

## Recommendations from the Council

The legislation establishing the Council required it to recommend changes in law, policy, or practice necessary to remedy gaps or problems impacting coordination, collaboration, and communication among publicly funded child-serving agencies. These recommendations relate to several sources of information the Council obtained, including

- a survey of council members to identify gaps, failures, and recommendations;
- panel discussions from practitioners across the State, including foster parents, Guardians ad Litem, judges, county departments of social services directors and deputy directors, school counselors, psychologists, and social workers, Local Management Entities/Managed Care Organizations (LME/MCOs), and child well-being medical and mental health practitioners;
- presentations made by staff from the Department of Health and Human Services (DHHS), Department of Information Technology (DIT), Social Services Working Group (SSWG), and Casebook and a presentation by Judge J. C. Corpening;
- reviews of prior studies' recommendations; and
- discussions among Council members during meetings.

Minutes and meeting materials can be found online at [www.ncleg.gov/childcouncil](http://www.ncleg.gov/childcouncil).

The Council approved the following 17 recommendations, and the sections below discuss the problem each recommendation seeks to remedy and when the Council discussed matters related to the recommendation.

### Recommendation 1

**Problem:** Lack of coordination among counties for youth in foster care who are nearing age 18 to ensure they continue to receive services if they move outside the county of custody.

**Relates to:** This recommendation relates to a response from the survey of council members, which asked them to identify gaps, failures, and recommendations. In addition, the Council heard matters relating to this recommendation from its panel of local department of social services directors and deputy directors in February 2020. In addition, the Council discussed matters relating to this recommendation at its June 2019 and February 2020 meetings.

**Recommendation:** The Child Well-Being Transformation Council recommends the General Assembly direct the Department of Health and Human Services, Division of Social Services, to establish policies and procedures to require coordination among counties to begin no later than 90 days after a youth's 17<sup>th</sup> birthday when the youth resides outside the county with custody. The policies and procedures shall ensure the youth has i) a point of contact to secure Medicaid and access to physical and mental health services for which they are eligible, ii) educational plans, iii) job plans, and iv) mechanisms to ensure continuity and amplification of services for youth transitioning out of foster care. The Department shall report on the new policies and procedures, the method of dissemination to counties, and how the Department will ensure implementation and utilization. The report shall be made to the Chairs of the House and Senate Health and Human Services Appropriations Committees by February 1, 2021.

## Recommendation 2

**Problem:** Permanency plans are currently begun shortly before a foster child transitions out of the foster care system, thereby not allowing adequate planning time to ensure a successful transition.

**Relates to:** This recommendation relates to a response from the survey of council members, which asked them to identify gaps, failures, and recommendations. In addition, the Council heard matters relating to this recommendation from its panel of judges in December of 2019, and the Council discussed matters relating to this recommendation at its February 2020 meeting.

**Recommendation:** The Child Well-Being Transformation Council recommends the General Assembly direct the Department of Health and Human Services, Division of Social Services, to outline in policies and procedures the permanency plan process and to require local Department of Social Services caseworkers to develop permanency plans earlier in the transitioning-out process. The permanency plans must begin no later than 90 days after the child's 17<sup>th</sup> birthday and be finalized no later than 15 days prior to transitioning out of foster care on the child's 18<sup>th</sup> birthday, as allowed by federal law. The Department shall also explore further modifying the age of transition. The Department shall report on the new policies and procedures and any recommendations for modifying the age of transition to the Chairs of the House and Senate Health and Human Services Appropriations Committees by April 1, 2021.

## Recommendation 3

**Problem:** Foster children are at times inappropriately placed in residential behavioral health facilities.

**Relates to:** This recommendation relates to a response from the survey of council members, which asked them to identify gaps, failures, and recommendations. In addition, the Council heard matters relating to this recommendation from its panels of foster parents, Guardians ad Litem, and judges in December of 2019 and its panel of local department of social services directors and deputy directors in February 2020. The Council discussed matters relating to this recommendation at its December 2018, June 2019, September 2019, December 2019, and February 2020 meetings.

