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1993

# SOCIAL SERVICES STUDY COMMISSION



## REPORT TO THE 1993 GENERAL ASSEMBLY OF NORTH CAROLINA

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January of 1993

**TO THE MEMBERS OF THE 1993 GENERAL ASSEMBLY:**

By this document, the Social Services Study Commission reports to the 1993 General Assembly under authority of Chapter 754 of the 1991 Session Laws (Senate Bill 917).

Respectfully submitted,

  
\_\_\_\_\_  
Senator Russell Walker

  
\_\_\_\_\_  
Representative Edd Nye

Cochairs

Social Services Study Commission

HV 98 .N82 S62 1993



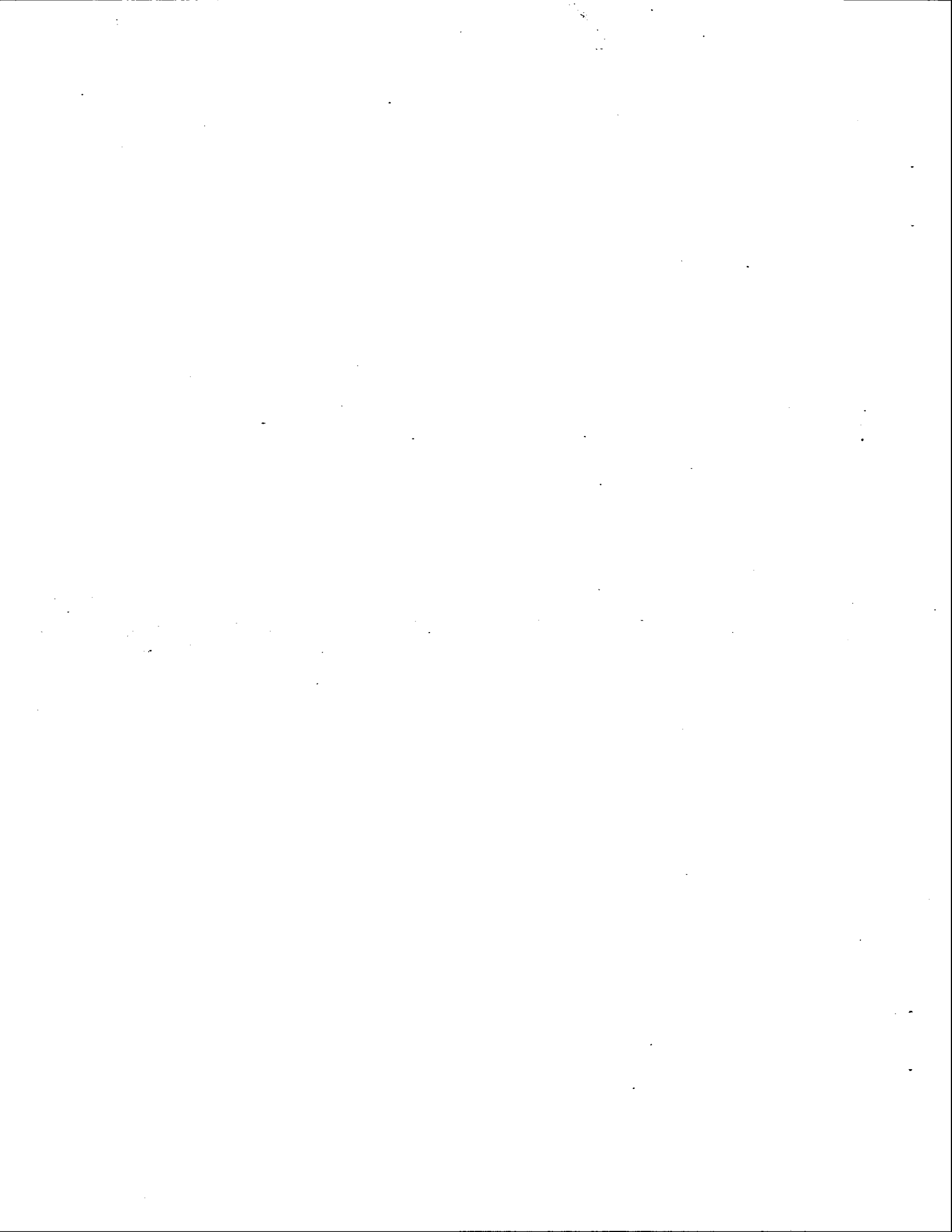
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- O. Proposed Legislation, A BILL TO BE ENTITLED AN ACT TO PROVIDE MEDICAID COVERAGE FOR CHILDREN WHO LIVE IN FAMILIES WITH INCOMES BELOW THE FEDERAL POVERTY LEVEL.
- P. Proposed Legislation, A BILL TO BE ENTITLED AN ACT TO PROVIDE MEDICAID COVERAGE FOR ADOPTED CHILDREN WITH SPECIAL NEEDS.
- Q. Proposed Legislation, A BILL TO BE ENTITLED AN ACT TO PROVIDE IMMUNITY FOR EMPLOYEES OF COUNTY DEPARTMENTS OF SOCIAL SERVICES.

## INTRODUCTION

Established in 1987 and reestablished in 1989, the Social Services Study Commission was continued by the 1991 General Assembly "to study public social services and public assistance in North Carolina and to recommend improvements that will assure that North Carolina has cost-effective, consistently administered public social services and public assistance programs." The Commission was also directed "to examine the need for improvements in the state's social services system and develop legislation to address those needs." The Commission must also provide oversight and review the development and implementation of the Social Services Plan. Finally, the Commission was asked to monitor and review efforts within the Department of Human Resources to implement federal welfare reform provisions in an efficient and timely manner.





## COMMISSION PROCEEDINGS

The Social Services Study Commission met five times. All meetings were held in Raleigh. The following is a short synopsis of each meeting. Detailed minutes of each meeting are available in the Legislative Library of the Legislative Building.

### February 19, 1992 Meeting

The first meeting of the Social Services Study Commission was held on February 19, 1992. The meeting began with an overview of the Division of Social Services' budget by Mr. Will Brown, Assistant Director, Budget and Planning, Division of Social Services. Mr. Brown reported total expenditures of \$890.4 million for the Division which includes federal, state, and local funding. A handout distributed to the Commission by Mr. Brown detailing the Social Services Budget is attached as Appendix C.

Ms. Janet Mason, a faculty member of the Institute of Government at the University of North Carolina at Chapel Hill, presented a case overview of Coleman v. Cooper. (See Appendix D.) In Coleman v. Cooper, the defendant, a social worker with the county department of social services, investigated the sexual abuse of the plaintiff's two daughters by the plaintiff's ex-husband. Following an indictment by a grand jury, the plaintiff's ex-husband, Mr. Coleman, murdered the two girls. Mrs. Coleman sued the social worker, the county, the city police department, and the city.

Ms. Mason focused on the following legal issues in her analysis of the case. First, did the defendants owe the two girls a duty of protection? The Court of Appeals held in this case that the city owed no duty of protection and, thus could not be found negligent. Furthermore, the city police department, as a mere component of the city, lacked the capacity to be sued. Second, did the defendants have immunity from liability? The Court of Appeals held that, as a public employee, not a public officer, the social worker Ms. Cooper could be personally liable for negligence. Only a public officer, such as a county director of social services, has immunity for mere negligence in the performance of official duties. Third, in carrying out protective services functions, are the county and its employees acting as agents of the state? As explained by Ms. Mason, the Court of Appeals answered this question in the affirmative and dismissed the claim against the county, holding that, under the State Tort Claims Act, a claim for negligence against the state and its agents must be filed before the Industrial Commission. Ms. Mason provided a written analysis of these issues which is attached as Appendix D.

Ms. Sylvia Stikeleather, Children Services Branch, Division of Social Services, was recognized to speak briefly on the impact of Coleman v. Cooper. Ms. Stikeleather stated that the case has had a negative impact on social workers who now fear personal liability for decisions made in the course of their official duties. She also expressed concern that the Court of Appeals clearly indicated that the state could be sued in the Industrial Commission when a county is negligent in its Child Protective Services' duties and responsibilities. Although the maximum claim which the Industrial Commission can award under the Tort Claims Act is \$100,000, Ms. Stikeleather stressed that the money would come out of the Division's budget. She concluded by saying that, because of the Coleman decision, the Division would need to examine the type of supervision county departments receive by the Division.

Sen. Walker recognized Mr. John Tanner, Chief, Family Services Section, Division of Social Services, to report on the status of the Social Services Plan. An executive summary of the Plan is attached as Appendix E. Mr. Tanner reviewed the seven core services which, under the Plan, should be available in

adequate levels in all 100 counties. Of the seven core services, the following four are connected to families with children: (1) Child Protective Services; (2) Foster Care Services; (3) Family Centered Services; and (4) Adoption Services. The remaining three core services are directed to adults and their families: (1) Adult Protective Services; (2) In-Home and Community Based Services; and (3) Adult Group Care and Placement Services. Mr. Tanner noted that during the 1991 Session of the General Assembly, the bill implementing a pilot for the Plan was not ratified and, therefore, the pilot was not implemented.

Mr. William Scarlett, Deputy Director, Division of Social Services, presented an update on Alexander v. Hill. The lawsuit concerns the timely processing of AFDC and Medicaid applications in North Carolina. In 1989 a new settlement agreement was reached which became effective in May of 1990. The agreement established an independent monitoring team to monitor each of the 100 county department of social services once each year to determine if AFDC and Medicaid applications are processed in a timely manner and to ensure that clients are not discouraged from making applications. County departments did not fare well under the monitoring process which, according to Mr. Scarlett, did not accurately assess a county's processing of applications. Mr. Scarlett stated that effective August 1, 1992, a new order will attempt to correct the monitoring process by allowing for the consideration of application processing outcomes.

Senator Walker recognized Ms. Stikeleather again to provide an overview of Child Protective Services. Ms Stikeleather stated that in May of 1991 the Governor signed an executive order requiring the Division of Social Services to adopt emergency rules improving the central registry for child abuse and neglect. These improvements would allow county departments to identify those children, who are the subject of abuse and neglect investigations, that have been previously reported as victims of abuse and neglect. These improvements should also allow law enforcement officers and medical professionals to have all pertinent information from the registry which may be legally disclosed. Ms. Stikeleather concluded by saying that the Division adopted the rules on a

temporary basis and would seek permanent changes in the central registry from the General Assembly in the 1992 Session.

#### April 1, 1992 Meeting

The second meeting of the Social Services Commission was held on April 1, 1992. Rep. Nye recognized the first speaker, Ms. Barbara Matula, Director, Division of Medical Assistance. Ms. Matula began by stating that new federal income guidelines for pregnant women, children and the elderly have resulted in stupendous growth in Medicaid. Furthermore, the increase in unemployed persons also contributed to this growth. On a positive note, Ms. Matula stated that the Baby Love Program has had a major impact in lowering the infant mortality rate. She added that the Division has focused on preventive and screening programs for children and care of the elderly, physically handicapped, and mentally disabled. Rep. Nye asked if the Carolina Access program provided 24 hour care to its clients. Ms. Matula replied that the Access program allows a Medicaid recipient to have a regular family physician for routine health care needs, instead of using emergency rooms or expensive outpatient clinics. She noted that, while the Program is intended to provide care on a 24 hour basis, some care is provided by phone if, for example, care is required outside of the physician's normal office hours. Sen. Walker asked which counties were included in the Access Program. Ms. Matula stated that the Program would be expanded to 24 counties by the end of 1992. Ms. Matula distributed a handout to the Commission entitled "Medicaid: The Bright Side" which provides information on Medicaid eligibility and various Medicaid programs, including the Baby Love and Carolina Access Programs. The handout is attached as Appendix F.

Ms. Mary Deyampert, Director, Division of Social Services, reported to the Commission on the status of the Family Support Act (FSA) which was passed by Congress in 1988. According to Ms. Deyampert, the anchoring

principle of the FSA is that parents should be the primary supporters of their children. The centerpiece of the FSA is the Job Opportunities and Basic Skills Training Program (JOBS) which involves the education, training, and employment of its applicants. Ms. Deyampert added that the FSA significantly amended the Child Support Enforcement Program by requiring: (1) adoption and implementation of child support guidelines; (2) immediate income withholding in all IV-D cases; (3) review and modification of support orders; (4) prompt response to service requests; (5) paternity establishment; and (6) automated tracking and monitoring systems. A handout describing the FSA in greater detail is attached as Appendix G.

Following a short break, Rep. Nye again recognized Ms. Deyampert to give an overview of the Legislative Report on Child Protective Services. (See Appendix H.) Ms. Deyampert cited Section 216, Chapter 689 of the 1991 Session Laws which required the Division of Social Services to report to the General Assembly by March 15, 1992 on progress achieved in the area of Child Protective Services throughout the state. The legislation specified that the following five issues be addressed in the report: (1) progress achieved in improving CPS services throughout the state; (2) an analysis of county staffing patterns; (3) future county staffing and funding requirements; (4) an analysis of barriers to recruitment and retention of county CPS staff; and (5) a summary of the Division's programs implementing improvements to the state's training and oversight responsibilities. Ms. Deyampert distributed a handout to the Commission entitled "Overview of the Legislative Report on CPS" which is attached as Appendix H.

Ms. Edith Hubbard, Director, Division of Economic Opportunity, reported on the coordination of programs and services for the homeless. A Homeless Coordination Plan was submitted to the Joint Legislative Commission on Governmental Operations on Oct. 31, 1992. The Commission on Governmental Operations allotted \$80,000 in funds for services to assist the homeless. A statewide committee distributed the funds within departments and divisions of state government. Ms. Hubbard noted that the funds were used in

all 100 counties and assisted 395 individuals, including families with children, substance abusers, and the mentally ill.

Ms. Pheon Beal, Coordinator, Opportunities for Families Fund (OFF) Initiative, Z. Smith Reynolds Foundation, spoke on the OFF Grants. In 1990, the Z. Smith Reynolds Foundation issued a request to all 100 counties for proposals to improve efforts to assist the poor. 86 counties responded. Of these 86 counties, the following seven were selected: (1) Warren; (2) Forsyth; (3) Scotland; (4) Cleveland; (5) and a consortium of three counties-Mitchell, Avery, and Yancey counties. Each county or group of counties listed above received a grant of up to \$1,000,000 to create new and innovative approaches to assist poor families. Appendix I contains detailed information about the OFF Grants and the specific county proposals selected by the Foundation.

#### **October 6, 1992 Meeting**

The third meeting of the Social Services Commission was held on October 6, 1992. Senator Walker recognized the first speaker, Mr. William Scarlett, Deputy Director, Division of Social Services for an update on Alexander v. Flaherty. As explained by Mr. Scarlett, the original court order was entered on August 28, 1974 "to enjoin the failure of defendants and their agents, the one hundred county department of social services in North Carolina, to process timely applications for Aid to Families with Dependent Children (AFDC) and Medical Assistance (Medicaid)." A new order and settlement agreement were approved by the court in December, 1989, and, since that time, the court has entered additional orders designed to enforce the 1989 order. Recent negotiations between the parties have culminated in a new consent order. The "good cause" excuse which some departments had employed to excuse their failure to timely process applications has been eliminated. Additionally, older

cases may now be resolved by awarding clients small checks. A client may also request a review if so desired.

Mr. Mike Adams, Chief, Child Support Enforcement Division, commented briefly on the Division's improved efforts to collect child support. He reported that, in 1991, collections were up 22% in North Carolina. He then recognized Ms. Trudy Mitchell, Implementation Project Director, Child Support Enforcement Automation (ACTS) for an update on the state's efforts to improve its automative support as required by the Family Support Act of '1988. Ms. Mitchell stated that ACTS should be fully implemented by September 30, 1995. Ms. Mitchell noted that automation would assist the State in collecting child support within the state and should facilitate cooperation between the states.

Ms. Janet Mason, a faculty member of the Institute of Government at the University of North Carolina at Chapel Hill, provided the Commission with an update on Coleman v. Cooper which was explained in detail at the February 19, 1992 meeting of the Commission. (See Appendix D.) Ms. Mason maintained that two aspects of the case have generated the most discussion: (1) social workers in North Carolina have no protection from liability while working in an official capacity; and (2) a county, when it does Child Protective Services, acts as an agent of the state thereby allowing the state to be included in future suits. Ms. Mason noted that the Division of Social Services has formed a work committee with representatives from counties, the state, and the County Commissioners Association to study and resolve the issue of social worker liability. The Commission was assured that the committee, called the Social Worker Liability Work Group, would bring recommendations to the Commission members for their consideration prior to the 1993 Session of the General Assembly.

Ms. Mary Deyampert, Director, Division of Social Services, reported on the implementation of the Social Services Plan. (See Appendix E for Executive Summary of the Plan.) Ms. Deyampert noted an appropriation of \$410,000 by the General Assembly during the 1992 Session for implementation of a pilot of

the Plan in three to five counties. The Plan was piloted in three counties- Cleveland, Wake, and Davie Counties.

Ms. Deyampert also spoke briefly on two Child Protective Services Initiatives. First, the Division has established a task force to determine the best methods of managing in the Child Protective Program. The Department of Human Resources will report the findings and recommendations of the task force to the General Assembly by March, 1993. The second initiative, a task force on financing the Child Protective Program, will deliver a report by the first week of the 1993 Session of the General Assembly.

Ms. Lucy Burgess, Chief, Employment Programs Section, Division of Social Services, spoke briefly about the JOBS Program and recognized Mr. Chuck Harris, Assistant Chief, Employment Programs Section, for further comments. Mr. Harris stated the purpose of the JOBS Program is to ensure that AFDC recipients obtain the education, training, supportive services, and employment necessary to avoid long-term welfare dependency. Appendix J of this report contains information concerning the JOBS Program.

#### November 17, 1992 Meeting

The fourth meeting of the Social Services Commission was held on November 17, 1992. Ms. Alene Matthews, Assistant Director, Recipient and Provider Services, Division of Medical Assistance presented proposals for Medicaid expansion to the Commission. (See Appendix K.) Proposals affecting the elderly and disabled include the following: (1) change from 209(b) status to 1634 status thereby allowing all Supplemental Security Income (SSI) recipients to automatically qualify for Medicaid coverage; (2) adopt an income standard for Medicaid eligibility of 75% of the federal poverty level for non-SSI elderly and disabled; and (3) implement the recommendations of the Resources Study. Proposals affecting children include: (1) accelerate Medicaid coverage of



children between ages 9 and 19; (2) provide coverage of ambulatory health care to children under age 19; and (3) provide coverage for adopted children with special medical needs. These proposals are explained in greater detail in Appendix K of this report. Senator Richardson moved that the proposals be included as recommendations in the Commission's final report. The motion carried.

