



HOUSE BILL 935: Social Services Reform.

2019-2020 General Assembly

Committee:		Date:	September 12, 2019
Introduced by:	Reps. Blackwell, Stevens, White, Dobson	Prepared by:	Theresa Matula
Analysis of:	Third Edition		Legislative Analyst

OVERVIEW: *House Bill 935 would make the following changes related to social services reform: 1) implement new supervisory requirements recommended by the Social Services Regional Supervision and Collaboration Working Group (Working Group) and appropriate \$914,790 from the General Fund to the Department of Health and Human Services (DHHS), Division of Social Services, for each fiscal year of the 2019-2021 biennium to support 11 new staff positions to improve regional supervision and support of child welfare services; 2) implement a criminal history record check process for child care institutions; 3) allow funds from the child welfare postsecondary support program to provide assistance to youth who exit foster care to a permanent home through the Guardianship Assistance Program; 4) require members of the county board of social services to attend education and training sessions; 5) require the Administrative Office of the Courts to conduct a feasibility and cost study of a proposed child support tribunal with a dedicated court officer to hear child support matters; 6) require the Social Services Commission to adopt rules regarding conflict of interest in the provision of social services; 7) extend the report on the plan for a system of regional supervision to March 1, 2022, address vacancies on the Working Group, outline additional responsibilities, and require a report from the Working Group by October 15, 2020; and 8) require DHHS to conduct a study on transferring adult guardianship cases from DHHS to counties.*

BILL ANALYSIS: House Bill 935 would make the changes outlined below:

Section 1 requires the Department of Health and Human Services (DHHS), in accordance with a plan created by the Social Services Regional Supervision and Collaboration Working Group (Working Group), to establish seven regions for supervision of child welfare and social services beginning March 1, 2020. Section 1(b) appropriates \$914,790 each fiscal year of the 2019-2021 biennium to support 11 new staff positions to support regionalization. This section becomes effective July 1, 2019.

Section 2 establishes a required criminal history record check process for employees, applicants for employment, and individuals wishing to volunteer in a child care institution as defined by Title IV-E of the Social Security Act. The process and relevant offenses outlined in this section are similar to the statutes in place for other providers where employees are not required to have an occupational license that requires a criminal history record check, or where the employer is not a governmental entity. Within five days of making a conditional offer of employment or discussing a volunteer opportunity, the child care institution or contract agency of a child care institution is required to submit a request to the Department of Public Safety (DPS) to conduct a State and national criminal background check. DPS is required to return the results of the check to the Criminal Records Check Unit of DHHS. Relevant offenses are listed in G.S. 108A-133(e) and are similar to those contained in similar statutes. Conviction of a relevant offense would not be a bar to employment, the DHHS Criminal Records Check Unit must consider the offense and the factors listed G.S. 108A-133(d), and inform the child care institution or contract agency for a child care institution whether a person should be hired or allowed to volunteer. Section 2(c) authorizes the

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Department of Public Safety to conduct the necessary criminal history checks. Section 2(d) provides that the section becomes effective December 1, 2020, and applies to all employees, volunteers, and applicants on and after that date.

Section 3 amends Section 11C.5(a) of S.L. 2017-57, to allow youth who exit foster care through the Guardianship Assistance Program to be eligible for NC REACH, a program that assists with paying for postsecondary education of youth who exit foster care.

Section 4 requires members of county boards of social services to attend education and training sessions provided for new board members during the first year they serve on the board. Section 4(b) requires DHHS, in collaboration with stakeholders, to create formal education and training sessions and to make the available Statewide by March 1, 2020. Section 4(c) requires that the requirement to create the education and training sessions becomes effective when it becomes law. The requirement for new board members to attend training becomes effective October 1, 2020 and by October 1, 2022, all current county board of social services members must have participated in the education and training sessions.

Section 5 requires the Administrative Office of the Courts to study the feasibility of creating a tribunal dedicated to hearing child support matters and to report findings and recommendations to the Joint Legislative Oversight Committee by March 1, 2020.

Section 6 creates G.S. 108A-15.16 to define "conflicts of interest" and requires county departments of social services to work expeditiously to resolve conflicts of interest. The county must notify DHHS about a conflict of interest and DHHS has the final authority to resolve the issue. The Social Services Commission is required to adopt rules regarding conflicts of interest and must report to the Joint Legislative Oversight Committee on Health and Human Services upon adopting the rules.

Section 7 continues the work of the Social Services Regional Supervision and Collaboration Working Group (Working Group). The Working Group will consist of currently constituted members as of December 1, 2018, and vacancies on the Working Group created by death, resignation, or otherwise will be filled in the same manner as the original appointment. The Working Group is required to:

- Review and revise recommendations regarding regional supervision of child welfare and social services.
- Provide detailed recommendations on the role of elected officials and governing boards in social services oversight, local representation of social services agencies, residency determination for social services programs, venue and notice requirements for adult guardianship cases, and confidentiality of social services records.
- Conduct a study regarding appointments of and funding for publicly-funded guardians. The study must include a description of the current types of appointments of publicly-funded guardians, an evaluation of the effectiveness of the various types of publicly-funded guardians, and recommendations for management of publicly-funded guardians.

No later than October 15, 2020, the Working Group must submit a preliminary report to the Joint Legislative Oversight Committee on Health and Human Services and submit a final report no later than February 1, 2021. The Working Group terminates on the earlier of February 1, 2021, or the date the Joint Legislative Oversight Committee on Health and Human Services determines the Group is not making sufficient progress.

Section 8 requires DHHS to conduct a feasibility study and make recommendations on transferring adult guardianship cases from DHHS to counties. The report is due March 1, 2020, to the Joint Legislative Oversight Committee on Health and Human Services.

EFFECTIVE DATE: Except as otherwise provided, the act becomes effective when it becomes law.

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BACKGROUND:

- The following is a link to the Social Services Regional Supervision and Collaboration Working Group's [report](#).
- "Child care institution" is defined in Federal regulations (45 CFR 1355.20) as:
Child care institution means a private child care institution, or a public child care institution which accommodates no more than twenty-five children, and is licensed by the licensing authority responsible for licensing or approval of institutions of this type as meeting the standards established for such licensing. The licensing authority must be a State authority in the State in which the child care institution is located, a Tribal authority with respect to a child care institution on or near an Indian Reservation, or a Tribal authority of a Tribal title IV-E agency with respect to a child care institution in the Tribal title IV-E agency's service area. This definition must not include detention facilities, forestry camps, training schools, or any other facility operated primarily for the detention of children who are determined to be delinquent.
- Child care institutions in NC - According to DHHS, there are two licensing authorities for child care institutions as defined by Title IV-E of the Social Security Act – the Division of Social Services (DSS) for facilities under Chapter 131D of the North Carolina General Statutes, and the Division of Health Services Regulation for facilities under Chapter 122C. The DSS licenses both public and private residential child care facilities- private residential child care facilities are owned and operated by a private agency. Public facilities are owned and operated by a county government agency or a county DSS. There are 44 private residential child care facilities/agencies and 3 public residential child care facilities/agencies currently licensed by DSS. Some residential child care facilities may meet the definition of child care institution under Title IV-E, but not all.

* *Jason Moran-Bates and Jessica Boney, staff to the House Health Committee, contributed to this summary.*