



# SENATE BILL 594: Family/Child Protection & Accountability Act.

2017-2018 General Assembly

<b>Committee:</b>	Senate Judiciary. If favorable, re-refer to Rules and Operations of the Senate	<b>Date:</b>	June 5, 2017
<b>Introduced by:</b>	Sens. Barringer, Harrington, Tucker	<b>Prepared by:</b>	Tawanda N. Foster Staff Attorney
<b>Analysis of:</b>	PCS to First Edition S594-CSTV-8		

**OVERVIEW:** *The PCS to Senate Bill 594 does the following:*

- 1) *establishes social services regional supervision and collaboration;*
- 2) *reforms the State child welfare system;*
- 3) *improves accountability and state oversight of the child welfare system;*
- 4) *requires written agreements, corrective action, and state intervention with social services departments;*
- 5) *creates regional social services departments;*
- 6) *establishes a child well-being transformation council to improve coordination, collaboration, and communication among child-serving agencies;*
- 7) *establishes a pilot program to help youth in substitute care obtain drivers licenses;*
- 8) *establishes a pilot program to authorize a waiver of the employment requirement for foster parents with children receiving intensive alternative family treatment;*
- 9) *reduces the time a parent has to appeal from a termination of parental rights order;*
- 10) *reduces the time for foster care licensure approval; and*
- 11) *requires child protective service observation before physical custody of a child may be returned to a parent, guardian, custodian or caretaker from whom the child was removed.*

[As introduced, this bill was identical to H608, as introduced by Reps. Stevens, Lewis, Dollar, Jordan, which is currently in House Homelessness, Foster Care, and Dependency.]

**BILL ANALYSIS:**

PART I. SOCIAL SERVICES REGIONAL SUPERVISION AND COLLABORATION; WORKING GROUP

**Section 1.1** requires the Department to develop a plan for establishing regional offices charged with supervision of administration of social services at the local level. The plan must also identify any necessary legislative and regulatory changes needed to improve regional collaboration among county or regional social services agencies or programs.

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**Section 1.2(a)** establishes the Social Services Regional Supervision and Collaboration Working Group to make recommendations to the Department regarding the regional supervision and collaboration plan.

**Sections 1.2.(b), (c), and (d)** provides for the composition, subcommittees, duties, and reports of the Working Group.

**Section 1.2.(f)** requires the School of Government at the University of North Carolina at Chapel Hill to assist the Working Group.

## PART II. REFORMING STATE SUPERVISION AND ACCOUNTABILITY OF THE STATE'S SOCIAL SERVICES SYSTEM

**Section 2.1.(a)** requires The Office of State Budget and Management, in consultation with the Department of Health and Human Services, to develop and issue a request for proposal (RFP) no later than September 30, 2017, to contract with a third party organization to develop a plan to reform the state supervision and accountability for the social services system, including child welfare, adult protective services and guardianship, public assistance, and child support enforcement ("system reform").

**Section 2.1.(b)** requires the third party organization to develop a child welfare reform plan that makes specific recommendations.

**Section 2.1.(c)** requires the organization in developing the child welfare components of the reform plan to 1) ensure the plan complies with the federal Child and Family Services Review Program Improvement Plan; 2) consult regularly with the Social Service Regional Supervision and Collaboration Working Group and offer recommendations as appropriate; and 3) review the program for corrective action under G.S. 108A-74, as amended and offer any recommendations as necessary.

**Section 2.1.(d)** requires the reform effort to include the creation of a Social Services System Transparency and Wellness Dashboard (Dashboard) that will collect data from the North Carolina Families Accessing Services through Technology (NC FAST) system.

**Section 2.1.(e)** provides the reporting and implementation timeline and requirements for the reform plan.

**Section 2.2** provides this section becomes effective July 1, 2017.

## PART III. LOCAL DSS WRITTEN AGREEMENTS; CORRECTIVE ACTION; STATE INTERVENTION

**Section 3.1.(a)** requires counties to enter into annual written agreements for all social services programs other than medical assistance. It also provides for a process for corrective action when a county department fails to provide child welfare services and for state intervention in or control of child welfare service delivery.

**Section 3.1.(b)** provides this section becomes effective upon ratification and applies to written agreements required pursuant to G.S. 108A-74(a1) for fiscal years 2018-19 and 2019-20.

