Western MRS Meeting Notes
September 27, 2006
AB Tech Enka Campus

Counties Present: Buncombe, Catawba, Haywood, Henderson, Iredell, Jackson, Lincoln, Macon, Rutherford, Yancey.

Introductions
Announcements
Foster Care Funding/Relative Care
Responsible Individuals List
General Questions

Announcements

- Couple of Work First letters, both admin and Dear County Director, be sure to look at those.
- Tom also shared that there was a letter dated September 1st regarding providing Mental Health services to Foster Children (not on the web right now due to the change in web addresses.) Basically this tells you how to get basic mental health care for these children without having to go through the LMEs.
- Will be a Data Warehouse training Thursday October 5th in Raleigh at the CSE Computer Lab. If you can't make it to there, but you can get enough folks and a computer lab, we may be able to bring them a little closer.
    - MRS database will be included in Data Warehouse
- Federal Child and Family Services Review in NC March 26-30 of 2007. Mecklenburg is always a site, the other two have not been selected yet.
- DHHS website is changing to www.dhhs.gov
    - This will also be how you get to the Division's website: www.dhhs.gov/dss
    - Website not changing, just the bookmark.
- Working at the Division to consolidate the policy manual so there will not be one policy manual and another MRS manual.
- Looking at having the Institute in Asheville in August 2007. This way we can be fair and move it around since it was East last time. More information to come.

Responsible Individuals List

- Terri has kept track of the concerns that have been emailed to her since this started in May. As with anything, there are always growing pains!
- Judges are supposed to be trained by AOC.
- RIL has come about as a matter of Federal Requirements. For details on the process and the appeals, consult the manual.
- Keep in mind that the RIL is a list that may potentially affect their employment – this has nothing to do with them being in the central registry! Don't try to make being on this list be an indication of whether or not they neglected their child. The term 'serious' is causing a lot of anxiety.

All neglect is a serious matter, but this list is only about their future employability or ability to foster/adopt a child.

Questions:

1) What is serious neglect? Definition is broad and vague.
   Yes it is broad, but that was intentional so as to give the counties discretion. Looked at what other states had done. These are the cases that whatever happened was serious enough that you would not want the person who committed these acts to be working around children. Some of the types of cases that were discussed with the Directors were: cases with substance abuse and mental health issues, particularly when there is non compliance with treatment. When this SA or MH problem impaired the ability to parent. Family violence may result in 'serious' – was there a weapon? Was the child injured in the violence?. Not limited to these, and not all these will be, but those were some of the issues that were discussed. A situation where you feel that you would not want this person to be working around children.
2) Authorized Users – when will we be expanding the list? (Schools, Church volunteers)
   This will be coming, but it will require legislation and will not be very soon.
3) Request for Information (form #5268)
   Will be revising this form to include a place for license number, add language that makes it clear that this is also for foster and adoptive situations.
4) Other agencies – private placing agencies, other state agencies. How many people are authorized to request information?
   Black Mountain office has requested it be limited to 1 or 2 per agency.
5) Is checking the RIL mandatory?
   No, its an optional tool.
6) Conflict of interest assessments
   The county that conducts the assessment is the one who delivers the notice that someone was placed on the list, and if there is an appeal it goes to the Director of the county who conducted the assessment.
   However, if it goes to the judicial appeal, it must be done in the county were the incident occurred, (think of this in terms of law enforcement involvement.)
7) Case decision letters
   The letters in the manual were samples. You do not have to use them exactly as they are. The samples have a place for you to fill in the exact last date that the person could request a review, but you do not have to put that date. You can say "you have 30 days" The point is to give them adequate notice.
8) Filing of criminal charges or a conviction – does it stay the expunction?

Yes, it will stay the expunction. So makes it more important to communicate if this is a cross county case (see number 6 with the difference in who handles the assessment DSS vs law enforcement/courts.) You will still send the letter and if they appeal you tell them that they have to wait until the criminal issues are resolved. If the criminal charges are dropped, they then have 30 days from the date those charges were dropped to make an appeal.

