

Social Services Regional Supervision and Collaboration Working Group Meeting Minutes – 10.16.2018

The fifteenth meeting of the Social Services Regional Supervision and Collaboration Working Group (SSWG) was hosted by the University of North Carolina School of Government (UNC SOG) on October 16, 2018. A recording of the meeting can be found at https://www.sog.unc.edu/SSWG_meeting11.

Working Group Members In Attendance

Sen. Tamara Barringer, co-chair
Rep. Sarah Stevens, co-chair
Hon. Page Lemel, Commissioner, Transylvania County
Hon. Kevin Austin, Commissioner, Yadkin County
Michael Becketts, Assistant Secretary for Human Services, DHHS
Hon. Robert Stiehl, Chief District Court Judge, Cumberland County
Glenn Osborne, Social Services Director, Wilson County
Susan Perry-Manning, Deputy Secretary for Human Services, DHHS
Susan Osborne, Social Services Director, Alamance County
Chris Dobbins, Consolidated Human Services Director, Gaston County

Working Group Members Participating Remotely

Angie Stephenson, DSS Attorney, Orange and Chatham Counties

Working Group Members Not in Attendance

Rep. David Lewis
Rep. Jonathan Jordan
Sen. Kathy Harrington
Sen. Joyce Krawiec
Hon. Bob Woodard, Commissioner, Dare County
Lisa Cauley, Chief, Child Welfare Section of the Division of Social Services, DHHS
Hon. Brenda Howerton, Commissioner, Durham County

Convene

- Welcoming remarks by the Co-Chairs
- Introductions of the SSWG members, SOG support staff, and meeting attendees.
- A. Sachs reviewed the meeting agenda.
- C. Dobbins moved to approve the minutes from the October 04, 2018 meeting.
 - K. Austin moved to amend the minutes to correctly reflect the SSWG's adoption of the September 04, 2018, meeting minutes (not October 04, 2018 meeting minutes).
 - Meeting minutes were approved as amended unanimously.

Discussion with the Administrative Office of the Courts

- AOC representative Ryan Boyce was present to discuss two issues that arose in the context of SSWG discussions related to inter-county collaboration: (1) ability of county social services staff and attorneys to access judicial system data (e.g., JWisE) (SSWG ICC recommendation 3.a), and (2) opportunities to allow incarcerated parties to participate in court proceedings remotely (SSWG ICC recommendation 2.i).
 - **AOC comments on Recommendation 3.a:**
 - This recommendation would involve a two year timeline with a several million dollar cost for DSS to access the existing systems.
 - AOC is in the middle of developing a comprehensive e-courts system, and therefore only using resources to maintain, not upgrade, existing systems such as JWisE.
 - AOC's goal is to select a vendor to develop e-courts by the end of 2018.
 - AOC believes that when e-courts is up and running, access for DSS staff and attorneys will then be considered.
 - A few SSWG members suggested considering the access needed by groups such as DSS in the RFP and development stages of the e-courts system.
 - SSWG discussed current access to judicial documents.
 - Guardian ad Litem (GAL) and DHHS have electronic access to reports (per GAL Associate Counsel, Reginald O'Rourke, in attendance), though most are manual, hard copies. However, DSS does not have the same access that GAL has to these reports.
 - DSS is operating blindly without access to judicial documents; having access that GALs have, such as hard copies, would be an improvement in the short-term for DSS staff.
 - GAL Associate Counsel, Mr. O'Rourke, noted that GALs at the central office have access to daily, monthly and annual reporting.
 - Confidentiality issues will need to be studied to develop accessibility legislation.
 - Mr. Boyce and A. Wall commented that there is statutory authorization for GAL access to court records. Statutory revision may be necessary for DSS to gain access as part of the parties included in this information sharing.
 - [See G.S. 7B-3100 and 3101.](#)
 - A SSWG member questioned why GALs and juvenile court counselors have access to records when DSS also acts as custodian/guardian.
 - Several SSWG members agreed that electronic access may be the most needed accessibility issue to be tackled legislatively.

