

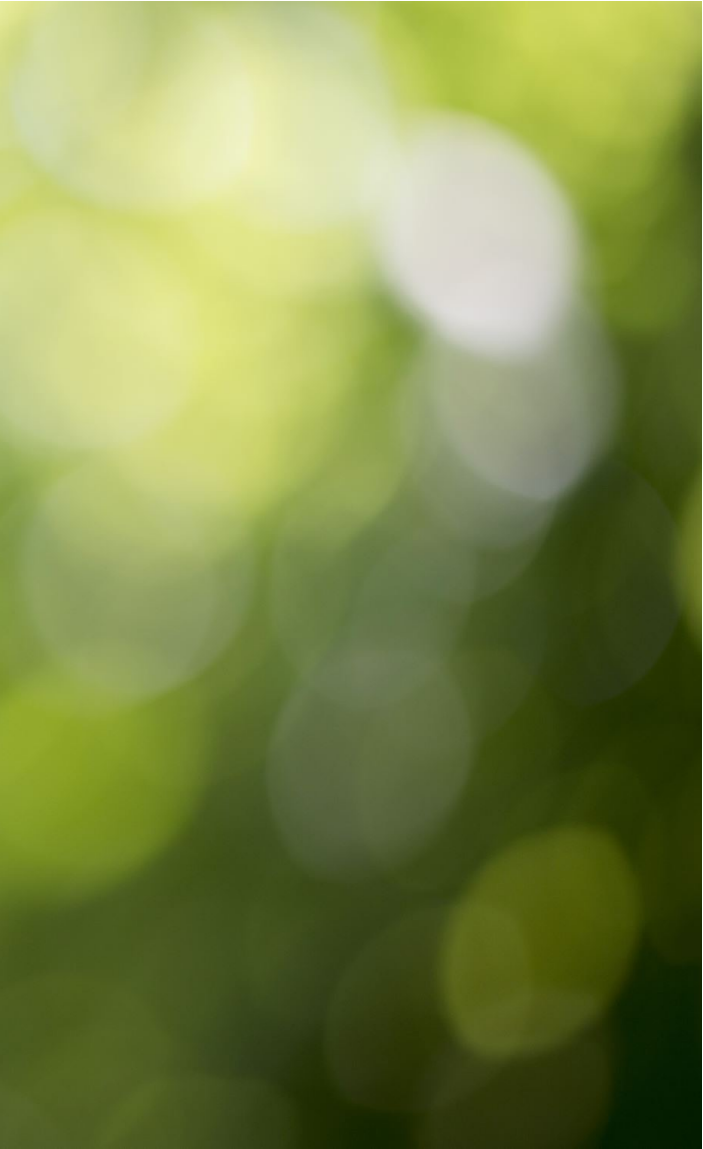
How the DHHS Manual Can Help Parent Attorneys



Annick Lenoir-Peek

Parent Defender

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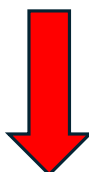
The DHHS Manual

Where can I find it?

