

Follow-Up Document for the Webinar

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Child Welfare Policy and Practice Update

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Recording: if you missed the webinar or want to view it again, go to: <https://fcrp.unc.edu/webinars/>

Answers to Questions Asked During the Webinar

Responses in this document are from the NC Division of Social Services.

Safe Sleep/Plan of Safe Care

- 1. The plan of safe care is the life of the 210 or does it continue if a case is transferred to In-Home Services? Or does a new plan need to be develop in 215?**

The Plan of Safe Care (POSC) is a living document that follows the family throughout the child welfare continuum. The POSC should be updated with the family as needed.

- 2. Lots of changes with safe sleep. Can you list the local support manager's contact information for safe sleep questions? Has the in-home service agreement been updated?**

The In-Home Family Services Agreement has not changed at this time. Once it has been updated, counties will receive information and training for the new document. All questions about safe sleep should be directed to your Regional Child Welfare Specialist.

3. Will the Monthly Contact Record add an additional space for safe sleep on the form?

On the DSS-5236 (Monthly In-Home Contact Record), safe sleep should be addressed under "Home Environment" on the bottom of page one. It asks the worker to document if safe sleep is being utilized for infants. On the DSS-5295 (Monthly Permanency Planning Contact Record), the worker should address safe sleep arrangements under question 3 regarding the child's "Safety and Supervision", including sleeping arrangements.

4. Where should safe sleep be addressed on the IHFSA?

It can be addressed within the "Objectives and Activities to Address Identified Safety Threats" section, or as part of activities related to addressing needs, and/or within the "Child Specific Review" where it indicates "Social/Other". Safe sleep is also addressed within the Initial Provider Assessment for Temporary Safety Provider (TSP) DSS-5203.

5. What would be the role of TSP's or foster parents in the development of Plan of Safe Care?

These individuals may be listed on the POSC as supports for the child and parent. TSPs and resource parents should be aware of the needs of the children (medical, developmental, etc.) that are listed in the POSC. The child welfare worker should have a discussion about safe sleep requirements with any caregivers including TSPs and resource parents no matter the duration of care provided. Ultimately the POSC is the family's plan, developed with assistance by the worker and other community supports such as Care Management for At-Risk Children or medical providers.

Policy Manual Changes 2nd Phase

6. What form do we use for relatives whom we have given custody to? I know that the 5760 is updated but that's only for kids in care.

If custody is provided during the CPS phase, this would be a parent-led decision. Therefore, a court order would reflect the necessary documentation.

Updates to Intake and Assessments

7. If we find that a parent was under the influence of a substance and driving with the child, is it an automatic finding for physical abuse and RIL placement; or are we allowed to only sub neglect if the incident did not result in any harm to the child and the parent has changed their behavior?

There are no automatic findings. Parents and caretakers driving under the influence of an impairing substance with a child(ren) in the car is screened for abuse due to substantial risk of harm. Assessment social workers should follow case decision policy after completing a thorough assessment to determine the appropriate case decision.

Firearm Safety

- 8. Does firearm safety include families receiving prevention? Meaning, do we have to demonstrate in documentation that this guidance has been reviewed with families?**

For counties with prevention services, it is best practice to discuss and document firearm safety with each family engaged in services.

Unsafe Discipline

- 9. If the mark that was left on the child from discipline is no longer there after 24 hours, is this an automatic finding for neglect?**

There are no automatic findings. Assessment workers should complete a thorough assessment and follow case decision policy to determine the outcome of a case.

Criminal History Record Information

- 10. How is CHRI information to be presented in a home assessment – need to maintain confidentiality but still address history?**

Please reach out to a Regional Child Welfare Specialist for further clarity.

Healthcare Power of Attorney

- 11. Regarding NCDSS mailing approximately 25 copies of the Five Wishes booklets to each county we never got our 5 wishes books.**

These can be requested from Shirley Williams:
shirley.williams@dhhs.nc.gov.

Monthly Case Visits

- 12. Are there exceptions to the video visits? Such as if the family suddenly comes down w/ COVID and there's no time to reschedule the visit.**

Click on the following links for a "Dear County Director" letter as well as guidance for visits with children and resource families.

<https://www.ncdhhs.gov/documents/files/dss/dcdl/childwelfareservices/cws-14-2020/download>

<https://www.ncdhhs.gov/documents/files/dss/dcdl/childwelfareservices/cws-14-2020a1/download>

Regulatory and Licensing

I3. What is the guidance for states that deny assistance to county requests through ICPC?

ICPC has a reconsideration process. If a county wants to request an ICPC placement decision be reconsidered, they must provide evidence that the conditions of the denial has been met or is no longer a concern. The reconsideration must be submitted within 60 days of the placement denial.

ICPC Regulation 2

Reconsideration of an ICPC denial: (requested by the sending ICPC Office)

(a) Sending state may request reconsideration of the denial within 90 days from the date 100A denying placement is signed by receiving state. The request can be with or without a new home study, see items 9(a)(1) and 9(a)(2) below. After 90 days there is nothing that precludes the sending state from requesting a new home study.