Ms. Sylvia Stikeleather, Chief, Children's Services Section, Division of Social Services presented to the Commission legislation recommended by the Social Worker Liability Work Group. Ms. Stikeleather discussed the need for legislation granting social workers immunity in light of the recent holdings by the Court of Appeals in Coleman v. Cooper. (See Appendix D.) A draft of the proposed legislation was distributed to the Commission and is attached as Appendix L. The legislation amends G.S. §7A-550 to add a new section which provides immunity for employees of a county department of social services when performing their official duties unless the employee is not acting in good faith or commits gross negligence or willful or wanton misconduct. (See Appendix L.) Rep. Jeffus moved that the draft legislation be included as a recommendation in the Commission's final report. The motion carried.

Ms. Stikeleather also reported briefly on the Child Protective Services Task Force on Management. The task force was appointed to study and write a report containing recommendations on funding, evaluation standards, and staff training in the area of Child Protective Services. The report will be submitted to the General Assembly by March of 1993.

Following a brief recess, Mr. Jim Dean, Assistant Director, Budget and Planning, Division of Social Services presented brief comments on the Child Protective Services Task Force on Financing. The task force is examining more equitable methods of distributing funds throughout the state. The task force will report to the 1993 General Assembly.

Ms. Mary Deyampert, Director, Division of Social Services, outlined the Division's expansion budget requests. The Division is requesting an expansion budget of \$28,501,990 in fiscal year 1993-94 and \$55,519,906 in fiscal year 1994-95. Ms. Deyampert distributed a handout which is attached as Appendix

M detailing some of the Division's expansion budget requests. A motion was made and the Commission voted to recommend in its final report the Division's expansion requests.

Ms. Deyampert also introduced a videotape prepared by the Division of Social Services in response to the Alexander V. Flaherty litigation. The video provides information to Medicaid and AFDC applicants on the range of programs available to them and is shown in the county departments of social services.

Mr. John Tanner, Chief, Adult and Family Services Section, Division of Social Services, spoke next on implementation of the pilot for the Social Services Plan. (See Appendix E for an Executive Summary of the Plan.) Mr. Tanner explained that the Division was in the process of hiring a project director who would oversee implementation of the pilot in the counties selected to participate--Davie, Cleveland, and Wake Counties. The Division is also forming an advisory committee to provide input and guidance as the pilot is implemented.

#### **January 7, 1993 Meeting**

The Commission held its fifth and final meeting on January 7, 1993.

The Commission reviewed and edited the draft of the final report and approved the report as amended.

## COMMISSION RECOMMENDATIONS

The Social Services Study Commission makes the following recommendations to the 1993 Session of the General Assembly:

1. The Commission makes the following recommendations regarding Medicaid expansion for the elderly and disabled: (1) That North Carolina's status as a 209(b) Medicaid state be repealed; (2) That Medicaid coverage be provided to aged, blind and disabled persons whose income does not exceed 100% of the federal poverty level; and (3) that the recommendations of the Medicaid Resources Study be implemented. (See Appendix N for proposed legislation.)
2. The Commission recommends that Medicaid coverage be provided for children up to the age of 19 who live in families with incomes below the federal poverty level. (See Appendix O for proposed legislation.)
3. The Commission recommends that Medicaid coverage be provided for adopted children with special rehabilitative needs without regard to the parent's income and resources. (See Appendix P for proposed legislation.)
4. The Commission recommends that immunity be provided for employees of county departments of social services when performing official duties on behalf of the Director of their Department. (See Appendix Q for proposed legislation.)

5. The Commission recommends for the consideration of the General Assembly the expansion budget requests of the Division of Social Services as contained in Appendix M of this report.

designate a cochairman from their appointees. Either cochairman may call the first meeting of the Study Commission. Vacancies shall be filled in the same manner as the original appointments were made.

Sec. 4.2. The Study Commission is authorized to study all aspects of the State Personnel System including, but not limited to, the impact of State and local governmental employees' retirement benefits increases, the impact of the exemption from State taxes of State, local, federal, and private retirement benefits, and public employees' day care and medical and dental benefits.

Sec. 4.3. With the prior approval of the Legislative Services Commission, the Legislative Administrative Officer shall assign professional and clerical staff to assist in the work of the Commission. Clerical staff shall be furnished to the Commission through the Offices of the House and Senate Supervisors of Clerks. The expenses of employment of the clerical staff shall be borne by the Commission. With the prior approval of the Legislative Services Commission, the Study Commission may hold its meetings in the State Legislative Building or the Legislative Office Building.

Sec. 4.4. The Study Commission may submit an interim report of its findings and recommendations and the status of its work on or before the first day of the 1992 Regular Session of the 1991 General Assembly. The Study Commission shall submit a final written report of its findings and recommendations on or before the convening of the 1993 Session of the General Assembly. All reports shall be filed with the President Pro Tempore of the Senate and the Speaker of the House of Representatives. Upon filing its final report, the Commission shall terminate.

Sec. 4.5. Members of the Commission shall be paid per diem, subsistence, and travel allowances as follows:

- (1) Commission members who are also members of the General Assembly, at the rate established in G.S. 120-3.1;
- (2) Commission members who are officials or employees of the State or local government agencies, at the rate established in G.S. 138-6;
- (3) All other Commission members, at the rate established in G.S. 138-5.

Sec. 4.6. There is allocated from the funds appropriated to the General Assembly's Legislative Services Commission to the Study Commission on the State Personnel System for its work the sum of \$25,000 for the 1991-92 fiscal year and the sum of \$20,000 for the 1992-93 fiscal year.

#### PART V.----SOCIAL SERVICES STUDY COMMISSION

(H.B. 173 - Easterling)

Sec. 5.1. There is reestablished and continued the Social Services Study Commission, an independent commission, to study public social services and public assistance in North Carolina and to recommend improvements that will assure that North Carolina has cost-effective, consistently administered public social services and public assistance programs.

Sec. 5.2. The Commission shall consist of nine members. The Speaker of the House of Representatives shall appoint three members. The President Pro Tempore of the Senate shall appoint three members. The Governor shall appoint three members. Vacancies shall be filled by the official who made the initial appointment using the same criteria as provided by this section.

Sec. 5.3. The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each appoint a cochair of the Commission from their appointees. The cochairs shall call the first meeting and preside at alternate meetings.

Sec. 5.4. The Social Services Study Commission shall continue to examine the need for improvements in the State's social services system and develop legislation to address those needs. The Commission shall also provide oversight and review the further development and implementation of the Social Services Plan. The Commission shall also monitor and review efforts within the Department of Human Resources to plan for the efficient and timely implementation of federal welfare reform provisions.

Sec. 5.5. The Commission members shall receive no salary for their services but shall receive subsistence and travel expenses in accordance with the provisions of G.S. 120-3.1, 138-5, and 138-6, as applicable.

Sec. 5.6. Subject to the provisions of G.S. 120-32.02, the Commission may solicit, employ, or contract for professional, technical, or clerical assistance, and may purchase or contract for the materials or services it needs. Subject to the approval of the Legislative Services Commission, the professional and clerical staff of the Legislative Services Office shall be available to the Commission, and the Commission may meet in the Legislative Building or the Legislative Office Building. With the consent of the Secretary of the Department of Human Resources, staff employed by the Department or any of the divisions may be assigned permanently or temporarily to assist the Commission or its staff.

Sec. 5.7. Upon request of the Commission or its staff, all State departments and agencies and all local governmental agencies shall furnish the Commission or its staff with any information in their possession or available to them.

Sec. 5.8. The Commission shall submit a final written report of its findings and recommendations to the Governor, the Speaker of the House of Representatives, and the President of the Senate before or upon the convening of the 1993 Session of the General Assembly. The Commission shall terminate upon the filing of the report.

Sec. 5.9. There is allocated from the funds appropriated to the General Assembly's Legislative Services Commission the sum of \$15,000 for the 1991-92 fiscal year and the sum of \$10,000 for the 1992-93 fiscal year for the expenses of the Commission created by this Part.

#### PART VI.---MENTAL HEALTH STUDY COMMISSION

(H.B. 533 - Isenhowe, S.B. 408 - Walker)

Sec. 6.1. The Mental Health Study Commission, established and structured by 1973 General Assembly Resolution 80; Chapter 806, 1973 Session Laws; Chapter 185, 1975 Session Laws; Chapter 184, 1977 Session Laws; Chapter 215, 1979 Session Laws; 1979 General Assembly Resolution 20; Chapter 49, 1981 Session Laws; Chapter 268, 1983 Session Laws; Chapter 792, 1985 Session Laws; Chapter 873, 1987 Session Laws; and Chapter 802, 1989 Session Laws as amended in 1990; is reestablished and authorized to continue in existence until July 1, 1993.

Sec. 6.2. The continued Mental Health Study Commission shall have all the powers and duties of the original Study Commission as they are necessary to continue the original study, to assist in the implementation of the original and succeeding Study Commission recommendations and to plan further activity on the subject of the study.

Sec. 6.3. Members and staff of the continued Mental Health Study Commission shall receive compensation and expenses as under the original authorization in the 1973 General Assembly Resolution 80. Expenses of the Commission shall be expended by the Department of Human Resources from Budget Code 14460, subhead 1110.

Sec. 6.4. In addition to other studies authorized by law, the Mental Health Study Commission shall:

MEMBERSHIP  
SOCIAL SERVICES STUDY COMMISSION  
1991-1992

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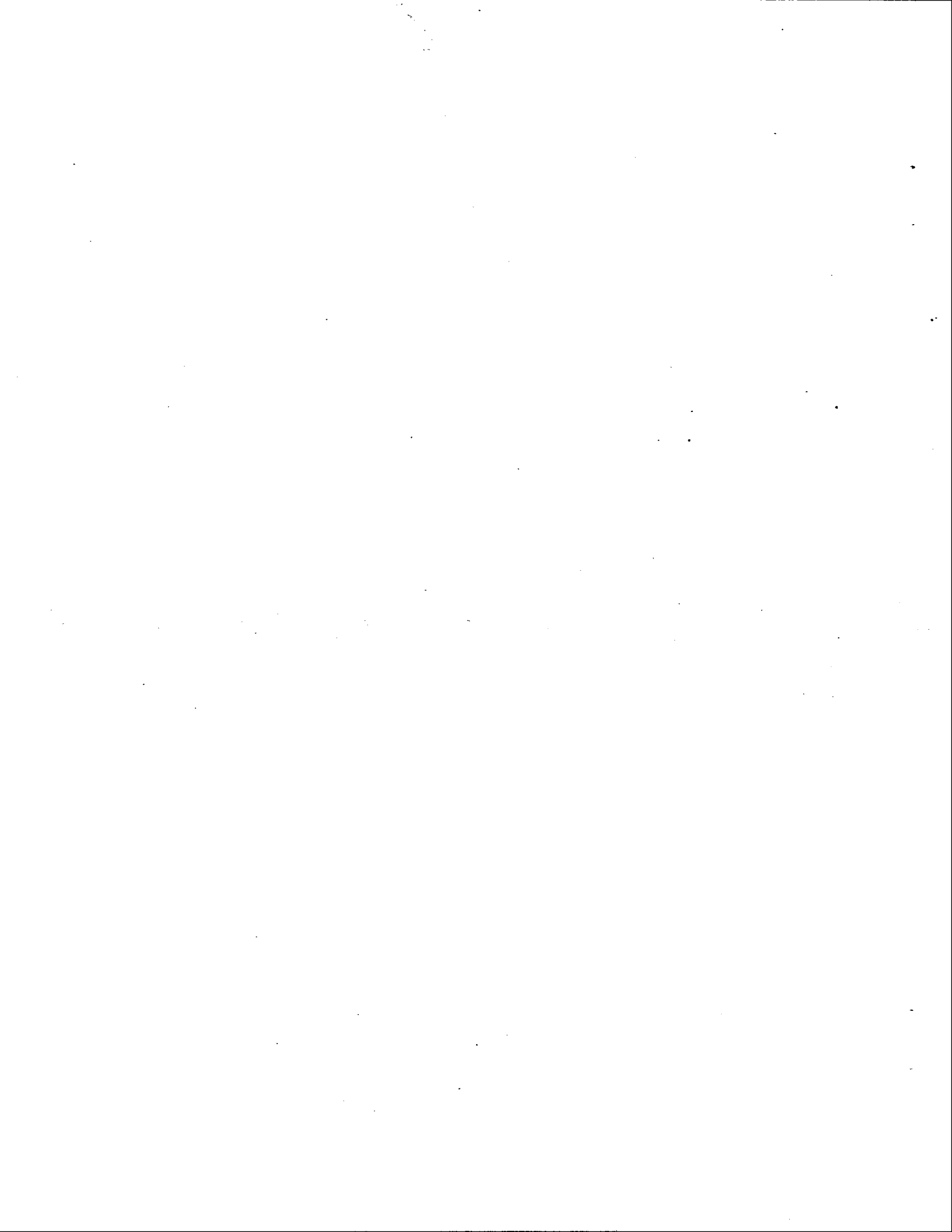
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Division of Social Services  
 Certified Budget Overview - SFY 1991-92  
 (\$ Millions)

Budget Code 14440 - Social Services

Expenditures

Administration:

State Level	\$7.2	
Regional	2.0	
Public Assistance	10.4	
Family Services	11.1	
Employment Programs	3.1	
Job Corps	<u>0.8</u>	
Total Administration	\$34.6	(4%)

Programs:

Aid To Counties	\$204.0	
Refugee Assistance	.4	
AFDC	349.9 *	
Special Assistance	87.6	
Energy Assistance	18.4	
Adoption Assistance	3.1	
Foster Care Assistance	12.7	
County Public Assistance	4.9	
Transfers	36.3	
State Purchase of Services	1.7	
County Services Programs	110.4	
Child Support Enforcement	24.1	
Other	<u>2.3</u>	
Total Programs	\$855.8	(96%)
Total Expenditures	\$890.4	(100%)

Funding Sources

Federal	\$447.6	(50%)
State	147.6	(17%)
Local	241.1	(27%)
DMA	28.9	(3%)
Other	<u>25.2</u>	(3%)

Total Receipts and Appropriations	\$890.4	(100%)
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Source: Form BD-307 7/29/91

DHR/DSS Assistant Director  
 for Budget & Planning  
 February 19, 1992

\* AFDC Regular \$331 million

Division of Social Services  
 Certified Budget Overview - SFY 1991-92  
 Budget Code 14449 - State Aid to Non-State Agencies

Expenditures

<u>Grantee</u>	<u>Amount</u>	<u>Expansion</u>
Child Caring Institutions	\$4,945,625	
Children's Home Society	150,000	
Autistic Foundation of NC	300,000	300,000
Autistic Children's Society	10,000	
Autistic Children's Summer Camp	365,960	345,960
Rescue Squad Association	25,000	
Mountain Youth Resources	50,000	
Bringing It All Back Home	163,044	
Triad Home for Autistic Youth	27,000	
Stanly Autistic Home	50,000	
 Total	 \$6,086,629	 \$645,960
 <u>Receipts</u>	 \$0	 \$0
 <u>Appropriation</u>	 \$6,086,629	 \$645,960

Source: Form BD-307 7/23/91

Division of Social Services  
 Certified Budget Overview - SFY 1991-92  
 Budget Code 24440 - Disability Determination

Expenditures

Personal Services	\$19,605,771
All Other	2,727,138
 Total	 \$22,332,909
 <u>Receipts</u>	 \$22,332,909
 <u>Appropriation</u>	 \$0
 Positions	 392

Source: Form BD-307 7/23/91

DHR/DSS Assistant Director  
 for Budget & Planning  
 February 19, 1992

Institute of Government  
Janet Mason  
February 1992

COLEMAN V. COOPER: CASE OVERVIEW

Coleman v. Cooper, 89 N.C. App. 188, 366 S.E.2d 2 (1988).  
Coleman v. Cooper, 102 N.C. App. 650, 403 S.E.2d 577  
(1991).\*

Factual Background

Following a report by a school nurse, Ms. Cooper, social worker with the county department of social services, investigated the suspected sexual abuse of Mrs. Coleman's two daughters. The girls told Ms. Cooper about extensive sexual abuse by Mr. Coleman (the father of one girl and stepfather of the other), who was divorced from Mrs. Coleman. A city police officer also interviewed the girls, and medical examinations were conducted. Mrs. Coleman said that she knew about the abuse, but was afraid of Mr. Coleman's reaction to an investigation. Ms. Cooper informed school officials that Mr. Coleman was to have no contact with the girls.

A grand jury indicted Mr. Coleman, and his attorney informed him of this. Instead of turning himself in, Mr. Coleman went to the trailer where the girls lived, stabbed and murdered them, and burned the trailer.

Mrs. Coleman, the administrator of the girls' estates, filed a civil action against Ms. Cooper, the county, the city police department, and the city. The trial court granted summary judgment for all defendants.

First Court of Appeals decision (Coleman-1)

The Court of Appeals affirmed the grant of summary judgment in favor of the police department and the city. The police department, as a mere component part of the city, lacked the capacity to be sued. [The same result would be likely were a county department of social services to be named as a defendant, since it is merely a component part of the county.] The city, the court said, owed no duty of protection to the two girls; thus, it could not be found negligent for failing to protect them.

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\* Both decisions were unanimous in the Court of Appeals, and the state Supreme Court declined to review them.

The court reversed the grant of summary judgment as to the county and the individual social worker and remanded the case for trial. The court held

1. that the county, by purchasing liability insurance, had waived the defense of sovereign immunity to the extent of the insurance coverage;
2. that the protective services statute, G.S. 7A-544, defines a standard of conduct that may be applied to a claim of negligence for failure to protect a child;
3. that the immunity provisions in G.S. 7A-550, which provides immunity to those who report and cooperate in investigations of suspected abuse or neglect, do not apply to social services employees carrying out their protective services responsibilities; and
4. that the issue of whether the girls' mother was contributorily negligent was for the jury to decide.

#### Remand to the trial court

Upon remand to the trial court, amended pleadings and new motions were filed. The trial court granted summary judgment for Ms. Cooper on the basis that she was a public officer and therefore had immunity for "mere negligence." The trial court granted the county's motion to dismiss the claim against it, on the basis that the superior court lacked jurisdiction. The court found that the county, in carrying out child protective services functions, was acting as the agent of the state and that a claim for negligence must be filed with the Industrial Commission under the state Tort Claims Act (G.S. 143-291 et seq.).

#### Second Court of Appeals decision (Coleman-2)

The social worker: The Court of Appeals reversed as to Ms. Cooper, holding that she was a public employee, not a public officer, and therefore could be liable personally for negligence in the performance of her duties.

The county: The Court of Appeals affirmed the dismissal of the claim against the county, agreeing with the trial court that the county acted as agent of the state in the area of child protective services and that the claim must be brought before the Industrial Commission.

