

CPS Administrative Policy

Table of Contents

Description	Page
<u>County and State Processes</u>	2
<u>Legal Basis</u>	2
<u>Request for Review of a Decision</u>	6
<u>Intake Screening Decision</u>	6
<u>Case Decision</u>	6
<u>Request for Review of a Case</u>	6
<u>County Conflict of Interest Escalation</u>	7
<u>State DSS Request for Local County Child Welfare Records</u>	7
Prevention Services pursuant to the Family First Prevention Services Act (FFPSA)	9
<u>Service Description and Oversight</u>	9
Evaluation Strategy and Waiver Request	10
<u>Monitoring and Safety</u>	10
<u>Consultation and Coordination</u>	11
<u>Child Welfare Workforce Support</u>	11
<u>Child Welfare Workforce Training</u>	11
<u>Prevention Caseloads</u>	12
<u>Assurance on Prevention Programming</u>	12
<u>Child and Family Eligibility for the Title IV-E Prevention Program</u>	13

CPS Administrative Policy

County and State Processes

Legal Basis

§ 7B-302. Assessment by director; military affiliation; access to confidential information; notification of person making the report.

(f) Within five working days after receipt of the report of abuse, neglect, or dependency, the director shall give written notice to the person making the report, unless requested by that person not to give notice, as to whether the report was accepted for assessment, the basis for that decision, and whether the report was referred to the appropriate State or local law enforcement agency. In the event the director decides not to accept the report for an assessment, the person making the report shall be informed in writing of the procedures necessary to request a review by the Division of the director's decision. A request for review shall be made within five working days of receipt of the written notification. The Division shall review the director's decision within five working days of receiving a request for review and may affirm the decision or direct the department to initiate an assessment of the report. Nothing in this section shall prevent the person making the report from requesting a review by the director of the department and from the director conducting such a review.

(g) 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 to whether there is a finding of abuse, neglect, or dependency, whether the county department of social services is taking action to protect the juvenile, and what action it is taking, including whether or not a petition was filed. The person making the report shall be informed of procedures necessary to request a review by the prosecutor or Division of the director's decision not to file a petition. A request for review by the prosecutor or Division shall be made within five working days of receipt of the second notification. The second notification shall include notice that, if the person making the report is not satisfied with the director's decision, the person may request review of the decision by the prosecutor or Division within five working days of receipt. The person making the report may waive the person's right to this notification, and no notification is required if the person making the report does not identify himself to the director.

§ 7B-302.1. Conflicts of interest.

(a) A conflict of interest shall exist when the reported abuse, neglect, or dependency involves any of the following:

- (1) An employee of the county department of social services.
- (2) A [relative](#) of an employee of the child welfare division of the county department of social services.
- (3) A [relative](#) of an employee of the county department of social services outside of the child welfare division when, in the professional judgment of the director, the county department of social services has a conflict of interest.
- (4) A foster parent supervised by the county department of social services.
- (5) The county manager, an assistant county manager, a member of the Board of County Commissioners, or a member of the county's governing board for social services, as defined in G.S. 108A-1.

CPS Administrative Policy

(6) A caretaker in a sole-source contract group home.

(7) A juvenile's parent, guardian, custodian, or caretaker who has been determined to be an incompetent adult and subject to guardianship under Chapter 35A of the General Statutes and is a ward, as defined in G.S. 35A-1101, of that county department of social services.

(8) A juvenile in the custody of the department who is also a parent or caretaker.

(9) A juvenile who is subject to a new report of abuse or neglect arising from events that occurred while in the custody of the department.

(10) A perceived conflict of interest that is identified through the professional judgment of the director of the county department of social services.

(b) The director of the county department of social services that receives the report where the conflict exists shall request that another county department conduct the assessment. The director shall notify the Division of the conflict of interest and the county that accepted the report for assessment.

(c) If the director makes requests of two or more other counties, and if no other county is willing or able to accept the case for assessment, then the county director where the conflict exists shall notify the Division. The Division shall evaluate the conflict and make the following determinations:

(1) The Division shall evaluate the conflict and determine whether the county with the conflict is able to manage the case by implementing measures to sufficiently obviate the conflict.

(2) If the Division determines the conflict cannot be managed in the county that receives the report, the Division shall appoint another county department that shall assume management of the case. The county with the conflict of interest bears the financial responsibility of the case unless otherwise agreed upon by the counties involved in the conflict of interest.

(d) The county department of social services with the conflict of interest shall inform, in writing, the parent, guardian, custodian, or caretaker of the conflict and the county that assumes the management of the case. The written notice shall include the contact information for the constituent concern line at the Division.

