

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE BILL 1440

Short Title: Child Protective Services Special Provisions. (Public)

Sponsors: Representatives Weiss, Moore (Primary Sponsors); Adams, Alexander, B. Allen, Barbee, Blackwood, Bordsen, Bowie, Capps, Carney, Dickson, Earle, England, Farmer-Butterfield, Fisher, Frye, Glazier, Gorman, Insko, Jeffus, Lucas, McLawhorn, McMahan, Munford, Parmon, Pate, Rapp, Rayfield, Ross, Wainwright, Walend, and Warner.

Referred to: Appropriations.

May 13, 2004

A BILL TO BE ENTITLED

1 AN ACT TO RECOMMEND FURTHER CONSIDERATION AND STUDY OF
2 ISSUES RELATING TO THE PROVISION OF CHILD PROTECTIVE
3 SERVICES AS RECOMMENDED BY THE HOUSE INTERIM COMMITTEE ON
4 CHILD ABUSE AND NEGLECT, FOSTER CARE, AND ADOPTION.
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6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** The Appropriations Committees should consider the expansion
8 budget request made by the Secretary of the Department of Health and Human Services
9 with respect to a statewide automated child welfare information system, expansion of
10 the Child Welfare Collaborative, the multiple response system, and a statewide foster
11 parent recruitment and retention strategy, at the appropriate time, taking into
12 consideration any potential financial impact on local governments as a result of the
13 implementation of the budget requests.

14 **SECTION 2.** The Department of Health and Human Services and the
15 Department of Justice, along with other interested agencies, shall develop and
16 implement a method for educating law enforcement and child protective services
17 personnel involved with child protective services investigations with regard to the
18 scope, responsibilities, and limitations of their role in the investigation and with regard
19 to the availability of criminal background histories on alleged perpetrators.

20 **SECTION 3.** The Committee recommends that the TANF Block Grant
21 funds allocated by the General Assembly for welfare services personnel be restricted to
22 the creation of new, additional positions at the local level for direct child protective
23 services; and such funds not be used for administrative or overhead costs, training or
24 other activities, or to supplant existing federal, state, local, or other resources currently
25 funding existing child protective services staff.

1 **SECTION 4.** The Department of Health and Human Services, Office of
2 State Personnel, and other interested organizations shall study child protective services
3 positions in the counties to discern the reasons for the variations in compensation and
4 recommend possible solutions. The study shall also recommend options for an
5 incentive program for child protective services personnel to address recruitment and
6 retention concerns, and a report shall be made to the 2005 Regular Session of the 2005
7 General Assembly.

8 **SECTION 5.** The Department of Health and Human Services and the Fiscal
9 Research Division of the General Assembly shall review the current funding formulas
10 for child protective services at the local level. The Department shall report to the 2005
11 Regular Session of the 2005 General Assembly and the Fiscal Research Division
12 information regarding the rationale applied in determining county funding for child
13 protective services. The report shall also include recommendations on improving the
14 funding formula to assure that counties are funded on an equitable basis.

15 **SECTION 6.** The Division of Social Services within the Department of
16 Health and Human Services shall collect and maintain data as to the reason why a report
17 of abuse, neglect, and dependency is determined to be unsubstantiated if the report is
18 classified as such upon investigation.

19 **SECTION 7.** The Division of Social Services within the Department of
20 Health and Human Services shall collect and maintain data as to whether all reports of
21 suspected abuse, neglect, or dependency are reasonably believed to have been
22 knowingly and willfully made with untrue statements and why those statements are
23 reasonably believed to have been knowingly and willfully made with untrue statements.

24 **SECTION 8.** The Division of Social Services within the Department of
25 Health and Human Services shall collect and maintain data of instances of failure to
26 report allegations of abuse, neglect, or dependency and the known reasons for that
27 failure to report.

28 **SECTION 9.** The Department of Health and Human Services shall review
29 other states' reporting practices, including legislation, implementation concerns, and
30 frequency of violations of the reporting laws, and report to the 2005 Regular Session of
31 the 2005 General Assembly with recommendations and any suggested amendment to
32 the North Carolina reporting laws on or before the convening of the session.

33 **SECTION 10.** The Department of Health and Human Services shall develop
34 a comprehensive strategy to address the need for child abuse/neglect prevention
35 programs across the State, including an assessment of best practices, an examination of
36 existing funding sources, and restoration of funding where needed.

37 **SECTION 11.** The Children's Trust Fund shall report annually on revenues
38 and expenditures of the Fund to the Joint Legislative Commission on Governmental
39 Operations.

40 **SECTION 12.** The Administrative Office of the Courts shall contract with
41 an independent research entity to study court appointed attorney compensation and
42 report to the 2005 Regular Session of the 2005 General Assembly. The Administrative
43 Office of the Courts shall consult with the Office of Indigent Defense Services on the
44 selection of the independent research entity. The Administrative Office of the Courts

1 and The Office of Indigent Defense Services shall jointly use up to fifty thousand
2 dollars (\$50,000) of available funds to secure this contract.

3 **SECTION 13.** The North Carolina Court Improvement Project shall report
4 its findings, including annual statistical data and results of appeals, and
5 recommendations to the Appropriations Committees of the House and Senate and to the
6 House Children, Youth and Families Committee on or before June 1, 2004.

7 **SECTION 14.** This act becomes effective July 1, 2004.