

CHAPTER V – JURISDICTION IN CHILD WELFARE

CHANGE # 05-2008

June 2008

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 N.C. 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](#) 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, where he or she is enrolled in school or childcare, where he or she works or 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 we 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 DSS utilize the principles of both Family Centered Practice and System of Care. Both recognize that the protection of children is a **partnership** between the DSS, the family and other professionals that are involved with the family. It is also a **partnership** between county DSS where collaboration and accountability model a desired behavior to the families that we serve.

When we apply these family centered practice and System of Care principles to our interactions, not only with families, but with our professional counterparts we can expect to see greater accountability which leads to better outcomes for children.

When the delivery of child welfare services involves multiple counties, it is expected that each county DSS 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 conflicts of interest, 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 DSS 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 possible, face-to-face meetings should occur when discussing case decisions and case plans by all DSS's involved.

Note: When a county DSS requests any assistance from another county DSS, that request shall be honored.

In the event that two or more counties can not agree as to which county has the responsibility to provide services, [N.C.G.S. § 153A-257 \(d\)](#) 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 DSS management up through and including the directors of each county in the attempt to reach a resolution.

II. LEGAL BASIS

North Carolina laws regarding the provision of protective services are located in Chapter 7B of the North Carolina General Statutes. Please refer to [Chapter VIII: Section 1404 – Legal Basis and Statues](#) for additional information regarding the laws that govern the provision of child protective services in North Carolina. Additional guidance is provided in [North Carolina's Administrative Code Title 10A - Health and Human Services > Chapter 70 - Children's Services.](#)

Laws regarding the provision of child placement services are also located in Chapter 7B of the North Carolina General Statutes. Please refer to [Chapter IV: 1201 Child Placement Services.](#)

[Chapter 48](#) of the North Carolina General Statutes establishes a clear judicial process for adoptions. Please refer to [Chapter VI: Adoption Services](#) for additional guidance regarding the delivery of adoption services.

A. Determining the County DSS Responsible for Providing Social Services

Note: When determining the county DSS responsible for providing social services, the guiding principle is where the child resides.

To determine the county with the responsibility to provide social services, [N.C.G.S. §153A-257](#) reads:

Legal residence for social service purposes

- 1.) Legal residence in a county determines which county is responsible (i) for financial support of a needy person who meets the eligibility requirements for a public assistance or medical care program offered by the county or **(ii) for other social services required by the person.**

Legal residence in a county is determined as follows:

- (a.) Except as modified below, a person has legal residence in the county in which he resides.
- (b.) If a person is in a hospital, mental institution, nursing home, boarding home, confinement facility, or similar institution or facility, he does not, solely because of that fact, have legal residence in the county in which the institution or facility is located.
- (c.) **A minor has the legal residence of:**
 - (i) **The parent or other relative with whom he resides.**
 - (ii) **If the minor does not reside with a parent or other relative and is not in a foster home, hospital, mental institution, nursing home, boarding home, educational institution, confinement facility, or similar institution or facility, he has the legal residence of the person with whom he resides.**

When a child is in foster care, please refer to page 17.

- (iii) **Any other minor has the legal residence of his mother, or if her residence is not known then the legal residence of his father; if his mother's or father's residence is not known, the minor is a legal resident of the county in which he is found.**

NOTE: If the minor is in the legal custody of the father then the minor's residence shall be that of the father.

- 2.) A legal residence continues until a new one is acquired, either within or outside this State. When a new legal residence is acquired, all former legal residences terminate.
- 3.) This section is intended to replace the law defining "legal settlement." Therefore any general law or local act that refers to "legal settlement" is deemed to refer to this section and the rules contained herein.

B. When Two or More County Departments of Social Services Disagree

Furthermore, [N.C.G.S. §153A-257](#) states: "If two or more county departments of social services disagree regarding the legal residence of a minor in a child abuse, neglect, or dependency case, any one of the county departments of social services may refer the issue to the Department of Health and Human Services, Division of

Social Services, for resolution. The Director of the Division of Social Services or the Director's designee shall review the pertinent background facts of the case and shall determine which county department of social services shall be responsible for providing protective services and financial support for the minor in question. “

It is the expectation of the Division that prior to seeking the intervention of the Division that the respective county Directors become involved in these disagreements and work towards a resolution.

