welfare agency's intervention and services provided, • Description of the types, location, and frequency of visitation and parental functioning observed during the visits, and • Recommendations regarding services to be provided and specific expectations of parental changes prior to return of custody. C. REVIEW HEARING The majority of court reports that will be written are for Review Hearings. These shall inform the court whether the Out-of-Home Family Services Agreement (DSS-5240) has been followed and whether the family has made progress on the goals of the plan. In order to facilitate the court's understanding of this, the court report shall contain the following information: • Description of the county child welfare agency's work with the family and the family's response to intervention since the last review hearing, • Recommended changes to the visitation order, • Description of progress or lack of progress toward achievement of the goals set forth in the previous court order, and	

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• Description of the efforts that the county child welfare agency has made toward achievement of the permanent plan. As appropriate, the court report will also outline a description of the status of positive changes and address the following questions: • Would the county child welfare agency recommend unsupervised or trial home visits in the home this time? • Would the county child welfare agency remove the child today if the circumstances were as they are now? • Has the county child welfare agency remained focused on the critical risk issues identified by the reunification assessments? • Have the expectations of the family changed due to previously unknown critical factors? If appropriate, an assessment of the reasons for lack of positive changes should also be outlined in the court report. For the parents, this may be an inability or unwillingness to change. For the county child welfare agency or community, there may be a lack of appropriate resources to help the family or the agency may not have had sufficient time to provide all needed services. The report should also clearly reflect the status of concurrent plans that are being developed or may be explored and recommended changes to the primary permanent plan goal, when appropriate. Finally, depending at which stage the review hearing may be occurring, the report may need to address whether there are grounds for Termination of Parental Rights and whether it is in the best interests of the child(ren) to begin proceedings for TPR. D. PERMANENCY PLANNING HEARING	

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This court hearing is held to develop a plan to achieve a safe, permanent home for the juvenile within a reasonable period. As a result, the court report shall contain the county child welfare agency's findings and recommendations on: • Reasonable efforts made by the county child welfare agency toward reunifying the child and family or if the permanent plan is other than reunification, efforts made by the county child welfare agency toward achievement of that plan, • Whether it is possible for the juvenile to be returned home immediately or within the next six months and, if not, why return home is not in the juvenile's best interests, • When it is possible for the juvenile to be returned home, observations of two supervised visits between the parent/caretaker and child, for at least one hour each, that occur at least seven (7) days a part, supporting the child's return home, • When return home is unlikely within the next six months, information about relatives or other suitable persons who are willing to adopt, become legal guardian of the person of the juvenile or legal custodian of the child, and • When return home is unlikely within six months, whether the permanent plan goal should be changed and whether the juvenile should remain in the same placement or be placed in another placement and why. E. POST-TERMINATION OF PARENTAL RIGHTS REVIEW	

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As required under (NCGS § 7B-908), Post-Termination of Parental Rights Reviews are designed to, "ensure that every reasonable effort is being made to provide for a permanent placement plan for the juvenile who has been placed in the custody of a county director or licensed child-placing agency which is consistent with the juvenile's best interests." Thus, these court reports shall contain: • Description of the efforts that the agency has made toward achievement of the permanent plan, • The current status of the child, • The steps taken by the county child welfare agency to find an adoptive family for the child(ren), including what recruitment efforts have occurred on behalf of the child(ren) which listings have been posted to on state, regional, and national exchanges, and any completed or pending referrals made to private agencies, • The results of the recruitment efforts, and • The plans for the child and possible barriers to the implementation of the plans. XI. SPECIAL ISSUES A. CONTINUANCES	

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North Carolina Supreme Court Rules require that each judicial district adopt policies on limiting continuances. Rule 4 of the State of North Carolina District Court Model Continuance Policy (1997) states the following regarding juvenile abuse and neglect cases: The goal of a case management plan for juvenile court is to put the courts in the best position to ensure the safety of children, and give them the best possible chance of living in stable, permanent families. Therefore, continuances should be allowed only when it serves the child's best interest. Participants must come to court prepared to meet each statutory obligation that is required for resolution of these matters. Accordingly, juvenile cases, including motions for review in neglect and abuse matters, should be disposed at the earliest opportunity, including the first setting for hearing. In resolving court conflicts, juvenile cases shall take precedence over all other matters. Continuances should not be allowed for the convenience of attorneys or parties. Continuances should be granted in extraordinary circumstances such as the illness of an attorney, inability to locate witnesses, or service of process has not yet been completed. When cases are calendared, parties should be prepared for, and expect, a meaningful event to occur. When cases are continued as a matter of practice, usually upon request and agreement of both parties and their counsel, valuable court time is lost, and time is lost towards achieving permanence for children. NCGS § 7B-803 states: "The court may, for good cause, continue the hearing for as long as is reasonably required to receive additional evidence, reports, or assessments that the court has requested, or other information needed in the best interests of the juvenile and to allow for a reasonable time for the parties to conduct expeditious discovery. Otherwise, continuances shall be granted only in extraordinary circumstances when necessary for the proper administration of justice or in the best interests of the juvenile."	

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Often, how the local court districts have complied with Supreme Court's requirement of the adoption of policies limiting continuances is to include this information in the court district's local rules. It should be noted that for IV-E eligibility requirements, continuances are not sufficient to meet the requirement unless the court actually hears evidence related to the agency's efforts to prevent removal. B. CHANGING VENUE NCGS § 7B-400 states: "A proceeding in which a juvenile is alleged to be abused, neglected, and/or dependent may be commenced in the district in which the juvenile resides or is present. When a proceeding is commenced in a district other than that of the juvenile's residence, the court, on its own motion or upon motion of any party, may transfer the proceeding to the court in the district where the juvenile resides. A transfer under this section may be made at any time." Transfers of the physical juvenile court case are made by the Clerks of Court and are not as simple as sending one file from one district to another. In lay terms, a motion (in the sending county) to transfer a case from one district to another is made and notice is provided to the receiving district and the receiving county child welfare agency. A hearing is held on the motion, at which the receiving agency should be permitted to be heard. C. FAMILY COURT Family Court is a group of specially trained judges and staff in a district who seek to quickly respond to family and child concerns. In Family Court, a case coordinator assigns one judge to one family to hear the matters that occur when a family breaks apart, such as divorce, child custody and visitation, property sharing and alimony. In districts without Family Court, each of these family matters is	

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assigned separately to whichever judge is holding court on the date of the hearing, so he or she may not be familiar with all of the family's issues. Case coordinators also assign a specially trained judge to one family to hear cases of child abuse, neglect, dependency, and juvenile delinquency. Judges and staff work to make sure that these cases are heard in court regularly, based on time standards in the law. One of the goals of family court is to encourage families to reduce conflict and solve problems through mediation outside of court, rather than having the judge conduct a trial. Mediation can be used to settle money matters such as child support, and/or to reach an agreement on child custody and visitation. Another goal of Family Court is to complete hearings on family matters within one year. Family court staff keeps the legal issues moving through the court process by scheduling hearings according to time standards and organizing court calendars so that meaningful events occur at each court session. D. PETITION AMENDMENT As per NCGS § 7B-800, "The court may permit a petition to be amended when the amendment does not change the nature of the conditions upon which the petition is based." A Juvenile Petition may need to be amended by a county child welfare agency if additional information becomes available. As with any court related action, the decision to amend a petition to add to or remove information from the original petition must be carefully weighed by the county child welfare agency in close consultation with its legal counsel. There is no specific Juvenile Petition Amendment form available. Agencies may simply file the Juvenile Petition for Abuse / Neglect / Dependency (AOC-J-130) with the amended information included. E. MODIFYING OR VACATING ORDERS The court has the authority to modify or vacate any previous orders per NCGS §7B-1000. The statute reads, "Upon motion in the cause or petition, and after notice, the court may conduct a review hearing to determine whether the order of the court is in the best interest of the juvenile, and the court may modify or vacate the order in light of changes in the circumstances or the needs of the juvenile." The	

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ability of the court to modify or vacate any order or disposition continues until the juvenile reaches the age of 18, until the juvenile is otherwise emancipated, or until the court case is terminated by order of the judge. F. OBTAINING SUBSTANCE ABUSE RECORDS BY COURT ORDER Alcohol and drug abuse patient records are protected under the federal regulations, 42 CFR Part 2 and cannot be disclosed or re-disclosed without the patient's written consent unless otherwise provided for in the regulations. 42 CFR Part 2 allows for substance abuse records to be released without written consent under the following conditions: 1. To medical personnel to meet a bona fide medical emergency, 2. To qualified personnel for the purpose of conducting scientific research, audits or program evaluation, and 3. If authorized by an appropriate order of a court of competent jurisdiction granted after application showing good cause, therefore. See below for instructions on how to obtain this court order. However, no State law may either authorize or compel any disclosure prohibited by the federal regulations. The Guardian ad Litem's general appointment letter does not allow access to information about the diagnosis or treatment of substance abuse for the child or parent/caretaker. If the GAL does not have a court order explicitly allowing for the release of alcohol or drug abuse patient records for the child or parent/caretaker, those records and any references to them would have to be removed from the record prior to the GAL's review.	

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Please note that a violation of any provision of 42 CFR Part 2 is subject to a criminal penalty, a fine of not more than $500.00 for the first offense and not more than $5,000.00 for any subsequent offense. If the parent/caretaker refuses to sign the Consent for Release of Confidential Information (DSS-5297) and the information is needed to ensure the safety, wellbeing, and permanency of a child, then a court order and subpoena may be obtained to compel the disclosure of the patient substance abuse assessment or treatment records. 42 CFR 2.61 states: An order of a court of competent jurisdiction entered under this subpart is a unique kind of court order. Its only purpose is to authorize a disclosure or use of patient information which would otherwise be prohibited by 42 U.S.C. 290ee-3, 42 U.S.C 290dd-3 and these regulations. Such an order does not compel disclosure. A subpoena or a similar legal mandate must be issued in order to compel disclosure. This mandate may be entered at the same time as and accompany an authorizing court order entered under these regulations." 42 CFR 2.64 provides the procedures and criteria for orders authorizing disclosures for noncriminal purposes. These procedures and criteria are: • Application. An order authorizing the disclosure of patient records for purposes other than criminal investigation or prosecution may be applied for by any person having a legally recognized interest in the disclosure which is sought. The application may be filed separately or as part of a pending civil action in which it appears the patient records are needed to provide evidence. An application must use a fictitious name, such as John Doe, to refer to any patient and may not contain or otherwise disclose any patient identifying	

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information unless the patient is the applicant or has given a written consent (meeting the requirements of these regulations) to disclosure or the court has ordered the record of the proceeding sealed from public scrutiny. • Notice. The patient and the person holding the records from whom disclosure is sought must be given: (1) Adequate notice in a manner which will not disclose patient identifying information to other persons, and (2) An opportunity to file a written response to the application, or to appear in person, for the limited purpose of providing evidence on the statutory and regulatory criteria for the issuance of the court order. • Review of evidence: Conduct of hearing. Any oral argument, review of evidence, or hearing on the application must be held in the judge's chambers or in some manner which ensures that patient identifying information is not disclosed to anyone other than a party to the proceeding, the patient, or the person holding the record, unless the patient requests an open hearing in a manner which meets the written consent requirements of these regulations. The proceeding may include an examination by the judge of the patient records referred to in the application. The court order and subpoena cannot be obtained until the parent/caretaker has entered treatment. For additional information, refer to Confidentiality. G. DELINQUENT AND UNDISCIPLINED JUVENILES PLACED INTO AGENCY CUSTODY	

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At times, the court will place delinquent or undisciplined juveniles into the custody of the county child welfare agency. When this occurs, the court order that places the juvenile in the agency's custody should address the reasonable efforts requirements and the best interest of the juvenile. If the court order does not, the county child welfare agency must file a motion to provide evidence in court to get an order that includes the language or the county child welfare agency has the option of filing a Juvenile Petition (AOC-J-130) in lieu of a motion if deemed appropriate by the agency. Thereafter, court reviews shall be held at the same frequency as when children are adjudicated abused, neglected, and/or dependent. H. JUVENILES PLACED INTO THE CUSTODY OF A COUNTY CHILD WELFARE AGENCY BY A CIVIL COURT Juveniles are occasionally placed in agency custody by a civil court. When this occurs, the county child welfare agency shall consider the court's findings related to the placement of the juvenile in agency custody as a Child Protective Services referral, assign the referral as either an abuse, neglect, and/or dependency report based on the court's findings, assign a response timeframe and assign as either a family assessment or investigative response. The agency shall also file a petition for abuse, neglect, and/or dependency as appropriate to the situation and based on the findings of the court. The county child welfare agency shall also have the responsibility of completing a thorough assessment and reaching a case decision as outlined in Assessments in the NC Child Welfare manual. The case decision reached by the county child welfare agency, at a minimum, should culminate in a finding of dependency, as the judge has presumably made a judicial determination that neither parent is capable of caring for the child when custody of the child was transferred to the county child welfare agency. Once the Juvenile Petition (AOC-J-130) has been filed, the county child welfare agency shall file an Order to Assume Nonsecure Custody (AOC-J-150). This petition should be filed immediately upon the judge's entering an oral order in Civil Court. By obtaining an adjudication of abuse, neglect, and/or dependency, county child welfare agencies are able to bring the juvenile into the case review and permanency planning process, and are able to access federal foster care funds. I. REVIEW OF VOLUNTARY FOSTER CARE PLACEMENTS	

Juvenile Court

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As outlined in NCGS § 7B-910, the court has the statutory obligation to review placements from voluntary agreements that are made between parents or guardians and the agency. The court makes findings about: • Voluntariness of the placement, • Appropriateness of the placement, • Whether placement is in the best interest of the juvenile, and • Services that have been or should be provided to eliminate the need for placement. The court may approve the continued placement of the juvenile in foster care on a voluntary basis, disapprove placement, or direct the agency to petition for legal custody. An initial review hearing shall be held not more than 90 days after placement and calendared upon request by the county child welfare agency. An additional review hearing shall be held 90 days thereafter and any review hearings at such times as the court shall deem appropriate. A juvenile shall not remain in voluntary placement longer than six months without the county child welfare agency filing a petition alleging abuse, neglect, and/or dependency. For additional information on Voluntary Placements Agreements refer to the Placement Decision Making section of Permanency Planning in the NC Child Welfare manual.	

Juvenile Court

Protocol – What you must do	Guidance
XII. RECOMMENDED READINGS / VIEWINGS / RESOURCES Broun, K. & Blakey W. (2001) Evidence (3rd ed.). St. Paul: Black Letter Series® West Group. Courter, G. (Director / Cameraman / Editor), Courter G. (Producer / Writer) (2004). Fostering the Future: Safety, Permanence and Well-Being for Children in Foster Care [DVD]. United States Hatcher, K. (2002) North Carolina Guardian ad Litem Attorney Practice Manual. West Group. Jones, W.G. (2006) Working with the Courts in Child Protection. Washington, D.C. United States Department of Health and Human Services, Administration for Children and Families. Laver, M. (1999) Foundations for Success: Strengthening Your Agency Attorney Office. American Bar Association's Center on Children and the Law. Lubet, S. (2000) Modern Trial Advocacy: Law School Edition. Notre Dame: National Institute for Trial Advocacy. Mason, J. (2003) Reporting Child Abuse and Neglect in North Carolina (2nd ed.). Chapel Hill: The University of North Carolina at Chapel Hill Institute of Government. North Carolina Administrative Office of the Courts Website on The North Carolina Court System: http://www.nccourts.org. North Carolina Office of Administrative Hearings Listing of North Carolina Administrative Codes: http://reports.oah.state.nc.us/ncac.asp. North Carolina General Assembly's Listing of North Carolina General Statutes: http://www.ncga.state.nc.us/gascripts/statutes/statutes.asp . NuArt Video (Producer) (2003). The Choice is Yours [DVD]. Raleigh, NC: North Carolina Administrative Office of the Courts.	

Filing a Petition

Policy	Legal Basis
The agency must make reasonable efforts to protect the child(ren) in their own home and to prevent placement. A county child welfare services agency must file a petition requesting adjudication of abuse, neglect, and/or dependency: • When safety related circumstances necessitate the need for immediate removal; • Due to the family's unwillingness to accept critically needed services and those services are necessary to keep the family intact; or • When despite agency efforts to provide services, the family has made no progress towards providing adequate care for the child(ren) and those services are necessary to keep the family intact. For the 2nd and 3rd bullet above, the petition may be filed with or without requesting non-secure custody, depending on the circumstances that exist in the family at the time.	Under N.C.G.S. § 7B- 302(c), a county child welfare services agency is required to file a petition for the protection of the child when the parent, guardian, custodian, or caretaker refuses to accept the protective services provided or arranged by the county child welfare services agency. This petition may be filed with or without requesting non-secure custody, depending on the circumstances that exist in the family at the time. When preparing the Juvenile Petition alleging abuse, neglect, and/or dependency, N.C.G.S. § 7B-402 states, "The petition shall contain the name, date of birth, address of the juvenile, the name and last known address of the juvenile's parent, guardian, or custodian, and allegations of facts sufficient to invoke jurisdiction over the juvenile." N.C.G.S. § 7B-404 allows for the authorization of a magistrate by a judge when the clerk's office is closed. N.C.G.S. § 7B-406 reads, "Immediately after a petition has been filed alleging that a juvenile is abused, neglected, or dependent, the clerk shall issue a summons to the parent, guardian, custodian, or caretaker requiring them to appear for a hearing at the time and place stated in the summons." In extreme safety situation, N.C.G.S. § 7B-500(a) provides the county child welfare worker authority to take temporary physical custody without a court order if there are reasonable grounds to believe that the juvenile is abused, neglected, and/or dependent and that the child would be injured or could not be taken into custody if it were first necessary to obtain a court order. In cases in which custody of the child has to be removed from the caretaker due to the immediate safety needs of the child, the agency is authorized to obtain an order for non-secure custody under N.C.G.S. § 7B-502. Non-secure custody will only be granted when one or more criteria exist as specified in NCGS § 7B-503.

Filing a Petition

Policy	Legal Basis
	N.C.G.S. § 7B-504 explains that the Order for Non-Secure Custody shall be in writing (form AOC-J-150) and directs a local law enforcement officer the authority to assume custody of the juvenile and to give a copy of the custody order to the juvenile's caretaker. Under N.C.G.S. § 7B-505, the court may place the child in a foster home or facility, with a relative, or with nonrelative kin. The Adoption and Safe Families Act (and § 7B-505(b)) includes the following statement: "In placing a juvenile in non-secure custody, the court shall first consider whether a relative of the juvenile is willing and able to provide proper care and supervision of the juvenile in a safe home. If the court finds that the relative is willing and able to provide proper care and supervision in a safe home, then the court shall order placement of the juvenile with the relative unless the court finds that placement with the relative would be contrary to the best interest of the juvenile." The county child welfare services agency may request custody under N.C.G.S. § 7B-903 at the dispositional hearing following adjudication. N.C.G.S. § 7B-904 statute specifically sets the procedure governing the contempt proceedings. Failure to comply with the order of the court may lead to the parent being found in civil or criminal contempt. All state and county agencies must comply with the Multiethnic Placement Act (MEPA) of 1994, as amended in 1996 by the Interethnic Adoption Provisions (MEPA-IEP). MEPA-IEP is designed to "prevent discrimination in the placement of children in foster care and adoption on the basis of race, color, or national origin; decrease the length of time that children wait to be adopted; and facilitate the identification and recruitment of foster and adoptive parents." The Act prohibits states or agencies from delaying or denying the placement of any child based on race, color, or national origin. Further, any consideration of race or ethnicity must be done in the context of individualized needs of the child, with the rationale specifically documented in the placement record. N.C.G.S. § 7B-101 statute defines reasonable efforts as: "The diligent use of preventive or reunification services by a department of social services when a juvenile's remaining at home or returning home is consistent with achieving a safe, permanent home for the juvenile within a reasonable period of time. If

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	a court of competent jurisdiction determines that the juvenile is not to be returned home, then reasonable efforts means the diligent and timely use of Permanency Planning Services by a department of social services to develop and implement a permanent plan for the juvenile."

FILING A PETITION

This section specifies how to file a petition for adjudication for abuse / neglect / dependency with or without filing for non-secure custody. See CPS Assessment policy for petitioning regarding Refusal to Cooperate with / Obstruction of a CPS Assessment.

When a county child welfare services agency determines that a petition is needed for the protection of a child(ren) alleged to be abused, neglected, or dependent, the petition must be drawn by the director or their designee, verified before an official authorized to administer oaths, and filed by the clerk, recording the date of filing. Whether removal of the child(ren) is required, the Juvenile Petition (form AOC-J-130) is filed with either the local clerk of court's office or, when the clerk's office is closed, with the local magistrate's office. Using the Administrative Office of the Courts (AOC) Juvenile Petition (form AOC-J-130) ensures that all of the information required is captured.

When a child(ren) is placed outside their county of residence as the result of a TPSA or Conflict of Interest (COI), whether during a CPS-A or In-Home Services, this does not change the original venue (resident county) when filing a Juvenile Petition.

Along with Juvenile Petitions, a Juvenile Summons and Notice of Hearing must also be filed (form AOC-J-142). The Juvenile Summons also contains the following information:

- A parent's rights to legal representation;
- In many districts, information relative to the date, time, and location of a prehearing conference or child planning conference;
- If the agency has assumed custody of the child(ren) when filing a petition, information related to the hearing on need for continued non-secure custody (7-day hearing);
- Information that the dispositional order (or any subsequent order) may require certain activities of either the parent or the juvenile or may even remove the juvenile from the parent's custody;
- Information related to the local law enforcement officer's ability or inability to serve the summons, petition, affidavit as to the status of a minor child, and order for non-secure custody (if applicable) on the persons identified within the summons;
- A notice to parents, guardians, or caretakers that they may be held in contempt of court if they fail to show, without reasonable cause, at the hearing specified; and

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- An additional notice that with the service of the summons on the parents, guardians, or caretaker the court system has obtained jurisdiction over them and that their failure to comply with any court order may result in the court issuing a show cause order for contempt.

Juvenile Petitions should also include information relative to the agency's knowledge about issues including:

- Paternity or information on absent / missing parent(s);
- Known relatives able and willing to provide care for the child(ren);
- Child(ren)'s Mexican heritage;
- ICWA related issues;
- MEPA related issues;
- **Information regarding the parent's military affiliation** (http://www.nccourts.org/Forms/Documents/1664.pdf) Service Members Civil Relief Act Affidavit**;** and
- Siblings or other juveniles remaining in the home and any specific findings of the assessment of the juveniles or any actions taken to secure the protection of the juveniles.

Protocol – What you must do	Guidance – How you should do it
Any petition initiated by a county child welfare services agency must: • Clearly state all the conditions that would invoke the court's jurisdiction; and • Contain sufficient information to make a legally valid case. A county child welfare supervisor (or another county manager position) must approve the decision to file a petition prior to filing a petition.	Parental behavior alone does not constitute a basis for a petition or non-secure custody. There is a basis for agency intervention only when the parent's behavior causes harm or risk of harm to a child(ren). County child welfare workers should consider the situation and its effect on the child(ren) before exercising the right to intervene, and most especially the need to remove a child(ren). County child welfare workers should consider the possibility of first reducing the risk of harm to the child(ren) through the provision of services in the home. In making the decision whether to remove a child(ren), county child welfare workers should evaluate the risk of harm to the child(ren) in the home compared to the harm that will be caused by the removal.