**Section 3.2.(a)** requires counties to enter into annual written agreements for all social services programs other than medical assistance once written agreements are in place. It also provides for a process for corrective action when a county department fails to comply with the written agreement or applicable law and provides for state intervention in or control of service delivery.

**Section 3.2.(b)** becomes effective March 1, 2020 and is effective for all written agreements required pursuant to G.S. 108A-74 entered into on or after that date.

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## PART IV. REGIONAL SOCIAL SERVICES DEPARTMENTS

**Section 4.1.** provides for the creation of regional social services departments governed by regional boards of social services. This section also includes procedures for the dissolution of a regional social services department and the appointment of a regional social services director.

**Sections 4.2., 4.3., and 4.4.** make conforming changes.

**Section 4.5.** makes a conforming change by adding a new subdivision to the powers and duties of the Social Services Commission.

**Section 4.6.** provides sections 4.1., 4.2., 4.3., and 4.4. become effective March 1, 2019. Section 4.5. becomes effective upon ratification.

## PART V. CHILD WELL BEING TRANSFORMATION COUNCIL

**Section 5.1.** creates a new Article in Chapter 143 of the General Statutes to establish the Child Well-Being Transformation Council (Council) to serve as a means for coordination, collaboration, and communication among agencies and organizations involved in providing public services to children.

- The Council will be located administratively in the General Assembly and will consist of 17 members serving staggered terms. The initial Council members shall be appointed on or after July 1, 2018, as follows:
  - Four members shall be appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate.
  - Four members shall be appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives.
  - Nine members shall be appointed by the Governor.
- The Council must submit a report to the chairs of the Senate Appropriations Committee on Health and Human Services, the chairs of the House of Representatives Appropriations Committee on Health and Human Services, the Joint Legislative Oversight Committee on Health and Human Services, and the Fiscal Research Division by June 30 of each year.
- The Council is allowed to accept gifts or grants from other sources to support its administration.

**Section 5.2.(b)** provides Section 5.1 becomes effective July 1, 2017.

## PART VI. DRIVERS LICENSE PILOT PROJECT

**Section 6.1.(a)** requires the Department of Health and Human Services, Division of Social Services to establish a two year pilot program that shall reimburse, on a first come, first served basis, youth and caregivers' costs associated with drivers license education, drivers license fees, insurance costs, and any other costs associated with obtaining a drivers license.

**Section 6.1.(b)** requires the Division of Social Services to report on the pilot project to the Joint Legislative Oversight Committee on Health and Human Services by March 1, 2018.

**Section 6.2.** provides this section becomes effective July 1, 2017.

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## PART VII. PILOT WAIVER FOR IAFT FOSTER PARENTS

**Section 7.(a) and (b)** requires the Department of Health and Human Services, Division of Social Services to establish a pilot program that will allow the Division to waive the employment requirement for certain foster parents.

**Section 7.(c)** requires LME/MCOs participating in the IAFT pilot waiver program must submit a report on the outcomes of the pilots, along with any recommendations, to the Division. The Division will then submit a report on the pilot waiver program to the Joint Legislative Oversight Committee on Health and Human Services by December 1, 2018.

## PART VIII. TERMINATION OF PARENTAL RIGHTS/APPEALS

**Section 8.(a)** amends G.S. 7B 1001(a)(5)b to reduce the time from 180 days to 65 days for parents to appeal a termination of parental rights order.

**Section 8.(b)** provides this section becomes effective January 1, 2019, and applies to appeals filed on or after that date.

## PART IX. TIME FRAME FOR LICENSURE APPROVAL/FOSTER CARE

**Section 9.1** amends G.S. 131D-10.3 to require the Department to grant or deny a license to provide foster care or therapeutic foster care within three months of the date of the application.

**Section 9.2.** directs the Department to further examine the existing time frames for processing foster care and therapeutic foster care applications and determine methods to further reduce the time frames for approving or denying applications for licensure.

## PART X. RYLAN'S LAW/CPS OBSERVATION

**Section 10** adds to current law an additional provision that the county department of social services may not recommend physical custody be returned to a parent, guardian, custodian or caretaker from whom a juvenile was removed, unless the department has observed that parent, guardian, custodian or caretaker with the juvenile for at least two successful visits and provides documentation of the successful visits to the court.

- The "successful visits" must be at least seven days apart and must consist of an observation of at least one hour with the juvenile(s) subject to the abuse, neglect, or dependency being present for the duration of the visit.

**EFFECTIVE DATE:** Except as otherwise provided, this bill would become effective when it becomes law.