9) When you file petition for non secure prior to making case decision what affect does this have?
   It forces you to keep 210 open until county adjudication and then your decision must match the courts. In this situation, the individual will have already had their due process in court. Therefore they do not have the 30 day appeal anymore after the decision is made because basically they have already exhausted it (the judge has already agreed with you.) if the judge rules that it was neglect, you will need to have a discussion while you are in court on whether or not it rises to the level of serious neglect. You can send the perpetrator a letter saying they are on the list if you want, but you don't have to, because there will be aware of all of this at the court hearing. It is critical that your county attorney understands this process so that they can guide the process in court in case it is new to the judge. (This is on page 10 of the RIL policy manual.)
10) Took a look at the list after a few months.
   As of September 12th there were 510 names, reported by 85 counties. 154 for abuse, 238 are for serious neglect, 121 for abuse and neglect. 12 appeals to the Director, 2 of them have been expunged by the director. One case is at the court level of appeal – it has been heard and the judge is in his 30 day window to make a decision.
   There is a small county that has as many names on the list as Guilford. This is odd. Please be careful and aware of what you are doing when you put people on the list.

Patrick shared that it is very important that not only DSS Directors and employees understand this policy and its implications, but it is also very important that the agency attorney understands it. Yes, AOC is supposed to train the judges, but the real education about this policy will come in the courtroom.

- Suggested that communities might even want to have a meeting with affected community partners to discuss this just like you did when MRS was rolling out.

Iredell asked about the Director not having to respond. Said that the system will not take the form without a date.

- You can use the date that he decides not to respond (that he makes the decision internally).
- It is not family centered, but according to the law non-response is an option for the Directors, so need to make sure that the families know that if they do not get a response by X date that constitutes a "no" on their appeal.

- Patrick suggested that as much as you can, try to get your Director to understand that if the families understand the process, they are waiting for a response and to try to be family centered.

<u>Foster Care Funding/Relative Care</u>

Mecklenburg brought this issue last week and they were trying to address how to meet the best interest of the children while following all the regulations and finding funding. (Since you can no longer draw down IVE money for unlicensed relatives.) How does this affect family centered practice?

Tom talked about funding.

- Mecklenburg is working on a policy to address this funding issue that will virtually eliminate placing with relatives that are not licensed.
- Macon will carry adjudication under 210.
- Looked to see if there are any ways to make it easier to license relatives, and there is really not.
- Folks today felt that the licensing process was too long. This is cumbersome and discouraging to families – wondered if the state was looking into this and would be more flexible on relatives.
    - There are some states that have different standards for relatives but we have heard from our regional and federal partners that North Carolina is not going to go that route.
- Sometimes find that the relatives can pass the AOC check but cannot pass the fingerprint check.
    - Tom pointed out that you don't necessarily "fail" the criminal records checks. You have to do them but then it is up to the Director what to do with that information. The Director can request that the person can be licensed anyway.
    - Black Mountain staff tends to be very flexible when it comes to relatives. Can't waive safety issues, but can wave many other things like criminal records if the county Director is willing to sign off on it. What Tom has been told by the Black Mountain Staff is that usually it is the county Directors that are not willing to ask for waivers.
- Counties have said that they do not have access to criminal records outside of NC and they feel that they should. As far as Tom knows, this is a part of the Adam Walsh legislation coming down the path, but not sure. Be on the lookout for more information on this.
- County asked what Mecklenburg's judges are saying about this new process. It has not gotten that far. Frustrating to counties that they hear to try and place with relatives, but no funding to support it if relative are not licensed.
    - Tom pointed out that you can use IVE money to help families to get licensed (say to buy extra beds so they have the required number) but if you do this for relatives trying to get licensed, you have to do it for everyone.)
- Tom said not to forget to use trial home visits and aftercare to code for IVE funding. These can go on for 6 months, unless the judge decrees that trial home visits will go on longer. But remember that these children are

