

1410 - Conflict of Interest

I. PURPOSE

Child Protective Services are federally mandated; however, North Carolina (NC) remains one of the few states that administer its child welfare system at the county level. These federally mandated services are applicable to the entire state without consideration to county lines. The North Carolina Division of Social Services (Division) recognizes that all children in NC have the right to live free of abuse and neglect without regard to where they live or with whom they live. Therefore, **all** 100 counties in NC bear the responsibility for ensuring the safety and well-being of **all** children and their families.

The primary purpose of this policy is to avoid conflicts of interest or the potential for the appearance of conflicts of interest. It was developed in collaboration with the NC Association of County Directors of Social Services Children's Services Committee to provide guidance to county child welfare agencies on managing conflicts of interest.

County child welfare agencies should develop Memoranda of Understanding (MOU) between partner county child welfare agencies as well as case-specific Memoranda of Agreement to address the needs of individual county child welfare systems. An example of a MOU can be found at the end of this policy.

When the delivery of child welfare services involves multiple counties, it is expected that each county child welfare agency works in a collaborative and coordinated manner in order to provide greater continuity of services to families while providing stability and ensuring safety for children. Each community is best able to identify, build, and make the most of existing resources to assist families.

All efforts should be made to resolve disagreements related to the identification of and the provision of services to families where a Conflict of Interest (COI) or a perceived Conflict of Interest (COI) exists. These efforts should include involving county child welfare agency management up through and including directors in the attempt to reach a resolution.

This policy addresses COI cases only. It does not cover every conceivable situation that may arise and nothing in this policy alters any of the required activities to complete the child welfare services activities that are outlined in NC child welfare law, rule, and policy.

II. LEGAL AND POLICY BASIS

This policy is based on the following sources:

- North Carolina General Statutes regarding the provision of protective services located in Chapter 7B (<http://www.ncleg.net/gascripts/Statutes/StatutesTOC.pl?Chapter=0007B>);
- North Carolina's Administrative Code Title 10A - Health and Human Services - Chapter 70 - Children's Services (<http://reports.oah.state.nc.us/ncac.asp?folderName=%5CTitle%2010A%20-%20Health%20and%20Human%20Services%5CChapter%2070%20-%20Children's%20Services>)

North Carolina Division of Social Services
Child Welfare Services
Chapter VIII: Protective Services

Change # 01-2016

Conflict of Interest

April 2016

- Chapter VIII: Protective Services (<http://info.dhhs.state.nc.us/olm/manuals/dss/csm-60/man/>). Please see Chapter V: Jurisdiction in Child Welfare (<http://info.dhhs.state.nc.us/olm/manuals/dss/csm-45/man/>) where policies that govern requests for assistance, In-Home Services across county lines, assistance in settling multi-county disagreements, cross county adoptions, venue, and cross county ICPC cases in NC is located.
- A client record (DSS-5027) shall be established for any person for whom services will be provided as outlined in the Services Information System manual (<http://info.dhhs.state.nc.us/olm/manuals/dss/rim-01/man/SIS.pdf>) and a DSS-5104 (<http://info.dhhs.state.nc.us/olm/forms/dss/dss-5104.pdf>) shall be completed at case decision as defined in Section 1426 – Central Registry (<http://info.dhhs.state.nc.us/olm/manuals/dss/csm-60/man/pdf%20docs/CS1426.pdf>) of NC policy was utilized in this policy.

A. Conflict of Interest

1. NC Administrative Codes 10A NCAC 70A .0103 (<http://reports.oah.state.nc.us/ncac/title%2010a%20-%20health%20and%20human%20services/chapter%2070%20-%20children's%20services/subchapter%20a/10a%20ncac%2070a%20.0103.pdf>) and 10A NCAC 70E .1105 (<http://reports.oah.state.nc.us/ncac/title%2010a%20-%20health%20and%20human%20services/chapter%2070%20-%20children's%20services/subchapter%20e/10a%20ncac%2070e%20.1105.pdf>) address COI. County child welfare agencies shall refer reports of abuse, neglect or dependency to another county child welfare agency when there is a COI. The following relationships can create a COI:
 - a. Agency (county child welfare agencies) employees
 - b. An agency operated daycare facility (null after January 1, 2016)
 - c. A caretaker in a sole-source contract group home
 - d. County Commissioner
 - e. County Manager
 - f. Foster parent supervised by the county
 - g. Governance structure
 - h. Members of the board of directors
 - i. Member of the Board of Social Services
 - j. Relatives of agency employees.

Note: Relatives include birth and adoptive parents, blood and half-blood relative and adoptive relatives including brother, sister, grandparent, great-grandparent, great-great grandparent, uncle, aunt, great-uncle, great-aunt, great-great uncle, great-great aunt, nephew, niece, first cousin, stepparent, stepbrother, stepsister and the spouse of each of these relatives.

2. A child's parent/caretaker who is an incompetent adult and who is a ward of that child welfare agency.
3. A minor in foster care who is also a parent/caretaker.
4. There is a COI when in the professional judgment of the county agency director, the agency would be perceived as having a COI.

III. CHILD PROTECTIVE SERVICES (CPS)

N.C.G.S. § 7B-302 (http://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_7B/GS_7B-302.html) addresses the responsibility of the Director when receiving reports of child abuse, neglect and dependency.

North Carolina Administrative Code 10A NCAC 70A .0105 (<http://reports.oah.state.nc.us/ncac/title%2010a%20-%20health%20and%20human%20services/chapter%2070%20-%20children's%20services/subchapter%20a/10a%20ncac%2070a%20.0105.pdf>) further clarifies the responsibility of county child welfare agencies when receiving a report of alleged abuse or neglect and Chapter VIII: Protective Services Section 1407 (<http://info.dhhs.state.nc.us/olm/manuals/dss/csm-60/man/CS1407.pdf>); as well as in N.C.G.S. § 7B-301 (http://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_7B/GS_7B-301.html).

