

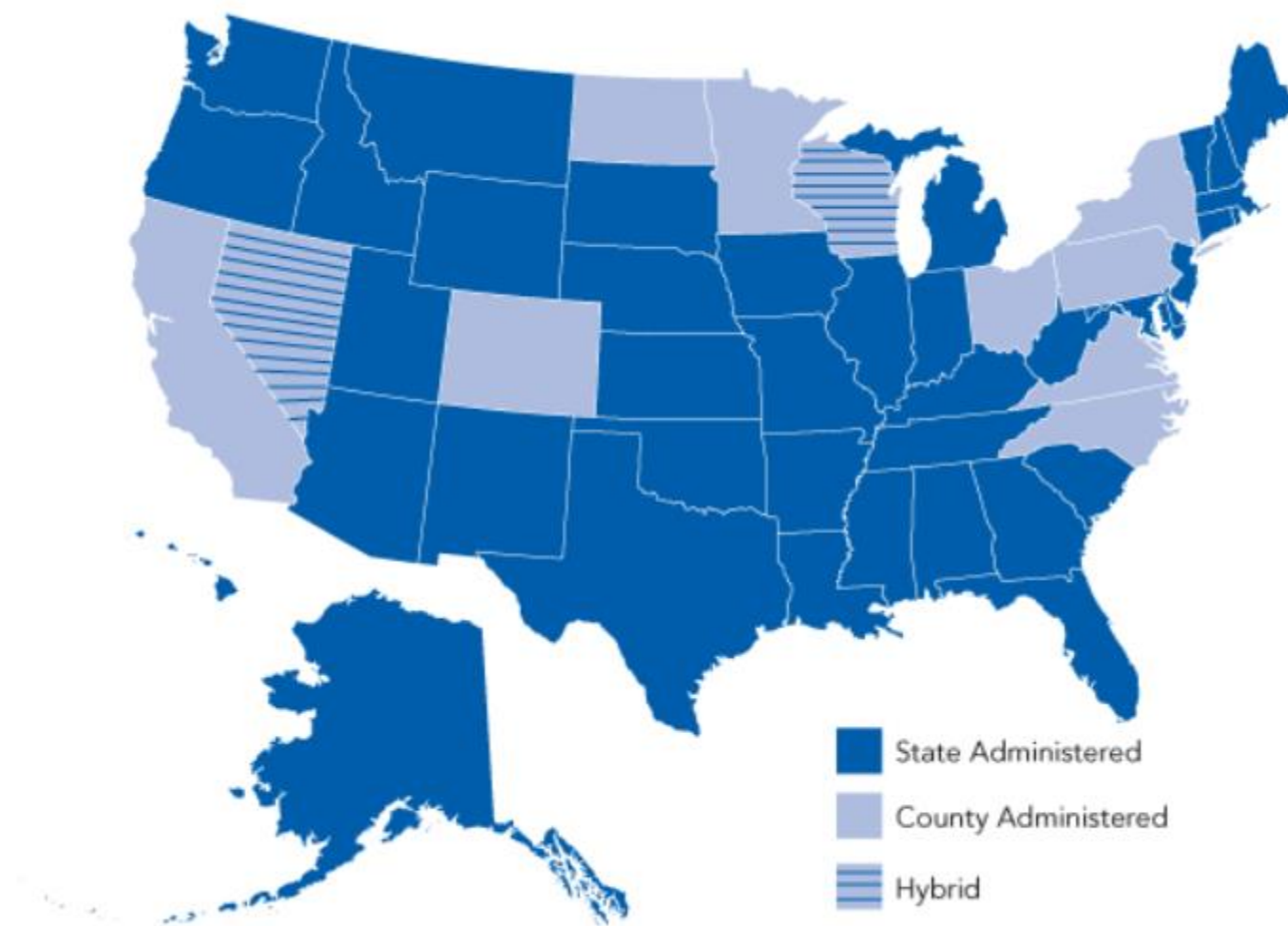
# Examining State Oversight for Social Services Agencies



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# State Supervised, County Administered System



# What does this mean?

- The federal government authorizes national programs and a majority of the funding for these programs
  - US HHS oversees Work First, Child Welfare, Child Care, Child Support, Adult and Family Services, Low Income Energy Assistance, and Medicaid.
  - The USDA oversees Food and Nutrition Services.
- In North Carolina the single oversight agency is NCDHHS
- The 100 local county departments of social services deliver the services and benefits.