III. CPS ASSESSMENTS

[N.C.G.S. §7B-302](#) defines the responsibility of the director when receiving reports of child abuse, neglect and dependency. North Carolina Administrative Code ([10A NCAC 70A.0105](#)) further clarifies the responsibility of counties when receiving a report of alleged abuse or neglect.

A. Intake/Screening

Policy for screening reports of alleged abuse, neglect or dependency can be found in [Section 1407](#). [N.C.G.S. §7B-302](#) directs county DSS that upon **receipt** of any report, a prompt and thorough assessment shall be conducted. The county that **receives** the report is responsible for screening the report based on the available information.

Note: Receipt of a report refers to the first time that the reporter contacts the agency even if that county DSS will not be the county responsible for conducting the CPS assessment. The screening decision will be made by the county DSS receiving the report. That screening decision stands regardless of which county DSS ultimately conducts the CPS assessment or is requested to provide assistance. Given the statewide use of the Structured Intake Form and Process, it is expected that what constitutes a report in one county also constitutes a report in any other county in North Carolina.

1.) Screening

The report shall be documented on the [DSS-1402](#) (Structured Intake form). The screening decision for all reports shall determine if the report:

(a.) Meets criteria and is accepted (screened in).

When upon the receipt of a report that has been accepted for assessment by another county, the allegations are **exactly the same** as allegations that have already been assessed, the resident county should document the information and screen out the report.

- (b.) Does not meet criteria and is not accepted (screened out), the screened out report shall be faxed to the county where the child resides at the time of the report, if applicable, with documentation supporting the screening decision, within 2 hours.

When a report that is not accepted (screened out) by another county is received by the resident county, and there is a belief that based on information known to the resident county that the report should have been accepted, the resident county should make a self-report and screen the report accordingly.

- (c.) Meets criteria and is accepted, but is **referred** to the county that has been determined to have the responsibility for conducting the CPS assessment based on residency of the child at the time of the report and as defined in statute.

The county DSS that screened the report and accepted the report will indicate the reason that the report was accepted, whether it was abuse, neglect or dependency. The county DSS conducting the CPS Assessment determines whether the case is assigned as a Family Assessment or Investigative Assessment in reports involving neglect (except for certain neglect reports) or dependency and assigns a response time to the report.

Note: The process of referring the report shall be immediate. The timeframe for initiation begins with the first contact with the reporter. The responsibility for ensuring that the transfer of information occurred lies with the county screening the report.

- (d.) When the county responsible for conducting the CPS assessment has been determined based on the residency of the child as defined in statute, and subsequently it is determined that a conflict of interest exists, a request shall be made to another county to conduct the CPS assessment for them.

Note: When screening a report to determine if the report should be accepted for assessment, it is also necessary to determine if the report creates a conflict of interest; or indicates that the issues pertain to Out of Home placement licensing; and/or which jurisdiction is responsible for the assessing the allegations.

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Categories of Multiple County Cases in CPS

Conflict of Interest (COI)	Out of Home Placement	Requests for assistance
<p>The county that receives the report is responsible for screening the report based on the available information. However, it is the resident county's responsibility to determine whether there is a conflict of interest when the resident county is not the county that initially receives and screens the report.</p>	<p>The county that receives the report is responsible for screening the report based on the available information.</p> <p>Screening decisions are based on the statutory definitions of abuse, neglect or dependency, not licensing policy.</p>	<p>The county that received the report is responsible for the screening decision. The county that has received a request to complete an activity in a CPS assessment does NOT make a determination regarding the acceptance of the report.</p>
<p>Definition: 10A N.C.A.C 70A.0103 (b). When in the professional judgment of the director of Social Services, the agency would be perceived as having a conflict of interest; the director may request that another county conduct the assessment.</p>	<p>Definitions: Out of Home CPS assessments are those involving children in foster homes; public and private group homes; child caring institutions; boarding schools; and DHHS facilities.</p>	<p>Definitions: A request for assistance (RA) shall be made when the activity required in a CPS assessment cannot be performed by the county conducting or coordinating the CPS assessment.</p>
<p>Examples of COI: an employee of the county Department of Social Services, a foster parent supervised by that county DSS, a member of the board of directors for that county, or a caretaker in a sole-source contract group home or agency operated day care facility.</p> <p>These cases shall be referred to another county for the CPS assessment.</p>	<p>To determine the responsible licensing authority:</p> <p>Division of Health Services Regulation , regulated facility listing at http://facility-services.state.nc.us/date.htm</p> <p>Division of Social Services http://www.ncdhhs.gov/dss/licensing/docs/rccfacilities.pdf</p>	<p>Example of an RA: activities include interviewing alleged victim children, parents, guardians, caretakers, or other collateral sources. Conducting home visits to assess for safety. This is just a sample of what RA's could include; this is not an all inclusive list of activities.</p>
<p>Note: Disputes surrounding the acceptance of a COI reports shall not impede the initiation of a CPS assessment. See V. of this section for details on resolving disputes between counties.</p>	<p>Note: All children living in the home shall be considered alleged victim children, including the biological children of the foster parents.</p> <p>The exception is for reports involving residential child care facilities and boarding schools.</p>	<p>Note: all RA's shall carry the same sense of responsibility as if the activity is for their own resident children.</p>