Review the DSS-1402 Structured Intake form at (<http://info.dhhs.state.nc.us/olm/forms/dss/dss-1402.pdf>) for further assistance.

A. Intake/Screening

1. Screening
 - a. When there is an immediate safety concern for a child, the resident county child welfare agency should screen and initiate the report, regardless of whether a COI exists. The resident county child welfare agency shall immediately request assistance from a partner county child welfare agency due to COI and notify the partner child welfare agency of the need to immediately address a safety concern.
 - b. After determining if there are any immediate safety issues, the resident county child welfare agency shall determine whether or not a COI exists.

North Carolina Division of Social Services
Child Welfare Services
Chapter VIII: Protective Services

Change # 01-2016

Conflict of Interest

April 2016

- c. When the resident county has identified a report as a COI and there is not an immediate safety concern for a child, the report is referred immediately to a partner county where the report will be screened within 2 hours of receipt. Screening decisions stand regardless of which county child welfare agency ultimately conducts the CPS assessment. Given the statewide use of the DSS-1402 CPS Report, it is expected that a report screened in by one county child welfare agency also will be screened in by any other county child welfare agency in NC.

Note: A report is considered received when the reporter contacts the initial county child welfare agency, starting the clock for completing the screening process and case initiation.

- d. The resident child welfare agency shall immediately request assistance from a partner county child welfare agency that would address a COI *or* reduce the perception of a conflict of interest as outlined in 10A NCAC 70A .0103 (<http://reports.oah.state.nc.us/ncac/title%2010a%20-%20health%20and%20human%20services/chapter%2070%20-%20children's%20services/subchapter%20a/10a%20ncac%2070a%20.0103.pdf>).

- 1) The immediate request for COI assistance from a partner county child welfare agency shall be verbal.
- 2) The following documents shall be transmitted via fax include:
 - (a) a brief identification of the COI,
 - (b) a complete Structured Intake Form (DSS-1402), and
 - (c) signature and designation on the DSS-1402 of the party responsible for identifying the report as a COI case.
- 3) The request shall be in accordance with all established time frames for completion (ex. time frame for initiation of a report).
- 4) Requests should be acknowledged by the partner county child welfare agency.
- 5) All pertinent information gathered during the intake process shall be provided to the partner county child welfare agency.

- e. Refer to 10A NCAC. 70A .0105 (<http://reports.oah.state.nc.us/ncac/title%2010a%20-%20health%20and%20human%20services/chapter%2070%20-%20children's%20services/subchapter%20a/10a%20ncac%2070a%20.0105.pdf>); and Section 1407 (<http://info.dhhs.state.nc.us/olm/manuals/dss/csm-60/man/CS1407.pdf>) for further guidance on taking a report and the information to be included.

2. Reports on Children in Placement Services
 - a. Reports involving a child in custody of a county child welfare agency placed in family foster homes, residential facilities, or child care situations will be assigned as investigative assessments.
 - b. When a child who is in the custody of a county child welfare agency makes an allegation of abuse or neglect, a partner county child welfare agency shall screen the allegations and, if found to meet the screening criteria, the partner county child welfare agency will initiate the report. See Chapter V: Jurisdiction (<http://info.dhhs.state.nc.us/olm/manuals/dss/csm-45/man/>) for further guidance on reports by a child in custody of child welfare agencies.
3. Notice to the Reporter
 - a. NC General Statute N.C.G.S. §7B-302 (http://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_7B/GS_7B-302.html) and Administrative Rule 10A NCAC 70A .0109 (<http://reports.oah.state.nc.us/ncac/title%2010a%20-%20health%20and%20human%20services/chapter%2070%20-%20children's%20services/subchapter%20a/10a%20ncac%2070a%20.0109.pdf>) instruct the county child welfare agency to provide written notice to the person making the report, as to whether or not the report was accepted or referred to another county child welfare agency within 5 business days after receipt of the report, unless waived or anonymous. This notice must come from the agency that makes the screening decision. If accepted for CPS assessment, the notice will also include the county child welfare agency responsible for performing the assessment.
 - b. N.C.G.S. §7B-302 (http://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_7B/GS_7B-302.html) also states that “within five working days after completion of the protective services assessment, the director shall give subsequent written notice to the person making the report, unless requested by that person not to give notice”, as outlined in Section 1407 (<http://info.dhhs.state.nc.us/olm/manuals/dss/csm-60/man/CS1407.pdf>) or in Section 1408 (<http://info.dhhs.state.nc.us/olm/manuals/dss/csm-60/man/CS1408.pdf>). Notice should be provided by the partner child welfare agency that makes the case decision.

