

Chapter 39

Social Services

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The term “social services” refers to a diverse mix of programs and services intended to help individuals in need. Social services may address either personal needs, by providing protection to a child or adult who has been abused, for example, or financial needs, by connecting low-income individuals and families with programs that can help them buy food or pay for heat in the winter. Some of these services and programs are offered by local public agencies, including county departments of social services and programs or agencies serving senior citizens or veterans. In addition, private organizations, including nonprofits and churches, offer many social services programs. This chapter will focus primarily on the services and programs traditionally administered by county departments of social services.

Counties are required to provide certain services within their jurisdictions. Many also offer additional services tailored to community needs. The county services and programs can be divided into two primary categories: economic services and social work services. The first of these, also referred to as public assistance, assists eligible people through money payments and other economic supports such as food and child care subsidies and employment services. Eligibility for most of these programs is determined on the basis of a person's or family's income and resources. The second category, social work services, assists individuals, including many who are at risk of abuse or neglect, in a variety of ways and often without regard to income.

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History of Social Services in North Carolina

Today's complex web of programs and services has its roots in the English Poor Laws. The North Carolina Constitution of 1776 did not address care of the poor. Nevertheless, the General Assembly passed laws calling for locally elected overseers of the poor, providing for wardens of the poor to be elected by county courts and authorizing counties to build almshouses or poorhouses to house and provide employment for the poor. Slowly but steadily the use of public tax funds to provide some care for needy citizens became accepted as an important and legitimate function of county government.

The North Carolina Constitution of 1868 established, for the first time, a role for state government with respect to social services:

Beneficent provision for the poor, the unfortunate and orphan[s] being one of the first duties of a civilized and a Christian state, the General Assembly shall, at its first session, appoint and define the duties of a Board of Public Charities, to whom shall be entrusted the supervision of all charitable and penal State institutions, and who shall annually report to the Governor upon their condition, with suggestions for their improvement.¹

Statewide public welfare laws, enacted in 1917 and supplemented in 1919, provided for a state Board of Charities and Public Welfare, a state Commissioner of Public Welfare, three-member local boards of charity and public welfare, and county superintendents of public welfare. The enactment in 1923 of a Mother's Aid law provided financial assistance to indigent mothers with children under the age of fourteen. County participation was optional, and the program costs were split between the state and participating counties. Into the 1930s the state's role in social services increased, but both the funding and administration of social services remained primarily county responsibilities.

The Social Security Act of 1935 became, and remains, the "cornerstone of the American welfare state."² It included public assistance or "relief" programs for low-income people in specified categories, including children in single-parent families. It marked the beginning of a drastic redefinition of the role of government in the social services field. Needy persons who did not qualify for these categorical programs remained dependent on completely county-funded programs or nongovernmental charitable institutions for assistance. North Carolina enacted laws establishing the new federal programs in the state, requiring all counties to participate, designating a single state agency to supervise administration of the programs, and assigning to counties primary responsibility for the nonfederal share of the programs' costs.

The Federal Government's Role

Congress

Significant parts of the social services system in North Carolina still reflect the programs created by the Social Security Act in 1935, and the system has evolved based largely on changes in the Social Security Act. Federal law does not require any state to operate particular programs. Rather, Congress enacts laws that establish a variety of programs and appropriates funds available to states that agree to operate the programs in accordance with applicable federal laws and regulations. The level of federal financial participation varies from program to program, and within programs it often differs for administrative versus direct benefits costs. In recent years, for example, the federal government has paid over 65 percent of the cost of Medicaid services provided in North Carolina—costs that dwarf those of all other programs combined.³ With respect to Medicaid administrative costs and all costs of other programs that involve federal or state

1. N.C. Const. of 1868 art. XI, § 7.

2. Edward D. Berkowitz, *America's Welfare State from Roosevelt to Reagan* (Baltimore: Johns Hopkins University Press, 1991), 13.

3. For fiscal year 2014, the federal government's share of the cost of Medicaid services in the state is estimated to be more than \$7.5 billion and the state's share is estimated to be almost \$4 billion. North Carolina Department of Health and Human Services,

financial participation or both—that is, excluding those funded only by counties—the state Department of Health and Human Services (DHHS) estimates that for state fiscal year 2014 federal funds will provide

- over 90 percent of public assistance payments (those paid to or for clients);
- over 50 percent of associated administrative costs (staff, overhead, and other expenses); and
- almost 60 percent of the costs of service programs.⁴

Thus for states that want to provide certain kinds of financial assistance and services for their citizens, there are significant financial incentives to participate in the federally supported programs.

Federal Agencies

The federal executive agency with primary responsibility for overseeing most social services programs is the federal Department of Health and Human Services. The federal Department of Agriculture oversees the food and nutrition programs. These agencies promulgate regulations to carry out the federal laws, issue policies to the states, and monitor state compliance with federal requirements. They can impose financial sanctions on states for failing to meet these requirements.

Federal laws and regulations define basic characteristics of federally supported public assistance programs but leave a number of decisions to the states. In the Medicaid program, for example, federal law defines categories of people who may be eligible for assistance, while states have leeway to determine which medical services are covered, how much the providers are paid, and what the income limits are for eligibility.

The State Government's Role

In most states, the state, rather than local government, administers social services programs.⁵ In North Carolina, however, most social services programs are administered by counties under the state's supervision. State direction and supervision come from the General Assembly, the state Department of Health and Human Services (DHHS), and the appointed rulemaking commissions.

The General Assembly

Since enacting laws in 1937 to enable North Carolina to participate in federally funded welfare programs, the General Assembly has amended or rewritten those laws many times to establish new programs, conform state law to federal changes, modify program features that federal law leaves to the state to determine, and establish or modify programs based solely on state law. Chapter 108A of the North Carolina General Statutes (hereinafter *G.S.*) contains most of the state's social services legislation, including specific authority for the state DHHS to accept all grants-in-aid for social services programs that may be available under the Social Security Act, other federal laws or regulations, and nonfederal sources. Chapter 108A also addresses confidentiality, appeal rights, and other subjects to ensure the state's compliance with federal requirements. It also reflects state policy regarding social services matters not determined by federal law. Many program details do not appear in the General Statutes. Some are addressed by administrative rules and policies pursuant to authority the General Assembly has delegated to DHHS and the state Social Services Commission

Division of Medical Assistance, *SFY 2014 Projected Medicaid Program Services Expenditures*, www.ncdhhs.gov/dss/budget/estimates.htm.

