

Child Welfare Legislative Update

S.L. 2014-16 (H1103): Pre-adjudication hearing

Effective October 1, 2014, this session law adds G.S. 7B-800.1(5a), which requires the court to consider at the pre-adjudication hearing whether a petition for abuse, neglect, or dependency has been properly verified so as to invoke subject matter jurisdiction.

S.L. 2014-115 (H1133): Technical Corrections, Payment for Parent GAL

Section 21 (p. 13 of the pdf version) amends G.S. 7B-603(b) to expressly state IDS pays the cost of a guardian ad litem appointed to a respondent parent in an abuse, neglect, or dependency action. Prior to this correction, payment by IDS for a GAL appointed to a respondent parent appeared only at G.S. 7B-1101.1(f), which applied to termination of parental rights actions.

S.L. 2014-100 (S744): Appropriations Act Section XII Part C addresses the Department of Health and Human Services Division of Social Services. The following sections are part of the “Child Protective Services Improvement Initiative.”

- Section 12C.1.(b) found at p. 72 of the pdf version provides additional funding for child protective services workers to decrease the average caseload per worker to a recommended 10 families and is effective October 1, 2014.
- Section 12C.1.(d) found at p. 73 of the pdf version provides funding for 9 positions with the Division of Social Services that will provide oversight of county departments of social services through monitoring, training, and technical assistance regarding child protective services.
- Section 12C.1.(f) found at p. 73 of the pdf version provides funding for the Division of Social Services to contract for an independent evaluation of the state child protective services system with recommendations to be provided regarding:
 - the administrative structure of the system,
 - performances, monitoring, and oversight of the county departments,
 - caseload sizes and case worker turnover, and
 - adequacy of funding.

A report shall be submitted to Joint Legislative Oversight Committee by January 1, 2016

- Section 12C.1.(g) found on pp. 73-74 of the pdf version requires the Division of Social Services to conduct a conflict of interest study when a county department of social services is involved in both a child protective case and public guardianship case involving the parent, custodian, guardian, or caretaker of the child at issue in the child protective case. The Division of Social Services is directed to consider
 - Internal firewalls within a county dss to prevent information sharing
 - The creation of a “buddy system” with a neighboring county dss
 - Referral of the guardianship to a corporate guardian
 - NC DHHS taking responsibility for either the guardianship or child protective case

- Legislation identifying other public agencies or officials to serve as public guardian

A final report of the study must be submitted to the Senate Appropriations Committee on Health and Human Services and the Fiscal Research Division by February 1, 2015.