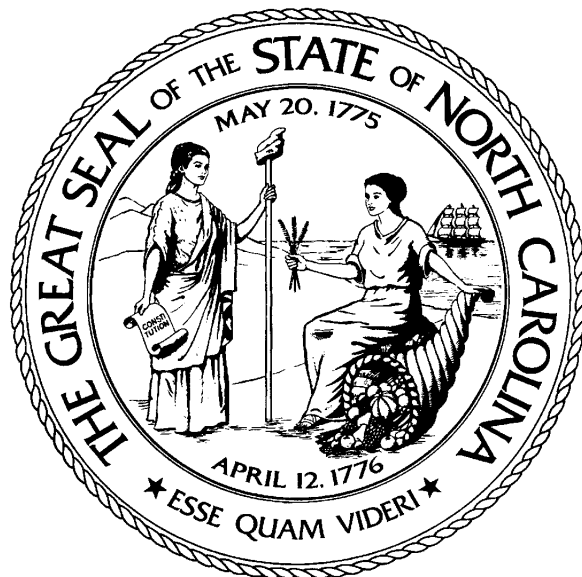


**LEGISLATIVE STUDY COMMISSION ON
CHILDREN AND YOUTH**



REPORT TO THE
2009 GENERAL ASSEMBLY
OF NORTH CAROLINA

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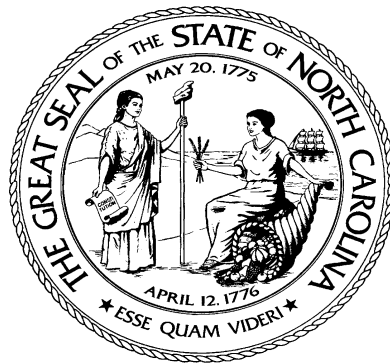
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STATE OF NORTH CAROLINA
THE LEGISLATIVE STUDY COMMISSION ON
CHILDREN AND YOUTH



January, 2009

TO THE MEMBERS OF THE 2009 NORTH CAROLINA GENERAL ASSEMBLY:

Attached for your consideration is the report of the Legislative Study Commission on Children and Youth established pursuant to Article 24 of Chapter 120 of the General Statutes.

Respectfully submitted,

Senator Ellie Kinnaird

Representative Alice Bordsen

Co-Chairs

PREFACE

The Legislative Study Commission on Children and Youth, established by Article 24 of Chapter 120 of the General Statutes, is authorized to study and evaluate the system of delivery of services to children and youth on a continuing basis, and to make recommendations to improve service delivery to meet present and future needs of the children and youth of this State. The Commission is authorized to conduct any studies, evaluations, or assessments necessary for the Commission to carry out its purpose. The Commission consists of 26 members, and is co-chaired by appointees of the Speaker of the House of Representatives and the President Pro Tempore of the Senate.

The Commission was chaired by Senator Ellie Kinnaird and Representative Alice Bordsen. A committee notebook containing the committee minutes and all information presented to the committee is filed in the Legislative Library.

MEMBERSHIP

LEGISLATIVE STUDY COMMISSION ON CHILDREN AND YOUTH

Pro Tem's Appointments

Sen. Ellie Kinnaird Co-Chair
North Carolina General Assembly

Sen. Robert Atwater
North Carolina General Assembly

Sen. Doug Berger
North Carolina General Assembly

Sen. John Snow Jr.
North Carolina General Assembly

Sen. Richard Stevens
North Carolina General Assembly

Mrs. Barbara Bradley
NC Child Advocacy Institute
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UNC Forensic Psychiatry Service
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110 Cedar Hills Drive
Chapel Hill, NC 27514

Mrs. Selena Berrier Childs
Child Fatality Task Force
1928 Mail Service Center
Raleigh, NC 27699-1928

Mr. John Cox
112 West Harden Street
Graham, NC 27253

Speaker's Appointments

Rep. Alice Bordsen Co-Chair
North Carolina General Assembly

Rep. Beverly Earle
North Carolina General Assembly

Rep. Dale Folwell
North Carolina General Assembly

Rep. Verla Insko
North Carolina General Assembly

Rep. Linda Johnson
North Carolina General Assembly

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538 Scotts Creek Road, Suite 100
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Wilson, NC 27894-0459

Hon. H. Paul McCoy Jr.
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Halifax, NC 27839

Other Appointments

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Mr. Dempsey Benton Jr. Ex Officio
Secretary, DHHS
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Raleigh, NC 27699-2001

Hon. Britt Cobb Jr. Ex Officio
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COMMITTEE PROCEEDINGS

September 10, 2008 Meeting

Co-Chairs, Senator Ellie Kinnaird and Representative Alice Bordsen, welcomed the Commission to the first meeting of the interim and thanked Commission members for serving. Cyndie Bennett, Director of the Division of Child Development then made a presentation on the current state of child care in North Carolina (see APPENDIX A).

