

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL 708*
Health Care Committee Substitute Adopted 6/17/20
Third Edition Engrossed 6/19/20

Short Title: CPS Intake Screening/PED Recommendations.

(Public)

Sponsors:

Referred to:

May 1, 2020

A BILL TO BE ENTITLED

1 AN ACT TO PROHIBIT COUNTY DEPARTMENTS OF SOCIAL SERVICES FROM
2 IMPLEMENTING CHILD PROTECTIVE SERVICES INTAKE SCREENING CRITERIA
3 THAT IS MORE STRINGENT OR LENIENT THAN, OR IN ADDITION TO, STATE
4 POLICY AND TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN
5 SERVICES TO MAKE VARIOUS POLICY CHANGES AS A MEANS TO IMPROVE
6 THE CHILD PROTECTIVE SERVICES INTAKE SCREENING PROCESS, AS
7 RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION
8 OVERSIGHT COMMITTEE, AND TO ALLOW LEGISLATORS ACCESS TO
9 CONFIDENTIAL ADULT PROTECTIVE SERVICES AND CHILD PROTECTIVE
10 SERVICES RECORDS, AND TO AUTHORIZE THE PROGRAM EVALUATION
11 DIVISION TO STUDY THE FEASIBILITY AND EFFECTIVENESS OF
12 IMPLEMENTING A CHILD WELFARE SIMULATION TRAINING AND
13 CERTIFICATION PROGRAM.
14

15 The General Assembly of North Carolina enacts:

16 **SECTION 1.** This act shall be known and may be cited as "The CPS Revitalization
17 Act/A Law for Lyn."

18 **SECTION 1.1.** Prohibit County Supplementation of State Policy. – Article 3 of
19 Chapter 7B of the General Statutes is amended by adding a new section to read:

20 "**§ 7B-300.1. No county supplementation of certain State policy.**

21 Notwithstanding any other provision of law to the contrary, a county department of social
22 services may not supplement child protective services intake screening criteria with county
23 policy that is more stringent or lenient than, or in addition to, State policy."

24 **SECTION 2.(a)** Rapid Consultation System. – As a means of improving State child
25 protective services intake screening guidance to county departments of social services, the
26 Department of Health and Human Services, Division of Social Services (Division), shall
27 implement a rapid consultation system to provide consultation to counties when making
28 decisions regarding the safety of children. Specifically, the rapid consultation system shall
29 consist of a telephone line that a county director or their designee can access at any time when
30 the county has concerns regarding the correct screening decision, assessment track, or applicable
31 response time frame for a specific case. Upon receiving a request, Division staff shall consult
32 with the county department of social services within 24 hours of receipt of the request and at
33 least two Division staff workers shall consult on each call to ensure the advice conveyed is
34 consistent.



1 **SECTION 2.(b)** Report. – The Division of Social Services shall implement the rapid
2 consultation system required by this section no later than June 30, 2021, and submit a report on
3 its implementation to the Joint Legislative Oversight Committee on Health and Human Services
4 by December 31, 2021.

5 **SECTION 3.(a)** Assessment of Worker Comprehension and Training Needs. – The
6 Department of Health and Human Services, Division of Social Services (Division), shall
7 periodically assess county department of social services workers' and supervisors' comprehension
8 and correct implementation of State policy and their training needs regarding the screening of
9 reports of alleged child abuse, neglect, or dependency. The Division shall assess comprehension
10 and training needs by use of hypothetical vignettes or other assessment tools the Division deems
11 appropriate. Every three years, the Division shall require retraining for all child welfare workers,
12 including supervisors, and other workers who occasionally screen child abuse, neglect, and
13 dependency reports. The Division shall also require all child welfare supervisors to pass a
14 competency pass/fail test prior to providing screening decisions or on-call duties.

15 **SECTION 3.(b)** Report. – The Division of Social Services shall implement the
16 assessment and training requirements of this section by December 31, 2020, and submit a report
17 on its use of those training requirements to the Joint Legislative Oversight Committee on Health
18 and Human Services by June 30, 2021.

19 **SECTION 4.(a)** Structured Intake Form Revisions. – The Department of Health and
20 Human Services, Division of Social Services (Division), in consultation with the Children's
21 Research Center or a similar organization, shall revise the child protective services structured
22 intake form, which is a tool county departments of social services use to screen reports of alleged
23 child abuse, neglect, and dependency. The Division shall revise the form to ensure, at a minimum,
24 it (i) continues to meet federal and State requirements and (ii) provides consistency for use
25 statewide. The Division shall further ensure the structured intake form is recertified every five
26 years and shall continue to consult with the Children's Research Center or a similar organization
27 when State policy changes require modifications to the structured intake form.

28 **SECTION 4.(b)** Report. – Beginning July 30, 2020, the Division of Social Services
29 shall report to the Joint Legislative Oversight Committee on Health and Human Services
30 (Committee) on its process of revising the structured intake form in accordance with this section
31 and continue reporting to the Committee every six months thereafter until revisions are complete.

32 **SECTION 5.(a)** Program Monitoring. – For purposes of better evaluating individual
33 county departments of social services, the Department of Health and Human Services, Division
34 of Social Services (Division), shall implement statistically valid program monitoring for county
35 intake screening procedures, as well as establish measurable performance benchmarks. The
36 Division shall establish measurable and consistent intake screening benchmarks that can be
37 applied to all counties, with the Division performing county data reviews for intake screening at
38 least once each year beginning no later than December 31, 2024. The Division shall oversee
39 intake screening by performing valid sampling and ensure program monitoring intake screening
40 reviews collect sample sizes large enough to achieve a county confidence level of at least ninety
41 percent (90%), with a margin of error of plus or minus five percent (5%).

