

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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SENATE BILL 90
PROPOSED COMMITTEE SUBSTITUTE S90-PCS15145-BPa-2

Short Title: Social Services Reform/CWBTC Recs.

(Public)

Sponsors:

Referred to:

February 15, 2021

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO MAKE REFORMS TO IMPROVE SOCIAL SERVICES, THE FOSTER CARE SYSTEM, AND CHILD WELFARE SERVICES; TO MAKE APPROPRIATIONS TO TRANSITION TO REGIONAL SUPERVISION; TO IMPROVE INTERCOUNTY COLLABORATION BETWEEN DEPARTMENTS OF SOCIAL SERVICES; AND TO SUPPORT THE IMPLEMENTATION OF THE FAMILY FIRST PREVENTION SERVICES ACT, AS RECOMMENDED BY THE NORTH CAROLINA CHILD WELL-BEING TRANSFORMATION COUNCIL.

The General Assembly of North Carolina enacts:

PART I. FOSTER CARE AND SOCIAL SERVICES REFORM

SECTION 1.(a) In order to ensure continuity of care for children in foster care who are nearing the age of 18, the Department of Health and Human Services, Division of Social Services (Department), shall develop policies and procedures to require coordination between counties for children who reside outside of the county that has custody of the child no later than 90 days after the child's seventeenth birthday. The policies and procedures shall ensure the child has a point of contact within the county that has custody of the child to assist the child with securing Medicaid and NC Health Choice program assistance and access to physical and mental health services for which the child is eligible. The policies and procedures shall ensure children have, at a minimum, all of the following:

- (1) Educational plans.
- (2) Employment plans.
- (3) Mechanisms to ensure continuity and amplify services for children transitioning out of foster care.

SECTION 1.(b) Report. – The Department shall report to the Chairs of the Senate Appropriations Committee on Health and Human Services and the Chairs of the House Appropriations Committee on Health and Human Services by February 1, 2022, on (i) its progress in developing and implementing the policies and procedures set forth in subsection (a) of this section, (ii) the method of disseminating the policies and procedures to all counties, and (iii) how the Department will ensure the implementation and utilization of all of the policies and procedures.

SECTION 2.(a) The Department of Health and Human Services, Division of Social Services, shall develop policies and procedures to outline the permanency plan process and to require caseworkers in all county departments of social services to begin developing permanency plans no later than 90 days after the child's seventeenth birthday and to finalize permanency plans



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1 no later than 15 days prior to transitioning out of foster care on a child's eighteenth birthday, as
2 allowed by federal law. The Division shall study the current age of transitioning out of foster
3 care and evaluate whether the age of transition should be changed and the associated impacts,
4 benefits, and outcomes.

5 **SECTION 2.(b)** Report. – The Department shall report to the Chairs of the House
6 Appropriations Committee on Health and Human Services and the Chairs of the Senate
7 Appropriations Committee on Health and Human Services by April 1, 2022, on the policies and
8 procedures required under subsection (a) of this section and any recommended legislative
9 changes necessary to modify the age of transition.

10 **SECTION 3.** The Department of Health and Human Services shall develop and
11 implement a plan to encourage and keep foster children in community-based settings, including
12 outpatient therapy, in-home services, and foster care, and avoid inappropriate residential
13 behavioral health placements. The Department shall begin implementation of the plan by April
14 1, 2022, and report to the Chairs of the House Appropriations Committee on Health and Human
15 Services and the Chairs of the Senate Appropriations Committee on Health and Human Services
16 on the implementation of the plan by July 1, 2022.

17 **SECTION 4.(a)** In accordance with the plan submitted by the Social Services
18 Regional Supervision and Collaboration Working Group (SSWG) in its report on March 31,
19 2019, to the Joint Legislative Oversight Committee on Health and Human Services as required
20 by S.L. 2017-41 (Rylan's Law), the Department of Health and Human Services (Department)
21 shall establish seven regions for regional supervision of child welfare and social services and
22 begin providing oversight and support within those regions through State regional staff and the
23 central office team by March 1, 2021. To that end, the Department shall move forward, pursuant
24 to existing authority, with repurposing and redeploying (i) positions identified in the report to
25 support regionalization and (ii) all managerial staff needed to support regionalization in the
26 central office. The Department shall pursue procurement of physical offices within each of the
27 seven regions beginning in March 2023 and shall prioritize staffing to improve the child welfare
28 system. The Department shall move towards full implementation of a regional model, with
29 offices, by March 1, 2024.