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Protocol – What you must do	Guidance – How you should do it
SAFETY CIRCUMSTANCES REQUIRING NON-SECURE CUSTODY See Safety for list of circumstances requiring non-secure custody. Temporary Custody in Extreme Safety Situations In an extreme safety situation, the county child welfare worker must take temporary physical custody without a court order if there are reasonable grounds to believe that the juvenile is abused, neglected, and/or dependent and that the child(ren) would be injured or could not be taken into custody if it were first necessary to obtain a court order. The county child welfare worker must arrange for the placement, care, supervision, and transportation of the juvenile while in the temporary custody of the county child welfare worker. Upon notification by the county child welfare worker of the extreme safety situation, the agency director or their designee determines whether to file a petition for non-secure custody. If no petition is filed, the child(ren) must be returned to the parent from whom he or she was removed. When taking a juvenile into temporary custody, the agency must: • Notify the parent, guardian, or custodian that the juvenile has been taken into custody and advise the caretaker of the right to be present with the juvenile until a determination is made of the need for non-secure custody (county child welfare worker must make every reasonable effort to notify the caretaker; however, failure to notify the caretaker that the juvenile is in temporary custody is not grounds for release of the juvenile); • Release the juvenile to the parent, guardian, or custodian when the need for custody no longer exists; and • File a petition within twelve (12) hours and obtain an order from the district court judge for non-secure custody if the need for non-secure custody exists.	County child welfare workers should consider staffing the case with the county child welfare services agency's designated attorney prior to the decision to file a petition. SAFETY CIRCUMSTANCES REQUIRING NON-SECURE CUSTODY The initial decision to remove the child(ren) should be based on whether it is safe for the child(ren) to remain in the home. Criteria determining safety should be objective and behaviorally specific and documented. The documentation should include terms that describe specific behaviors and patterns of parental care which have resulted in, or are likely to result in, harm to the child(ren). Removal of a child(ren) from his home has negative consequences for the child(ren), even when necessary to protect the child(ren)'s safety. Therefore, removal should be approached with great caution. Removal will never be in the child(ren)'s best interest unless the removal is part of an overall plan, not only for safety but also for a timely, appropriate and permanent resolution. County child welfare agencies are strongly encouraged to record the allegations of fact regarding the caretaker's neglectful and/or abusive behavior along with allegations of fact of the harm this neglectful and/or abusive behavior has caused to the child(ren). Both should be stated in a plain, concise, and objective manner. Petitions should also state the severity of harm and explain how the behavior of the caretaker has resulted in the child(ren)'s condition. The petition should also state the ability and willingness of the caretaker to adequately care for the child(ren) and, if appropriate, any services the parents have been offered but have

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Protocol – What you must do	Guidance – How you should do it
	refused. Petitions should also specifically state the efforts the agency made with the family to prevent the need for removal of the child(ren). Finally, the petition should state clearly that the child(ren) need the court's protection by citing any relevant statutes. These petition statements should be broad enough to allow introduction of all evidence that the agency considers important to the case. Statements should only include what the agency believes to be facts in the case, not observations or opinions held by others. County child welfare workers should be aware that while only those allegations that rise to level of abuse, neglect, and/or dependency are to be included on the petition, some allegations might support more than one category. County child welfare workers should, in consultation with their agency's legal counsel, thoughtfully examine the benefits and the drawbacks to whether to petition for abuse, neglect, and/or dependency.
PETITION REQUIREMENTS REGARDING PARENT/CARETAKER SERVICES Whenever a juvenile is removed from the home of a parent, guardian, custodian, stepparent, or adult relative entrusted with the juvenile's care due to physical abuse, the director must conduct a thorough review of the background of the alleged abuser or abusers. This review must include a: • Criminal history checks and • Review of any available mental health records. If the review reveals that the alleged perpetrators have a history of violent behavior against people, the director must petition the court to order the alleged perpetrator to submit to a complete mental health evaluation by a licensed psychologist or psychiatrist.	

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UNWILLINGNESS TO ACCEPT CRITICALLY NEEDED SERVICES OR DESPITE AGENCY EFFORTS TO PROVIDE SERVICES OR NO PROGRESS HAS BEEN MADE TOWARD PROVIDING ADEQUATE CARE FOR THE CHILD The Juvenile Petition (form AOC-J-130) filed by county child welfare agencies in situations above is the same petition filed when the agency is seeking custody. The petition can be filed without an Order for Non-secure Custody (form AOC-J-150) if the county child welfare services agency determines that removal of the child(ren) from the home is not required due to safety. Upon an adjudication finding that the juvenile is abused, neglected, and/or dependent, a dispositional hearing is held. At the dispositional hearing, the court can require the caretaker to engage or comply with actions or services to remediate or remedy behaviors or conditions that led or contributed to the juvenile being adjudicated as abused, neglected, and/or dependent. Filing a petition requesting adjudication of abuse, neglect, and/or dependency due to a lack of progress or engagement does not have to involve non-secure custody. An individualized decision must be made for each case about the need for court involvement with or without custody based upon whether removal of the child(ren) from the home is necessary for their protection. If the child(ren) has been adjudicated abused, neglected, and/or dependent and, at a later date, the agency decides that non-secure custody is necessary to protect the child(ren), the agency must ensure that the non-secure custody order removing the child(ren) contains language stating that the removal is in the child(ren)'s best interest or that the child(ren) remaining in the home is contrary to the welfare of the child(ren). This involves removing the child(ren) after a hearing on custody or, if non-secure custody grounds exist, obtaining an ex-parte non-secure custody order.	

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NOTIFICATION The county child welfare services agency must notify the following when a juvenile petition is filed. This includes, but is not limited to: • All named respondents (parents, caretakers); • Within 30 days, adult relatives (grandparents, great-grandparents, siblings, nieces, nephews, aunts and uncles). See Permanency Planning in the NC Child Welfare manual. This notification must occur even if the child(ren) is placed with a relative or fictive kin at the time when the county child welfare services agency petitions for custody. Notification of Mexican Parentage The county child welfare services agency must inquire at the time the decision is made to take custody whether a child has any Mexican parentage. The county must notify the Mexican Consulate within 10 days of the decision to take custody the following information: • The full name of the child; • The child's date of birth; • The full name of the parent or custodian; and • A name and phone number of the county child welfare worker directly responsible for the case. ICWA See ICWA for additional notification requirements for American Indian children.	
COURT HEARING A hearing must occur within seven days when a child(ren) is removed from home by a non-secure order and may be postponed for no more than 10 business days with the parent's consent. The non-secure order must give specific sanction for a placement other than a licensed placement provider.	

Placement (or Placement Change) Preparation and Follow-Up

Protocol – What you must do	Guidance – How you should do it
PREPARING PARENTS AND CHILDREN The parents must be appropriately prepared for placement of their child(ren) into agency custody by explaining: • The reason for the removal; • Appropriate details about the placement provider; • What to expect from the placement provider and county child welfare worker; • How to reach the county child welfare worker and/or agency; • When the next contact with the child(ren) will occur; and • The legal process. The *Understanding Foster Care – A Handbook for Parents* (DSS-5201) must be provided to the parents. The child(ren) must be prepared for placement into agency custody based on their level of understanding by explaining: • The reason for the removal; • Appropriate details about the placement provider; • What to expect from the placement provider and county child welfare worker; • How to reach the county child welfare worker and/or agency; • When the next contact with their parents will occur; and • When the next contact with their siblings will occur. For youth ages 12-17 entering county child welfare custody, a copy of the *Understanding Foster Care – A Handbook for Youth* (DSS-1516) must be provided to the youth.	PREPARING PARENTS AND CHILDREN Preparing child(ren) and parents for placement can be accomplished even when the removal is an emergency. County child welfare workers need to enlist the cooperation of the parent in helping the child(ren) understand the need for a new living arrangement. If the parent cannot do this, the county child welfare worker must take this role with the child(ren). Even very young child(ren) can understand that a change is being made and that the parent cannot care properly for the them at this time. It is generally helpful if the county child welfare worker can provide pictures of the placement provider when the child(ren) do not know the provider. This can be done on the way to the foster home and can help the child(ren) begin to master the move. Young child(ren) have a different concept of time and they have vivid imaginations. In strange surroundings, they imagine that terrible things have happened to the parent or that they will never see members of the family again. The county child welfare worker is the child(ren)'s link to his family in the first few hours of the move. Through the eyes of the child(ren), it is traumatic to be removed from parents and home. To be separated from siblings adds to the impact of loss and trauma. When siblings can remain together in an out-of-home placement, there can be a greater sense of continuity of family. Frequently, older children will have had some responsibilities for caring for younger siblings when in their own home, and they may feel worried and protective regarding these siblings if separated from

Placement (or Placement Change) Preparation and Follow-Up

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	them. Likewise, the younger siblings may have looked to their older siblings for comfort and guidance.
PREPARING PLACEMENT PROVIDERS The placement provider must be appropriately prepared for the placement by providing the following: • Medical information about the child(ren); • Any medications, glasses, hearing aids, etc.; • Any upcoming appointments the child(ren) will need to attend; • Necessary information regarding the child(ren)'s educational needs; • Specific information regarding the child(ren)'s behaviors; • Any other strengths and needs of the child(ren); and • Any other information that will make the transition less traumatic for the child(ren). Placement providers must be provided county child welfare services agency contact information. Placement providers have a need to know the HIV status of the child(ren) in their care. Infections or viruses that are less serious in a non-infected child(ren) can be fatal to an HIV-infected child, and placement providers must be aware of symptoms that require immediate medical attention. However, prior to disclosure of a child's HIV status, county child welfare agencies must consider and protect the child's right to confidentiality. While concern for confidentiality exists throughout the service delivery system, information regarding persons infected with HIV requires special consideration. This is due to the potential social and psychological damage that can be caused by inappropriate sharing of such information.	PREPARING PLACEMENT PROVIDERS Before a child(ren) is placed with prospective placement providers, the provider should be adequately prepared and have appropriate knowledge and skills to provide for the needs of the child(ren). Any information regarding the child(ren)'s bedtimes, routines, favorite foods, etc. that was gathered from the parent(s) should be shared with the placement provider at the time of placement. Knowledge of such things can help the child(ren) feel more comfortable. It is important for the placement provider to know what may be expected from the child(ren) behaviorally to respond appropriately to those behaviors. The county child welfare worker should also inform the placement provider of the concurrent permanency planning process for the child(ren) and of possible concurrent plans for achieving permanence for the child(ren). The foster parent should be informed of their role in planning for the child(ren) in partnership with the agency and the birth family. At the time of placement, when the county child welfare services agency provides agency contact information, the placement provider should be reminded to contact the agency when, but not limited to: • Any child injury or medical issue; • Any child significant behavioral issue; • Any disclosure by the child regarding incidents of abuse and/or neglect;

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If the child is in the legal custody of the county child welfare services agency, the county child welfare worker must provide the placement provider with the Health Summary Form – Initial (DSS-5206) at the time of placement.	• Any scheduled or canceled child appointments; and/or • Any challenge that could have an impact on the stability of the placement.
PLACEMENT OF CHILDREN When removal from the home is required, the agency must arrange for and maintain a single, stable living arrangement for the child(ren). The agency must first assess: • Whether any relatives are willing and able to care for the child(ren), and • The extent to which the placement with a relative is in the best interest of the child(ren). The Initial Provider Assessment (DSS-5203) and the Comprehensive Assessment (DSS-5204) and the Comprehensive Assessment Instructions (DSS-5204ins), along with criminal and other background checks, must be used to assess relatives/kinship care providers. See Using Kinship Provider. The assessment of any identified placement must be sufficiently thorough to allow the court to make an informed decision. The judicial process must be directed toward the goal of ensuring a safe, permanent home for the child(ren) within a reasonable time. Prior to placement with a relative outside North Carolina, the placement must be in accordance with the ICPC. If a relative cannot be identified as an appropriate placement for the child(ren), a placement resource must be chosen for the child(ren) that ensures that the child(ren) is placed: • In the least restrictive setting;	PLACEMENT OF CHILD(REN) Carefully choosing the best placement resource is critical to the goal of one single, stable, safe placement within the child(ren)'s own community. When the child(ren) cannot be assured safety in their own homes, the best alternative resource can often be found within the extended family and other "kin." Kinship is the self-defined relationship between two or more people and is based on biological, legal, and/or strong family-like ties. Parents and guardians facing the risk of child placement should be given a reasonable opportunity to identify and come together with their kinship network to plan for and provide safety, care, nurture, and supervision for the child(ren). The agency has the responsibility of assessing the suggested resource to assure that the child(ren) will receive appropriate care. At the first conversation with relatives or kin about having a child(ren) placed with them, it is critical that a thorough discussion about all options occurs. A critical piece of information for the relative or kin considering taking the child(ren) into their home at the time of non-secure custody is the possibility of becoming a licensed foster parent or for adoption should the plan for reunification not be achieved. This conversation should occur during the kinship care assessment as well as when any changes in the planning occur. Whether licensed as a foster home or not, kinship care providers should be valued and treated as partners with the birth family and the

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• In the most family-like setting; • In proximity to the parent's home; and • In a setting that is consistent with the safety and best interests, strengths, and special needs of the child. Documentation must reflect the diligent efforts made to provide a placement that meets the above criteria or reasons why this is not possible. Carefully choosing the best placement resource is critical to the goal of one single, stable, safe placement within the child(ren)'s own community. Out-of-state placements must comply with the ICPC. County child welfare agencies must: • Consider in-state and out-of-state options when making reasonable efforts to place the child(ren) in accordance with the permanent plan and to finalize the permanent plan; and • Consider in-state and out-of-state permanent placement options at permanency hearings. (If the child(ren) is in an out-of-state placement at the time of the hearing, the permanency hearing must determine whether the out-of-state placement continues to be appropriate and, in the child(ren)'s, best interests.) The child(ren) must only be moved when it is in their best interest and the rationale is documented to support the necessity of the move.	agency. This includes notifying relatives providing care for the child(ren) of any court review or hearing to be held about the child(ren) and of their opportunity to be heard in court. Kinship care providers may not be aware of the impact of abuse and may be reluctant to agree to a non-corporal punishment policy. The agency should discuss and formalize a child-specific alternative discipline plan for child(ren) in agency custody. County child welfare workers should use family-centered practice tools that focus on a mutual sharing of information among agency staff, other professionals, the family, and their kinship network. Families, along with their kinship network, should be fully involved in the decision-making process from the point of initiation of services so that the resources and wisdom of the family and its culture can be tapped. The family's understanding incorporates an historical perspective of the problems faced by the family, as well as their efforts to remedy those problems. They can confront the problems and help provide realistic supports needed to help the child(ren) and their family of origin move toward healing. Placement of child(ren) under 12 years of age in group care should only be considered after other, less restrictive and/or more family-like options have been seriously pursued. Residential/group care should only be used when it clearly meets the well-being needs of the child(ren) and no other family setting is available for that child. In addition, the federal Child and Family Services Review assesses (in Permanency Outcome 2) the state's performance in (1) placing child(ren) in county child welfare custody in close proximity to their

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	parents and close relatives; (2) placing siblings together; (3) ensuring frequent visitation between child(ren) and their parents and siblings in county child welfare custody; (4) preserving connections of child(ren) in county child welfare custody with extended family, community, cultural heritage, religion, and schools; (5) seeking relatives as potential placement resources; and (6) promoting the relationship between child(ren) and their parents while the child(ren) are in county child welfare custody.
EDUCATIONAL STABILITY Placement of the child(ren) must consider the appropriateness and proximity of the current educational setting. To comply with this requirement the county welfare agency must: • Coordinate with the local educational agency to ensure that the child(ren) remains in their current school, or • If remaining in that school is not in the child(ren)'s best interest, assure immediate enrollment of the child(ren) in a new school with all educational records provided. When a county child welfare services agency takes custody of the child(ren), a Best Interest Determination (BID) meeting regarding the child's school placement must occur prior to a change in school. If the BID meeting does not occur prior to the child(ren)'s new placement, a BID meeting must be scheduled within **five** school days after the child(ren)'s placement. The Foster Child Notification of Placement (Change) Form (DSS-5133) must be provided to the child(ren)'s current school. See DSS-5133ins.	EDUCATIONAL STABILITY The BID meeting regarding a school change for a child(ren) should be coordinated with the pre-petition CFT meeting, whenever possible and appropriate.

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Protocol – What you must do	Guidance – How you should do it
When an emergency placement requires a school change prior to holding a BID meeting, the Foster Child Immediate Enrollment Form (DSS-5135) must be provided to the new school. See DSS-5135ins.	
SHARED PARENTING The county child welfare worker must facilitate an initial shared parenting meeting between the parent(s) and placement provider(s) no later than 14 days after the child(ren)'s placement out of the home.	SHARED PARENTING A shared parenting meeting between the parent(s) and placement provider(s) should occur as soon as possible to ensure that the partnership has a strong beginning and is supported by the county child welfare services agency. When the parent and placement provider meet the day the child(ren) enters county custody, the adults can share information about the child(ren) that will make the transition for the child(ren) must less difficult. The county child welfare worker should coach the parent through this first interaction to maintain focus on the needs of the child(ren). The foster parent and county child welfare worker should partner with the birth parent to maintain the parent's connection to the child(ren) while continually focusing on the welfare of the child(ren). This connection can preserve and/or rebuild the relationship, leading to long-term good outcomes for the child(ren) and families. Shared parenting emphasizes foster parents as being a support to birth families instead of substitute caretakers.

Placement (or Placement Change) Preparation and Follow-Up

Protocol – What you must do	Guidance – How you should do it
AFTER PLACEMENT Within 7 calendar days following out-of-home placement the county child welfare services agency must: • Have face-to-face contact with the child(ren) to assess their adjustment to the placement, or • Document diligent efforts and a plan to address these requirements. The 7-day contact with the child(ren) is in addition to any contact or interaction with the child(ren) at time of placement. Within 7 days the county child welfare services agency must also: • Provide to the placement provider the Child Education Status (DSS-5245); • Ensure a medical exam occurs for the child(ren)—use the Health Summary Form - Initial (DSS-5206); • Have face-to-face contact with at least one placement provider (if more than one adult caretaker resides in the home) must occur within 7 days after the day of placement. the placement provider in the provider's home; and/or • Document diligent efforts and the plan to address these requirements. See Permanency Planning in the NC Child Welfare manual for additional After Placement requirements.	

Temporary Safety Providers & Kinship Providers

Policy
When during provision of child welfare services the child(ren) is placed in the care of a provider other than the parent or caretaker, the county child welfare services agency must remain involved and maintain the required contacts with the child(ren), the family providing placement, and the family until safety can be assured and the child(ren) can be reunified with the family or until the child(ren) is in a legally secure placement, whether it be custody or guardianship or adoption. Parents must be involved, as well as the safety provider, with the county child welfare services agency in planning at every stage of the case.
Definitions
Safety Provider: Any person or persons (either Temporary Safety Provider or Kinship Provider) that is not the parent or caretaker but is providing care for a child(ren) and is required for child safety. Temporary Safety Provider (TSP): A voluntary, temporary intervention made between a parent and a county child welfare services agency during the delivery of child protective services. TSPs are used to address immediate safety threats to a child(ren) when a child(ren) is found unsafe in the care of their parents/caretakers during child protective services. TSP's must only be used when less intrusive safety interventions are not sufficient. TSPs may care for the child(ren) outside of their home or provide supervision of the parent's contact with the child(ren) in or outside of their home. Kinship Provider: A relative or fictive/nonrelative kin identified or in place during Permanency Planning Services. Kinship is the self-defined relationship between two or more people and is based on biological, legal, and/or strong family-like ties. Identification of a Kinship Care Provider by a parent is desired; however, a parent may not always agree with the decision to evaluate or place the child(ren) with a specific kinship care provider. Placement with a Kinship Care Provider often lasts for months or years, must have court oversight, and addresses safety and/or risk factors. Nonrelative Kin: An individual having a substantial relationship with the juvenile. In the case of a juvenile member of a state-recognized tribe as set forth in G.S. 143B-407(a), nonrelative kin also include any member of a state-recognized tribe or a member of a federally recognized tribe, whether or not there is a substantial relationship with the juvenile. http://www.ncga.state.nc.us/enactedlegislation/statutes/pdf/bychapter/chapter_7b.pdf

Temporary Safety Providers & Kinship Providers

Protocol – What you must do	Guidance – How you should do it

INITIATING USE OF A SAFETY PROVIDER, TEMPORARY SAFETY PROVIDER, OR KINSHIP PROVIDER
When a TSP or Kinship Provider is identified, the following must occur prior to the child(ren) being left in the care of the provider:
• Background checks, including:
  ○ Criminal check. A review of ACIS for any criminal charges or convictions in North Carolina through the AOC database or equivalent;
  ○ Check of Civil Case Processing System (VCAP) for civil actions such as domestic violence protective orders; and
  ○ Review of county child welfare services, and or services history through NC FAST, agency records and RIL records.
• Initial Provider Assessment, DSS-5203, which includes a home visit, as evidenced by county child welfare worker and provider signatures.
• Approval of the Initial Provider Assessment by the county child welfare services agency supervisor. Approval at the time of the assessment may be verbal. The Initial Provider Assessment must be signed by the supervisor within 3 days.
• Documentation of all the above.
 	
CPS Central Registry check for previous CPS involvement must be completed prior to use of a TSP (for open CPS Assessment cases).
 	
When a TSP will be supervising contact of the parent with their child(ren) and not providing care in the Safety Provider's residence, some aspects of the Initial Provider Assessment are not required as defined in the instructions. All background checks must still be completed.
	INITIATING USE OF A SAFETY PROVIDER, TEMPORARY SAFETY PROVIDER, OR KINSHIP PROVIDER
	ASSIST can be used to complete provider background checks, but results should be validated.
	
	Critical information for the relative or kin considering taking the child(ren) into their home is the potential for adoption down the road, even if that is not the plan at the time. If the child(ren) has never been in the custody of a county child welfare services agency before being adopted, Adoption Assistance is not an option. If that relative or kin later adopts the child(ren), they cannot receive Adoption Assistance. Relatives need to understand that the county child welfare services agency may be involved and not have custody; therefore, it is critical because of future implications as described above, that the county child welfare services agency is very clear about this when working with relatives.
	
	In some cases, the county child welfare services agency may file a petition for abuse or neglect and obtain a non-secure custody order. At the adjudication/disposition, the county child welfare services agency may recommend custody be awarded to the relative or kinship caregiver. Adoption Assistance later would be an option because the child(ren) was in the custody of a county child welfare services agency, though briefly.

Temporary Safety Providers & Kinship Providers

Protocol – What you must do	Guidance – How you should do it
A review of 911 call logs for the address of all TSP or Kinship Providers must also occur. As this cannot always be completed within the timeframe necessary to assess and approve use of a TSP or Kinship Provider, it must be completed within one week.	At the first conversations with relatives or kin about having the child(ren) placed with them, either by the parent with county child welfare involvement, or by the county child welfare services agency through court order, all options must be explained. This should occur throughout the case when changes in the planning occur.
USE OF TEMPORARY SAFETY PROVIDERS (CPS ASSESSMENTS & IN-HOME SERVICES) The county child welfare services agency must assess the TSP and their residence (assessment of the provider's residence is not required when the TSP moves into the family home or supervises contact with a parent at a location not within the TSP's residence) when it is determined that a TSP is necessary to ensure safety, either through: • The child(ren) staying in the residence of the TSP or • A TSP moving into the family home to supervise parental contact. The TSP must be someone that both parents and the county child welfare worker agree will safely care for the child(ren). Use of a TSP must be a last resort and must not be done if an intervention can be identified that will keep the child(ren) safe without separation or restriction of a parent's access. Use of a TSP must be voluntary. A county child welfare worker must never attempt to coerce a parent into agreeing to a TSP. When use of a TSP is proposed, a CFT meeting must be held. If it is not possible to hold the CFT meeting prior to the separation or restriction due to an urgent need to maintain safety, the CFT meeting must be held as soon as possible. For protocol	USE OF TEMPORARY SAFETY PROVIDERS Whenever a TSP is used, the county child welfare services agency should consider the additional trauma that the child(ren) will experience. The county child welfare services agency should prepare the child(ren) for the transition to the TSP and for the return to their home. The option to use a TSP, even when the parent does not agree, may be included as an effort to prevent removal when asking the court to find that the agency made reasonable efforts. If the proposed TSP lives in another county and is within driving distance, the county child welfare worker (either the CPS-A or In-Home Services worker) should conduct the Initial Provider Assessment, including making a visit to the home of the TSP, or assistance should be requested from the safety provider's county of residence.

