

Rylan's Law and Family First Overview and Crosswalk

Rylan's Law (Session Law 2017-41)

Rylan's Law, enacted in July 2017, governs a legislatively required, statewide reformation of North Carolina's social services and child welfare programs. Recent federal and statewide reviews have identified troubling gaps and flaws in North Carolina's child welfare system that places children's safety at risk. Additionally, more accountability and oversight are needed for County Departments of Social Services to produce better performance and outcomes. By March 1, 2020, Rylan's Law requires regional offices that provide closer, more direct, regional supervision and support to County Departments of Social Services. Each County Department of Social Services will be part of a region of counties, and state-level DSS staff will monitor and support these regions. Regionalization means that the State will provide regional supervision and support to the counties, which will continue to locally administer social services. This approach does not supplant, abridge, or in any other way change the traditional role of the counties in administering social services.

Rylan's Law provides North Carolina with a blueprint for how we can collectively transform our child welfare system and speaks to the systemic changes that are needed in the oversight of child welfare services to improve outcomes for families and children served. This includes the reorganization of our current state supervision structure from a centralized model to a model of regional supervision. It is essential that other efforts to reform child welfare, such as the Family First Prevention Services Act are aligned with Rylan's Law.

Key Components of Rylan's Law

Rylan's Law provides a blueprint to create statewide capacity to protect children and promote safe and stable families, while incorporating evidence-based, trauma-informed, and culturally competent practices. Transforming the child welfare system is necessary to better ensure the safety, permanency, and well-being of children and families. The child welfare system evaluations concluded that counties require improvement in areas such as providing services to families that prevent child removals, increasing efforts to achieve permanency, and supporting the child welfare workforce.

There are five key components of Rylan's Law that drive this transformational work. The key components include the following:

1. System Reform Plans

The most important component of Rylan's Law is the requirement of an independent assessment by a third-party organization to evaluate our current system. The resulting recommendations will provide a new vision and strategic direction for social services, including child welfare.

The Center for the Support of Families (CSF) was selected to perform the independent assessment. Since beginning work in March 2018, CSF has collected extensive data, administered surveys, and met with state, county, and community stakeholders across North Carolina to develop preliminary recommendations for child welfare and social services programs. In September 2018, CSF concluded phase one of their work by releasing two preliminary reform plans: one for child welfare and one for social services. DHHS will use the preliminary recommendations as a roadmap to

improve support and oversight of social services programs, enhance child safety, and protect children from harm. The preliminary reform plans can be reviewed at <https://bit.ly/2DsdIZI>.

Phase two of CSF's work will include further development of the preliminary reform plans, including additional engagement with state and county leaders and community stakeholders. The final recommendations will be released at the conclusion of phase two in March 2019.

2. Social Services Regional Supervision and Collaboration Working Group

In 2017, as part of Rylan's Law, the North Carolina General Assembly established the Social Services Regional Supervision and Collaboration Working Group (SSWG). Its purpose is to develop recommendations for improving state supervision of the county-administered social services system via a system of regional state offices.

The work of the SSWG has two stages. During stage one, the group developed recommendations regarding the size, number, and location of regional state offices and identified responsibilities of central, regional, and local officials in supervising and administering social services programs. The SSWG concluded stage one in March 2018; its recommendations can be found at <https://unc.live/2xCZaRi>.

In stage two, the SSWG built upon concepts developed in the first stage. The primary focus was to develop recommendations regarding legislative and regulatory changes that improve collaboration. The report containing stage two recommendations was released in December 2018 and can be found under the reports section at <https://unc.live/2xD19Fe>.

3. Corrective Action – Memoranda of Agreement

Effective July 1, 2018, Rylan's Law requires all 100 county departments of social services to enter into an annual performance agreement with DHHS for all social services programs, excluding Medicaid. The agreement contains performance requirements and administrative responsibilities related to child welfare and other social services programs. Ultimately, a data dashboard will be available to the public, so counties and citizens can easily access program data and performance.

4. Child Well-being Transformation Council

There are several public and private agencies and organizations across the state involved with promoting the welfare of children and protecting them from harm. These stakeholders include community partners from child care, education, health care, social services, and juvenile justice. Though these agencies and organizations provide important services, there is also lack of coordination and communication between those services. To promote a more coordinated approach to services that will help improve outcomes for children, the General Assembly created the Child Well-being and Transformation Council. The council had their initial meeting in December 2018 and will serve as a multidisciplinary group that will work collaboratively in providing public services to children. The council consists of 17 members appointed by the Governor and General Assembly.

5. Regional Departments of Social Services

To promote accountability and increased supervision, Rylan's Law gives counties the option to create regional departments of social services. This gives counties the flexibility to combine resources and improve the provision of social services among more than one county.

