

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2013

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HOUSE BILL 68

Short Title: Establish Ombudsman/Foster Care/Gaston County. (Local)

Sponsors: Representative Torbett (Primary Sponsor).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Government.

February 6, 2013

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A FOSTER CARE OMBUDSMAN PILOT PROGRAM IN GASTON COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1.(a) There is created within Gaston County a foster care ombudsman pilot program. The purpose of the pilot program is to establish a process for any of the following persons or agencies to resolve issues related to a foster child's care, placement, or services provided to the child by the Gaston County Department of Social Services:

- (1) A child who is currently placed in foster care in Gaston County.
- (2) Any person responsible under the laws of this State for the foster child's care, including a parent, guardian, custodian, or caretaker.
- (3) The Gaston County Department of Social Services.
- (4) A member of the general public.

SECTION 1.(b) The Gaston County Board of Commissioners (Board) shall establish qualifications for the selection of the foster care ombudsman, including the criteria that the person selected shall have experience in child welfare and State laws and policies governing children in foster care and shall remain objective and impartial when performing his or her duties. The Board shall appoint a person to serve as the foster care ombudsman for a period of time established by the Board. The ombudsman shall serve at the discretion and under the direction and supervision of the Board. Once appointed, the ombudsman shall have access to any records in the possession or control of the Gaston County Department of Social Services that are necessary to carry out the ombudsman's duties and responsibilities.

SECTION 1.(c) In addition to any other duties prescribed by the Board, the foster care ombudsman shall be responsible for the following:

- (1) In consultation with the Board, establishing policies and guidelines for receiving, processing, and investigating complaints and making recommendations to the Board for the resolution of complaints.
- (2) Receiving and investigating complaints made by or on behalf of a child in foster care, including investigating the decisions made by the Adoptions Committee of the Gaston County Department of Social Services if a complaint is filed. The ombudsman shall notify the complainant, orally or in writing, within 10 days of receipt of the complaint, of the ombudsman's intent to investigate the complaint. If the ombudsman determines, based upon guidelines established by the Board, that the complaint should not be investigated, the ombudsman shall notify the complainant in writing within



1 30 days of the decision, and the notification shall state the reasons for the
2 decision not to investigate. The Board shall periodically review the
3 ombudsman's actions under this subdivision, including any decisions by the
4 ombudsman to not investigate a complaint. The ombudsman shall provide to
5 the Board any information or data needed to thoroughly review decisions
6 made by the ombudsman.

7 (3) Initiating an investigation based upon information known to the foster care
8 ombudsman. Upon the conclusion of the investigation, the ombudsman shall
9 report his or her findings and recommendations to the Board.

10 (4) Maintaining confidentiality in receiving, processing, investigating, and
11 resolving complaints.

12 (5) Upon the conclusion of an investigation, making written recommendations
13 to the Board and, if authorized by the Board, to any other person, including
14 the complainant, or any entity having an interest in the investigation.

15 (6) Notifying, as necessary, the appropriate authorities if the ombudsman
16 determines through his or her investigation that an individual's act or
17 omission related to a foster child violates the law or that the foster child is in
18 need of protective services.

19 (7) Compiling and making available to the Board any data the ombudsman has
20 collected in the course of exercising his or her official duties, including, but
21 not limited to, data related to the number of complaints made, the type and
22 source of the complaints, the number of investigations conducted, and the
23 issues addressed in the investigations.

24 (8) Providing to the county departments or agencies, the governing body or
25 employees of a municipality within Gaston County, and residents of Gaston
26 County information regarding the role, duties, and functions of the
27 ombudsman and the rights of children in foster care.

28 (9) Any other duties or responsibilities deemed appropriate by the Board.

29 **SECTION 2.** This act applies to Gaston County only.

30 **SECTION 3.** This act is effective when it becomes law and expires July 1, 2015.