Temporary Safety Providers & Kinship Providers

Protocol – What you must do	Guidance – How you should do it
regarding what to do before child(ren) are placed with a TSP, see Initiating Use of a Safety Provider. If at any time a parent is not in agreement with the use of a TSP and the county agency determines that use of the TSP is necessary to ensure safety, the county child welfare services agency must file a petition and request non-secure custody. If use of the TSP includes a provision that the TSP will supervise contact of the parent(s) with the child(ren), it must be clear that the arrangement remains voluntary on the parent's part. If at any time the parent is not in agreement with the need for the contact to be supervised, the county child welfare services agency must file a petition in juvenile court. If the proposed TSP lives in another county, the county child welfare worker must ask the TSP's county for permission to enter the county for the purposes of conducting the home visit and Initial Provider Assessment. Whenever the Safety Assessment determines an intervention requiring separation or restriction of a parent's access to their child(ren) is necessary and the family names a TSP that resides in another state, the agency conducting the CPS-A must file a juvenile petition and request non-secure custody and comply with Interstate/Intercountry Services for Children ICPC policy. The only exception is for CPS-A cases for families that reside in counties that have a border agreement with a neighboring state. **MONITORING USE OF A TEMPORARY SAFETY PROVIDER** Contacts with each child in the care of a TSP must: • Occur in the home at least once a month and • Occur at the frequency required to monitor safety and risk. Refer to the appropriate function (CPS- A or In-Home) for the requirements regarding the frequency of contacts.	If the TSP lives in another county and does not live within driving distance of the county child welfare services agency conducting the CPS-A, the county child welfare worker conducting the CPS-A should contact the agency where the TSP lives to arrange for a county child welfare worker from the county where the TSP lives to make an immediate home visit and conduct the Initial Provider Assessment. When a parent identifies a relative/kin for use as a TSP, the same protocol for approval and monitoring that placement is used as for all TSP. The term Kinship Provider is only applied to relative/kin placement providers when a child is open for Permanency Planning Services. MONITORING USE OF A TEMPORARY SAFETY PROVIDER Monitoring of the parent/caretaker's progress to address the safety threat that requires use of the TSP should be case specific. The number of visits to the home to which the child(ren) will return, in addition to the one required visit, should be case specific.

Temporary Safety Providers & Kinship Providers

Protocol – What you must do	Guidance – How you should do it
Every contact must: • Include observations of each person, their behavior, and the environment, especially related to safety or risk; • Describe specific interactions with each household member; and • Explain the inability to interview any child(ren), if appropriate. Contact with the TSP must: • Include discussion regarding any needs or issues regarding the child(ren); • Occur face-to-face at least once a month; and • Include observation of the child(ren) and the safety provider during the face-to-face contact. For CPS-As, when use of a TSP continues beyond 29 days, a review of the Initial Provider Assessment must be completed within 30 days and within every 30 days after until the case decision date. An updated criminal record check on anyone in the home over age 16 and a request for 911 call logs must occur at the time of each review.	The frequency of contact with the TSP, above the once per month required contact, should be case specific.
For In-Home Services cases, the Comprehensive Provider Assessment (DSS-5204), must be completed for TSPs: • When use of the TSP continues over 29 days after the case decision date and transfer to In-Home Services, or • When use of the TSP initiates during an In-Home Services case and continues in use over 29 days after it was initiated. The Comprehensive Provider Assessment must be completed within 30 days of case decision or initiation based on the above. Monitoring of the parents' progress to address the safety threat that requires use of the TSP must:	Use of a TSP typically begins during the CPS-A. However, there are circumstances in which the county child welfare services agency may decide to use a TSP during the provision of In-Home Services. A decision to use a TSP should occur during the context of a CFT that is held to address an impending safety threat or increased risk.

Temporary Safety Providers & Kinship Providers

Protocol – What you must do	Guidance – How you should do it
• Identify progress by the parent(s) to address the safety threat; • Confirm with the parent(s) that use of the TSP remains voluntary; • Include visits to the home where the child(ren) will return that is consistent with the risk level of the home; and • Be staffed by the county child welfare worker with the case supervisor to determine what progress is required and the number/frequency of visits to the home to which the child(ren) will return prior to their return. The county child welfare services agency must remain involved with the TSP and the birth family until: • The child(ren)'s ongoing safety is assured, and the child(ren) can return to the home of the birth family and the placement is legally secure, or • The county child welfare services agency files petition for custody. If the child(ren) cannot be returned to the home from which they were removed because of safety, the case cannot be closed until legal permanence has been obtained for the child(ren). TSPs are NOT legally secure for the child(ren) or for the caregiver. A case must not be closed until legal security for the child(ren) has been established through return to the parents or custody or guardianship to the relative or kin. **TERMINATION OF A TEMPORARY SAFETY PROVIDER** Use of a TSP must end once the safety threat has been addressed. When terminating a TSP, the county child welfare services agency must: • Hold a CFT, • Develop a plan for return of the child(ren) to the care of their parent, and • Perform a home visit in the parent(s)'s home within 24 hours after the child(ren)'s return to the home. An interview with the child(ren), separate from the parent, must occur within 24 hours after the child(ren)'s return to the home.	

Temporary Safety Providers & Kinship Providers

Protocol – What you must do	Guidance – How you should do it
USE OF KINSHIP PROVIDERS (DURING PERMANENCY PLANNING SERVICES) Placement with relatives or kin must be considered for child(ren) who are removed from their homes and in the custody of a county child welfare services agency. To maximize the possibility of a positive kinship placement, a thorough assessment must be conducted to evaluate the suitability of the placement. See Initiating Use of Safety Provider. **Monitoring Kinship Providers** For Permanency Planning cases, the Comprehensive Provider Assessment (DSS-5204) must be completed for Kinship Providers: • When use of the Kinship Provider continues over 29 days after the case is transferred to Permanency Planning, or • When use of the Kinship Provider initiates during Permanency Planning Services and continues in use over 29 days after it was initiated. The Comprehensive Provider Assessment must be completed within 30 days of the child(ren) entering custody if the child(ren) is already placed out of the home, or within 30 days of the child(ren)'s placement in the home of the kinship provider (if placed after entering custody). In addition to completing the initial and comprehensive assessment, agency staff must maintain sufficient contact with the kinship care provider and the child(ren) to assure that the basic physical and emotional needs of the child(ren) are being met and that the kinship care provider is receiving adequate informal and formal support to meet those needs. Whether the home is licensed as a foster home, county child welfare workers must maintain contact as designated in Permanency Planning protocol. County child welfare agencies must discuss with kinship providers the option to become a licensed foster parent and consider licensing a kinship provider as a foster parent if they want to be licensed and meet licensing requirements.	USE OF KINSHIP PROVIDERS Providing all information to a kinship provider is a very important part of concurrent planning and provides the kinship care provider with valuable information that has implications later, especially as plans for permanency change for the child(ren) as time goes on. It is critical that the agency demonstrate sensitivity to the unique issues that are present when relatives and other kin are assessed for their suitability to parent child(ren). Assessment should be based on an understanding of the kinship family's culture and community, child rearing approaches, and family dynamics, and should focus on the ability of the family to meet the immediate and ongoing needs of the child(ren). If kin are determined to be suitable for the care and nurturing of the child(ren), but the home cannot meet all foster care licensing requirements, the agency may submit justification for a waiver to the Regulatory and Licensing office, NCDSS. In North Carolina, many licensure requirements may be considered for waiver if approval is in the best interest of the child(ren), if the health, safety and protection of the child is assured, and if the county child welfare services agency recommends that the waiver(s) be granted. There are no waivers for training requirements, for well inspection requirements, or for placements that have outside toilet facilities.

Temporary Safety Providers & Kinship Providers

Protocol – What you must do	Guidance – How you should do it
SERVICES FOR SAFETY PROVIDERS, TEMPORARY SAFETY PROVIDERS, OR KINSHIP PROVIDERS For all safety providers, services must be identified and provided to assure that the safety provider can meet the child(ren)'s needs. The safety provider must be invited to participate in planning at every stage of the case, including but not limited to: • Development and reviews of Family Services Agreements; • Medical, mental health, educational, and other appointments regarding the child in their care; and • CFTs and PPRs.	SERVICES FOR TEMPORARY SAFETY PROVIDERS OR KINSHIP PROVIDERS Agency staff should help the safety provider locate and develop support and resources needed in caring for the child(ren). Some services frequently requested by safety providers are: • "Grandparent" support groups open to all kinship caregivers regardless of age; • Legal assistance in obtaining permission to enroll the child(ren) in school, to obtain medical attention or to obtain legal custody or guardianship; • Assistance navigating the social services system to get approved for food stamps, Work First Family Assistance, Medicaid, or state supported insurance coverage for the child(ren), child support, or day care services; and • Information and referral services to connect with informal and formal service providers in the local community.

Domestic Violence

Purpose
Following are the six principles developed through the Child Well-Being and Domestic Violence Task Force to address the intersection of child safety, permanence, well-being, and domestic violence. • Enhancing a non-offending parent/adult victim's safety enhances their child(ren)'s safety. • Domestic violence perpetrators may cause serious harm to the child(ren). • Domestic violence perpetrators, not their victims, should be held accountable for their actions and the impact on the well-being of the non-offending parent/adult victim and child victims. • Appropriate services, tailored to the degree of violence and risk, should be available for non-offending parent/adult victims leaving, returning to, or staying in abusive relationships. These services should also be available for child victims and perpetrators of domestic violence. • Child(ren) should remain in the care of the non-offending parent/adult victim whenever possible. • When the risk of harm to the child(ren) outweighs the detriment of being separated from the non-offending parent/adult victim, alternative placement should be considered. The primary focus in cases involving domestic violence is the assessment of risk posed to the child(ren) by the presence of domestic violence. The goals of CPS interventions in cases involving domestic violence are: • Ensure the safety of the child(ren). • All family members will be safe from harm. • The non-offending parent/adult victim will receive services designed to protect and support them. • The child(ren) will receive services designed to protect, support, and help them cope with the effects of domestic violence. • The alleged perpetrator of domestic violence will be held responsible for their abusive behavior. • The incidence of child maltreatment co-occurring with domestic violence will be reduced. The challenge in providing CPS interventions in domestic violence situations is to keep the child(ren) safe without: • Penalizing the non-offending parent/adult victim and • Escalating the violent behavior of the alleged perpetrator of domestic violence.

Domestic Violence

Definition	Legal Basis
Domestic violence is defined as the establishment of control and fear in an intimate relationship using violence and other forms of abuse including but not limited to: • Physical abuse, • Emotional abuse, • Sexual abuse, • Economic oppression, • Isolation, • Threats, • Intimidation, and • Maltreatment of the children to control the non-offending parent/adult victim. While victims and families may experience and be affected by domestic violence in different ways, there are still core aspects of domestic violence that are consistent across racial, socio-economic, educational, and religious lines: • The primary goal of a domestic violence perpetrator is to obtain and maintain power and control over their partner. • While domestic violence may "present" as an incident of violence or neglect, it is rather a pattern of abuse, which may include violent incidents. • Domestic violence is not simply discord between intimate partners but rather a progressive, intentional, patterned use of abusive behaviors.	The N.C.G.S. § Chapter 50-B also defines domestic violence according to the relationship between the parties and behaviors or actions that constitute domestic violence, as well as its available relief. North Carolina General Statutes also identify certain misdemeanor and felony criminal offenses that often occur in the context of domestic violence, such as assault, stalking, violation of a Domestic Violence Protection Order, domestic criminal trespass, harassing telephone calls, communicating a threat, and strangulation.

Domestic Violence

Protocol – What you must do	Guidance – How you should do it
INTERACTION WITH NON-OFFENDING PARENT/CARETAKER The non-offending parent/adult victim must never be placed in danger by having to be interviewed, develop safety plans, or meet with the perpetrator of violence against them.	Each parent or caretaker is only responsible for their own actions to provide safe, nurturing care for their child(ren). INTERACTION WITH NON-OFFENDING PARENT/CARETAKER The Non-Offending Parent/Adult Victim Domestic Violence Assessment Tool (DSS-5235) contains scaled assessment questions and should be used to support the determination of safety and risk factors. The inability to speak with the non-offending parent/adult victim alone may be an indication of the level of control the perpetrator of domestic violence exerts over the family, and an indication of high risk. The presence of relatives or friends may also affect disclosure and safety. Information concerning resources and referrals to services should immediately be given to the non-offending parent/adult victim and child(ren) (as appropriate). With cases involving domestic violence, the safety of child(ren) is closely linked to the safety of the non-offending parent/adult victim. So, domestic violence cases also include a secondary focus on the safety of the adult victim. The non-offending parent/adult victim of domestic violence is the expert at predicting the domestic violence perpetrator's reactions. Therefore, development of the family safety plan or services agreement is driven by the non-offending parent/adult victim based on what they think they are capable of and willing to do to ensure safety for their child(ren) and themselves. A Safety Plan is a tool used by domestic violence advocates in providing services to non-offending parents/adult victims. The Personalized Domestic Violence Safety Plan (DSS-5233) contains suggested steps that may be useful for county child welfare agencies in: • Safety planning with the non-offending parent/adult victim and • Assisting in the development of service agreements.

Domestic Violence

Protocol – What you must do	Guidance – How you should do it
	Keep in mind that a perpetrator (or their legal representative) can subpoena the contents of a case file. For the protection of the victim, the county child welfare services agency should make decisions on where and how domestic violence safety plans are maintained. To develop and monitor a coordinated services plan for every case with domestic violence, the county child welfare worker should: • Seek out and utilize the consultation of a domestic violence expert throughout the life of the case. • Communicate with a domestic violence perpetrator's probation or parole officer regarding any current abuse. • Reach out and make connections with school social workers and teachers to gain information about the child(ren)'s day-to-day functioning. • Work closely with Work First to create plans together. This is especially true when Work First may already be providing or can assist in referring a family for domestic violence services.
INTERACTION WITH THE CHILD(REN) The child(ren) must not be interviewed in the presence of the alleged perpetrator of the domestic violence incident. It is appropriate to interview the child(ren) in the presence of the non-offending parent/adult victim as circumstances allow, and when the safety of the child(ren) is not compromised. Information obtained from the non-offending parent/adult victim or child(ren) that may jeopardize their safety must not be shared, especially with the alleged perpetrator of domestic violence. Sharing	INTERACTION WITH THE CHILD(REN) The Children's Domestic Violence Assessment Tool, DSS-5237, contains scaled assessment questions and should be used to support the determination of the safety and risk factors. Every child reacts differently when exposed to domestic violence. Some child(ren) develop debilitating conditions, while others show no negative effects from the exposure to violence. As a result, it is important to interview the child(ren) regarding their involvement and/or exposure to domestic violence, as well as their general safety and well-being. It is important to recognize that older child(ren) are more likely to minimize reports of parental fighting. Younger child(ren) may be more spontaneous and less guarded with the information they share. See Impact on Children section of the Cross Function topic of Risk.

Domestic Violence

Protocol – What you must do	Guidance – How you should do it
information that may seem inconsequential—specifically information about the non-offending/adult victim's whereabouts and/or schedule if they have left the home/relationship—can place the child(ren) and non-offending parent/adult victim in danger.	**INTERACTION WITH THE ALLEGED PERPETRATOR** The Domestic Violence Perpetrator Assessment Tool (DSS-5234) contains scaled assessment questions and should be used to support the determination of the safety and risk factors. Interaction with the alleged perpetrator of domestic violence provides the opportunity to observe and document behaviors relative to the allegations, both positive and "concerning." This observation supplements information obtained from: • Police reports; • Criminal records; • Hospital/medical records; • The child(ren); and • The non-offending parent/adult victim. It is important to note that the alleged perpetrator of domestic violence may attempt to: • Present themselves as the "victim"; • Charm the county child welfare worker; • Gain control of the interview; and/or • Deny any domestic violence, insisting that the relationship is "perfect." During interaction with the perpetrator, the county child welfare worker should: • Focus on information from third party reports such as law enforcement, medical providers, or the Administrative Office of the Courts. • Follow up on legal accountability and/or treatment and other service referrals for the alleged perpetrator of domestic violence. • Convey to the alleged perpetrator of domestic violence that based on what happened (citing as much information as possible without compromising confidentiality or safety of the child(ren), non-offending parent/adult victim, and/or the reporter) they will be required to take steps to stop the violence and ensure that the child(ren) are safe.

Domestic Violence

Protocol – What you must do	Guidance – How you should do it
	• Avoid debates and arguments with the alleged perpetrator of domestic violence. This is crucial. The focus of CPS is not to convince the alleged perpetrator of domestic violence to admit violent behavior but discuss how to ensure the child(ren)'s safety with them. • Set limits within the interaction with the alleged perpetrator of domestic violence and document the behaviors that make setting limits necessary and their capacity to respect those efforts. **COLLATERAL CONTACTS** • It should be remembered that domestic violence usually occurs in private and collaterals may not always be aware of the violence. • Collateral contacts being unaware of the occurrence of violence does not mean that it is not happening.
Forms	Children's Domestic Violence Assessment Tool (DSS-5237), Non-Offending Parent/Adult Victim DV Assessment Tool (DSS-5235), DV Perpetrator Assessment Tool (DSS-5234), Personalized DV Safety Plan (DSS-5233)

Child Well-Being

Protocol – What you must do	Guidance – How you should do it
CHILD WELL-BEING All child well-being needs or **any lack of medical, dental, mental health, or other care** of the child must be: • Assessed during the provision of all child welfare services, • Addressed by the county child welfare services agency or through service referrals, • Reviewed during development and review of Family Services Agreements, and • Documented (all the above). Any physical, dental, developmental, psychological, and educational needs must be addressed, and appropriate assessments scheduled within one week from the identification of the need. To facilitate meeting the above, all open In-Home and Permanency Planning Services cases must include, at a minimum, current copies of: • Medical exam(s) current within the last year, • Dental exam(s) current within the last year, • Mental health or substance abuse treatment plan(s) current within the last year if the child has an associated need, • Educational reports (academic and behavior) within the last year if the child is of school age, and/or • Diligent efforts to obtain the above documentation. Requests for this documentation must occur within the first month of ongoing (In-Home and Permanency Planning) cases. Confirmation of these documents and review of the documents, as appropriate, must occur during all updates of Family Services Agreements. There are additional requirements for open Permanency	CHILD WELL-BEING Assessment and identification of child well-being needs are important aspects of child welfare services. Involvement with child protective services can be traumatic to child(ren) and families. Most child(ren), with or without a CPS intervention, have experienced incidents of trauma. Assessment of trauma and the impact on each child(ren) should be a part of the child's well-being assessment. If the family needs assistance in meeting any of the child(ren)'s well-being needs, the county child welfare worker should provide information, services, or referrals to meet the needs. Court proceedings against a parent/caretaker are not appropriate when there is a lack of adherence to child well-being issue(s) if the well-being issue(s) is not a risk/safety concern. Well-being issue(s) alone do not provide sufficient justification to keep a case open when it would otherwise be closed for services. All open In-Home and Permanency Planning Services cases should request current copies of the following documentation every six months: • Medical exam(s), • Dental exam(s), • Mental health or substance abuse treatment plan(s) if the child has an associated need, • Educational reports (academic and behavior) if the child is of school age, and/or

Child Well-Being

Protocol – What you must do	Guidance – How you should do it
Planning Services cases regarding Education and Health. Also, refer to Permanency Planning and LINKS for additional requirements for youth over age 14. Child educational/developmental/cognitive needs include: • Special education classes; • Normal grade placement, if child is school age; • Services to meet the identified educational needs, unless no unusual educational needs are identified; • Early intervention services; • Advocacy efforts with the school, unless the child is not school age or there have been no identified needs that are unmet by the school; and • How the educational needs of the child have been included in the case planning. Child physical/medical health needs include: • Whether the child has received preventive health care and if not, the efforts the agency will take to ensure that this care is obtained; • Whether the child has received preventive dental care and if not, the efforts the agency will take to ensure that this care is obtained; • Whether the child has up-to-date immunizations and if not, what efforts the agency will take to obtain them; • Whether the child/family is receiving treatment for identified health needs and if not, what efforts the agency will take to obtain the treatment; and • Whether the child is receiving treatment for identified dental needs and if not, what efforts the agency will take to obtain the treatment. Child behavioral/mental health/emotional needs include: • Whether the child is receiving appropriate treatment for any identified mental health/behavior/emotional needs/substance abuse needs and if not, what efforts the agency will take to obtain such treatment; and	• Other documentation regarding services to meet a child's well-being needs.

Child Well-Being

Protocol – What you must do	Guidance – How you should do it
• Assessment of trauma and the impact on a child's well-being. Child social/cultural/community relationship needs include: • Whether the child has social/community connections and if not, what social/community connections could support the child; • Whether the child is engaged in community (school, church, social groups) activities and if not, identify community activities that the child may benefit from; and • Whether the child has a network for emotional, social, cultural, and/or other needs and if not, how one could be developed.	

EARLY INTERVENTION
 	
A referral must be made to the local Children's Developmental Services Agency (CDSA) for early intervention when:
• There is the appearance or presence of any of the North Carolina Infant Toddler Program eligibility conditions of "Established Conditions" or "Developmental Delay", or
• There is the likelihood that a child has a mild developmental delay in the areas of:
  ○ Cognitive development;
  ○ Physical development, including fine and gross motor function;
  ○ Communication development;
  ○ Social-emotional development; or
  ○ Adaptive development.
 	
Any child under age three who has been identified as a substance affected infant (SAI) must be screened for referral to the North Carolina Infant Toddler Program (NC ITP) through the local CDSA for early intervention services. Refer to the North Carolina Family Assessment of Strengths and Needs (DSS-5229) S6 - Child Characteristics to screen a child for referral to a CDSA.
	EARLY INTERVENTION
	
	Whenever a county child welfare worker or a parent expresses concern about how a child's development, CDSA can be contacted for consultation.
	
	Definition for "Established Developmental Conditions" or "Developmental Delay" can be found at Eligibility and Referral https://beearly.nc.gov/
	
	Use the DSS Referral Form for Early Intervention Services (CDSA) (DSS-5238).
	
	Parental consent is not required to make this referral.
	
	Acceptance of Early Intervention Assessment and Services is totally voluntary for the family, unless a safety issue has been identified that would necessitate a referral to Early Intervention Services.

Child and Family Team (CFT) Meetings

Purpose
Child and Family Teams (CFT) are family members and their community support that come together to create, implement, and update a plan for the child(ren), youth, and family. The purpose of a CFT meeting is to: • Reach agreement on which identified child welfare issues will be addressed and how they will be addressed throughout the life of the case; • Develop a Family Service Agreement or safety plan that is created using the best ideas of the family, informal, and formal supports that the family believes in, the agency approves of, and lessens risk and heightens safety for the child/youth and family; and • Plan for how all participants will take part in, support, and implement the Family Service Agreement or safety plan developed by the team. A CFT meeting is a way to engage and partner with all the people who surround a family and to support the family in building a support network that will eventually sustain it after the case is closed. A CFT meeting is a way for county child welfare agencies to share responsibility for protecting children/youth with their families and the community.
Definition
CFT meetings are structured, guided discussions with the family, their natural supports, and other team members about family strengths, needs, and problems and the impact they have on the safety, permanence, and well-being of the family's child(ren) and youth. The meetings share the following components: • A clear but open-ended purpose; • An opportunity for the family to be involved in decision-making and planning; • Options for the family to consider and decisions for the family to make; • The family's involvement in the development of specific safety or permanent plans and in the development of services and supports; and • The outcome of the meeting will be reflected in the development or revision of a Family Services Agreement or a safety plan. The primary focus must always be the safety and well-being of the child(ren) and youth. A meeting is not a CFT meeting: • When a decision or plan has been made and there is no room for input from family and natural supports; • When the family (either biological or fictive) are not present; and • When the goal of the meeting is primarily information gathering, rather than case planning. While these fact-finding meetings are important and useful, they are not CFT meetings, and they may hinder the family's trust in county child welfare staff and services and ultimately negatively affect child welfare outcomes.