## Framework in North Carolina

- **N.C. Gen. Stat. § 143B-153 “created the Social Services Commission of the Department of Health and Human Services..... The Social Services Commission is authorized and empowered to adopt such rules and regulations that may be necessary and desirable for the programs administered by the Department of Health and Human Services as provided in Chapter 108A of the General Statutes of the State of North Carolina”.**
- **10A NCAC Chapters 05, 06, 67, 68, 69, 70\*, 71\*, 72, 97**

## Framework in North Carolina

- N.C. Gen. Stat. § 108A-1 requires every county shall have a board of social services which shall establish county policies for the programs established **in conformity with the rules and regulations of the Social Services Commission** and **under the supervision of** the Department of Health and Human Services.
- N.C. Gen. Stat. § 108A-14(a)(5) states the county director of the social services shall “act as **agent** of the Social Services Commission and Department of Health and Human Services in relation to work required by the Social Services Commission and Department of Health and Human Services in the county.”

**“Based on the clear statutory scheme, along with the mandatory administrative regulations and the Family Services Manual, the Department of Human Resources had substantial and official control over the provisions of child protective services and designated the county director as the person responsible for carrying out the policies formulated by the Department.”**

*Gammons v. North Carolina Department of Human Resources*, 344 N.C. 51, 63, 472 S.E.2d 722, 729 (1996)

**\*\*Department of Human Resources is the predecessor agency to NCDHHS**

# Child Welfare Litigation – In the past 24 months....

- **\$220,000**
- **\$850,000**
- **\$250,000**
- **\$1,000,000\***
- **\$230,000**
- **\$230,000**

## **In addition....**

- **Local Agency Decisions → State Agency Decisions → APA**
  - **Example: Special Children's Adoption Incentive Fund**
    - \$50,000 (50-50 split with County)
    - \$8,632 plus \$38,268 in retroactive payments
- **Compliance Penalties to Federal Agencies**
  - \$430,000 reinvestment plan
  - Compromised \$1.9M in overpayments
- **Corrective Action with Federal Agencies**





**We are all in this together!**

# Monitoring and Corrective Action – Child Welfare

- **NCDHHS/DSS is conducting monthly reviews and provides oversight more frequently when corrective action has been required. Monthly reviews includes data reviews as well as targeted case record reviews.**
- **NCDSS looks at child welfare programs by reviewing program components that impact child and family outcomes as well as those mandated by law.**
- **Constituent concern cases may be reviewed and NCDSS may intervene in situations.**

# Monitoring and Corrective Action – Child Welfare

- Many sources of both qualitative and quantitative data are considered in determining a program's performance.
- Corrective action plans may be required when poor practice or lack of adherence to law and policy have resulted in poor outcomes.
- When a corrective action plan is required, NCDSS works with the County to develop the plan, and assists the county in its correction through TA and on-site visits.
- Typically, the entire program is fully examined with all issues being addressed.

## **108A-74 (Prior to March 1, 2020)**

- **Secretary must ensure delivery of Child Welfare in accordance with law and rule**
  - CPS, Foster Care, Adoption
- **Steps for 60-day intervention plan**
  - Send Staff for TA
  - Corrective Action
  - Advise staff
- **Emergency Takeover**
  - Divest the Director of all service delivery powers under 108A-14
  - DHHS takes control of funding and County must pay non-federal share to come into compliance

# 108A-74 (as of March 1, 2020)

- **MOU Requirements –all 100 counties**
  - Child welfare, FNS, Work First, Child Support, SA, Guardianship, Energy
- **Corrective Action Process for MOU**
  - 3 consecutive months or 5/12 months
  - Can lead to takeover
- **Emergency Takeover Authority**
  - Still applies only to Child Welfare (CPS, Foster Care, Adoption)

# Taking Control of Child Welfare – A Timeline

- **Tuesday March 13, 2018**

- Issued notice of Corrective Action

- **Wednesday March 14, 2018**

- Call with Judge who issued Order

- **Friday March 16, 2018**

- Issued notice letter to DSS Director, DSS Board and County Commissioners of intent to takeover delivery of Child Welfare Services in County

- Secretary determined that the County was “not providing child protective, foster care, or adoption services in accordance with State law and with applicable rules .... and the failure to provide the services poses a substantial threat to the safety and welfare of children in the county who receive or are eligible to receive the services”



# Taking Control of Child Welfare – A Timeline

- **Monday March 19, 2018**

- Team from NCDHHS arrived at County DSS Offices
- Meetings with DSS Child Welfare Staff, DSS Attorney, County Manager, District Court Judges, District Court Clerk, GAL Attorney and Program Staff, County Commissioners, DSS Board

- **March 30, 2018**

- Issued full assessment and findings of County Child Welfare operations

- **April 2018 – September 2018**

- NCDHHS operated Child Welfare in County

**\*\*September 20, 2018 – County Commissioners dissolved DSS Board**

# Taking Control of Child Welfare – A Timeline

- **October 15, 2018**
  - Issued “Exit Letter” setting October 29, 2018 as date NCDHHS would begin to transfer control back to County
- **November 2018 – January 2019**
  - Enhanced Technical Assistance Plan implemented in County



**THANK YOU!**