COI Assessments

3. Procedures
 - a. The county child welfare agency that receives a CPS report shall determine whether there is COI as defined in 10A NCAC 70A .0103 (<http://reports.oah.state.nc.us/ncac/title%2010a%20-%20health%20and%20human%20services/chapter%2070%20-%20children's%20services/subchapter%20a/10a%20ncac%2070a%20.0103.pdf>) and this policy, and determine whether there is an immediate threat to the child's safety.
 - b. If there are immediate concerns of harm for a child, then the report shall be screened, initiated, and the safety of the child ensured by the resident county child welfare agency as directed in law N.C.G.S. § 7B-302 (http://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_7B/GS_7B-302.html) and rules 10A NCAC 70A .0105, .0106, .0107, .0108, .0109, .0110, .0112, .0114 (<http://reports.oah.state.nc.us/ncac.asp?folderName=Title%2010A%20-%20Health%20and%20Human%20Services\Chapter%2070%20-%20Children%27s%20Services>).
 - c. In COI cases, the resident county child welfare agency shall immediately request partner child welfare agency assistance. Assistance shall be provided **within 2 hours** when there is an identified COI.
 - d. Counties should make a request via telephone to ensure timely case screening.
 - e. The resident child welfare agency is then responsible for ensuring that it has an acknowledgment of receipt of the request and that all documentation has been provided **within 2 hours** to the partner county child welfare agency.
 - f. The partner county child welfare agency will make a screening decision, assign the assessment for a family assessment or an investigative assessment, and set the initiation timeframe as defined in statute N.C.G.S. § 7B-302 (http://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_7B/GS_7B-302.html), in rule 10A NCAC 70A .0105 (<http://reports.oah.state.nc.us/ncac/title%2010a%20-%20health%20and%20human%20services/chapter%2070%20-%20children's%20services/subchapter%20a/10a%20ncac%2070a%20.0105.pdf>), and in policy Section 1407 – Structured Intake (<http://info.dhhs.state.nc.us/olm/manuals/dss/csm-60/man/CS1407.pdf>).
 - g. The partner county child welfare agency should update the resident child welfare agency at 30 days for an investigative assessment and 45 days for family assessment case as to the status of the case decision.

- h. County child welfare agencies shall conduct a prompt and thorough assessment upon receipt of a report, as directed by N.C.G.S. § 7B-302 (http://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_7B/GS_7B-302.html) and rules 10A NCAC 70A .0105, .0106, .0107, .0108, .0109, .0110, .0112, .0114 (<http://reports.oah.state.nc.us/ncac.asp?folderName=\Title%2010A%20-%20Health%20and%20Human%20Services\Chapter%2070%20-%20Children%27s%20Services>).
- i. The partner child welfare agency should make a case decision in a timely manner within the timeframes defined in policy Section 1408 – Investigative and Family Assessments (<http://info.dhhs.state.nc.us/olm/manuals/dss/csm-60/man/CS1408.pdf>).
- j. COI assistance requests should be documented by **all involved child welfare agencies** in a log that will be available for the agency Director and Division staff to review upon request.
- k. New reports on open COI cases should be screened and completed by the partner child welfare agency.
4. Responsibilities of the Partner Child Welfare Agency
- a. A client record (DSS-5027) must be established for any person receiving services as outlined in the Services Information System (<http://info.dhhs.state.nc.us/olm/manuals/dss/rim-01/man/>) manual and a DSS-5104 shall be completed at case decision as defined in policy Section 1426 – Central Registry (<http://info.dhhs.state.nc.us/olm/manuals/dss/csm-60/man/CS1426.pdf>) by partner county child welfare agencies.
- b. All COI assessments should be given the same priority as any CPS Assessment conducted by the partner county child welfare agency.
- c. If a family changes residence to a new county at any time during an assessment, the child welfare agency conducting the assessment will not change until a case decision. If there is a finding of “services needed” or a substantiation, then the new resident child welfare agency shall provide In-Home Services as defined in policy Section 1412 – CPS In-Home Services (<http://info.dhhs.state.nc.us/olm/manuals/dss/csm-60/man/CS1412.pdf>). See Chapter V: Jurisdiction (<http://info.dhhs.state.nc.us/olm/manuals/dss/csm-45/man/>) for further information in regard to this instance.
- d. The partner child welfare agency accepts full responsibility for screening and conducting the COI assessment. They are to ensure that all required and appropriate activities of the intake process and a thorough CPS assessment are completed and occur within the timeframes established in N.C.G.S. § 7B-302

North Carolina Division of Social Services
Child Welfare Services
Chapter VIII: Protective Services

Change # 01-2016

Conflict of Interest

April 2016

(http://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_7B/GS_7B-302.html) and rule 10A N.C.A.C. 70A .0105, .0106, .0107, .0108, .0109, .0110, .0112, .0114 (<http://reports.oah.state.nc.us/ncac.asp?folderName=\Title%2010A%20-%20Health%20and%20Human%20Services\Chapter%2070%20-%20Children%27s%20Services>).

- e. After the partner county child welfare agency completes the screening process, that child welfare agency should complete the Day Sheet (DSS-4263) utilizing service code 211 paired with the appropriate program code reflecting the per Children's Services Manual, Chapter XIII, Section 1400, (<http://info.dhhs.state.nc.us/olm/manuals/dss/csm-60/man/pdfdocs/CS1400.pdf>) and the Services Information System (SIS) manual (<http://info.dhhs.state.nc.us/olm/manuals/dss/rim-01/man/SIS.pdf>).
- f. Upon finding that the COI report meets the statutory requirements to open the case for assessment, the partner county child welfare agency will open services and retrieve a SIS ID (new or available) for any child contained in the report. The partner county child welfare agency should **not** use the SIS ID from the resident county child welfare agency, even when the case has been initiated due to an immediate response by the resident child welfare agency. In that case, the partner county child welfare agency can open the SIS ID and provide it to the resident county to account for initiation time.
- g. The partner county child welfare agency should update the resident child welfare agency of the case decision at 30 days or 45 days. The partner child welfare agency has the final responsibility for determining the case decision and providing the case notifications. Once the case decision is made by the partner agency, the resident agency must abide by that decision. Inclusion of the Children's Program Representative (CPR) in case status updates should take place as needed.
- h. The partner child welfare agency is responsible for completing and sending all required notices. This includes delivering personal notice to the perpetrator in substantiated cases when their name will be included on the Responsible Individuals List (RIL). Please note that the RIL judicial review must take place in the county where the abuse or neglect arose, regardless of which county child welfare agency made the RIL finding.
- i. In cases involving foster homes supervised by a county child welfare agency, the licensing social worker should accompany the partner agency social worker in a face to face contact to explain the case decision. Additionally, the licensing worker should explain the implications for the foster home's license as outlined in the Foster Home Licensing Manual (<http://info.dhhs.state.nc.us/olm/manuals/dss/csm-94/man/>), including revocation of the license if that is indicated.

