

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL DRH40402-LUa-111A

Short Title: Social Services Reform/DHHS Recommendations. (Public)

Sponsors: Representatives Blackwell, Stevens, White, and Dobson (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO IMPLEMENT VARIOUS PROVISIONS RELATED TO SOCIAL SERVICES
3 REFORM TO INCLUDE: REPURPOSING AND REDEPLOYING POSITIONS IN THE
4 DEPARTMENT OF HEALTH AND HUMAN SERVICES TO SUPPORT
5 REGIONALIZATION AND DIRECTING THE DEPARTMENT TO ESTABLISH SEVEN
6 REGIONS FOR REGIONAL SUPERVISION OF CHILD WELFARE AND SOCIAL
7 SERVICES; APPROPRIATING FUNDS FOR STAFF POSITIONS IN SUPPORT OF
8 REGIONALIZATION; REQUIRING CRIMINAL BACKGROUND CHECKS FOR
9 EMPLOYEES OF LICENSED CHILD CARE INSTITUTIONS; ALLOWING YOUTH
10 EXITING FOSTER CARE TO A PERMANENT HOME THROUGH THE
11 GUARDIANSHIP ASSISTANCE PROGRAM TO ACCESS FUNDS UNDER THE
12 NORTH CAROLINA CHILD WELFARE POSTSECONDARY SUPPORT PROGRAM
13 (NC REACH); REQUIRING TRAINING FOR NEW AND EXPERIENCED COUNTY
14 SOCIAL SERVICES BOARD MEMBERS; REQUIRING THE ADMINISTRATIVE
15 OFFICE OF THE COURTS TO CONDUCT A FEASIBILITY AND COST STUDY OF A
16 CHILD SUPPORT TRIBUNAL; AND PROVIDING A FRAMEWORK FOR THE
17 MANAGEMENT OF CONFLICT OF INTEREST CASES.

18 The General Assembly of North Carolina enacts:

19 **SECTION 1.(a)** In accordance with the plan submitted by the Social Services
20 Regional Supervision and Collaboration Working Group (SSWG) in its report to the Joint
21 Legislative Oversight Committee on Health and Human Services as required by S.L. 2017-41
22 (Rylan's Law), the Department of Health and Human Services (Department) shall establish seven
23 regions for regional supervision of child welfare and social services and begin providing
24 oversight and support within those regions through home-based staff and the central office team
25 beginning March 1, 2022. To that end, the Department shall move forward with repurposing and
26 redeploying (i) positions identified in the report to support regionalization and (ii) all managerial
27 staff needed to support regionalization in the central office. The Department shall pursue
28 procurement of physical offices within each of the seven regions beginning in March 2021 and
29 shall prioritize staffing to improve the child welfare system. The Department shall move towards
30 full implementation of a regional model, with offices, by March 1, 2022.

31 **SECTION 1.(b)** There is appropriated from the General Fund to the Department of
32 Health and Human Services, Division of Social Services, the sum of nine hundred fourteen
33 thousand seven hundred ninety dollars (\$914,790) recurring for each year of the 2019-2021 fiscal
34 biennium to support 11 new staff positions to improve regional supervision and support of child
35 welfare services pursuant to the plan as described under subsection (a) of this section.

36 **SECTION 2.(a)** G.S. 122C-80 reads as rewritten:



"§ 122C-80. Criminal history record check required for certain applicants for employment.

...

(b) Requirement. – An offer of employment by a provider licensed under this Chapter to an applicant to fill a position that does not require the applicant to have an occupational license is conditioned on consent to a State and national criminal history record check of the applicant. If the applicant has been a resident of this State for less than five years, then the offer of employment is conditioned on consent to a State and national criminal history record check of the applicant. If the provider licensed under this Chapter is a child care institution, as defined by 42 U.S.C. § 672(c), then the offer of employment is conditioned on consent to a State and national criminal history record check of the applicant. The national criminal history record check shall include a check of the applicant's fingerprints. If the applicant has been a resident of this State for five years or more, then the offer is conditioned on consent to a State criminal history record check of the applicant. A provider shall not employ an applicant who refuses to consent to a criminal history record check required by this section. Except as otherwise provided in this subsection, within five business days of making the conditional offer of employment, a provider shall submit a request to the Department of Public Safety under G.S. 143B-939 to conduct a criminal history record check required by this section or shall submit a request to a private entity to conduct a State criminal history record check required by this section. Notwithstanding G.S. 143B-939, the Department of Public Safety shall return the results of national criminal history record checks for employment positions not covered by Public Law 105-277 to the Department of Health and Human Services, Criminal Records Check Unit. Within five business days of receipt of the national criminal history of the person, the Department of Health and Human Services, Criminal Records Check Unit, shall notify the provider as to whether the information received may affect the employability of the applicant. In no case shall the results of the national criminal history record check be shared with the provider. Providers shall make available to the Department of Health and Human Services upon request verification that a criminal history check has been completed on any staff covered by this section. A county that has adopted an appropriate local ordinance and has access to the Department of Public Safety data bank may conduct on behalf of a provider a State criminal history record check required by this section without the provider having to submit a request to the Department of Justice. In such a case, the county shall commence with the State criminal history record check required by this section within five business days of the conditional offer of employment by the provider. All criminal history information received by the provider is confidential and may not be disclosed, except to the applicant as provided in subsection (c) of this section. For purposes of this subsection, the term "private entity" means a business regularly engaged in conducting criminal history record checks utilizing public records obtained from a State agency.