Child and Family Team (CFT) Meetings

Protocol -What Must Occur	Guidance – How it Should be Done
All CFTs must have a clear purpose and provide an opportunity for the family to be involved in decision-making and planning. The county child welfare worker and/or the facilitator must assure that the ideas of the family and its natural supports are considered with the same weight as those of the professionals in the room. Non-resident parents (who may or may not be non-custodial parents) must be involved in the CFT meeting unless there is a valid conflict or safety issue, and this must be clearly documented in the case record. Children and youth must be involved in the CFT meeting. Participation of the child(ren) and/or youth and/or their input to the CFT must be clearly documented in the case record. The county child welfare worker, supervisor, and facilitator (if there is one) must ensure that physical and psychological safety is not compromised by the CFT meeting process. If the county child welfare services agency determines that a CFT cannot be held safely, there must not be a CFT meeting. A facilitator, who is neither the county child welfare worker for the family nor the supervisor of that county child welfare worker, must be used in cases with a	"Family" is a term that should be defined by the members. This is especially true when working with cases where the birth parents are no longer involved. When this is the case, there should be an in-depth conversation with the child(ren) and/or youth about whom they consider as family. Knowing that the people chosen for the team are likely to sustain the child(ren) and/or youth after the agency is no longer involved, it is important to keep an open mind and be creative in finding ways to support not only the child(ren) and/or youth but also those seen as family. While parental wishes about who is invited to the CFT are to be considered and respected, it is important that the county child welfare worker be diligent in helping the family to expand the circle that will sustain them. When parents or caretakers are reluctant to hold a family meeting or invite critical participants, county child welfare workers must seek to understand the source of the reluctance and how the safety and comfort of the parents or caretakers can be achieved while still ensuring the presence of people critical to the lives of the child(ren) and youth. The child(ren)'s wishes are also to be considered. There may be times when the parent is uncomfortable with inviting someone the child(ren) may desire to have present. A balance should be found between the parents' wishes, the child(ren)'s wishes, and what is necessary to achieve the purpose of the meeting. Critical participants in addition to the family members at a CFT meeting should include but not be limited to: • Involved professional providers, • Relatives, and • Safety providers. It is not a question of whether the child(ren) and youth should be involved in the process, but rather how they should be involved in the process. While it is natural to want to protect child(ren) and youth from hearing traumatic details, they have already lived through much of what will be discussed. There are several things to consider when

Child and Family Team (CFT) Meetings

Protocol -What Must Occur	Guidance – How it Should be Done
current risk rating of high. The CFT meeting, or the decision to not hold a CFT meeting due to safety concerns, must be documented. Use of CFT meetings is a key tool that must be applied to support family engagement. If a meeting is scheduled and CFT participants have been invited, the county child welfare services agency must still hold the meeting if a decision is needed regarding a child's safety, risk, and/or wellbeing. **LACK OF PARENT/LEGAL CUSTODIAN** If a parent does not attend a scheduled CFT meeting, the meeting will not meet the criteria to be a CFT. However, the agency must still determine the level of safety and/or risk, identify options to address the safety and/or risk, and make decisions regarding the required next steps.	deciding how the child(ren) and youth will be involved in a CFT meeting. These include: • The child(ren) and youth's own wishes. • The child(ren) and youth's developmental and cognitive abilities. • If the child(ren) and youth is in counseling, the therapist should be consulted about what kind of involvement is best. Having the child(ren) and youth take part in a CFT meeting will not look the same in every meeting. Below are a few suggestions: • Full participation in the entire meeting – preferably with a support person and/or mentor; • Partial participation in the beginning or the end; • Attendance, but with little participation; some children and youth may want to be present but may not be comfortable speaking; • Participation without attendance could be achieved through a spokesperson, reading a letter they have written, recording a message or by phone; • For very young, pre-verbal children, having their picture in the room can be a powerful way to keep the meeting focused on the child. When a child and/or youth participates in a CFT meeting, it will be very important to prepare them. Use of a neutral facilitator is best practice for all CFT meetings. Below is a list of circumstances in which a facilitator might be especially helpful: • Cases in which there is conflict or volatility; • Large or complicated family systems; • Difficult issues in accessing family members due to distance, incarceration, disability, or other factors; • Strained relationships between family members and county child welfare workers; • Complex situations such as those involving multi-generational abuse, neglect, sexual abuse, substance abuse, domestic violence, or mental illness; and • Extensive cultural and language differences between the county child welfare

Child and Family Team (CFT) Meetings

Protocol -What Must Occur	Guidance – How it Should be Done

	worker and the family or within the family system.
	
	The following are some guidelines for assuring everyone's safety before, during, and after a CFT meeting:
	• Be sure the planning process for CFT meetings discusses the history of both conflict and violence with the family members prior to the meeting. Consider factors such as, but not limited to:
	  ○ Have there been any threats of harm, use of weapons, escalation or increase in frequency of the threats or conflict, or criminal involvement?
	  ○ Is there a history of mental illness?
	  ○ Is there a history of substance abuse?
	• Be sure the planning process for CFT meetings includes the question of whether there are any court-sanctioned protective orders between family members. Do not conduct a meeting that violates protective orders. It may be helpful to consult an attorney about whether a person who is the subject of a protective order may participate by phone. Cases with domestic violence or family violence may require separate CFT meetings.
	• Where there is a history of violence or a concern for potential violence, consider, but don't limit considerations to:
	  ○ Choose a safe, neutral location;
	  ○ Have support people or mentors for threatened or potentially volatile family members;
	  ○ Have some members participate through pre-meeting interviews, written statements, or conference calls;
	  ○ Arrange for a private check-in after the meeting with any vulnerable participants;
	  ○ Arrange for vulnerable family members or those in conflict with one another to arrive at and leave the meeting separately, or to be escorted by staff or security personnel; and/or
	  ○ Arrange for the presence of security and/or law enforcement.

Parent Engagement (including Non-Resident Parents) and Needs Assessment

Policy
Efforts to locate and engage all maternal and all paternal parents must occur during all phases of child welfare, unless the court has terminated parental rights.
Definitions
Birth Parent: genetic, biological, or natural parents. Residential Parent: In child welfare it is the parent with whom the child(ren) primarily resides. See Juvenile Court for definitions regarding juvenile court. Also, refer to the course "Legal Aspects of Child Welfare in North Carolina" for information regarding both NC Statute Chapter 7B and North Carolina Administrative Code 10 N.C.A.C.70A through 10 N.C.A.C.70O for the rules most relevant to child welfare. Keep in mind that definitions in North Carolina statute can vary from statute to statute, depending on the context with which the term is applied. For example, in North Carolina guardianship law, Chapter 35A, the clerk of the court will decide if the person is incompetent and requires a guardian. This is a different context of the term guardianship than what is used in juvenile court in awarding guardianship. For this reason, county child welfare workers must be careful in their use of terminology and consult with their county attorney as needed. During provision of Permanency Planning Services, Chapter 7B should be the primary statute for consideration. During provision of CPS-A or In-Home Services, county child welfare workers may need to refer to Chapter 50 regarding child custody and/or domestic violence court.

Parent Engagement (including Non-Resident Parents) and Needs Assessment

NC Statute Chapters:

Chapter Number	Title
7B	Juvenile Code
35A	Incompetency and Guardianship
48	Adoptions
50	Divorce and Alimony
50A	Uniform Child-Custody Jurisdiction and Enforcement Act (UCC JEA)
50B	Domestic Violence
110	Child Welfare – Child Care Facilities & Child Support,

The following definitions are not covered in Chapter X and the location of that definition in statute are provided only for reference.

Custodian: The person or agency that has been awarded legal custody of a juvenile by a court.
http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_7B/GS_7B-101.html

Physical Custody: The physical care and supervision of a child.
http://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_50A/GS_50A-102.html

Stepparent: An individual who is the spouse of a parent of a child, but who is not a legal parent of the child.
http://www.ncga.state.nc.us/EnactedLegislation/Statutes/PDF/BySection/Chapter_48/GS_48-1-101.pdf

Protocol	Guidance
PARENT ENGAGEMENT Both parents must be involved in all aspects of child welfare to include, but not limited to: • CFTs and PPRs, • Shared parenting meetings, • Family Time and Contact Plans,	PARENT ENGAGEMENT Successfully involving parents in case planning may be the most critical component in child welfare practice. When parents are engaged and have a significant role in case planning they are more motivated to actively commit to achieving the case plan. Engaged parents are more likely to recognize and agree with the identified needs and

Parent Engagement (including Non-Resident Parents) and Needs Assessment

Protocol	Guidance
• Safety Agreements, and • Family Services Agreements. Absent parents must be involved in the CFT meeting unless there is a valid conflict or safety issue, and this must be clearly documented in the case record. See CFT for alternate methods to involve the absent parent in case planning if it is determined that the parent cannot participate in the CFT meeting due to a conflict or safety issue. The county child welfare services agency must engage in diligent efforts to locate and contact all parents. **INITIAL AND ONGOING DETERMINATION OF FAMILY STRENGTHS AND NEEDS** The determination regarding a family's strengths and needs starts during the CPS-A and must be completed through use of SEEMAPS or an equivalent method. See 5010 instructions page 1. Ongoing services must build upon the information identified during the CPS-A to ensure that the Family Services Agreement identifies services that are appropriate to address family needs. To ensure that child welfare services are addressing family needs that impact risk, safety, and child well-being, interviews and assessments of each family member regarding the family, their concerns, and their environment,	problems to be resolved, perceive goals as relevant and attainable, and be satisfied with the planning and decision-making process. The following are principles and beliefs that support parent engagement. MRS and System of Care (SOC) principles emphasize: • Every individual has strengths and has the right to be heard without judgments being made, • Families have the most information about themselves and that information is critical for decision-making, and • The importance of the family in meeting the needs of its members. Six Family-Centered Principles of Partnership: 1. Everyone desires respect. 2. Everyone needs to be heard. 3. Everyone has strengths. 4. Judgments can wait. 5. Partners share power. 6. Partnership is a process. Underlying Beliefs of a Family-Centered Approach to Child Welfare: • Safety of the child is the first concern. • Children have the right to their family. • The family is the fundamental resource for the nurturing of children. • Parents should be supported in their efforts to care for their children. • Families are diverse and have the right to be respected for their special cultural, racial, ethnic, and religious traditions; children can flourish in different types of families. • A crisis is an opportunity for change.

Parent Engagement (including Non-Resident Parents) and Needs Assessment

Protocol	Guidance

must occur and be reviewed regularly. These assessments must include, but not be limited to, a review of:
• Household economic status;
• Family/household social network, including household make-up, relationships with extended family members, and community engagement (including faith and/or cultural community);
• Parent/caretakers' mental and/or behavioral health;
• Parent/caretakers' physical health;
• Parent/caretakers' educational, cognitive, communication, and decision-making capacity;
• Parent/caretakers' relationship status (including an assessment of any history of relationship conflict or domestic violence);
• Parent/caretakers' knowledge of child development and parenting skills;
• Trauma history for all family members;
• Parent/caretakers' substance abuse history; and
• Other household conditions, to include but not limited to:
  ○ Household physical and environmental conditions,
  ○ Household routines, and
  ○ Transportation availability.
 	
These assessments can be formal or informal but must be documented in the case file.
	• Inappropriate intervention can do harm.
	• Families who seem hopeless can grow and change.
	• Family members are our colleagues.
	
	INITIAL AND ONGOING DETERMINATION OF FAMILY MEMBER'S STRENGTHS AND NEEDS
	See DSS-5010 instructions for guidance in use of SEEMAPS. Use of SEEMAPS should not be limited to CPS-As. SEEMAPS is a tool that can utilized throughout service provision to reassess a family's/family member's needs and/or when working with a nonresident parent.
	
	Use of other tools such as Genograms or Ecomaps should be considered.
	
	ABSENT, NON-RESIDENTIAL PARENTS
	A parent that has been referred to as absent, non-custodial, or non-residential may have information regarding their child(ren). Working to develop an early partnership that includes that parent may provide an excellent foundation for them to not only become more involved in their child(ren)'s life, but also may be a resource the child(ren) can reunify with and/or be a long-term support.
	• Ask: How can the county child welfare services agency obtain the absent parent's involvement?
	• If the parents have a tenuous relationship, consider facilitating separate meetings between each parent with the foster parent.
	• If one parent is unable to travel a long distance for a meeting, consider facilitating a phone conference call or web meeting to begin developing a relationship between the parent and foster parent.
	If an absent or noncustodial/non-residential parent is not involved in the planning, ask what it would take to become involved, as well as if there are any relatives that may be a resource in supporting the child(ren).

Parent Engagement (including Non-Resident Parents) and Needs Assessment

Protocol	Guidance
	The following county child welfare worker behaviors support a collaborative relationship and increased family engagement: • Listening to and addressing issues that concern the family; • Having honest discussions about the agency's authority and how it may be used (required by CAPTA); • Sharing openly with family members what to expect, particularly regarding court and timelines; • Balancing discussions of problems and needs with the identification of strengths and resources; • Incorporating the family's terminology regarding needs (rather than the caseworker's words); • Setting goals that are mutually agreed upon and, when possible, primarily created by the family and stated in their words; • Focusing on improving family members' skills rather than providing insights; • Providing family members with choices whenever possible; • Getting a commitment from family members that they will engage in mutually identified tasks; • Spending time with the family discussing goals and progress; and • Recognizing and praising progress.
Even if a parent is incarcerated, (in-state or out-of-state), they must be contacted to determine if they can assist in identifying any strengths or needs of the family, give input on the Family Services Agreement, determine if there are any possible relatives that may be a resource in supporting the child(ren), and determine what level of involvement they can maintain, particularly around the planning for and contact with the child(ren).	To locate a parent that is in prison, contact the NC Department of Public Safety Records Office. Contact numbers and addresses for specific prisons can be found on the NC Division of Prisons website. All inmates have a case manager or social worker that can assist in contacting a prisoner.

Parent Engagement (including Non-Resident Parents) and Needs Assessment

PATERNITY

All the following information comes from Child Support Services Manual and is provided as information only. Child Support policy and Child Welfare policy (and Juvenile Court) vary on key aspects, especially in defining when paternity testing is required. When collaborating with Child Support Services, this information may be of value.

ESTABLISHING PATERNITY

If paternity has not been determined (either voluntarily or by court order) and no judicial action to establish paternity has been filed with the court, paternity testing can be initiated by agreement of the parties involved.

Testing by agreement is NOT appropriate if:

- An Affidavit of Parentage has been signed and has not been rescinded;
- A judicial action for paternity has been filed; or
- A court order of paternity has been entered.

For more information, specifically regarding establishment of paternity and paternity testing, see also CSS Paternity Policy.

PATERNITY TESTING RESULTS

These results have the following effect if ordered under N.C.G.S. § 8-50.1:

- Probability of paternity is less than eighty-five percent (85%) - The alleged father is presumed NOT to be the parent.
- Probability of paternity is between eighty-five (85%) and ninety-seven percent (97%) - The results have same weight as other evidence.
- Probability of paternity is ninety-seven percent (97%) or higher - The alleged father is presumed to be the parent.

USING PREVIOUSLY COLLECTED TEST SAMPLES

Paternity test samples and test results for individuals who are tested under the state contract that are maintained by the testing laboratory can be used in subsequent testing conducted under this contract. Rather than collecting new samples, using existing samples or results can reduce the time and cost of subsequent testing. DNA samples or results obtained for testing under the state contract can be reused for subsequent tests, including:

- New testing for the same mother/ child/ father group.
- Testing of an individual in a different mother/ child/ father group.
- Testing that was conducted by the county which requested the initial test sample.
- Testing that was conducted by a different county than the initial requesting county.

Parent Engagement (including Non-Resident Parents) and Needs Assessment

EXCLUSION OF ALLEGED FATHER

Paternity testing that results in the exclusion of a man as the biological father of a child does not constitute a legal determination of non-paternity. However, test results are evidence that the court can consider in making such a determination.

If paternity testing excludes the alleged father as the biological father of a child, the appropriate course of action is based on whether a judicial or voluntary determination of paternity has been made, a marital presumption of paternity exists, or the child has no legally responsible father.

If a judicial or voluntary determination of paternity has been entered:

- Exclusionary test results do not void that determination.
- Test results can be used as evidence in a motion or independent action to disestablish paternity.
- The paternity determination remains in effect until a court makes a ruling.

If a marital presumption of paternity exists:

- Exclusionary test results do not invalidate the presumption of paternity.
- Test results can be presented as evidence in a judicial challenge of the presumption by the legal father.
- The presumption of paternity remains in effect until a court makes a ruling.

Identifying, Locating, & Engaging Extended Family Members

Legal Basis
42 U.S. Code § 671(a)(19) provides that the state shall consider giving preference to an adult relative over a non-related caregiver when determining a placement for a child(ren), provided that the relative caregiver meets all relevant state child protection standards. 42 U.S. Code § 671(a)(19) provides that, within 30 days after the removal of a child from the custody of the parent or parents of the child, the state shall exercise due diligence to identify and provide notice to the following relatives: all adult grandparents, all parents of a sibling of the child, where such parent has legal custody of such sibling, and other adult relatives of the child (including any other adult relatives suggested by the parents), subject to exceptions due to family or domestic violence, that: a. Specifies that the child has been or is being removed from the custody of the parent or parents of the child; b. Explains the options the relative has under federal, state, and local law to participate in the care and placement of the child, including any options that may be lost by failing to respond to the notice; c. Describes the requirements to become a foster family home and the additional services and supports that are available for children placed in such a home; and d. If the state has elected the option to make kinship guardianship assistance payments, describes how the relative guardian of the child may subsequently enter into an agreement with the state to receive the payments. N.C.G.S. §7B-505, Requirements for Placement with Relatives: (b) The court shall order the department to make diligent efforts to notify relatives and other persons with legal custody of a sibling of the juvenile that the juvenile is in non-secure custody and of any hearings scheduled to occur pursuant to G.S. 7B-506, unless the court finds the notification would be contrary to the best interests of the juvenile. In placing a juvenile in non-secure custody under this section, the court shall first consider whether a relative of the juvenile is willing and able to provide proper care and supervision of the juvenile in a safe home. If the court finds that the relative is willing and able to provide proper care and supervision in a safe home, then the court shall order placement of the juvenile with the relative unless the court finds that placement with the relative would be contrary to the best interests of the juvenile. (c) If the court does not place the juvenile with a relative, the court may consider whether nonrelative kin or other persons with legal custody of a sibling of the juvenile are willing and able to provide proper care and supervision of the juvenile in a safe home. The court may order the department to notify the juvenile's state-recognized tribe of the need for non-secure custody for the purpose of locating relatives or nonrelative kin for placement. The court may order placement of the juvenile with nonrelative kin if the court finds the placement is in the juvenile's best interests.

Identifying, Locating, & Engaging Extended Family Members

Legal Basis
N.C.G.S. §7B-903 Requirements for Placement with Relatives (a1) In placing a juvenile in out-of-home care under this section, the court shall first consider whether a relative of the juvenile is willing and able to provide proper care and supervision of the juvenile in a safe home. If the court finds that the relative is willing and able to provide proper care and supervision in a safe home, then the court shall order placement of the juvenile with the relative unless the court finds that the placement is contrary to the best interests of the juvenile.

Protocol	Guidance

County child welfare agencies must make diligent efforts to identify and locate extended maternal and paternal family members as soon as a county child welfare services agency becomes involved with a child/youth and continue throughout the case.
 	
At least once a month throughout the case, county child welfare workers must inquire with parents and child(ren)ren about extended family members to include:
• Knowledge of (names, when last seen);
• Location (address, contact information);
• Contact with (telephone, Facebook, etc.); or
• Relationships (history with that relative, support that relative may be able to provide, etc.).
 	
For states to meet the requirements of IV-E federal funding for foster care and adoption assistance, states must "consider giving preference to an adult relative over a nonrelated caregiver when
	County child welfare workers should consider their beliefs on what is possible for youth through connections with extended family members. Finding extended family members encourages workers to view case planning to address safety, risk, and permanence beyond one route.
	
	Identification – Requirements to Find and Locate
	The goal of identification of an extended family member or other "kin" is to promote connections for child(ren)ren/youth and to create more options for support and planning for the family, parent(s) or child(ren). Techniques to use include:
	• Record Review: Closely review case record to identify and record names;
	• Interview all known family members, maternal and paternal, including child(ren), and fictive kin and/or close friends; and
	• Internet and social media searches:
	  ○ www.Zabasearch.com
	  ○ www.msn.com (White Pages)
	  ○ www.USSEARCH.com
	  ○ https://www.facebook.com/

Identifying, Locating, & Engaging Extended Family Members

Protocol	Guidance
determining placement for a child(ren), provided that the relative caregiver meets all relevant state child protection standards." IV-E requires states to apply due diligence to identify and provide notice to all grandparents and other adult relatives of the child(ren) regarding: • The fact that the child(ren) has been or is being removed from the custody of their parents; • The options the relative available to participate in the care and placement of the child(ren); and • The requirements to become a foster parent to the child(ren). See "Relative Notifications" in the Permanency Planning section of the NC Child Welfare manual.	**RECONNECTING WITH A RELATIVE** Consideration must be given to the impact of any new or renewed connection to an extended relative. Although this connection is in general a positive event, there may be other extenuating circumstances that should be understood, including the following: a. Families have a primary need to know what happened to "lost" relatives. While youth in foster care are not considered to be lost child(ren), the child(ren), their relatives, or individuals who had a close relationship to the child(ren) continue to have a desire to know how their loved ones are doing. A majority of youth who've been adopted report a desire to find or be found by their birth parents and/or other extended family members. b. Identification and location of extended family won't solve the psychological problems that can affect youth in foster care. Being in foster care has a life-altering effect on youth and families. The loss of connections, disruption to the life cycle, and number of transitions can be very traumatic even to resilient child(ren)/youth. Maintaining or reestablishing family connections may provide support to help youth and families heal. c. The process of locating and engaging families can open family wounds, rekindling the problems surrounding the child(ren)'s birth or removal. Numerous issues and questions may arise. It is the role of the county child welfare services agency to facilitate all contact to avoid situations involving blame, to ensure that all interaction acknowledges the youth's current situation and need for wraparound support. d. Each person, conservatively, has about 100-300 living relatives. e. Permanence for youth in care is more than a legal goal. It involves the stability and continuity of relationships that are meaningful to individuals. Permanence incorporates a sense of belonging and cultural and social connections to a child(ren)/youth's background and permanent home.

Special Legal Considerations (MEPA, ICWA, Mexican Heritage)

MULTIETHNIC PLACEMENT ACT

Policy and Definitions	Legal Basis
All state and county agencies that use federal funds must comply with the Multiethnic Placement Act (MEPA) of 1994 as amended in 1996 by the Interethnic Adoption Provisions (MEPA-IEP). The Act prohibits states or agencies that receive federal funds from delaying or denying the placement of any child for adoption or into foster care based on the race, color, or national origin of the individual, or the child involved. Therefore, failing to place a child with a prospective parent because the parent is a specific, or different race, color, or national origin from that of the child; or removing a child from a prospective parent because the parent or child is a specific race, color or national origin is a direct violation of MEPA-IEP. The Act also prohibits denying any individual the opportunity to become an adoptive or foster parent, on the basis of the race, color, or national origin of the individual, or of the child involved. Therefore, training shall be offered to all individuals in consideration of foster home licensure. Agencies are prohibited from acting on a child or parent's preference for a same race placement. Any consideration of race, color, or national origin must be done in the context of individualized needs of the child and must advance the best interest of the child, with the rationale specifically documented in the placement record. All state and county agencies using federal Title IV-E funds must comply with MEPA-IEP. This includes contract and sub-recipient child-placing agencies who receive federal funding for the placement of child in foster care.	MEPA MEPA is designed to "prevent discrimination in the placement of child(ren) in foster care and adoption on the basis of race, color, or national origin; decrease the length of time that child(ren) wait to be adopted; and facilitate the identification and recruitment of foster and adoptive parents." The best strategy for full compliance with the MEPA is a comprehensive recruitment strategy that targets the general public and also specifically targets those communities that reflect the racial and ethnic diversity of your foster care population. An agency may not rely on generalizations about the needs of child(ren) of a particular race or ethnicity, or on generalizations about the abilities of prospective parents of one race or ethnicity to care for a child(ren) of another race or ethnicity. Any violation of MEPA-IEP will be deemed a violation of Title VI of the Civil Rights Act.

Special Legal Considerations (MEPA, ICWA, Mexican Heritage)

Protocol – What you must do

MEPA-IEP PLACEMENT REQUIREMENTS (INITIAL AND PLACEMENT CHANGES)

Every agency must have a diligent recruitment and retention plan to comply with MEPA-IEP. The major thrust of MEPA-IEP's recruitment requirements is that agencies provide for the diligent recruitment of potential foster and adoptive families that reflect the ethnic and racial diversity of children in the state or county for whom foster and adoptive homes are needed. Federal guidelines specifically call for a thorough diligent recruitment and retention plan that includes both general and targeted campaigns and encompasses the following features:

- A description of the characteristics of waiting children (i.e., age, race, time in care, special needs, etc.);
- Specific strategies to reach all community members through a general media campaign such as radio, television, and print;
- Diverse methods of disseminating both general and child-specific information to targeted communities through community organizations such as churches and other religious institutions.
- Strategies for assuring that all prospective foster and adoptive families throughout the community have equitable access to the home study process, including location and hours of services that facilitate access by all members of the community.
- Strategies for training foster and adoptive staff in cultural, racial and economic diversity.
- Strategies for dealing with linguistic barriers.
- Assurance of non-discriminatory fee structures.
- Procedures ensuring a timely search for prospective parents awaiting a child, including the use of exchanges and other inter-agency efforts, provided that such procedures ensure that the placement of a child in an appropriate household is not delayed by the search for a same race or ethnic placement.