Separating the issues

1. Was there actionable negligence under North Carolina law? The answer to this ultimate question is for the jury if the case goes to trial. (At this writing, the case is scheduled for trial but has not gone to trial.)
  - A different set of issues may arise under federal law.
  - Negligence is the failure to exercise proper care in the performance of a legal duty that the defendant owes the plaintiff under the circumstances. [Coleman-1]
  - Elements of a claim for negligence are:
    - a. The defendant owed a duty to the defendant.
    - b. The defendant breached that duty. (The breach may occur through action or inaction.)
    - c. The plaintiff suffered harm.
    - d. The harm was caused by defendant's action or inaction (breach of duty).
    - e. The type of harm suffered by plaintiff was a foreseeable result of defendant's action or inaction (breach of duty).
  - Is there a defense of contributory negligence? Contributory negligence on the part of plaintiff would be a defense to a claim for negligence. Parents have a duty to take every step reasonably possible under the circumstances to prevent harm to their children. "[F]ailure to perform this duty is negligence." [Coleman-1]
  
2. Did the defendants owe the two girls (plaintiff's intestates) a duty of protection?

The Court of Appeals in Coleman-1 held that a violation of G.S. 7A-544 (setting out the duties of a county department of social services in response to abuse and neglect reports) "can give rise to an action for negligence." The court held that a specific purpose of G.S. 7A-544 is to protect children from harm and that the statute establishes a standard of conduct to be exercised by DSS in protecting an abused juvenile.

3. Did the defendants have immunity from liability?
  - The county, by purchasing liability insurance, waived its governmental immunity (up to the limits of the insurance coverage). [Coleman-2] [The

state, not a party to this case, waives some of its immunity through the state Tort Claims Act.]

- G.S. 7A-550 provides immunity to people who report suspected abuse or neglect, cooperate in an investigation, or testify in a related proceeding. But these immunity provisions do not apply to DSS employees performing official duties. [Coleman-1]
- A public officer, but not a public employee, has immunity for "mere negligence" in the performance of official duties. Social worker Cooper was an employee, not a public officer, so she could not benefit from this type of immunity. [Coleman-2. See also Hare v. Butler, 99 N.C. App. 693 (1990), holding that a county social services director is a public officer but that an assistant director and other social services employees are not.]

4. In carrying out protective services functions, are the county and its employees acting as agents of the state?

The Court of Appeals in Coleman-2 answered this question in the affirmative. The court dismissed the claim against the county, holding that under the state Tort Claims Act a claim for negligence against a county, when it acts as agent of the state, must be filed before the Industrial Commission.

In Vaughn v. Department of Human Resources, 296 N.C. 683 (1979), the North Carolina Supreme Court held that a county social services director and staff acted as agents of the state when placing children in foster care and that the Industrial Commission therefore had jurisdiction of a claim based on alleged negligence in the placement of a child.

The Coleman-2 court relied heavily on Vaughn. It also pointed to statutory provisions referring to state supervision of programs established under G.S. Chapter 108A [G.S. 108A-1] and to the county director's acting as an agent of the Social Services Commission and DHR in relation to work required by the commission or DHR in the county [G.S. 108A-14(5)]. It also noted the director's duty under G.S. 108A-14(11) to investigate child abuse and neglect reports and to take appropriate action to protect children pursuant to Juvenile Code provisions. Finally it noted the director's duty to make reports to DHR's Central Registry.

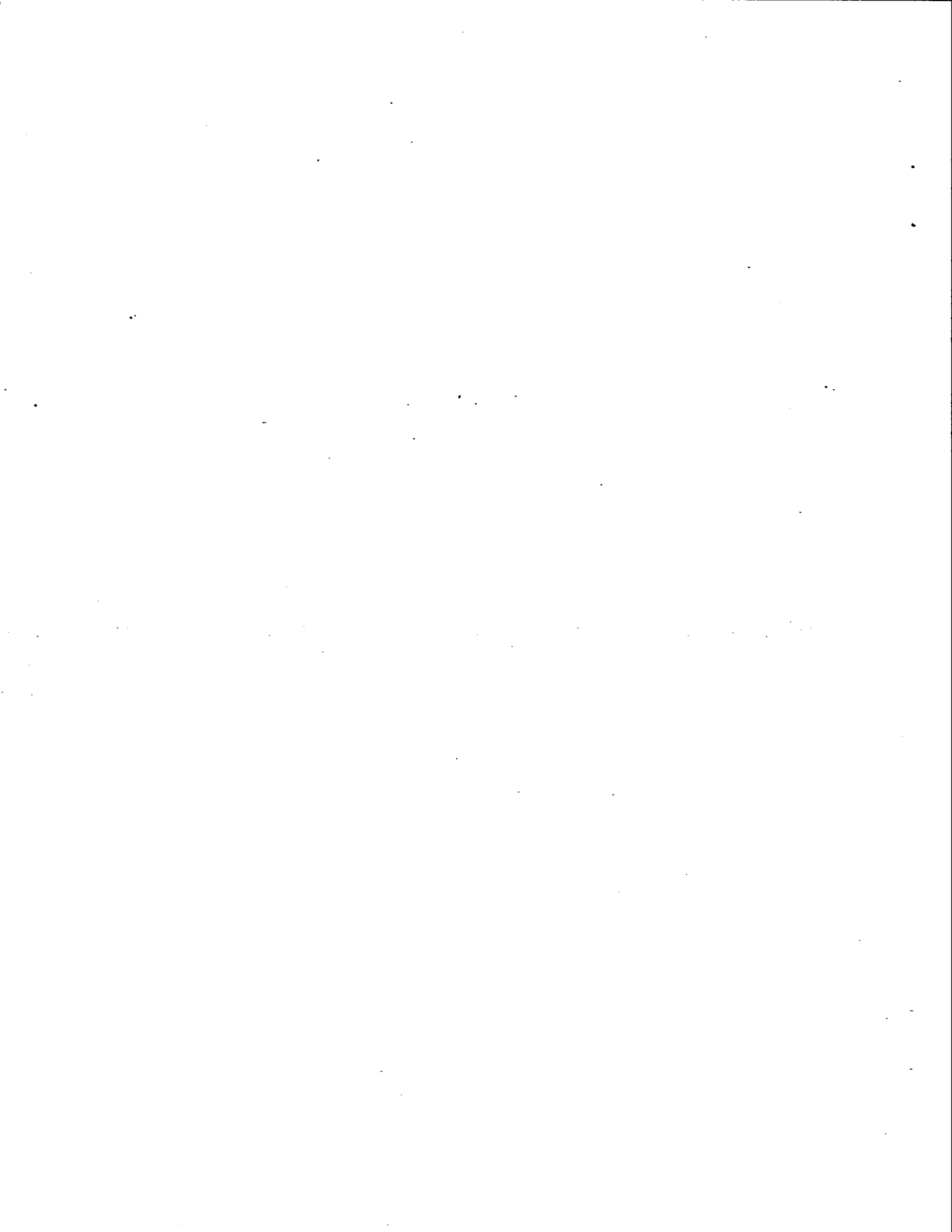
The Vaughn court had analyzed the state agency issue in terms of the extent of state control and direction over county foster care functions. The court pointed to

statutory provisions similar to those listed above. It also pointed to

- the Social Services Commission's rule-making, standard-setting, and regulatory role in relation to foster care;
- the scope of mandatory state standards relating to foster care, including manual material;
- the state's licensing function with foster homes;
- the limited discretion of county employees in deciding where to place a child;
- the funding power of DHR;
- reports required to be submitted by counties to DHR regarding foster care placements; and
- the Social Services Commission's partial influence over the hiring, firing, and compensation of county directors by virtue of appointing some members to county social services boards.

#### Representation and payment of judgments

G.S. 160A-167 authorizes counties to provide for the defense of employees and officials who are sued or criminally charged in connection with their employment or official duties. It also authorizes counties to pay civil claims or judgments against employees or officials, but only if (1) notice of the claim or litigation is given to the board of commissioners before the claim is settled or the judgment is entered and (2) the board of commissioners has adopted, and made available for public inspection, uniform standards under which such claims or judgments will be paid.





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## EXECUTIVE SUMMARY

### *Introduction*

The North Carolina General Assembly ratified House Bill 141 on June 26, 1989. Through passage of that bill, the Department of Human Resources is required to develop a social services plan "to ensure the uniform availability of core social services and public assistance programs to the citizens of North Carolina."

In keeping with that legislative intent, the Department recently adopted a new mission statement indicative of the way it will advance its purpose to serve the citizens of North Carolina in the decade of the 1990's. The mission statement reads as follows:

The Department of Human Resources provides services that benefit all North Carolina citizens as individuals, families, and communities in their efforts to achieve and maintain health, social and economic well-being, and self-respect. This is done by communication to develop understanding, coordination of effort, and cooperation with private and public entities to identify opportunities and focus resources. Strategies emphasize prevention and preparedness, strengthening families, welfare of children and older adults, consideration of individual differences, and encouragement of independence and self-reliance.

This is consistent with and supports the Division's mission which is articulated as being "dedicated to assisting and providing opportunities for individuals and families in need of basic economic support and services to become self-supporting and self-reliant."

The Legislature's intent and the Department's mission are clear. The North Carolina Social Services Plan is offered as a "road map for change" for fulfilling that intent and mission so that the citizens of North Carolina are provided those services which aid in the achievement and maintenance of health, social and economic well-being, and self-respect.

### *System Goals and Purposes*

The process to achieve the ends described in the mission statement entails "communication to develop understanding, coordination of effort, and cooperation with public and private entities to identify opportunities and focus resources." The identification of opportunities and focusing of resources, for the purposes of House Bill 141, is directed at the goals and purposes of the statewide system of social services and public assistance programs. These include:

- 1) To ensure that children and adults are protected from abuse, neglect, and exploitation;
- 2) To enable citizens to maintain or achieve maximum self-sufficiency and personal independence through employment, if possible;
- 3) To strengthen family life in order to nurture our children so that they may become productive, healthy, and responsible adults;
- 4) To assist disabled and dependent adults, while ensuring that they live in the most independent setting feasible with the least possible intrusion from public agencies;
- 5) To ensure that every family and individual has sufficient economic resources to obtain the basic necessities of life.

The Social Services Plan recognizes that the attainment of these goals is constrained by a constantly changing environment. It calls for acknowledgment of the fact that the social services system and the economic system are intertwined. The social services system of the nineties must adopt a more inclusive view of the environment within which it operates. This will require that programmatic and service

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delivery strategies be continually refined and reconsidered with respect to possible redistribution of scarce resources.

Further, these strategies must also take into account the needs of North Carolina citizens which the social services system is called upon daily to address. Among the most critical are:

- There are 1.6 million children in North Carolina. Nearly 300,000 or 22 percent of all these children live in poverty; 41 percent of all black children live in poverty.
- The divorce rate in North Carolina is 62 percent. Nearly one out of every four families is headed by a single parent. An estimated 60 percent of all children will live in a single parent household for a period of their childhood.
- At present, 65 percent of working age women in North Carolina are in the workforce, as compared to 54 percent in 1980. This affects the extent to which they are available to nurture their children and care for aging parents. This increases the need for day care, in-home care, and respite care. Without available supportive services, the likelihood of family stress and caregiver burnout increases.
- Divorce is not the only cause of single parent families. Last calendar year, there were 25,846 teenage children in North Carolina who became pregnant. Among teenagers who become pregnant, approximately half drop out of school and do not return, leading to limited job opportunities and severe financial pressures.
- In 1989-90, there were 36,217 reports of abuse or neglect, involving over 52,928 children, received by county departments of social services, showing an increase of 55 percent over 1982.
- Underlying many of the difficulties that today's families face is the problem of substance abuse. The frequency of alcohol and/or drug abuse among both parents and children has increased within the past decade. Alcohol and drug abuse are often associated with domestic violence. Last year, more than 16,000 families experienced domestic violence in North Carolina.
- There are 821,000 adults 65 years and older in North Carolina. Nearly 200,000 or 24 percent of these older adults live in poverty.
- In 1989-90, nearly 6,000 elderly and disabled adults were reported to county departments of social services as neglected, abused, or exploited.
- An estimated 120,000 adults 65 years and older have functional impairments which prevent them from carrying out activities of daily living; and, to whom assistance is provided by family, friends, or service agencies so they can continue to live at home.

In recognition of the fact that economic circumstances have caused the purse strings to be drawn tighter at all levels of government, House Bill 141 emphasizes the importance of more clearly defining the nature of work under the social services umbrella. Services need to be examined in terms of administrative structure and service delivery operations in order to make them more responsive to individual, family, and community needs. There is an urgent need to define a core of social services at this point in time for two major reasons:

- 1) to better utilize scarce resources through more effective targeting of services and the development of more streamlined administrative processes; and,
- 2) to assure that the services the system is required to provide are delivered in an equitable and uniform fashion across all one hundred counties.

The Social Services Plan is offered, not as a finished document but rather, as a "road map for change." The proposals it contains are predicated on the fact that the social services system must take a hard look at itself and begin to define more clearly for both itself and those outside the system exactly what it does. A guiding premise in the development of these recommendations is that ways and means to quantify the system's work and measure the effects of that work must be established.

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## *Principles*

Understanding, coordination of effort, and cooperation need to be grounded in principles. The collaborative effort, called for in House Bill 141, involving local and state government, universities, and community advocates and agencies, has identified principles that assign responsibility for financing, administration, and decision making. This identification process was carried out with the underlying assumption that although the State has a distinct supervisory role to play, uniform delivery of social services and public assistance programs must be accomplished within the context of maximum local flexibility. The task of endeavoring to be equitable, while at the same time attending to diverse local needs, requires a balance between local autonomy and central guidance in the administrative structure.

The Department acknowledges the benefits derived from administration closest to the source of service/benefit provision, while recognizing that there is the need to establish clearer standards and to strengthen State supervision of program operations.

The Department understands that both the State and the counties ability to raise revenues is finite. Shared responsibility for financing must be established in such a manner as to distribute the burden as equally as possible based on ability to contribute.

The Department recognizes that the appropriate balance of shared decision-making responsibility will be constrained, in part, by Federal and State statutes and regulations. Within these constraints or limitations, the Plan envisions a sharing of decision-making responsibilities that maximizes the capabilities of counties to respond efficiently to local needs.

Remedies of this magnitude cannot and should not be accomplished within short range perspectives. Shifts of any kind, be they administrative, financial and/or decision-making in nature, require careful planning and analysis before they can be readily and effectively applied. The long-range planning and implementation process discussed throughout the Plan allows for an opportunity to coordinate the demands on the social services system with the pace of economic progress in the State as a whole.

The ultimate aim will be to create a proactive planning environment which allows for constant evaluation of the system's response to a changing environment of needs and constraints. The Department believes that the establishment of such principles will set the social services system on a clear and concrete course for the coming decade and will allow for whatever changes in direction that may be needed in the years ahead.

## *The Family Services Program: A Core of Social Services*

The mission statement calls for strategies "which emphasize prevention and preparedness, strengthening families, welfare of older adults, consideration of individual differences, and encouragement of independence and self-reliance." With that in mind, the seven core services which have been developed, together with certain supportive services which may be provided in conjunction with them, comprise the newly titled Family Services Program.

In keeping with the mission to "emphasize prevention and preparedness," it is the Department's intent that the new Family Services Program should more clearly and strongly communicate an orientation toward prevention than has been true of services programs in the past. This concern for prevention is reflected in the recommended core services as well as in the target populations to whom the services are directed.

Four of the core services are directed to children and their families:

- 1) Child Protective Services
- 2) Foster Care Services for Children
- 3) Family Centered Services
- 4) Adoption Services

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and, three of the core services are directed to adults:

- 1) Adult Protective Services
- 2) In-Home and Community Based Services for Adults
- 3) Adult Group Care and Placement

Each core service is rooted in existing statutory authority. Thus, the need for uniform delivery in all one hundred counties is inherently a high priority for the Social Services Plan.

The core creates no new entitlements or programs. Its intent is to simplify and bring into clearer focus the mandates for service that already exist, to strengthen the process through which services are delivered, and to provide a structure and mechanism by which the service delivery system can be evaluated and improved on an ongoing basis.

Since it is the stated intent of the legislation that the expenses of providing this core shall be derived from State and Federal revenues available for those purposes, cost is a primary consideration. For this reason, the discrete targeting of services was as important as selecting and defining them. This targeting is intended to facilitate a clearer understanding of the purpose and function of the social services system and recognizes the fact that other services systems, public and private, also play a role in achieving these goals.

The core services are presented in a series of matrixes which indicate the specific service elements involved in the carrying out of these core services. It is important to note that it is not necessarily the case that all service elements are required in each case.

The itemization of service elements within a given core service is a prerequisite to the establishment of service and workload standards, and such standards are in their turn, a basic requirement for establishing valid estimates of the cost of providing a consistent level of services in every county. Current service definitions, reporting requirements, and reimbursement policies and methods do not provide the data needed to establish service or workload standards and to ascribe valid costs to discrete service activities.

### *The Core Services Pilot*

It is proposed that the new Family Services Program be tested and developed through a formal piloting process. The pilot phase has four broad objectives which include:

- 1) Reassessment of the need/demand for a service as defined through the core;
- 2) Establishment of service levels;
- 3) Application of resource management methodology to develop various standards; and
- 4) Measuring effectiveness.

It is intended that new reporting procedures will be developed during the pilot, through which social services managers and administrators will more readily be able to ascertain those service elements which are most utilized to deliver adequate core services. The pilot will illustrate areas in which more concentration of available funding should occur and concurrently, may illustrate areas from which funding can be shifted to more vital areas based on low utilization.

The purpose of the pilot is to refine core service and element definitions, and examine changes, operational and fiscal, to county departments of social services that would occur as a result of implementing this part of the Social Services Plan. The approach is systems oriented in that the pilot will examine resource availability in terms of people, money, and equipment, as well as opportunities (used or neglected) to increase the scope of those resources.

The costs reflected for the pilot include staffing and operational costs. The 92-93 and 93-94 years operational costs include the original purchase of equipment and will not be replicated in future years.

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The prediction for a five year pilot may be extended, depending on the intensity of automated and accounting system modifications, but this cannot be predicted definitively at the outset.

In addition to the core services in the Family Services Program, the Plan proposes new directions for other programs: Child Support Enforcement, Employment and Training, and Public Assistance. Although not core services, the services in these programs also must be provided equitably on a statewide basis if the goals set forth in House Bill 141 are to be achieved.

### *Child Support Enforcement*

One of the most vital services that falls under the auspices of the Department's Division of Social Services is the Child Support Enforcement Program. Indeed, to make certain that North Carolina's children are provided the financial support which they are entitled to is a basic right and the first defense in ensuring their health and welfare. To effectively continue to serve children and their families, child support services must be provided in a supportive environment that maximizes coordination with other social services and public assistance programs.