- Encouraged granting DSS directors the ability to access JWisE from county courthouse.
 - GAL Associate Counsel, Mr. Rourke, noted that GAL access at the county level is limited by jurisdiction, and, therefore, queries are county specific.
 - S. Osborne noted a potential challenge concerning G.S. 7B-3001 delinquency confidentiality.
 - SSWG commented that consideration may be given to amending juvenile delinquency confidentiality laws for DSS to have access, justified by idea that juveniles acting out is often a sign of issues at home and should be accessible to better handle social work cases.
 - SSWG members agreed that training of people with access to that information would be needed.
 - Mr. Boyce commented that a user must be on an AOC network to access existing systems because they are not web-based.
 - SSWG members agreed with the sentiment that access to case information is critical to the provision of safety and services to families, and the current structure of receiving GAL filtered information to DSS staff is leaving large information gaps.
 - Mr. Boyce reported that the expectation of the new e-courts system is that attorneys' will register using their bar ID. Therefore, DSS attorneys will immediately gain access to the e-courts system.
 - SSWG questioned the restrictions of that access. Mr. Boyce reported that access will be limited to an attorney's cases.
- **AOC comments on Recommendation 2.i:**
 - Mr. Boyce acknowledged that larger counties have set a precedent for the use of remote technology in first hearings or bond hearings, using Webex or Jabber.
 - Mr. Boyce noted this recommendation is a county issue, as the decision to invest in remote technology at correctional facilities falls to the counties.
 - If counties do make the investment, AOC is responsible for and will ensure the courthouse side of the remote communication.
 - An SSWG member asked Mr. Boyce for data of counties currently using remote technology.
 - Mr. Boyce plans to reach out to DPS for that data.

- Sen. Barringer commented on the possibility of losing federal funding as an implication of not implementing electronic communication in court proceedings.
- A SSWG member asked if specific technology or interface is needed or if counties can obtain any technology based on resources for remote participation. Mr. Boyce noted two requirements:
 - 1) Both the correctional institution and the courthouse must use the same technology
 - 2) Security measures must be in place.
- SSWG members commented on the need for social worker to have access to this technology beyond court proceedings.
 - Mr. Boyce noted that Jabber can be used from a desktop so the same technology should be able to be used by social workers outside of court proceeding matters.
- An SSWG member brought up the need for the state to match county funding to incentivize county investment in remote technology.
 - M. Becketts noted that there is a federal cost share formula already available tailored to child welfare cases.
- An SSWG member noted the need for data regarding the demand by county for this technology as well as what counties are already using this technology.
- **Large Group Wrap-up Discussion on AOC Feedback**
 - There is precedent with programs in Cumberland Co. and Alamance Co. for domestic violence matters from DV shelter but these programs required a significant financial investment up front. Noted VOCA (Victims of Crime Act) funding for these programs.
 - R. Stiehl noted there are challenges regarding user discomfort with technology as well as varying degrees of privacy requirements.
 - Several SSWG members recommended an expert should explore best practices and best, most secure technology for the SSWG's recommendation concerning remote participation in court proceedings.
 - Several SSWG members also recommended there be an ongoing evaluation of the best, most secure technology available for this purpose.
 - In weighing financial investment, R. Stiehl encouraged considering reusing outdated hardware to save costs.
 - S. Perry-Manning noted there is a major issue of variance in county IT capabilities, staffing and protocols that may present a challenge.

