

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 212
Committee Substitute Favorable 3/24/21

Short Title: Social Services Reform.

(Public)

Sponsors:

Referred to:

March 4, 2021

A BILL TO BE ENTITLED
AN ACT TO IMPLEMENT VARIOUS PROVISIONS RELATED TO SOCIAL SERVICES
REFORM AND TO REPEAL CERTAIN CHANGES TO THE ADOPTION LAWS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) In accordance with the plan submitted by the Social Services Regional Supervision and Collaboration Working Group (SSWG) in its report to the Joint Legislative Oversight Committee on Health and Human Services as required by S.L. 2017-41 (Rylan's Law), the Department of Health and Human Services (Department) shall establish seven regions for regional supervision of child welfare and social services and begin providing oversight and support within those regions through home-based staff and the central office team by March 1, 2022. To that end, the Department shall move forward, pursuant to existing authority, with repurposing and redeploying (i) positions identified in the report to support regionalization and (ii) all managerial staff needed to support regionalization in the central office. The Department shall pursue procurement of physical offices within each of the seven regions beginning in March 2023 and shall prioritize staffing to improve the child welfare system. The Department shall move towards full implementation of a regional model, with offices, by March 1, 2024.

SECTION 1.(b) There is appropriated from the General Fund to the Department of Health and Human Services, Division of Social Services, the sum of nine hundred sixteen thousand one hundred seventy-one dollars (\$916,171) recurring for each year of the 2021-2023 fiscal biennium to support 11 new staff positions to improve regional supervision and support of child welfare services pursuant to the plan as described under subsection (a) of this section.

SECTION 1.(c) This section becomes effective July 1, 2021.

SECTION 2.(a) G.S. 108A-9 reads as rewritten:

"§ 108A-9. Duties and responsibilities.

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

- (1) To select the county director of social services according to the merit system rules of the North Carolina Human Resources ~~Commission;~~Commission.
- (2) To advise county and municipal authorities in developing policies and plans to improve the social conditions of the ~~community;~~community.
- (3) To consult with the director of social services about problems relating to his office, and to assist him in planning budgets for the county department of social ~~services;~~services.
- (4) To transmit or present the budgets of the county department of social services for public assistance, social services, and administration to the board of county ~~commissioners;~~commissioners.



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(4a) To attend education and training sessions provided for new board members during the first year they serve on the board.

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SECTION 2.(b) The Department of Health and Human Services, Division of Social Services, shall collaborate with key stakeholders, including the North Carolina Association of County Boards of Social Services, Association of North Carolina County Social Services Directors, North Carolina Association of County Commissioners, and the University of North Carolina School of Government, to create formal education and training sessions for new county boards of social services members in accordance with G.S. 108A-9(4a), as provided in subsection (a) of this section. The education and training sessions shall include a segment on the potential liabilities of the county board of social services. The education and training sessions shall be available statewide by March 1, 2022.

SECTION 2.(c) Subsection (b) of this section is effective when it becomes law. Subsection (a) of this section becomes effective October 1, 2021, and by October 1, 2023, all current county board of social services members must have participated in the education and training sessions provided in G.S. 108A-9(4a).

SECTION 3. The Administrative Office of the Courts shall conduct a feasibility and cost study of a proposed child support tribunal, with dedicated court officers to hear child support matters, using quasi-judicial procedures. The study shall include, at a minimum, strategies to address funding, staffing, and a plan for how the proposed changes will be implemented. The Administrative Office of the Courts shall submit a report of its findings and recommendations to the Joint Legislative Oversight Committee on Health and Human Services by March 1, 2022.

SECTION 4.(a) Part 2B of Article 1 of Chapter 108A of the General Statutes is amended by adding a new section to read:

"§ 108A-15.16. Conflicts of interest.

When conflicts of interest arise in the provision of social services provided by county departments of social services, county departments of social services shall work expeditiously to resolve those conflicts consistent with applicable law and any policies and procedures established by the Department of Health and Human Services. Policies and procedures shall address county financial and practice responsibilities associated with conflicts of interest. Upon identifying a conflict of interest, the county shall notify the appropriate authority within the Department of Health and Human Services of the conflict. The Department of Health and Human Services shall have authority to make final decisions regarding conflicts of interest assignments when disputes arise, with regional staff having initial authority when a dispute arises between county departments of social services and central office staff having initial authority when disputes arise between regions. The Social Services Commission shall adopt rules regarding conflicts of interest management, including establishing reasonable and specific time lines for resolving conflicts of interest. For purposes of this section, a "conflict of interest" occurs when a county department of social services is not able to manage the adverse interests of two individuals that the department of social services owes a duty to serve, or because of a preexisting relationship between an individual and a county that results in a county department of social services' inability to objectively fulfill its statutory responsibilities, or when the provision of social services and duty owed by a county department of social services conflicts with services and the duty owed by another county department of social services."

SECTION 4.(b) The Social Services Commission shall report to the Joint Legislative Oversight Committee on Health and Human Services upon adopting rules pursuant to G.S. 108A-15.16, as enacted in subsection (a) of this section.

SECTION 5. Part I of S.L. 2017-41 reads as rewritten:

"SECTION 1.1. Regional Supervision of and Collaboration by Local Social Services Programs. –

...

