

DSS ADMINISTRATIVE LETTER

FAMILY SUPPORT AND CHILD WELFARE SERVICES

FSCWS-11-06

TO: County Directors of Social Services

ATTENTION: Work First and Children's Services Program Managers, Supervisors, and Social Workers

DATE: August 17, 2006

SUBJECT: Family Support and Child Welfare Legislative Changes

EFFECTIVE DATE: As Individually Signed into Law

This administrative letter is to provide information regarding legislative actions during the 2006 North Carolina General Assembly short session that impact Work First and Child Welfare. The budget was enacted June 30, 2006 for the next fiscal year. Following an extensive review of this session's legislative impact on current policy and after consultation with our Child Welfare Attorneys, the Division offers the following interpretations and impact analysis:

One notable implementation listed under Session Law 2006-52 (HB 2351 Budget), Section 5.1.(m) <http://www.ncga.state.nc.us/Sessions/2005/Bills/House/HTML/H2351v4.html> legislates that the Department of Health and Human Services shall review policies, programs, and initiatives to ensure that they support men in their role as fathers and strengthen fathers' involvement in their children's lives. The Department shall encourage county departments of social services to ensure their Work First programs emphasize responsible fatherhood and increased participation by non-custodial fathers. The Department also emphasizes the importance of identifying and involving fathers throughout the course of the Child Welfare case.

Session Law 2006-65 (HB 1074)

<http://www.ncga.state.nc.us/EnactedLegislation/SessionLaws/HTML/2005-2006/SL2006-65.html> became effective July 9, 2006. Section 1, G.S. 115C-366 amends the procedure for admitting children to public schools. This amendment provides easier accessibility for a caretaker to enroll a child in a school within the caretaker's local school administrative unit when there has been a relinquishment of physical custody and control of the child by the child's parent or legal guardian upon the recommendation of the department of social services. However, this legislation does not impact the federal McKinney-Vento Homeless Education Assistance Improvements Act of 2001. For county departments of social services this legislation provides a more expedient means to enroll any child in school even when that child is placed out-of-home regardless of what stage the child protective services case may be in. For CPS Assessments, as well as in-home cases, the legislation provide children placed with a safety resource or a kinship placement a means for enrolling in the safety resource's or kinship placement's school district without the payment of tuition. For children in the custody of a county department of social services, the legislation provides enrollment of children in the school district of their placement provider, again without the payment of tuition. Clear documentation from the county department of social services must be provided to the school system to facilitate enrollment. For cases where a child is in the custody of one county department of social services and is placed in another county (and therefore, in another school district) the two county departments of social services must work in close concert with one another when enrolling the child. The placing county will be responsible for providing documentation relating to the placement of the child (for example, the Safety Assessment or the most recent custody order) while the enrolling county or placement provider is responsible for providing emergency contact information of the placement provider to the school system. This legislation also specifies that caregivers will act in the role of parents if the parents are unavailable when making educational decisions relating to the child.

Session Law 2006-187 (HB 1848)

<http://www.ncga.state.nc.us/Sessions/2005/Bills/House/PDF/H1848v6.pdf> became effective August 3, 2006. Section 4.(a) states that Article 2 of Chapter 7B was amended to add a new section, 7B-202, legislating that the Administrative Office of the Courts shall establish a Permanency Mediation Program to provide statewide and uniform services to resolve issues in cases 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. This law will impact families and county departments of social services navigating their way through court proceedings.

The implementation of a Mediation Program is consistent with family-centered principles and is to be used by counties to assist families and professionals in the understanding of child welfare practices. It will allow parties to complete documents, such as placement or family services agreements outside of the courtroom with the assistance of a mediator and then submit the agreement to court in hopes it can be incorporated into a court order. This will be an additional opportunity for discussion regarding the expunction process and the Responsible Individuals List (RIL). In cases where abuse is adjudicated, the finding of the court prevails and the parent, guardian or caretaker will no longer be eligible for expunction from the Responsible Individuals List. However, it is during the adjudicatory hearing that the presiding judge, when rendering the finding, must determine in cases of neglect whether or not the neglect rises to the level of being serious, which will determine whether the name is expunged or is to remain on the Responsible Individuals List. The Mediation Program will be beneficial for all parties involved. The end result should have a positive impact on the overall goal of reaching permanency faster for North Carolina's children.

Session Law 2006-205 (SB 1216)

<http://www.ncga.state.nc.us/Sessions/2005/Bills/Senate/PDF/S1216v6.pdf> became effective August 8, 2006. Section 1, G.S. 7B-302(a) was amended to legislate the department of social services shall disclose confidential information to any federal, State, or local governmental entity, or its agent needing confidential information to protect a juvenile from abuse or neglect. Any confidential information disclosed to any federal, State, or local governmental entity, or its agency, under this subsection shall remain confidential with the other governmental entity, or its agent, and shall only be redisclosed by the governmental entity or its agent for the purposes directly connected with carrying out the governmental entity's or agent's mandated responsibilities.

Also, under Session Law 2006-205 (SB1216) Section 2, G.S. 7B-3100 (a) was amended to legislate that county departments of social services and certain "authorized" agencies share critical information with one another, upon request and to the extent permitted by federal law and regulations. This legislation mandates that county departments of social services and these authorized agencies share information with one another that is relevant to any assessment of a report of child abuse, neglect or dependency or the provision or arrangement of protective services in a child abuse, neglect, or dependency case by a local department of social services pursuant to the authority granted under Chapter 7B of the General Statutes. Further, this legislation continues in any case in which a petition is 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 for delinquency or undisciplined behaviors. Agencies that may be designated as "agencies authorized to share information" include local mental health facilities, local health departments, local departments of social services, local law enforcement agencies, local school administrative units, the district's district attorney's office, the Department of Juvenile Justice and Delinquency Prevention, and the Office of Guardian Ad Litem Services of the Administrative Office of the Courts. Session Law 2006-205 is supportive of our principles and strategies to provide an environment of partnership and collaboration for our families.

Please discuss all new legislation in their entirety with your county attorneys to understand the impacts each law can have in your jurisdictions. These and all other statutes can be accessed through the North Carolina General Assembly website.

<http://www.ncga.state.nc.us/homePage.pl>

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 that reads "Esther T. High". The signature is written in a cursive style with a large initial "E".

Esther T. High, Acting Chief
Family Support and Child Welfare Section

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cc: Sherry S. Bradsher
JoAnn Lamm
Sarah Barham
Family Support and Child Welfare Team Leaders
Children's Program Representatives
Work First Program Representatives
Local Business Liaisons