John Dornan, Executive Director for the Public School Forum of North Carolina, was then recognized for a presentation about the North Carolina Center for Afterschool Programs. He emphasized the importance of extended day programs and the results children get from participating.

Henrietta Zalkind, Executive Director of the Down East Partnership for Children (DEPC), presented to the Commission next. Ms. Zalkind gave an overview of the DEPC, stressing that it is a model with the goal of maximizing subsidy resources for low-income and at-risk families (see APPENDIX B).

Ann Stalnaker, Director of Curriculum for Hickory City Schools, and Amy Herman, Program Manager for Catawba Social Services, presented information on improving educational continuity and school stability for children in out-of-home care in Catawba County (see APPENDIX C). Ms. Stalnaker shared information on the collaborative effort and the benefits it provides to children in foster care, and Ms. Herman shared a case study with the Commission.

Patti Long, System Development Program Coordinator of the Juvenile Justice Treatment Continuum (JJTC), presented to the Commission next (see APPENDIX D). Ms. Long explained that the JJTC is a comprehensive intervention strategy for court referred youth specifically designed to treat co-occurring mental health and substance abuse disorders.

September 24, 2008 Public Hearing

The first public hearing of the Commission was held in Vance County at Vance-Granville Community College. A total of 13 people spoke at the hearing, and while a variety of issues were addressed (see APPENDIX E for a summary of comments and issues raised at both public hearings), the most frequently mentioned concern was the growing waiting list for subsidized child care.

October 8, 2008 Public Hearing

The second public hearing of the Commission was held in Asheville at Asheville-Buncombe Technical Community College. At total of 25 people spoke at the hearing, and the most frequently mentioned issue was the fairness of the market rate formula for

subsidized child care. Early childhood care and education was, again, an overwhelming concern.

October 22, 2008 Meeting

Cyndie Bennett, Director of the Division of Child Development, was recognized to address concerns that were raised at the public hearings about customer service provided by the Division, particularly with regard to delays in transcript review. Ms. Bennett explained that due to recent statutory changes that were to be implemented by 2008, there was a backlog of transcripts to be reviewed. However, they are working through the transition and returning to normal processing times.

Janice Fain, Administrative Section Chief of the Division of Child Development, was recognized next to address concerns raised at the public hearings about the subsidized child care waiting list and the allocation formula for subsidy funds (see APPENDIX F).

Stephanie Fanjul, President of the North Carolina Partnership for Children, and John Pruette, Executive Director of the Office of School Readiness, presented to the Commission to clarify the missions of, and the relationship between, Smart Start and More at Four (see APPENDICES G and H).

November 19, 2008 Meeting

Eric Zogry, Juvenile Defender with the Office of the Juvenile Defender, presented to the Commission on the history of the juvenile code in North Carolina. Mr. Zogry informed the Commission that his office is currently considering some code revision issues, including expanding the jurisdiction of the juvenile court.

John Maddler, Associate Director for Policy at the North Carolina Sentencing and Policy Advisory Committee, then updated the Commission on issues currently being studied by the Sentencing Commission that relate to juveniles.

Nicole Melton, Juvenile Court Coordinator in Alamance County, then presented to the Commission on the Alamance County Court Improvement Project, including its successes and future goals (see APPENDIX I).

Brett Loftis, Executive Director of the North Carolina Council for Children's Rights, presented information to the Commission on a wide variety of issues currently affecting children in North Carolina (see APPENDIX J).

January 7, 2008 Meeting

Sorien Schmidt, Senior Vice President, Action for Children North Carolina, made a presentation to the Commission, focusing on the major issues that have been presented to the Commission during this interim. Ms. Schmidt offered several recommendations for the Commission's consideration. Following the presentation, the presiding Chair,

Representative Bordsen, led an open discussion among Commission members on the findings and recommendations to be presented to the 2009 General Assembly.

January 14, 2008 Meeting

The Commission met for the purpose of adopting its report containing findings and recommendations to the 2009 General Assembly.

FINDINGS AND RECOMMENDATIONS

The Legislative Study Commission on Children and Youth met seven times in the interim before the 2009 Regular Session of the General Assembly, including two public hearings in different parts of the State. In these meetings, the Commission gathered information on a broad range of issues affecting children and youth across North Carolina. In its study the Commission found that there are numerous issues facing children and youth today, and that it is critical to ensure the healthy development of children in the State and improve outcomes for all children in order to ensure the future success of our State and our citizens. North Carolina is also currently experiencing difficult economic times, and in order to best meet the needs of children and youth in the State, it is imperative to develop State policy that encourages successful collaboration and cooperation among all stakeholders, promotes evidence-based systems and practices that have proven to be successful, and provides funding where it will have the greatest impact on children's outcomes and local economies. Specifically, the Commission makes the following findings and recommendations:

FINDING 1: The Commission finds that the State is currently facing an economic downturn, with limited State dollars available for programs that benefit children and youth in North Carolina. In order to provide the most benefit for the limited amount of dollars, funding should be provided for programs that have proven to be successful. Cost-effective practices should be expanded in order to gain long-term benefits to children and the economy. Funding should be provided to support and expand successful evidence-based programs. However, the Commission also finds that there is a lack of information currently available on existing programs for children and youth in North Carolina – i.e. what are the programs, how are they funded, what are the costs, and how successful are they? Without access to this information, programs tend to get cut across the board, whether they have proven successful or not.