4. North Carolina Department of Health and Human Services, *County Budget Estimates—State Fiscal Year 2013–2014*, www.ncdhhs.gov/dss/budget/estimates.htm.

5. “North Carolina is one of 11 states that provide social services programs through a state-supervised and county-administered system. . . . Most other states operate a state-administered social services system, and counties have little or no role in administering or financing state and federal social services programs.” N.C. General Assembly Program Evaluation Division, *Statutory Changes Will Promote County Flexibility in Social Services Administration, Final Report to the Joint Legislative Program Evaluation Oversight Committee, Rep. No. 2011-03 (May 2011)*, www.ncleg.net/PED/Reports/documents/DSS/DSS_Report.pdf.

(described later in the chapter). Others are decided by the legislature when it appropriates funds for public assistance and social services programs.⁶

The General Assembly determines how the state and the counties will share responsibility for the nonfederal portion of the cost of federally supported programs. For example, for many years the state and counties shared responsibility for paying for the nonfederal share of the cost of Medicaid services: the state would pay 85 percent and the counties would pay 15 percent.⁷ In 2007 the General Assembly enacted legislation that ultimately phased out the county's share for Medicaid services but still requires counties to help pay for costs of administering the program.⁸ Another example is found in G.S. 108A-49.1, which provides that the nonfederal share of foster care and adoption assistance payments will be divided equally between the state and county.⁹

In addition to appropriating state funds to pay the state's share of the cost of certain social services programs, the legislature allocates lump-sum federal funds the state receives under federal block grants for social services programs and approves plans for the expenditure of these funds.¹⁰ The General Assembly also decides issues that federal law leaves to the states' discretion, such as income eligibility limits and the designation of covered medical services for Medicaid. It determines what other nonfederally based public assistance and service programs counties must provide; decides whether to provide state funding for services for which federal funds are not available; and defines counties' responsibilities in relation to programs such as child protective services, adoptions, and guardianship.

Commissions

Three state commissions play a significant role in the state's social services programs: the Social Services Commission, the Child Care Commission, and the State Human Resources Commission. These commissions adopt regulations, which have the force and effect of law, and oversee administration of various programs and services.

- **Social Services Commission.** This commission has broad authority to adopt rules that govern most of the state's social services programs.¹¹ The commission is also authorized to establish standards for inspecting and licensing maternity homes, adult care homes for aged or disabled persons, and residential child care facilities. The commission may authorize investigations of social problems, subpoena witnesses, and compel the production of documents. In counties having a board of social services (see further discussion below), the commission appoints either one or two members (depending on whether the county has a three- or five-member board). It also may assign responsibilities to county social services boards and directors. The governor appoints the commission's thirteen members, one from each congressional district, for four-year terms.
- **Child Care Commission.** This commission adopts standards and rules for the licensing and operation of child care facilities. It also is charged with making rules for responding to child abuse or neglect in child care facilities.¹² The commission has seventeen members—seven appointed by the governor and ten by the General Assembly—that serve for two-year terms.¹³

6. These provisions appear in session laws but are not codified as part of the General Statutes. *See, e.g.*, S.L. 2011-145, § 10.27 (requiring the Division of Medical Assistance to prepare a fiscal analysis before implementing certain changes to medical policy for the N.C. Health Choice program).

7. *See* S.L. 2005-276, § 10.11(b).

8. S.L. 2007-323, § 31; S.L. 2007-345, § 14. For a detailed discussion of this legislative change, see Kara A. Millonzi and William C. Rivenbark, "Phased Implementation of the 2007 and 2008 Medicaid Funding Reform Legislation in North Carolina," *Local Finance Bulletin* No. 38 (Sept. 2008), <http://sogpubs.unc.edu/electronicversions/pdfs/lfb38.pdf>.

9. N.C. Gen. Stat. (hereinafter G.S.) § 108A-49.1(d) (added by S.L. 2011-145, § 10.51).

10. *See, e.g.*, Social Services Block Grant (42 U.S.C. §§ 1397 through 1397(h)) (providing flexible funding to states to enable them to offer a range of social services).

11. *See* G.S. Ch. 143B, Art. 3, Part 6. The secretary of the Department of Health and Human Services (DHHS), rather than the Social Services Commission, has rulemaking authority for the Medicaid program.

12. G.S. 110-88.

13. G.S. 143B-168.4.

- **Human Resources Commission.** This commission, in conjunction with the Office of State Human Resources, regulates and administers the state personnel system, including the merit system under which many county social services personnel are appointed.¹⁴

Department of Health and Human Services

The state Department of Health and Human Services (DHHS) is the state agency responsible for most public human services programs. The secretary of DHHS, who is appointed by the governor, appoints the directors of various departmental divisions that issue policies and program manuals for use by county departments of social services in interpreting and implementing the various laws and regulations.¹⁵ DHHS divisions that supervise programs administered by the counties or with which county departments must interact regularly include those described in Table 39.1, below.¹⁶

The County's Role

As mentioned above, North Carolina is somewhat unusual because most social services programs are not administered directly by the state but rather by counties under the state's supervision. North Carolina's county-administered, state-supervised social services system reflects the state's long history of local (county) responsibility for public social services, the strength of county government in the state, and the role of North Carolina's counties as the primary vehicle for the delivery of basic services to citizens.

County Organization and Governance

Since 2012 the organization and governance of North Carolina's local social services agencies has been changing rather quickly. Until then almost all of the counties had a county department of social services that was governed by a county board of social services.¹⁷ Legislation enacted in 2012 authorized boards of county commissioners to adopt different approaches to organization and governance of human services programs, including social services.¹⁸ Boards of county commissioners must determine what type of organization or agency will be responsible for delivering social services within the county. In addition, they must choose the type of governing board that will oversee the agency.

Organization

Counties have three options available for organizing the agency that delivers social services within the county. They may

- operate a county department of social services,
- establish a consolidated human services agency that includes social services, or
- establish a multi-county department of social services.