- j. The partner child welfare agency is responsible for ensuring that all documentation is provided to the resident child welfare agency within 72 hours of case decision including the DSS-5010; case narratives; court reports; court orders; CFT notes; all structured decision making tools; and case staffing documentation.
 - k. If non-secure custody becomes necessary during the case, the partner child welfare agency would be responsible for filing the necessary paperwork to assume custody in either the resident or partner county according to N.C.G.S. § 7B-400(b) (http://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_7B/GS_7B-400.html). The partner child welfare agency would be responsible for completing the DSS-5120 Determination of Foster Care Assistance Benefits and/or Medical Assistance Only (<http://info.dhhs.state.nc.us/olm/forms/dss/DSS-5120-ia.pdf>) to establish IV-E eligibility. A MOA or DSS-1797 Inter-County Agreement on the Placement of Children (<http://info.dhhs.state.nc.us/olm/forms/dss/dss-1797-ia.pdf>) may need to be developed between the counties outlining the responsibilities with regard to maintenance and administrative costs of a specific case.
 - l. When conducting a COI assessment, a partner county agency may request assistance from additional partner agencies if needed.
5. Responsibilities of the Resident Child Welfare Agency
- a. When a resident county child welfare agency needs a partner agency to conduct an assessment, the resident child welfare agency is responsible for contacting the partner child welfare agency in person or via telephone immediately upon receipt of the report. **It is not appropriate to make this contact via email or fax.** The resident child welfare agency is responsible for determining if a COI exists and to assess any immediate safety concerns of the child and to ensure the safety of the child, if needed, prior to the partner child welfare agency beginning the ongoing assessment.
 - b. It is the responsibility of the resident child welfare agency to make available all pertinent information provided at Intake by the reporter immediately via fax or encrypted email. This will **need to occur within 2 hours** so that the report can be screened within that period of time.
 - c. A completed DSS-1402 CPS Intake Report (<http://info.dhhs.state.nc.us/olm/forms/dss/dss-1402.pdf>) shall include all of the information provided by the reporter, any information that may be needed by the partner child welfare agency to appropriately screen the report, the intake social worker's name and designation, the supervisor's name and designation who was responsible for the decision to classify the report as a COI, and the reporter's name and contact information when they wish to be notified

of screening and case outcome. The DSS-1402 CPS Intake Report (<http://info.dhhs.state.nc.us/olm/forms/dss/dss-1402.pdf>) should include a brief description of the conflict of interest. If COI is a foster parent supervised by the resident county, the contact information for the licensing social worker should be included.

- d. Arrangements shall be made by the resident agency to ensure initiation of the report by the after-hours worker of the partner child welfare agency if after normal business hours. When there is an immediate safety concern for a child, the resident county child welfare agency should screen and initiate the COI report. It is the responsibility of the resident child welfare agency to staff and provide dictation and documentation within 72 hours of all the information gathered during case initiation when the resident child welfare agency has ensured the safety of the child.
 - e. When a COI is uncovered during case initiation or at any time during the CPS assessment prior to a partner child welfare agency accepting responsibility for the COI case, it is the responsibility of the resident child welfare agency to staff and provide documentation within 72 hours of all the information gathered thus far.
 - f. The RIL judicial review must take place in the county where the abuse or neglect arose, regardless of which county child welfare agency made the RIL finding.
 - g. In cases involving foster homes supervised by a county child welfare agency, the licensing social worker should accompany the partner child welfare agency social worker in a face to face contact to explain the case decision. If the visit is not made jointly, the licensing worker shall make contact as soon as possible to explain the implications for the foster home's license as outlined in the Foster Home Licensing Manual (<http://info.dhhs.state.nc.us/olm/manuals/dss/csm-94/man/>).
 - h. If at any point including CPS assessments, In-Home Services, and/or Child Placement Services, the resident county child welfare agency is involved with conducting case activities, the resident county child welfare agency will use the partner county's SIS ID on its day sheets, even if the resident county child welfare agency has a SIS ID for the child/children.
6. Assuming Placement in COI Cases

If placement becomes necessary during a CPS assessment, all required activities shall be completed to comply with laws [NCGS § 7B Article 5](#) and N.C.G.S. § 7B-302 (http://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_7B/GS_7B-302.html); and in rule 10A NCAC 70A .0110 (<http://reports.oah.state.nc.us/ncac/title%2010a%20-%20health%20and%20human%20services/chapter%2070%20-%20children's%20services/subchapter%20a/10a%20ncac%2070a%20.0110.pdf>); and detailed

in policy Section 1408 – Investigative and Family Assessments (<http://info.dhhs.state.nc.us/olm/manuals/dss/csm-60/man/CS1408.pdf>). When a COI exists, N.C.G.S. § 7B 400 (http://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_7B/GS_7B-400.html) provides the authority for a petition to be filed in either county. Cases will be continually assessed to determine if a COI remains throughout the life of a case.