**Recommendation:** The Child Well-Being Transformation Council recommends the General Assembly require the Department of Health and Human Services to develop and implement a plan to keep foster children in community-based settings (outpatient, in-home services, foster care, and therapeutic foster care) and avoid inappropriate residential behavioral health placements. The Department shall implement its plan by April 1, 2021 and report to the Chairs of the Senate Appropriations Committee on Health and Human Services and the Chairs of the House of Representatives Appropriations Committee on Health and Human Services by July 1, 2021.

#### Recommendation 4

**Problem:** Gaps exist in statutory requirements between child-serving agencies, and there are concerns about access and quality of services provided to children by the Local Management Entities/Managed Care Organizations (LME/MCOs).

**Relates to:** This recommendation relates to a response from the survey of council members, which asked them to identify gaps, failures, and recommendations. The Council heard a presentation relating to this recommendation from Judge J.C. Corpening at its September 2019 meeting. The Council heard matters relating to this recommendation from its panels of foster parents and judges in December of 2019 and its panel of local department of social services directors and deputy directors in February 2020. The Council discussed matters relating to this recommendation at its September 2019, December 2019, and February 2020 meetings.

**Recommendation:** The Child Well-Being Transformation Council recommends the General Assembly require the Department of Health and Human Services to study the statutory requirements of the North Carolina social services system, the juvenile justice system, and the Medicaid program applicable to youth in foster care and identify differences, consistencies, overlaps, and gaps in such statutory requirements. The study also should identify challenges and solutions in systematic communications between LME/MCOs and stakeholders, detail the various funding streams (federal and state) associated with these statutory requirements, and identify the benefits and challenges of the current managed care arrangement with LME/MCOs for providing services to children, youth, and their families. The study shall include options for replacement of the current system and any anticipated cost savings or requirements. The Department shall report to the Joint Legislative Oversight Committee on Health and Human Services and the Joint Legislative Oversight Committee on Medicaid and NC Health Choice on or before February 1, 2022.

#### Recommendation 5

**Problem:** Lack of use and assurances to fidelity of standardized, trauma-informed assessment tools.

**Relates to:** This recommendation relates to a response from the survey of council members, which asked them to identify gaps, failures, and recommendations. The Council heard a presentation relating to this recommendation from Judge J.C. Corpening at its September 2019 meeting. In addition, the Council heard matters relating to this recommendation from its panel of judges in December of 2019, and the Council discussed matters relating to this recommendation at its December 2019 and February 2020 meetings.

**Recommendation:** The Child Well-Being Transformation Council recommends the General Assembly require the Department of Health and Human Services to develop standardized, trauma-informed assessment tools and require that only trained clinicians, deemed as appropriate by the Department, assess the applicability of the use of the tool in treatment. The Department shall evaluate the costs and benefits of the implementation of the assessment tools, including training and administration costs, and costs associated with measuring ongoing fidelity of the tools and the data collection and analysis needed to perform such fidelity monitoring. The Department shall report the results of the study to the Chairs of the House and Senate Health and Human Services Appropriations Committees on or before June 1, 2021.

## Recommendation 6

**Problem:** Lack of oversight and use of the Guardianship Assistance Program and the Kinship Care Program.

**Relates to:** This recommendation relates to a response from the survey of council members, which asked them to identify gaps, failures, and recommendations. In addition, the Council heard matters relating to this recommendation from its panels of foster parents and Guardians ad Litem in December of 2019 and its panel of local department of social services directors and deputy directors in February 2020. Further, the Council discussed matters relating to this recommendation at its February 2020 meeting.