14. G.S. Ch. 126. Prior to 2013, the agency was named the Office of State Personnel and the commission was named the State Personnel Commission. S.L. 2013-382. Even though the director and staff of county social services departments are county employees, their employment is governed by the State Personnel Act unless (1) the county's personnel system, or a portion of it, has been approved by the State Human Resources Commission (or the former State Personnel Commission) as being "substantially equivalent" to that of the state or (2) the county has incorporated the social services department into a consolidated human services agency and elected to remove the employees of that agency from the State Human Resources Act (or former State Personnel Act).

15. The manuals are available at <http://info.dhhs.state.nc.us/olm/manuals/default.aspx>.

16. A complete list of DHHS divisions and fuller descriptions of their functions are available at www.ncdhhs.gov/contacts/division.htm.

17. Wake and Mecklenburg counties were the exceptions. Both counties have operated consolidated human services agencies rather than independent departments of social services for several years. Prior to 2012 G.S. 153A-77 allowed a county to establish this type of consolidated agency if its population was greater than 425,000. Wake County's agency is governed by an appointed consolidated human services board and Mecklenburg County's agency is governed by the board of county commissioners.

18. S.L. 2012-126.

Table 39.1 Divisions within the N.C. Department of Health and Human Services Involved with Oversight and Administration of Social Services Programs (as of November 2014)

Division of Social Services	<ul style="list-style-type: none"> Oversees county administration of various public assistance programs, including the Work First program, the Supplemental Food and Nutrition program, and State–County Special Assistance. Does not oversee the Medicaid or Health Choice programs. Oversees county administration of various social services programs, including child protective services, child support enforcement,^a foster care services, adoption services, child protective services, and family preservation services. Develops policy, conducts some training for county staff, provides technical assistance to counties, and monitors county performance.
Division of Medical Assistance	<ul style="list-style-type: none"> Oversees the Medicaid and Health Choice programs. Supervises county social services departments' administration of eligibility determination and establishes policies and procedures. Oversees the payment of medical providers—such as hospitals, physicians, and nursing homes—that deliver services to eligible clients.
Division of Aging and Adult Services	<ul style="list-style-type: none"> Oversees county administration of various programs serving disabled and older adults, including adult protective services, guardianship, State–County Special Assistance, adult placement, at-risk case management, and adult care home case management. Oversees operation of aging programs that focus on providing home and community services to older adults and certifies adult day care programs, adult day health programs, and senior centers. Administers federal programs focused on elder rights, including the Long Term Care Ombudsman Program. Develops the State Aging Services Plan, as required by the federal Older Americans Act, and supports Area Agencies on Aging as they implement their area plans.
Division of Child Development and Early Education	<ul style="list-style-type: none"> Licenses and monitors most child care programs, enforces regulations that apply to those programs, works with local councils to assure appropriate services for children with disabilities, and assists providers of services under the federal Head Start program. Administers funds to help low-income families pay for child care and prekindergarten programs. Provides teacher education and licensure support and services to prekindergarten teachers who work in nonpublic schools. Offers other services and programs to improve the quality and increase the availability of child care and related services for children and families.
Division of Health Service Regulation	<ul style="list-style-type: none"> Licenses and regulates a variety of medical, mental health, and residential child care facilities. Conducts on-site inspection and monitoring in collaboration with the staff of the county departments of social services and the Division of Social Services.

a. Prior to July 1, 2010, the state directly administered child support enforcement programs in approximately one-third of the counties. The law was amended to require all counties to administer their own programs. G.S. 110-141 (as amended by S.L. 2009-451, § 10.46A).

In November 2014, the vast majority of counties (eighty) still operated a single-county department of social services. Twenty counties had established a consolidated human services agency that includes social services.¹⁹ No counties to date have elected to establish a multi-county department.

19. The twenty counties with consolidated human services agencies that provide social services as of November 2014 are Bladen, Brunswick, Buncombe, Cabarrus, Carteret, Dare, Edgecombe, Gaston, Guilford, Haywood, Mecklenburg, Montgomery, Onslow, Pender, Richmond, Rockingham, Swain, Union, Wake, and Yadkin.

Table 39.2 Organization and Governance of County Agencies Providing Social Services (as of November 2014)

	Appointed board as agency governing board	Board of commissioners as agency governing board
Single-county department of social services (80)	76	4
Consolidated human services agency (20)	9	11

Governance

State law requires that the organization providing social services in the county have some type of governing board in place. The governing board may be an appointed board of social services, a consolidated human services board, or the board of county commissioners.

If the organization is a single-county department of social services, the governing board may be either an appointed board of social services or the board of county commissioners. If the county chooses the latter, the board of county commissioners must abolish the county board of social services and assume its powers and duties. In November 2013, of the eighty-four counties that have a single-county department of social services, eighty are governed by an appointed board and four by the board of county commissioners.

Appointed boards of social services may have either three or five members (as determined by the board of county commissioners). Most counties have five-member boards. For a five-member board, two members are appointed by the board of county commissioners, two by the state's Social Services Commission, and the final member by a majority of the other board members.²⁰ Members must be county residents. A county board of commissioners may select one of its members as an appointee to the social services board, and many boards of commissioners do so to enhance communication between the two bodies. Subject to some exceptions, board members may not serve more than two consecutive terms.²¹

Social services board members do not serve at the pleasure of the appointing authority and cannot be removed from office for political reasons. Moving out of the county in which the member was appointed almost certainly is grounds for removing a board member, and one would expect a member who moves out of the county to resign from the board. Aside from these narrow circumstances, a social services board member probably can be removed only "for cause." Such a removal can be effected only by the appointing authority and only through procedures that protect the board member's due process rights.²²

If the organization delivering social services is a consolidated human services agency, the governing board may be either a consolidated human services board or the board of county commissioners. Again, in order for the board of county commissioners to serve as the agency's governing board, the board of county commissioners must abolish the consolidated human services board and assume its powers and duties. As of November 2014, of the twenty counties that have a consolidated human services agency, nine are governed by an appointed consolidated human services board and eleven by the board of county commissioners. See Table 39.2, above, for a summary of organization and governance arrangements.

20. If a majority do not agree on a fifth member (or if the two appointed members of a three-member board do not agree on a third member), the senior regular resident superior court judge of the county makes the selection. G.S. 108A-3(b).