Finalize Inter-County Collaboration Recommendations

- A. Wall facilitated a large group discussion to edit and finalize the SSWG’s inter-county collaboration recommendations.
 - **Inter-County Movement of Clients**
 - **Recommendation 2.h**
 - Recommendations 2.h and 2.i were one recommendation and have been unbundled after the SSWG’s October 4 discussion.
 - Add clarifying language that technology should not substitute face to face communication.
 - Suggested edits:
 - Add: “Can augment but does not take the place of...”
 - Relocate: “In order to maximize efficiency” as first point...
 - Discussed other opportunities for the use of this technology to allow for periodic updates or the exchange of information with respondents and their attorneys and social workers throughout court proceedings.
 - R. Stiehl noted the similarity to rural health issues and electronic evaluations. Added that he already holds video hearings due to ADA requirements.
 - Rep. Stevens commented on potential constitutionality barriers regarding the confrontation clause.
 - Sen. Barringer noted the growing preference for electronic communication today.
 - G. Osborne noted the quality of interaction, regardless of method of communication, is still the biggest concern for the provision of services and achievements.
 - Several SSWG members agreed the recommendation needs to be uncompromising in the goal of expediting path to permanency and protecting the rights of all parties by fully utilizing technology, while keeping quality

interaction and building relationships as a prominent goal.

- S. DePasquale commented that G.S. Chapter 50 (regarding custody cases) addresses visitation with court approved e-communication between child and parent and sets out many relevant factors to consider; addresses e-communication as not a substitution for in-person contact.
 - R Stiehl noted preference for allowance of e-communication with criteria to be met; other SSWG members agreed.

▪ **Recommendation 2.i**

- A SSWG member again noted the sensitivity needed to protect the constitutional rights of the incarcerated party (confrontation clause issues).
- A SSWG member commented on the high technology demands.
 - M. Becketts says this is not a DSS issue, as investment is on the AOC for the courtroom and DPS and counties for the correctional facilities.
 - Rep. Stevens added that though not fiscally responsible for the investment, DSS still has an interest.
- Suggested edits:
 - Add/edit to: “when appropriate, feasible, and allowed by law” or “with consideration for legality and practicality.”
 - S. DePasquale commented that TPR proceedings have taken place in NC with courts allowing deposition testimony for incarcerated parents not present; case-specific determinations made.
 - See relevant cases addressed in [Section 9.9, Subsection B.5](#) of the Abuse, Neglect, Dependency, and Termination of Parental Rights Manual (UNC School of Government, 2017).
 - K. Austin noted the need for sheriffs’ agreement in this recommendation.
 - Edit to include Sheriffs’ Association participation.
 - Clarify state and county funding will both be necessary.
 - SSWG agreed to finalize this recommendation without receiving the requested DPS data.
 - Group clarification that youth development centers are included in correctional institutions.

○ **Information Sharing**

▪ **Recommendation 3.a**

- In light of AOC discussion; edit to address that AOC has anticipated this need and is adding the functionality to the new system.
- Edit to replace “whether” with “how.”
- Edit to specifically direct AOC instead of “the State” to conduct the study.
 - AOC confirmed DSS is represented in current discussions regarding e-courts development.
- Noted need for DSS access to hard copies immediately; understanding that G.S. 7B-2901(a) does allow DSS access to hard copies at this time, but will not ease stakeholders based on focus group feedback.
- Recommendation suggested for the NCGA to revise statutes to make clear DSS access to information.
 - SSWG will expand **recommendation 3.d** (DHHS study confidentiality laws) to include improvement of DSS access to court records, as appropriate, once new AOC system is in place.
 - Sen. Barringer noted the importance of including proper training and parameters for use and access of the new system and information, with counties understanding access is limited to as needed basis.
 - A. Sachs pointed out that training recommendations concerning confidentiality are included in **recommendation 3.e.**
 - Rep. Stevens added that the legislative study commission would include interested parties.
 - SSWG members suggested adding language recognizing rule flexibility is necessary when cases are labor and resource intensive (for example, cases involving juvenile justice and welfare intersection).
 - SSWG agrees to add a new recommendation for the NCGA to specifically study the intersection of confidentiality laws of DSS and juvenile justice to address crossover youth, to allow for information sharing flowing back and forth from both entities.
 - S. Perry-Manning commented on the need to address county information sharing and consistency.
 - SSWG members pointed out that this need is included in recommendation 3.d.
- **Conflicts of Interest**