The program is charged under State and Federal law with ensuring that any individual who has physical custody of a minor dependent child and is in need of child support enforcement services can obtain those services in the most expeditious manner possible. The program is one of the more critical functions in the range of services and benefits that the social services system offers to promote and sustain the well-being of children.

The Child Support Enforcement Program, under the goals of the Social Services Plan, must also endeavor to establish uniform standards for delivery of the essential services offered. These include intake, location, paternity establishment, establishment of support, enforcement, collection and distribution, and outreach/information/referral.

The program is currently faced with a number of provisions in the Family Support Act that are impacting heavily on existing methods for collection of child support and on operational practices in all aspects of the program. The act calls for enhanced mechanisms to set adequate payment levels in establishing new support orders, strengthened mechanisms for establishing paternity, the regular modification of established support orders to more clearly reflect suitable standards of living, and the timely enforcement of delinquent orders.

In addition, child support enforcement in North Carolina is currently operated under a dual system for IV-D and non-IV-D cases that involves the services of both the Administrative Office of the Courts and the State Office of Child Support Enforcement.

Responding to the General Assembly's mandate under Senate Bill 1124 from the 1989 Session, the State Office of Child Support Enforcement and the Administrative Office of the Courts are currently involved in a comprehensive study of child support enforcement in the state—both IV-D and non-IV-D. The study is seeking to offer recommendations to streamline that duality to more effectively and uniformly serve all clients in need of child support enforcement services throughout the state. The committee which met and gave detailed study to the IV-D program, as a part of the Social Services Plan process, made substantive recommendations for addressing program needs and deficiencies. These recommendations have been forwarded to DHR-AOC Legislative Study Committee with the request that they be considered in their deliberations and recommendations for comprehensive child support enforcement program improvements.

### *Employment and Training Programs*

The greatest challenge for the Department in relation to the employment and training programs is to ensure that the newly implemented JOBS Program has the optimum opportunity to provide clients

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with the tools and encouragement necessary to strive for independence and self-reliance. Although funding for the JOBS Program was recently reduced from 100 to 75 counties, the Department is committed to promoting and supporting the best program possible in those 75 counties.

The JOBS Program, mandated under the Federal Family Support Act of 1988, places a strong new emphasis on AFDC recipients securing the appropriate educational level and/or skills training needed to be competitive in the job market. This is a significant change from prior federal employment programs for welfare recipients. It enables programs and clients to begin to work on the causes of dependency as opposed to simply treating symptoms and looking for short-term reduction in the welfare roles. The Department views this program as a vital part of the State's Workforce Preparedness efforts—an opportunity to bring some of the most disadvantaged people into the mainstream of the workforce of the future. The Department has the strongest commitment to statewide expansion whenever funding permits.

From an administrative perspective, the JOBS Program provides an excellent opportunity to develop statewide standards for service delivery, workload, and staffing, as well as to implement program effectiveness measures at the beginning point of a new and markedly different program. If the results anticipated from the JOBS Program, namely, maximum self-sufficiency and independence for AFDC families, are attained, it will be an excellent example of how the Department's mission for citizens to achieve and maintain economic well-being and self-respect becomes a quantifiable reality.

### *Public Assistance*

The challenge for North Carolina's public assistance programs is to achieve the goal established by House Bill 141: "To ensure that every family and individual has sufficient economic resources to obtain the basic necessities of life." The Department recognizes its vital role in encouraging stable, nurturing, and self-reliant families. However, the needs of disadvantaged families and individuals cannot be met by public assistance programs alone, nor by government acting alone. A commitment by churches, civic organizations, and the business community to meet the unmet needs of citizens in their communities is essential.

The social services agency at State and local levels must ensure that its system for providing public assistance benefits to families and individuals is appropriately coordinated with other service delivery systems. To assist adults who receive public assistance (AFDC) to move out of poverty, educational and training opportunities must be coordinated in the community and at the State level. Additionally, the provision of public assistance must be inextricably linked to child support enforcement services. Finally, in the understanding that poverty exacerbates the effects of any personal or family disadvantage, public assistance recipients must have ready access to that range of social and health services within and without the social services system that helps to sustain and support family functioning and the safety and well-being of children and vulnerable adults. At the local level, caseworkers, county departments, and the community at large need to develop an increased awareness of their responsibility for the health and well-being of the families served in the public assistance programs. Beyond the responsibility that these families must carry for themselves, responsibility for them belongs to the entire community (e.g., schools, churches, neighborhood, business community, and extended family). The community needs more information about the limitations of the public assistance programs.

The Social Services Plan development process identified and defined nine basic or "core" programs of public assistance that should be made uniformly available in every county, and described the target population(s) for each. Of these, eight are existing programs and one is new—Statewide General Assistance. The existing programs are:

- 1) Aid to Families with Dependent Children (AFDC)
- 2) AFDC Emergency Assistance (AFDC-EA)

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- 3) AFDC-Unemployed Parents (AFDC-UP)
  - 4) Food Stamps
  - 5) State/County Special Assistance for Adults — Aid to Aged and Aid to the Disabled (SA)
  - 6) Low Income Energy Assistance (LIEA)
  - 7) Crisis Intervention Program (CIP)
  - 8) Medical Assistance (Medicaid)

The Department agrees with the Committee's identification of core public assistance programs with the exception of the recommended creation of a new program of Statewide General Assistance. Its position is that beyond the broad-based emergency and crisis assistance programs already in place, the provision of general assistance is a local responsibility.

At this point in time, the public assistance delivery system is under severe stress and is being challenged on many sides. Examples of problems include:

- increased numbers of North Carolina's citizens needing and eligible for public assistance (a 20.7% increase in AFDC cases between 12/89 and 12/90)
- insufficient numbers of public assistance caseworkers to meet the growing demand
- information technology not being made available to caseworkers in ways that adequately offset increases in work
- increased pressure from Legal Services and the Federal courts to make the system produce results that it is not currently able to produce

To remedy these problems in the system, children and their families, the elderly, disabled adults, and the caseworker must dominate the discussion of what the public assistance programs should be now and in the future.

Popular public opinion has held that people who received this assistance were lazy, not intelligent, and so morally bankrupt that they had more children in order to stay on welfare and receive larger public assistance checks. A profile of AFDC recipients refutes this stereotype.

- Ninety-two thousand families receive AFDC in North Carolina with the numbers continuing to increase with the weakening of the economy. Twenty-nine percent of the families are White, sixty-eight percent are Black, two percent are Indian, and one percent is of other racial origin.
- In 18% of these families, no adult receives assistance. The children reside with grandparents or in families where the adult relative chooses not to receive assistance or is not eligible. In approximately 98% of the remaining cases where parents or other relatives receive assistance, only one parent (adult caretaker) receives AFDC assistance.
- Despite the widespread perception that AFDC families have large numbers of children, the data show that approximately eighty percent of those families receiving AFDC have no more than two children receiving assistance and most often only one. More than two of every three recipients are children.
- The average AFDC payment is approximately \$240 per month per family. AFDC families receive income that represents approximately one-third of the established poverty level. These families depend heavily on food stamps, Medicaid, and some live in subsidized housing. The pyramiding of benefits results in very different situations for AFDC families. Those living in public housing are able to achieve a higher level of stability with combined benefits.
- Currently, about 13% of AFDC families have earned income, i.e., they are working but their wages are so low they continue to be eligible. This number is down due to the weakened economy from about 18% a little over a year ago.

Program improvements must focus on two groups: clients and caseworkers. Examples of client focused improvements include:

- 1) Addressing the time frames in which needed assistance is offered. An examination reveals that the
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assistance is, indeed, often not rendered within an acceptable period of time and often beyond the legally established limits.

- 2) Children and their families, the elderly, and disabled adults should receive assistance in amounts large enough to meet their basic needs. Families eligible for AFDC receive approximately one-third of the amount of income established as the federal poverty threshold.
- 3) Medicaid should be expanded incrementally to meet the medical needs of children and their families, the elderly, and disabled adults who cannot afford private medical insurance.
- 4) Medicaid should be expanded to automatically provide medical assistance to elderly and disabled adults already determined by the Federal government, through the Supplemental Security Income Program, to be poor.
- 5) Children and their families, elderly, and the disabled should have equal access to public assistance programs that offer the same quality and quantity of service regardless of where they live in North Carolina and the relative wealth of the county.

Examples of caseworker focused program improvements include:

- 1) A need for the State to assume increased responsibility for training county casework staff.
- 2) Attention to the caseworker and the clients they serve reveals that significant changes are needed to make it easier for caseworkers to determine who can receive the assistance.
- 3) Scarce resources require a commitment to re-examine the current delivery of public assistance benefits, find more effective means of using existing resources, and apply the most cost-effective techniques. Some possibilities include:
  - Electronic Benefit Transfer
  - Productivity improvement
  - The development of measurable standards by which county departments of social services can judge their success, measure their progress, and through which the Department of Human Resources can provide management and technical assistance to help counties is critical.

Deliberations on financing issues were grounded on two premises: 1) public assistance expenditures, both benefits and the cost of administration, are growing at a more rapid rate than counties' growth in property valuations, and 2) clients should receive the same quality and quantity of service from the public assistance programs regardless of where they live in the State.

The strong message conveyed is that it will no longer suffice to do "business as usual" . . . a better way must be devised to share between State and local government the cost of financing the programs. However, an equally strong message is that equity should be the focus of any changes in financial responsibility, not only for the State and counties but especially for the clients in each county.

### *Resource Management*

One of the main strategies for developing standards in the four program areas (Family Services, Employment and Training, Child Support Enforcement, and Public Assistance) is utilization of resource management methodology. Although many counties have been using these procedures on an individual county basis, the purpose of resource management as part of this Plan is to develop a common set of standards based on uniformly defined, quality units of service in any given program area. These will be applied across the State to ensure that clients receive the same standard of service delivery regardless of their place of residence.

Through resource management, the Social Services Plan will endeavor to accomplish the following:

- 1) Develop model job designs which incorporate both task and/or function analysis as the basis for developing timeliness, quality, and quantity standards for service provision.
- 2) Based on the model job design, develop and implement model timeliness, quality, and quantity standards for each service that shall be measurable in numerical terms.



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3) These measurable standards shall apply to all county departments of social services. Consideration will be given to an individualized local range for each county that is approved by the State Division of Social Services. Deviation from this local range may occur after a review in which a county can demonstrate that it has measurable standards that can be reasonably compared to other counties' standards for the same services.

4) The model job designs shall serve as a partial basis upon which curricula for skills-based, competency-tested training shall be designed, updated, and/or modified.

5) The model job designs shall serve as the basis for work simplification tasks which involve the identification of critical tasks and/or functions that either require elimination or modification.

6) The model job designs shall serve as the basis from which to analyze program changes that may result from the implementation of the Social Services Plan.

7) The model job designs shall be the basis for development of caseload/workload standards. These standards shall take into account such factors as current work units, backlog, learning curves for new workers, turnover rates, and costs.

8) Develop an evaluation tool to measure the impact of proposed changes brought about as a result of the Social Services Plan from which a report shall be submitted to all parties concerned at the end of the pilot period.

### *Automation*

Automation needs are integral to almost all phases of the proposed alterations to the social services and public assistance arena. Automation concerns relate to efficient, effective, and quality service delivery to clients. Perhaps equally important is the effect that improved automation can have on management's ability to insure that all facets of the organization work in cooperation with each other.

The systematic changes suggested in all four major program areas which the Division of Social Services operates provide an opportunity to begin development of an effective management information system. All future developments in program automation should keep in mind that enhancements should not only make delivery of services better for clients and workers, they should also enhance the ability of managers to use automation as the tool to be better able to orchestrate the mission to "develop understanding and coordination of effort" by way of reliance on practical and effective management information.

Successful growth in the area of automated systems has been as pressing an issue during Plan deliberations as that of financing the system. To clarify those concerns, the Department has identified four issues that must be addressed to develop a coherent approach to county social services automation. These issues concern: the questions of statewideness and the funding responsibility which that entails; organizational capability to handle change; flexibility and control; and future direction and priorities.

The Department of Human Resources is prepared to renew its commitment to State funding (with maximum FFP) for social services automation, but only if a means agreeable to counties and the Department can be devised to ensure county commitment to a statewide approach that maximizes FFP.

Organizational capability to develop major new systems that attain more satisfactory performance and acceptance than current systems will require increased state/local cooperation, communication, and coordination. Well designed systems afford many new capabilities to those who use them, especially to those who are flexible in adapting them. At the same time, as part of the infrastructure, these systems enforce a form of control on the organization.

Thus, expanding statewide system functions will result in less flexibility for counties since the systems will, in effect, increase standardization across the various counties. This will require greater consensus among counties and greater responsiveness between counties and the State to ensure

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effective implementation of systems. Organizational arrangements to accomplish this will have to be found.

Guiding the future direction of automated systems are three broad objectives which stress the importance of development of an integrated system that:

- 1) Entails enhancement of client-centered services delivery, through individualized attention, and which in turn serves as a basis upon which future decisions are based.
- 2) Involves the development of a system that meets management and staff needs at the county level taking into consideration local differences in agency function, product, and location.
- 3) Provides enhanced communication between the State and the counties by developing a system which provides a reciprocal information flow, as opposed to traditional top-down flow, and which addresses ways to better link the automated system and the joint responsibility to meet and monitor State and Federal regulatory requirements as well as program policies.

These changes are broad and will require a long range effort. In the interim, the Department feels that several short range and intermediate actions are required. These include:

- 1) An inventory of current systems capabilities at the state and county level;
- 2) Provision of uniform worker access to equipment;
- 3) Forecasting of developments affecting automation plans;
- 4) Development of a data model which will achieve consistency in both definitions and applications utilized throughout the social services system; and,
- 5) Utilization of existing capacity to:
  - create automated policy manuals
  - create on-line training tutorials
  - provide for interactive communication (electronic mail leading to on-line)

## *Training*

House Bill 141 pays particular attention to the fact that training is a critical issue by calling for a plan that includes training standards as part of the "minimum standards for the provision of core services and public assistance programs" which must be available throughout the State. This is due to the fact that in addition to having sufficient numbers of staff, the ability of county departments of social services to intervene effectively with individuals and families facing difficult and complex problems is based, in large part, on the knowledge and skills the staff possesses. This is true for professional and paraprofessional staff alike. There are many issues related to attracting, maintaining, and rewarding qualified staff. Some of the problems that were identified as being particularly troublesome in the social services system include: cross-county pay disparities, variance in the availability of qualified individuals in the local labor market, and in workload expectations.

As a means to address staffing standards and the related training standards called for in the development of the Social Services Plan, the Division has formed a Training Consortium as a forum for professional experts in the field of social work education, in partnership with service delivery professionals, to engage in strategic planning towards the goal of comprehensive skills-based, competency-tested training leading to certification of all county social services employees.

The Social Services Plan provides the best opportunity for full implementation of the existing training plan. It does, however need to be further developed and adequate funding is required for full implementation. The plan is designed to provide a continuum of learning opportunities for all classifications of staff and is divided into four phases.

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## *Supervision and Enforcement*

In North Carolina's state-supervised, county-administered social services system, the Division of Social Services has statutory authority to supervise the county departments' administration of programs. The general purpose of state supervision of social service programs is to ensure that policies are carried out, to promote statewide equity of services, and to ensure quality of services.

Ever increasing regulatory burdens, both Federal and State, demand that there be in place a system that requires counties to meet their compliance requirements. Some of the critical questions that need to be addressed relate to the following:

- 1) How does one enforce minimum standards to achieve equity (e.g. what happens when consultation efforts are not effective)?
- 2) How can supervision respond to differences in the programs?
- 3) What should be the consequences of not meeting performance standards?
- 4) How can one avoid supervision becoming an issue of "local control"?
- 5) Does withholding funds motivate the county or hurt the clients?

State supervision of county-administered social services reflects the State's dual responsibility to be accountable for outcomes at the county level and to oversee and assist in the implementation of program policy. Enhancement of the State's supervision of county departments of social services should be directed at improvement of the integration of these responsibilities. Chapter XI includes an outline of suggested improvements to the current system of supervision and enforcement which are designed to attain this objective.

In addition, there needs to be a system of positive rewards and incentives for meeting program standards. Program accreditation and enhanced program funding are examples of incentives that should be closely examined.

## *Financing*

The problems of adequately financing social services programs, and how the costs of the programs are to be shared, have long perplexed and frustrated state and county officials alike. All the issues and complexities surrounding the problem were brought to the deliberations on the Social Services Plan. A central issue is the tension that is generated by State and Federal mandates for uniform provision of services and benefits that must be at least partially funded from county revenues.

House Bill 141 speaks to the existence of "both state and county financial participation" in achieving the goals and purposes of the social services system. The financing dilemma is somewhat moderated by the fact that the Bill specifies that upon defining a "minimum core of social services," the expenses of providing those services across the State shall be paid for "from Federal funds and State revenues available for those purposes." This leaves, however, a considerable amount of financial responsibility still to be assigned. Moreover, the legislation recognizes that there must be "a timetable" developed, in relation to cost estimates, for assuring the availability of core services in every county. The resolution of issues related to the funding of services programs is expected to come out of the experience with the core services pilot as discussed in Chapter IV.

In order to achieve equity across the State for clients as to the availability of services and benefits, and tax equity for the counties, there must be a re-evaluation of the shared responsibility for funding public assistance programs. A course of action must be devised that will lessen the chances of inequities for recipients. A family in the poorest county should receive the same quality and quantity of public assistance services as a family in the wealthiest county. Equity should be the focus of any changes in financial responsibility . . . for the State, counties, and especially for the clients.

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There are an almost infinite number of ways in which the current system of State/county cost sharing could be changed to address the growing problem of county ability to pay. Many have been suggested and reviewed during the work on this Plan. They range from the most radical, that all social services programs be State operated (and funded), to the somewhat less radical proposal that the State provide all of the non-federal share of the cost of both benefits and administration in the public assistance programs, to more moderate proposals that involve single State match rates for public assistance costs at various percentages of less than 100, or that the State move to a phased-in participation rate of 50% of the non-federal share of the cost of public assistance administration. For purposes of illustration, charts and tables have been developed to depict the fiscal impact on the State and the counties of these alternatives.

In the view of the Department, none of the alternatives nor any of the numerous variations that could be made on each, offers a satisfactory solution to the financing dilemma. The representatives of county government consulted during this Plan development (county commissioners and county managers through their state associations) have indicated that they do not support the concept of direct State administration of the social services programs, as they view education and human services as being issues of local as well as State concern, and ones in which county government should maintain a vested interest. All other alternatives put forth thus far offer across the board relief to all counties from the current burden of funding some or all of the costs of the programs, but they do not address the issue of the difference among counties in their ability to meet such costs.