42 **SECTION 5.(b)** Report. – Beginning June 30, 2021, and continuing each year
43 thereafter until December 31, 2024, the Division of Social Services shall report to the Joint
44 Legislative Oversight Committee on Health and Human Services on its progress towards
45 improved program monitoring and continuous quality improvement in accordance with this
46 section.

47 **SECTION 5.1.(a)** G.S. 108A-80 reads as rewritten:

48 "**§ 108A-80. Confidentiality of records.**

49 (a) Except as provided in subsections ~~(b) and (b1)~~ ~~(b)~~, (b1), and (b2) of this section, it
50 shall be unlawful for any person to obtain, disclose or use, or to authorize, permit, or acquiesce
51 in the use of any list of names or other information concerning persons applying for or receiving

1 public assistance or social services that may be directly or indirectly derived from the records,
2 files or communications of the Department or the county boards of social services, or county
3 departments of social services or acquired in the course of performing official duties except for
4 the purposes directly connected with the administration of the programs of public assistance and
5 social services in accordance with federal law, rules and regulations, and the rules of the Social
6 Services Commission or the Department.

7 (b) The Department shall furnish a copy of the recipient check register monthly to each
8 county auditor showing a complete list of all recipients of Work First Family Assistance in
9 Standard Program Counties and State-County Special Assistance, their addresses, and the
10 amounts of the monthly grants. An Electing County whose checks are not being issued by the
11 State shall furnish a copy of the recipient check register monthly to its county auditor showing a
12 complete list of all recipients of Work First Family Assistance in the Electing County, their
13 addresses, and the amounts of the monthly payments. These registers shall be public records open
14 to public inspection during the regular office hours of the county auditor, but the registers or the
15 information contained therein may not be used for any commercial or political purpose. ~~Any
16 violation of this section shall constitute a Class 1 misdemeanor.~~

17 (b1) The Department may share confidential information concerning a person receiving
18 public assistance or social services with a local school administrative unit and with the
19 Department of Public Instruction. Disclosure is limited to that information necessary to establish,
20 coordinate, or maintain appropriate educational services for the person receiving public
21 assistance or social services.

22 (b2) Except where prohibited by federal law and notwithstanding other applicable State
23 law, a member of the North Carolina General Assembly may request access to confidential social
24 services information and records from the Department or from a local department of social
25 services when necessary for oversight of programs related to child protective services or adult
26 protective services. Upon receiving a request from a member of the North Carolina General
27 Assembly pursuant to this subsection, the Department or a local department of social services
28 shall disclose confidential information and records concerning adult protective services and child
29 protective services cases to the requesting member. A member of the North Carolina General
30 Assembly may not retain copies of any part of the record, and all information shared pursuant to
31 this subsection shall be withheld from public inspection and maintained in a confidential manner.

32 (c) Any listing of recipients of benefits under any public assistance or social services
33 program compiled by or used for official purposes by a county board of social services or a
34 county department of social services shall not be used as a mailing list for political purposes.
35 This prohibition shall apply to any list of recipients of benefits of any federal, State, county or
36 mixed public assistance or social services program. Further, this prohibition shall apply to the
37 use of such listing by any person, organization, corporation, or business, including but not limited
38 to public officers or employees of federal, State, county, or other local governments, as a mailing
39 list for political purposes. ~~Any violation of this section shall be punishable as a Class 1
40 misdemeanor.~~

41 (c1) A violation of subsections (a), (b), (b1), (b2), or (c) of this section shall be punishable
42 as a Class 1 misdemeanor.

43 (d) The Social Services Commission may adopt rules governing access to case files for
44 social services and public assistance programs, except the Medical Assistance Program. The
45 Secretary of the Department of Health and Human Services shall have the authority to adopt rules
46 governing access to medical assistance case files."

47 **SECTION 5.1.(b)** This section becomes effective on October 1, 2021, and applies
48 to all requests for information and records in adult protective services and child protective
49 services cases made by members.

50 **SECTION 5.5.(a)** The Program Evaluation Division, in consultation with the
51 Department of Health and Human Services, the Realistic Environments to Aid Learning (REAL)

1 Academy, and Western Carolina University, shall study the feasibility and effectiveness of
2 implementing a simulation training and certification program similar to the Realistic
3 Environments to Aid Learning (REAL) training pilot program. All parties shall cooperate with
4 the Program Evaluation Division in conducting this study, including providing information on
5 current training practices, policies, and budgets. In conducting this study, the Program Evaluation
6 Division shall consider, among other things, the following:

- 7 (1) Current child welfare training standards and statutory requirements.
- 8 (2) Department of Health and Human Services policies regarding child welfare
9 training.
- 10 (3) Methods used to implement or integrate simulation models of training in child
11 welfare training in other states.
- 12 (4) Minimum standards of competence required to receive certification from a
13 child welfare simulation training program.
- 14 (5) Effectiveness and feasibility of the pilot program, Realistic Environments to
15 Aid Learning (REAL) training, in use in Buncombe, Cherokee, Clay, Graham,
16 Haywood, Henderson, Jackson, Macon, Swain, and Transylvania counties.
- 17 (6) Methods for expanding the REAL training pilot program to all North Carolina
18 counties.
- 19 (7) Potential cost of implementation of a child welfare simulation training
20 program in this State.

21 **SECTION 5.5.(b)** By April 1, 2021, the Program Evaluation Division shall report
22 the findings of its study and any recommendations for proposed legislation to the Joint
23 Legislative Oversight Committee on Health and Human Services.

24 **SECTION 6.** Effective Date. – Except as otherwise provided, this act is effective
25 when it becomes law.