1. Request reconsideration without a new home study: The sending ICPC office can request that the receiving state ICPC office reconsider the denial of placement of the child with the placement resource. If the receiving state ICPC office chooses to overturn the denial it can be based on review of the evidence presented by the sending ICPC office and any other new information deemed appropriate. A new 100A giving an approval without a new home study will be signed.
2. Request new home study re-examining reasons for original denial: A sending ICPC office may send a new ICPC home study request if the reason for denial has been corrected; i.e., move to new residence with adequate bedrooms. The receiving state ICPC office is not obligated to activate the new home study request, but it may agree to proceed with a new home study to reconsider the denial decision if it believes the reasons for denial have been corrected. This regulation shall not conflict with any appeal process otherwise available in the receiving state.

(b) Receiving state decision to reverse a prior denied placement: The receiving state ICPC office has 60 days from the date formal request to reconsider denial has been received from the sending state ICPC office. If the receiving state ICPC administrator decides to change the prior decision denying the placement, an ICPC transmittal letter and the new 100A shall be signed reflecting the new decision.

I4. Regarding ICPC cases. Should the sending state notify the receiving state when they are sending a child to a potential placement provider (relative) for a visit? Most of the time, they are not notifying us when the child is in our state visiting, i.e. for the holidays.

Visits as defined in ICPC regulation are not subject to the Interstate Compact on the Placement of Children. A visit is a stay or proposed stay that does not exceed 30 days or the school vacation period. Notification to states for visits is not required.

When there is an approved ICPC referral, the sending state is to notify the receiving via the ICPC 100B form that the child has been placed. Upon receipt of the 100B, states must begin placement supervision within 30 days.

Regulation 9

1. A visit is not a placement within the meaning of the Interstate Compact on the Placement of Children (ICPC). Visits and placements are distinguished on the basis of purpose, duration, and the intention of the person or agency with responsibility for planning for the child as to the child's place of abode.
2. The purpose of a visit is to provide the child with a social or cultural experience of short duration, such as a stay in a camp or with a friend or relative who has not assumed legal responsibility for providing child care services.
3. It is understood that a visit for twenty-four (24) hours or longer will necessarily involve the provision of some services in the nature of child care by the person or persons with whom the child is staying. The provision of these services will not, of itself, alter the character of the stay as a visit.
4. If the child's stay is intended to be for no longer than thirty (30) days and if the purpose is as described in Paragraph 2, it will be presumed that the circumstances constitute a visit rather than a placement.
5. A stay or proposed stay of longer than thirty (30) days is a placement or proposed placement, except that a stay of longer duration may be considered a visit if it begins and ends within the period of a child's vacation from school as ascertained from the academic calendar of the school. A visit may not be extended or renewed in a manner which causes or will cause it to exceed thirty (30) days or the school vacation period, as the case may be. If a stay does not from the outset have an express terminal date, or if its duration is not clear from

the circumstances, it shall be considered a placement or proposed placement and not a visit.

6. A request for a home study or supervision made by the person or agency which sends or proposes to send a child on a visit and that is pending at the time that the visit is proposed will establish a rebuttable presumption that the intent of the stay or proposed stay is not a visit.

7. A visit as defined in this regulation is not subject to the Interstate Compact on the Placement of Children.

RIL Requirements

15. For the RIL requirements, do we need to keep a hard copy of the results or would a scanned and uploaded version of the results in our electronic record system be sufficient?

The county should keep a hard copy of the DSS-5268 with the original signature showing consent for the RIL check to be completed unless the form was signed electronically. Counties do not need to retain a hard copy of the RIL050 and RIL060 results after the county ensures the results have been scanned and uploaded into the electronic record.

16. Is the RIL form also to be used when checking TSP/Kinship placements in 210 assessments?

The county will always use the DSS-5268 to capture the signature of consent of an individual prior to the county running the RIL checks. This does include TSP/Kinship placements. NC DSS completes RIL checks for private agencies only.

17. The RIL Information Request needs to be updated (5268 Revised 8/2020). The FAX number on the form 5268 is obsolete and Black Mountain gives you an email address to use to send the 5268. Now would be a good opportunity for DHHS to revise the 5268 form with that email.

We are currently working to get the form updated to reflect the change from fax to email.

Licensure Requirements for Respite

18. Does providing respite for more than 24 hours include if respite is needed because the foster parent is going out of town for the weekend? Would the respite provider need to be licensed as a mental health facility?

Children in foster care can go to respite when their current foster family needs a break, is going away for the weekend, etc. A foster family can utilize another licensed foster family, or they can utilize their natural support for respite.

If the foster family has the child stay with a friend or relative of the foster parents that is not licensed, the time frame cannot exceed 72 hours and would be considered under prudent parent standard.

If the respite time frame exceeds 72 hours, the child must stay in a licensed foster home. Typically, the family's licensing agency and the county that has custody of the child will assist with locating a respite provider for the child.

If an agency wants to open to provide respite services for children in foster care, they will need to be licensed by NC DSS or NC DHSR. The type of license they need depends on the service they are offering, the characteristics of the clients they are serving, the type of location, the number of clients they would serve, etc.