To comply with MEPA-IEP requirements, each county's diligent recruitment and retention plan must include the above-listed features. In addition, each plan must also include the following information:

- Partnerships with agencies and individuals from the communities in which foster children come from to help identify and support potential foster and adoptive families, to enhance the agency's ability to reach various populations, and to conduct activities which make waiting children more visible.
- Strategies to ensure community members have access to information about waiting children and supports that are available to foster and adoptive families.

Special Legal Considerations (MEPA, ICWA, Mexican Heritage)

INDIAN CHILD WELFARE ACT OF 1978 (ICWA)

Policy	Legal Basis
The Indian Child Welfare Act (ICWA) of 1978 established nationwide procedures for the handling of Indian child placements and authorized the establishment of Indian child and family service programs. The act requires specific actions on behalf of a child who is a member of a federally recognized Indian Tribe, Aleuts, or members of certain native Alaskan villagers. Whenever it is suspected that a child may fit into any of these populations, the procedures outlined in this Act must be followed. Nothing in ICWA is to be construed as preventing the emergency removal of an Indian child to prevent imminent physical damage or harm to that child(ren). If a county child welfare worker believes that a child(ren) is in imminent danger, the same procedures are followed as in any other emergency removal.	ICWA specifies that tribal courts have exclusive jurisdiction of child(ren) who reside on the reservation. If the child(ren) is a ward of a tribal court, but does not reside on a reservation, the jurisdiction of the case must be transferred to the tribal court. In any action leading to a foster care placement or in any termination of parental rights action affecting an American Indian child who does not reside on the reservation, the parents, guardian or custodian of the child(ren) may petition for transfer of jurisdiction to a tribal court. At any time during proceedings of a foster care placement the American Indian custodian and American Indian tribe have the right to intervene in the proceedings at any time. Tribal courts have the same authority as any state court and any decisions made by them that follow the ICWA guidelines have the effect of any other court decision. N.C.G.S. § 7B-505(c) (http://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_7B/GS_7B-505.html) was added in 2013 to provide changes to the placement of child(ren) while in non-secure custody. It enacted a new subsection to expand types of placements available to a child(ren) in non-secure custody by identifying individuals who may not be relatives but have a substantial relationship with the child(ren). These individuals are defined as “non-relative kin”. It also gives additional placement options for American Indian child(ren) who are members of a state recognized tribe by defining non-relative kin to include members of state or federally recognized tribes regardless of the relationship with the child(ren). One purpose of this change is to allow placement of child(ren) from state recognized tribes with American Indian families when in their best interest, given that state tribes are not protected by ICWA. This change also encourages these placements be made at the onset of the case and only when the placement is in the child(ren)’s best interest. The Act does not apply to a placement based on an act which, if committed by an adult would be deemed a crime (as in any situation in which a child was adjudicated delinquent and placed in foster care or a group home), or upon an award, in a divorce proceeding, of custody to one of the parents. MEPA-IEP specifically provides that it has no effect on the Indian Child Welfare Act of 1978.

Special Legal Considerations (MEPA, ICWA, Mexican Heritage)

Definitions	
Indian: An Indian is defined as any person who is a member of an Indian tribe, or who is an Alaskan Native and a member of a Regional Corporation, as defined in the Alaska Native Claims Settlement Act. Indian Child: An Indian child means any unmarried person who is under 18 and is either (a) a member of an Indian tribe; or (b) is eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe. Tribes determine their own standards for membership eligibility. Indian Tribe: Any Indian tribe, band, nation, or other organized group of Indians recognized as eligible for the services provided to Indians by the Secretary of the Interior because of their status as Indians, including any Alaskan Native villager as defined in section 3(c) of the Alaska Native Claims Settlement Act. Indian Child's Tribe: An Indian child's tribe is defined as (a) the Indian tribe in which an Indian child is a member or eligible for membership or (b) in the case of an Indian child who is a member of or eligible for membership in more than one tribe, the Indian tribe with which the Indian child has the most significant contacts. Indian Reservation: Indian country as defined in Section 1151 of Title 18, United States Code and any lands, not covered under such section, title to which is either held by the United States in trust for any Indian tribe or individual subject to a restriction by the United States against alienation. The Act applies to Indian child custody proceedings and includes: • County child welfare custody, when the parent or custodian cannot have the child returned on demand (as in Voluntary Placement Agreements), but where parental rights have not been terminated; • In termination of parental rights proceedings; • In pre-adoptive and adoptive placements; and • Proceedings regarding juvenile court assigned custody or guardianship of the person of the juvenile.	Cherokee Family Support Services is the agency of the Eastern Band of the Cherokee that handles the cases that involve the Indian Child Welfare act. If there is belief that the child(ren) is a Cherokee Indian child, the county child welfare services agency can contact Cherokee Family Support Services at P.O. Box 507 Cherokee, North Carolina 28719. They can assist in checking with the enrollment office to determine whether the child(ren) is an "Indian child." If the child(ren) is an "Indian child," then Cherokee Family Services will be the representative of the tribe that will be involved in the case. Members of other federally-recognized tribes who live and work in North Carolina are afforded the protections of this Act. The Bureau of Indian Affairs (BIA) has a listing updated each year of the appropriate tribal person to receive questions about membership and ICWA proceedings https://www.bia.gov/. The North Carolina Commission of Indian Affairs can help regarding local tribes and can also facilitate contact with tribal leadership for tribes located in other parts of the country. Many North Carolina Indians are members of state-recognized tribes: • Coharie Tribe (Harnett and Sampson Counties); • The Haliwa-Saponi Tribe (Halifax and Warren Counties); • The Lumbee Tribe of North Carolina (Hoke, Robeson and Scotland Counties); • The Meherrin Indian Tribe (Hertford County);

Special Legal Considerations (MEPA, ICWA, Mexican Heritage)

The only federally-recognized tribal grounds in North Carolina are those of the Eastern Band of the Cherokee. STATE-RECOGNIZED TRIBES While the Indian Child Welfare Act protects members of federally-recognized tribes, child(ren) in state-recognized tribes merit similar consideration. N.C.G.S. § 143B-139.5A was enacted in 2001 to support collaboration between the Division of Social Services, the NC Directors of Social Services Association, and the Commission of Indian Affairs. The goal of this legislation is to create relationships, so tribes can receive reasonable notice when Indian child(ren) are placed in county child welfare custody or for adoption, recruitment of North Carolina Indians as foster and adoptive parents can be increased, and training on Indian culture and history can be provided to county child welfare workers and foster and adoptive parents. It is important to remember that the Multi Ethnic Placement Act (MEPA), as amended in 1996 by the Interethnic Placement Provisions (MEPA-IEP) applies to the placement of Indian child(ren) who are not covered by ICWA. When considering placement for any Indian child(ren), every effort should be made to involve the tribal community in planning for the child(ren) in a setting that reflects their Indian culture.	• Occaneechi Band of Saponi Nation (Alamance and Orange Counties); • Sappony (Person County); and • Waccamaw-Siouan Development Association (Bladen and Columbus). Organizations: • The Cumberland County Association for Indian People (Fayetteville); • The Guilford Native American Association (Greensboro); • Metrolina Native American Association (Charlotte); and • Triangle Native American Society (Raleigh).

Indian Child Welfare Act of 1978

Protocol	Guidance
INDIAN CHILD WELFARE ACT (ICWA) Throughout the provision of child welfare services, including child protective services, agencies must complete the ICWA Compliance Checklist (DSS-5291) whenever a family member indicates any American Indian heritage. For all cases found to be Substantiated or Services Needed, when there is information about American Indian heritage, whether in a federally- or state-recognized tribe, one of these	INDIAN CHILD ACT (ICWA) *Having knowledge of a child's American Indian tribe membership, whether a state-recognized or federally-recognized tribe, is important for assurance of culturally competent practice, as well as for possible future placement planning.*

Special Legal Considerations (MEPA, ICWA, Mexican Heritage)

Protocol	Guidance
two forms must be completed, sent to the appropriate tribe/agency, and maintained in the file. • DSS-5335 - completed with a parent/caretaker who has indicated that he/she has heritage in an American Indian tribe. • DSS-5336 – completed when the parent/caretaker is either absent or unwilling to cooperate with the agency *and* the agency has collateral information that the child(ren) may have heritage in an American Indian tribe.	
PLACEMENT PROVIDER REQUIREMENTS (INITIAL AND PLACEMENT CHANGE) Tribal courts have exclusive jurisdiction of child(ren) who reside on the reservation. If the child(ren) is a ward of a tribal court, but does not reside on a reservation, the jurisdiction of the case must be transferred to the tribal court. ICWA Placement Notification Requirements The parents of the child(ren) must be notified of the pending proceedings. The parent, Indian custodian, and Indian tribe must be informed by registered mail, return receipt requested, of the proceedings and of their right to intervene at any point in the proceedings. The notice must include the following information: • The name of the Indian child(ren) and tribal affiliation; • Name and address of the petitioner and petitioner's attorney; • Location, mailing address, and telephone number of the court; • Statement of the right of the Indian custodian and tribe to intervene and petition for transfer to tribal court; • Statement that if the parent or Indian custodian is unable to afford counsel, the court will appoint counsel; • Statement that the parent, custodian, or tribe may request 20 days to prepare for the proceeding; • Statement of the potential legal consequences of an adjudication on future custodial rights of the parent or Indian custodian; and	In any action leading to a child(ren) entering the custody of a county child welfare services agency or in any termination of parental rights action affecting an Indian child(ren) who does not reside on the reservation, the parents, guardian, or custodian of the child(ren) may petition for transfer of jurisdiction to a tribal court. During proceedings of a Permanency Planning case, the Indian custodian and Indian tribe have the right to intervene in the proceedings at any time. Tribal courts have the same authority as any state court and any decisions made by them that follow the ICWA guidelines have the effect of any other court decision. Parents and Indian custodians have the right to a court appointed lawyer in custody proceedings whenever indigence is a factor; the court may also appoint an attorney for the child to ensure their interests are protected.

Special Legal Considerations (MEPA, ICWA, Mexican Heritage)

Protocol	Guidance
• Statement that the proceeding is confidential and should not be revealed except to authorized tribal members. If the agency is unable to locate the parent or Indian custodian or cannot determine the Indian tribe, then the agency must notify the Secretary of the Bureau of Indian Affairs (BIA) at the appropriate office by registered mail, return receipt requested, of the child(ren)'s pending court proceedings. There is no provision for service by publication. The Secretary has fifteen (15) days after receipt of this notice to inform the parent, Indian custodian, and Indian tribe of the proceedings. If ICWA requirements are not met, the tribe, Indian custodian, or parent can move to vacate the proceeding and begin again. Refer to the ICWA Compliance Checklist (DSS-5291) for more information regarding the many procedures to comply with ICWA. ICWA "Active" Efforts Requirements for Obtaining Legal Custody Though procedures for obtaining legal custody and placement responsibility of an Indian child(ren) are similar to those regarding any other child(ren), there are some major differences. All agencies must demonstrate to the court that "active" efforts were made to maintain the child(ren) in their own home. In the case of an Indian child(ren), the agency must also specifically detail what remedial efforts and rehabilitative programs were provided to the family to keep it intact and how these efforts were unsuccessful. These are efforts that consider the social and cultural conditions of the tribe and use the resources of the extended family, tribe, and Indian social service agencies. Thus, active efforts can be more extensive than reasonable efforts. In addition, the agency must prove by clear and convincing evidence that staying in the home would result in serious emotional or physical damage to the child(ren). That finding must be based on testimony from a "qualified expert witness" who is, in priority order;	Under ICWA, "parent" does not include the unwed father where paternity has not been acknowledged or established. For North Carolina proceedings, BIA notice should be sent to: Gloria York Indian Child Welfare Services BIA Regional Office 545 Marriot Drive, Suite 700 Nashville, TN 37214 (615) 564-6740 Parents have 10 days beyond the 15-day period before any proceeding can take place. However, the parent, Indian custodian, or the tribe may request and be granted up to a 20-day extension to prepare for the proceedings. The county child welfare services agency may have to ask the court to continue a 7-day or other hearing to comply with ICWA.

Special Legal Considerations (MEPA, ICWA, Mexican Heritage)

Protocol	Guidance

1. A member of the child(ren)'s tribe recognized by tribe knowledge in tribal custom,
2. A lay expert witness with substantial experience in the delivery of family services to Indians and knowledge of tribal child rearing practices, or
3. A professional person having substantial educational and experience in his specialty.
 	
ICWA Placement Provider Requirements
The placement for a child in county child welfare custody who may be eligible for the Indian Child Welfare Act must be:
• The least restrictive setting which most approximates a family and in which their special needs, if any, may be met.
• Within reasonable proximity to their home. Placement resources for the child(ren) must be based on the following preferences:
  ○ A member of the Indian child(ren)'s kinship network;
  ○ A foster home licensed, approved, or specified by the Indian child(ren)'s tribe;
  ○ An Indian foster home licensed or approved by an authorized non-Indian licensing authority; or
  ○ An institution for child(ren) approved by an Indian tribe or operated by an Indian organization which has a program suitable to meet the Indian child(ren)'s needs.
 	
Good cause to deviate from these preferences exists if:
• The parents or child(ren) "of sufficient age" so request, or
• The extraordinary needs of the child(ren) require another placement or no families meeting the preference criteria can be found after a diligent search.
	The BIA can assist in identifying a qualified expert witness, if requested to do so by a party or the court. If placement is to be made using state laws, each party to the case has the right to examine the documents filed with the court which serve as the basis of a decision by the court. In addition, the agency must demonstrate that it has offered remedial services to maintain the child(ren) with the family and that these efforts have failed.

ICWA and Use of Voluntary Placement Agreements For child(ren) that fall under the special provisions of the Indian Child Welfare Act, Voluntary Placement Agreements (DSS-1789) between the agency and parent or guardian have additional requirements. A Voluntary Placement Agreement will not be considered valid unless the agreement is:	

Special Legal Considerations (MEPA, ICWA, Mexican Heritage)

Protocol	Guidance
• Signed before a judge of competent jurisdiction and • Accompanied by a judge's certificate stating that the terms and conditions of the agreement were fully explained and understood by the parent or Indian custodian of the child(ren). The certificate must also state that the parent or Indian custodian had the agreement explained either in English or through an interpreter in a language that the parent or Indian custodian understood. Any consent given prior to or within ten (10) days of the birth of the Indian child is not valid. When a Voluntary Placement Agreement is in place at any time that the parent or Indian custodian of the child(ren) requests that the child(ren) be returned, the agency must return the child(ren). If the agency feels that the child(ren) would be harmed, it must petition the court ensuring that all the rights and duties of an agency are followed in relation to the Indian child(ren).	
<u>ICWA and Termination of Parental Rights</u> To terminate parental rights, the state court must make the same findings as previously discussed using expert testimony; the likelihood of damage must be established beyond a reasonable doubt. Absent good cause to the contrary, the child(ren) must be placed for adoption with a member of his extended family, other members of his tribe, or other Indian families.	

Special Legal Considerations (MEPA, ICWA, Mexican Heritage)

MEXICAN HERITAGE

Legal Basis
A Memorandum of Agreement was established on March 30, 2017 between the Consulate General of Mexico in North Carolina and the Government of the State of North Carolina through the Department of Health and Human Services, Division of Social Services. This agreement recognizes the significance of preserving the cultural traditions and values of child(ren) with Mexican heritage. The purpose of this agreement is to ensure that child(ren) and their families are afforded the opportunity to receive necessary services beneficial to them. The services guarantee the protection offered by the Vienna Convention, Bilateral Convention, and all other applicable treaties and laws. This agreement provides specific details for child welfare agencies when considering securing custody of a child who has Mexican heritage. It is imperative that the identification of Mexican heritage is explored throughout the longevity of the case.

Protocol	Guidance
Upon assuming legal custody of a child, county child welfare agencies must inquire as to whether the child has any Mexican parentage. Ongoing efforts to identify Mexican parentage must continue throughout the life of the case.	
NOTIFICATION TO THE MEXICAN CONSULATE County child welfare agencies must notify the Mexican Consulate in writing of the following: • When the county child welfare services agency identifies a Mexican minor in its custody; or • When a parent or custodian of the Mexican minor requests that the Mexican Consulate be notified. The written notification must be made within 10 working days of the minor entering agency custody. If the county child welfare services agency learns later that the juvenile has Mexican parentage, notification must be sent without delay to the appropriate parties. County child welfare agencies must notify the Mexican Consulate and provide additional information: • When a parent or custodian of a Mexican American minor has requested that the Consulate be notified; or	Counties should provide notice to the Mexican Consulate regarding court hearings involving Mexican minors, so the Consulate may attend these hearings.

Special Legal Considerations (MEPA, ICWA, Mexican Heritage)

Protocol	Guidance
• When the county child welfare services agency learns that a non-custodial parent(s) resides in Mexico.	
INITIAL INFORMATION TO BE PROVIDED TO THE MEXICAN CONSULATE County child welfare agencies must provide the Mexican Consulate with at least the following information, if available: • The full name of the Mexican minor(s); • The date of birth of the Mexican minor(s); • The full name of the parent(s) or custodian(s); and • A name and phone number of the county child welfare worker directly responsible for the case. As authorized, county child welfare agencies may provide the Mexican Consulate any of the information listed above pertaining to a Mexican American minor. For additional information, please refer to the Memorandum of Agreement. For information regarding the services provided by the Mexican Consulate, please refer to Services Provided by the Consulate General of Mexico and International Process Service.	

Documentation

Definitions

Documentation: Case documentation is comprised of all information in the case file. Documentation is critical in child welfare work as it establishes the basis for all decision making, including the critical decision to file a petition for removal of a child(ren) from their parent's care. Documentation includes, but is not limited to:
• Narrative (written by county child welfare worker to capture actions and activities completed)
• North Carolina child welfare forms and other forms. Examples include but are not limited to:
  ○ Intake form (DSS-1402)
  ○ Assessment (DSS-5010) with case decision
  ○ Safety Assessment (DSS-5231)
  ○ In-Home Services Home Visit Record
  ○ Risk Assessment (DSS-5230)
  ○ Family Assessment of Strengths & Needs (DSS-5229)
  ○ Family Services Agreements
  ○ Monthly Permanency Planning Contact Record (DSS-5295)
• Documents from service providers and collaterals. Examples include are but not limited to:
  ○ Criminal reports
  ○ School records
  ○ Medical records
  ○ Treatment plans
• Court reports and court orders.
 	
Case File: Includes all case documentation and provides a way to manage and organize the documentation.
 	
Narrative: The case notes written by the county child welfare worker to describe activities and actions performed on a case.

Protocol – What you must do	Guidance – How you should do it
Documentation is critical in child welfare work. Documentation, starting at the point where a report is received, must include but is not limited to: • Facts – what, when, where, etc.	**CASE FILES** The county child welfare services agency should develop a consistent organizational format to be used in all cases. A consistent, organized format allows the county child welfare worker to locate necessary information readily; helps new county child welfare workers become familiar with their assigned cases more quickly; and enables child welfare supervisors to review cases more easily.

Documentation

Protocol – What you must do	Guidance – How you should do it

• Information obtained from professionals – medical, educational, mental health information
• Family background – CPS history, criminal history, other service history
• Assessments
• Observations
• Plans – what will achieve desired change, what will reduce risk and/or address safety threat (usually in the form of a Safety Agreement or Family Services Agreement)
• Progress – what changes have occurred, what has a family accomplished, what services were effective
• Decisions and/or findings
• Summaries (for case transfer or case closing)
 	
The case documentation must provide an ongoing chronological record of activities and track every action completed during an open case to:
• Ensure safety,
• Perform ongoing monitoring of risk of maltreatment,
• Capture efforts to achieve permanence for each child, and
	Multiple copies of forms, reports, court documents, and correspondence should be removed and destroyed. Maintaining only one original copy of a document in the case record cuts down on the volume and allows for more ready access to needed information.
	
	NARRATIVE
	The case narrative identifies all actions, including the completion, receipt, or review of forms and other documentation. The information in those other forms of documentation should not be repeated in the narrative, except when specific information is cited as the basis of a decision or action taken. Following are the different types of narrative (objective, subjective, assessment and/or decision making, and planning or next steps) and what those narrative types should include.
	
	Objective Narrative
	Objective case narrative describes every aspect of each activity completed by the county child welfare worker. Most case narrative is objective narrative that includes the following:
	• Who (who participated)? Include the county child welfare worker, all family members, all professionals, family supports, and others who were a part of the action;
	• Why? What is the purpose of the action, what need, or concern will be addressed during the action, why must the action occur?
	• Where? What was the location of the action?
	• How? For interactions, state if the contact was by telephone, face-to-face, in a meeting, etc.
	• When? What was the date and other pertinent information regarding time of action?
	• What (what occurred)? Describe what occurred, including but not limited to:
	  ○ The interaction witnessed between participants,
	  ○ Capture statements word for word when appropriate,
	  ○ Describe the body language,
	  ○ Describe observed behaviors, reactions, and conditions (including tone of voice),
	  ○ Include diagnosis, treatment recommendation, or outcome from meeting or appointment,
	  ○ Describe each service task provided.

Documentation

Protocol – What you must do	Guidance – How you should do it
• Determine child well-being needs and activities to address those needs These actions include face-to-face or telephone contacts that occur at the office and in the community, completing assessments or interviewing a family member, staffing between the county child welfare worker and supervisor, performing case management tasks, and more. Documentation, including narrative, must be current within 7 days of every activity or action. Documentation must be clear, concise, and organized. **DOCUMENTATION OF DECISIONS** The case narrative regarding any case decision must concisely articulate: • What decisions were made, • Who was involved in the decision making, • What information, condition, or factors the decision was based on, and • The basis for all decisions.	The above listed questions should be captured using simple, descriptive, and nonbiased language. The "What?" portion of the narrative will often determine when the risk to a child(ren) has become significant and requires action by the county agency. Objective narrative is typically what will be used for ongoing activities, including but not limited to: • Home, school, office or community visits, • Email or telephone contacts, • Staffing with the supervisor, • Case meetings (treatment or family meetings), • Court hearings, • File review, and • Completing referrals or North Carolina child welfare forms. Example of Home Visit Documentation Don't: At the home visit with the Jones family on 10/16/16, Mr. Jones was drunk and belligerent. The children laughed at Mr. Jones as if they were used to this type of activity. Do: A home visit on 10/16/16 was performed by county child welfare worker to monitor the children's safety and Mr. Jones' compliance with alcohol treatment. At the visit were Mr. Jones, Ashley, Monica, and Jacob. When the county child welfare worker arrived at the home, Jacob answered the door and invited the worker into the home. Mr. Jones was sitting in the living room. When the worker approached Mr. Jones, she could smell alcohol on his breath and saw a bottle of beer on the table. Mr. Jones the worker why she was at the home, even though the visit was scheduled for this time, and told worker he was tired of her coming to the home. During this time, Ashley and Monica were playing a game on the floor and they looked up and laughed when Mr. Jones told worker he was tired of her ongoing visits. All three children appeared to be dressed in their school clothes (pants and short sleeve shirts). However, when asked, Jacob stated that they had not yet started to prepare food for dinner. The living room was cluttered with . . .