- **Recommendation 1.a**
 - This recommendation has been unbundled into separate recommendation related to COI management after the SSWG October 04 discussion.
 - A SSWG member questioned whether the Social Services Commission was on board with the SSWG’s recommended rule making authority set out in 1.a(5).
 - M. Becketts commented that COI management falls in line with their current responsibilities and believes the Commission will have no issues taking on this responsibility.
 - Suggested adding clarifying language to rationale portion to point out that the recommendation goes beyond child welfare COIs.
 - A SSWG member questioned the extent of county involvement in the development of statutes, rules, and policy, emphasizing their importance in policy making for best practices.
 - The SSWG agreed that one of the roles of regional offices is sharing county best practices up to the central office, and then disseminating and supporting DHHS policy developed from those best practices to the counties in the region.
 - The group agreed this discussion is more appropriately addressed in the information sharing recommendations.
 - A SSWG member raised concern for COI inconsistency by region and emphasized the need for clear COI guidance.
 - Reminded of SSWG recommendation 1.d, which includes recommending DHHS monitoring.
 - The SSWG suggested adding 1.a(6) to recommend the NCGA develop legislation for regional COI conflicts.
- **Recommendation 1.b**
 - Edit to clarify the recommendation involves a decision tree with regional staff resolving county disagreements and central office resolving regional disagreements.
 - Add, “DHHS should develop a protocol consistent with recommendation 1.a.”
 - Incorporate the need for a final arbiter for appeal (not as of right) or overruling of regional office COI decisions at the Central office level to recommendation 1.a.

- G. Osborne commented on the pressure this will create for DHHS for regional consistency on residency conflict resolutions. Prefers to encourage directors to resolve residency conflicts or have NCGA direct a study to tease residency nuances for clarity across social service programs.
 - Rep. Stephens noted the need for inclusion of an “exceptional circumstances” provision in a revised residency definition to allow for flexibility.
 - Sen. Barringer added that she personally is not ready to draft legislation on this issue without more study. Also commented on possible implication of creating disincentive for opening of placement centers.
 - S. Perry-Manning agreed that more study is needed before revisions can be made, including comprehensive implications and funding.
- SSWG agreed to abandon the statutory revision recommendation, and instead recommend that the NCGA examine and, if appropriate, amend state law governing residency for social services, with a particular focus on all state and federal residency law, and practice.
- **Recommendations 2.b, 2.c, 2.d**
 - Unbundled after the SSWG discussion at the October 04 meeting.
 - No changes.
- **Recommendation 2.e**
 - A SSWG member raised concern for delaying guardianship appointment.
 - Clarified that interim appointments will not be delayed.
 - Add language to clarify only permanent guardianship appointments will be effected.
 - Edit to decrease the recommended notice period from 30 days to 10 working days.
- **Recommendation 2.f**
 - A. Wall noted that this draft recommendation has been sent to Dave Richard for review.
 - S. Perry-Manning questioned the limitation of the recommendation to Medicaid continuity and no other services, as portability is an issue in many services.
 - Edit to expand the study to include portability issues for all eligibility driven social services programs.
- **Recommendation 2.g**