considered candidates for foster care, so they have to meet those requirements.
    - No requirement for depravation for being at risk for return to foster care.
    - Definition of 'home' is pretty general for a trial home visit (can include relative)
    - This won't totally cover your funding, but it will help.
- Buncombe asked about 215 services where there may be kinship placements. There are kinship placements that they approve although they know those people will never be able to be licensed, although DSS talks to them about placement.
    - Are we setting this family up to fail when we know that this kinship placement will never get licensed?
    - Realize that this is a federal regulation, but this is not family centered. Puts the county in the position of having to pay 100% state dollars for this type of placement.
- Although there are some relatives that don't pursue licensing because they realize they could not be licensed, don't believe that this is the reason that most relatives who won't pursue it don't. There are other reasons. (fear of alienating their biological family members, fear that they would have to take other foster kids)
    - Need to take some time and really explore the reasons that this family does not want to be licensed.
    - The state can't waive safety regulations, but there are other pieces that the state can be more lenient about if it is a relative placement and the Director requests it. (a good example of this is the space issue, Black Mountain is more likely to waive the space regulations for a relative placement.)
    - This group's concern is that there may be many smaller issues. Counties felt that Black Mountain would waive one or two small non safety issues (space) but would they waive 5 or 6??
    - The Black Mountain staff is very aware of the situation the counties are in.
- County asked if they could request a license for the specific children.
    - They cannot do that, there is not a specific relative license, but no one but the DSS will ever place children there, so the county DSS could decide that they will not place other children there.
- The counties feel that they are putting themselves in a liability position by giving a license to a family that you don't feel would be licensed to foster <u>any</u> children (not just their family members). You may be trying to only place their biological relatives there, but who can say what will happen in the future.
- County asked if we had seen a large number of children who would have previously been placed with relatives now going into licensed foster care?
    - Tom has heard this anecdotally, but he does not have numbers.
    - Want to be clear that Mecklenburg is struggling with this but they have <u>*not*</u> said that they will never place with unlicensed relatives.
- NC Legislature did allocate some money to offset the fact that counties can't draw down IVE money anymore. County Director group working on

how to disburse this money. This would cover admin costs when children were placed with non licensed relatives. Not sure of any more details, but after Directors finish discussion, there will be some kind of communication on this coming out.

- Often relative placements are made across county lines. When the case is closed, who has jurisdiction? Some of this is in cross county issues policy, Sometimes in the western counties, this even happens across state lines.

An aside on cross county policy. Patrick believes that the policy, as written works if it is <u>followed as it is written</u>. The biggest problem he sees is that different counties pick and choose which parts to follow. It needs to be followed in its entirety. And, of course, like anything else, it won't always apply as written with no discussion to every case. Does cover most of them, and with good communication should be able to figure out those few odd cases.

<u>Other Issues/Discussion</u>
Patrick asked about general implementation for the 3rd wave counties.

Structured Intake – county asked why the state came up with this form if they were going to allow it to be adapted beyond recognition when they get it from another county.

- Patrick said the forms must include a certain amount of information but counties are allowed to adapt to add additional information or move information around.
- One county finds that confusing when they get one from a county and it has been changed so much that they can't find information on it.
- Don't know that there is a magic solution except to talk to the county and tell them you can't follow their intake form.
- Always need to call the county you are sending information to, and then send it to them after the phone call. Should not "cold fax" an intake form. This happens a lot and it should not.

<u>Future Meetings and Trainings</u>
MRS Monthly Meetings

- Central Meeting - October 31st Davidson Co Community College (Mendenhall 226)
- Western Meeting - October 30th Buncombe Co St. John's Episcopal Church
- Eastern Meeting – October 20th Onslow Co
- Central Meeting - November 17th Randolph Co
- Western Meeting – November 28th Buncombe Co St. John's Episcopal Church
- Eastern Meeting - November 30th Washington Co

Policy Trainings

- October 5th - MRS Policy Iredell Co
- November 29th – MRS Policy Pitt Co
- December 7th – MRS Policy Onslow Co