- a. The partner county child welfare is responsible for filing a petition for non-secure custody if that becomes necessary. Usually this is the county child welfare agency that is conducting the CPS assessment in a COI case. If the resident child welfare agency places the child due to an emergency, then the resident child welfare agency will request partner COI assistance within 24 hours. All case information from the resident child welfare agency will be provided to the partner county child welfare agency within 72 hours so that a thorough assessment shall be completed in accordance with N.C.G.S. § 7B-302 (http://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_7B/GS_7B-302.html) that is detailed in policy Section 1408 – Investigative and Family Assessments (<http://info.dhhs.state.nc.us/olm/manuals/dss/csm-60/man/CS1408.pdf>).
- b. The partner county child welfare agency should initiate the COI out of home assessment and assess the safety of the child in accordance with established time frames.
- c. If the partner county child welfare agency is required to assume placement responsibility during initiation as outlined in policy Section 1408 – Investigative and Family Assessments (<http://info.dhhs.state.nc.us/olm/manuals/dss/csm-60/man/CS1408.pdf>):
 - 1) A Child and Family Team meeting must be convened when the CPS assessment social worker and supervisor believe the child cannot be maintained safely in his/her own home under current circumstances. If the child is removed immediately, the CFT can be held after the child is safe.
 - 2) When possible, a pre-CFT case status update should be provided to the resident county child welfare agency social worker supervisor level or above but the update should take place before the hearing to determine the need for continued custody.
 - 3) Each parent, either custodial or non-custodial, shall be given the opportunity to discuss alternate living arrangements for the child that will ensure his/her safety.
 - 4) When removal from the home is necessary, the agency shall assess any possible alternative placement providers who are willing and able, to care for the child. Criminal record and RIL

- record checks must be performed on all possible safety resources or kinship care providers, including every person 16 years of age and older living in the home. The DSS-5203 Initial Kinship Care Assessment (<http://info.dhhs.state.nc.us/olm/forms/dss/dss-5203.pdf>), as well as, criminal, and RIL checks shall be completed in accordance with Chapter VIII: Protective Services Section 1412 – CPS In-Home Services at initial placement with relatives or other resources within 24 hours.
- 5) The partner county child welfare agency social worker must complete all required legal documents and procedures for removal of the child from the home as outlined in N.C.G.S. § 7B Article 5 (http://www.ncleg.net/EnactedLegislation/Statutes/PDF/ByArticle/Chapter_7B/Article_5.pdf), N.C.G.S. §7B-302 (http://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_7B/GS_7B-302.html), in rule 10A NCAC 70A .0110 (<http://reports.oah.state.nc.us/ncac/title%2010a%20-%20health%20and%20human%20services/chapter%2070%20-%20children's%20services/subchapter%20a/10a%20ncac%2070a%20.0110.pdf>) and detailed in policy Section 1408 – Investigative and Family Assessments (<http://info.dhhs.state.nc.us/olm/manuals/dss/csm-60/man/CS1408.pdf>) if a child's immediate safety is threatened and viable alternate placement is not identified.
- 6) It is important to ask about the child's membership in any American Indian tribe or the child's eligibility for tribal membership using the ICWA (<http://info.dhhs.state.nc.us/olm/manuals/dss/csm-50/man/appendixd.pdf>) questionnaire. Please refer to 1201 – Placement Decision Making (<http://info.dhhs.state.nc.us/olm/manuals/dss/csm-10/man/>) for direction on how to proceed if placing an Indian child.
- 7) The DSS-5203 Initial Kinship Care Assessment (<http://info.dhhs.state.nc.us/olm/forms/dss/dss-5203.pdf>) shall be completed in accordance with Chapter VIII: Protective Services Section 1412 – CPS In-Home Services (<http://info.dhhs.state.nc.us/olm/manuals/dss/csm-60/man/CS1412.pdf>) at initial placement with relatives or other resources within 24 hours.
- 8) The DSS -5204 Comprehensive Kinship Care Assessment (<http://info.dhhs.state.nc.us/olm/forms/dss/dss-5204.pdf>) shall be completed in accordance with Chapter VIII Protective Services Section 1412 – CPS In-Home Services (<http://info.dhhs.state.nc.us/olm/manuals/dss/csm-60/man/CS1412.pdf>) within 30 days of placement.

- d. The resident county child welfare agency will absorb county dollar costs for a foster child if a juvenile petition is filed and the partner county placed the child.

IV. IN-HOME SERVICES

A. A COI Case Moving from CPS Assessment into CPS In-Home Services

1. Once a case decision has been made to transfer the case to CPS In-Home Services, the case should be reviewed to assess the ongoing need to continue assistance by a partner county child welfare agency. If a COI continues to exist, the partner child welfare agency must provide CPS In-Home Services to the family. Child welfare agencies may develop a MOA to outline any specific tasks and responsibilities. The MOA should address various aspects of the ongoing case that might be similar to those indicated in 10A NCAC 70E .0903 (<http://reports.oah.state.nc.us/ncac/title%2010a%20-%20health%20and%20human%20services/chapter%2070%20-%20children's%20services/subchapter%20e/10a%20ncac%2070e%20.0903.pdf>) and outlined in the DSS-1797 (<http://info.dhhs.state.nc.us/olm/forms/dss/dss-1797-ia.pdf>). When ongoing CPS In-Home Services are indicated, the partner child welfare agency will maintain responsibility for the case. As outlined in N.C.G.S. § 153A-257 (http://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_153A/GS_153A-257.html), placement of a child with a safety resource does not equate to a change in residence for the child; however, CPS In-Home Services should be provided by the child welfare agency who made the case decision.
2. The partner county child welfare agencies will continue to utilize its current SIS ID and maintain the DSS-5027 (<http://info.dhhs.state.nc.us/olm/manuals/dss/rim-01/man/>).
3. With the COI in mind, NC family-centered practice dictates that the partner county child welfare agency should coordinate the CFT and provision of services with the parent and the child with input from the resident county child welfare agency, when appropriate.
4. If the child has been placed with a safety resource by the parent due a safety issue, case closure should not be considered until the child is able to safely return home. Otherwise, consideration should be given to the filing of a petition to ensure safety and establish legal permanence by the partner county child welfare agency. If this becomes necessary, information should be provided to the resident county child welfare agency to a supervisor or higher level, unless there is an immediate need.