- S. Perry-Manning questioned whether directors really want a DHHS policy on assistance.
- C. Dobbins commented that this recommendation again aligns with the SSWG's recommendations concerning conflict resolution between counties.
- M. Becketts reported that mutual support and mutual accountability is the current policy.
- S. Osborne noted that much of assistance is dependent on resource availability and vacancies, or even county preference.
- SSWG agrees there should be no legislative mandate recommended here.
- Edit to recommend collecting data that tracks funding of social services by county for regions to monitor and better aid in balancing assists and confronting county directors/commissioners that regularly decline.
 - Include idea is for there to be lines of accountability for reporting of assists and refusals to regional offices with the knowledge and context of county resources in their region.
 - SSWG suggested leaving open an option to revisit whether policy is needed after data is collected over a two year period.
- **Information Sharing**
 - **Recommendation 3.b**
 - No changes.
 - Rep. Stevens suggested leaving open the option for changing federal law if found to be necessary.
 - **Recommendation 3.e**
 - No changes.
- **Other Recommendations**
 - **Recommendation 4.a**
 - Add core goal of consistency of training.
 - M. Becketts asked why the Directors' Association is emphasized over other partners or the counties more generally (as in other recommendations).
 - Clarified the SSWG discussion at the October 04 meeting where it was pointed out that the Directors' Academy as a good starting point for mentoring.
 - G. Osborne floated the idea of developing a leadership academy that concentrates on soft skills.

- K. Austin suggested that the Directors’ and Commissioners’ Associations should join together in developing a leadership academy.
 - R. Stiehl emphasized the critical need to address the quality and development of future leaders.
 - Sen. Barringer commented that the inclusion of Directors’ Association should not be limiting.
 - SSWG agreed to keep the recommendation and expand to include other stakeholders, such as the Commissioners’ Association.
- **Recommendation 4.b, 4.c, and 4.d**
 - Unbundled after the SSWG’s discussion at the October 04 meeting.
 - **Recommendation 4.c**
 - Redundant from Stage One recommendation.
 - SSWG agreed to abandon this recommendation.
 - **Recommendation 4.d**
 - Edit to delete the introductory phrase to “After there has been an opportunity to assess capacity across the state, but no later than two years after the regional office structure has been established,…”
- **Recommendation 4.e**
 - Edit to add agencies and governing boards in the understanding of “counties.”
- **Recommendations 4.h and 4.i**
 - Unbundled after the SSWG discussion at the October 04 meeting.
 - K. Austin pointed out that the Commissioners’ Association is starting a clearinghouse for commissioners to highlight best practices.
- **Recommendation 4.f (on page 11, regarding an ongoing working group)**
 - Edit to clarify the recommendation does not necessarily mean this SSWG and its current membership or composition.
 - A SSWG member questioned the legislator attendees on the timeframe for mobilizing a working group after legislation.
 - Sen. Barringer reported that the legislation is what takes the most time, and mobilization of a working group can be as short as a few months.
 - Edit to characterize the role of the working group as more of an advisory role, not as oversight.

- The SSWG agreed there is a need for new legislative charges to this point, because there is an urgency created from charges and accompanying reporting deadlines.
 - SSWG agrees the working group’s agenda should remain legislatively driven; the “neutral” ground and facilitation aspects should be kept; and adding a mandatory report element concerning attendance, vacancies, and reappointment would be beneficial.
- **Next Steps on ICC Recommendations**
 - A. Wall will incorporate the SSWG’s edits into a final draft and send to the SSWG before the next meeting for members to review, edit, and return.

Regional Administration

- A. Wall presented to the group on the Stage Two legislative charge concerning regional administration and stakeholder feedback gathered by the SOG on this topic; accompanying presentation slides, synthesis of stakeholder feedback, the open survey report, as well as the “Regions” blog post and the fiscal note accompanying proposed 10A NCAC 67A .0301 can be found at <https://www.sog.unc.edu/resources/microsites/social-services/materials>.

Large Group Discussion (Note: Abbreviated from the meeting agenda due to ICC discussion carrying over.)

