

CHAPTER V – JURISDICTION IN CHILD WELFARE

CHANGE # 1-2016

April 2016

IV. CPS IN-HOME SERVICES

A. CPS In-Home Services Policies Regardless of whether One or More County Child Welfare Agencies are Involved

- 1.) Nothing in this section alters the requirements for the delivery of CPS In-Home Services. Please see Chapter VIII: Protective Services, Section 1412 – CPS In-Home Services (<http://info.dhhs.state.nc.us/olm/manuals/dss/csm-60/man/CS1412.pdf>) for a full discussion of CPS In-Home Services policies. The following policies are required, and if fulfilling these policies involves more than one county child welfare agency, it is the responsibility of the involved county child welfare agencies to work together to identify which county child welfare agency will conduct the activities.
- 2.) When ongoing CPS In-Home Services are indicated following substantiation or a finding of services needed, the county child welfare agency that will be providing ongoing CPS In-Home Services with the family will assume responsibility for the case. Generally, the county where the child resides is the county that will be responsible for the CPS In-Home Services. Placement of a child with a safety resource does not equate to a change in residence for the child. The CPS In-Home Services case should remain with the county where the parent resides in this instance. The involved county child welfare agencies should coordinate the provision of services to the parent and the child. It will be important to determine whether or not other county child welfare agencies continue to remain involved with the family or need to become involved with the family. Case closure should not be considered until the child is able to return home; otherwise consideration should be given to the filing of a petition to establish legal permanence.
- 3.) A family shall be seen by a social worker within one week after substantiation of abuse, neglect, or dependency or a finding of services needed to begin the transition from the CPS Assessment phase to CPS In-Home Services; unless there is documentation of diligent efforts made and/or rationale for the delay. It is imperative that the decision regarding what county child welfare agency will be responsible for providing the ongoing CPS In-Home Services is made timely in order to meet this timeframe.
- 4.) For cases where the risk rating is high based on the Family Risk Assessment, weekly face-to-face contact shall be maintained with the

family. At a minimum, all children substantiated as abused, neglected, and/or dependent, or identified as services needed and their parents shall be seen face-to-face two times per month. All other children (unsubstantiated, found services recommended, or services not recommended) residing in the home shall be seen face-to-face once per month. The social worker shall be required to have face-to-face contact with as many significant family members as necessary to ensure the children's safety.

Two collateral contacts per month with service providers significant to the case-- mental health therapist, case manager, school, child care, Work First, or other professionals working with the family are some examples. These contacts may be made at the Child and Family Team (CFT) Meeting if the child's safety can be ensured in the process. Documentation should include the identity of the person the social worker talked with, when the conversation took place, and what observations have been made of the family's progress or barriers toward case goals.

- 5.) For moderate risk cases, all children substantiated as abused, neglected, or dependent, or identified as services needed and their parents or primary caretakers shall be seen face-to-face twice per month. During visits with family members, risk and safety issues should be addressed and progress should be discussed. The family's well-being needs should also be discussed during these visits, as well as the strengths and needs. Documentation of the visits should include who was seen, where, when, and progress toward meeting the goals of the case plan.

Two collateral contacts per month with someone significant to the case-- mental health therapist, case manager, school, child care, family members, Work First or other professionals working with the family. Documentation should include who the social worker talked with, when, and what observations have been made of the family's progress or barriers toward case goals.

- 6.) Any allegation and/or incident that meet the legal definitions of child abuse, neglect, and/or dependency received at any time during the course of an open CPS In-Home Services case shall be documented as a new report and the agency shall conduct a prompt and thorough CPS Assessment. At the conclusion of the CPS Assessment, all of the information gathered during the fact finding process shall be incorporated into one case decision and one DSS-5104 Report to Central Registry (<http://info.dhhs.state.nc.us/olm/forms/dss/dss-5104.pdf>). All required Structured Decision Making Tools shall be completed. All individuals making reports shall receive the required notices.

## **B. CPS In-Home Services When There are No Other Counties Involved**

- 1.) Requesting assistance from another county

Whenever it becomes necessary to involve another county child welfare agency to facilitate the delivery of services or to make contact with collaterals, the request shall be in writing. The request shall be specific and include sufficient information necessary to complete the request.