Documentation

Protocol – What you must do	Guidance – How you should do it
Unless this information is not captured on another document (or NCDSS form). Documentation must include information to support decisions made, including reports, other documentation, and/or county child welfare worker narrative regarding observations or interviews, and that indicates any impact on the child(ren) from the abuse and/or neglect. See Impact on Children for behaviors and conditions that may indicate maltreatment. Case narrative must indicate how a decision will be implemented if not covered in other documentation. Specifically, case narrative must identify next steps, who is responsible, and by when they must be completed, if not covered on a form or other documentation. Case documentation must include case staffing notes and decision but must NOT include information regarding county child welfare worker performance (positive or negative) that is function of supervision.	NCDSS has developed forms that can be used in place of case narrative that support both objective narrative and subjective narrative (discussed below), including but not limited to the: • Monthly In-Home Services Contact Record • Monthly Permanency Planning Contact Record Additional case narrative may be required if the above forms do not cover all aspects of the home visit/contact. If all actions are captured on the form, no additional narrative is needed. Subjective Narrative Subjective narrative captures responses from case participants about how they are feeling, how the case is progressing, how unsafe they may be feeling, etc. To assess a family member's status or change in status, the county child welfare worker should ask subjective questions and document the response. Examples include: • Describe how you feel when this occurs. • How often does this happen or how long has this been going on? • What makes it better or worse? • What helps you to feel safe? To understand family history, these subjective inquiries are often very important. This information, along with scaling questions and "what if" questions, can help county child welfare workers develop a better understanding of family circumstances. This understanding will enable the county child welfare worker to identify jointly with family members ideas to address concerns and strengths to build upon. Subjective narrative should be completed in the same manner as objective narrative, in that the county child welfare worker must capture what information was shared, where, and how. To demonstrate emotions and/or impact of the feelings, the observed body language should also be captured in the narrative. The county child welfare worker should describe communication and observations using words such as *loudly, shouting, whispering, looking at worker in the eye, eyes looking back and forth, smiling,*

Documentation

Protocol – What you must do	Guidance – How you should do it
	crying, etc. The county child welfare worker should not use words which impart the worker's feeling or opinion about the communication or observation (e.g., words such as *appeared to be happy, sad, upset*, etc.). County child welfare workers' subjective thoughts or reactions do not belong in the case narrative. Assessment and/or Decision Narrative During many interactions with a family, the county child welfare worker will have to assess the situation to determine if action is required. One of the most important aspects of the county child welfare worker's job is to monitor family situations and assess the safety and/or risk to child(ren). Assessment should be based on professional knowledge and experience, not opinion. Referring to the case example above, the worker will assess if the child(ren) are at risk in the care of Mr. Jones who appears to be under the influence of alcohol. Several factors will be considered (age and maturity of the child(ren), the presence of anyone else in the home or due home shortly, the history regarding Mr. Jones's actions when under the influence, etc.). Assessment or decision narrative is captured: • When a situation requires an immediate response and • For decisions made in meetings or during case staffing with the agency supervisor. The case narrative about a case staffing should cover what decisions were made; who was involved in the decision making; what information, condition, or factors the decision was based on; and the basis for all decisions. When decisions are made during a CFT meeting, the same information will be documented within the form used to facilitate and document the meeting; additional case narrative may not be needed. North Carolina has developed forms that can be used in place of case narrative to support assessment and decision making, including but not limited to: • Safety Assessment (DSS-5231) • Permanency Planning Review (part of the DSS-5240) • CFT Safety Planning form (pre-petition form) • Case decision portion of the Assessment Documentation tool (DSS-5010)

Documentation

Protocol – What you must do	Guidance – How you should do it
	Model Court Report forms provide a template for reporting recommendations, based on child welfare decisions, to the court. <u>Planning or Next Steps Narrative</u> Decisions not thoroughly captured in another form or document will be covered in the case narrative. For example, when the decision for a CPS-A is Services Needed, the next step will be to transfer the case for ongoing services. For the example with Mr. Jones above, if the decision was that the child(ren) could not remain in the care of Mr. Jones, next steps would be identified, and the case narrative would list those next steps, who is responsible, and by when they will be completed. North Carolina has developed forms that can be used in place of case narrative to support planning. These include but are not limited to: • Family Services Agreements for In-Home Services and Permanency Planning Services • CFT Safety Planning form (pre-petition form) • Temporary Parental Safety Agreements **<u>CASE SUMMARIES</u>** There are times when, in addition to the ongoing case documentation and/or completion of forms, a summary is required. A summary should be created for situations that include (but are not limited to) the following: • Transfer: When a case is transferring to another worker or county, except when a summary exists, and • Closing: When a case is terminated with a family, except when a summary exists. For both transfers and closings, the assessment documentation (DSS-5010) includes a case summary. Transfer summaries should include, but not be limited to: • Reason for the case opening, • Reason for transfer, • Current case participants (including nonresident parents and providers), • Current safety and risk concerns, • Strengths and needs for family members,

Documentation

Protocol – What you must do	Guidance – How you should do it
	• Status of child(ren) and family, • Status of family service agreements or safety plans, • List of upcoming appointments and meetings (who, where, when, why), and • Other pertinent information regarding the family, services, well-being, and/or cultural considerations. Closing summaries should include, but not be limited to: • Reason for case opening, • Status of child(ren) and family, specifically regarding safety and risk, • Justification for case closure (to include behaviorally specific information about how the family has stabilized and achieved case plan objectives), • Services provided during the case, and • Recommendations for ongoing services or aftercare. For Permanency Planning Services, transfer and closing summaries should also include: • Status of permanency planning, • Placement status, including strengths and/or issues, • Family Time and Contact Plan and how it is progressing, • Sibling interaction (if siblings not placed together), • Court status, and • Aftercare services, if closing the case.

NC FAST

Case narrative will be entered into NC FAST as Case Log or Case Notes. Case Notes will only be used to capture county child welfare worker input regarding activities that did NOT involve decision-making and had no impact on safety, risk, and/or well-being. Case Notes functionality was provided to capture short (typically one-line) status updates, including but not limited to:

- "Informed supervisor that worker completed follow up with service provider as agreed to during staffing" (the narrative regarding the contact with the service provider will be entered into the Case Log).
- "Received medical report on the child" (when the report is reviewed, and the information gained from the report that impacts the case decision or recommendations will be entered in the Case Log).

Human Trafficking

Policy	Legal Basis
A child who is sold, traded, or exchanged for sex or labor is an abused and neglected juvenile, regardless of the relationship between the victim and the perpetrator. Child welfare agencies must identify, document in case records, and determine appropriate services for child(ren) and youth who are believed to be, or at risk of being, victims of human trafficking. This includes child(ren) and youth for whom the agency has an open CPS-A or an open CPS In-Home Services case, but who have not been removed from the home, child(ren) who are involved with Permanency Planning, and youth who are receiving LINKS services.	Public Law 106-386 Victims of Trafficking and Violence Protection Act of 2000, Division A - Trafficking Victims' Protection Act of 2000 defines severe forms of trafficking in persons and commercial sex act and outlines U.S. Government efforts to protect victims of trafficking. Public Law 113-183 – Preventing Sex Trafficking and Strengthening Families Act includes provisions to improve identification of and assistance for child(ren) who are victims or at risk of trafficking, system response for runaways from foster care, and normalcy for youth in foster care. Public Law 114-22 – Justice for Victims of Trafficking Act amended the definition of "child abuse" under the Victims of Child Abuse Act of 1990 to include human trafficking and the production of child pornography; amended the Child Abuse Prevention and Treatment Act to require states to develop and implement protocols and procedures to identify and assess reports involving child(ren) known or suspected to be victims of human trafficking; and clarified that a child is considered to be a victim of "child abuse and neglect" and of "sexual abuse" if the child is identified by a state or local agency as being a victim of sex trafficking or victim of severe forms of trafficking in persons. N.S.G.S. §7B-101 provides the definitions of an abused or neglected juvenile to determine a county child welfare services agency's authority to intervene. N.C.G.S. Chapter 14 Article 10A Human Trafficking defines what actions by an offender equate to criminal human trafficking.

Human Trafficking

Definitions
Federal Law The Trafficking Victims Protection Act (22 U.S.C. 7102) defines "**severe forms of trafficking in persons":** • Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion or in which the person induced to perform such an act has not attained 18 years of age; or • The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services using force, fraud, or coercion for subjection to involuntary servitude, peonage, debt bondage, or slavery. "**commercial sex act"** as any sex act because of which anything of value is given to or received by any person. State Law G.S. 14-43.11 **Human Trafficking** A person commits the offense of human trafficking when that person (i) knowingly or in reckless disregard of the consequences of the action recruits, harbors, transports, provides, or obtains by any means another person with the intent that the other person be held in involuntary servitude or sexual servitude or (ii) willfully or in reckless disregard of the consequences of the action causes a minor to be held in **involuntary servitude or sexual servitude**. G.S. 14-43.10(a)(3) **Involuntary Servitude** – The term includes the following: • The performance of labor, whether for compensation, or whether or not for the satisfaction of a debt; and • By deception, coercion, or intimidation using violence or the threat of violence or by any other means of coercion or intimidation. G.S. 14-43.10(a)(5) **Sexual Servitude** – The term includes the following: • Any sexual activity as defined in G.S. 14-190.13 for which anything of value is directly or indirectly given, promised to, or received by any person, which conduct is induced or obtained by coercion or deception or which conduct is induced or obtained from a person under the age of 18 years; or • Any sexual activity as defined in G.S. 14-190.13 that is performed or provided by any person, which conduct is induced or obtained by coercion or deception or which conduct is induced or obtained from a person under the age of 18 years. G.S. 7B-101(1) **Abused Juveniles**.

Human Trafficking

Definitions
Any juvenile less than 18 years of age (i) who is found to be a minor victim of human trafficking under G.S. 14-43.15 or (ii) whose parent, guardian, custodian, or caretaker: (a.) Inflicts or allows to be inflicted upon the juvenile a serious physical injury by other than accidental means; (b.) Creates or allows to be created a substantial risk of serious physical injury to the juvenile by other than accidental means; (c.) Uses or allows to be used upon the juvenile cruel or grossly inappropriate procedures or cruel or grossly inappropriate devices to modify behavior; (d.) Commits, permits, or encourages the commission of a violation of the following laws by, with, or upon the juvenile; first degree rape, as provided in N.C.G.S. §14-27.2; rape of a child by an adult offender, as provided in N.C.G.S. §14- 27.2A; second degree rape as provided in N.C.G.S. §14-27.3; first degree sexual offense, as provided in N.C.G.S. §14-27.4; sexual offense with a child by an adult offender, as provided in N.C.G.S. §14-27.4A; second degree sexual offense, as provided in N.C.G.S. §14-27.5; intercourse and sexual offenses with certain victims; consent no defense, as provided in N.C.G.S. §14-27.31 and N.C.G.S. §14- 27.32; unlawful sale, surrender, or purchase of a minor, as provided in N.C.G.S. §14-43.14; crime against nature, as provided in N.C.G.S. §14-177; incest, as provided in N.C.G.S. §14-178 and N.C.G.S. §14-179; preparation of obscene photographs, slides, or motion pictures of the juvenile, as provided in N.C.G.S. §14-190.5; employing or permitting the juvenile to assist in a violation of the obscenity laws as provided in N.C.G.S. §14-190.6; dissemination of obscene material to the juvenile as provided in N.C.G.S. §14-190.7 and N.C.G.S. §14-190.8; displaying or disseminating material harmful to the juvenile as provided in N.C.G.S. §14-190.14 and N.C.G.S. §14-190.15; first and second degree sexual exploitation of the juvenile as provided in N.C.G.S. §14-190.16 and N.C.G.S. §14-190.17; promoting the prostitution of the juvenile as provided in N.C.G.S. §14-205.3(b); and taking indecent liberties with the juvenile, as provided in N.C.G.S. §14-202.1, regardless of the age of the parties; or (e.) Creates or allows to be created serious emotional damage to the juvenile. Serious emotional damage is evidenced by a juvenile's severe anxiety, depression, withdrawal, or aggressive behavior toward himself or others; (f.) Encourages, directs, or approves of delinquent acts involving moral turpitude committed by the juvenile; or (g.) Commits or allows to be committed an offense under N.C.G.S. §14-43.11 (human trafficking), N.C.G.S. §14-43.12 (involuntary servitude), or N.C.G.S. §14-43.13 (sexual servitude) against the child. G.S. 7B-101(15) **Neglected Juvenile.** Any juvenile less than 18 years of age (i) who is found to be a minor victim of human trafficking under G.S. 14-43.15 or (ii) whose parent, guardian, custodian, or caretaker does not provide proper care, supervision, or discipline, or who has been abandoned; or who is not provided necessary medical care; or who is not provided necessary remedial care; or who lives in an environment injurious to the juvenile's welfare; or who has been placed for care or adoption in violation of the law. In determining whether a juvenile is a neglected juvenile, it is relevant whether that juvenile lives in a home where another juvenile has died because of suspected abuse or neglect or lives in a home where another juvenile has been subjected to abuse by an adult who regularly lives in the home.

Human Trafficking

Protocol – What you must do	Guidance – How you should do it
Identifying a Victim of Human Trafficking A child(ren) who is sold, traded, or exchanged for sex or labor is an abused and neglected juvenile.	There may be times when it is not clear that a child is victim of human trafficking. County child welfare workers must be aware of the known risk factors and indicators of human trafficking. Risk factors: • History of running away or getting kicked out of home; • History of homelessness or housing instability; • History of sexual abuse; • History of physical abuse; • History of sexual offense; • History of delinquent or reckless behavior (involvement with law enforcement or juvenile justice); • History of neglect or basic needs not having been met; • History of alcohol or substance use disorder; • Current or past involvement in the child welfare system; • History of depression/mood disorder; • Exposure to domestic violence; • Family instability; • Excessive absences from school • Identifies as lesbian, gay, bisexual, or transgender (LGBT); • Has disabilities, especially intellectual disability; • Immigration status; • Poverty; • Unemployment; • Lack of transportation. Indicators: • Visible signs of abuse such as unexplained bruises, cuts, marks;

Human Trafficking

Protocol – What you must do	Guidance – How you should do it
	• Fear of person accompanying them; • Wearing new clothes of any style or getting hair or nails done with no financial means to do this independently; • Exhibits hyper-vigilance or paranoid behavior; • A young person with a tattoo which he or she is reluctant to explain; • Frequent or multiple sexually transmitted diseases, STIs, or pregnancies; • Truancy or tardiness from school; and • Unaccounted for times, vagueness concerning whereabouts, and/or defensiveness in response to questions or concerns. The following risk factors, indicators, and vulnerabilities should be considered for foreign nationals: • History of trauma, including civil unrest or prolonged community violence; • Social isolation; and • Lack of legal status (documentation). These lists may not be inclusive of all risk factors, indicators, and vulnerabilities.
Required Notifications and Verifications Within 24 hours of accepting a report with allegations involving human trafficking or when the county child welfare services agency becomes aware that a child(ren) may have been trafficked, it must: • Check the National Center for Missing and Exploited Children to see if the child(ren) or youth has been reported missing; • Check the North Carolina Center for Missing Persons to see if the child(ren) or youth has been reported missing;	

Human Trafficking

Protocol – What you must do	Guidance – How you should do it
• Check with the appropriate local law enforcement agency to see if the child(ren) or youth has been reported missing/runaway; • Notify the U.S. Department of Health and Human Services Office on Trafficking in Persons (OTIP) to facilitate the provision of interim assistance if the child(ren) is a foreign national. The county child welfare worker must contact OTIP Child Protection Specialists at childtrafficking@acf.hhs.gov or (202) 205-4582 and provide: — Child's name, age, location, and country of origin; — Location of exploitation and suspected form of trafficking; and — County child welfare worker's contact information or other preferred point of contact (e.g., the worker's supervisor). **Safety Considerations** County child welfare workers must collaborate with human trafficking victim organizations and advocates to address the unique circumstances and safety issues for child(ren) who are victims of human trafficking.	Immediate safety issues may include, but are not limited to: • Access of the trafficker to the child(ren); • Child(ren) or youth's lack of safe housing or a safe place to stay; • Safety issues in the home of the parent, guardian, custodian, or caretaker; and • Risk of child(ren) or youth running away.

Human Trafficking

Protocol – What you must do	Guidance – How you should do it
Determining and Utilizing Appropriate Resources When a county child welfare services agency has an open CPS-A, CPS In-Home Services, or Permanency Planning case where trafficking of the child(ren) is suspected or confirmed, the county child welfare worker must provide appropriate information and resources to the family. Referrals to other agencies and resources are instrumental in the identification and screening of victims and in the provision of ongoing services. These referrals must be made in accordance with the needs of the child(ren). **Role of the Parent, Guardian, Custodian, or Caretaker** In cases where the perpetrator of human trafficking is not the parent, guardian, custodian, or caretaker, the county child welfare worker must assess and address the parent's ability and/or willingness to keep the child(ren) safe.	County child welfare workers should consider the unique needs for victims of human trafficking when making decisions about: • Placement; • Healthcare; • Visibility in the community; • Visitation with family members; and • Releasing information. Appropriate information and resources may include: • National Human Trafficking Hotline Number (1-888-373-7888); • Contact information for local agencies serving survivors of human trafficking; and • Contact information for statewide agencies serving survivors of human trafficking. See list of Service Providers and Other Referrals in Human Trafficking Cases by County. The county child welfare worker should consider and/or ask questions about: • The child or youth's decision to leave home, if applicable; • Whether the parent/caretaker allowed access by the alleged perpetrator; • If there was active or passive participation in the trafficking by the parent/caretaker; • The ability of the parent/caretaker to care for the child(ren); • The ability of the parent/caretaker to prevent the child(ren) or youth from running away; and • The legal connection of any individual claiming to be a parent, relative, caregiver, or legal custodian to the child(ren). In many cases traffickers will present themselves as a parent, relative, or legal custodian.

Human Trafficking

Protocol – What you must do	Guidance – How you should do it
The report shall be documented on the CPS Structured Intake Report form DSS-1402 regardless of the residence of the individual who received the infant. The county that receives a report that an infant 7 days old or younger has been safely surrendered shall complete the DSS-1402. All requirements for the completion of the DSS-1402 shall remain the same. • The county in which the infant is located shall conduct the assessment. • The report is to be accepted as a result of the dependency allegations. The report is eligible to be assigned as a Family Assessment at the county's discretion. • If other allegations exist, the report shall be screened based on all of the allegations. • The report shall be assigned with an IMMEDIATE RESPONSE time in accordance with N.C.G.S. §7B-302(a). **CPS ASSESSMENT** The CPS Assessment of a safely surrendered infant does not alter any of the requirements to complete a CPS assessment.	

Human Trafficking

Protocol – What you must do	Guidance – How you should do it
department. **Case Decision** All required activities and Structured Decision Making forms shall be completed prior to making a case decision. Absent additional allegations, the case decision shall reflect a finding of dependency. **A. Case Decision Notice** There shall be documentation in the file indicating that the identity of the parent(s) is unknown as this was a safe surrender. **Reporting the case decision** See Appendix 1 (CPS Data Collection) in the NC Child Welfare manual.	

Enhanced Practice for Working with Special Populations

Protocol – What you must do	Guidance
INTRODUCTION The effective child protective services social worker must approach every situation with sensitivity to those physical, emotional, cultural, or environmental factors that make children more vulnerable to abuse or less able to communicate their fears. For the purposes of this section, the term "special populations" refers to children and families who are at greater risk because of these factors. The social worker has an ethical and professional responsibility to recognize their own attitudes and prejudices regarding mental and physical disability, race, culture, sexual orientation, religious beliefs, economic status, homelessness, marital status, and other highly charged beliefs. It is impossible to grow up in a culture without such beliefs. Failure to recognize one's own perspective can lead to inaccuracy in perception and, thus, to incorrect assessments. It is not the intent of this section to provide exhaustive information about each group named, nor to suggest that the identified populations are an all-inclusive listing. This section is designed to refresh the knowledge of veteran staff, to increase the awareness of newer social workers, and to provide direction for further study. Effective interviewing strategies and techniques shall be used which are appropriate to the child's developmental level. Documentation, including observations of the child, shall explain any inability to interview the child. When a child is alleged to have a medical condition, disease, or illness relevant to the allegation, the agency shall consult the medical provider treating the condition. This consultation shall be focused on determining the family's assertions about that medical condition, or there shall be justification for why this was not done. Medical and psychological resources, such as the Child Medical Evaluation Program/Child/Family Evaluation Program shall be utilized, as appropriate, in the assessment of alleged victims of neglect and/or physical, sexual, or emotional abuse. The CMEP/CFEP (DSS-5143) should be considered if the social worker has questions about any of the following issues (This list is not intended to be all inclusive. THE IMPACT OF DEVELOPMENTAL DISABILITY[3] Developmental disabilities are physical or mental conditions that become apparent before the age of twenty-two, continue throughout the individual's lifetime, and cause significant impairment in daily functioning. This term includes conditions such as mental retardation,	

3 Joann Grayson, PhD., "Child Abuse and Developmental Disabilities," Virginia Child Protection Newsletter, Volume 37, Fall, 1992.

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motor dysfunction, vision/hearing impairments, learning disabilities, communication problems, severe emotional disturbance, neurological impairments, and chronic illnesses. Accessibility and Abuse When evaluating the accessibility risk to a child with a developmental disability, the CPS social worker should not only complete the standard Structured Decision-Making tools, but also should consider the following questions: • Does the disability require increased physical contact, such as assistance with toileting or bathing? • Does the child have sufficient information about inappropriate or abusive touch to know to report maltreatment? • Is the child physically able to defend him/herself if necessary? • Does the child have access to friends or responsible adults to whom he/she could report maltreatment? Stress Factors in Parents/Caregivers of Developmentally Disabled Children While some disabled children may be at reduced risk for maltreatment despite the need for more nurturance, surveillance, and resources, most authors agree that the presence of a child with developmental disabilities increases the stress within the family unit. Considerations for the CPS social worker should include: • What is the parent's response to the disability? Parents may react with guilt, anger, ambivalence, and/or sorrow. Have the parents received support and guidance in dealing with these feelings? Is the parental relationship suffering due to the stress of caring for a disabled child? • Are adequate resources available to the family? Does the family have sufficient time and money to access these resources? Is the family willing to use these resources? • What is the impact on the non-disabled siblings? Is there inappropriate assignment of responsibilities to or lack of nurturing for the other children?	

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• Do the parents/caregivers have realistic expectations of each child? Children with lesser degrees of impairment are thought to be at higher risk for unrealistic expectations. Mildly impaired children may not be identified as disabled and their behavior may be attributed to "willfulness." Parental Vulnerabilities Parents of developmentally disabled children are likely to be at higher risk to maltreat their children if their abilities to cope are impacted by factors such as mental retardation, mental illness, substance abuse, poverty, unemployment, inadequate knowledge of or experience with child-rearing practices, and/or immaturity. CPS social workers should weigh these factors in the overall assessment of the child's safety and risk of harm and the need for services and resource development with the family. It is known that child abuse and neglect can **cause** a full range of disabilities, ranging from mild to severe. In a 1981 study, Nora Baladerian concluded that twenty-five per cent of all disabilities were caused by physical abuse or neglect. In 1991, this same researcher estimated that between 32,000 and 80,000 children become disabled each year as a result of abuse or neglect. Two limited but independent studies in 1971 indicated that eye disorders were present in forty percent of hospital samples of battered children, suggesting strongly that abuse can result in many children with visual disabilities or blindness. Whenever a disability could have been caused by maltreatment, the social worker should consider medical evaluations for the alleged victim child. Deteriorating Relationships Prolonged hospitalizations, institutionalization, frequent care giving by others, and early separations can interfere with parent-child bonding. Problems do not end after bonding. While most children outgrow their helpless and dependent behaviors, some developmentally disabled children will either be delayed in becoming capable of self-care or will never become independent. Cultural Attitudes that Allow or Encourage Maltreatment Historically, our society has treated disabled children as if their disability desensitized them to physical or emotional pain. A significant portion of our institutionalized population consists of individuals with disabilities, suggesting a societal attitude that these individuals are not harmed by institutionalization. Barriers to Identification of children who are disabled that are subjected to abuse, neglect and/or dependency are:	

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• Children with disabilities are more likely to be seen as unreliable reporters of abuse or neglect.
• The client may not be able to communicate the facts in detail.
• Symptoms of the disability may mask maltreatment; e.g.:
  • The child may be self-abusive.
  • The child may be prone to accidental injury.
  • The child may have poor judgment or impulse control and may act out inappropriately.
• The disability may require increased touching for routine care, making identification of inappropriate touch difficult.
• The child may be more vulnerable to attention from the perpetrator due to cognitive impairments or emotional deprivation.
• The child may be socially isolated and may not know whom to tell.
• The child may not have received appropriate training in sex education or prevention and may not be aware that a problem exists.
 	
ISSUES RELATED TO MENTAL RETARDATION
 	
A mentally retarded child will be delayed in the mental and emotional maturation process. Depending on the level of retardation, the child may have difficulty communicating about maltreatment. The social worker will need to use interviewing techniques appropriate to the mental age of the child and his/her interests. The skilled use of anatomically correct dolls, drawings, and other techniques that do not require verbal skills may be useful in the assessment process. The interviewer must exercise extreme caution not to suggest that any particular "answer" is sought in response to a question. The interviewer should be aware of assumptions he or she may make based on the physical age of the mentally retarded child. A physically mature, mentally delayed child may have normal sexual responses combined with the judgment and insight of a much younger child.
A mentally retarded caregiver/parent cannot be assumed to be incapable of offering minimally sufficient care. The assessment of maltreatment must be based on the action or inaction of the caregiver/parent, as it is in any other situation.	