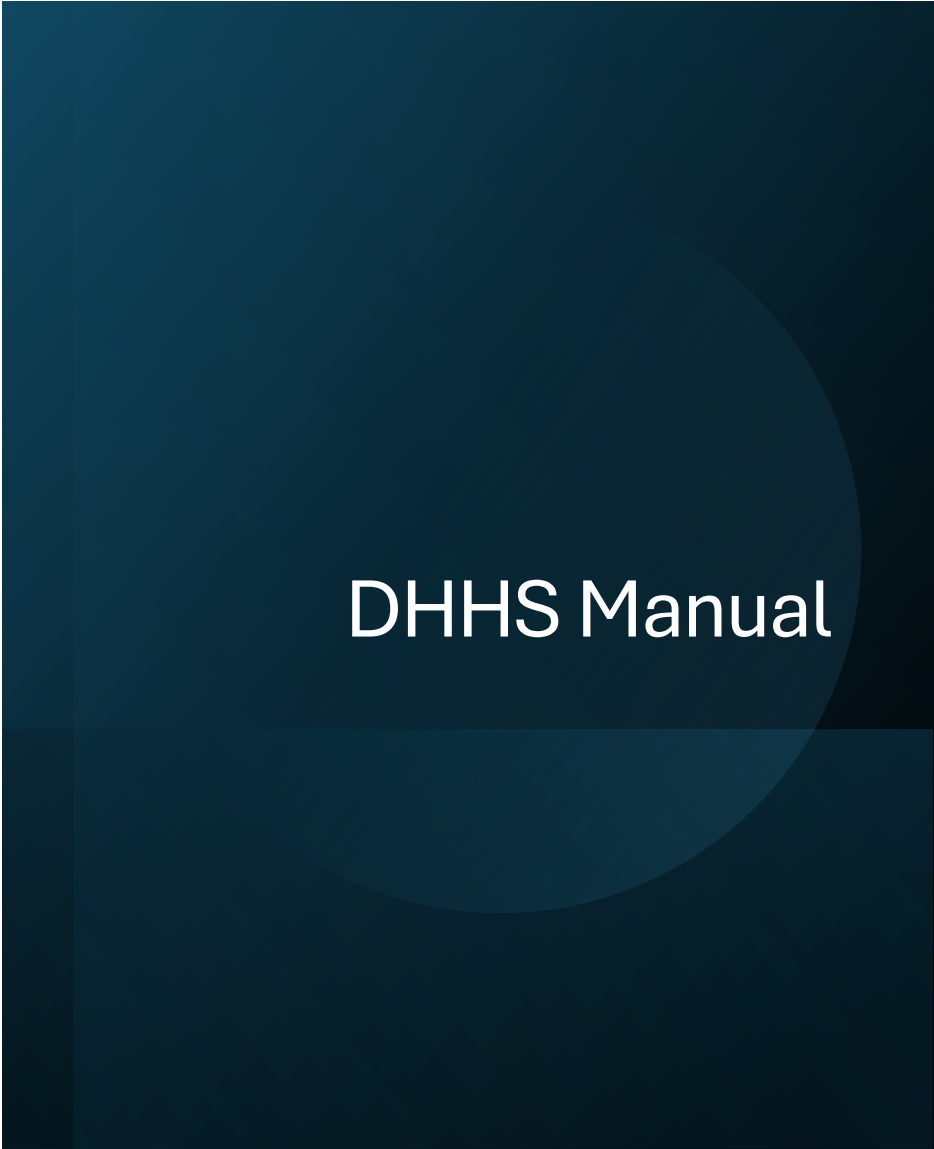
- <https://policies.ncdhhs.gov/divisional-n-z/social-services/child-welfare-services/cws-policies-manuals/>
- Link on our [website](#) (Links on the For Attorneys tab)

Division

- Purpose
- Policy | Legal Basis



Protocol – What you must do	Guidance – How you should do it
<u>RELATIVE NOTIFICATION</u> County child welfare agencies must identify and notify all adult relatives and other persons with legal custody of a sibling of the child within 30 days of the child's removal from their parent(s)/caretaker(s). County child welfare agencies must provide documentation of those efforts to the court. The county child welfare agency must thoroughly search for relatives, and when it is safe and appropriate juvenile children must be placed with relatives. Relative is defined as an individual directly related to the juvenile by blood, marriage, or adoption. This includes but is not limited to the following examples: grandparents, siblings, aunts, and uncles.	Notification to relatives is subject to exceptions due to family circumstances such as domestic violence. County child welfare agencies should provide to the court efforts made to contact relatives and/or a legal custodian of a sibling and include the date the notification was sent, the response from the notification, and the reasons why the relative or legal custodian of a sibling was or was not recommended for placement by the agency. The local county agency should also provide copies of all correspondence with relatives and/or a legal custodian of a sibling in the case file.

A dark blue square background with a lighter blue circular shape in the center. The text "DHHS Manual" is written in white, sans-serif font across the middle of the circle.

DHHS Manual

1. Documentation & Timelines
2. Visitation

But there's loads more:

- Investigations
- Shared Parenting
- Family Searches
- Substance Use
- And so much more!

Documentation & Timelines



What Documents Do We Want?