- (3) The Department shall submit the plan to the Joint Legislative Oversight Committee on Health and Human Services by November 15, 2018. The plan shall provide for the system of regional supervision to be operational no later than March 1, ~~2020.~~ 2024. The Department shall not implement the plan without an act by the General Assembly.

"SECTION 1.2.(a) Social Services Regional Supervision and Collaboration Working Group. – The School of Government at the University of North Carolina at Chapel Hill (SOG) shall ~~convene a~~ continue the work of the Social Services Regional Supervision and Collaboration Working Group (Working Group) to make recommendations to the Department regarding the regional supervision and collaboration plan. The Working Group shall consist of the currently constituted members as of December 1, 2018.

"SECTION 1.2.(b) Composition. – The Working Group shall consist of the following members:

- (1) Three members ~~of the Senate~~ appointed by the President Pro Tempore of the Senate, one of whom shall be designated as a cochair.
- (2) Three members ~~of the House of Representatives~~ appointed by the Speaker of the House of Representatives, one of whom shall be designated as a cochair.

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"SECTION 1.2.(b1) Vacancy. – A vacancy on the Working Group created by death, resignation, or otherwise shall be filled in the same manner as the original appointment.

...

"SECTION 1.2.(d) Duties. – The Working Group shall continue to develop recommendations for the regional supervision and collaboration plan required by Section 1.1 of this act. The Working Group shall ~~divide its work into two stages, the first~~ continue to (i) address regional supervision and ~~the second to (ii)~~ address interagency collaboration and regionalization.

- (1) Stage One. – The Working Group shall ~~convene its first meeting no later than October 6, 2017. During the first stage, the Working Group shall develop~~ October 8, 2021, and continue developing recommendations regarding:
- a. The size, number, and location of the regions. Recommendations shall take into consideration (i) the need for regions to maintain direct, local connections with the jurisdictions they serve; (ii) alignment with other regional organizations that intersect with the work of social services, as appropriate; and (iii) awareness of the cultural differences and similarities between regions.
 - b. The allocation of responsibility between the central, regional, and local officials in supervising and administering the social services programs and services.
 - c. Methods for holding the regional offices accountable for performance and responsiveness.
 - d. Requirements for the regional offices to share information about local departmental performance with the relevant board or boards of county commissioners, county or regional board of social services, or consolidated human services board.
 - e. Options for authorizing the board of county commissioners to intervene in urgent situations to assume direct control of the department of social services at the local level prior to the State assuming control of service delivery pursuant to G.S. 108A-74.
 - f. Any other issues related to regional supervision identified by the cochairs.
- (2) Stage Two. – ~~During the second stage, the~~ The Working Group shall:

- a. Develop recommendations regarding legislative and regulatory changes necessary to improve collaboration between counties in the administration of social services programs and services. Recommendations shall address, at a minimum, information sharing, conflicts of interest, and intercounty movement of people enrolled in programs or receiving social services.
 - b. Develop a vision for transitioning the State from a county-administered system to a regionally administered system. The vision shall identify general benefits and challenges associated with making such a transition.
- (3) Stage Three. – After completing the work in Stages One and Two, the Working Group shall:
- a. Review the recommendations from the Center for the Support of Families and the Department. After reviewing both reports, the Working Group shall revise the Stage One recommendations regarding regional supervision.
 - b. Provide more detailed recommendations regarding the following:
 1. The role of local elected officials and social services governing boards in social services oversight.
 2. Legal representation of local social services agencies.
 3. Managing conflicts of interest.
 4. Determining residency for social services programs and services.
 5. Transferring and changing venue in adult guardianship cases.
 6. Notice requirements for adult guardianship cases.
 7. Confidentiality of social services records, as it relates to improving interagency collaboration and service delivery.
 - c. Conduct a study regarding appointments of and funding for publicly funded guardians. The study must include all of the following:
 1. A description of the current types of appointments of publicly funded guardians.
 2. An evaluation of the effectiveness of the various types of publicly funded guardians.
 3. Recommendations for management of publicly funded guardians.

"SECTION 1.2.(e) Reports. –

- (1) Stage One. – The Working Group shall submit a report to the Joint Legislative Oversight Committee on Health and Human Services (Committee) and the Department at the conclusion of Stage One, which shall be no later than April 15, 2018. After receiving the Stage One report, the Committee may terminate the Working Group if it concludes that the Working Group is not making sufficient progress.
- (2) Stage Two. – The Working Group shall submit a report to the Committee and the Department at the conclusion of Stage Two, which shall be no later than February 1, 2019.
- (3) Stage Three. – The Working Group shall submit a preliminary report to the Committee no later than October 15, 2022, providing an update on its continued work. After receiving the preliminary report, the Committee may terminate the Working Group if it concludes the Working Group is not making sufficient progress. The Working Group shall submit a final report of its

1 recommendations to the Committee no later than February 1, 2023, and shall
2 terminate upon the final report.

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4 **SECTION 6.** The Department of Health and Human Services shall conduct a
5 feasibility study and make recommendations on transferring adult guardianship cases from the
6 Department to counties. Findings and recommendations from the feasibility study, including
7 what support counties may need, including monetary support, for assuming this task, shall be
8 made to the Joint Legislative Oversight Committee on Health and Human Services by March 1,
9 2022.

10 **SECTION 7.** G.S. 7B-3807 and G.S. 7B-3808 are repealed.

11 **SECTION 8.** Except as otherwise provided, this act is effective when it becomes
12 law.