

Social Services Working Group Stage Two Revised Recommendations Related to Inter-County Collaboration

The revised recommendations below are intended to reflect the discussions at the 10.16.2018 meeting. Most of the recommendations changed. Those highlighted in green are *unchanged*. Revisions to the supporting rationale are underway and will be shared prior to the next meeting. Please review the revised recommendations and provide edits (preferably using track changes) to Aimee Wall (wall@sog.unc.edu) as soon as possible, but no later than 10.29.2018. Note that this is the same deadline for completing the regional administration survey you received from qualtrics@sog.unc.edu on October 17.

1. Conflicts of Interest

Recommendation 1.a: The legislature should amend state law to provide a general framework for management of conflicts of interest (COIs). At a minimum, the law should

- define COI;
- direct counties to resolve COIs as quickly as possible consistent with applicable law and policy;
- grant DHHS the authority to make final decisions regarding COI assignments when disagreements arise (i.e., regional staff when disagreement between counties; central office when disagreement between regions);
- outline county financial and practice responsibilities associated with COIs; and
- grant the Social Services Commission rulemaking authority related to COI management.

Recommendation 1.b: Once the laws are amended, DHHS, in consultation with counties, should prepare comprehensive guidance and training regarding the COI law and policy. The agency should ensure that state representatives (including regional staff) understand, interpret, and apply the guidance consistently.

Recommendation 1.c: DHHS should develop a system for continuous monitoring of COI management. This will allow the state and counties to address problems and revise policies over time.

Recommendation 1.d: Each county should designate one or more staff members to be responsible for managing COI cases. This will ensure that requests are received, reviewed, and handled consistently and in a timely manner.

2. Inter-County Movement of Clients

Recommendation 2.a: The legislature should require a study of how residency is determined for the full range of social services programs. The study should examine current practice and current law (including G.S. 153A-257 and other applicable laws) to determine whether state law should be amended.

Recommendation 2.b: The legislature should amend state law to create a clear process for transferring adult guardianship appointments from one social services director to another.

Recommendation 2.c: DHHS should establish policies that set a standard information sharing practice for transferred cases.

Recommendation 2.d: Once the law and policies are amended, DHHS should provide adequate training to counties regarding the procedures that govern transfer of cases to ensure consistency across counties.

Recommendation 2.e: The legislature should amend state law to require clerks of court to provide advance notice to a local social services director at least 10 working days before any hearing in which the director may be appointed guardian. This notice requirement would not apply to appointments of interim guardians.

Recommendation 2.f: The legislature should require a study to examine portability of eligibility determinations and service authorizations for all social services programs that have eligibility requirements. The study recommendations should identify any and all necessary changes in state law and/or state plans to ensure portability. If federal law prohibits such a change, the study should describe the barriers and identify opportunities to advocate for changes at the federal level.

Recommendation 2.g: DHHS should clarify policies related to inter-county assistance. The policies should set out when counties are expected to provide assistance to other counties for different programs and the financial obligations related to providing assistance. DHHS, through regional staff, should monitor assistance being provided to establish accountability within the system for this type of inter-county support. Two years after the monitoring system is in place, the legislature should require an evaluation of the DHHS monitoring data and determine whether changes to law are required to promote better collaboration and a more seamless system of service delivery.

Recommendation 2.h: In order to expedite the path to permanency, protect the rights of all parties, and maximize efficiency, DHHS should amend state policies to encourage or direct counties to increase the use of technology (e.g., video, telephone) to engage with parents or other respondent parties who may be incarcerated, in a facility, or located across the state or out-of-state. Policy changes should emphasize that the use of technology must not compromise the quality and substance of the interactions between DSS staff and others. If, after a comprehensive review of current practices, policies, and law, DHHS concludes that state statutes and/or regulations need to be amended to authorize alternative means of engagement in some circumstances, DHHS should submit recommendations to the legislature detailing the needed changes.

