

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL 708
PROPOSED COMMITTEE SUBSTITUTE S708-PCS45487-TV-59

Short Title: CPS Intake Screening/PED Recommendations.

(Public)

Sponsors:

Referred to:

May 1, 2020

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT COUNTY DEPARTMENTS OF SOCIAL SERVICES FROM IMPLEMENTING CHILD PROTECTIVE SERVICES INTAKE SCREENING CRITERIA THAT IS MORE STRINGENT OR LENIENT THAN, OR IN ADDITION TO, STATE POLICY AND TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO MAKE VARIOUS POLICY CHANGES AS A MEANS TO IMPROVE THE CHILD PROTECTIVE SERVICES INTAKE SCREENING PROCESS, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE, AND TO ALLOW LEGISLATORS ACCESS TO CONFIDENTIAL ADULT PROTECTIVE SERVICES AND CHILD PROTECTIVE SERVICES RECORDS, AND TO AUTHORIZE THE PROGRAM EVALUATION DIVISION TO STUDY THE FEASIBILITY AND EFFECTIVENESS OF IMPLEMENTING A CHILD WELFARE SIMULATION TRAINING AND CERTIFICATION PROGRAM.

The General Assembly of North Carolina enacts:

SECTION 1. This act shall be known and may be cited as "The CPS Revitalization Act/A Law for Lyn."

SECTION 1.1. Prohibit County Supplementation of State Policy. – Article 3 of Chapter 7B of the General Statutes is amended by adding a new section to read:

"§ 7B-300.1. No county supplementation of certain State policy.

Notwithstanding any other provision of law to the contrary, a county department of social services may not supplement child protective services intake screening criteria with county policy that is more stringent or lenient than, or in addition to, State policy."

SECTION 2.(a) Rapid Consultation System. – As a means of improving State child protective services intake screening guidance to county departments of social services, the Department of Health and Human Services, Division of Social Services (Division), shall implement a rapid consultation system to provide consultation to counties when making decisions regarding the safety of children. Specifically, the rapid consultation system shall consist of a telephone line that a county director or their designee can access at any time when the county has concerns regarding the correct screening decision, assessment track, or applicable response time frame for a specific case. Upon receiving a request, Division staff shall consult with the county department of social services within 24 hours of receipt of the request and at least two Division staff workers shall consult on each call to ensure the advice conveyed is consistent.

SECTION 2.(b) Report. – The Division of Social Services shall implement the rapid consultation system required by this section no later than June 30, 2021, and submit a report on



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1 its implementation to the Joint Legislative Oversight Committee on Health and Human Services
2 by December 31, 2021.

3 **SECTION 3.(a)** Assessment of Worker Comprehension and Training Needs. – The
4 Department of Health and Human Services, Division of Social Services (Division), shall
5 periodically assess county department of social services workers' and supervisors' comprehension
6 and correct implementation of State policy and their training needs regarding the screening of
7 reports of alleged child abuse, neglect, or dependency. The Division shall assess comprehension
8 and training needs by use of hypothetical vignettes or other assessment tools the Division deems
9 appropriate. Every three years, the Division shall require retraining for all child welfare workers,
10 including supervisors, and other workers who occasionally screen child abuse, neglect, and
11 dependency reports. The Division shall also require all child welfare supervisors to pass a
12 competency pass/fail test prior to providing screening decisions or on-call duties.

13 **SECTION 3.(b)** Report. – The Division of Social Services shall implement the
14 assessment and training requirements of this section by December 31, 2020, and submit a report
15 on its use of those training requirements to the Joint Legislative Oversight Committee on Health
16 and Human Services by June 30, 2021.

17 **SECTION 4.(a)** Structured Intake Form Revisions. – The Department of Health and
18 Human Services, Division of Social Services (Division), in consultation with the Children's
19 Research Center or a similar organization, shall revise the child protective services structured
20 intake form, which is a tool county departments of social services use to screen reports of alleged
21 child abuse, neglect, and delinquency. The Division shall revise the form to ensure, at a
22 minimum, it (i) continues to meet federal and State requirements and (ii) provides consistency
23 for use statewide. The Division shall further ensure the structured intake form is recertified every
24 five years and shall continue to consult with the Children's Research Center or a similar
25 organization when State policy changes require modifications to the structured intake form.

26 **SECTION 4.(b)** Report. – Beginning July 30, 2020, the Division of Social Services
27 shall report to the Joint Legislative Oversight Committee on Health and Human Services
28 (Committee) on its process of revising the structured intake form in accordance with this section
29 and continue reporting to the Committee every six months thereafter until revisions are complete.

30 **SECTION 5.(a)** Program Monitoring. – For purposes of better evaluating individual
31 county departments of social services, the Department of Health and Human Services, Division
32 of Social Services (Division), shall implement statistically valid program monitoring for county
33 intake screening procedures, as well as establish measurable performance benchmarks. The
34 Division shall establish measurable and consistent intake screening benchmarks that can be
35 applied to all counties, with the Division performing county data reviews for intake screening at
36 least once each year beginning no later than December 31, 2024. The Division shall oversee
37 intake screening by performing valid sampling and ensure program monitoring intake screening
38 reviews collect sample sizes large enough to achieve a county confidence level of at least ninety
39 percent (90%), with a margin of error of plus or minus five percent (5%).