**Recommendation:** The Child Well-Being Transformation Council recommends the General Assembly direct the Department of Health and Human Services, Division of Social Services, to i) define and implement mechanisms of oversight of the Guardianship Assistance Program (GAP) and the Kinship Care Program, ii) increase the utilization of each program, iii) lower the age of children served by GAP to age 12, iv) explore the feasibility of reducing the age for each program, and v) provide recommendations for incentivizing the use of such programs as appropriate with corresponding cost estimates and anticipated outcomes. Nothing within this recommendation shall be interpreted as guardianship replacing permanency. The Department shall report to the Chairs of the House and Senate Health and Human Services Appropriations Committees on these activities on or before February 1, 2021.

## Recommendation 7

**Problem:** Lack of consideration for use of likely lower-cost office space from regional Councils of Governments to house Department of Health and Human Services, Division of Social Services, regional staff.

**Relates to:** The Council discussed matters relating to this recommendation at its February 2020 meeting.

**Recommendation:** The Child Well-Being Transformation Council recommends the General Assembly direct the Department of Health and Human Services, Division of Social Services, and the North Carolina Association of Regional Councils of Governments to explore entering into a memorandum of agreement to allow Councils of Government to provide physical office space for regional social services staff. This exploration shall include the identification of Councils of Government willing to provide physical office space and other office-related needs to regional staff, estimated costs for such space by region, sample agreements to be used in placing staff within Council of Government space, and dates these arrangements can begin. The Department and the Association shall report on the exploration to the Chairs of the House and Senate Health and Human Services Appropriations Committees on or before June 1, 2021.

## Recommendation 8

**Problem:** Unclear implementation of the Family First Prevention Services Act (FFPSA) and the risk of not fully leveraging federal funds for qualifying programs.

**Relates to:** This recommendation relates to a response from the survey of council members, which asked them to identify gaps, failures, and recommendations. In addition, the Council heard matters relating to this

recommendation from its panel of local department of social services directors and deputy directors at its February 2020 meeting. The Council discussed matters relating to this recommendation at its December 2018, December 2019, and February 2020 meetings.

**Recommendation:** The Child Well-Being Transformation Council recommends the General Assembly require the Department of Health and Human Services to i) report a complete list of programs approved for federal reimbursement by the implementation of FFPSA, ii) report on such approved programs in use in North Carolina by county or other entity, iii) identify the amounts of federal funds obtained for such programs used in North Carolina, and iv) identify strategies to improve and expand, where needed, the use of such programs across the State. The Department shall report annually on these programs, strategies, and the demonstrated efficiency and effectiveness of these programs to the Joint Legislative Oversight Committee on Health and Human Services on or before December 1, 2021, and annually thereafter until December 1, 2024.

### Recommendation 9

**Problem:** Confidentiality laws prohibit needed sharing of information across entities to ensure child safety and welfare.

**Relates to:** This recommendation relates to a response from the survey of council members, which asked them to identify gaps, failures, and recommendations. The Council heard a presentation relating to this recommendation from the Department of Information Technology, the Department of Health and Human Services, and Casebook at its September 2019 meeting. In addition, the Council heard matters relating to this recommendation from its panel of Guardians ad Litem in December of 2019. The Council discussed matters relating to this recommendation at its December 2018, June 2019, September 2019, December 2019, and February 2020 meetings.

**Recommendation:** The Child Well-Being Transformation Council, consistent with the Social Services Working Group, recommends the General Assembly direct the Department of Health and Human Services, Division of Social Services, in consultation with the Department of Public Instruction, the Department of Public Safety, Division of Juvenile Justice, the Administrative Office of the Courts, and the Department of Information Technology, to conduct a study of all state social services confidentiality laws and request recommendations for any revisions necessary to improve inter-county collaboration and service delivery. The study shall include a review of the laws of general applicability (e.g., G.S. 108A-80 and the regulations in Chapter 69 of the Administrative Code) as well as those that are more specific (e.g., G.S. 7B-302, 7B-2901). The findings and recommendations shall specifically address the following: i) revisions necessary to accommodate the anticipated changes to the judicial system's IT platform; ii) whether state law can be amended to facilitate improved information sharing between child welfare and child support and, if not, whether the State should advocate for changes to federal law; and iii) confidentiality laws applicable to the juvenile justice system to ensure that information sharing between juvenile justice and social services is adequate to provide the best possible services and supports to juveniles involved with both systems. The Department of Health and Human Services shall report to the Chairs of the House and Senate Health and Human Services Appropriations Committees on or before June 1, 2021 on the results of the study.