21. This limitation does not apply to members who were county commissioners at any time during the first two consecutive terms and are serving in that capacity at the time of reappointment. In addition, if a person is appointed during a term to fill a vacancy, service on the board for the remainder of the former member's term does not count as a term for purposes of determining whether the member has served two consecutive terms.

22. For further discussion of removal of board members, see John L. Saxon, *Handbook for County Social Services Boards* (Chapel Hill: UNC School of Government, 2009), 44–45.

Table 39.3 Comparison of Key Features of Appointed Social Services Governing Boards

	Board of Social Services	Consolidated Human Services Board
Size	3 or 5	Up to 25
Appointments	Board of commissioners (1 or 2) State Social Services Commission (1 or 2) Majority of other members (or a judge)	Board of county commissioners from nominees presented by the consolidated human services board
Terms	3 years	4 years
Qualifications	County resident	County resident Board must include representation from several groups and professions <ul style="list-style-type: none"> • 4 consumers of human services • 10 professionals: a psychologist, pharmacist, engineer, dentist, optometrist, veterinarian, social worker, registered nurse, psychiatrist, and physician • 1 county commissioner • Others, including members of general public Members may serve in more than one role at the same time
Regular meetings	Monthly	Quarterly
Additional meetings	At the call of the chair	At the call of the chair or three members
Compensation	May receive per diem, subsistence, and travel in accordance with county policy	May receive per diem, subsistence, and travel in accordance with county policy

Appointed consolidated human services boards may have up to twenty-five members. All members are appointed by the board of county commissioners from a list of nominees presented by the consolidated board.²³ Unlike the law related to boards of social services, the law related to consolidated human services agencies outlines several specific reasons for which the commissioners may remove a board member, including commission of a felony, violation of a state law governing conflicts of interest, and habitual failure to attend meetings. Some key differences between boards of social services and consolidated human services boards are illustrated in Table 39.3.

If the county enters into an agreement with one or more other counties to create a multi-county social services agency, each county must still appoint a board of social services and those boards must coordinate on governance of the single agency. While an interlocal agreement provides a means to create a multi-county agency, there is no authority in the law for the counties to create a multi-county social services governing board.²⁴ This approach to governance would likely be cumbersome, which may be one of the reasons that counties have not elected to create these multi-county departments.

23. When a consolidated human services agency is first established, the initial members of the board must be appointed based on the recommendation of a nominating committee comprising members of the governing boards of the agencies that were consolidated. If the new consolidated human services agency includes both public health and social services, a nominating committee drawn from the governing boards in place prior to consolidation would be charged with identifying the preliminary slate of nominees. G.S. 153A-77(c).

24. In contrast, state public health laws permit counties to join multi-county district health departments or public health authorities with a single multi-county governing board. See Chapter 38, "Public Health," for further discussion.

Role of the Governing Boards

All of the different types of social services governing boards have several powers and duties in common, most of which are primarily advisory in nature. Consolidated human services boards have slightly more expansive responsibilities.

The governing board's most significant responsibility relates to the agency director. A county board of social services has the exclusive authority to recruit and select the department director. Implicit in the board's authority to select the director are the authority to discipline or dismiss a director if necessary, in accordance with state personnel rules, and a responsibility to evaluate the director's performance. The social services board determines the director's initial salary and any salary changes in accordance with the State Human Resources Commission's (or, in some cases, the county's) pay and classification plan, subject to the approval of the board of commissioners. In a county with a consolidated human services agency, the county manager is responsible for selecting the agency director, but the manager must seek and obtain the "advice and consent" of the consolidated human services board or, if the consolidated board has been abolished, the board of commissioners.

Another responsibility of the governing board is advising county and municipal authorities regarding policies and plans to improve the community's social conditions. This broad advisory authority indicates that the county social services board has a legitimate function that extends beyond the programs and activities of the county department of social services. Some social services boards are represented on local human services advisory committees or similar bodies that address social problems and conditions in the community. The law requires that the board be represented on the county's Work First planning committee, which is appointed by the board of commissioners to identify the needs of the population to be served by the Work First program and to review and assist in developing the county plan to respond to those needs.

Some other key responsibilities of the governing board include the following:

- *Consulting with the county social services director about problems relating to the director's office.*
- *Assisting the director in planning department budgets.* The extent to which social services boards are actively involved in planning and presenting the department's budget varies from county to county. County social services directors consult with the county social services board on budget matters, and some directors submit the department's proposed budget to the social services board for a formal vote of approval. Some boards actively help the director develop and advocate for the budget. A consolidated human services board is required to play a more proactive role. It must "plan and recommend" the agency's budget.
- *Establishing policies for programs established by G.S. Chapter 108A.* While the law specifically grants this authority to the governing board, the programs are so heavily regulated by federal and state policy already that there is little room for county boards to engage in programmatic policy making.
- *Providing services for a fee.* Under G.S. 108A-10, boards may enter into contracts to provide services for a fee. The fees may not exceed the cost of furnishing the services and must be based on a plan recommended by the county social services director and approved by both the social services governing board and the board of commissioners. A number of counties have adopted fee policies with respect to the social services department's preparation of home studies for the district court's use in child custody disputes between private parties.
- *Carrying out any other duties and responsibilities the General Assembly, the Department of Health and Human Services (DHHS), the state Social Services Commission, or the board of commissioners assigns to the board.* For example, the state Social Services Commission, through its rules, has given social services boards responsibility for reviewing cases involving suspected public assistance fraud. The boards may either review each case individually or adopt a fraud policy and delegate its enforcement to the county social services director and staff.²⁵

25. See, e.g., N.C. Admin. Code tit. 10A, ch. 71W, § .0606, which addresses client fraud and intentional program violations in the Work First program.

The duties and authority discussed above apply to the governing board acting as a board, not to its individual members. Another law, G.S. 108A-11, gives board members the right to inspect confidential social services records relating to public assistance and social services. The statute prohibits members from disclosing or making public any information they acquire from the records. Obviously, individuals should exercise this authority only for purposes related to their responsibilities as board members, not for personal reasons.