RECOMMENDATION 1: The Commission recommends that the Joint Legislative Program Evaluation Oversight Committee direct the Program Evaluation Division to study existing programs that directly and indirectly benefit children and youth in the State. The Division should identify the programs and their sources of funding, and determine whether the programs have clear goals and indicators and benchmarks by which to measure success.

FINDING 2: The Commission finds that access to health care is a critical need for children and youth in North Carolina. Children are unable to learn and succeed if their health is suffering. Providing greater access to health care improves children's health outcomes and creates economic activity throughout the State and stimulates health care job growth. The Commission finds that the number of uninsured children in North Carolina is currently increasing with the economic downturn.

RECOMMENDATION 2: The Commission recommends that the State offer affordable health coverage to all children by fully funding NC Health Choice, implementing NC Kids' Care to children up to 300% of federal poverty level, and allowing families above that to buy into NC Kids' Care by paying the full premium.

FINDING 3: The Commission finds that many children suffer with mental health issues. When left untreated, mental health disorders can lead to school failure, family conflicts, substance abuse, and otherwise interfere with a child's ability to succeed. Untreated mental health disorders can be very costly to families, communities, and the health care system.

RECOMMENDATION 3: The Commission recommends that mental health services be provided to children in this State through NC Health Choice and NC Kids' Care.

FINDING 4: The Commission finds that there are currently over 30,000 children on the waiting list to receive subsidized child care. This was one of the most frequently heard complaints at the Commission's public hearings. Children across the State are in need of safe, developmentally-appropriate child care arrangements while their parents are working or advancing their educations. The Commission finds that making child care available to needy families allows more parents to work, look for employment, or advance their educations and careers; ensures that children are appropriately cared for; and stimulates local economic activity and job growth in the child care industry.

RECOMMENDATION 4: The Commission recommends that the General Assembly allocate additional funding for the Subsidized Child Care program.

FINDING 5: The Commission finds that Juvenile Crime Prevention Councils (JCPCs) have the responsibility of evaluating programs that are designed to meet the needs of juveniles in their local communities. The JCPCs distribute grants to community service providers who are providing services to prevent juvenile delinquency. While the juvenile crime rate is currently at an eight year low, providers are now working with less money that the General Assembly allocated in 2002.

RECOMMENDATION 5: The Commission recommends that the General Assembly adequately fund JCPCs to meet the service needs identified by JCPCs and to allow the JCPCs to conduct rigorous local needs assessments, and implement and support more evidence-based community services.

FINDING 6: The Commission finds that North Carolina is currently the only state in the country to automatically charge, try, sentence, probate, and incarcerate 16 and 17 year olds in the adult criminal system without exception. Those individuals do not

have access to services appropriate for youth, do not have the right to education, and their parents do not have to be notified of or participate in their charges, trial, probation, or sentencing. National research shows that youth prosecuted as adults are more likely to commit additional crimes and crimes of increasing violence. The Governor's Crime Commission is currently conducting a feasibility study on expanding the jurisdiction of the juvenile court to include 16 and 17 year olds. The report is expected to be released during the 2009 Session.

RECOMMENDATION 6: The Commission recommends that the General Assembly move forward with implementing the findings and recommendations of the Governor's Crime Commission's feasibility study with the goal of eventually expanding the jurisdiction of the juvenile court.

FINDING 7: The Commission finds that the North Carolina Earned Income Tax Credit (EITC) benefits local economies by annually helping over a half million working North Carolinians make ends meet. In 2009, low income families will be able to receive a North Carolina EITC equal to 3.5% of the federal EITC for which they already qualify. In 2010, the State EITC will increase to 5% of the federal credit.

RECOMMENDATION 7: The Commission recommends that the General Assembly fund the NC EITC and expand the EITC beyond 5% in order to further support families who have been forced by rising unemployment to work fewer hours or in lower wage jobs.

FINDING 8: The Commission finds that there are many additional issues affecting children and youth across the State that the Commission did not have adequate time to address. These include:

- At risk children of incarcerated parents (i.e. how do we identify and gather information on this population, what programs/services are available to them, what policies/procedures should be changed to address the needs of these children?)
- Collaborative "system of care" programs across the State/interrelation of programs
- Drug courts/drug treatment for parents to address the needs of the children
- Unique student identifiers
- Subsidized Child Care at the local level/methods for effective management

RECOMMENDATION 8: The Commission recommends that these issues be studied further in the interim following the 2009 Regular Session of the 2009 General Assembly.