(b1) Sex Offender Registry and Responsible Individuals List Checks. – If the provider licensed under this Chapter is a child care institution, as defined by Title IV-E of the Social Security Act, then the offer of employment by the provider to the applicant to fill a position not requiring an occupational license is conditioned on a check of the North Carolina Sex Offender Registry and consent to check the North Carolina Responsible Individuals List. If the applicant has been a resident of this State for less than five years, then the offer of employment is conditioned on consent to check the North Carolina Responsible Individuals List and the abuse and neglect registry of any other state where the applicant has resided in the preceding five years.

...."

SECTION 2.(b) G.S. 131D-10.3A reads as rewritten:

"§ 131D-10.3A. Mandatory criminal checks.

(a) Effective January 1, 1996, in order to ensure the safety and well-being of any child placed for foster care in a home, the Department shall ensure that the criminal histories of all foster parents, individuals applying for licensure as foster parents, and individuals 18 years of age or older who reside in a family foster home, are checked and, based on the criminal history

1 check, a determination is made as to whether the foster parents, and other individuals required to
2 be checked, are fit for a foster child to reside with them in the home. The Department shall ensure
3 that, as of the effective date of this Article, all individuals required to be checked pursuant to this
4 subsection are checked for county, ~~state~~, State, and federal criminal histories.

5 ...

6 (i) The Department of Public Safety shall perform the State and national criminal history
7 checks on individuals required by this section and shall charge the Department a reasonable fee
8 only for conducting the checks of the national criminal history records authorized by subsection
9 (a) of this section. The Division of Social Services, Department of Health and Human Services,
10 shall bear the costs of implementing subsection (a) of this section.

11 (j) All child care institutions, as defined by Title IV-E of the Social Security Act, shall
12 request a criminal history pursuant to G.S. 143B-932(d) and conduct a check of the North
13 Carolina Sex Offender Registry and the North Carolina Responsible Individuals List on any
14 individual prior to the individual working in the child care institution. The results of the criminal
15 history check shall be kept confidential, except that the child care institution shall share the results
16 of the criminal history check with the Department.

17 (k) Child care institutions, as defined by Title IV-E of the Social Security Act, shall
18 prohibit an individual from working in the child care institution if the individual has a criminal
19 history, as defined under G.S. 131D-10.2(6a).

20 (l) The Department may take action against a child care institution's license, including
21 denial, revocation, suspension, or placement on provisional status, for violation of subsection (k)
22 of this section."

23 **SECTION 2.(c)** G.S. 131D-10.6(7) reads as rewritten:

24 **"§ 131D-10.6. Powers and duties of the Department.**

25 In addition to other powers and duties prescribed by law, the Department shall exercise the
26 following powers and duties:

27 ...

28 (7) Grant, deny, suspend or revoke a license or a provisional license, in
29 accordance with this Article and Commission rules."

30 **SECTION 2.(d)** G.S. 143B-932 reads as rewritten:

31 **"§ 143B-932. Criminal record checks of providers of treatment for or services to children,**
32 **the elderly, mental health patients, the sick, and the disabled.**

33 (a) Authority. – The Department of Public Safety may provide to any of the following
34 entities a criminal record check of an individual who is employed by that entity, has applied for
35 employment with that entity, or has volunteered to provide direct care on behalf of that entity:

36 ...

37 (8) Any child care institution, as defined by Title IV-E of the Social Security Act.

38 ...