- 2.) When a new report is received

Should a new report be received during the provision of CPS In-Home Services, the county child welfare agency where the child resides and that has services already open shall conduct the CPS assessment.

- 3.) When a family moves

When a family moves during the provision of CPS In-Home Services to another county, the county child welfare agency with the open CPS In-Home Services case will attempt to determine to what county the family has moved. Once there has been another county identified, the county child welfare agency with the open case will contact the county child welfare agency where the family is believed to have relocated. They will request the other county child welfare agency to verify that the family has, in fact, relocated in that county. The Diligent Efforts form in Chapter VIII: Protective Services, Section 1408 – Investigative and Family Assessments (<http://info.dhhs.state.nc.us/olm/manuals/dss/csm-60/man/CS1408.pdf>) is to be used to document the verification activities. Verification shall include but is not be limited to:

- (a.) a visit to the new home,
- (b.) proof of utilities,
- (c.) school enrollment or
- (d.) the application for services.

Upon verification that the family has moved, plans should be discussed between the two county child welfare agencies involved about transferring the CPS In-Home Services case. **It is never appropriate to transfer a case from one county child welfare agency to another without this discussion--either face-to-face or by conference call. Simply faxing information to the other county child welfare agency is not sufficient.** Social Workers, supervisors and/or program managers from both county child welfare agencies should be involved together in this discussion.

### C. Providing CPS In-Home Services When Multiple Counties are Involved

- 1.) When it is necessary to open a CPS In-Home Services case and multiple county child welfare agencies are already involved, a decision shall be made collaboratively as to which county child welfare agency should be

North Carolina Division of Social Services  
 Child Welfare Services  
 Chapter V: Jurisdiction in Child Welfare

Change # 1-2016

Jurisdiction in Child Welfare

April 2016

responsible for providing the CPS In-Home Services. In most cases, the county where the child resides is the county child welfare agency that is responsible for providing CPS In-Home Services. This discussion should involve all social workers, supervisors and/or program managers--either face-to-face or by conference call. The discussion should also identify the ongoing roles of the county child welfare agencies involved in assisting the county child welfare agency providing the CPS In-Home Services.

Factors to consider in defining the services needed from the different county child welfare agencies include:

- (a.) The home where the safety issues to be resolved is located
  - (b.) Where and to whom the child is going to be returned, if the child is placed with a safety resource temporarily,
  - (c.) Where the child is located and how long the child is anticipated to remain.
  - (d.) The best interest of the child and family.
- 2.) During the provision of CPS In-Home Services, the responsible county child welfare agency will collaborate with the other county child welfare agencies involved in the case to determine which county child welfare agency will make the necessary contacts and assessments based on the needs of the case. The county child welfare agency providing these contacts and assessments will provide written documentation, to the county child welfare agency responsible for providing the CPS In-Home Services.
- 3.) When a new CPS report is received during the provision of CPS In-Home Services, the county child welfare agency that is providing the CPS In-Home Services will conduct the CPS Assessment and will collaborate with any other county child welfare agencies involved in accordance with the principles outlined in this section.

The chart below is may be helpful when determining the appropriate county to conduct the CPS Assessment when CPS In-Home Services are being provided.

Location of the Child	Allegations against	Assessment by
Parent	Parent	Parent county of residence
Safety Resource	Safety Resource	Safety Resource county of residence
Safety Resource	Parent	Parent county of residence
Facility	Facility	County where the facility is located
Facility	Parent	Parent county of residence

- 4.) If placement becomes necessary during the provision CPS In-Home Services, all required activities shall be completed to comply with law

North Carolina Division of Social Services  
Child Welfare Services  
Chapter V: Jurisdiction in Child Welfare

Change # 1-2016

Jurisdiction in Child Welfare

April 2016

N.C.G.S. §7B-302 ([http://www.ncleg.net/EnactedLegislation/Statutes/PDF/BySection/Chapter\\_7B/GS\\_7B-302.pdf](http://www.ncleg.net/EnactedLegislation/Statutes/PDF/BySection/Chapter_7B/GS_7B-302.pdf)) and rule 10A N.C.A.C. 70A .0110 (<http://reports.oah.state.nc.us/ncac/title%2010a%20-%20health%20and%20human%20services/chapter%2070%20-%20children's%20services/subchapter%20a/10a%20ncac%2070a%20.0110.pdf>).