At the Beginning of the Case:

- Investigation Notes (DSS-5010)
- Substantiation Notes
- Records from Investigation (school, hospital)
- Collateral Contacts
- Narratives
- Family Assessment of Strengths and Needs (DSS-5229)
- Risk Assessment (DSS-5230)
- Family Services Agreement (DSS-5240)
- Anything your client has signed!

Safety Risk Assessment

MAKING THE CASE DECISION

The CPS Assessment Documentation Tool must document answers to the following questions:

1. Has the maltreatment occurred with frequency and/or is the maltreatment severe?
2. Are there current safety issues? Would the child be unsafe in the home where the abuse, neglect, or dependency occurred? (Note: If the child(ren) is separated from their parent or access is restricted and that separation/restriction continues to be necessary due to safety issues, then this question must be answered “yes.”)
3. Is the child at risk of future harm?
4. Is the child in need of protection?

To make a case decision to substantiate or find child protective services needed, the answer to one or more of the above questions must be “yes.” See Family

DSS-5230 – Family Risk Assessment

SCORED RISK LEVEL

Assign the family's risk level based on the highest score on either scale, using the following chart:

Neglect Score	Abuse Score	Risk Level
☐ -1-2	☐ 0-2	☐ Low
☐ 3-5	☐ 3-5	☐ Moderate
☐ 6-16	☐ 6-12	☐ High

OVERRIDES

Policy: Override to high; mark appropriate reason.

- ☐ 1. Sexual abuse cases where the perpetrator is likely to have access to the child victim.
- ☐ 2. Cases with non-accidental physical injury to an infant.
- ☐ 3. Serious non-accidental physical injury warranting hospital or medical treatment.
- ☐ 4. Death (previous or current) of a sibling as a result of abuse or neglect.

Discretionary: Override (increase or decrease **one level** with supervisor approval). Provide reason below.

Reason: _____

OVERRIDE RISK LEVEL: ☐ Low ☐ Moderate ☐ High



DSS-5229 – Strengths & Needs

S5. Family Relationships

a. Supportive relationships.....	-2
b. Occasional problematic relationship (s).....	0
c. Domestic discord.....	2
d. Serious domestic discord/domestic violence.....	4 _____

not meet the serious and/or imminent risk criteria outlined by the Administration of Children and Families. The Assessment caseworker should include in their documentation whether:

- The CPS-Assessment case decision was “substantiated” or “services needed”
- The most recent Safety Assessment has a determination of “safe with a plan,” and the agency is still actively monitoring the safety interventions in that plan; AND
- The agency would pursue custody if safety threats cannot be controlled by interventions.

Documents to Request (Due w/in 30 calendar days of placement)

- DSS-5240 (Family Services Agreement)
- **Diligent** efforts to identify and notify adult relatives. *When it is safe and appropriate children must be placed with relatives.*
- Documentation of diligent efforts to locate (LexisNexis and Kinnect reports)
- DSS-5317 (Relative Notifications)
- DSS-5229 (Review Family Assessment of Strengths and Needs)
- DSS-5230 (Review of Risk Assessment)
- Child's life book

Documents to Request (Due w/in 60 days):

- Narratives
- DSS-5010 (Investigation)
- DSS-5229 (Family Assessment of Strengths & Needs)
- DSS-5230 (Risk Assessment)
- DSS-5226 (Family Risk Reassessment)
- DSS-5240 (Family Services Agreement)
- DSS-5242 (Family Time and Contact Plan)

Documents to Request (w/in 90 days from last ones)

- DSS-5241 (Permanency Planning Review)
- DSS-5240 (Updated Family Services Agreement)
- DSS-5229 (Family Strengths and Needs Assessment)
- DSS-5227 (Family Reunification Assessment)

What about contact?

Within 7 calendar days of placement:

- Face-to-face with children (in addition to on day of placement)
- Face-to-face with placement (in addition to on day of placement)
- Family time between children and parents/caretakers

Within 14 calendar days of placement:

- Shared Parenting meeting
- Family Time and Contact Plan (DSS-5242) developed with parents
- DSS-5242 for siblings if placed separately

At a minimum, on-going monthly contact

How to bridge the gap:



IDENTIFY THE IMMEDIATE SAFETY
RISKS.