B. COI Identified During CPS In-Home Services

1. County child welfare agencies should understand that when the COI arises during the provision of CPS In-Home Services, the resident county child welfare agency will not retain the case. The partner county child welfare agency will provide case management services as outlined in the NC policy Section 1412 – CPS In-Home Services (<http://info.dhhs.state.nc.us/olm/manuals/dss/csm-60/man/CS1412.pdf>).
2. The partner child welfare agency will respond to the COI request within 24 hours.
3. A CFT shall be scheduled per Chapter VII: Child and Family Team Meetings (<http://info.dhhs.state.nc.us/olm/manuals/dss/csm-55/man/>) policy within 72 hours of any major case event or family life event to address the change in situation and to ensure that the family is as informed as possible concerning the ongoing case status and case management. Those included in the meeting should include, but are not limited to the resident child welfare agency social worker and the partner child welfare agency social worker.
4. Resident county child welfare agencies will discontinue to utilize their current SIS ID for any child contained in the case and close their case as soon as the partner county child welfare agency opens services for those children.
5. A MOA may be utilized to address funding issues that arise during COI assistance in instances where COI arises during an open CPS In-Home Services case.

C. Assuming Placement during CPS In-Home Services

If placement becomes necessary during the provision CPS In-Home Services, all required activities shall be completed to comply with N.C.G.S. § 7B Article 5 (http://www.ncleg.net/EnactedLegislation/Statutes/HTML/ByArticle/Chapter_7B/Article_5.html), N.C.G.S. §7B-302 (http://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_7B/GS_7B-302.html), and 10A NCAC 70A .0110 (<http://reports.oah.state.nc.us/ncac/title%2010a%20-%20health%20and%20human%20services/chapter%2070%20-%20children's%20services/subchapter%20a/10a%20ncac%2070a%20.0110.pdf>). When a COI exists, N.C.G.S. § 7B 400 (http://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_7B/GS_7B-400.html) provides the authority the partner county to file a petition in either county.

1. As outlined in Chapter VII: Child and Family Team Meetings (<http://info.dhhs.state.nc.us/olm/manuals/dss/csm-55/man/>), a Child and Family Team meeting (CFT) must be convened when the social worker and supervisor believe the child cannot be maintained safely in his/her own home under current circumstances. If immediate removal is necessary, the CFT can be held after the child is safe. Individuals that should participate in the CFT include, but are not limited to, the resident child welfare agency social worker and the partner child welfare agency social worker.

North Carolina Division of Social Services
Child Welfare Services
Chapter VIII: Protective Services

Change # 01-2016

Conflict of Interest

April 2016

2. Custodial and non-custodial parents shall be given the opportunity to discuss alternate living arrangements for the child that will ensure his/her safety.
3. When removal from the home is necessary, the agency shall assess any possible relative placement providers who are willing and able to care for the child. Criminal record and RIL record checks must be performed on all possible kinship providers, including every person 16 years of age and older living in the home. The DSS-5203 Initial Kinship Care Assessment (<http://info.dhhs.state.nc.us/olm/forms/dss/dss-5203.pdf>) shall be completed in accordance with Chapter VIII Protective Services Section 1412 (<http://info.dhhs.state.nc.us/olm/manuals/dss/csm-60/man/CS1412.pdf>) at initial placement with relatives or other resources within 24 hours of placement.
4. The partner county child welfare agency social worker must complete all required legal documents and procedures for removal of the child from the home as outlined in N.C.G.S. § 7B Article 5 (http://www.ncleg.net/EnactedLegislation/Statutes/HTML/ByArticle/Chapter_7B/Article_5.html), N.C.G.S. §7B-302 (http://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_7B/GS_7B-302.html), 10A NCAC 70A .0110 (<http://reports.oah.state.nc.us/ncac/title%2010a%20-%20health%20and%20human%20services/chapter%2070%20-%20children's%20services/subchapter%20a/10a%20ncac%2070a%20.0110.pdf>), and detailed in NC child welfare policy Chapter VIII: Protective Services, Section 1408 – Investigative and Family Assessments (<http://info.dhhs.state.nc.us/olm/manuals/dss/csm-60/man/CS1408.pdf>), if a child's immediate safety is threatened or viable alternate placement is not identified.
5. It is important to ask about the child's membership in any American Indian tribe or the child's eligibility for tribal membership using the ICWA (<http://info.dhhs.state.nc.us/olm/manuals/dss/csm-50/man/appendixd.pdf>) questionnaire. Please refer to Chapter IV Section 1201 – Placement Decision Making (<http://info.dhhs.state.nc.us/olm/manuals/dss/csm-10/man/>) for direction on how to proceed if placing an Indian child.
6. The DSS-5204 Comprehensive Kinship Care Assessment (<http://info.dhhs.state.nc.us/olm/forms/dss/dss-5204.pdf>) shall be completed in accordance with Chapter VIII Protective Services Section 1412 (<http://info.dhhs.state.nc.us/olm/manuals/dss/csm-60/man/CS1412.pdf>) within 30 days of placement.
7. The partner county child welfare agency will inform the resident county child welfare agency when the child enters custody.
8. The partner agency will supply documentation to the resident child welfare agency no later than 72 hours after the completion of case closure, unless otherwise requested.

Change # 01-2016	Conflict of Interest	April 2016
------------------	----------------------	------------

9. Partner county child welfare agencies will close 215 services on the DSS-5027 and open 109 services on the DSS-5094.
10. The resident county child welfare agency will absorb county dollar costs for a foster child if a juvenile petition is filed and the partner county placed the child.