Inasmuch as county commissioners must ultimately implement a part of any funding proposal that is adopted, the Department has asked for the special assistance of the County Commissioners Association in developing a proposal for more rational and equitable assignment of responsibility for State/county cost sharing. The Association's Human Resources Steering Committee and Taxation and Finance Committee, meeting in joint session, have reported general consensus that the question of funding human services programs is not so much one of willingness to pay but that of ability to pay. Their preliminary deliberations have produced a State/county fiscal relationship proposal that has been endorsed and referred to a working subgroup for refinement.

Refinement of the proposal and work to develop more details is ongoing. There are a number of issues that must be resolved. It is anticipated that the County Commissioners Association will be ready to report their proposal in January 1991. At that time, the Department will be prepared to work further with them and others to reach consensus on a proposal for assigning State/county responsibility for financing social services programs.

### Medicaid: The Bright Side

	<u>Administrative Facts</u>		<u>Percent Change</u>
	<u>SFY 1990</u>	<u>SFY 1991</u>	
Eligibles	638,340	751,617	17.7
Recipients	544,528	633,325	16.3
Active Providers	12,242	13,411	9.5
Claims Processed	18,924,662	23,687,271	25.2
Refunds (TPR)	8,256,083	9,378,443	13.6

#### Administrative Improvements

- o Stepped-up provider assistance through training workshops held in every county
- o Provided nursing facilities with free software to automate cost report data submissions and improve accuracy of the process
- o Improved computer system for verifications and made other improvements to help counties speed up eligibility determinations

#### Programmatic Successes

- o Medicaid met goal to be medical safety net for the poor and vulnerable. Eligibility rolls swelled in the face of economic recession.
- o Carolina ACCESS was created to increase access to primary care and manage care use.
  - \* Twelve (12) counties participating in pilot to date.
  - \* 39,089 enrollees (as of 3/1/92)
  - \* 76 solo physicians and 78 group practices participating; 469 primary care physicians in total. Some of these had not participated in Medicaid before.
  - \* Carolina ACCESS replaces fragmentation with coordination
- o CAP waiver programs give needed home and community-based care to those who otherwise would be institutionalized and at lower cost.
  - \* CAP/DA served 3,488 at home rather than in a nursing facility, a 11% increase from last year. Nine (9) counties were added, bringing the total to 61. CAP/DA costs less than 70% of nursing facility costs.
  - \* CAP/MR/DD served 822 in the community rather than in an ICF/MR at 30% of the cost of institutional care. Persons served increased by 28%.
  - \* Medicaid's special program for medically fragile children (CAP/C), gave 55 children the chance to be cared for at home, surrounded by parents and family, and at an average cost of less than 60% for the alternative--a nursing facility or hospital.

- o **Other in-home services** made a difference to the quality of care and life for patients.
  - \* Private duty nursing services to 80 very sick individuals helped keep them out of the hospital.
  - \* Personal care services to 6,194 reflect an increase of 22 percent.
  - \* Hospice served 316 (30% increase) terminally ill patients.
  - \* Home health services provided care to 20,757 persons.
- o **Baby Love works.**
  - \* Client use of health services is improved, including prenatal care services, the WIC program, postpartum/family planning services, and well child care.
  - \* **Pregnancy outcomes** improved. In CY 1988 and 1989, women on Medicaid not receiving Maternity Care Coordination had a low birth weight rate that was 21% higher, a very low birth weight rate 62% higher, and an infant mortality rate 23% higher. The infant mortality rate for Medicaid clients dropped from 14.9 to 12.7 in 1989 and remained at that level in 1990, contributing to the overall reduction in infant mortality in the state.
  - \* **Cost Savings.** For every \$1.00 invested in Maternity Care Coordination, \$2.02 was saved by the Medicaid program. In CY 1988 and 1989, this meant a total savings of \$2,174,000.
  - \* **Baby Love Keepsake Book.** The Baby Love Keepsake Book, published in January 1992, provides helpful hints on growth and development, well child care, infant safety, and guides new parents to available health and social service resources within their community. It also doubles as a baby book for recording growth and developmental milestones, health check-ups, immunizations, and infant photographs.
  - \* **Baby Love Maternal Outreach Program.** Community-based lay outreach program to provide one on one support to high risk women was grant funded by the Kate B. Reynolds Foundation (with Medicaid matching dollar for dollar). Project counties were selected January 1992, training for supervisors and outreach workers is underway, and full implementation is planned for May 1992.
- o **Healthy Children and Teens (EPSDT) Program** provides child health screenings as well as necessary diagnosis referral for treatment for health problems detected.
  - \* **Children eligible and served expanded.**
    - the number of eligibles increased by 52% to 412,339 children eligible in FFY 91;
    - the number of children receiving well child screenings increased by 49%

to 104,360 children screened in FFY 91;  
--the number of children receiving medical care increased by 54% to  
341,442 children served in FFY 91.

\* Package of covered services for children expanded.

--removed the 6 prescription and 24 visit limits;  
--introduced case management services for medically fragile infants and  
children (0-5);  
--expanded the types of immunizations covered to include Hepatitis B,  
Influenza, Pneumococcal, Injectable Polio Vaccines, and Hepatitis B  
Immune Globulin;  
--updated the schedule for Measles/Mumps/Rubella and Haemophilus B  
Vaccine;  
--began coverage of prosthetics and orthotics;  
--enrollment/reimbursement for nurse practitioner services.

\* Developing an automated tracking system to reduce time required for a  
local agency to do a tracking program

--will help improve client involvement with the HCTP program by  
notifying them of upcoming well child appointments and  
immunizations and automatically generating age-appropriate health  
education mailouts and informational mailings about other health  
programs (i.e. Headstart)  
--will track and report client activities in the program to aid local case  
managers target their intervention and follow-up activities  
--will be able to generate ad hoc reports for management

March 31, 1992

TRENDS IN EPSDT PROGRAM 84-91

<u>FFY</u>	TOTAL UNDUPLICATED ELIGIBLES 0 - 21	UNDUPLICATED EPSDT RECIPIENTS 0 - 21	UNDUPLICATED MEDICAL CARE RECIPIENTS 0 - 21
84	214,084	48,047	162,957
85	223,509	38,767	163,664
86	236,603	51,127	182,673
87	239,915	50,802	183,343
88	249,446	49,172	193,970
89	290,330	63,809	233,976
90	336,334	80,988	276,744
91	412,339	104,360	341,442

Source  
HCFA 2082



**BABY LOVE FACT SHEET**

**APRIL 1992**

**KEY FEATURES**

1. Medicaid Expansion
2. Streamlined Eligibility Process
3. Outreach Campaigns
  
4. Comprehensive Services
  
5. Care Coordination System
6. Integrated Program Administration

**PROGRAM MILESTONES**

1. Implemented 10/1/87
2. Presumptive Eligibility 10/1/87
3. Outreach Campaign exceeds target all four years
4. Care Coordinator in all counties by end year 3 (90)
5. Program data demonstrated cost savings and improved health outcomes for MCC services

**STATISTICS**

67,953 pregnant women served thru CY 90  
 86,068 children served thru CY 90  
 \$1559 avg. cost per pregnant women SFY 90  
 (MPW only)  
 \$1741 avg. cost per child SFY 90  
 (MIC only)

**COMPARATIVE RESULTS (CY 91)**

Pregnant Women:	With MCC	Without MCC
9+ visits	69.1%	57.6%
WIC	92.2%	66.1%
Infants:		
Well Child Visits	72.7%	25.8%
WIC	82.6%	36.9%

**INFANT MORTALITY RATES BY CY**

	<u>87</u>	<u>88</u>	<u>89</u>	<u>90</u>
*U.S.	10.1	9.9	9.8	9.1
*N.C.	12.1	12.6	11.5	10.6
**N.C.	12.0	12.2	10.8	10.7
**Medicaid	14.9	14.9	12.7	12.8

**COST SAVINGS CY 88 & 89**

	<u>WITH MCC</u>	<u>WITHOUT MCC</u>
Newborn	\$1694	\$1971
C/B	1/\$2.02	
Total Savings		\$2,174,000

- \* Year of occurrence data
- \*\*Birth Cohort Data
- ^ U.S. Provisional Data

Medicaid data held steady in CY 88 when the state's went up and went down faster in CY 89.

**RECENT ACCOMPLISHMENTS:**

**Baby Love Keepsake Book**

Provides helpful hints on growth and development, well child care, infant safety, and guides new parents to available health and social service resources within their community. It also doubles as a baby book for recording growth and developmental milestones, health check-ups, immunizations, and infant photographs. (Published January 1992)

**Maternal Outreach Program**

Community based lay outreach program to provide one on one support for high risk women was grant funded by Kate B. Reynolds Foundation (with Medicaid matching dollar for dollar). Project counties selected January 1992, training for supervisors and outreach workers underway, and full implementation is planned for May 1992.

**SUMMARY**

The Baby Love Program has been presented as a model program through numerous publications/presentations at the national level. Most recently, an article on the evaluation of the Baby Love Program appeared in the American Journal of Public Health.



STATUS OF THE FAMILY SUPPORT ACT

In 1988 Congress passed Welfare Reform Legislation. The Family Support Act.

That act, in my opinion, affirmed an evolving vision of the responsibilities of parents and government for the well-being of poor adults and their dependent children. The FSA left intact the basic entitlement nature of the Aid to Families with Dependent Children Program. Thus, the anchoring principle of FSA is that parents - both fathers and mothers - should be primary supporters of their children and that for many people, public assistance should be coupled with encouragement, supports and requirements to aid them in moving from welfare to self-support. This is reflected in a renewed emphasis on child support collection and new opportunities for publicly supported child care, education, training and employment.

The center piece of the FSA is the Job Opportunities and Basic Skills training (JOBS) Program, the vehicle for increasing poor families self sufficiency.

States had until October 1990 to implement the JOBS Program. Because JOBS, while building on earlier policies, represented an important reshaping of our social policies and programs, N. C. elected to engage in a comprehensive, coordinated, multi-faceted planning approach which would enable the State to implement a quality program.

JOBS is a comprehensive Education and Training which:

1. requires ALL ADULT AFDC recipients, unless exempt, to participate in activities leading to employment,
2. requires the State to make the program available to at least 95% of the adult AFDC recipient population, and
3. requires that the State spend at least 55% of its JOBS funds on the population targeted by law.

As of January 1992, JOBS is operating in 75 counties representing 95% of the State adult AFDC population.

Funding for JOBS Program is a mix of enhanced funding (66%) FFP reg. funding 50% FFP.

The Federal law allows for States to get incentive funding (a higher match rate) on our expenditures if we meet the Federal JOBS Client Participation Rate of 11%. It goes to 15% in 1993 and 20% in 1995.

Through the end of December 1991, N. C. Statewide participants rate was 11.31% and Target Group Expenditures were 72%.

During the first six (6) months of this SFY, over 10,000 AFDC recipients became active participants in 59 counties.

JOBBS funds for component Development Projects involving exemplary collaborative efforts between DSS and public or private community organizations were available during FY 1992.

A Request for Proposal was distributed to 59 JOBS counties September 1991. The Division received 20 proposals. A Proposal Review Committee awarded a total of 255,544 to 18 counties. During SFY 1991, nine (9) counties also received an award for outstanding performance in the JOBS program.

Counties were recognized September 26-27 at the annual Social Services Division's Administrative Conference held here in Raleigh: Alamance, Anson, Beaufort, Caldwell, Craven, Halifax, Moore, Rowan and Transylvania.

Among the criteria used in selecting county DSS's for the award was a record of consistently targeting program resources for those AFDC clients who are most at risk of long term dependency on public assistance.

The legislation also calls for an evaluation. We in the Department and Division have entered into a "contract" with the Human Services Research and Design Laboratory in the School of Social Work at University of North Carolina at Chapel Hill to conduct a longitudinal evaluation of 12 of the 75 JOBS counties. The Evaluation design has two phases:

1. the first is an implementation evaluation of the counties JOBS Program, and
2. phase 2 is a client tracing study of approximately 1800 clients participating in JOBS.

The Human Services Research and Design Lab research team anticipates that there will be interactive effects among JOBS implementation patterns, JOBS processes, activities, and attitudes at the client level; and local community resources that can facilitate or hinder movement toward maximum opportunities for economic self-sufficiency. Each of these may affect the outcomes for the individual clients, the clients families and the overall success of each county JOBS program. As a result, the proposed evaluation design has been formulated to capture significant program, policy, and resource contributions in each of these areas.

#### BUDGET

The total program budget for FY 1992 is \$26,724,788 of which \$8,979,970 is State appropriations including \$2,000,000 from Worker Training Trust Fund.

The total program budget for FY 1993 is \$28,375,116 of which \$9,544,056 is State appropriated including \$2,000,000 Worker Training Trust Fund.

With respect to continued enhanced funding, Automation is critical. Counties are currently providing all statistics needed to document required participation rates and target group services manually.

## THE FAMILY SUPPORT ACT OF 1988

### IMPACT ON CHILD SUPPORT IN NORTH CAROLINA

On October 13, 1988, the Family Support Act of 1988 was signed into law and significantly amended the Child Support Enforcement Program. Below is a brief description of the provisions of the Act as it relates to the Program.

#### A. Child Support Guidelines

Effective October, 1989, each state was required to adopt and implement statewide child support guidelines that are presumptive rather than advisory and to review those guidelines every four years. Legislation was passed amending NCGS 50-13.4 requiring the Conference of Chief District Court Judges to prescribe guidelines by July 1, 1990. The presumption may be rebutted by a written finding that application of the guidelines would be inappropriate in a particular case. The guidelines were reviewed and applicable revisions made prior to August 1, 1991, and will be reviewed again periodically, but at least once every four years.

#### B. Immediate Income Withholding

Effective November, 1990, states were required to provide for immediate income withholding in all IV-D cases regardless of whether there is an arrearage. Legislation was passed revising NCGS 110-136.3 to allow for immediate income withholding for cases entered on modified on or after October 1, 1989, a year before it was federally mandated.

#### C. Review and Modification of Support Orders

The Family Support Act contains a provision that states develop a plan and guidelines for review and modification of support orders by 1990. The review and adjustment must occur once every three years. North Carolina currently has a plan in place for review and modification of orders and local agencies are responding to monthly computer generated listings of those cases that meet the three year criteria.

#### D. Prompt Response to Service Requests

Federal regulations established specific time frames for providing services to clients and for distribution of collections effective August 1, 1989. These time frames have been incorporated into the IV-D Program Manual as policy and both local and state IV-D staff are rising to the challenge of meeting these standards.

#### E. Paternity Establishment

Effective October, 1988, a state's performance in establishing paternity in IV-D cases will be evaluated against the following criteria: a state's paternity establishment percentage must be at least 50%, equal or exceed the average of all states, or have increased by three percentage points from 1988 to 1991 and three percentage points each year thereafter. Information has been gathered and submitted to OCSE for audit purposes. Based on our analysis, the paternity establishment rate in North Carolina is 51%.

#### F. Automated Tracking and Monitoring Systems

Every state is required to have a statewide automated system in effect and operational by October 1, 1995. North Carolina has obtained approval of the Advanced Planning Document (APD) for this project and has submitted Requests for Proposals (RFP) for monitoring and implementation vendors to transfer a system from another state that will meet North Carolina's functional requirements. The monitoring contract has been awarded and the implementation proposals are currently being evaluated. It is anticipated that we will have our system in place earlier than the 1995 deadline.

Improvements are already being reflected in our program accomplishments since the implementation of the provisions of the Family Support Act. These improvements translate into improved child support services available to the public and to the children of our state.

*Handwritten:* Jordan 11

<u>October 1990</u>	<u>April 1991</u>	<u>July 1991</u>	<u>January 1992</u>
1. Alamance	1. Columbus	1. Bladen	1. Bertie
2. Anson	2. Gaston	2. Brunswick	2. Chowan
3. Ashe	3. Harnett	3. Cabarrus	3. Franklin
4. Beaufort	4. Johnston	4. Cleveland	4. Granville
5. Buncombe	5. Lenoir	5. Henderson	5. Greene
6. Burke	6. Onslow	6. Hertford	6. Haywood
7. Caldwell	7. Pender	7. Lincoln	7. Hoke
8. Carteret	8. Robeson	8. Northampton	8. Person
9. Catawba	9. Wayne	9. Rockingham	9. Randolph
10. Craven	10. Wilson		10. Richmond
11. Cumberland			11. Stanly
12. Davidson			12. Stokes
13. Duplin			13. Surry
14. Durham			14. Warren
15. Edgecombe			15. Washington
16. Forsyth			16. Wilkes
17. Guilford			
18. Halifax			
19. Iredell			
20. Lee			
21. Madison			
22. Martin			
23. Mecklenburg			
24. Mitchell			
25. Moore			
26. Nash			
27. New Hanover			
28. Orange			
29. Pasquotank			
30. Pitt			
31. Polk			
32. Rowan			
33. Rutherford			
34. Sampson			
35. Scotland			
36. Transylvania			
37. Union			
38. Vance			
39. Wake			
40. Yancey			

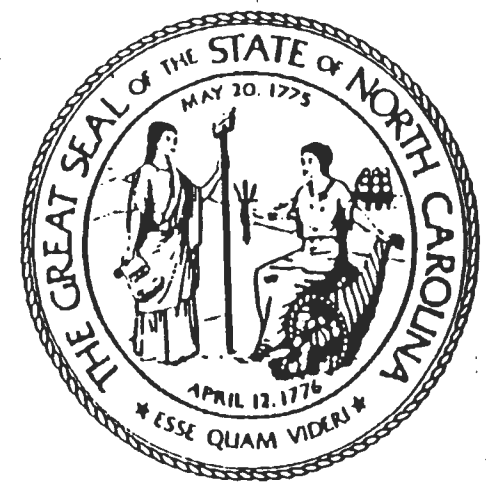
JOBS is a Federally Mandated program. Each state is required to distribute program resources in a manner that reaches 95% of the adult population. As of January 1, 1992 North Carolina will meet that requirement by operating the program in 75 counties. Expansion into additional counties depends on program costs and future funding.

- FOR MORE INFORMATION -  
Contact the director of your county Department of Social Services.

800 copies of this document were printed at cost of \$20.00 or \$.025 per copy.