30 **SECTION 4.(b)** There is appropriated from the General Fund to the Department of
31 Health and Human Services, Division of Social Services, the sum of nine hundred fourteen
32 thousand seven hundred ninety dollars (\$914,790) in recurring funds for the 2021-2022 fiscal
33 year to support 11 new staff positions to improve regional supervision and support of child
34 welfare services pursuant to the plan as described under subsection (a) of this section.

35 **SECTION 4.(c)** This section becomes effective upon appropriation by the General
36 Assembly of funds for the transition to regional supervision and support of child welfare services
37 as described under this section.

38 **SECTION 5.(a)** G.S. 108A-9 reads as rewritten:

39 **"§ 108A-9. Duties and responsibilities.**

40 The county board of social services shall have the following duties and responsibilities:

41 ...

42 (4a) To attend education and training sessions provided for new board members
43 during the first year they serve on the board.

44"

45 **SECTION 5.(b)** The Department of Health and Human Services, Division of Social
46 Services, shall collaborate with key stakeholders, including the North Carolina Association of
47 County Boards of Social Services, Association of North Carolina County Social Services
48 Directors, North Carolina Association of County Commissioners, and the University of North
49 Carolina School of Government, to create formal education and training sessions for new county
50 boards of social services members in accordance with G.S. 108A-9(4a), as provided in subsection
51 (a) of this section. The education and training sessions shall include a segment on the potential

1 liabilities of the county board of social services. The education and training sessions shall be
2 available statewide by September 1, 2021.

3 **SECTION 5.(c)** Section 5(b) of this act is effective when it becomes law. Section
4 5(a) of this act becomes effective April 1, 2022, and by April 1, 2024, all current county board
5 of social services members must have participated in the education and training sessions provided
6 in G.S. 108A-9(4a).

7 **SECTION 6.** The Department of Health and Human Services shall develop and
8 identify standardized, trauma-informed assessment tools and require that only trained clinicians
9 deemed as appropriate by the Department assess the applicability of the use of the tool in the
10 treatment. The Department shall evaluate the costs and benefits of the implementation of the
11 assessment tools, including training and administration costs, and costs associated with
12 measuring ongoing fidelity of the tools and the data collection and analysis needed to perform
13 fidelity monitoring. The Department shall report the results of the study to the Chairs of the
14 House Appropriations Committee on Health and Human Services and the Chairs of the Senate
15 Appropriations Committee on Health and Human Services by June 1, 2022.

16 17 **PART II. GUARDIANSHIP ASSISTANCE PROGRAM**

18 **SECTION 7.(a)** Guardianship Assistance Program. – The Department of Health and
19 Human Services, Division of Social Services, shall do all of the following as it applies to the
20 Guardianship Assistance Program and the Kinship Care Program:

- 21 (1) Define and implement oversight mechanisms for each program.
- 22 (2) Increase the utilization of both programs across the State.
- 23 (3) Explore the feasibility of reducing the age of children served by each program.
- 24 (4) Reduce the age of eligibility of the Guardianship Assistance Program to age
25 12.
- 26 (5) Provide recommendations for incentivizing use of each program, as
27 appropriate, with corresponding cost estimates and anticipated outcomes.

28 **SECTION 7.(b)** Nothing in this section shall be construed or interpreted as
29 guardianship replacing or supplanting permanency.

30 **SECTION 7.(c)** Report. – The Department shall report to the Chairs of the House
31 Appropriations Committee on Health and Human Services and the Chairs of the Senate
32 Appropriations Committee on Health and Human Services on these activities by February 1,
33 2022.

34 35 **PART III. MEMORANDUM OF AGREEMENT FOR STAFFING**

36 **SECTION 8.(a)** The Department of Health and Human Services, Division of Social
37 Services, and the North Carolina Association of Regional Councils of Governments (Councils of
38 Governments) shall explore entering into a memorandum of agreement to utilize Councils of
39 Governments physical office space and office-related needs for Division of Social Services staff
40 and facilitate cooperation between regions and evaluate the estimated costs by region for the
41 office space and sample agreements between the Division and the Councils of Governments.