40 **SECTION 5.(b)** Report. – Beginning June 30, 2021, and continuing each year
41 thereafter until December 31, 2024, the Division of Social Services shall report to the Joint
42 Legislative Oversight Committee on Health and Human Services on its progress towards
43 improved program monitoring and continuous quality improvement in accordance with this
44 section.

45 **SECTION 5.1.(a)** G.S. 108A-80 reads as rewritten:

46 "**§ 108A-80. Confidentiality of records.**

47 (a) Except as provided in subsections ~~(b) and (b1)-(b)~~, (b1), and (b2) of this section, it
48 shall be unlawful for any person to obtain, disclose or use, or to authorize, permit, or acquiesce
49 in the use of any list of names or other information concerning persons applying for or receiving
50 public assistance or social services that may be directly or indirectly derived from the records,
51 files or communications of the Department or the county boards of social services, or county

1 departments of social services or acquired in the course of performing official duties except for
2 the purposes directly connected with the administration of the programs of public assistance and
3 social services in accordance with federal law, rules and regulations, and the rules of the Social
4 Services Commission or the Department.

5 (b) The Department shall furnish a copy of the recipient check register monthly to each
6 county auditor showing a complete list of all recipients of Work First Family Assistance in
7 Standard Program Counties and State-County Special Assistance, their addresses, and the
8 amounts of the monthly grants. An Electing County whose checks are not being issued by the
9 State shall furnish a copy of the recipient check register monthly to its county auditor showing a
10 complete list of all recipients of Work First Family Assistance in the Electing County, their
11 addresses, and the amounts of the monthly payments. These registers shall be public records open
12 to public inspection during the regular office hours of the county auditor, but the registers or the
13 information contained therein may not be used for any commercial or political purpose. ~~Any
14 violation of this section shall constitute a Class 1 misdemeanor.~~

15 (b1) The Department may share confidential information concerning a person receiving
16 public assistance or social services with a local school administrative unit and with the
17 Department of Public Instruction. Disclosure is limited to that information necessary to establish,
18 coordinate, or maintain appropriate educational services for the person receiving public
19 assistance or social services.

20 (b2) Except where prohibited by federal law and notwithstanding other applicable State
21 law, a member of the North Carolina General Assembly may request access to confidential social
22 services information and records from the Department or from a local department of social
23 services when necessary for oversight of programs related to child protective services or adult
24 protective services. Upon receiving a request from a member of the North Carolina General
25 Assembly pursuant to this subsection, the Department or a local department of social services
26 shall disclose confidential information and records concerning adult protective services and child
27 protective services cases to the requesting member. A member of the North Carolina General
28 Assembly may not retain copies of any part of the record, and all information shared pursuant to
29 this subsection shall be withheld from public inspection and maintained in a confidential manner.

30 (c) Any listing of recipients of benefits under any public assistance or social services
31 program compiled by or used for official purposes by a county board of social services or a
32 county department of social services shall not be used as a mailing list for political purposes.
33 This prohibition shall apply to any list of recipients of benefits of any federal, State, county or
34 mixed public assistance or social services program. Further, this prohibition shall apply to the
35 use of such listing by any person, organization, corporation, or business, including but not limited
36 to public officers or employees of federal, State, county, or other local governments, as a mailing
37 list for political purposes. ~~Any violation of this section shall be punishable as a Class 1
38 misdemeanor.~~

39 (c1) A violation of subsections (a), (b), (b1), (b2), or (c) of this section shall be punishable
40 as a Class 1 misdemeanor.

41 (d) The Social Services Commission may adopt rules governing access to case files for
42 social services and public assistance programs, except the Medical Assistance Program. The
43 Secretary of the Department of Health and Human Services shall have the authority to adopt rules
44 governing access to medical assistance case files."

45 **SECTION 5.1.(b)** This section becomes effective on October 1, 2021, and applies
46 to all requests for information and records in adult protective services and child protective
47 services cases made by members.

48 **SECTION 5.5.(a)** The Program Evaluation Division, in consultation with the
49 Department of Health and Human Services, the Realistic Environments to Aid Learning (REAL)
50 Academy, and Western Carolina University, shall study the feasibility and effectiveness of
51 implementing a simulation training and certification program similar to the Realistic

1 Environments to Aid Learning (REAL) training pilot program. All parties shall cooperate with
2 the Program Evaluation Division in conducting this study, including providing information on
3 current training practices, policies, and budgets. In conducting this study, the Program Evaluation
4 Division shall consider, among other things, the following:

- 5 (1) Current child welfare training standards and statutory requirements.
- 6 (2) Department of Health and Human Services policies regarding child welfare
7 training.
- 8 (3) Methods used to implement or integrate simulation models of training in child
9 welfare training in other states.
- 10 (4) Minimum standards of competence required to receive certification from a
11 child welfare simulation training program.
- 12 (5) Effectiveness and feasibility of the pilot program, Realistic Environments to
13 Aid Learning (REAL) training, in use in Buncombe, Cherokee, Clay, Graham,
14 Haywood, Henderson, Jackson, Macon, Swain, and Transylvania counties.
- 15 (6) Methods for expanding the REAL training pilot program to all North Carolina
16 counties.
- 17 (7) Potential cost of implementation of a child welfare simulation training
18 program in this State.

19 **SECTION 5.5.(b)** By April 1, 2021, the Program Evaluation Division shall report
20 the findings of its study and any recommendations for proposed legislation to the Joint
21 Legislative Oversight Committee on Health and Human Services.

22 **SECTION 6.** Effective Date. – Except as otherwise provided, this act is effective
23 when it becomes law.