Family First Prevention Services Act (Public Law 115-123)

The Family First Prevention Services Act passed in February 2018 and is the most sweeping legislation to impact federal child welfare financing and programs in over thirty years. This law continues to allow states to cover costs related to foster care and adoption assistance, however, states may opt to extend federal (IV-E) reimbursement to cover certain expenditures and services related to *preventing* foster care placements. This includes evidence-based mental health, substance abuse and parenting services to keep children safely with their families. States must develop a plan to be submitted to federal partners that describes how eligible children will be identified, how safety will be monitored, workforce training and support, evaluation strategies and other requirements. States may opt-in to prevention services as early as October 1, 2019.

Family First also includes provisions that will limit IV-E foster care spending for children in congregate care settings. This means that existing IV-E funding for children and youth in group settings will be limited to the first two weeks of placement, unless the child/youth has certain specified permissible needs that necessitate a group placement.

The limitation on funding for congregate care is tied to the date of opting into the prevention services. For example, if a state opts into the prevention services on January 1, 2020, this also becomes the effective date of limitations on congregate care funding. Effective October 1, 2021, limitations on congregate care funding become mandatory, regardless of whether states opt-in to prevention services. Therefore, states must carefully assess the impact of these changes and assess system readiness for the significant fiscal, administrative and programmatic changes that will result from implementation of prevention services and funding limitations for congregate care.

In addition to prevention services and limits on funding for congregate care, there are a number of other key provisions in Families First which increase child safety and well-being and promote strengthening families' capacity to safely care for their children. These provisions include (but are not limited to):

- Allowing title IV-E foster care payments for up to 12 months for an eligible child placed with a parent in a licensed residential family-based substance abuse treatment facility. This provision addresses the increase in parents affected by opioid addiction and other substances, and provides support to keep families together during treatment, when appropriate.
- Amendments to strengthen background check requirements for employees in licensed congregate care facilities that place foster children.
- Modifications to foster home licensing standards.
- Allowing states to extend Chafee program services (services for teens in foster care and youth transitioning out of care) up to age 23, thus extending educational and transitional support to young adults.
- Provision of resources to support young children, reunification, and kinship providers.

Family First contains a host of provisions intended to strengthen families, prevent removals into foster care, and limit the time children spend in foster care. Family First is an opportunity that offers exciting possibilities for child welfare agencies to be responsive to the specific needs of children, teens and families. Family First provides new ways to use existing funding streams to promote innovations and flexibility in reform efforts. It is an important opportunity for states to engage the entire community in planning for Family First implementation and gather ongoing feedback to improve preventive services and practice models, including engaging with community-based

organizations, private providers, the legal community and other stakeholders. A comprehensive summary of Family First can be found at <https://www.childrensdefense.org/policy/policy-priorities/child-welfare/family-first/>.

Family First and Rylan’s Law

North Carolina’s child welfare system is at a pivotal point of change as a result of Rylan’s Law and Family First. Both laws require significant shifts in the fiscal, administrative, and programmatic functions of child welfare services in North Carolina. This is a prime opportunity to align the restructuring of our administrative oversight and accountability requirements outlined in Rylan’s Law, along with the programmatic opportunities identified in Family First. As a result, significant child welfare reform efforts are underway, and new program models are needed to increase accountability and support for children, families, and child welfare staff across the state. There are several provisions identified in Rylan’s Law that also overlap with Family First. These include the following provisions:

Rylan’s Law	FFPSA
Preventive and in-home services that provide struggling families with needed supports and treatment to prevent removal of the children from the home. Provision of health care, mental health, and educational services to children and families involved with the child welfare system.	Offers states the opportunity use federal funds to implement prevention services such as mental health, substance abuse and parenting services to prevent children from being removed from their homes.
Child fatality oversight, including a review of the existing structure, communication, and effectiveness of the Community Child Protection Teams.	Requires states to describe the steps they are taking to track and compile complete information on child maltreatment deaths from several specified sources and steps to develop and implement a statewide plan to prevent fatalities.
Recommend a practice and implementation strategy, including: <ul style="list-style-type: none"> a. Ensuring a statewide, trauma-informed, culturally competent, family-centered practice framework. b. Incorporating more evidence-based practices, including evidence-informed prevention services designed to reduce the number of children entering foster care. 	Prevention services must be trauma-informed and must be provided in accordance with general practice requirements and promising, supported, or well-supported practices.
Enhance efforts to achieve permanency for children either through reunification with family, legal guardianship or custody, or adoption.	Limits the use of federal funding for congregate care to promote placing children/youth with families. If congregate settings are necessary, there are exceptions to

Rylan's Law	FFPSA
	the limit on funding to meet specified clinical or other needs of the child.
Enhance services provided to older youth in foster care and to those who have aged out of foster care.	Opportunity to extend foster care services to youth up to the age of 23.
Specify expectations regarding professional development, training, and performance standards.	Identifying the steps the state is taking to support and enhance a competent, skilled, and professional child welfare workforce to deliver trauma-informed and evidence-based services.