- (a.) Safety Resources shall be considered for placement. Safety Resources shall be conducted in accordance with Section 1412 – CPS In-Home Services (<http://info.dhhs.state.nc.us/olm/manuals/dss/csm-60/man/CS1412.pdf>) of the Protective Services Manual and the 1201 – Child Placement Services manual (<http://info.dhhs.state.nc.us/olm/manuals/dss/csm-10/man/>).
- (i.) Placements with relatives **and fictive** kin shall be legally secure prior to case closure if there is any question that the child would be unsafe if the parent were to take the child out of the relative's home.
- (ii.) If the conditions that necessitated the placement of the child with a safety resource are not remedied within **90 days** of placement, the county **child welfare agency** that has the open CPS In-Home Services case shall reassess the child's need for permanence. A request for assistance from the county **child welfare agency** where the safety resource is located may be needed if the safety resource **resides** in a different county.
- (b.) The county **child welfare agency** where the child resides shall be responsible for filing the petition for non-secure custody, **unless the case has been identified as a conflict of interest case**. In most cases, that is the county that is providing the CPS In-Home Services.
- N.C.G.S. 7B-903 (c) ([http://www.ncleg.net/EnactedLegislation/Statutes/PDF/BySection/Chapter\\_7B/GS\\_7B-903.pdf](http://www.ncleg.net/EnactedLegislation/Statutes/PDF/BySection/Chapter_7B/GS_7B-903.pdf)) states: "In the case of any juvenile who needs more adequate care or supervision or who needs placement, the court may: Place the juvenile in the custody of the department of social services in the county of the juvenile's residence, or in the case of a juvenile who has legal residence outside the State, in the physical custody of the department of social services in the county where the juvenile is found so that agency may return the juvenile to the responsible authorities in the juvenile's home state."
- (c.) When multiple county **child welfare agencies** are involved, a discussion shall take place as to the roles and services needed from each county **child welfare agency**. Consider:

- (i.) What is the permanent plan for the child?
  - (ii.) Who is identified as the child's planned permanent family?
  - (iii.) Who has information regarding the child and family?
- (d.) The inter-county agreement DSS-1797 (<http://info.dhhs.state.nc.us/olm/forms/dss/dss-1797-ia.pdf>) shall be completed when the county where the child is placed, and the county child welfare agency that made the placement are not the same. This also applies to safety resource placements.
- (e.) Prior to the transfer of custody or a change of venue, a hearing shall be held giving each involved county the right to appear and plead their position. Should a county child welfare agency elect not to be present at the change of venue hearing, all rights to argue against the transfer are forfeited.
- NC Rules of Civil Procedure, N.C. R Civ. P. 13(h) ([http://www.ncleg.net/EnactedLegislation/Statutes/PDF/BySection/Chapter\\_1A/GS\\_1A-1,\\_Rule\\_13.pdf](http://www.ncleg.net/EnactedLegislation/Statutes/PDF/BySection/Chapter_1A/GS_1A-1,_Rule_13.pdf)), states: "Additional parties may be brought in. – When the presence of parties other than those to the original action is required for the granting of complete relief in the determination of a counterclaim or cross-claim, the court shall order them to be brought in as defendants as provided in these rules, if jurisdiction of them can be obtained."
- N.C. R. Civ. P. 19(b) ([http://www.ncleg.net/EnactedLegislation/Statutes/PDF/BySection/Chapter\\_1A/GS\\_1A-1,\\_Rule\\_19.pdf](http://www.ncleg.net/EnactedLegislation/Statutes/PDF/BySection/Chapter_1A/GS_1A-1,_Rule_19.pdf)) states: "The court may determine any claim before it when it can do so without prejudice to the rights of any party or to the rights of others not before the court; but when a complete determination of such claim cannot be made without the presence of other parties, the court shall order such other parties summoned to appear in the action."
- (f.) All involved county child welfare agencies shall be notified of any changes in venue.
- (g.) The case record shall be shared in its entirety when a case is transferred from one county child welfare agency to another within 7 business days.