# JOBS

## PASSPORT TO THE FUTURE



N C Department of Human Resources  
Division of Social Services

**The**  
**Job Opportunities and Basic Skills**  
**Training Program**

**JOBS: Setting a course toward independence for welfare recipient families.**

**DEPARTURE**

*From Welfare Dependency*

**TRAVEL ROUTES**

- \* Education
- \* Training
- \* Job Seeking and Job Keeping Skills
- \* Counseling
- \* Child Care
- \* Improved Motivation
- \* Transportation
- \* Employment

**DESTINATIONS**

- \* **To give recipients of Aid to Families with Dependent Children (AFDC) a real chance to achieve Economic Self-sufficiency**
- \* **To Re-focus the Welfare System to provide the educational and training opportunities necessary to obtain employment and avoid long-term welfare dependency.**
- \* **To increase the local Labor Pool of Educated, Trained Workers, leading to Economic Development Opportunities.**

**DIRECTIONS**

- \* **Maximize Use Of Existing Resources By Encouraging Extensive Coordination At All Levels. Local and state coordination ensures maximum availability of services for JOBS participants, without duplication.**
- \* **Provide Flexibility In Program Design. The director of the Department of Social Services in each county is responsible for leading an extensive interagency planning process for JOBS.**
- \* **Target Resources To Those Most At Risk Of Long-Term Welfare Dependency, particularly women with young children.**
- \* **Reach As Many Recipients As Possible. Meaningful participation requirements ensure that a substantial number of recipients gain from the program benefits.**
- \* **Emphasize Education, particularly high school completion, literacy, and remedial education.**
- \* **Provide Training And Work Experience For Jobs That Exist. JOBS provides for vocational training and work experience to help secure employment.**



OVERVIEW OF THE LEGISLATIVE REPORT ON CPS

Section 216, Chapter 689 of the 1991 Session Laws require the Division of Social Services to report to the General Assembly, the Fiscal Research Division and the N. C. Child Fatality Task Force on the progress achieved in improving CPS Services throughout the State by March 15, 1992. The legislation specified that five (5) issues be addressed in the Report:

- (1) progress achieved in improving CPS services throughout the state,
- (2) an analysis of county staffing patterns,
- (3) future county staffing and funding requirements needed to meet the Division's recommended guidelines,
- (4) an analysis of barriers to recruitment and retention of county CPS staff and,
- (5) a summary of the Division's programs in implementing improvements to the State's training and oversight responsibilities.

That Report was submitted on March 13, 1992.

I will provide an overview of each of the five issues just mentioned.

A survey was developed by staff of the Division to collect the data necessary to provide the requested information. Surveys were mailed to all 100 county DSS's and all 100 county DSS's responded. Before addressing this concern, I think it important to briefly review the funding history. Since 1985, the General Assembly has incrementally increased its appropriation for CPS in North Carolina. In 1985 1 million to counties. 1989-90 3,593,783 to counties. For FY 91-92 a total of \$3,250,000 was for county DSSs effective 1-1-92. In 1991-92 total State appropriations amounts to \$7,927,227.

(1) Progress Achieved in Improving CPS Throughout the State.

- 40 cases reported they were able to "hold Even" during 90-91 indicating average case load size did not change.
- 55 cases reported they expected to hold even in 91-92.
- During 90-91 (39) counties reported that the case load to worker ratio increased more than could be compensated for by the increased staff provided by CPS allocation.
- However in 1991-92 only 13 anticipated continued problems.

Response time reported as improved (time between the receipt of a report of abuse or neglect and the initiation of an investigation).

Nineteen (19) counties anticipate being able to reduce response time for all reports from an average of 45.4 hours to an average of 25.9 hours during SFY 91-92.

### Completion of Investigations

25 counties reported that they anticipate being able to complete investigations in a shorter time period during SFY 91-92 (with an expected reduction from an average of 41.9 days to an average of 24.9 days). State policy specifies that investigations should be completed within 30 days.

### Increased frequency of CPS treatment contacts

18 counties increased from an average 1.5 contacts per month to 3.4 (90-91).  
28 increased from an average 2.4 to 3.9 SFY 91-92

- (2) County Compliance With State Guidelines for Recommended Case load Size
- Roughly half of the counties will need additional staff to meet recent case load guidelines.
  - Screening and investigation - 18
  - CPS treatment only - 20
  - Mixed case load - no more - 20
  - and 1 CPS Supervisor to 5 workers to meet supervisory guidelines.

Roughly half of the counties will need additional supervisors.

### (3) Future Staffing Needs and Funds Required

The Division reviewed staffing levels for social worker positions and responsibility for CPS investigations and screening and with responsibility for providing CPS treatment services as well as staffing for supervisors, clerical and other support positions.

The analysis of data indicates that an additional 332 FTE CPS workers will be needed to maintain or reduce case loads to 1:20 and 67 CPS supervisors will be needed to achieve 1.5 sup/worker ratios for an estimated total cost of about 17 million.

In addition to these staff needs -

Counties expressed a need for primary prevention and treatment services such as:

- Family Centered Services to be offered by county DSS's
- Funds for provision of child mental health evaluation

Over 79 counties expressed these needs.

### (4) Analysis of Recruitment and Retention Barriers of CPS Staff

- The results of surveys indicated that recruitment of qualified staff is without a doubt a major problem for many counties. Over 3/4 (79) counties reported experiencing problems with recruitment.

- The most critical barrier to the recruitment of CPS staff is low social worker salaries.
- vacant positions and retention of workers are clearly problems
- 57 counties reported having problems retaining CPS staff.

The length of time of employment of current CPS social workers reflects the amount of experience possessed by workers in the field and it also provides an indication of the amount of turnover which is experienced in these positions.

According to the survey results, approximately 64% of the total number of CPS social workers have less than three years of employment with CPS responsibility.

(5) Summary of Division's Progress in Implementing Improvements to the State's CPS Training and Oversight Responsibilities.

- The 1991 Session provided funding to the Division (\$700,000 in 91-92) to strengthen CPS training and the Division's support of county administration of CPS.
- 10 new positions were funded - of the 10, (7) were organizationally placed in the Child Protective Services Program in the Central Office. Three (3) Children's Program Reps were established effective October 1, 1991. Prior to this, a total of seven (7) CPRs served the entire state.
- The Reps are based out of the Division's 4 Regional Offices and as their name suggests are responsible for consultation for all CWS areas. The addition of these 3 CPRs has reduced the territorial size to a minimum of 8 counties to a maximum of 12 per representative. More frequent visits are now made and stronger support has resulted in improved supervision.

Training requirements for all recently employed CPS social workers and supervisors were established.

- These training requirements were implemented in accordance with the Governor's Executive Order #142.
- A work group of county CPS staff assisted the Division with developing the guidelines and selecting required training courses. This work group will continue to meet periodically with the Division in an advisory capacity and will continue to assess CPS services training requirements and guidelines as training needs change.

The content and format of courses included:

- CPS Orientation
- Medical aspects of child abuse for non-medical professionals
- Legal aspects of CPS
- CPS skill development course for supervisors.

Other CPS Training Includes:

- Community Child Protection Team "Chair" Training
- An orientation package and video training for individual members of Community Child Protection Team.
- Training video tapes pertaining to screening and investigating CPS complaints for staff responsible for only occasional on call CPS workers.

A training Plan has been developed to introduce a recently developed statewide protocol for the joint investigation of child sexual abuse in child day care by the SBI, departments of Social Services, the Child Day Care Section in the N. C. Division of Facility Services and local law enforcement agencies.

Development of training curriculum is under way with implementation to begin in July of this year.

Z. SMITH REYNOLDS FOUNDATION, INC.  
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Winston-Salem, NC 27106-5199

FOR IMMEDIATE RELEASE

ZSR SELECTS 5 PROGRAMS FOR MAJOR REFORM INITIATIVE

WINSTON-SALEM, N.C. (Nov. 19, 1991) -- The Z. Smith Reynolds Foundation today announced that four individual counties and a consortium of three other counties will receive up to \$1 million each for innovative human services renewal and reform initiatives aimed at moving families from dependency toward self-sufficiency.

Receiving the grants to support their three-to-five year programs of reform are Cleveland, Forsyth, Scotland and Warren counties and a consortium of Mitchell, Avery and Yancey counties.

The grants are part of the Opportunities for Families Fund (OFF), one of the largest initiatives in the history of the Z. Smith Reynolds Foundation and one that has drawn widespread state and national attention.

While OFF is specific in its goals of spurring reform in human services delivery and of moving poor families from dependency to self-sufficiency, each of the five programs to be funded by the Foundation takes a different approach.

(More)

Cleveland County, in southwestern North Carolina, plans to focus on public schools, particularly at-risk children, as a means of involving the entire family. Forsyth County, an urban Piedmont county, plans a broader approach that will also examine racism and cultural diversity. In the western part of the state, the mountainous counties of Mitchell, Avery and Yancey plan to focus on economic development and jobs creation.

Scotland County, in southeastern North Carolina, plans to focus on poverty-stricken neighborhoods, combining community organizations and empowerment with agency changes. In Warren County in the northeastern part of the state, the approach will be to establish a "Family Institute" to work intensely with poor families.

(Note to Editors: A detailed summary of each project is attached.)

Mary Mountcastle, President of the Foundation and chair of the committee that developed the OFF program, said, "Each of the five projects that will receive grants has approached the problem of breaking the cycle of poverty for families with a unique approach and model for change. Each of these

(More)

five projects demonstrates outstanding commitment on the part of county and community leaders.

"The five counties also represent a mix of geographic and demographic differences indicative of the variety of economic and social conditions across the 100 counties in North Carolina," she said.

"In each case, the OFF programs which these counties will be implementing over the next three to five years will place a high priority on measurable changes. The lessons learned from these initiatives -- both why things worked and why things did not work -- will be important ones for other counties, and we hope these models one day will benefit poor families across the state," Mountcastle said.

In fact, interest in the OFF initiative has been very strong among the counties, according to Joe Kilpatrick, Assistant Director of the Foundation, who is responsible for administration of the OFF project.

After the program was announced in June of 1990, 78 applications representing 86 of the state's 100 counties were received. From that first round, 20 counties

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representing 16 projects each received \$20,000 planning grants from the Z. Smith Reynolds Foundation.

It was from these 16 proposals that the final five projects were selected. Mountcastle said that the quality of the 16 proposals was excellent, and she expressed the hope that the 11 counties that were not funded will pursue the implementation of their projects.

"In each of these 16 proposals, a broad coalition came together to examine the problems of poor families and develop, with imagination and purpose, solutions to bring these families out of the cycle of poverty. This collaboration between agencies, public and private groups, and poor families was very encouraging and made the final selection process very difficult," she said.

Other counties that were finalists were Anson, Beaufort, Columbus, Duplin, Durham, Gaston, Guilford, Hertford, Orange, Swain, and a consortium of Camden, Gates and Pasquotank.

When the OFF initiative began 13 months ago, the Foundation's trustees felt that dramatic reforms were needed -- new ways for organizing poverty-fighting efforts, and new

(More)



partnerships to deliver the necessary programs and services more effectively and comprehensively, Mountcastle said.

"Poor families need to be served holistically and the needs of the family should be addressed together, rather than as a series of unrelated circumstances," she added. "The poor must be treated with dignity, as fellow citizens in temporary need of support, encouragement and empowerment."

Founded in 1936, the Z. Smith Reynolds Foundation has made grants of more than \$177 million to thousands of projects in every county in the state.

# # #

For additional information, please call:

Joe Kilpatrick (929) 725-7541 or

Pheon Beal (919) 725-7541

## OPPORTUNITIES FOR FAMILIES FUND

### Cleveland County Project

Over a five-year period, Cleveland County will attack the problem of poverty through a school-based and community based, family-centered program. The goals of the program are 1.) to support approximately 75 targeted families in their efforts to move from poverty to greater self-sufficiency. 2.) to encourage systems and agencies to be more "family-focused." 3.) to influence the climate of Cleveland County to be more supportive of families who are moving toward self-sufficiency.

The heart of the strategy is a Family Resources Center through which the Communities in Schools and family-centered services will work with three elementary schools to make them more accessible to families. The Communities in Schools approach will target young people who are at-risk for academic problems. The entire family will be the focus for helping strategies and will allow school staff and other human service providers to deal with at-risk children and their families in a more holistic way.

Three elementary schools in the county will be sites for a variety of services offered by both public agencies and private, non-profit agencies. These sites will be staffed by "Family Advocates" who will be able to link children and families to services. The intent is to provide a more intensive and personal approach to the way in which services are delivered and to make it easier for families to obtain these services.

Staff at the center will help families set realistic goals and workable strategies. In addition, by working with the families, help-givers will become more aware of the impact of poverty on the lives of families. An equally important goal of the Cleveland County initiative is to empower parents to take control and become involved in solving their own problems and in dealing with issues that affect the lives of their children on a day-to-day basis.

## OPPORTUNITIES FOR FAMILIES FUND

### Forsyth County Project

Forsyth County will use OFF funds over a three-year period to address the problems of poverty among parenting teens and their families. The primary focus of the project will be to change existing programs and services in the county which serve parenting teens and to improve the system by empowering its consumers through an interactive approach. Consumer input in the shaping and definition of services is a key consideration in Forsyth's approach.

The main conclusions of Forsyth's planning effort were that 1.) significant barriers exist in services to the poor which hinder the target population from accessing programs which could help them become self-sufficient, 2.) that support services, such as transportation, child care, education and job training, are not responsive to consumer needs or are of low quality, 3.) that prejudices within the community are often institutionalized in social services and education, resulting in additional barriers to African-Americans, and 4.) improvements must ensure that consumers will be employed to address these issues.

Forsyth County has made an exceptional effort to target other potential resources to augment and leverage OFF funds in order to get the maximum impact. The county also has demonstrated through a large and broad-based collaborative planning effort the willingness to address some of the hard issues facing families in poverty and the system's resistance to change.

The program will be implemented in two phases. The first will include training and education for both agency personnel and consumers. Phase two will see the creation of a direct service delivery center called the Family Support Center; a center for employment training that will be tied to job placement; a school teen parenting program; a multi-cultural training and resource center; and a management information system for service providers.

## OPPORTUNITIES FOR FAMILIES FUND

### Mitchell/Avery/Yancey Consortium

These three counties will work together over a five-year period to create up to five small businesses that will employ a minimum of 50 family members from poor families in the counties, all of which are in the far northwestern part of North Carolina. The program will attempt to break the cycle of poverty in these targeted families by providing wages which are adequate to meet family needs and a work environment that supports and encourages the growth of employees toward self-reliance and greater financial independence. The consortium's community survey indicated that the creation of new jobs should receive the highest priority.

In addition to creating jobs, the program also will offer education and training opportunities along with centralized health and human services at Mayland Community College, which will be the physical site of the program.

While the ideas of microenterprise development is not new, this is a very innovative approach to alleviating poverty in this area of the state and, if successful, will provide a useful model for other communities in North Carolina.

The goal of the program is not only for the families involved to become self-sufficient but for the program itself to be self-sustaining, from profit earned through the businesses which will be developed and will continue after funds from the OFF grant are no longer available. The Mitchell/Avery/Yancey OFF project will be a valuable and timely experiment in the efficacy of creating jobs through small business development as a strategy for moving families and individuals in North Carolina out of poverty.

## OPPORTUNITIES FOR FAMILIES FUND

### Scotland County Project

Scotland County offers the unique approach of targeting three low-to-moderate income neighborhoods within the county. Residents in these areas, which include three public housing projects, will participate in community organizing and program planning venture.

The Scotland County OFF project has already begun the difficult and arduous task of organizing community residents, identifying the communities' needs, and planning for how these needs are to be addressed.

In this county's model there is a particularly strong emphasis on empowering poor families to identify their own needs and developing strategies to address them. Opportunities for Families Fund resources will be used to fund the programs and initiatives which the residents themselves in the target neighborhoods determine will help break the cycle of poverty for families in their communities.

However, the county has made a commitment to change the way it delivers health and human services. Staff in the Scotland County OFF project also will work with new mothers as a special target group to make services in the county more accessible and to provide them with an advocate and counselor for their special needs. There is a strong emphasis in the Scotland County OFF initiative on training for staff in local public and private agencies and for community leaders and key decision makers to raise their awareness of and sensitivity to the needs of the poor.

## OPPORTUNITIES FOR FAMILIES FUND

### Warren County Project

Warren County will establish a "Family Institute" to serve low-income families by working with them intensively to provide needed services and to help them use these resources for the purpose of becoming and remaining economically independent.

Families involved in the institute will benefit from job training, literacy education programs, education and recreational opportunities, and health and housing services. Other existing county-based services, such as daycare and after-school programs for youth, will be expanded and coordinated with the efforts of the Family Institute as part of the OFF initiative.

The program will serve approximately 35 low-and moderate-income families at any given time. As families accomplish their goals and leave the program, new participants will be selected to fill the resulting vacancies. The net effect over the three-year period of the program will be not only that these families are served but that the knowledge and skills they gain will radiate throughout the community as they begin to empower others. Participants in the program also will agree to "give back" a minimum of six hours of service to the community each month.

Through the creation of the Family Institute, Warren County will be able to efficiently and effectively coordinate existing services for poor families in the county and to individualize these services and tailor them to the needs of families with the ultimate goal of self-sufficiency and empowerment for the family.

