

§ 7B-302.1. Conflicts of interest.

(a) A conflict of interest shall exist when the reported abuse, neglect, or dependency involves any of the following:

- (1) An employee of the county department of social services.
- (2) A relative of an employee of the child welfare division of the county department of social services.
- (3) A relative of an employee of the county department of social services outside of the child welfare division when, in the professional judgment of the director, the county department of social services has a conflict of interest.
- (4) A foster parent supervised by the county department of social services.
- (5) The county manager, an assistant county manager, a member of the Board of County Commissioners, or a member of the county's governing board for social services, as defined in G.S. 108A-1.
- (6) A caretaker in a sole-source contract group home.
- (7) A juvenile's parent, guardian, custodian, or caretaker who has been determined to be an incompetent adult and subject to guardianship under Chapter 35A of the General Statutes and is a ward, as defined in G.S. 35A-1101, of that county department of social services.
- (8) A juvenile in the custody of the department who is also a parent or caretaker.
- (9) A juvenile who is subject to a new report of abuse or neglect arising from events that occurred while in the custody of the department.
- (10) A perceived conflict of interest that is identified through the professional judgment of the director of the county department of social services.

(b) The director of the county department of social services that receives the report where the conflict exists shall request that another county department conduct the assessment. The director shall notify the Division of the conflict of interest and the county that accepted the report for assessment.

(c) If the director makes requests of two or more other counties, and if no other county is willing or able to accept the case for assessment, then the county director where the conflict exists shall notify the Division. The Division shall evaluate the conflict and make the following determinations:

- (1) The Division shall evaluate the conflict and determine whether the county with the conflict is able to manage the case by implementing measures to sufficiently obviate the conflict.
- (2) If the Division determines the conflict cannot be managed in the county that receives the report, the Division shall appoint another county department that shall assume management of the case. The county with the conflict of interest bears the financial responsibility of the case unless otherwise agreed upon by the counties involved in the conflict of interest.

(d) The county department of social services with the conflict of interest shall inform, in writing, the parent, guardian, custodian, or caretaker of the conflict and the county that assumes the management of the case. The written notice shall include the contact information for the constituent concern line at the Division.

(e) If the county department of social services has a conflict of interest at the time of the report or any time while managing the case and the county department of social services does not refer the case to another county, a parent, guardian, custodian, caretaker, juvenile, or their representative may seek to have the case transferred to another county by contacting the constituent concern line at the Division, and the Division shall apply this section. (2025-16, s. 1.4(a).)