V. FOSTER CARE (CHILD PLACEMENT SERVICES) IN COI CASES

Nothing in this section alters the requirements for the delivery of services when a county has placement responsibility of a child. Please refer to 1201 Child Placement Services (<http://info.dhhs.state.nc.us/olm/manuals/dss/csm-10/man/>) for the details outlining the provision of Child Placement Services.

Nothing in this section alters the requirements for the delivery of services when there is a jurisdictional issue in a placement case. Please refer to Chapter V: Jurisdiction (<http://info.dhhs.state.nc.us/olm/manuals/dss/csm-45/man/>) for a full discussion of the relevant policies.

A. COI Cases Identified During Placement Services

1. All reports of neglect, abuse, or dependency involving a child in the custody of a county child welfare agency shall be referred to a partner county child welfare agency for CPS assessment.
2. Resident county child welfare agencies will continue to utilize their current SIS ID for any child contained in the case. The partner county child welfare agency will use the resident county child welfare agency's SIS ID. A MOA or DSS-1797 Inter-County Agreement on the Placement of Children (<http://info.dhhs.state.nc.us/olm/forms/dss/dss-1797-ia.pdf>) may be utilized to address funding issues that arise during an open Child Placement Services case.
3. CPS assessments conducted on DSS and DHSR licensed facilities require consultation with the assigned Children's Program Representative (CPR). Contact with the assigned CPR by the child welfare agency conducting the CPS assessment shall occur after all involved counties have discussed the findings and the case decision is ready to be made. This should occur prior to reporting a case decision to the Division on the DSS-5104 (<http://info.dhhs.state.nc.us/olm/forms/dss/dss-5104.pdf>). The social workers **and** supervisors and/or program managers should be involved in the discussion of the findings with the CPR. If more than one CPR is involved, each child welfare agency should notify its own CPR and all should be part of the same discussion at the same time, whether in a face-to-face meeting or by conference call. The CPRs role shall be to provide guidance that ensures the CPS assessment is thorough, and that counties are clear about the differences between licensing issues and true CPS issues.
4. Notification to the appropriate licensing authority of an accepted report and notification of the case decision are also required:

North Carolina Division of Social Services
Child Welfare Services
Chapter VIII: Protective Services

Change # 01-2016

Conflict of Interest

April 2016

If licensed by the North Carolina Division of Social Services, utilize the DSS-5282 (<http://info.dhhs.state.nc.us/olm/forms/dss/dss-5282-ia.pdf>). To determine if the DSS is the licensing authority go to <http://www.ncdhhs.gov/dss/licensing/listings.htm>. All notices shall be sent to:

Regulatory and Licensing Services
North Carolina Division of Social Services
952 Old US Highway 70
Black Mountain, North Carolina 28711
Phone: (828) 669-3388
Fax: (828) 669-3365

If licensed by the North Carolina Division of Health Services Regulation, utilize the DSS-5282 (<http://info.dhhs.state.nc.us/olm/forms/dss/dss-5282-ia.pdf>). To determine if DHSR is the licensing authority go to NC DFS, Regulated Facility Listing at <http://facility-services.state.nc.us/reports.htm>. Notices shall be sent to:

Division of Health Services Regulation
Complaint Intake Unit
2711 Mail Service Center
Raleigh, North Carolina 27699-2711
Phone: 1-800-624-3004
Fax: (919) 715-7724

5. In cases involving foster homes supervised by the child welfare agency, the licensing social worker should accompany the social worker who conducted the CPS assessment in this face to face contact to explain the case decision. The licensing worker should explain the implications for the foster home's license, including revocation of the license if that is indicated.
6. In cases where the foster home is supervised by a private child placing agency, the child welfare social worker who conducted the CPS assessment should offer the private child placing agency the opportunity to accompany the child welfare social worker in face-to-face contact to explain the case decision. The licensing worker should explain the implications for the foster home's license, including revocation of the license if that is indicated.

B. COI Cases Moving from CPS Assessment or CPS In-Home Services into Child Placement Services

1. A partner child welfare agency will maintain responsibility for any case where COI assistance has been provided and it transitions into Child Placement Services and a COI still exists. Child welfare agencies should develop a case specific MOA and/or develop an Inter-County Agreement on the Placement of Children that can address specific aspects of the ongoing case. Guidance on an Inter-County Agreements can be found in 10A NCAC 70E .0903

**North Carolina Division of Social Services
Child Welfare Services
Chapter VIII: Protective Services**

Change # 01-2016

Conflict of Interest

April 2016

(<http://reports.oah.state.nc.us/ncac/title%2010a%20-%20health%20and%20human%20services/chapter%2070%20-%20children's%20services/subchapter%20e/10a%20ncac%2070e%20.0903.pdf>) and in the DSS-1797 (<http://info.dhhs.state.nc.us/olm/forms/dss/dss-1797-ia.pdf>).

2. The partner county child welfare agency will determine IV-E eligibility (DSS-5120 <http://info.dhhs.state.nc.us/olm/forms/dss/DSS-5120-ia.pdf>). The partner county child welfare agency will claim reimbursement per Chapter IV - Child Placement and Payment System (<http://info.dhhs.state.nc.us/olm/manuals/dss/csm-80/man/>) (DSS-5094 <http://info.dhhs.state.nc.us/olm/forms/dss/dss-5094.pdf>) for state and federal shares.
3. Partner county child welfare agencies will continue to utilize its current SIS ID for any child contained in the case. The resident county child welfare agency will use the partner county child welfare agency SIS ID when conducting case activities.
4. The resident county child welfare agency will absorb county dollar costs for a foster child if a juvenile petition is filed and the partner county placed the child.
5. Nothing in this section alters the requirements for the delivery of services when a county has placement responsibility of a child. Please refer to 1201 - Child Placement Services (<http://info.dhhs.state.nc.us/olm/manuals/dss/csm-10/man/>) for the details outlining the provision of Placement Services.

