

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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HOUSE BILL 935

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

Sponsors: Representatives Blackwell, Stevens, White, and Dobson (Primary Sponsors).  
*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Health, if favorable, Appropriations, Health and Human Services, if favorable,  
Rules, Calendar, and Operations of the House

April 22, 2019

A BILL TO BE ENTITLED

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

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 beginning March 1, 2022. To that end, the Department shall move forward 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 2021 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, 2022.

**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 fourteen thousand seven hundred ninety dollars (\$914,790) recurring for each year of the 2019-2021 fiscal



1 biennium to support 11 new staff positions to improve regional supervision and support of child  
2 welfare services pursuant to the plan as described under subsection (a) of this section.

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

4 **"§ 122C-80. Criminal history record check required for certain applicants for employment.**

5 ...

6 (b) Requirement. – An offer of employment by a provider licensed under this Chapter to  
7 an applicant to fill a position that does not require the applicant to have an occupational license  
8 is conditioned on consent to a State and national criminal history record check of the applicant.  
9 If the applicant has been a resident of this State for less than five years, then the offer of  
10 employment is conditioned on consent to a State and national criminal history record check of  
11 the applicant. If the provider licensed under this Chapter is a child care institution, as defined by  
12 42 U.S.C. § 672(c), then the offer of employment is conditioned on consent to a State and national  
13 criminal history record check of the applicant. The national criminal history record check shall  
14 include a check of the applicant's fingerprints. If the applicant has been a resident of this State  
15 for five years or more, then the offer is conditioned on consent to a State criminal history record  
16 check of the applicant. A provider shall not employ an applicant who refuses to consent to a  
17 criminal history record check required by this section. Except as otherwise provided in this  
18 subsection, within five business days of making the conditional offer of employment, a provider  
19 shall submit a request to the Department of Public Safety under G.S. 143B-939 to conduct a  
20 criminal history record check required by this section or shall submit a request to a private entity  
21 to conduct a State criminal history record check required by this section. Notwithstanding  
22 G.S. 143B-939, the Department of Public Safety shall return the results of national criminal  
23 history record checks for employment positions not covered by Public Law 105-277 to the  
24 Department of Health and Human Services, Criminal Records Check Unit. Within five business  
25 days of receipt of the national criminal history of the person, the Department of Health and  
26 Human Services, Criminal Records Check Unit, shall notify the provider as to whether the  
27 information received may affect the employability of the applicant. In no case shall the results of  
28 the national criminal history record check be shared with the provider. Providers shall make  
29 available to the Department of Health and Human Services upon request verification that a  
30 criminal history check has been completed on any staff covered by this section. A county that  
31 has adopted an appropriate local ordinance and has access to the Department of Public Safety  
32 data bank may conduct on behalf of a provider a State criminal history record check required by  
33 this section without the provider having to submit a request to the Department of Justice. In such  
34 a case, the county shall commence with the State criminal history record check required by this  
35 section within five business days of the conditional offer of employment by the provider. All  
36 criminal history information received by the provider is confidential and may not be disclosed,  
37 except to the applicant as provided in subsection (c) of this section. For purposes of this  
38 subsection, the term "private entity" means a business regularly engaged in conducting criminal  
39 history record checks utilizing public records obtained from a State agency.

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

48 ...."

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

50 **"§ 131D-10.3A. Mandatory criminal checks.**

1 (a) Effective January 1, 1996, in order to ensure the safety and well-being of any child  
2 placed for foster care in a home, the Department shall ensure that the criminal histories of all  
3 foster parents, individuals applying for licensure as foster parents, and individuals 18 years of  
4 age or older who reside in a family foster home, are checked and, based on the criminal history  
5 check, a determination is made as to whether the foster parents, and other individuals required to  
6 be checked, are fit for a foster child to reside with them in the home. The Department shall ensure  
7 that, as of the effective date of this Article, all individuals required to be checked pursuant to this  
8 subsection are checked for county, ~~state,~~ State, and federal criminal histories.

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

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

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

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

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

28 **"§ 131D-10.6. Powers and duties of the Department.**

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

31 ...

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

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

35 **"§ 143B-932. Criminal record checks of providers of treatment for or services to children,**  
36 **the elderly, mental health patients, the sick, and the disabled.**

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

40 ...

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

42 ...

43 (c1) Child Care Institutions. – Upon request, the Department of Public Safety shall provide  
44 any child care institution, as defined under Title IV-E of the Social Security Act, with the criminal  
45 history, as defined in G.S. 131D-10.2(6a), from the State and National Repositories of Criminal  
46 Histories for any person working or seeking employment with the child care institution. The child  
47 care institution shall provide to the Department of Public Safety, along with the request, the  
48 fingerprints of the individual to be checked, any additional information required by the  
49 Department of Public Safety, and a form consenting to the check of the criminal record and to  
50 the use of fingerprints and other identifying information required by the State or National  
51 Repositories signed by the individual to be checked. The fingerprints of the individual to be

1 checked shall be forwarded to the State Bureau of Investigation for a search of the State's criminal  
2 history record file, and the State Bureau of Investigation shall forward a set of fingerprints to the  
3 Federal Bureau of Investigation for a national criminal history record check. The child care  
4 institution shall keep all information received pursuant to this section confidential, except that  
5 the child care institution shall share any information requested by the Department of Health and  
6 Human Services. The information that the Department of Health and Human Services obtains  
7 pursuant to this section is not a public record and shall be kept confidential.

8 ...."

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

10 **"SECTION 11C.5.(a)** Funds appropriated from the General Fund to the Department of  
11 Health and Human Services for the child welfare postsecondary support program shall be used  
12 to continue providing assistance with the "cost of attendance" as that term is defined in 20 U.S.C.  
13 § 108711 for the educational needs of (i) foster youth aging out of the foster care ~~system~~system,  
14 (ii) youth who exit foster care to a permanent home through the Guardianship Assistance  
15 Program, and (iii) special needs children adopted from foster care after age 12. These funds shall  
16 be allocated by the State Education Assistance Authority."

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

18 **"§ 108A-9. Duties and responsibilities.**

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

20 ...

21 (4a) To attend education training sessions provided for new or experienced board  
22 members no less than twice annually.

23 ...."

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

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

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

39 **"§ 108A-15.16. Conflicts of interest.**

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

1 interest. For purposes of this section, a "conflict of interest" occurs when the provision of social  
2 services and duty owed by a county department of social services conflicts with services and the  
3 duty owed by another county department of social services."

4           **SECTION 6.(b)** The Social Services Commission shall report to the Joint Legislative  
5 Oversight Committee on Health and Human Services upon adopting rules pursuant to  
6 G.S. 108A-15.16, as enacted in subsection (a) of this section.

7           **SECTION 7.** Section 1(b) of this act becomes effective July 1, 2019. The remainder  
8 of this act is effective when it becomes law.