### Recommendation 10

**Problem:** An inactive board that once served children remains in statute.

**Relates to:** The Council heard matters relating to this recommendation from the UNC School of Social Work's presentation on the Social Services Working Group at the Council's March 2019 meeting. The Council discussed matters relating to this recommendation at its March 2019, June 2019, and February 2020 meetings.

**Recommendation:** The Child Well-Being Transformation Council recommends the General Assembly modify state statute to eliminate an inactive board in the children, youth, and family arena: the Permanency Innovation Initiative Oversight Committee.

### Recommendation 11

**Problem:** Lack of a central entity continuing to identify gaps, failures, and solutions in the child welfare and other related arenas as well as providing oversight for programs serving such purposes.

**Relates to:** The Council discussed matters relating to this recommendation at its February 2020 meeting.

**Recommendation:** The Child Well-Being Transformation Council recommends the General Assembly enact Section 7 of House Bill 935, version 4, from the 2019 Regular Session of the 2019 General Assembly, to continue the work of the Social Services Working Group until February 1, 2022, and to make recommendations to and provide oversight of the Department of Health and Human Services regarding the regional supervision and collaboration plan, including such items as i) the role of local elected officials and governing boards in social services oversight, ii) legal representation of local social services agencies, iii) management of conflicts of interest, iv) determination of residency for social services program recipients, v) transfer and change of venues in adult guardianship cases, vi) notice of requirements for adult guardianship cases, and vii) confidentiality of social services records in relation to improving interagency collaboration. The Working Group shall consist of the constituted members as of December 1, 2018.

### Recommendation 12

**Problem:** Lack of awareness that although children are not required to attend school until they are 7, the compulsory attendance law applies to children under 7 who are enrolled in school.

**Relates to:** The Council heard matters relating to this recommendation from its panel of school counselors, psychologists, and social workers in February of 2020. The Council discussed matters relating to this recommendation at its February 2020, June 2020, and July 2020 meetings.

**Recommendation:** The Child Well-Being Transformation Council recommends the General Assembly direct the Department of Public Instruction to notify public school social workers annually that students enrolled under age 7 are subject to the compulsory attendance law.

### **Recommendation 13**

**Problem:** Lack of regional supervision of county departments of social services.

**Relates to:** The Council discussed matters relating to this recommendation at its December 2018, June 2019, September 2019, and February 2020 meetings.

**Recommendation:** The Child Well-Being Transformation Council recommends the General Assembly enact Section 1 of House Bill 935, version 4, from the 2019 Regular Session of the 2019 General Assembly, to establish seven regions for regional supervision of child welfare and social services and begin providing oversight and support within those regions through State regional staff and the central office team. In addition, the Department of Health and Human Services, in consultation with various entities, would create formal education and training sessions for new county boards of social services members, which would be available statewide by September 1, 2020.

### **Recommendation 14**

**Problem:** Lack of awareness of services available to Medicaid-eligible students in school settings.

**Relates to:** This recommendation relates to a response from the survey of council members, which asked them to identify gaps, failures, and recommendations. In addition, the Council heard matters relating to this recommendation from its panels of foster parents and judges in December of 2019 and its panel of local department of social services directors and deputy directors and panel of school counselors, psychologists, and social workers in February of 2020. Further, the Council discussed matters relating to this recommendation at its June 2019 and February 2020 meetings.