(e) If the county department of social services has a conflict of interest at the time of the report or any time while managing the case and the county department of social services does not refer the case to another county, a parent, guardian, custodian, caretaker, juvenile, or their representative may seek to have the case transferred to another county by contacting the constituent concern line at the Division, and the Division shall apply this section."

CPS Administrative Policy

§ 7B-305. Request for review by prosecutor or Division.

The person making the report shall have five working days, from receipt of the decision of the director of the department of social services not to petition the court, to notify the prosecutor or constituent concern line at the Division that the person is requesting a review. The prosecutor entity receiving the request for review shall notify the person making the report and the director of the time and place for the review, and the director shall immediately transmit to the prosecutor entity receiving the request a copy of a summary of the assessment. Nothing precludes the person making a report from requesting a review from both the prosecutor and the Division.

§ 7B-306. Review by prosecutor or Division.

(a) The prosecutor or Division, respectively, receiving the request for review shall conduct the review. Within two business days of receiving a request for review, the reviewing entity shall notify the other entity that a request for review has been made. The other entity may also conduct a review. Reviews may be conducted as an independent or shared review and the entities may consult with one another as part of a review. The reviewing entity shall review the director's determination that a petition should not be filed within 20 days after receipt of a request for review made in accordance with G.S. 7B-305. The review shall include conferences with the person making the report, the protective services worker, the juvenile, if practicable, and other persons known to have pertinent information about the juvenile or the juvenile's family.

(b) At the conclusion of the review, a reviewing entity may take any of the following actions:

- (1) Affirm the decision made by the director.
- (2) Request the appropriate local law enforcement agency to investigate the allegations.
- (3) Direct the director to file a petition. If both entities conduct a review and either entity directs that a petition be filed, the director shall file a petition. The Division may also direct the director to take a specific action to provide protective services.

§ 7B-308 Authority of Medical Professionals in Abuse Cases.

(b) Immediately upon receipt of judicial authority to retain custody, the physician, the administrator, or that person's designee shall so notify the director of social services for the county in which the facility is located. The director shall treat this notification as a report of suspected abuse and shall immediately begin an assessment of the case.

- (2) In all cases except those described in subdivision (1) above, the director shall conduct the assessment and may initiate juvenile proceedings and take all other steps authorized by the regular provisions of this Subchapter. If the director decides not to file a petition, the physician, the administrator, or that person's designee may ask the prosecutor or Division to review this decision according to the provisions of G.S. 7B-305 and G.S. 7B-306.

CPS Administrative Policy

§ 7B-403 Receipt of reports; filing of petition.

(b) A decision of the director of social services not to file a report as a petition shall be reviewed by the prosecutor if review is requested or Division pursuant to G.S. 7B-306.

Policy

Request for Review of a Decision

(1) Intake Screening Decision Escalation:

For all reporter notification letters on screened out reports, the local county child welfare agency must include information and timeframe for the reporter to request a formal review by NC DHHS.

North Carolina Department of Health and Human Services Child Welfare Constituent Concerns Line
919-527-6340
dsswebrequestschildwelfare@dhhs.nc.gov

The reporters request for a review must be made within 5 working days of physical receipt of the notification letter. NC DHHS must review the County Director's decision and provide written notice within 5 working days of the request to affirm the decision or direct the local agency to initiate an assessment using the review date as the report date. If the local agency is directed to screen in the report, a new notification letter will be generated and sent to the reporter.

(2) Case Decision Escalation:

For all case decision letters, the local county child welfare agency must include information and timeframe for the reporter to request a formal review by either NC DHHS or the local prosecutor.

North Carolina Department of Health and Human Services Child Welfare Constituent Concerns Line
919-527-6340
dsswebrequestschildwelfare@dhhs.nc.gov

The reporter's request for review must be made within 5 working days of receipt of the notification letter. If the request is for NC DHHS to conduct the review, NC DHHS must:

(A) Notify the prosecutor within 2 days of the request for review.

(B) Notify the County Director of the time/place of the review. *The local county must provide records immediately.

CPS Administrative Policy

- (C) Complete the review within 20 days of receipt and include conferences with the reporter, the CPS social worker, the juvenile (if possible) and any other people known to have pertinent information about the juvenile and family.

At the conclusion of the review the following actions can occur:

- (A) Affirm the decision made by the Director.
- (B) Request the appropriate local law enforcement agency to investigate the allegations.
- (C) Direct the Director to file a petition. *If both entities (Prosecutor or NC DHHS) conduct a review and either entity directs that a petition be filed, the Director must file a petition.
- (D) NC DHHS may also direct the Director to take specific action to provide protective services.