Recommendation 2.i: The legislature should direct the Administrative Office of the Courts (AOC) to work with the Department of Public Safety (DPS), the North Carolina Sheriffs' Association (NCSA), and DHHS to develop policies and procedures for allowing incarcerated parents and respondent parties to communicate with social workers using telephone or video when possible and appropriate. If legislative changes are required to allow for this practice, the AOC should submit recommendations to the legislature accordingly.

Recommendation 2.j: The legislature should direct the Administrative Office of the Courts (AOC) to work with the Department of Public Safety, the North Carolina Sheriffs' Association, and DHHS to explore options for allowing incarcerated parents or other respondent parties to participate remotely in court proceedings. Remote participation should be contemplated only if constitutional rights of parties are protected. If options identified are practical and feasible, the group should submit recommendations to the legislature specifying potential benefits and anticipated costs and identifying any necessary legislative changes.

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3. Information Sharing

Recommendation 3.a: In order to ensure social services staff across the state have access to status information about legal actions involving children and adults involved with the social services system, the new information technology platform being developed for the judicial system should provide social services attorneys and directors with access to limited statewide information about children and adults who have intersected with the social services system in any county of the state. In addition, the new system should provide social services attorneys and directors with access to more detailed information about the cases pending or resolved in their own counties. The AOC should consult with DHHS and the counties in the course of developing the new system.

Recommendation 3.b: The legislature should require a study of all state social services confidentiality laws and request recommendations for any revisions necessary to improve inter-county collaboration and service delivery. The study should include laws of general applicability (e.g., G.S. 108A-80 and the regulations in Chapter 69 of the administrative code) as well as those that are more specific (e.g., G.S. 7B-302, 7B-2901). The study and recommendations should specifically address:

- Revisions needed to accommodate the anticipated changes to the information technology platform for the judicial system described in Recommendation 3.a. above;
- Whether state law can be amended to facilitate better information sharing between child welfare and child support and, if not, whether the state should advocate for changes to federal law; and
- Confidentiality laws applicable to the juvenile justice system to ensure information sharing between the two systems is adequate to provide the best possible services and supports to juveniles who are involved with both systems.

Recommendation 3.c.: Once the laws are amended, DHHS, in consultation with counties, should prepare comprehensive guidance and training regarding information sharing and confidentiality for all of the social services programs. The agency should ensure its central and regional staff understand, interpret, and apply the guidance consistently.

4. Other Recommendations

Recommendation 4.a: DHHS, in consultation with counties, should assist in the development of programs and policies to improve workforce development and training in order to cultivate and support high quality and consistent social services leaders.

Recommendation 4.b: Regional staff should be responsible for monitoring staffing, capacity, and caseloads in local social services agencies within their region. No more than two years after the regional support system is in place, the legislature should require a study of local social services staffing, capacity, and caseloads. The study should make recommendations to DHHS, the counties, and, if appropriate, the legislature regarding changes necessary to ensure adequate staffing to support high quality and efficient services.

Recommendation 4.c: DHHS central and regional staff should follow consistent interpretations and applications of law and policy governing social services programs.

Recommendation 4.d: DHHS should increase the quantity, quality and accessibility of training provided to county staff.

Recommendation 4.e: DHHS should collect examples of positive inter-county collaborations and develop an online clearinghouse to share information about those collaborations with other counties. Regional staff should disseminate resources, identify potential collaborations, and help counties initiate new collaborations. Associations, such as the Social Services Directors' Association and the North Carolina Association of County Commissioners (NCACC), should continue to highlight and recognize successful and innovative collaborations at their annual conferences and in publications.

Recommendation 4.f: The legislature should establish an interdisciplinary and representative body, similar to the Social Services Working Group, to serve as an advisory body related to social services system reform. The body would be able to conduct research and provide feedback to the legislature and others on issues as they arise related to changes happening across the system. The advisory body would be time-limited, would be assigned specific tasks by the legislature, and would not duplicate efforts of other advisory or rulemaking bodies.