# J.O.B.S.

(Job Opportunities and Basic Skills Training Program)

- 1) Centerpiece of the Welfare Reform effort
  
- 2) Requires recipients of Aid to Families with Dependent Children to participate intensively (generally 20 hours per week) in education and training activities for the State to maintain enhanced Federal funds
  
- 3) Targets those most at-risk of long-term welfare dependency (tremendous potential for cost-effectiveness)
  
- 4) Recognizes the importance of supportive services (e.g. child care, transportation) and a family-centered approach

# Federal JOBS Participation Rate Requirement

<u>Year</u>	<u>Rate</u>	<u>Computation Period</u>
FFY 90	7%	the fiscal year
FFY 91	7%	each half of the fiscal year
FFY 92	11%	each quarter of the fiscal year
FFY 93	11%	each quarter of the fiscal year
FFY 94	15%	each month
FFY 95	20%	each month



JOBS IMPLEMENTATION SCHEDULE FOR COUNTIES\*

October 1990

1. Alamance
2. Anson
3. Ashe
4. Beaufort
5. Buncombe
6. Burke
7. Caldwell
8. Carteret
9. Catawba
10. Craven
11. Cumberland
12. Davidson
13. Duplin
14. Durham
15. Edgecombe
16. Forsyth
17. Guilford
18. Halifax
19. Iredell
20. Lee
21. Madison
22. Martin
23. Mecklenburg
24. Mitchell
25. Moore
26. Nash
27. New Hanover
28. Orange
29. Pasquotank
30. Pitt
31. Polk
32. Rowan
33. Rutherford
34. Sampson
35. Scotland
36. Transylvania
37. Union
38. Vance
39. Wake
40. Yancey

April 1991

1. Columbus
2. Gaston
3. Harnett
4. Johnston
5. Lenoir
6. Onslow
7. Pender
8. Robeson
9. Wayne
10. Wilson

July 1991

1. Bladen
2. Brunswick
3. Cabarrus
4. Cleveland
5. Henderson
6. Hertford
7. Lincoln
8. Northampton
9. Rockingham

January 1992

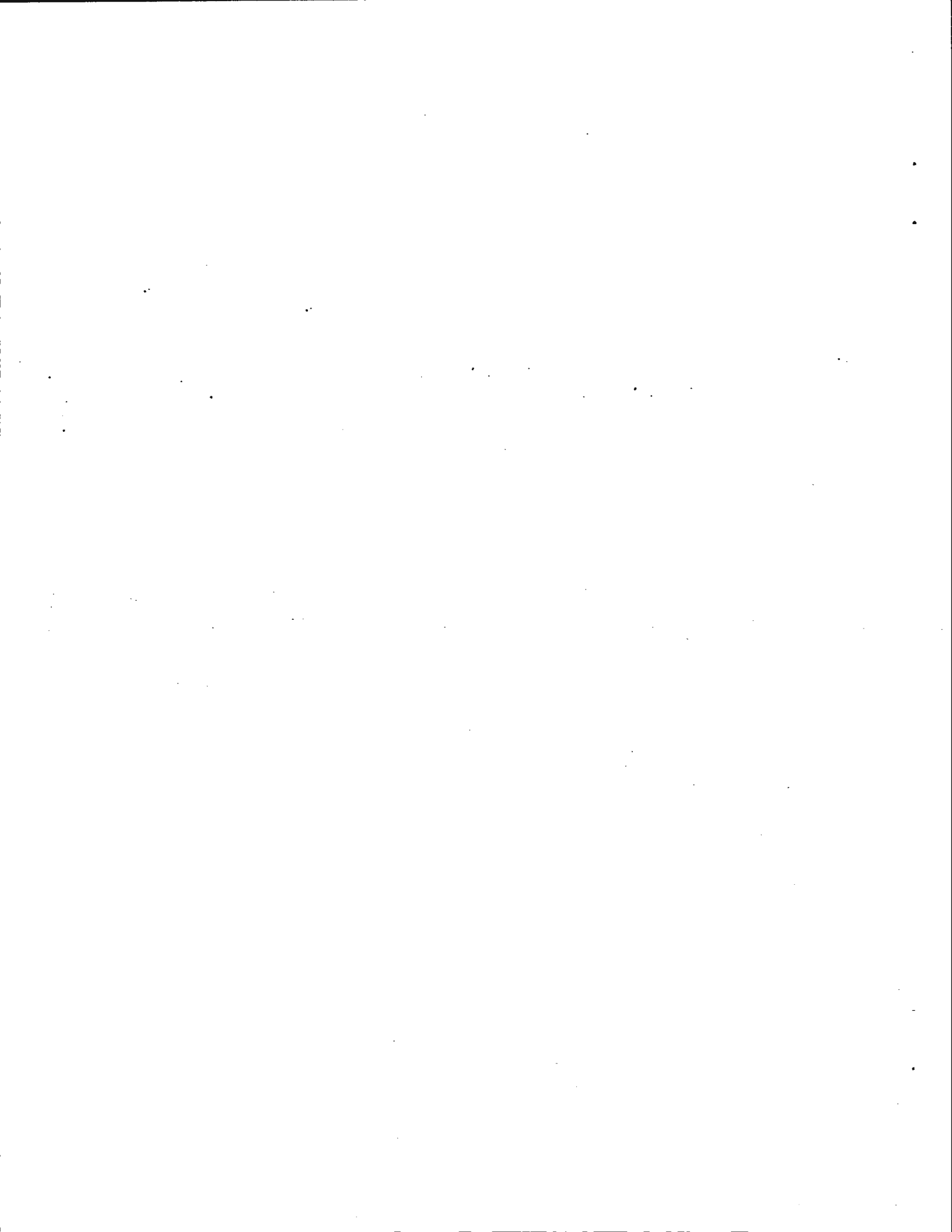
1. Bertie
2. Chowan
3. Franklin
4. Granville
5. Greene
6. Haywood
7. Hoke
8. Person
9. Randolph
10. Richmond
11. Stanly
12. Stokes
13. Surry
14. Warren
15. Washington
16. Wilkes

COUNTIES NOT IN  
JOBS PROGRAM

1. Alexander
2. Alleghany
3. Avery
4. Camden
5. Caswell
6. Chatham
7. Cherokee
8. Clay
9. Currituck
10. Dare
11. Davie
12. Gates
13. Graham
14. Hyde
15. Jackson
16. Jones
17. Macon
18. McDowell
19. Montgomery
20. Pamlico
21. Perquimans
22. Swain
23. Tyrrell
24. Watauga
25. Yadkin

\* Implementation Schedule:

- Oct. 90 - counties operating CWEP Programs Jan. 90  
 Apr. 91 - counties with 1.500 or higher  
 (of the statewide AFDC caseload)  
 July 91 - counties with .855 or higher  
 Jan. 92 - counties with .346 or higher



JOBS PROGRAM GOALS  
SFY 1991-92

**Purpose:** The purpose of the JOBS Program is to assure that AFDC recipients obtain the education, training, supportive services and employment that will help them avoid long-term welfare dependency. The information below summarizes program outcomes during the SFY 91-92; 16 of the 75 JOBS counties had only 6 months of program operation during the fiscal year

<u>Goals For SFY 91-92</u>	<u>Outcomes</u> <u>Thru 06-30-92</u>
1. <u>Participation Rate</u> - to achieve the eleven percent (11%) federal Participation Rate requirement for each quarter in the FFY.	14.15%
2. <u>Target Group Expenditures</u> - to achieve the fifty-five (55%) federal Target Group expenditures requirement in the FFY.	74.0%
3. <u>Satisfactory Participation</u> - to achieve an average, monthly statewide successful participation rate of 75% (this is the percentage of active participants in an education or training activity who satisfactorily complete 75% of their scheduled hours).	81.5%
4. <u>Teenage Custodial Parents</u> - to enroll 33.0% of all eligible teenage custodial parents in the program during the fiscal year.	34.0%
5. <u>Teen-Age High School Drop-outs</u> - to enable 600 participants who are teenage school dropouts to return to school or other type of educational training.	831
6. <u>High School Diploma Completions</u> - to enable 300 participants to obtain a high school diploma or its equivalent;	718
to enable 200 participants identified as being most at-risk of long-term welfare dependency (target group) to obtain a high school diploma or its equivalent;	583
to enable 100 participants identified as teenage school drop-outs to obtain a high school diploma or its equivalent.	90
7. <u>Postsecondary Degrees Obtained</u> - to enable 365 participants to obtain a postsecondary education degree.	353
8. <u>Skill Training Completions</u> - to enable 400 participants to obtain a certificate of successful completion of a vocational skills training course.	713

Outcomes  
Thru 06-30-92  
(cont'd)

Goals for SFY 91-92 (cont'd)

- |     |  |        |
|-----|--|--------|
| 9.  | <u>Recidivism</u> - Confirm that 75% of the participants who terminate from AFDC due to employment after at least 120 hours of JOBS activity are not receiving AFDC twelve months later.   | 74.0*  |
| 10. | <u>Employment</u> - to enable 900 JOBS participants to enter full-time employment (i.e. at least 30 hours per week) after participating in a JOBS education and/or training activity;  | 975    |
|     | to enable 530 JOBS participants identified as being most at-risk of long-term welfare dependency to enter full-time employment.  | 565    |
| 11. | <u>Improved Access</u> - to enable 6,000 AFDC participants to participate in educational and training activities that they would not be able to take advantage of without the assistance of JOBS supportive services (excluding child care). | 9,513  |
| 12. | <u>Penetration Rate</u> - to achieve an average monthly statewide Penetration Rate of 15.0% (this is the percentage of eligible participants actually in an education or training activity or JOBS-countable employment during the month).   | 11.63% |

\* by the definition of the Recidivism Report, the applicable data is only available after one year of program experience in the state; since only 59 of the 75 JOBS counties had a full year of program operation on 06-30-92, the above data concerning recidivism is based on limited numbers of individuals.

## JOBS Facts

What is JOBS? The Job Opportunities and Basic Skills Training (JOBS) program is a federally-mandated program that was implemented in the state in October, 1990, as part of the Family Support Act (Welfare Reform legislation). It is administered by local Departments of Social Services in the 75 counties in which 95% of the state's adult AFDC population resides (see attached Implementation Schedule).

What is the purpose of the JOBS program? The purpose of the JOBS program is to assure that AFDC (i.e. public assistance) recipients obtain the education, training, supportive services, and employment that they need to avoid long-term welfare dependency.

Why is this program important? What difference will it make? The program is of critical importance for several reasons:

1) With the implementation of JOBS, we have the availability of significant, new federal resources and program flexibility to remove the barriers that have historically prevented AFDC recipients in our state from becoming self-sufficient.

2) With the implementation of JOBS, there is extensive interagency coordination focused on making the best use of available resources to meet the education, training, and employment needs of AFDC recipients.

3) With the targeting of JOBS resources on those most at-risk of long-term welfare dependency (particularly including teenage custodial parents), there is the opportunity not only to reduce AFDC costs over time but also to change the very nature of the AFDC program.

How does the JOBS program help AFDC recipients avoid dependency? The JOBS program places great emphasis on enabling AFDC recipients to receive the education that they need to obtain good jobs and avoid welfare dependency. Other important tools of the program are:

1) Intensive case management services (i.e. individual planning, counseling, coaching, and advocacy) for every JOBS participant.

2) Resources to purchase child care and transportation services for active JOBS participants.

3) Resources to expand the existing base of education, training, and employment services for AFDC recipients where necessary.

4) New or revitalized interagency partnerships in every JOBS county to serve AFDC recipients.

5) Special educational requirements for teenage custodial parents.

How is the interagency coordination achieved? The coordination is achieved through intensive interagency planning for JOBS each year at the local level and through the enforcement of policies of the Division of Social Services which ensure non-duplication of effort. Where expanded education, training, and employment services are needed, these services are purchased by the local Department of Social Services from existing providers in the community.

What is the cost of the JOBS program? Funding for the JOBS program is a complicated mixture of federal, state, and county funding, with different match rates for direct services and administration. The total program budgets for FY 92 and FY 93 are:

Total Program Costs FY 92 - \$19.7 million

Total Program Budget FY 93:

	Federal	State **	County	Total
FY 93	\$17,298,299	\$9,293,897	\$1,510,440	\$28,102,636

\*\* Figures include \$2.0 million from the Worker Training Trust in FY 92 and \$2.5 million in FY 93.

What are some of the early program accomplishments in the state? Federal JOBS program performance standards require: (a) the targeting of program resources to those most at-risk of long-term welfare dependency to prevent creaming; and (b) intensive levels of involvement by participants to prevent marginal participation. To date, our program has surpassed both performance standards. During FY 91-92, 18,766 AFDC recipients became active JOBS participants.

**MEDICAID EXPANSION PROPOSALS TO ADDRESS PROBLEMS OF UNINSURED AND EQUITY OF ACCESS TO AFFORDABLE HEALTH CARE****I. Proposals Affecting Elderly and Disabled****A. Change from 209(b) Status to 1634 Status.**

NC is one of 12 states that apply more restrictive eligibility policies than are applied to establish eligibility for Supplemental Security Income (SSI). Section 209(b) of P.L. 92-603 authorized states to adopt their more restrictive 1972 disability and financial eligibility policies in order to buffer the state's costs of Medicaid coverage due to a national payment standard adopted for the SSI Program and automatic Medicaid eligibility for SSI recipients. 1634 status means automatic entitlement to Medicaid coverage for all SSI recipients living in the state.

Health care costs, particularly for this population, have increased dramatically and frequently outstrips income. Many individuals are faced with near catastrophic medical costs and insufficient income, resources, or health insurance to cover the costs. Although many may qualify by spending down their income on medical care, they may self-limit their medical care in order to purchase food and shelter.

**B. Adopt an Income Standard of 75% of the Federal Poverty Level for non-SSI Elderly and Disabled.**

The current income standard for Medicaid eligibility is approximately 45% of the federal poverty level. Individuals who have income just above the SSI income standard have to incur medical costs to reduce their income to the 45% standard before they qualify for any Medicaid coverage. Then, only medical costs incurred after spending down can be covered. Using a standard of 75% of poverty, the non-SSI recipient would not be required to spend down to be eligible for Medicaid coverage.

**C. Implement Recommendations of Resources Study.**

The 1989 General Assembly directed the Department to study how resource determinations could be simplified and made more equitable. The study recommended several changes that would make Medicaid resource determinations more equitable with SSI and simplify the determination of available resources by county DSS staff. The recommended changes would reduce the degree to which elderly and disabled individuals must be impoverished to qualify for Medicaid and help to preserve their dignity and self worth. The recommendations include:

- . Raising the resource allowance to amounts allowed by SSI
- . Increasing burial funds to \$5000
- . Counting cash value of life insurance policies only if the face value exceeds \$5000
- . Disregarding all personal property except for excess motor vehicles
- . Counting the income received from promissory notes rather than selling them for less than face value
- . Disregarding lump sum payments for 6 months to permit individuals to pay off old debts
- . Disregarding burial plots as a resource

Estimated increase in Medicaid eligibles: 53,135

Estimated costs:	<u>SFY 1993-94</u>		<u>SFY 1994-95</u>
	\$739,683	Total	\$290,439,785
	369,842	Federal	191,072,155
	369,841	State	84,496,430
	-0-	County	14,871,200



## II. Proposals Affecting Children

### A. Accelerate Medicaid Coverage of Children Between Ages 9 and 19.

Many children are not currently income eligible for Medicaid coverage because their family incomes exceed the Medicaid income level, but are not adequate to afford health insurance or the out-of-pocket expenses. Acceleration of Medicaid coverage, rather than phasing in coverage year by year, will make health care affordable and accessible to this population and ensures preventive care and treatment.

Estimated number of eligibles:	<u>SFY 1993-94</u>	<u>SFY 1994-95</u>
	43,358	38,461
Estimated costs: Total	\$3,333,325	\$9,999,974
Federal	2,196,995	6,579,983
State	965,997	2,897,992
County	170,333	521,999

### B. Provide Coverage of Ambulatory Health Care to Children Under Age 19.

Implementation of a Children's Health Access Program-CHAP-for children living in families with incomes between the Medicaid income levels and 200% of the federal poverty level would ensure preventive care and treatment. The program proposal calls for modeling the benefit package after the Blue Cross Caring for Children plan and would cover only ambulatory care. A one year development phase beginning 7/1/93 is needed to develop program components for administration and service delivery. Plans for operation envision implementation in 20 counties each year beginning 7/1/94.

Estimated number of eligibles SFY 1994-95: 13,200

Estimated costs:

Development	\$ 395,418
Operations	4,197,200

### C. Coverage for Adopted Children with Special Medical Needs

Adopted children who receive adoption assistance under Title IV-E provisions automatically qualify for Medicaid coverage. However, adopted children receiving Title IV-B adoption assistance or no assistance qualify for Medicaid coverage only if the income and resources of the adoptive parents are low enough for them to meet Medicaid income levels by incurring medical expenses to offset income. The requirement to count all the income and resources of the adoptive parents, combined with anticipated high medical costs for children who have handicapping conditions, is frequently a barrier to children with special medical or rehabilitative needs being adopted. Medicaid coverage would reduce Title IV-B expenditures for medical costs of up to \$1,200 for each child annually. Availability of Medicaid coverage would improve the chances for more hard to place children in foster care to have permanent homes and families through adoption.

Estimated number of eligibles: 600

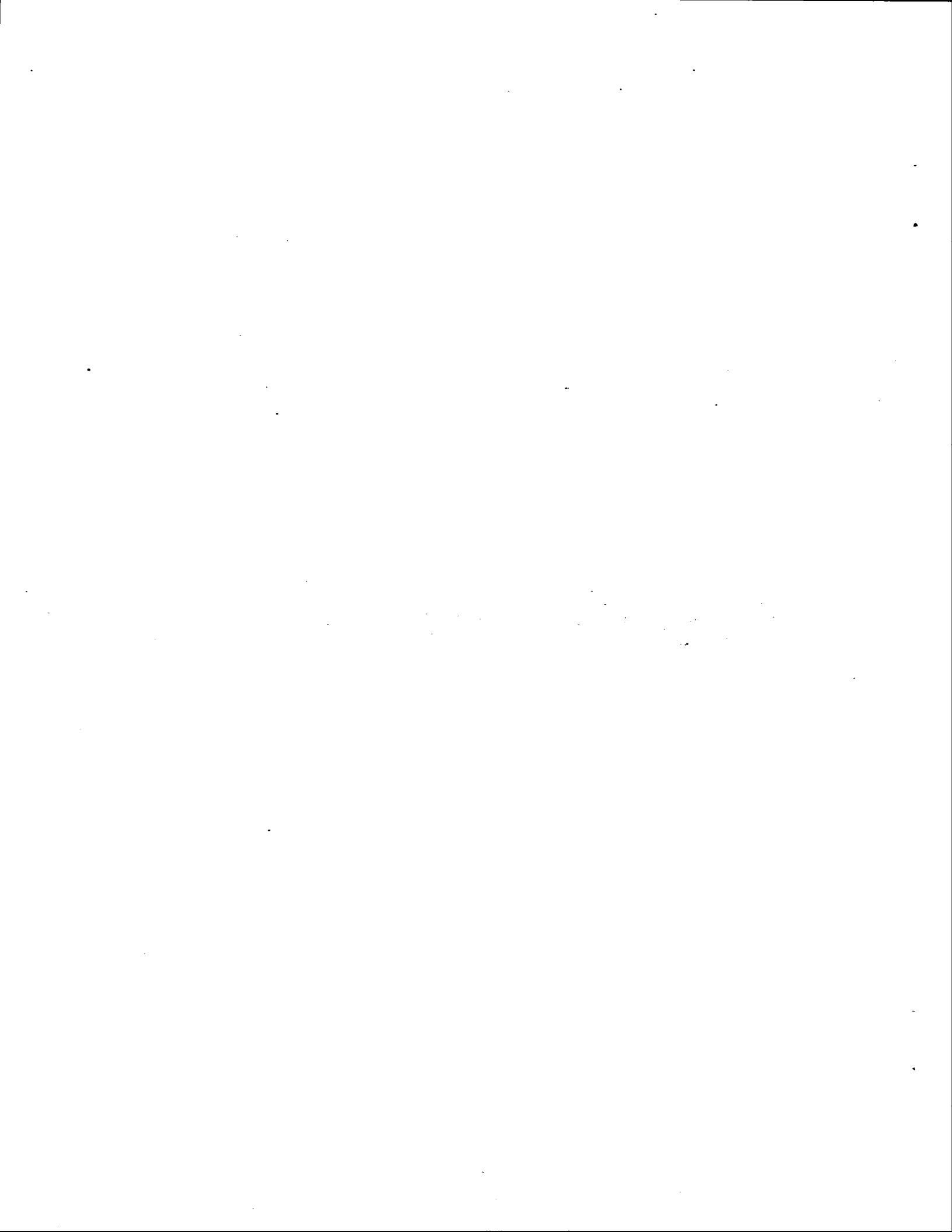
Estimated cost:	<u>SFY 1993-94</u>		<u>SFY 1994-95</u>
	\$ 375,000	Total	\$1,125,000
	247,163	Federal	740,250
	108,675	State	327,038
	19,162	County	57,712

DRAFT OF PROPOSED AMENDMENT TO N.C.G.S. §7A-550  
(For Discussion Purposes Only)

§7A-550. Immunity of persons reporting; Immunity of  
Department of Social Services Employees.

