

ADMINISTRATIVE LETTER Family Support and Child Welfare Services #04-03

TO: COUNTY DIRECTORS OF SOCIAL SERVICES

SUBJECT: 2003 LEGISLATIVE CHANGES IMPACTING COUNTY DSS POLICY AND PRACTICE

DATE: August 5, 2003

EFFECTIVE DATE: Various Dates as Indicated

ATTENTION: Children's Services Social Workers

Children's Services Supervisors

This administrative letter is to provide information regarding legislative actions during the 2003 session that impact Family Support and Child Welfare Services. New legislation as well as substantive clarifying changes to existing legislation is outlined. Information outlining legislation primarily addressing child care and domestic violence is provided. The effective dates of these laws vary.

The following laws can be accessed through the website of the North Carolina General Assembly at: <http://www.ncga.state.nc.us/homePage.pl>

(SB 421)	An Act to Clarify and Make Technical Corrections to the Child Welfare Laws and to Enhance the State's Ability to Protect Children.
(HB 126)	An Act to Clarify the Law Governing Evidence Admissible in Certain Juvenile Hearings
(HB 1048)	An Act to Make Revisions to the Juvenile Code as Recommended by the North Carolina Juvenile Court Improvement Project
(HB 925)	An Act to Allow County Appeal in Juvenile "Pay Order" Cases
(H1063)	An Act to Require Operators of Child Care Facilities to Provide to Parents The Division of Child Development's Summary of the Laws Relating to Child Care Facilities, to Require The Division of Child Development to Include in its Summary a Statement on how Parents may Obtain Information on Individual Child Care Facilities, and to Require Child Care Facilities to Post the Summary in a Prominent Place
(SB 877)	An Act to Enhance Penalties for Violations of the Child Care Facilities Act
(HB 152)	An act to Require Child Care Facilities to Develop and Maintain a Safe Sleep Policy that Includes Requiring Caregivers to Place Children on

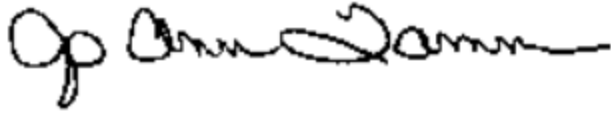
	Their Back to Sleep to Reduce the Risk of Sudden Infant Death Syndrome (SIDS), and to Require Certain Agencies and the Medical Community to Cooperate in Investigating Reports of Child Abuse and Neglect in Child Care Facilities
(SB 226)	An Act to Prohibit the Administration of Medication to a Child in a Licensed or Unlicensed Child Care Facility Without Proper Authorization From the Child's Parent or Guardian
(HB 926)	An Act to Enhance the Penalty for an Assault in the Presence of a Minor
(S630)	An Act to Clarify the Definition of a Protective Order Under the Laws Relating to Domestic Violence
(SB 919)	An Act to Enhance the Safety of Victims in Serious Domestic Violence Cases
(SB 439)	An Act Making Omnibus Changes to the Employment Security Laws of North Carolina

Attached is information and guidelines regarding implementation. Substantive and clarifying changes for child welfare services in Chapter 7B are made in SB 421; these changes became effective July 4, 2003. The authority to continue and expand Multiple Response System (MRS) implementation was granted through special provisions language in House Bill 397.

The North Carolina Supreme Court's Stumbo case decision filed July 16, 2003 prompted the Division to request further interpretation from the Attorney General's office. The Stumbo case decision reiterates the importance of obtaining thorough, comprehensive information at Intake. Utilization of Strengths Based Structured Intake provides a mechanism for ensuring that all reports are screened consistently and that reporters are questioned exhaustively regarding their knowledge of the alleged abuse, neglect, or dependency. In those instances when a reporter has minimal information, your screening decision is contingent upon whether that minimal information, if true, meets the legal definitions of abuse, neglect, or dependency. For example, if all efforts to solicit information from the reporter produce a report consisting of only one sentence, that one sentence must be evaluated to determine whether that information, if true, meets the legal definitions of abuse, neglect, or dependency. If the information provided by the reporter does not clearly meet the definitions provided in the statutes relating to abuse, neglect, or dependency, there is not a valid CPS report and there is no authority to intervene in the family's life.

Please contact your Children's Program Representative or the Work First/CPS Policy Team at (919) 733-4622 if you have questions about this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "JoAnn Lamm". The signature is fluid and cursive, with the first name "JoAnn" being more prominent than the last name "Lamm".

JoAnn Lamm, Program Administrator

Family Support and Child Welfare Services

JL: cb

cc: Sherry S. Bradsher

Pheon Beal

Family Support and Child Welfare Team Leaders

Children's Program Representatives

[Attachment](#)