REVIEW THE PAPERWORK FROM
THE INVESTIGATION.



CONSTANTLY COLLECT AND
REVIEW SOCIAL WORKER NOTES
(NARRATIVES).

Visitation
Family Time
and Contact
(Visitation
Plan)
DSS-5242





Visitation Requirements

The Family Time and Contact (Visitation) Plan (DSS-5242), generated in NC FAST, must:

- State, for each child, the type, level of supervision, frequency, duration, and location of visits;
- Always be current;
- Be revised as often as necessary; and
- Be signed by all parties.

Each must address the following critical elements:

- Attendees/participants approved by the county child welfare services agency to attend the visits;
- Transportation arrangements for the parents and the child;
- Whether visits will be supervised or monitored, and by whom; and
- Whether other kinds of contacts are appropriate such as telephone calls, emails or letters, skype, or social media, and if monitoring of them is needed.

Frequent and meaningful visitation between parent/child should occur because

- Visits maintain and improve the parent/child relationship;
- Visits enable children to see their parents realistically and rationally and can help calm separation fears;
- Visitation is often the only means of maintaining, improving, or developing the child's relationship with their parents;
- Visits provide the opportunity for parents to improve their parenting skills and to demonstrate their ability to care for their child;
- Visits provide the county child welfare worker the opportunity to observe and to evaluate the parent-child relationship;
- Visits are a good indicator of the possibility of reunification; and
- Visits provide documentation of the parent's progress.



Visits can be a motivator for parents who are making progress on the objectives of their Permanency Planning Family Services Agreement. When county child welfare workers have observed a parent's progress, they can ask the court to review the Family Time and Contact Plan and revise it to allow more frequent visits, longer visits, or unsupervised visits, as appropriate.



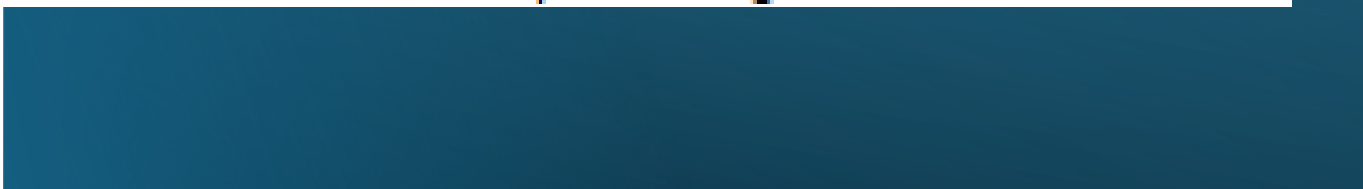


Children need visits to:

- Keep a connection to their family;
 - Mitigate their grief;
 - Have their worth reaffirmed;
 - Have the assurance that their parents “exist”; and
 - Re-establish and strengthen a relationship with their parents.
- 



Parents need visits to:

- Remain attached to their children;
 - Stay motivated to work for reunification;
 - Practice what they have learned in treatment and improve their parenting skills;
 - Understand the unique needs of their children;
 - Mitigate their grief;
 - Re-establish and strengthen a relationship with their child; and
 - Demonstrate their attachment and parenting abilities.
- 

Contact with Parents

Even if reunification is not the plan – need monthly contact and should not be in public.

If a TPR is on appeal and if reunification was the secondary plan at the time of the TPR, continued contact is required, at least monthly.



- Even if a parent is incarcerated, (in-state or out-of-state), they must be contacted to determine if they can assist in identifying any strengths or needs of the family, give input on the Family Services Agreement, determine if there are any possible relatives that may be a resource in supporting the child(ren), and determine what level of involvement they can maintain, particularly around the planning for and contact with the child(ren).



For your incarcerated
(and out of state/out of
country clients)

- What efforts to contact
- How often is the contact
- What is the attempt to keep the parent engaged in the case plan
- What efforts are being made to connect the child with the parent

How to bridge the gap:

- Advocate for more visits.
- Find others to supervise visits.
- Overcome any transportation or time barriers.
- Push for shared parenting.
- Use permanency mediation to create a detailed visitation plan (similar to the one in custody cases) when no further reviews.

Any Questions?

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