



N.C. Department of Health
and Human Services

Child Protective Services Background Checks/Criminal History

Joint Legislative Oversight Committee on
Health and Human Services

January 14, 2013

Wayne Black

Director, Division of Social Services



CPS Report involving a Conflict of Interest

Admin Rule 10A NCAC 70A.0103

- Outlines the conflict of interest for an investigation when the alleged perpetrator is an employee of the county, foster parent supervised by the county, a member of the board of social services for that county, a caretaker in a sole-source group home or agency operated child care facility.
- Also allows the judgment of the director to determine that a conflict of interest exists.



Natural Parents

- NO government oversight until someone makes a report of concern for the welfare of the child(ren).
- Reports are to be made to the county in which the child is found.



Foster Parents

- Must meet the state regulations for licensure
 - Fingerprint based nation wide criminal record check at **initial** licensure
 - Families are relicensed every two years
- Supervised by either a public local agency (county DSS) or by a private Child Placing agency
- NC DHHS issues the license based on materials submitted by local agency



Adoptive Parents

- Fingerprint based nation wide criminal record check
- Preplacement assessment (home study) describes the family capacity to parent
- Conducted by private agencies and local DSS
- Report to the court on proposed adoption ensures that a specific child “fits” with the family
- Once the adoption of a child is finalized by a court authority, mandated oversight ends - the same as a natural birth child in the eye of the law.



Guardianship

- Oversight / assurances are largely at the discretion of the court
- Court reviews the placement for 1 year; may waive future reviews
- Court retains jurisdiction until child is 18
- Ending the placement would need to find
 - no longer in the juveniles best interest
 - guardian unfit or has neglected duties; OR
 - guardian is unable / unwilling to perform duties



Custodians

- Oversight / Assurances are at the discretion of the court
- Court reviews the placement for 1 year, may waive future reviews.
- Court may order a change anytime there is a change in circumstance and the change is in the child's best interest
- Court retains jurisdiction until child is 18



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Child Protective Services State Oversight of County Programs

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Employees of County DSS Agencies

§ 153A-94.2

- Criminal history record checks of employees permitted.
- The board of commissioners may adopt or provide for rules and regulations or ordinances concerning a requirement that any applicant for employment be subject to a criminal history record check of State and National Repositories of Criminal Histories conducted by the Department of Justice in accordance with G.S. 114-19.14.
- The local or regional public employer may consider the results of these criminal history record checks in its hiring decisions. (2005-358, s. 2.)



§ 108A (1)(12)(14)

Outlines the authority and responsibilities of the County DSS

§ 7B 300 and § 7B 302

Requires county director to conduct Child Protective Services assessments and determine actions needed to protect the child(ren)



- Formal review of county DSS is the Child and Family Services Review (CFSR)
- ACYF reviewed NC as a state in 2001 and 2007
- Federal agency is revising the protocol (no announcement on timing of round 3)
- Move away from a point-in-time to a Continuous Quality Improvement (CQI) system



- Reaching for Excellence and Accountability in Practice (REAP) is the CQI system for NC Child Welfare
- Builds upon the research supporting complex program development
- Community engagement in the outcomes sought to achieve shared responsibility
- Supported by ACYF as the future of how child welfare will be monitored



NC DSS provides written policy for the implementation of services / programs and training on the policy and practice of CPS, Foster Care and Adoption.

§ 108A-74

County department failure to provide services;
State intervention in or control of service delivery.