Request for Review of a Case

A request for a review of a child welfare case may be initiated by NC DHHS (e.x. Regional Consultant, Fatality Review, OSRI), the local county agency, or a Constituent Concern. The process to review is closely aligned with case decision review requests. If the request is for NC DHHS to conduct the review, NC DHHS must:

- (A) Notify the prosecutor and Director of the local agency within 2 days of the request for review.
- (B) Notify the County Director of the time/place of the review. *The local county must provide records for the completed assessment case immediately.
- (C) Complete the review within 20 days of receipt and include conferences with the reporter, the CPS social worker, the juvenile (if possible) and any other people known to have pertinent information about the juvenile and family.

At the conclusion of the review the following actions can occur:

- (A) Affirm the decision made by the Director.
- (B) Request the appropriate local law enforcement agency to investigate the allegations.
- (C) Direct the Director to file a petition.
*If both entities (Prosecutor or NC DHHS) conduct a review and either entity directs that a petition be filed, the Director must file a petition.
- (D) NC DHHS may also direct the Director to take specific action to provide protective services.

County Conflict of Interest Escalation

Once the Director identifies a conflict of interest (COI) they must notify the appropriate Regional Child Welfare Specialist (RCWS) and contact no fewer than 2 neighboring local county child welfare agencies about receipt of the COI. If the COI is accepted by another local county child welfare agency, the Director will notify the RCWS. If the information provided in the report is urgent and requires an immediate response by the local county child welfare agency receiving the report, the COI escalation process should be secondary to ensuring the immediate safety of children. See "Conflict of Interest" section in the [Cross Function Manual](#) for more information.

CPS Administrative Policy

If the Director notifies the RCWS that no other local county child welfare agency will accept the COI, NC DHHS has two business days to evaluate the COI and either notify the Director of their responsibility to manage the COI or appoint another local county child welfare agency to manage the COI. A notification to the agency responsible will be made verbally and written within 2 business days. *If another local county child welfare agency is identified to manage the COI the originating agency remains responsible for the case financially.

The originating agency will send written notification to the agency assuming responsibility of the case. The originating agency will also send written notification of transfer on cases participants, including information for Constituent Concerns. Parents, guardians, custodians and juveniles may request a case to be transferred by contacting Constituent Concerns. NC DHHS will be responsible for reviewing those requests within the same timeframe as COIs initiated by Directors.

State DSS Request for Local County Child Welfare Records

Except in cases prohibited by federal law or other applicable State law, local county welfare agencies must provide access to records and information pertaining to any open or closed child welfare case subject to review regarding social work or legal practice as it pertains to the delivery of child welfare services. A request for case information may be made for the purpose of regular monitoring of performance.

Case information requested in response to complaints received by NC DHHS (Constituent Concerns) applies to either of the following:

- (1) A juvenile who has been the subject of a report of abuse, neglect, or dependency pursuant to G.S. 7B-301 within the previous 12 months.
- (2) A case in which the juvenile or the juvenile's family was a recipient of child welfare services within the previous 12 months.

CPS Administrative Policy

Prevention Services pursuant to the Family First Prevention Services Act

Policy

Service Description and Oversight

- (1) Services provided pursuant to the Family First Prevention Services Act (FFPSA) shall be for a child and the parents or kin caregivers of the child when the need of the child, such a parent, or such a caregiver for the services or programs is directly related to the safety, permanence, or well-being of the child or the prevention of the child from entering foster care. Services will be limited to:
 - (A) MENTAL HEALTH AND SUBSTANCE ABUSE PREVENTION AND TREATMENT SERVICES. Mental health and substance abuse prevention and treatment services provided by a qualified clinician for not more than a 12-month period that begins on any date described in paragraph (3) of Section 471(e) with respect to the child.
 - (B) IN-HOME PARENT SKILL-BASED PROGRAMS. In-home parent skill-based programs for not more than a 12-month period that begins on any date described in paragraph (3) of Section 471(e) with respect to the child and that includes parenting skills training, parent education, and individual and family counseling.
- (2) The state will provide preventive services pursuant to FFPSA intended to improve specific outcomes for children and families.
 - (A) The services [evidence-based programs (EBPs)] initially selected to be provided together with their ratings on the Title IV-E Prevention Services Clearinghouse are:
 - (i) Homebuilders, well-supported
 - (ii) Parents as Teachers, well-supported
 - (iii) Multi-systemic therapy, well-supported
 - (iv) Triple P Standard Level 4, promising
 - (v) Methadone Maintenance Therapy, promising
 - (B) The services will be implemented through a regional contracting model and implementation support and continuous monitoring of the services will be enhanced by adding new positions that will be regionally deployed. All contracted providers of EBPs shall report and adhere to North Carolina's CQI and fidelity monitoring processes which will include regular contact and communication in addition to standardized, monthly reporting on measures of reach, fidelity, capacity and outcomes.
 - (C) Services (EBPs) shall be selected based on evidence that they produced outcomes that directly address reasons that children in North Carolina enter foster care.