Role of the Board of County Commissioners

A primary role of the board of commissioners in relation to social services is ensuring the adequacy of funds for social services programs in the county budget. That role is discussed in the section “Financing County Social Services Programs,” later in this chapter. The commissioners’ other powers and responsibilities include the following:

- *Determining the type of organization that will provide social services in the county.* As discussed above, the county may have a county department of social services or a consolidated human services agency or it may coordinate with other counties to establish a multi-county department.
- *Determining the type of governing board for the organization.* Depending upon the type of organization chosen to provide social services in the county, the governing board may be a county board of social services, a consolidated human services board, or the board of commissioners.
- *In a county that has a board of social services, determining whether the county should have a three- or five-member board, and appointing one or two, respectively, of the members.*²⁶ Many boards of commissioners appoint one of their own members to serve on the social services board to foster communication and understanding between the two bodies. The board of county commissioners may change the size of the county social services board from three to five members or from five to three members.
- *Establishing per diem rates and policies for subsistence and travel reimbursement for governing board members.*²⁷ The commissioners should also include funds in the budget to cover these expenses.
- *Approving, along with the county social services board, fees to cover the cost of certain nonmandated services the social services board contracts to provide.*²⁸ The board of commissioners should receive an annual report from the social services board concerning the receipt of such fees.
- *In a county that has a board of social services, approving the county social services director’s salary.*²⁹ The social services board appoints the director and determines the director’s salary based on the State Human Resources Commission’s pay classification plan, but the salary must be approved by the board of commissioners. Although the two boards should make every effort to reach agreement, the commissioners, having control over the budget, have the final say in accepting or rejecting the social services board’s recommendation.
- *Appointing, with the approval of the governing board, a special attorney for social services matters and determining the attorney’s compensation.*³⁰ A county is not required to have an attorney designated under this section as a special county attorney for social services. If it does, the attorney’s duties include serving as legal adviser to and performing duties assigned by the board of commissioners, the director of social services, and the governing board.
- *Determining whether financial assistance for certain disabled persons will be provided under the State–County Special Assistance for Adults program.*³¹ State law requires counties to operate this state- and county-funded program, which is designed primarily to subsidize needy aged or disabled persons who live in residential care facilities. The board of commissioners has the option of including in the program certain needy disabled persons who live in their own homes.

26. G.S. 108A-2, -3.

27. G.S. 108A-8.

28. G.S. 108A-10.

29. G.S. 108A-13.

30. G.S. 108A-16 through -18.

31. G.S. 108A-45.

- *Deciding which nonmandated public assistance programs or services the county will provide.*³² State law requires counties to participate in a number of social services programs but also authorizes counties to “undertake, sponsor, organize, engage in, and support other social services programs intended to further the health, welfare, education, safety, comfort, and convenience of its citizens.”³³ Many counties, for example, provide some form of general assistance to help address emergency needs of people not eligible for other benefits.
- *Determining which agency or entity will operate the Child Support Enforcement program in the county.*³⁴ Counties must administer a Child Support Enforcement program in the county.³⁵ Most county child support enforcement programs are operated by the county department of social services. The board of commissioners has the option, though, of creating an independent county department for child support enforcement, locating the program in another county department or office, or contracting with a private entity or another county to operate the program.
- *Planning for, or both planning for and administering, the Work First program in the county.* State law allows each board of county commissioners to indicate to the legislature whether the county wants to be a “standard” or “electing” county for purposes of the Work First program. A board’s request to be an electing county must be supported by a three-fifths vote by the commissioners. The legislature designates the electing counties. In an electing county, the board of county commissioners is responsible for the development, administration, and implementation of the Work First program. In a standard county, the state retains more control over the program, which is administered by the county department of social services. State law requires each board of county commissioners, regardless of the county’s designation, to appoint a committee to identify the needs of the population to be served by Work First and to review and assist in developing a county plan to respond to those needs. The board of commissioners in electing counties assumes many more direct responsibilities related to oversight and administration of the program.³⁶

Role of the Social Services Director

Regardless of the type of organization that administers social services programs in a county, someone must be appointed to serve in the role of director of social services. The director administers the public assistance and service programs directly and through the social services staff. In a county with a department of social services, the governing board must appoint a social services director for the department. In a county with a consolidated human services agency, the county manager must appoint a consolidated human services director who in turn assumes all of the powers and duties of a social services director. The consolidated human services director may delegate some or all of these powers and duties to another person, but the consolidated director retains the ultimate responsibility for ensuring that all obligations and functions involving social services programs and policies are carried out.

The person serving in the role of social services director has overarching administrative responsibilities related to running the agency, many of which are found in G.S. 108A-14. In addition, the director has several specific program-related duties that are the subject of other, more detailed, statutes. Two of the director’s most significant responsibilities

32. G.S. 153A-255.

33. *Id.*

34. G.S. 110-141.

35. Until 2010 about one-third of the counties chose to have the state operate their Child Support Enforcement program. That option was eliminated and now all counties must have their own programs. S.L. 2009-451, § 10.46A(a).

36. In an electing county, the board of county commissioners is responsible for establishing outcome and performance goals, establishing eligibility criteria, making eligibility determinations, entering into mutual responsibility agreements with Work First recipients, ensuring that services and resources are available to help participants comply with the agreements and monitoring compliance with those agreements, ensuring that participants engage in the required hours of work activities, developing and submitting to DHHS a biennial county Work First plan, and developing and implementing an appeals process for the county’s Work First program. A board of commissioners may delegate most of these responsibilities to other public or private entities; however, the board remains accountable for all of them. G.S. 108A-27.3(b).

are administering public assistance and social services programs and appointing and supervising department staff. While program administration is the director's responsibility and the director is statutorily identified as the agent of the state with respect to these programs, much of the work is accomplished through delegation of duties to and supervision of the staff. With respect to personnel-related duties, the director has the exclusive authority to hire, supervise, discipline, and dismiss social services employees, but those duties must be carried out in a manner consistent with applicable federal, state, and local personnel laws and policies.³⁷

Another general responsibility is the director's role with respect to the governing board. In a county with an appointed board of social services, the director serves as the executive officer of the board and acts as its secretary. The director must provide clerical services to the board and, as its executive officer, implement its policies and decisions. The director is not a member of the board, however, and may attend closed sessions of board meetings only at the board's invitation.