42 **SECTION 8.(b)** Report. – The Division shall file a report that contains the estimated
43 costs by region for office space and sample agreements, as described in subsection (a) of this
44 section, to the Chairs of the House Appropriations Committee on Health and Human Services
45 and the Chairs of the Senate Appropriations Committee on Health and Human Services by June
46 1, 2022.

47 48 **PART IV. FAMILY FIRST PREVENTION SERVICES ACT**

49 **SECTION 9.** Family First Prevention Services Act Report. – The Department of
50 Health and Human Services shall compile a list of programs that qualify for federal
51 reimbursement through the Family First Prevention Services Act (Division E, Title VII of Public

1 Law 115-123) and submit a report to the Joint Legislative Oversight Committee on Health and
2 Human Services beginning on December 1, 2022, and each year thereafter, until December 1,
3 2025. The annual report shall include all of the following:

- 4 (1) Identification of federal funds obtained by the State for all qualifying
5 programs and services.
- 6 (2) Strategies to improve and expand the qualifying programs, where needed,
7 across the State.

8 9 **PART V. CONFIDENTIALITY LAWS AS APPLIED TO INTERCOUNTY** 10 **COLLABORATION AND DELIVERY OF SERVICES TO CHILDREN**

11 **SECTION 10.(a)** The Department of Health and Human Services, Division of Social
12 Services (Division), shall conduct a study of all confidentiality laws that apply to State social
13 services and programs. The Division shall request recommendations for any revisions that are
14 necessary to improve intercounty cross-sector collaboration and delivery of services. The
15 Division shall study, at a minimum, all of the following:

- 16 (1) All laws imposing confidentiality that apply to social services, including
17 G.S. 108A-80, 7B-302, 7B-2901, and Chapter 69 of the North Carolina
18 Administrative Code.
- 19 (2) Revisions necessary to accommodate the anticipated changes to the judicial
20 system's IT platform.
- 21 (3) Whether amendments to State law are necessary to facilitate improved
22 information sharing between child welfare and child support and whether the
23 State should advocate for changes to current federal laws.
- 24 (4) Whether confidentiality laws applicable to the juvenile justice system are
25 sufficient to ensure that the information being shared between juvenile justice
26 and social services is adequate to provide the best service and support to
27 juveniles involved in both systems.

28 **SECTION 10.(b)** The Division shall consult with the Department of Public
29 Instruction, the Department of Public Safety, Division of Juvenile Justice, the Administrative
30 Office of the Courts, and the Department of Information Technology in the development of this
31 study.

32 **SECTION 10.(c)** The Division shall report the results of the study to the Chairs of
33 the House Appropriations Committee on Health and Human Services and the Chairs of the Senate
34 Appropriations Committee on Health and Human Services by June 1, 2022.

35 36 **PART VI. ELIMINATE PERMANENCY INNOVATION INITIATIVE OVERSIGHT** 37 **COMMITTEE**

38 **SECTION 11.** G.S. 131D-10.9A is repealed.

39 40 **PART VII. ANNUAL NOTIFICATION FOR SCHOOL SOCIAL WORKERS** 41 **REGARDING COMPULSORY ATTENDANCE REQUIREMENT FOR CHILDREN** 42 **UNDER AGE SEVEN**

43 **SECTION 12.(a)** G.S. 115C-378(a) reads as rewritten:

44 "(a) Every parent, guardian or custodian in this State having charge or control of a child
45 between the ages of seven and 16 years shall cause the child to attend school continuously for a
46 period equal to the time which the public school to which the child is assigned shall be in session.

47 (a1) Every parent, guardian, or custodian in this State having charge or control of a child
48 under age seven who is enrolled in a public school in grades kindergarten through two shall also
49 cause the child to attend school continuously for a period equal to the time which the public
50 school to which the child is assigned shall be in session unless the child has withdrawn from
51 school. No later than August 15 of each year, the Department of Public Instruction shall notify

1 all school social workers employed in a public school of the attendance requirement provided in
2 this subsection."

3 **SECTION 12.(b)** This section is effective when it becomes law.

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5 **PART VIII. EFFECTIVE DATE**

6 **SECTION 13.** Except as otherwise provided, this act is effective when it becomes
7 law.