

CHAPTER V – JURISDICTION IN CHILD WELFARE

CHANGE # 01-2016

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I. PURPOSE

Child Protective Services are federally mandated; however, North Carolina remains one of the few states that administer its child welfare system at the county level. These federally mandated services are applicable to the entire state without consideration to county lines. The Division of Social Services (the Division) recognizes that all children in North Carolina have the right to live free of abuse and neglect without regard to where they live or with whom they live. Therefore, **all** 100 counties in North Carolina bear the responsibility for ensuring the safety and well-being of **all** children and their families.

This policy provides guidance but does not cover every conceivable situation that may arise. Therefore, counties must remember that there exist some basic premises that guide this policy.

The safety of North Carolina's children and their families are first and foremost. Social workers and Supervisors are professionals; therefore, programmatic decisions should not be questioned. Although NC is a county administered system, the protection of children knows no county lines, such as those regarding:

- where the child resides
- screening decisions
- whether a situation creates of conflict of interest
- case decisions
- requests from one county to another will be honored
- communication between county Department of Social Services (DSS) will occur when necessary to ensure the delivery of protective services
- legal precedence regarding the transfer of custody requires that a social worker from each county be present at hearings regarding that transfer

The county of residence is the primary county responsible for the delivery of services to a family. N.C.G.S. § 153A-257 (http://www.ncleg.net/EnactedLegislation/Statutes/PDF/BySection/Chapter_153A/GS_153A-257.pdf) provides guidance to the Division to determine which county is responsible for a needy person who meets the eligibility requirements for public assistance offered by the county or for social services required by the person. This statute includes a provision about the residence of a minor and further provides that the Division is responsible for determining which county shall be responsible for providing child protective services when two or more counties cannot agree. Although the statute does not define the term “reside,” it is clear that in this context the term has its ordinary meaning. A child “resides” where:

- he or she is receiving public assistance,
- he or she is enrolled in school or childcare

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- he or she works
- he or she receives mail, or
- the location listed on the child's medical records, driver's license or library card.

In short, the child resides in the place where he or she sleeps most often, lives and has the greatest number of daily contacts unless the child is in foster care, a hospital, or other remedial facility.

Changes in societal and cultural norms have affected how county child welfare agencies work with families. Families are more diverse, blended, and increasingly mobile. Therefore, it is necessary to define a process that more accurately addresses the complicated issues presented when **more than one county** is engaged in the delivery of services to a family.

With the implementation of the Multiple Response System, county child welfare agencies utilize the principles of both Family Centered Practice and System of Care. Both recognize that the protection of children is a **partnership** between the county child welfare agency, the family, and other professionals that are involved with the family. It is also a **partnership** between county child welfare agencies where collaboration and accountability model a desired behavior to the families that are served.

When the family centered practice and System of Care principles are applied to the interactions, not only with families, but with professional counterparts, there is the expectation to see greater accountability which leads to better outcomes for children and families.

When the delivery of child welfare services involves multiple counties, it is expected that each county child welfare agency works in a collaborative and coordinated manner in order to provide greater continuity of services to families while providing stability and ensuring safety for children. Each community is best able to identify, build, and make the most of existing resources to assist families.

This section will provide guidance on conducting Child Protective Services (CPS) assessments that involve CPS Assessments of Out of Home placement providers, and CPS Assessments when there are multiple counties involved. Guidance is also provided for situations when multiple counties are involved during the provision of CPS In-Home Services, Child Placement Services and Adoption Services that involve disruptions and dissolutions.

It is the expectation that county child welfare agencies will collaborate to ensure the safety of all children in North Carolina. Improved outcomes for children and their families can only be realized when there are strong working relationships between child welfare agency staff and a full range of community partners.

When a CPS report indicates **more than one county** will be involved with the delivery of services, the county where the child resides is responsible for conducting the CPS Assessment except for specific circumstances identified in this section. Whenever

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possible, face-to-face meetings should occur when discussing case decisions and case plans by all [county child welfare agencies](#) involved.

Note: When a county [child welfare agency](#) requests any assistance from another county DSS, that request shall be honored.

In the event that two or more counties cannot agree as to which county has the responsibility to provide services, N.C.G.S. §_153A-257(d) (http://www.ncleg.net/EnactedLegislation/Statutes/PDF/BySection/Chapter_153A/GS_153A-257.pdf) authorizes the Division to determine the county responsible for managing the provision of services to the family. However, all efforts should be made to resolve the issues prior to asking the Division to make the determination. These efforts should include involving county [child welfare agency](#) management up through and including the directors of each county in the attempt to reach a resolution.