Some of the more specific, programmatic duties are described below.

- *Investigating and responding to reports of child abuse and neglect.* The state Juvenile Code (G.S. Ch. 7B) includes the child abuse reporting law, which requires anyone who suspects that a child is abused, neglected, or dependent, or has died as a result of maltreatment, to make a report to the county director of social services. The law requires the director to make a prompt and thorough assessment of each report, to evaluate the level of risk to the child or to other children in the home, and to take appropriate protective action.
- *Arranging and supervising children's placements in foster care.* Under the Juvenile Code, a district court judge may place abused, neglected, dependent, undisciplined, or delinquent children in the custody of the county department of social services. Many of these children are placed in state-licensed foster homes. County social services departments also may place and supervise children in foster care pursuant to voluntary placement agreements with parents or following the parents' relinquishment of a child for adoption.
- *Investigating adoption cases and supervising adoptive placements.* Under the state adoption law (G.S. Ch. 48), county departments of social services have many responsibilities in relation to the adoption of children. They arrange for and supervise adoptive placements; recruit, screen, and supervise adoptive parents; and evaluate and report to the court on adoption cases.
- *Receiving and responding to reports of abuse, neglect, or exploitation of disabled adults.* Under G.S. Chapter 108A, Article 6, anyone with reasonable cause to believe that a disabled adult needs protective services must make a report to the county director of social services, who must evaluate each report promptly and thoroughly and respond appropriately.
- *Supervising adult care homes for aged or disabled persons.* Under G.S. Chapter 131D, adult care homes must be licensed by DHHS. The county social services director's responsibilities include monitoring implementation of the Adult Care Home Residents' Bill of Rights (G.S. Ch. 131D, Art. 3) and investigating complaints relating to violations of these rights.
- *Serving as guardian for individuals adjudicated incompetent when appointed by the clerk of superior court to do so.*³⁸

This list is not exhaustive. Other statutes address the county social services director's duties or authority in such areas as issuing youth employment certificates for individuals under age eighteen,³⁹ working with the Department of

37. In a county with a department of social services, the employees are subject to the State Human Resources Act as well as any supplemental county personnel policies. In a county with a consolidated human services agency, the board of commissioners may elect to remove the employees from the State Human Resources Act. G.S. 153A-77(d). If it does so, any applicable county personnel ordinances or policies must comply with federal merit personnel standards. 5 C.F.R. Part 900, Subpart F. State and local governments must adhere to the federal standards if they receive certain categories of federal funding, such as funding for the Food and Nutrition Services program.

38. G.S. 35A-1202(4), -1213(d).

39. G.S. 95-25.5.

Correction on certain issues related to prisoners,⁴⁰ arranging for the burial or cremation of unclaimed dead bodies,⁴¹ and performing functions specified under local emergency management plans.⁴²

Financing County Social Services Programs

More than any other area of local government finance, social services financing is complicated by intricate patterns of federal, state, and county funding. Since the 1930s the federal government has assumed a major role in financing many social services programs. Those programs contribute many federal and state dollars to local economies; they also require the expenditure of substantial county funds. Some county expenditures are required by the General Assembly's assignment to the counties of responsibility for a portion of the nonfederal cost of certain programs. Some are required as a condition of receiving other federal and state funds for social services. Others are required to provide needed, and sometimes mandated, services and programs for which state and federal funds are either unavailable or insufficient.

Some federally funded public assistance programs, such as Food and Nutrition Services (FNS) and Medicaid, are entitlement programs, meaning that benefits must be provided to every person who applies and meets the program's eligibility requirements. The federal government's financial obligation is open-ended. Regardless of how many people qualify for benefits, the federal government must provide funds sufficient to pay the federal share of benefits for everyone entitled to assistance. In FNS, the federal government pays the full cost of the benefits (but only part of the administrative costs). In the Medicaid program, the state's financial obligation also is open-ended, as the state must provide funds sufficient to pay the nonfederal share of the cost of the benefits.

In other programs, such as Work First, the Low-Income Energy Assistance Program, and most service programs, the amount of federal funding is capped. Federal appropriations provide a fixed amount of funding, often called a *block grant*. State or local funds must provide either a specified percentage match or an amount representing a "maintenance of effort" tied to amounts expended or budgeted for the program in a designated prior period. The state must develop comprehensive plans, such as the Work First plan and the Social Services Block Grant plan, describing the proposed use of the federal block grant funds and related state and local funds. The General Assembly is responsible for approving the distribution of federal block grant funds to counties.

If the federal funds and the required state and local contributions are insufficient to provide benefits or services to everyone who is eligible, the state or local government must limit the number of people served by the program, limit the amount of benefits or the level of services provided, or provide additional state or local funding for the program.

Under G.S. 108A-87 the General Assembly has the authority to decide whether and how to divide the nonfederal share of costs for social services programs between the state and counties. North Carolina generally requires counties to pay the bulk of the nonfederal share of administrative costs as well as a significant portion of the cost of social services provided to county residents.

G.S. 108A-90 requires all boards of county commissioners to levy and collect taxes sufficient to meet the county's share of social services expenses. If a county does not pay or arrange for payment of its full share of the costs, the governor is authorized under G.S. 108A-93 to withhold from it any state appropriations for public assistance and related administrative costs or to direct the secretary of revenue and the state treasurer to withhold specified tax revenues owed to the county. Before withholding funds, the governor must notify the chairman of the board of commissioners of the proposed action. While the commissioners must provide funds sufficient to pay a county's formula-determined share of the cost of mandated programs, they have total discretion as to what, if any, county money to budget for non-mandated social services programs.

G.S. 108A-88 requires the state Department of Health and Human Services, by February 15 of each year, to notify the county social services director, the county manager, and the board of county commissioners of the amount of

40. G.S. 148-33.1(f); G.S. 148-4(7).

41. G.S. 130A-415.

42. G.S. 166A-7.

state and federal funds estimated to be available to the county for public assistance and social services programs and related administrative costs for the next fiscal year. The notice states the percentage of county financial participation expected to be required for each program. Periodically, the state revises these estimates to reflect new state budget figures and actions taken by the General Assembly, Congress, and federal agencies. The budget process in the counties must proceed with some uncertainty as to the exact amount of county funds that will be required to fund the counties' share of the cost of mandated programs.