39 (c1) Child Care Institutions. – Upon request, the Department of Public Safety shall provide
40 any child care institution, as defined under Title IV-E of the Social Security Act, with the criminal
41 history, as defined in G.S. 131D-10.2(6a), from the State and National Repositories of Criminal
42 Histories for any person working or seeking employment with the child care institution. The child
43 care institution shall provide to the Department of Public Safety, along with the request, the
44 fingerprints of the individual to be checked, any additional information required by the
45 Department of Public Safety, and a form consenting to the check of the criminal record and to
46 the use of fingerprints and other identifying information required by the State or National
47 Repositories signed by the individual to be checked. The fingerprints of the individual to be
48 checked shall be forwarded to the State Bureau of Investigation for a search of the State's criminal
49 history record file, and the State Bureau of Investigation shall forward a set of fingerprints to the
50 Federal Bureau of Investigation for a national criminal history record check. The child care
51 institution shall keep all information received pursuant to this section confidential, except that

1 the child care institution shall share any information requested by the Department of Health and
2 Human Services. The information that the Department of Health and Human Services obtains
3 pursuant to this section is not a public record and shall be kept confidential.

4"

5 **SECTION 3.** Section 11C.5(a) of S.L. 2017-57 reads as rewritten:

6 "**SECTION 11C.5.(a)** Funds appropriated from the General Fund to the Department of
7 Health and Human Services for the child welfare postsecondary support program shall be used
8 to continue providing assistance with the "cost of attendance" as that term is defined in 20 U.S.C.
9 § 108711 for the educational needs of (i) foster youth aging out of the foster care ~~system~~system,
10 (ii) youth who exit foster care to a permanent home through the Guardianship Assistance
11 Program, and (iii) special needs children adopted from foster care after age 12. These funds shall
12 be allocated by the State Education Assistance Authority."

13 **SECTION 4.(a)** G.S. 108A-9 is amended by adding a new subdivision to read:

14 "**§ 108A-9. Duties and responsibilities.**

15 The county board of social services shall have the following duties and responsibilities:

16 ...

17 (4a) To attend education training sessions provided for new or experienced board
18 members no less than twice annually.

19"

20 **SECTION 4.(b)** The Department of Health and Human Services, Division of Social
21 Services, shall collaborate with key stakeholders, including the North Carolina Association of
22 County Boards of Social Services, Association of North Carolina County Social Services
23 Directors, North Carolina Association of County Commissioners, and the University of North
24 Carolina School of Government, to create a formal education and training program for new and
25 experienced county boards of social services members in accordance with G.S. 108A-9(4a), as
26 enacted in subsection (a) of this section.

27 **SECTION 5.** The Administrative Office of the Courts shall conduct a feasibility and
28 cost study of a proposed child support tribunal, with dedicated court officers to hear child support
29 matters, using quasi-judicial procedures. The study shall include, at a minimum, strategies to
30 address funding, staffing, and a plan for how the proposed changes will be implemented. The
31 Administrative Office of the Courts shall submit a report of its findings and recommendations to
32 the General Assembly by April 1, 2020.

33 **SECTION 6.(a)** Part 2B of Article 1 of Chapter 108A of the General Statutes is
34 amended by adding a new section to read:

35 "**§ 108A-15.16. Conflicts of interest.**

36 When conflicts of interest arise in the provision of social services provided by county
37 departments of social services, county departments of social services shall work expeditiously to
38 resolve those conflicts consistent with applicable law and any policies and procedures established
39 by the Department of Health and Human Services. Policies and procedures shall address county
40 financial and practice responsibilities associated with conflicts of interest. Upon identifying a
41 conflict of interest, the county shall notify the appropriate authority within the Department of
42 Health and Human Services of the conflict. The Department of Health and Human Services shall
43 have authority to make final decisions regarding conflicts of interest assignments when disputes
44 arise, with regional staff having initial authority when a dispute arises between county
45 departments of social services and central office staff having initial authority when disputes arise
46 between regions. The Social Services Commission shall adopt rules regarding conflicts of interest
47 management, including establishing reasonable and specific time lines for resolving conflicts of
48 interest. For purposes of this section, a "conflict of interest" occurs when the provision of social
49 services and duty owed by a county department of social services conflicts with services and the
50 duty owed by another county department of social services."

1 **SECTION 6.(b)** The Social Services Commission shall report to the Joint Legislative
2 Oversight Committee on Health and Human Services upon adopting rules pursuant to
3 G.S. 108A-15.16, as enacted in subsection (a) of this section.
4 **SECTION 7.** Section 1(b) of this act becomes effective July 1, 2019. The remainder
5 of this act is effective when it becomes law.