(a) Anyone who makes a report pursuant to this Article, cooperates with the county department of social services in any ensuing inquiry or investigation, testifies in any judicial proceeding resulting from the report, or otherwise participates in the program authorized by this Article, is immune from any civil or criminal liability that might otherwise be incurred or imposed for such action provided that the person was acting in good faith. In any proceeding involving liability, good faith is presumed. (1979, c. 815, s. 1; 1981, s. 469, s. 8.)

(b) Any employee of a county department of social services who is assigned to perform, on behalf of the Director of that department, any of the duties permitted or required by this Article, or who takes a juvenile into temporary custody pursuant to G.S. §7A-571(3), shall be personally and individually immune from any civil liability for monetary damages which might otherwise be incurred or imposed for any act or failure to act by the employee with respect to those duties, except where the employee was not acting in good faith or committed gross negligence or willful or wanton misconduct that resulted in the damage or injury.  
In any proceeding involving liability, good faith on the part of the employee shall be presumed.



<b>N.C. Department of Human Resources</b> <b>Division of Social Services</b> <b>1993 - 1995</b> <b>Expansion Budget</b>
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### DHR's Total State Appropriation Request

SFY 1993 - 94	\$106,648,431	(7.8% over '92 -93)
SFY 1994 - 95	\$262,196,359	(10.6% over '93 - 94)

### Division of Social Services' State Appropriation Request

SFY 1993 - 94	\$28,501,990	(26.73 % of total DHR request)
SFY 1994 - 95	\$55,519,906	(21.17 % of total DHR request)

DHR's expansion budget request was organized into five priority categories. These categories correspond to the five major goals of the department. They are:

- Health Quality and Access
- Family Support and Independence
- Individuals with Physical and Mental Disabilities
- At Risk Children
- Older Adults

DSS has expansion budget items in the categories of Family Support and Independence, At Risk Children and Older Adults.

## Family Support and Independence (16 items)

### Priority # 1

#### Expansion of JOBS

- ✓ increased participation rate
- ✓ federal participation rate expected up
- ✓ increased support to counties
- ✓ add state-designated work program to meet federal requirements of participation of a percentage of AFDC-UP cases (five state staff to support UP requirements and provide increased support to counties)

SFY 1993 - 94	\$3,989,042
SFY 1994 - 95	\$9,961,340

### Priority # 2

Funds are requested in accordance with the Social Services Plan to continue implementation and testing of core services in three counties; and to enable all county departments of social services to provide benefits more accurately and timely to eligible clients in Food Stamps, AFDC and Medicaid by increasing state funds for county public assistance workers.

SFY 1993 - 94	\$3,317,010* (\$977,010 to fund piloting of core Social Services Plan)
SFY 1994 - 95	\$4,800,533*

\* *funding for additional staff would require 10% local match*

### Priority # 3

Increase number of children receiving child support from absent parents. Sixty-seven (67) additional positions will be funded in IV-D through anticipated AFDC incentive funds and the return to AFDC.

### Priority # 8

Additional funding for administrative costs in the Public Assistance Programs for mandated needs.

SFY 1993 - 94	\$789,346
SFY 1994 - 95	\$880,674

**Priority # 9**

Funding for Integrated Eligibility System

**Priority # 16**

Standard of Need (no funding is requested)

- √ study to have significant impact on funding levels of AFDC, MA during 1993 - 95 biennium

*In SFY 1993 - 94, \$8,672,553 (59.44%) of the department's expansion budget request under the Family Support and Independence category is earmarked for DSS. In SFY 1994 - 95, \$16,571,662 (56.42%) of the department's expansion budget request under the Family Support and Independence category is earmarked for DSS.*

## At Risk Children (17 items)

### Priority # 4

Continue efforts to strengthen CPS in accord with recommendations of Child Fatality Task Force and American Humane Society

SFY 1993 - 94	\$7,632,000	160 FTE*
SFY 1994 - 95	\$15,836,973	332 FTE*

\* funding for additional staff would require 10% local match

### Priority # 8

Expand Family Preservation Program

- ✓ expand by 15 counties in 1993 - 94
- ✓ expand by additional 15 counties in 1994 - 95

SFY 1993 - 94	\$2,250,000
SFY 1994 - 95	\$4,500,000

### Priority # 14

Increase Foster Care rates for special needs children

- ✓ increase to \$375 in SFY 1993 - 94
- ✓ increase to \$500 in SFY 1994 - 95

Increase regular Foster Care

- ✓ increase to \$300 in SFY 1993 - 94
- ✓ increase to \$350 in SFY 1994 - 95

Increase Adoption Subsidy

- ✓ increase to \$300 in SFY 1993 - 94
- ✓ increase to \$350 in SFY 1994 - 95

*In SFY 1993 - 94, \$15,215,101 (39.11%) of the department's expansion budget request under the At Risk Children category is earmarked for DSS. In SFY 1994 - 95, \$32,198,353 (46.41%) of the department's expansion budget request under the At Risk Children category is earmarked for DSS.*



## Older Adults (10 items)

### Priority # 1

Funds to enable county departments of social services that provide in-home services to meet mandatory OSHA requirements for blood-borne pathogens training

SFY 1993 - 94	\$39,375
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SFY 1994 - 95	\$39,375
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### Priority # 2

Funds to enable county departments of social services to meet Home Care Licensure Act and provide funds for training of in-home aides.

SFY 1993 - 94	\$216,679
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SFY 1994 - 95	\$226,483
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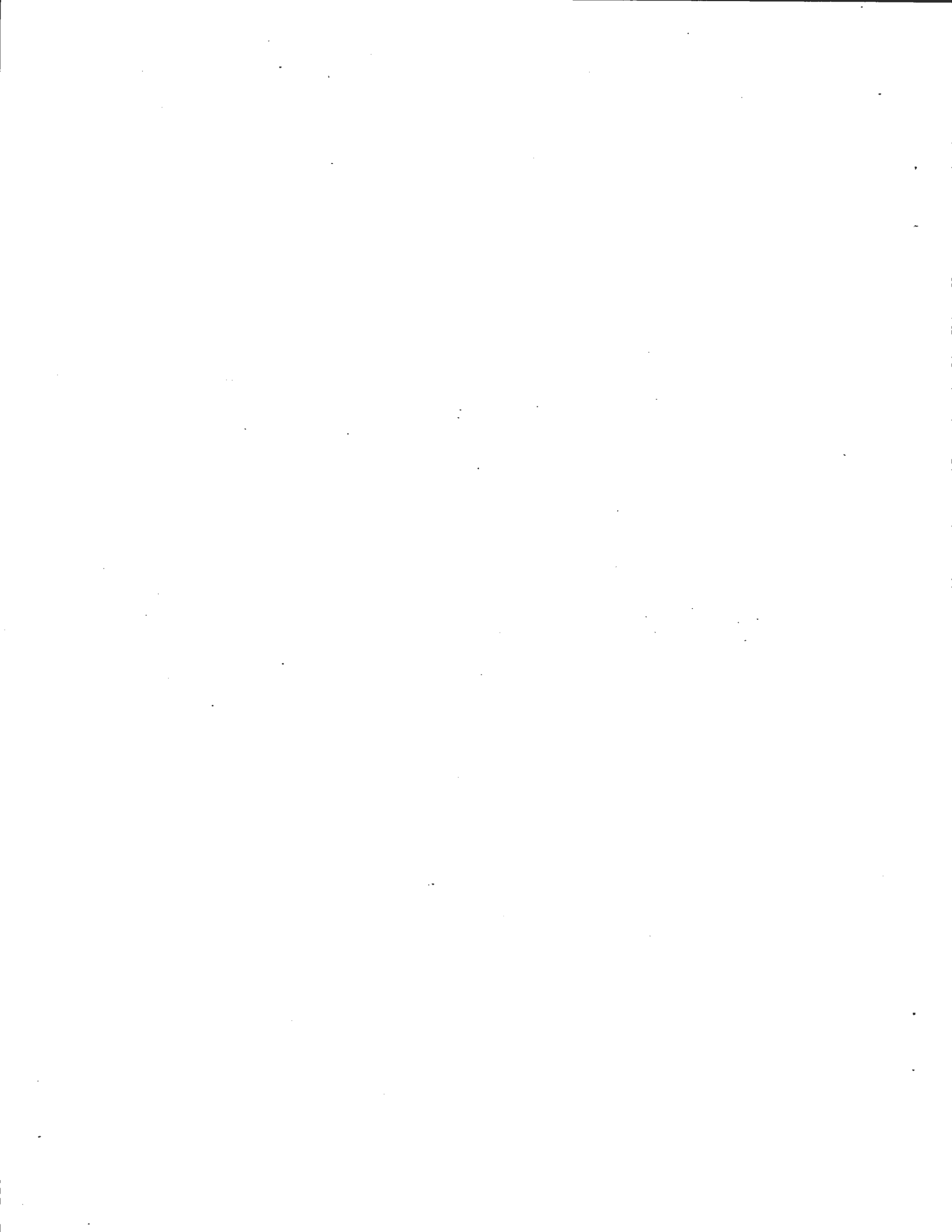
### Priority # 5

Funding increase for county departments of social services to provide APS

SFY 1993 - 94	\$4,358,282	96 APS Workers
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SFY 1994 - 95	\$6,538,033	150 APS Workers
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*In SFY 1993 - 94, \$4,614,336 (29.13%) of the department's expansion budget request under the Older Adults category is earmarked for DSS. In SFY 1994 - 95, \$6,803,891 (32.48%) of the department's expansion budget request under the Older Adults category is earmarked for DSS.*



GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

D

93D-RGZ-002

THIS IS A DRAFT 22-JAN-93 12:16:50

Short Title: Medicaid Eligibility/Disabled,Aged. (Public)

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Sponsors:

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Referred to:

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1                                   A BILL TO BE ENTITLED  
2 AN ACT TO APPROPRIATE FUNDS TO PROVIDE MEDICAID COVERAGE TO  
3 ELDERLY, BLIND, AND DISABLED INDIVIDUALS RECEIVING ASSISTANCE  
4 UNDER THE SUPPLEMENTAL SECURITY INCOME PROGRAM, TO PROVIDE  
5 MEDICAID COVERAGE TO AGED, BLIND AND DISABLED PERSONS WHOSE  
6 COUNTABLE INCOME DOES NOT EXCEED ONE HUNDRED PERCENT OF THE  
7 FEDERAL POVERTY LEVEL, AND TO IMPLEMENT THE RECOMMENDATIONS OF  
8 THE MEDICAID RESOURCES STUDY.

9 The General Assembly of North Carolina enacts:

10           Section 1. Effective July 1, 1994, the Department of  
11 Human Resources, Division of Medical Assistance shall provide  
12 Medicaid coverage to all elderly, blind, and disabled  
13 beneficiaries of the Supplemental Security Income Program; and to  
14 all aged, blind, and disabled persons who meet categorical and  
15 resources requirements, and whose countable income does not  
16 exceed one hundred percent (100%) of the federal poverty level.

17           Sec. 2. Effective July 1, 1994, the Department of Human  
18 Resources, Division of Medical Assistance shall adopt rules to  
19 implement the recommendations of the Medicaid Resources Study.



GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

D

93D-RGZ-004

THIS IS A DRAFT 22-JAN-93 12:21:35

Short Title: Medicaid Coverage/Adopted Children. (Public)

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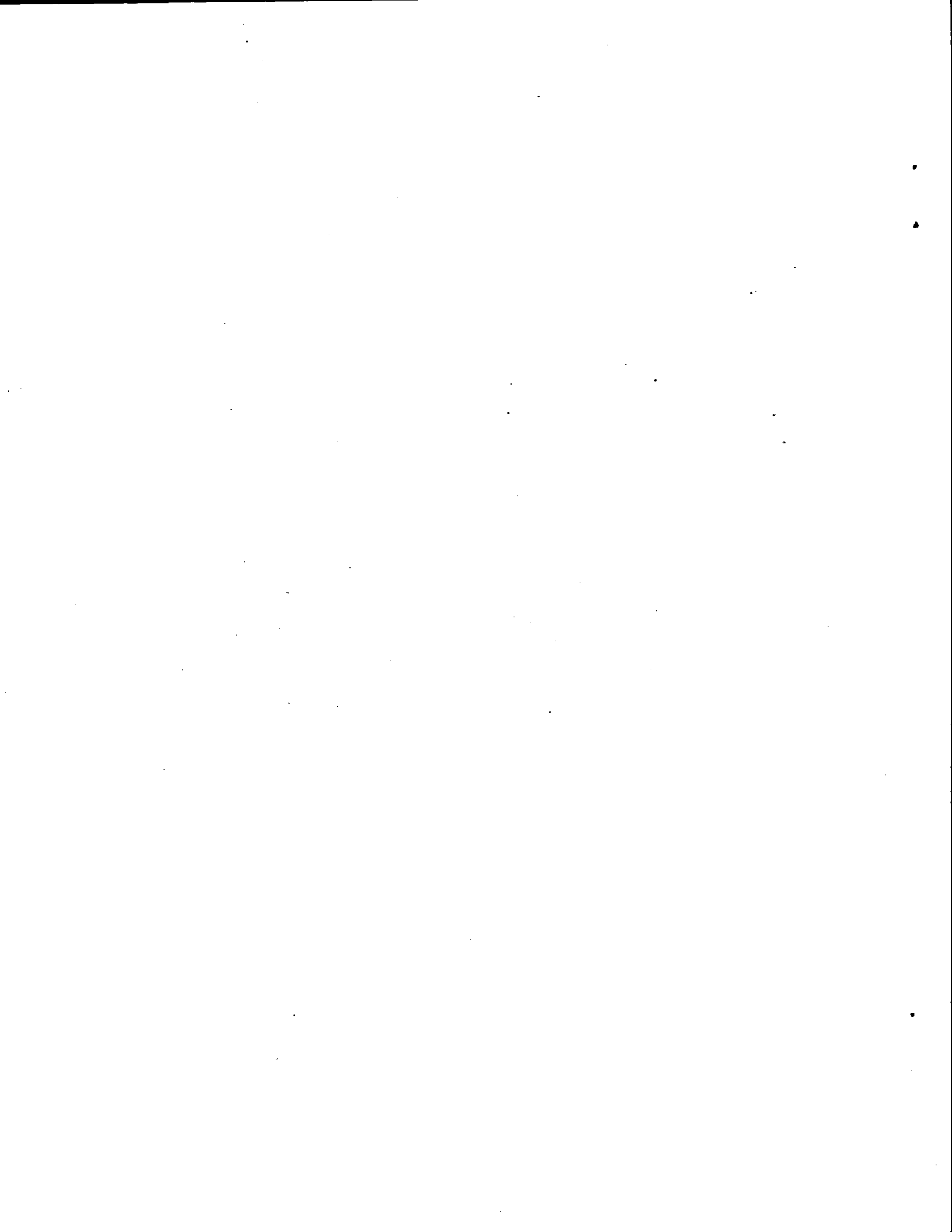
Sponsors:

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Referred to:

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1 A BILL TO BE ENTITLED  
2 AN ACT TO APPROPRIATE FUNDS PROVIDE MEDICAID COVERAGE FOR ADOPTED  
3 CHILDREN WITH SPECIAL NEEDS.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. The Department of Human Resources, Division  
6 of Medical Assistance shall implement, effective January 1, 1994,  
7 Medicaid coverage for adopted children with special  
8 rehabilitative needs without regard to the parent's income and  
9 resources.  
10 Sec. 2. There is appropriated from the General Fund to  
11 the Department of Human Resources, Division of Medical Assistance  
12 the sum of one hundred eight thousand six hundred seventy-five  
13 dollars (\$108,675) for the 1993-94 fiscal year and the sum of  
14 three hundred twenty-seven thousand thirty-eight dollars  
15 (\$327,038) for the 1994-95 fiscal year.  
16 Sec. 3. This act becomes effective July 1, 1993.



## GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

D

93D-RGZ-001  
THIS IS A DRAFT 31-DEC-92 10:26:34

Short Title: Immunity/ Social Services Employees.

(Public)

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 Sponsors:
 

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 Referred to:
 

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1                                   A BILL TO BE ENTITLED  
 2 AN ACT TO PROVIDE IMMUNITY FOR EMPLOYEES OF COUNTY  
 3 DEPARTMENTS OF SOCIAL SERVICES  
 4 The General Assembly of North Carolina enacts:  
 5                   Section 1. G.S. 7A-550 reads as rewritten:  
 6 "§ 7A-550. Immunity of persons ~~reporting.~~ reporting; Immunity of  
 7 Department of Social Services Employees.  
 8     (a) Anyone who makes a report pursuant to this Article, cooperates with the  
 9 county department of social services in any ensuing inquiry or investigation,  
 10 testifies in any judicial proceeding resulting from the report, or otherwise  
 11 participates in the program authorized by this Article, is immune from any  
 12 civil or criminal liability that might otherwise be incurred or imposed for such  
 13 action provided that the person was acting in good faith. In any proceeding  
 14 involving liability, good faith is presumed.  
 15     (b) Any employee of a county department of social services who is assigned  
 16 to perform, on behalf of the Director of that department, any of the duties  
 17 permitted or required by this Article. or who takes a juvenile into temporary  
 18 custody pursuant to G.S. 7A-571(3), shall be personally and individually  
 19 immune from any civil liability for monetary damages which might otherwise  
 20 be incurred or imposed for any act or failure to act by the employee with

1 respect to those duties, except where the employee was not acting in good faith  
2 or committed gross negligence or willful or wanton misconduct that resulted in  
3 the damage or injury. In any proceeding involving liability, good faith on the  
4 part of the employee shall be presumed."

5           Section 2. This act is effective upon ratification but does not apply  
6 to litigation pending on the effective date.