- SSWG was asked what the regional administration section of their report should do. Member comments included:
 - Agreement that its goal is to try to answer what it is the SSWG wants the legislature to know about regional administration if/when the NCGA discusses the topic. The report should:
 - Be a hyperbole free zone.
 - Start with identifying the benefits and challenges.
 - Scope question: Include attention to the law’s authority to voluntarily form a regional department between counties for all or some social services, such as steps to consider and process to go through.
 - Stage Two charge is to develop a vision for a statewide transition to regional administration.
 - Vision options can include different things, different funding models. For example, vision can be a regional state administration, regional public entities.
 - More of an early hypothetical conversation.
 - Look at models in other states to follow for a transition like this.
 - The SSWG was asked what stood out to them in reviewing the benefits and challenges identified by stakeholders. Members responses included:
 - Benefits:

- Question stabilization of staffing because regional disparities
 - Create more consistent training
 - A SSWG member commented that this point may be moot after regional supervision is in place.
 - Model produces better outcomes for children and families.
 - SSWG member reported that a NACO study in Colorado showed fewer child fatalities in state administered system (5-8 years ago).
 - Efficiency of funding
 - 100 counties seems inefficient BUT NC counties are funding a lot of social services currently.
 - Accountability benefits
 - Consistent high quality of care statewide
 - Transparency
- The SSWG was asked what this section of the report should say. Member comments included:
 - Identifying points to balance (benefits vs. challenges of each issue).
 - Using comparisons.
 - Using the same values the SSWG developed for Stage One concerning regional supervision.
 - The group was asked how to incorporate stakeholder feedback.
 - The SSWG members will review and weigh the feedback provided and include what is most important to the group in the report.
- The SSWG was asked what benefits or challenges they believe were omitted from stakeholder feedback. Member comments included:
 - Rationales/benefits heard from SSWG member for regionalization: (1) this model helps counties that have lacked capacity to provide quality services consistently over time; (2) the model has a smaller number of directors, which brings a better quality of director leadership.
 - Challenges heard from SSWG member for regionalization:
 - County networking is important (example given with emergency management); how will a regional entity respond to emergencies as well as counties do?
 - Keeping local presence an element is important and a challenge, as services are personal and need local presence.
 - Challenge of having EOCs in regional system.
- SSWG was asked what other information the SSWG needs. Member responses include:
 - Stakeholder feedback on number of regions preferred.
 - Need to explore other state models that have transitioned social services from county administration to regional.
 - North Dakota Pilot and Nebraska Experience discussed; these profiles can be found at <https://www.sog.unc.edu/resources/microsites/social-services/materials> under Other Reference Materials.

- Note: Most models have gone from county to state or regional to state administration; none from county to regional or state to county.
 - Requested more research from NACO.
 - Emphasized funding is a significant challenge.
 - Look to outcomes of six district health departments vs. county health departments.
 - SOG study in 2013 compared different types of public health departments (A. Wall will forward the report) and identified significant differences in financial performance and county financial contributions in regional health departments but did not identify significant health outcomes.
 - Request to look into what the driving motivation was for those that have voluntarily regionalized health departments.
 - Look to LME/MCO financial contributions by county in the same way.
 - Understand and mediate the challenge of localities backing off with the distance created by regions.
 - Look into how other states administer services consistently.
 - Identify the system outcomes the state is looking for.
 - Identify the top 3 benefits and challenges and take to other states with a regional administered system for their feedback on those benefits and challenges.
 - Noted time limitation.
 - Entertain as an option for the regional administration vision establishing a threshold at which counties outsource services.
 - Remember flexibility is vital and helps the state avoid litigation that would force a federal mandate.
 - Remember some things are better done at the state level. Examples given included Medicaid transportation and adult care home inspection.
 - Test the benefits and challenges of a state supervised, regional administered system against the benefits and challenges of a regionally supervised recommended by the SSWG in the Stage One Report.
- **Homework for SSWG members concerning Regional Administration:**
 - Review and weigh the benefits and challenges identified by stakeholders by importance.

Closing Comments

- The next in-person SSWG meeting will be November 8th.
 - SSWG will receive revised ICC recommendations to edit as well as homework on weighing regional administration benefits and challenges before the next meeting.
 - The SSWG will finalize the ICC recommendations and then develop and revise their vision for regional administration.

- Review of upcoming meetings:
 - November 8
 - November 20
 - December 11
 - December 20

Adjourn