

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

**H.B. 935**  
**Apr 16, 2019**  
**HOUSE PRINCIPAL CLERK**

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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.