Every county's social services budget contains more than the amounts indicated in the state's estimates. In the services area, for example, federal and state funds available to the county, along with any county match indicated in the state's estimates, may be insufficient to hire the number of social workers necessary to carry out the county's legal responsibility to provide protective services to abused and neglected children. Some state mandates, such as the requirement that a county social services director serve as guardian for incompetent adults when appointed by the court to do so, are not accompanied by state funding. In addition, to meet local needs, counties may operate programs and provide services that are not mandated and that are funded with only county funds.

Programs and Services

Counties are involved in providing a wide range of public assistance programs and social services in their communities. Some of the most significant programs, in terms of funding and individuals served, are described below, but this summary is not exhaustive. Counties are involved with many other programs, services, and populations and, if they identify a particular need in their communities, are authorized to develop and fund additional programs.⁴³

Work First

The federal Temporary Assistance to Needy Families (TANF) program is called Work First in North Carolina. Through TANF the federal government provides a set amount of funding (that is, a "block grant") to each state to implement programs intended to support individuals and families who are in need.⁴⁴ Work First is both a public assistance program and a social services program. It provides cash assistance as well as assistance with child care, transportation, job searches, and job training. A program participant must sign a personal responsibility contract that describes his or her plan for moving off of the program. Other requirements and restrictions apply, and participants who do not meet their Work First obligations may be subject to sanctions. In October 2014 the state estimated that there were approximately 19,500 active cases in this program, providing assistance to approximately 30,000 individuals.⁴⁵

Every county must administer a Work First program consistent with federal and state requirements.⁴⁶ The General Assembly designates each county either a "standard" county or an "electing" county. An electing county has more authority to set eligibility criteria, payment levels, and other program features that the state sets for other (standard) counties. Both electing and standard counties must develop biennial Work First plans and submit them to the Department of Health and Human Services for approval.

Food and Nutrition Services

State law requires every county to operate the federally funded Food and Nutrition Services program (FNS), previously called the "Food Stamp" program. Through this program, the counties are able to issue electronic benefit transfer (debit)

43. This is not an exhaustive list of public assistance and social services programs. For a more detailed discussion of services and programs, see John L. Saxon, *Social Services in North Carolina* (Chapel Hill: UNC School of Government, 2008), 161–201.

44. North Carolina law states that the purpose of the program "is to provide eligible families with short-term assistance to facilitate their movement to self-sufficiency through gainful employment. . . ." G.S. 108A-27.

45. The North Carolina Division of Social Services now captures and reports this data by month. See *Work First Program Evaluation, Work First Active Cases by Month* and *Work First Individuals by Month (Individuals on Active Cases)*, www.ncdhhs.gov/dss/stats/wf.htm.

46. G.S. 108A-25; G.S. Ch. 108A, Part 2.

cards to eligible recipients for the purchase of food products.⁴⁷ Basic policies for eligibility are based on income and resource guidelines issued by the U.S. Department of Agriculture. The federal government pays the full cost of food stamp benefits. The federal government pays half of the administrative costs; the counties pay most of the other half. In October 2014 the state reported that there were over 813,000 active cases in this program, providing assistance to more than 1.7 million people.⁴⁸

Medicaid and Health Choice

Medicaid is a public assistance program that covers most of the cost of medical care and services for several categories of people who cannot afford these costs.⁴⁹ Those who may receive Medicaid include low-income aged, disabled, or blind persons; needy children and pregnant women; individuals who receive federal Supplemental Security Income (SSI) benefits; and other low-income people who meet eligibility requirements. The federal government pays for approximately 70 percent of the costs of services as well as 50 percent or more of the costs of program administration. North Carolina Health Choice for Children is a public assistance program that provides free or reduced price health care for children in families whose incomes are too high to qualify for Medicaid but are still below 200 percent of the federal poverty guidelines.⁵⁰ In December 2013 the state reported that almost 1.6 million individuals were eligible for Medicaid⁵¹ and approximately 150,000 individuals were eligible for Health Choice.⁵²

Other Public Assistance Programs

The four programs described above are perhaps the most recognizable public assistance programs in the state. Social services departments are also involved with administering and counties assist in funding several others, such as the

- Child Care Subsidy Program,
- Low-Income Home Energy Assistance Block Grant Programs,
- State-County Special Assistance for Adults Program,
- Foster Care and Adoption Assistance Programs, and
- Refugee Assistance Program.

The legal framework for these and other public assistance programs varies. Some programs are based on federal law, some on state law, and others on a combination of federal and state law.

Child Support Enforcement Program

The Child Support Enforcement program⁵³ helps locate absent parents for the purpose of obtaining child support and assists in establishing paternity and establishing and enforcing child support obligations.⁵⁴ In most counties the program is administered by the county social services department, but in some it is administered by another department of county government or by a contracted provider. Child support agencies are authorized to use a variety of methods, including the interception of state or federal tax refunds, to collect child support. They must seek support on behalf of children

47. G.S. 108A-51 through -53.

48. See North Carolina Division of Social Services, *FNS Caseload Statistics, Number of Active Cases by Month and Number of Individuals on Active Cases by Month*, www.ncdhhs.gov/dss/stats/fsp.htm.

49. G.S. 108A-54 through -70.16.

50. Under the 2014 guidelines, children in a family of four may be eligible if the family earns up to \$47,700 annually (200 percent of the federal poverty guidelines for a family of four). The federal poverty guidelines are re-evaluated each year and published in the Federal Register. 79 Fed. Reg. 3593 (Jan. 24, 2014).

51. North Carolina Division of Medical Assistance, *Statistics and Reports, Title XIX Authorized Medicaid Eligibles*, www.ncdhhs.gov/dma/elig/index.htm.

52. North Carolina Division of Medical Assistance, *Statistics and Reports, North Carolina Health Choice for Children*, www.ncdhhs.gov/dma/elig/index.htm.

53. The Child Support Enforcement program is often referred to as the “IV-D” program because it is based on Title IV-D of the Social Security Act.