**Recommendation:** The Child Well-Being Transformation Council recommends the General Assembly direct the Department of Public Instruction and the Department of Health and Human Services, Division of Health Benefits, to develop and implement a plan to work with the Department of Public Instruction and local education administrative units to ensure an increased awareness of additional Medicaid-eligible services available in school settings beyond Individualized Education Program (IEP) services. The Department shall consult Local Management Entities/Managed Care Organizations in developing the plan. The plan shall include an assessment of the feasibility of enhanced rates and other mechanisms to encourage private agencies to provide services in schools to Medicaid-eligible students. The Department shall report to the Joint Legislative Oversight Committee on Medicaid and NC Health Choice and the Chairs of the House and Senate Health and Human Services Appropriations Committees on or before August 1, 2021 on the plan and any recommended legislative changes to implement the plan.

### Recommendation 15

**Problem:** Lack of independent review of the Integrated Care for Kids (InCK) pilot program.

**Relates to:** This recommendation relates to a response from the survey of council members, which asked them to identify gaps, failures, and recommendations. The Council discussed matters relating to this recommendation at its February 2020 meeting.

**Recommendation:** The Child Well-Being Transformation Council recommends the General Assembly require the Joint Legislative Program Evaluation Oversight Committee to amend the 2023-2024 Program Evaluation Division work plan to direct the Division to evaluate the success of the InCK pilot program, including the empirical benefits achieved thus far in its implementation, including but not limited to the use of telehealth, the feasibility of expanding the pilot program, and the anticipated cost savings and requirements for expanding the pilot. The Division shall report to the Joint Legislative Program Evaluation Oversight Committee and the Joint Legislative Oversight Committee on Health and Human Services on or before March 1, 2025.

Because the following two recommendations simply express support for certain Social Services Working Group recommendations, they do not have corresponding bill draft language.

### Recommendation 16

**Problem:** Lack of information sharing between agencies regarding children receiving services within the child welfare system.

**Relates to:** The Council heard a presentation relating to this recommendation from the Department of Information Technology, the Department of Health and Human Services, and Casebook at its September 2019 meeting. In addition, the Council heard matters relating to this recommendation from its panel of Guardians ad Litem in December of 2019. The Council discussed matters relating to this recommendation at its December 2018, June 2019, September 2019, December 2019, and February 2020 meetings.

**Recommendation:** The Child Well-Being Transformation Council supports the Social Services Working Group's recommendation regarding data sharing. To ensure social services staff across the State have access to status information about legal actions involving children and adults involved with the social services system, the new information technology platform being developed for the judicial system should provide attorneys involved with a case (social services attorneys, attorney advocates, Guardian ad Litem attorneys, and parent attorneys) and directors (or their authorized designees) with access to limited statewide information about children and adults who have intersected with the social services system in any county of the State. In addition, the new system should provide them with access to more detailed information about the cases pending or resolved in their own counties. The Council also supports the Administrative Office of the Courts consulting with the Department of Health and Human Services and the counties when developing the new system.



## Recommendation 17

**Problem:** Lack of assurance that guidance and training will be developed based upon the study required by Recommendation 9, which mandates a review of confidentiality laws.

**Relates to:** This recommendation relates to a response from the survey of council members, which asked them to identify gaps, failures, and recommendations. The Council heard a presentation relating to this recommendation from the Department of Information Technology, the Department of Health and Human Services, and Casebook at its September 2019 meeting. In addition, the Council heard matters relating to this recommendation from its panel of Guardians ad Litem in December of 2019. The Council discussed matters relating to this recommendation at its December 2018, June 2019, September 2019, December 2019, and February 2020 meetings.

**Recommendation:** The Child Well-Being Transformation Council supports the Social Services Working Group's recommendation regarding training for information sharing and confidentiality. Once confidentiality laws are amended, the Department of Health and Human Services, in consultation with counties, should prepare comprehensive guidance and training regarding information sharing and confidentiality for all social services programs. The agency should ensure its central and regional staff understand, interpret, and apply the guidance consistently.