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ISSUES RELATED TO MOTOR IMPAIRMENTS Any disability which necessitates increased physical contact, which limits the child's ability to defend him/herself, which limits a child's social contact outside the living situation, and/or which increases the child's dependency on the caregiver for survival is a disability that increases the child's risk for maltreatment. Reports involving children whose physical disabilities limit self-mobility must be investigated with these aspects in mind. If routine care requires touching of the genitals, the child may have difficulty differentiating between acceptable and non-acceptable touch. If a child's physical disability is perceived to be the result of action or inaction by the parent/caregiver, that child may be a painful reminder to that parent or caregiver of their feelings of guilt. Intervention plans should include consideration of the parent/caregiver's acceptance of the child and his/her disability. ISSUES RELATED TO SENSORY DISABILITY A hearing-impaired child or family member may require a licensed interpreter and or visual aids to communicate about the maltreatment. The interpreter, if used for court, should be acceptable to the court and must be able to interpret effectively, accurately, and impartially. The North Carolina Interpreter and Transliterator Licensure Act (N.C.G.S. § 90D) requires that the interpreter provided must be licensed to interpret. If a child is not able to communicate due to unfamiliarity with standard sign language, the regional office for the hearing impaired will have a list of individuals who are familiar with local "home signs" and who can assist with interpretation. For information about obtaining interpreter services, contact Carlotta Dixon with the Division of Social Services at 919-733-9461 or carlotta.dixon@dhhs.nc.gov. A vision-impaired child may not be able to relay information that relies on visual cues. Appropriate interview techniques will take the child's perceptual abilities into consideration. ISSUES RELATED TO LEARNING DISABILITIES Children with learning disabilities frequently display a variety of problems that parents/caregivers may interpret as willfulness, disobedience, or laziness. Such children may be more likely to be subjected to over discipline. Children with learning disabilities or attention deficit disorder frequently have at least normal intellectual ability. Parents and caregivers may have difficulty resolving their awareness of the child's abilities and his or her poor performance.	

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If a child has been diagnosed with learning disabilities, it is important for the social worker to assess the parent/caregiver's understanding of and response to the disability. Often a parent or caregiver can use effective means of helping the child by reinforcing methods used in the classroom. In assessing the strengths of the family, it is important for the social worker to determine the areas in which the child is successful by his/her own standards. In these areas, the child may provide information regarding interests and learning abilities that can be tapped for constructive planning. This can be done by reviewing the child's Individualized Education Plan (IEP), talking with the child's therapist, teacher and other school staff who may have knowledge about the child's learning abilities. ISSUES RELATED TO SEVERE EMOTIONAL DISTURBANCE AND MENTAL ILLNESS Emotional disturbance frequently results from maltreatment, but some disturbances are early manifestations of genetically transmitted or drug-enhanced mental illness. Children who are classified as developmentally disabled as a result of emotional disturbance or mental illness have usually displayed behavior that is well beyond acceptable norms. Atypical emotional or behavioral conditions likely to be included in this category would be: • Delay or abnormality in achieving expected emotional milestones, such as pleasurable interest in adults and peers, ability to communicate emotional needs, and ability to tolerate frustration; • Persistent failure to initiate or respond to most social interactions; • Fearfulness or other distress that does not respond to comforting by caregivers; • Indiscriminate social interactions; and • Self-injurious or excessively aggressive behaviors. Emotionally and mentally disturbed children are at higher risk of maltreatment because of the unpredictability of their responses to the environment. This may increase the frustration of the caregiver or parent and may lead to abuse or neglect.	

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IMPLICATIONS OF CHRONIC ILLNESS
 	
• A severe chronic illness is defined as a condition that lasts for a substantial period of time or that has effects that are debilitating for a long period of time. Typically, a chronic illness interferes with daily functioning for greater than three months a year or is likely to require hospitalization for more than one month a year. Examples include:
 	
  • Congenital heart disease;
  • Short bowel syndrome;
  • Chronic renal failure;
  • Juvenile rheumatoid arthritis;
  • Leukemia;
  • Bronchopulmonary dysplasia (BPD);
  • Acquired Immune Deficiency Syndrome (AIDS); or
  • Hepatitis.
 	
Severe chronic illness increases the stress in the family due to financial and emotional costs, de-emphasis of other issues that may impact the family, separations that interfere with family bonding and resentment. These stresses may be taken out on the child in the form of neglect, abandonment, physical, emotional, or sexual abuse.	

Safe Surrender

Protocol – What you must do	Guidance
INTRODUCTION / LEGAL BASIS During the 2001 legislative session, the Infant Homicide Prevention Act was passed (H275 [SL 2001-291]). This act decriminalized the abandonment of an infant who is less than seven days old under certain circumstances and modified some of the procedures when conducting CPS assessments. Safe Surrender allows an overwhelmed mother to surrender her newborn to a responsible adult and walk away without fear of criminal prosecution. Safe surrender is legal, provided that the infant is 7 days old or less and unharmed. Conducting the assessment of a safely surrendered child entails using the same System of Care principles that have been discussed throughout this manual. A website dedicated to information regarding Safe Surrender can be found at **https://www.ncdhhs.gov/assistance/pregnancy-services/safe-surrender** **A. Legal Basis** N.C.G.S. § 14-322.3 states: When a parent abandons an infant less than seven days of age by voluntarily delivering the infant as provided in N.C.G.S. § 7B-500(b) or N.C.G.S. § 7B-500(d) and does not express an intent to return for the infant, that parent shall not be prosecuted under N.C.G.S. § 14-322 or N.C.G.S. § 14-322.1. N.C.G.S. § 7B-500 (b) (d) identifies the individuals that may take an infant into temporary custody without a court order and what actions must be taken. Subsection (b) states that the following individuals shall, without a court order, take into temporary custody any infant under seven days of age that is voluntarily delivered to the individual by the infant's parent who does not express intent to return for the infant: **(1)** A health care provider who is on duty or at a hospital or at a local or district health department or at a nonprofit community health center.	

Safe Surrender

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(2) A law enforcement officer who is on duty or at a police station or sheriff's department. **(3)** A social services worker who is on duty or at a local department of social services. **(4)** A certified emergency medical service worker who is on duty or at a fire or emergency medical services station. Subsection (d) indicates that any adult may, without a court order, take into temporary custody an infant under seven days of age that is voluntarily delivered to the individual by the infant's parent who does not express intent to return for the infant. Any individual who takes an infant into temporary custody under this section shall perform any act necessary to protect the physical health and well-being of the infant and shall immediately notify the department of social services or a local law enforcement agency. An individual who takes an infant into temporary custody under this subsection may inquire as to the parents' identities and as to any relevant medical history, but the parent is not required to provide the information. The individual shall notify the parent that the parent is not required to provide the information. This act impacts CPS assessments through the modification of N.C.G.S. § 7B302(a) as follows: When the report alleges abandonment, the director shall immediately initiate an assessment, take appropriate steps to assume temporary custody of the juvenile, and take appropriate steps to secure an order for non-secure custody of the juvenile. When the report alleges abandonment, the assessment shall include a request from the director to law enforcement officials to investigate through the North Carolina Center for Missing Persons and other national and State resources whether the juvenile is a missing child. All information received by the department of social services, including the identity of the reporter, shall be held in strictest confidence by the agency. **SPECIAL CONSIDERATIONS IN INTAKE / SCREENING** The report shall be documented on the CPS Structured Intake Report form DSS-1402 regardless of the residence of the individual who received the infant.	

Safe Surrender

Protocol – What you must do	Guidance
The county that receives a report that an infant 7 days old or younger has been safely surrendered shall complete the DSS-1402. All requirements for the completion of the DSS-1402 shall remain the same. • The county in which the infant is located shall conduct the assessment. • The report is to be accepted as a result of the dependency allegations. The report is eligible to be assigned as a Family Assessment at the county's discretion. • If other allegations exist the report shall be screened based on all of the allegations. • The report shall be assigned with an IMMEDIATE RESPONSE time in accordance with N.C.G.S. §7B-302(a). **CPS ASSESSMENT** The CPS Assessment of a safely surrendered infant does not alter any of the requirements to complete a CPS assessment. **Case Decision** All required activities and Structured Decision-Making forms shall be completed prior to making a case decision. Absent additional allegations, the case decision shall reflect a finding of dependency. **A. Case Decision Notice** There shall be documentation in the file indicating that the identity of the parent(s) is unknown as this was a safe surrender. **Reporting the case decision** See Appendix 1 (CPS Data Collection) in the NC Child Welfare manual.	

The Impact of Cultural Diversity

Introduction and Definitions
Introduction The field of child protective services is being challenged to respond with knowledge and sensitivity to individuals from a wide diversity of cultural backgrounds. In North Carolina, children's services caseloads represent the diversity of the state. This population is enriched with significant representation of Native Americans and a variety of ethnic and cultural groups from Asia, the Middle East, Central and Latin America, and Europe. Each culture brings its own values, customs, beliefs and language. North Carolina Department of Health and Human Service's Division of Social Services (NC DHHS | DSS) remains committed to the safety, permanence and wellbeing needs of children and families, while ensuring the rights of children, biological parents, foster and adoptive parents are protected as outlined in the Multiethnic Placement Act (MEPA) and the Interethnic Provisions (IEP) of 1996 relating to the race, color, or national origin of the child and/or family involved. **Definitions** **Culture** is described as "languages, customs, beliefs, rules, arts, knowledge and collective identities and memories developed by members of all social groups that make their social environments meaningful." **Race** is a social construct reflective of the physical characteristics of individuals. While **ethnicity** represents the shared characteristics of individuals which may include "ancestry, language or culture." Child welfare professionals should engage children and families mindful of cultural implications which makes each individual unique. Maintaining levels of **equality**, (treating everyone the same) compared to **equity** (different levels of engagement in efforts of achieving fairness with regards to individual conditions) may be a challenge for child welfare professionals but can be mitigated by increased knowledge development which result in behavioral indicators representative of culturally competent social work practices. **Discrimination,** biased treatment of individuals based on race, color or national origin, is in direct violation to the Multiethnic Placement Act (MEPA) and the Interethnic Provisions (IEP) and social work practices. **Cultural competence** involves the ability to "understand, communicate and effectively interact with people across cultures." Child welfare professionals in North Carolina will demonstrate culturally competent practices when engaging with children and families. *Citation: Center for the Study of Social Policy. (2019). Key Equity Terms & Concepts: A glossary for shared understanding. https://cssp.org/wp-content/uploads/2019/09/Key-Equity-Terms-and-Concepts-vol1.pdf)* Personal and systemic biases may negatively impact outcomes for children and families involved with the system.

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- **Explicit biases** refer to conscious beliefs and thoughts.
- **Implicit biases** reflect "subconscious feelings, attitudes and stereotypes that affect our understanding, actions and decision-making processions in an unconscious manner."

Both explicit and implicit biases can have detrimental implications for the children and families involved with child welfare. Biases may influence initiation of legal proceedings, length of stay in foster care, consideration of kinship placements and other inequitable expectations for families. Child welfare professional should be aware and evaluate how their personal and systemic biases may negatively impact the children and families being served.

Citation: National Council of Juvenile and Family Court Judges, State Justice Institute and National Juvenile Defender Center (2018). Addressing Bias in Delinquency and Child Welfare Systems. https://njdc.info/wp-content/uploads/2018/07/Addressing-Bias-Bench-Card-1.pdf)

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Agency Assessment: The Cultural Competence Continuum **Cultural competence** is a set of congruent behaviors, attitudes, and policies that come together in a system, agency, or profession and enable effective work in cross-cultural situations. Cultural competence can be viewed as a goal toward which agencies can strive. Along the continuum there are many points of development. Six of these points are identified as follows: • **Cultural destructiveness.** Extreme examples would include cultural genocide; dehumanization or sub humanization of client groups; and/or bigotry, which allows the dominant group to disenfranchise, control, exploit, or systematically destroy the minority population. Cultural destructiveness can be subtle as well as overt. • **Cultural incapacity.** This system or agency lacks the capacity to help minority clients or communities; the system is biased, believes in the superiority of the dominant group, and is paternalistic toward the "lesser" races. Such agencies may act	**Cultural Competence Model** North Carolina is committed to providing equitable and inclusive services to children and families interacting with the child welfare system. Cognitive skill development and structured behavioral indicators provide opportunities to increase knowledge and skill development of inclusive practices. Cognitive skill development involves understanding and comprehension of how families are to be treated. Behavioral indicators provide structural mechanisms to demonstrate understanding of inclusivity and diversity.

Cultural Competence Model of Child Welfare Services in North Carolina	
Cognitive Understanding Increasing knowledge for child welfare professionals	**Behavioral Indicators** Structural mechanisms demonstrative of understanding
• *Building Cultural Safety* curriculum required for all child welfare staff • Inclusion of cultural awareness competencies in all required state trainings	• Language Telephone Services, translators, and interpreters, as requested by family • Promotion of inclusive and diverse workforce

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as agents of oppression by enforcing racist policies and maintaining stereotypes. Characteristics of these agencies include discriminatory hiring practices, subtle messages to people of color that they are not valued or welcomed, and generally lower expectations of minority clients. • **Cultural blindness.** The culturally blind agency provides services with the expressed philosophy of being "unbiased." These agencies typically act as if helping approaches used by the dominant society are universally applicable. Such services tend to be useless to all but the most assimilated people of color and ignore the richness of cultural diversity. Ethnocentrism is reflected in attitude, policy, and practice despite the agency's liberal self-assessment. • **Cultural pre-competence**. These agencies recognize their deficiencies and make genuine efforts toward cultural competency by hiring minority staff, by recruiting minority members for boards and advisory committees; by exploring how to reach minority populations in their service area, and by initiating training for their staff in cultural sensitivity. Agencies at this point are prone to premature senses of accomplishment or failure. • **Basic cultural competence.** Culturally competent agencies are characterized by acceptance and respect for difference, continuing self-assessment regarding culture, careful attention to the dynamics of difference, continuous expansion of cultural knowledge and resources, and the provision of a variety of service models in order to better meet the needs of minority populations. This agency works to hire unbiased employees, seeks advice and consultation from the minority	• Regional Child Welfare Consultants continue monitoring, technical assistance and support of local county agencies to increase knowledge and competence of county staff. • Stakeholder engagement to increase knowledge base. Youth and family voices are represented through stakeholder partnerships.	• Structural decision-making tools to minimize potential biases • Use of Child and Family Team meetings to increase family participation and informal supports in decision making

Citation: Calzada, E. and Suarez-Balcazar, Y. (2014). Enhancing Cultural Competence in Social Service Agencies: A Promising Approach to Serving Diverse Children and Families. OPRE. Washington, DC. https://www.acf.hhs.gov/sites/default/files/opre/brief_enhancing_cultural_competence_final_022114.pdf

community, and actively decides what it is and is not capable of providing to minority clients.

- **Advanced cultural competence.** The most positive end of the scale is represented in the agency that holds culture in high esteem, that adds to the knowledge base of culturally competent practice through research and experimentation that seeks out staff who are specialists in culturally competent practice. (The preceding discussion was included in a pilot training program for cultural competence prepared for the People of Color Leadership Institute of the Northwest Indian Child Welfare Association, Inc. in Portland, Oregon in June 1992.)

Achieving Cultural Competence

Five essential elements contribute to the process of a system, institution, or agency becoming more culturally competent. They are:

- The agency learns to value and seek out diversity;
- The agency conducts ongoing cultural self-assessments, recognizing the impact of culture on the system's philosophy and practice;
- The agency understands the dynamics of cross-cultural difference, anticipating and planning for the misinterpretation and misjudgment which occurs normally in such interchanges;
- The agency incorporates cultural knowledge into service delivery; and

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- The agency constantly adapts to diversity, helping to create a better "fit" between the needs of the community and the services available through the agency.

Agency Assessment of and Response to Cultural Diversity

In March of 1990, the Child Welfare League of America, through its Task Force on Cultural Competence, made recommendations identifying the best methods and practices for responding to cultural diversity. These recommendations, with some of the practical implications for social workers in child protective services, are:

- Expanding the knowledge about the ethnic composition of the child welfare system.

Each county should take the initiative to determine the degree of ethnic diversity of the county population as well as the current caseload, in order to determine what cultural knowledge and practice sensitivity should be developed within the agency.

- Developing techniques for raising sensitivity to the issues of ethnicity and culture in child welfare policy and practice.

Some of the issues to be considered should include: the availability of trained interpreters for clients who are not fluent in the English language; differences in child-rearing practices which fall into the "gray area" of abuse/neglect laws; cultural practices which are not harmful to the child but which may be misinterpreted; identification of trusted leaders and culturally acceptable resources within the minority population; and the cultural acceptability of resources and assistance from the DSS. Cultural-specific knowledge should also include an understanding of community expectations of appropriate childrearing practices, the community's view of child development

and children's ability to handle responsibility, and the community's views of the roles of "family."

- Designing mechanisms to encourage agency administrators and practitioners to improve their capacity to manage and serve culturally diverse clients.

Both staff and administrators need to attend workshops and training sessions designed to increase cultural competence, and to share the learning from such events with staff that are unable to participate.

- Planning strategies for increasing the participation of minorities in the decision-making process within child welfare agencies.

In addition to striving for cultural diversity in hiring practices, agencies can also encourage the involvement of individuals from significantly represented populations on community child protection teams, boards of social services, the Guardian Ad Litem program, and advisory committees. The community can serve as a resource to financially strapped agencies by providing volunteer interpreters. Such interpreters require training regarding confidentiality.

Guidelines for Social Work Practice

If a person assumes that his or her world view is the best, right, or the "only" one, s/he is **ethnocentric. Ethnocentrism** prevents us from understanding others, can cause us to communicate disrespect, will interfere with our ability to communicate effectively with those of differing values, and will prevent our learning from the experiences and successes of other cultures. At the other extreme, if we accept all behavior which is condoned within a culture or subculture, we may overlook maltreatment. We need to develop our abilities to assess cultural beliefs and practices based on the function of that belief or

practice: cultural traits have validity if they serve a function of survival, enhance social integration and organization, and promote the individual and collective well-being of group members (CWLA, Child Protective Services: A Training Curriculum, Volume 1, p.99-109).

Abuse, neglect and dependency are still as they are legally defined but the response is one that is educational rather than accusatory. For example, though a family may feel a particular discipline is useful at home, educate the family that it is against the law and direct them to try something more appropriate. Some of the areas of social work practice which are particularly vulnerable to cultural insensitivity are:

- The Development of the Casework Relationship
  - Many minority cultural groups do not trust "white" institutions.
  - Miscommunication and misinterpretation of culturally defined behavior is likely. If the client and social worker are not fluent in the same language, trained interpreters will be needed to facilitate communication. Qualified interpreters who follow agency policy regarding confidentiality are critically important to the CPS process.
  - Unintentional disrespect may be shown by ignorance of "social rules", such as using direct eye contact or addressing the client by his or her first name.
  - Casework decisions may exclude persons in traditional positions of influence.
  - People typically do not trust someone who is different.

- The Assessment of Abuse/Neglect/Dependency

- The social worker may misjudge the presence or degree of maltreatment if client behavior is viewed outside the cultural norms of the majority.
- Assessment of safety and of risk of harm to the child must occur within the context of culture if it is to have meaning.
- In cases of extreme poverty, some behaviors may be unfortunate but necessary to the survival of the family; e.g., the handling of significant responsibility by young children.

- The Assessment of Client Skills, Strengths, and Dysfunction

  Traits should be measured by their usefulness in a specific cultural context. To determine skills, strengths, and dysfunction without such consideration is to invite inaccuracy.

- A trait that may not appear to be a strength to a social worker may represent significant adaptation on the part of the client.
  - A client's behavior may reflect balancing of the expectations of two cultures.
  - A behavior that is dysfunctional in one culture may be functional in another.
  - A client's perception of the value of a trait is defined by his or her culture.
  - A social worker may not recognize the value of a client's behavior if it is viewed out of context.
- Special Considerations Regarding Sexual Orientation

  Several studies have indicated that gay and lesbian teens are three times more likely than heterosexual teens to attempt suicide, due to conflicts about sexual orientation. Gay and lesbian youth often face ostracism and harassment from

family, peers, and social institutions if they are open about their sexual orientation. Those who choose to deny or hide their sexual preferences may experience self-hatred. Families who learn that their children are homosexual react in numerous ways, from acceptance to abandonment or abuse. Many runaway children have left home because of their sexual orientation and have become easy targets for exploitation.

It is unlikely that social workers who investigate cases of abuse, neglect, or dependency would be initially informed that a family conflict involved a child's sexual orientation. Such disclosure will require a high degree of social worker sensitivity to the possibility of the issue.

- The Provision of Services
  - A social worker can anticipate problems when clients are provided services that are not compatible with their values or standards. Additionally, social workers may be dealing with conflicting values within the family unit.
  - Intervention plans should reflect culturally appropriate means of handling problems by linking clients with resources in the cultural community.
  - A social worker can ease the distrust of agencies by referring clients to helping persons within resource agencies, rather than to the agency itself.

Issues in Alternate Care

- Foster and adoptive care placements will be more stressful if the placement resource does not have understanding of cultural differences. Social workers must be knowledgeable

about such issues in order to make the best use of resources and to prepare caregivers for expected behaviors. • Awareness of cultural representation in the client population is critical to the recruitment of culturally diverse placement resources. States are required to recruit foster homes that reflect the characteristics of children needing placement. However, placement cannot be denied nor delayed simply on the basis of race or culture but must be based on the individual strengths and needs of the child and placement provider.[2] • Cultural sensitivity in foster and adoptive families helps to break down ethnocentrism in the community. **Additional Resources:** The United States Department of Health and Human Services provides additional resources to maintain a culturally competent child welfare workforce. *Protection from Discrimination in Child Welfare Activity* resource guides can be accessed at https://www.hhs.gov/civil-rights/for-individuals/special-topics/adoption/index.html.	

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When a child is a member of a homeless family, the social worker is sometimes confronted with the responsibility for determining whether or not a homeless child is being abused or neglected or is dependent. In this situation, it is critical to determine whether or not a child's basic needs are being met, whether or not the parent is able to reasonably protect the child from harm, and whether or not temporary care with relatives, kin or others might help the parent to locate employment and permanent housing. Assessment of Abuse/Neglect of Homeless Families • Does the child have living arrangements that are reasonably safe and sanitary, or is the environment clearly injurious due to illicit activities, physical endangerment, and/or unhealthful conditions? • Does the child have reasonable outlets for appropriate socialization with peers? • Does the child have untreated medical problems? • Is the school-aged child enrolled in school? • Does the family have access to minimal sanitary facilities, including working toilets, bathing facilities, and laundry facilities? • Is the child under age twelve supervised by a responsible adult? Are responsible adults available in the event of an emergency? • Does the child indicate emotional or physical damage resulting directly or indirectly from homelessness? • Are alternate, stable living arrangements readily available to the child? • Could this situation meet minimum standards of care with available community resources? If so, is the parent/caregiver willing to enroll the child in these resources? Could the worker and family collaborate with Work First to address the family's issues?	

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Prenatal Exposure North Carolina child protective services laws do not address abuse or neglect of the unborn child. The definition of a juvenile includes unemancipated children from birth to eighteen years. However, federal law requires reports of children born with a positive toxicology for illegal substances must be accepted for CPS assessment to develop a protection plan. While the prenatal drug exposure does not constitute neglect per se, the DSS has a responsibility to assure that the living environment will not be injurious to the newborn. Some of the issues to be considered during the assessment, as well as during the provision of CPS In-Home Services, are: • Are other children living in the home? Are siblings well cared for? Are immunizations current? Do siblings attend school on a regular basis? • What is the infant's medical condition? Are there special care needs? How medically fragile is the child? To what extent is the child irritable or lethargic? Is there special equipment or medication needs? • What medical follow-up is needed for the child? Does the child need to be tested for HIV? • What is the parent's pattern and history of drug use? What drug(s) were taken? How often? Is either parent using drugs now? What is the method of use? Are other household members suspected to be involved in drug activity? Is there a history of violence within the household? • What is the parent's history of drug treatment? Is the mother in treatment now? Is she considered to be compliant with treatment? • Does the parent have physical, intellectual, or emotional problems that would impact his or her ability to care for the child? • Does the parent exhibit appropriate parenting skills and seem responsive to the infant's needs? Did the mother have prenatal care? Are her expectations and perceptions realistic? • What is the parent's age and school/work history?	