VI. WHEN COUNTY DEPARTMENTS DISAGREE

At no time shall a report of child maltreatment be allowed to go un-assessed due to a disagreement between counties. When the delivery of child welfare services involves multiple counties, with a focus on family-centered practice, county child welfare agencies should work in collaboration in order to provide a greater continuity of services to families while providing stability and ensuring safety for children.

County child welfare agencies should develop MOUs as well as case specific MOAs to prevent any disagreements with partner county child welfare agencies. County directors should be involved in addressing disagreements in the attempt to reach a resolution.

In the event that the county child welfare agencies involved cannot resolve the issues and come to a consensus, either county child welfare agency can contact its CPR or the CPR manager for guidance. If the CPR or the CPR manager is unavailable, contact the Division's CPS Policy Team at (919) 527-6340.

Draft CPS COI Memorandum of Understanding

WHEREAS, _____ Departments of Social Services / Department of Human Services have come together to collaborate; and

WHEREAS, the partners agencies listed above have established a collaborative agreement in which each agency will serve as equal partners in this arrangement; and

WHEREAS, the partners herein desire to enter into a Memorandum of Understanding setting forth the services to be provided by the collaborative as follows:

I) Purpose

- a) North Carolina Administrative Rule 10A NCAC 70A .0103 entitled Reports of Neglect, Abuse, or Dependency states “a) reports of neglect, abuse, or dependency shall be referred to another county department of social services for investigation when the alleged perpetrator is an employee of the county department of social services, a foster parent supervised by that county department of social services, a member of the Board of Social Services for that county, or a caretaker in a sole-source contract group home or agency-operated day care facility; or when in the professional judgment of the county director the agency would be perceived as having a conflict of interest in the conduct of other child protective service investigations, the director may request that another county conduct the investigations”.
- b) The definition of Conflict of Interest cases has further been expanded to include a county DSS that is involved in a child welfare case and is also appointed to serve as a parent’s guardian.
- c) The primary goal of this collaboration is to provide timely, high quality services to neighboring counties in an efficient and cost effective manner in situations identified as a conflict of interest for the home county.
- d) The long-range goals of the collaboration include building stronger professional relationships among counties within close proximity, improving accountability for service provision across county jurisdictions, and developing a forum that fosters supportive discussion of challenging situations encouraging sharing of information, creative solutions, advice, and recommendations to resolve complex matters.

II) Scope of Work

- a) The directors of _____ and _____ County hereby enter into this Memorandum of Understanding.
- b) Due to costs associated with travel and time involved in previous COI arrangements, as well as quality of services provided, the partnering counties recognized the need to collaborate more directly with those counties within close geographic distance and between which general assistance was more frequently requested.
- c) Respective Program Managers/Program Administrators and Social Work Supervisors representing each agency involved in this collaboration provided insight into development of shared expectations, as well as establishing clear time frames for general communication and notification of case decisions.

III) Roles and Responsibilities

NOW, THEREFORE, it is hereby agreed by and between the partners as follows:

- a) Each partner agency will abide by the mutually agreed upon Conflict of Interest Case Procedures and will utilize any tools developed through the partnership.
- b) Each partner agency will contribute equally to the completion of Conflict of Interest CPS cases on behalf of one another; however adjustment to acceptance of such cases will be made when the

**North Carolina Division of Social Services
Child Welfare Services
Chapter VIII: Protective Services**

Change # 01-2016

Conflict of Interest

April 2016

rate of request becomes disproportionate between the partners and based on each agencies size and staffing allowances.

- c) Each Partner agency shares the commitment to work together cooperatively, amicably and professionally to achieve stated goals and to sustain the collaboration.

IV) Oversight / Compliance

The following process will be followed when disputes or disagreements arise in a COI case:

- a) When a Conflict of Interest arises, the case shall be referred to a partner agency.
- b) If there is a disagreement about how to proceed with a case, the supervisors from the partner agencies should attempt to formulate a resolution.
- c) If a resolution is not achieved between supervisors, both supervisors will notify their Program Manager/Program Administrator of the discussion and failed resolution. The county program manager/program administrator will discuss the circumstances of the situation. Both agency directors will be notified when these level discussions are occurring. If a resolution is not achieved at the program manager/program administrator level, then each agency director will attempt to discuss and resolve the issue.

V) Timeline

The roles and responsibilities described above are contingent upon each partner agency's commitment to abide by the terms of this arrangement and the expectations and information sharing guidelines established within the attachments. Responsibilities under this Memorandum of Understanding coincide with the date of signature below until such time as either party ends the arrangement based upon just cause as outlined above.

VI) Commitment to Partnership

- a) The collaboration service area includes (identify which service areas—Child Protective Services Assessment, In-Home Services, and/or Child Placement Services).
- b) The partners agree to collaborate and provide (identify which service areas--Child Protective Services Assessment, In-Home Services, and/or Child Placement Services).
- c) Separate, case specific Memoranda of Agreement and/or Inter-County Agreements on the Placement of Children may be developed and honored for specific aspects of an ongoing case.
- d) We, the undersigned have read and agree with this MOU. Further, we have reviewed the proposed collaboration and approve it.

By _____
Director _____ County Department of Social Services/ Department of Human Services
Date: _____

By _____
Director _____ County Department of Social Services / Department of Human Services
Date: _____

By _____
Director _____ County Department of Social Services / Department of Human Services
Date: _____

By _____
Director _____ County Department of Social Services / Department of Human Services
Date: _____