CPS Administrative Policy

- (D) The initial target population for EBPs provided pursuant to FFPSA will include:
 - (i) pregnant and parenting youth who are in foster care
 - (ii) children who meet the definition of candidates for foster care as outlined in section 471(e)(4)(A)(i) and (ii) of the Family First Act. North Carolina understands these children must be at imminent or serious risk of foster care and whose candidacy for foster care is documented in a written case plan developed together with the family.
- (E) The services provided will meet the requirements at section 471(e)(4)(B) of the Act related to trauma-informed service-delivery. Compliance with the requirements will be part of contract selection and requirements and the readiness assessment process for EBP service delivery.

Policy

Evaluation strategy and waiver request.

- (1) Evaluation waivers shall be requested for EBPs that are rated well supported by evidence on the FFPSA Prevention Services Clearing House using Attachment II in ACYF-CB-PI-18-09. If waiver requests are approved, NC DHHS will develop a plan to monitor continuously to assure fidelity and determine outcomes and gather information to be used to refine and improve practices. For services that are rated supported or promising on the clearinghouse, DHHS shall identify an appropriate evaluation partner to conduct a rigorous process and outcome evaluation and submit details of the evaluation plan to the Administration of Children and Families.

Policy

Monitoring and Safety.

- (1) Children referred to EBPs pursuant to FFPSA will be open to child welfare services at the time that services are being provided and the safety and risk of those children will be assessed and monitored according to state policy requirements for the program to which the children are open (CPS assessments or CPS in-home services for candidates for foster care; foster care for pregnant or parenting

CPS Administrative Policy

youth); children receiving these programs are required to have face-to-face contacts with their child welfare caseworker at least monthly and to have their safety and risk assessed at specified intervals through Structured Decision Making (SDM) tools.

Policy

Consultation and Coordination.

(1) NC DSS shall:

- (A) Foster a continuum of care for candidates for foster care (as described in paragraph 471(e)(2) of the Social Security Act), their parents, or kin caregivers, by consulting with other state agencies responsible for administering health program programming (including mental health and substance abuse prevention and treatment services) and with other public and private agencies and community-based organizations that administer or provide child and family services.
- (B) Describe how the preventive services funded under FFPSA will be coordinated with other child and family services provided under the state's plans in effect for IV-B1 and IV-B2.

Policy

Child welfare workforce support.

(1) NC DHHS shall support and enhance a competent, skilled, and professional child welfare workforce to deliver trauma informed and evidence-based services by:

- (A) Ensuring that the agencies who receive contracts to provide FFPSA prevention services have staff who are qualified to provide the services selected.
- (B) Assuring that county child welfare staff have the skill and competence to develop appropriate prevention plans and conduct structured risk assessments described in (c) above.

CPS Administrative Policy

Policy

Child welfare workforce training.

- (1) DHHS shall provide training and support for caseworkers to assess the needs of children and their families, engage and connect to the families served, know how to access and deliver needed trauma informed and evidence-based services, and oversee and evaluate the continuing appropriateness of the services.

Policy

Prevention caseloads.

- (1) DHHS shall describe how caseload size for caseworkers for selected prevention services will be determined, managed, and overseen.

Policy

Assurance on prevention programming.

- (1) NC DHHS will report to the US DHHS Secretary such information and data as the Secretary may require with respect to the provision of services and programs specified in paragraph 471(e)(1), including information and data necessary to determine the performance measures for the state under paragraph 471(e)(6) and compliance with paragraph 471(e)(7) of the social security act.

CPS Administrative Policy

Policy

Child and family eligibility for the title IV-E prevention program.

- (1) Children who are eligible for FFPSA funded prevention services in North Carolina are described in the social security act as:
 - (A) A child in foster care who is a pregnant or parenting foster youth.
 - (B) A candidate for foster care who is identified in a prevention plan under section 471(e)(4)(A) as being at imminent risk of entering foster care (without regard to whether the child would be eligible for foster care maintenance payments under section 472 or is or would be eligible for adoption assistance or kinship guardianship assistance payments under section 473) but who can remain safely in the child's home or in a kinship placement as long as services or programs specified in section 471(e)(1) that are necessary to prevent the entry of the child into foster care are provided. The term includes a child whose adoption or guardianship arrangement is at risk of a disruption or dissolution that would result in a foster care placement.