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• Have there been previous allegations of abuse, neglect, or dependency? • What supports are available? Are there responsible family members or friends who can assist the parent in caring for the child? Does the parent have established supports within the community; i.e., church or community group? • What are the environmental conditions of the home? Is the home clean? Are utilities working? Are there safety hazards? Is there evidence of preparation for the infant's arrival? Research suggests that at least eleven percent of babies born in this country have been prenatally exposed to illegal drugs. The overall rate of drug use by pregnant women does not seem to be significantly related to social class, income, or ethnicity. Addictive Drugs and Alcohol and the Impact on Abusive and Neglectful Behavior The continued use of addictive drugs and alcohol by the parent places the child at increased risk for neglect, abuse, and dependency. Users may display poor judgment due to their decreased ability to evaluate the reality of their situation. They may not be conscious that they are neglecting their children's needs. They may be focused on their own desire for more drugs or alcohol while placing the needs of the child at a lower priority. Alcohol and drug use decrease self-control and frequently lead to violence in the environment. If the use of these substances results in intoxication, the child may be left without effective supervision for extended periods of time. **CPS In-Home Services** Breaking a drug addiction is difficult. Denial and relapses are common. Structure and accountability are essential. Therefore, **use** the Structured Decision-Making tools and the Family Services Agreements **throughout the life of the case.** Be sure to address the need for medical care appointments, access and cooperation with health care resources, participation in drug treatment, routine drug screens, and visitation planning if the child is placed out of the home. Whenever working with a child and family, address the child wellbeing issues.	

Responding to Reports of Methamphetamine Exposure

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North Carolina continues to be confronted with methamphetamine (sometimes shortened as "meth") problems that are unmatched by other illegal drugs in the past. Recognizing that there are other drugs that are produced in laboratories, due to the extreme volatility and dangers, methamphetamine production poses to North Carolina communities, this policy section focuses on methamphetamine laboratories. Methamphetamine is a synthetic narcotic that is inexpensive and easy to make with ingredients that are relatively easy to obtain (although on January 15, 2006, the North Carolina General Assembly passed one of the toughest laws in the country restricting the sales of cold medicines that contain pseudoephedrine, a primary precursor ingredient in methamphetamine production). The chemicals, production process and the waste generated by the production of methamphetamine in laboratories pose very serious dangers to public safety and to the environment. Some of these dangers include toxic poisoning, chemical and thermal burns, fires and explosions. During the production of methamphetamine (known as "cooking" or "the cook") one pound of methamphetamine can generally yield five to seven pounds of toxic waste with this waste being introduced into the environment by burning or dumping. These laboratories continue to pose very real dangers to the communities in which they are located. The majority of methamphetamine laboratories discovered have been located in the western part of the state. However, since 2001 there has been a gradual progression in the number of discovered laboratories eastward across the state. In 1999, there were only nine confirmed methamphetamine laboratories in North Carolina. That number rose to 16 in 2000 (a 78% increase), 34 in 2001 (a 113% increase from the previous year), 98 in 2002 (a 188% increase from the previous year) and 177 in 2003. That is a 1,867% increase in the number of laboratories discovered within a four-year period and clearly underscores the increase of public awareness in the dangers of methamphetamine production in North Carolina. During the 1999–2003 timeframe, as the number of confirmed laboratories continued to grow, North Carolina also witnessed an increase in the size of the laboratories that were raided. "Super labs" are laboratories that produce ten or more pounds of methamphetamine at a time. Nationally, children have been found in approximately 25-30% percent of raided laboratories. The children who live in and around methamphetamine laboratories have a high risk of harm due to their developmental nature, the abuse and neglect that their parents/caretakers and others who frequent the home inflict on them and their inability to protect themselves. The children in these homes are also exposed to serious toxicities and dangers that could have long-term effects on their health and development. The long-term effects of child exposure to methamphetamine production continues to be an area of intense study. Representatives from several county and state agencies came together as a work group to address the issues of methamphetamine laboratories and safety for the children and the professionals that respond to these sites. The North Carolina Division of Social Services has taken the lead in writing policy and protocol with the help of this work group. Due to the safety risks to children, county child welfare agency staff responding to these situations, and the communities in which these laboratories are located, it is imperative that	

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guidelines and procedures for responding to methamphetamine laboratories are in place. It is also very important that everyone have clear role definitions in regard to responding to a methamphetamine laboratory site that involves children. The North Carolina General Assembly appropriated funding for policy development and training for county child welfare workers. Because of the seriousness of the situation, the 2003 legislative session, the General Assembly passed House Bill 1510 and House Bill 1536 that imposes stiffer penalties for possession of precursor substances and manufacturing methamphetamine in the presence of a person under the age of 18. **Purpose** Responding to a suspected methamphetamine laboratory where children are involved requires a coordinated approach involving a multidisciplinary team to ensure everyone's safety. Those who make methamphetamine most often use methamphetamine, making them prone to aggression, extreme paranoia, visual and tactile hallucinations, depression, irritability, and "crashes." These side effects make the user's behavior unpredictable. Methamphetamine is a powerful stimulant and produces physiological changes similar to the "fight or flight response" and, thus, can trigger violent tendencies in the users. Methamphetamine users have been known to use weapons, explosives, traps and surveillance equipment to protect and keep their operations secret. The purpose of a multidisciplinary protocol is to provide local professionals with specific procedures for response to situations where there are drug-endangered children because of methamphetamine laboratories or other drug production, trafficking and abuse. The Division strongly recommends that Memoranda of Agreement or Memoranda of Understanding among these local multidisciplinary teams be developed, reviewed and updated regularly (i.e., annually) to formalize roles and relationships at the local level. Implementing a Drug Endangered Children (DEC) protocol that has been developed with local community requirements ensures that children who may be at risk for exposure to methamphetamine production and the risks inherently found in methamphetamine laboratories receive protection, advocacy and support. This protocol also ensures that law enforcement investigations provide the best opportunity for prosecution, while ensuring the safety of local professionals (social workers, first responders, etc.). This policy is designed to outline the process for county child welfare agency responses to methamphetamine laboratories when children are involved, as well as provide guidance around developing the local multidisciplinary protocol. While the dangerous nature of responding to methamphetamine laboratories requires some very different responses by county child welfare agencies (responses that may seem contrary to the usual practices in child welfare), many of the usual policies and procedures that apply across child welfare will remain the same. In the following policy, special attention will focus on the unusual requirements in responding to methamphetamine laboratories, while referring to the existing child welfare policy when appropriate.	

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Intake **Report from Law Enforcement** If a county child welfare agency receives a Child Protective Services (CPS) report from law enforcement of children living in or present where the methamphetamine laboratory was located or were otherwise endangered by exposure to the drug, its ingredients, its by-products or waste, the basic identifying information and household composition shall be documented. County child welfare staff shall follow instructions outlined in Intake in the NC Child Welfare manual for screening criteria when there are additional allegations. A two-level review is required for all CPS reports. If the referral comes from law enforcement, it should be considered a confirmed methamphetamine laboratory. It would be exceptionally rare that a referral with these allegations would not be accepted for CPS Assessment. A decision not to assess children exposed to a confirmed methamphetamine laboratory would require significant justification and adequate documentation of that decision. The CPS Intake worker shall also gather other specific information from law enforcement relating to methamphetamine laboratories to include, but not limited to: • What time is the raid planned? • Where are the children now? • At the time of the planned raid? • Is there a briefing meeting planned? If so, where and when? • Has the first responders' team been contacted? • Has there been prior law enforcement involvement with this family? County child welfare agencies should be aware that their local law enforcement may be in contact with other appropriate law enforcement agencies including the Drug Enforcement Agency (DEA) certified officer and/or the State Bureau of Investigations (SBI). If the report only alleges exposure to a methamphetamine laboratory and there are no other allegations, the report should be screened in as Injurious Environment. All reports of children being exposed to suspected or confirmed methamphetamine laboratories will be accepted as an Investigative Assessment.	

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Referrals alleging only parent or caretaker methamphetamine use may be accepted as a Family Assessment. Facilitating an immediate medical assessment may include gathering the children's medical history, and transporting the children and the parent (not involved in the methamphetamine production), the Temporary Safety Provider, kinship care placement, or placement provider to the primary physician's office, health department, or hospital, if ambulance transportation is not required. The county child welfare worker should gather health and medical information for the child beginning at the initial contact. If the child(ren) need to enter nonsecure custody this information should be used to complete the Child Health Status Component (DSS-5243). County child welfare staff should be aware that this examination may take several hours, and the children may need to be fed. Therefore, the county child welfare worker should arrive at the scene prepared with baby formula, snacks, money for food and/or vending machines, etc. based on the age of the children involved. Pampers, baby wipes, etc. may also need to be readily available for use by the county child welfare worker. The children shall be assessed by a physician for any immediate health or safety concerns. The physician shall screen the children for drug and chemical exposure to receive any necessary treatment and gather evidence. This screening may include, but is not limited to, obtaining a urine sample within 2 hours but no later than 4 hours; taking the children's vital signs; liver and kidney functioning tests; baseline electrolytes; CBC; pediatric physical exam; etc. Any test run for forensic purposes must follow the chain of evidence procedures required by law enforcement. When requesting laboratory results regarding the levels of methamphetamine in children, the county child welfare worker should remind laboratory staff that any evidence of methamphetamine (even trace amounts) should be reported. Industrial levels should not be used in evaluating children's exposure to methamphetamine. Please refer to the Drug Endangered Children Protocol: Initial Medical Assessment (DSS-5256) for the form to be completed by the physician during the medical assessment. Be aware that if the county child welfare agency does not hold custody, the county child welfare worker cannot give permission or sign for medical treatment for the children. If a parent/caretaker is not available to give consent for the required medical evaluation, then the parent must give the Temporary Safety Provider consent to sign for medical treatment. This consent for medical treatment and evaluation can be added to the Safety Assessment with the parents/caretakers' signatures. NCGS § 90-21.1 gives physicians the authority to treat minors without the parent's permission in certain situations. If the parents/caretakers refuse to give the Temporary Safety Provider consent, the county child welfare agency may file a petition to ask the court's permission for medical treatment or file a juvenile petition requesting a nonsecure custody order for the child. If necessary, the county child welfare agency staff may assume temporary custody of the children under NCGS § 7B-500 and NCGS § 7B-501. If legal	

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custody is assumed, the county child welfare worker(s) shall complete all necessary legal paperwork and file the juvenile petition requesting nonsecure custody as needed (for additional information on this process, please refer to Juvenile Court. When the children are removed from the laboratory site, none of their belongings may be removed from the home and taken with them to their new setting. The only exception to this can be any necessary medication or medical equipment that can be decontaminated by wiping off with soap and hot water. The county child welfare agency may consider having items such as bottles, blankets, teddy bears, pacifiers, diapers, snacks, juices, formula, children's books, toys, toothbrushes, hairbrushes, pajamas, and other necessary clothing in all sizes, etc. available to replace some of the children's belongings. The county child welfare agency may also consider having shoe protectors, latex gloves, and disposable wipes available for the county child welfare workers' safety. If media arrives at the scene, county child welfare agency staff should be mindful of the children and their exposure to the cameras and reporters. If possible, the children should be protected from media exposure. The county child welfare worker(s) shall also be responsible for initiating a CPS Assessment according to policy and locating safe housing for the children. Locating safe housing may include completing a North Carolina Safety Assessment (DSS-5231) with the parents at the scene of the laboratory or in the jail and an Kinship Care Initial Assessment (DSS-5203) on the home of a Temporary Safety Provider. The agency may also assume legal custody and place the children in a licensed placement or with a kinship care provider after the completion of an Initial Provider Assessment (DSS-5203). If children are found at a property that has been used for the production of methamphetamines, the children must not be permitted to remain at, or return to that property, prior to its decontamination. NCGS § 130A-284, effective January 1, 2005, states: "For the protection of the public health, the Commission shall adopt rules establishing decontamination standards to ensure that certain property is reasonably safe for habitation. An owner, lessee, operator or other person in control of a residence or place of business or any structure appurtenant to a residence or place of business, and who has knowledge that the property has been used for the manufacture of methamphetamine, shall comply with these rules. The contaminated property shall not be occupied prior to decontamination of the property in accordance with these rules." County child welfare agency staff shall provide the person assuming care of the children with a description of what the child has been exposed to, any medical treatment the child has received, any follow up appointments the child has, instructions for avoiding contamination; observing the child for symptoms that require medical care, and the name and number of whom to call if the he or she	

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has concerns. Refer to the Drug Endangered Children Protocol: Placement Guidelines (DSS-5257) for additional information and for a form that provides the placement provider with all necessary information. If there is not a confirmed laboratory on the property, the county child welfare worker(s) shall continue with the CPS Assessment based on any other allegations of abuse, neglect, and/or dependency that may have been alleged in the referral. **Children NOT Found in the Presence of a Methamphetamine Laboratory at the Time of First Contact** If the children are not in the home at the time of the initial contact, the county child welfare worker(s) will locate them and assess their health, safety, and well-being. The children may not need to be decontaminated if they have been out of the home for 72 hours, but they will need to be examined by their physician. If the children are at school, the risk is minimal that they may have contaminated other children or school personnel because most of the chemicals dissipate in the air once the child is out of the area where the laboratory is located **Ongoing CPS Assessment** The county child welfare agency shall work in close partnership with local law enforcement and the local district attorney's office to make a decision regarding any criminal charges filed. The county child welfare agency shall assist with this process by sharing any pertinent information and testifying in court, if necessary. Within 48 hours of the children staying with a Temporary Safety Provider, a kinship care provider, or a licensed foster care provider, the county child welfare worker(s) shall make contact with the children and caregiver to determine how the children are doing, if there are any medical follow-up needs, if a referral to Children's Developmental Services Agency (CDSA) for an early intervention evaluation, or if a referral to the Local Management Entity (LME) for a mental health assessment is needed. This timeframe is necessary because of assuring any medical needs are met and because at this time the effects of long-term exposure to methamphetamine are unknown. Any necessary evaluations shall be scheduled as quickly as possible to ascertain and obtain the appropriate services needed for the children. The county child welfare worker(s) shall coordinate a joint interview of the children with law enforcement at a child friendly site within 48 hours, if not completed at the initial contact. At the initial contact, the children's medical evaluation and needs take priority. This timeframe is necessary to assure that the children are interviewed quickly and to gather as much information as is needed to make an informed decision regarding abuse, neglect, and/or dependency.	

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The county child welfare worker(s) shall ensure that any necessary follow up medical care is received and may refer the children for a Child Medical Evaluation (CME) for a more thorough forensic examination. A developmental screening shall take place at this examination. If the initial urine screen was negative for methamphetamine, the county child welfare agency may consider having a hair sample taken to determine any levels of methamphetamine the child(ren) may have. This examination shall be scheduled within 30 days of the initial evaluation, although the actual examination may take place later than 30 days. The county child welfare worker(s) shall continue with the protocol for completing a CPS Assessment. **Case Decision** The county child welfare worker(s) shall complete the North Carolina Structured Decision-Making Tools to assist in making the case decision and staff the case with the supervisor/team once the CPS Assessment is complete. All allegations, whether contained in the original report or uncovered during the course of the CPS Assessment, shall be documented in the case record. All information gathered during the fact-finding process shall be incorporated into one case decision and one Child Protective Services Report to Central Registry (DSS-5104) for Non-NCFAST counties. **Social Worker Safety** Seventy-five percent of methamphetamine laboratories that have been discovered in North Carolina have been “stumbled upon.” These laboratories are most dangerous when in operation. County child welfare staff are strongly advised, if they enter a home for any reason and discover strong indications of a methamphetamine laboratory, to leave immediately and report to his or her supervisor and local law enforcement agency. County child welfare staff should not confront the parent/caretaker about the suspicions. If a methamphetamine laboratory is discovered, the county child welfare worker will return with appropriate law enforcement officers to address the allegations of the methamphetamine laboratory with the parents/caretakers. It is also important to understand that a “cook” that is interrupted is extremely dangerous and volatile. The process needs to be completed in order to avoid an explosion or fire. The county child welfare worker should never use sense of touch or smell to try to identify chemicals or unknown substances. If after being in the home or laboratory site, the county child welfare worker begins to have headaches, burning eyes, difficulty breathing, etc. medical attention should be sought immediately. The county child welfare worker may also have been exposed to	

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chemicals or toxins that could contaminate others. This contamination may not be obvious, so some precautions are necessary. They should place any clothes worn at the lab site into a plastic bag until they can be washed. The clothes should be washed separately on the hottest setting and rewashed a second time. The clothes should be allowed to air dry outside the home--not in the dryer. The washer should be run once empty to clean it thoroughly. Shoes should be washed with the clothes if possible or wiped clean with soap and hot water. The county child welfare worker should bathe in very warm, but not hot water and use lots of soap. They should wash completely including hair, face, between toes and other hard to reach places. The tub should be drained and the county child welfare worker should take a second bath to remove any residual chemical. The tub should be drained and cleaned thoroughly afterwards. **Placement Provider Preparation and Safety** It is imperative that providers are given as much information concerning the child's exposure, any medical treatment the child(ren) has received and any follow up appointments the child(ren) will need to attend. If the child is in the legal custody of the county child welfare agency, the county child welfare worker will need to provide the kinship care placement or foster parent with the Child Health Status Component (DSS5243) at the time of placement. The provider also needs to be provided information about decontamination for reassurance regarding the risk of contamination and what symptoms to look for in the child. Some contamination may not be obvious, and some precautions may be necessary. If necessary, the providers should follow the same decontamination procedures as those listed above for county child welfare workers. The county child welfare worker and licensing worker should reassure the placement provider that the risk of exposure is minimal since the child either has been decontaminated or has been assessed to not need decontamination. Because some effects of chemical exposure can develop slowly, the provider should seek immediate medical attention if he or she notices a child who has been exposed to methamphetamine production experiencing: • Headache • Drowsiness • Unusual movements like tremors, shaking, jumpiness, agitation or seizures • Difficulty breathing, wheezing, coughing or poor color • Fever • Hallucinations or mental confusions • Any other unusual symptom that seems severe	

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It is also likely that the circumstances of the discovery of the illegal methamphetamine laboratory and removal have been traumatic for the child. In addition, the child(ren) may have been subjected to neglect, physical abuse, or sexual abuse, in addition to being exposed to methamphetamine use/production. It is important for the provider to ensure that the child has a warm, stable environment and to understand the emotional reactions that may follow. Developing Local Multidisciplinary Protocol for Responding to Methamphetamine Laboratories Suggested Members • County Child Welfare Agencies • Law Enforcement • Local Fire Departments / Fire Marshal / Emergency Management • Emergency Medical Services (EMS) • Foster Parents / Foster Parent Association • Child Medical / Mental Health Evaluation Program • Guardian ad Litem (GAL) • School System • Child Advocates • Early Intervention • County Manager / Commissioners • Local Health Department Staff • Others • Environmental Health / Physicians / Nurses / Hospital Staff • District Attorney's Office • District Court Judges • Local Management Entity Staff / Mental Health and Substance Abuse Providers • Media • Juvenile Court Counselors • Housing and Urban Development (HUD) • Domestic Violence Shelters • County / DSS Attorney • Children's Developmental Services Agency (CDSA)	

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Collaboration Collaboration is an open and shared decision-making process. Those who collaborate draw upon the strengths, abilities, and resources of each member of the group. The county child welfare agencies have legal responsibility for assessing all allegations of child maltreatment. With the numerous dangers that methamphetamine production poses to children found in laboratories and the dangers involved for the professionals responding to these sites, it is imperative that county child welfare agencies work very closely with law enforcement and other service providers to ensure the safety of the children and themselves. Protocol Review After each episode of a methamphetamine laboratory discovery, the local DEC group should meet no later than 30 days to debrief, review, learn from each event, and adjust the protocol as needed. The following forms are suggested to obtain feedback from everyone involved in the protocol: • Drug Endangered Children Protocol Feedback Form: Law Enforcement (DSS-5260), • Drug Endangered Children Protocol Feedback Form: Social Worker (DSS-5261), • Drug Endangered Children Protocol Feedback Form: Health Care Provider (DSS-5262), • Drug Endangered Children Protocol Feedback Form: Foster Care Provider (DSS-5263). The protocol should be a living, breathing document and continue to change and improve over time. **Suggested Training and other References** Training Offered by the North Carolina State Bureau of Investigation includes Drug Endangered Children presented by the Clandestine Laboratory Unit Coordinator. Contact the State Bureau of Investigation at (704) 948-3660 for training information. Training offered by the Division of Social Services includes Legal Aspects of Child Welfare in North Carolina which is mandatory for all child welfare staff (including supervisors) employed in a county child welfare agency within the first year of employment. Therefore, it is recommended for employees with less than one year of child welfare experience. The prerequisite for this training is Child Welfare in North Carolina (or completion of other required pre-service training required based upon date of employment and functional responsibilities).	

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Medical Aspects of Child Abuse and Neglect for Non-Medical Professionals is mandatory for all child welfare staff (including supervisors) employed in a county child welfare agency within the first year of employment. Therefore, it is recommended for employees with less than one year of child welfare experience. The prerequisite for this training is Child Welfare in North Carolina (or completion of other required pre-service training required based upon date of employment and functional responsibilities). CPS Assessments in Child Welfare Services is a course that is mandatory for county child welfare workers employed in a county child welfare agency who will be performing CPS Assessment functions within the first year of assuming those responsibilities. Training topics include: CPS Assessment policy found in Assessments in the NC Child Welfare manual, how to have a conversation for change using strengths-based and solution-focused interviewing skills with parents, children, and collaterals, recommended formats for initial and follow-up home visits, structured decision-making tools, frontloading services, switching tracks, cultural competency, and case documentation. CPS Assessments in Child Welfare Services provides in-depth, skill-based training for new workers and offers a variety of tools for more experienced workers. Introduction to Substance Abuse for Child Welfare Services is a specialized curriculum recommended for Child Welfare and Work First staff employed at a county child welfare agency who work with children and families affected by alcohol and other drug abuse. This course is also open to any other worker who works with families in a county child welfare agency and individuals or agencies contracting with a county child welfare agency to provide child welfare services. This training has no prerequisite and is a two-day curriculum that will cover basic information on substance abuse and dependence, its impact on children, appropriate treatments, and effective child welfare intervention strategies. Family and Children's Resource Program, part of The Jordan Institute for Families at the UNC-Chapel Hill School of Social Work developed this curriculum. Drug Endangered Children: Advanced Substance Abuse Practice is recommended for Child Welfare and Work First workers and supervisors in a county child welfare agency. It is also open to any other worker who works with families in a county child welfare agency, and individuals or agencies contracting with a county child welfare agency to provide child welfare services. Best practices from the child welfare field on effective ways to intervene with families and for the safety of children and workers are covered. Drug-Endangered Children: Advanced Substance Abuse Practice was developed by Family and Children's Resource Program, part of Jordan Institute for Families at UNCCH School of Social Work. The prerequisite for this course is Introduction to Substance Abuse for Child Welfare Services AND one of the two following courses: • Methamphetamine: What a Social Worker Needs to Know OR Responding to Families and Communities Impacted by Methamphetamine.	

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• Methamphetamine: What a Social Worker Needs to Know is recommended for all child welfare staff and Work First staff employed in a county child welfare agency. It is recommended for employees prior to working with families involved with methamphetamines. This course is also open to any other worker who works with families in a county child welfare agency, and individuals or agencies involved in the response to methamphetamine laboratories or agencies contracting with a county child welfare agency to provide child welfare services. This training is a self-paced online course designed to familiarize the participant with the signs of methamphetamine use and production and the hazards posed to communities, families, and children. The information in this on-line course is divided into four modules (an Orientation Module, and three Learning Modules). Participants will have about 4-6 hours of online work to be completed at their own pace focusing on the history of methamphetamine and its impact on the human body. Videos within the Learning Modules will illustrate how methamphetamine is a danger not only to the user but also to others especially during its production and distribution. Participants will also learn the impact methamphetamine production has on communities, how to identify laboratories and manufacturing equipment, and the policies North Carolina has adopted to ensure the safety of both families involved with methamphetamine, as well as the workers who encounter these laboratories in the process of protecting children. Methamphetamine: What a Social Worker Needs to Know was developed by Family and Children's Resource Program, part of Jordan Institute for Families at UNC-CH School of Social Work. **On-Line References** https://www.nij.gov/Pages/welcome.aspx http://www.samhsa.gov/ http://www.nida.nih.gov/ http://www.matrixinstitute.org North Carolina General Assembly 2003 Session Senate Bill 1054 North Carolina General Assembly 2003 Session North Carolina General Assembly 2003 House Bill 1536 House Bill 1510	

END OF CROSS FUNCTION TOPICS