54. G.S. Ch. 110, Art. 9.

who receive public assistance and also must provide services to anyone else who applies and pays a modest application fee. According to the Division of Social Services, the state program collected \$700 million in fiscal year 2013.⁵⁵

Protective Services for Children

State law requires that cases of suspected child abuse, neglect, dependency, and death from maltreatment be reported to the county department of social services. The North Carolina Juvenile Code, which includes the child abuse, neglect, and dependency reporting law, is designed to protect children under age eighteen from neglect and abuse by parents or other caretakers.⁵⁶ The Juvenile Code also requires that protective services be provided for any child who either has no parent or caretaker or whose parent is unable to care for the child or make suitable alternative arrangements. When a county department of social services receives a report, it must conduct a prompt assessment and take appropriate action to protect the child. In these cases, the department provides a wide range of treatment and supportive services to children and their families, often while the children remain at home, since one purpose of the law is to keep families intact unless the risk of harm to a child requires the child's removal from the home. Under the Juvenile Code, the department may file a petition in district court seeking either legal custody of a child or some other court order to protect the child.

Permanency Planning Services

Social services policies emphasize the prevention of unnecessary or unduly long foster care placements, viewing them as costly in terms of both money and children's well-being. A permanency planning program that operates in every county aims to provide all children permanent homes, preferably with their own parents, as early as possible. While the emphasis is on keeping children in or returning them to their own homes, there is a complementary emphasis on moving children into long-term plans like adoption or guardianship if returning them to their homes is unlikely. County departments provide preventive services to help families deal with their problems so that children can remain in their own homes as well as reunification services aimed at reuniting children with their families as soon as possible if removal is necessary.

Adoptions

Every county department of social services has an adoption program that includes accepting children for placement, recruiting and screening adoptive parents, and arranging and supervising placements. State adoption law requires that either the county department of social services or a licensed child-placing agency conduct a preplacement assessment of every prospective adoptive home and report to the court on almost every adoptive placement.⁵⁷ The state Division of Social Services supervises county adoption programs. State support includes guidelines for services to biological parents, children in need of adoption, and adoptive parents; a central registry for indexing and filing adoption proceedings and protecting adoption records; and an adoption resource exchange.

Protective Services for Adults

If a person has a reasonable cause to believe that a disabled adult may be abused, neglected, or exploited, the person must submit a report to the county department of social services. This reporting law, which is part of the Protection of the Abused, Neglected, or Exploited Disabled Adult Act,⁵⁸ is meant to protect persons who are age eighteen or older; physically or mentally incapacitated; and vulnerable to abuse, neglect, or exploitation. When a county department of social services receives a report, it must conduct a prompt assessment and take appropriate action to protect the adult. The state reported that in 2011 almost 20,000 reports were made and almost 9,000 cases required county intervention.

55. See North Carolina Division of Social Services, *Child Support Services Statistics*, www.ncdhhs.gov/dss/cse/statistics.htm.

56. G.S. Ch. 7B, Subch. I.

57. G.S. Ch. 48. Some exceptions to the requirement for a preplacement assessment exist for relative and stepparent adoptions.

58. G.S. Ch. 108A, Art. 6. See also G.S. Ch. 108A, Art. 6A, Protection of Older and Disabled Adults from Financial Exploitation, added by S.L. 2013-337.

Services to Aged or Disabled Adults

In addition to, and sometimes in conjunction with, the protective services described above, county departments of social services provide a number of services to aged and disabled adults that range from those furnished in the client's own home, to community-based services, to institutional care. Some of these services are required and some are optional; some are supported by federal or state funding or both, but some may be funded entirely by the county.⁵⁹ An example of a mandated service is the duty of county departments of social services to conduct regular inspections of adult care homes to ensure their compliance with state licensing requirements and other state laws and regulations concerning the care and treatment of elderly or disabled residents. An example of an optional service is the operation of a senior center that may be partly supported by federal or state funding.⁶⁰ While some services and programs are provided by the county department of social services, some jurisdictions have created separate departments of aging or offer services through another department, such as parks and recreation.

Conclusion

Unlike most states, North Carolina continues to call on counties to be the primary deliverers of public social services. North Carolina's arrangement of county administration and state supervision, and the intergovernmental cooperation it requires, generates some special frustrations and problems. But it also results in a statewide social services system that combines general uniformity with some measure of local flexibility and control.

Given the extent of federal involvement in establishing, regulating, and funding social services programs, the system is perhaps the most complex example of federal-state-county interaction. Social services programs in North Carolina will continue to be greatly influenced by changes at the federal level and by federal funding conditions for the many programs for which federal funding is critical. Even apart from federal influences, however, the state and counties must address serious issues regarding how best to meet the needs of children, families, and disadvantaged adults within the limited resources available.

Additional Resources

Mason, Janet. *Reporting Child Abuse and Neglect in North Carolina*. 3rd ed. Chapel Hill: UNC School of Government, 2013.

Saxon, John L. *Handbook for County Social Services Boards*. Chapel Hill: UNC School of Government, 2009.

_____. *Social Services in North Carolina*. Chapel Hill: UNC School of Government, 2008.

59. Local governments, both cities and counties, have the authority to “undertake programs for the assistance and care of senior citizens” but they are not required to do so. G.S. 160A-497.

60. The federal Older Americans Act (OAA), enacted in 1965, provides funding to states for a wide range of services for older Americans (aged sixty years or older), including information and referral, case management, transportation, in-home services, home-delivered meals, congregate meals, senior centers, adult day care, nursing home ombudsman and elder abuse programs, legal services, and other home- and community-based supportive services. In order to receive federal funding, a state must designate one or more aging planning and service areas and identify an area agency on aging (AAA) for each service area. While no North Carolina cities or counties are designated as AAAs, many local governments do receive federal OAA funding to provide congregate or home-delivered meals, in-home services, transportation, or other social or supportive services to senior citizens. A list of the state's AAAs and the counties served by each is available at www.ncdhhs.gov/aging/aafile.htm#A.

About the Author

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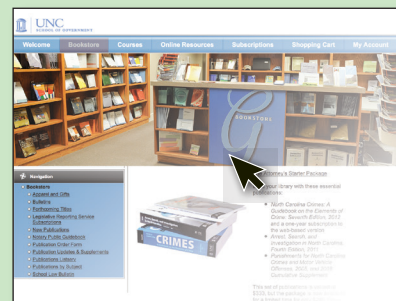
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