2.) Notices

(a.) Notice to the reporter

[N.C.G.S. §7B-302](#) and Administrative Rule [10A N.C.A.C. 70A .0109](#) instructs the county Department of Social Services to provide written notice to the person making the report, as to whether or not the report was accepted or referred to another county Department of Social Services for a CPS assessment, within five (5) business days. [N.C.G.S. §7B-302, 7B-307](#) and Administrative Rule 10A N.C.A.C. 70A .0109 governs when notices are to be sent to the district attorney or law enforcement.

Nothing in this section alters the requirements for notices. The resident county is responsible for sending out the notice to the reporter. There may be instances where the county accepting responsibility for conducting the assessment may not be the resident county. Then the county conducting the assessment would send the notice to the reporter.

In cases where the resident county, upon receipt of a **screened out** report, reviews its own information and believes that a new report should be made, shall make a **self report** and provide a notice to the original reporter.

Please refer to [attachment 2](#) for a sample notice to the reporter.

Please refer to Section 1408, Investigative and Family Assessments, for instructions regarding notices of screened out reports and reports to law enforcement and the District Attorney.

(b.) Reports Not Accepted for CPS Assessments.

Nothing in this section alters any of the requirements established in [Section 1407](#) or [Section 1408](#). The county that screened the report shall send the notice to the reporter.

B. Assignment of CPS Assessments

Every report that meets the criteria outlined in statute ([N.C.G.S. §7B-301](#)), and administrative code ([10 A NCAC 70A.0103](#) and [.0105](#)) must be assigned for CPS assessment. During the intake process, the county that screens and accepts the report shall determine county of residence for that child, based on the statutory definitions. If the county of residence is different from the county that accepts the report, the county accepting the report shall refer the report to the county of residence for that county DSS to conduct the CPS assessment. **The response time assigned to an accepted report begins from the moment that the reporter**

makes contact with the agency even if that county DSS will not be the county conducting the CPS assessment.

The county DSS conducting the CPS Assessment determines whether the case is assigned as a Family Assessment or Investigative Assessment in reports involving neglect (except for certain neglect reports) or dependency.

1.) Assigning CPS assessments

[NC.G.S. § 153A-257](#) mandates that services shall be assigned according to where the child resides. This includes Child Protective Services

(a.) The county DSS that receives the report must review the Structured Intake form [DSS-1402](#) that takes into consideration the following when determining the county with responsibility to conduct the CPS assessment:

(i.) The address that the reporter used.

(ii.) The results of the On Line Verification search of services: Work First, Medicaid, Food Stamps, Health Department Services, DMV, Employment Security Commission (ESC) or child support.

(iii.) The county where the child attends school or child care.

(iv.) Mail and if there is a physical address or a post office box.

(v.) The presence of utility service.

(vi.) The address of the parent or caretaker where the child spends the majority of the time or where the child goes to an after school care program.

(vii.) Where the child is located at the time of the report.

(b.) Homeless/DV Shelters are not considered residences unless the individual:

(i.) states they intend to make the county their permanent residence,

(ii.) has a job in the county where the shelter is located,

(iii.) has a child in school or a child care program in the county where the shelter is located.

(c.) Other situations to take into consideration when determining the residence of the child.

When custody of the child is jointly held between parents who reside in different counties, and none of the above items determine the county of residence, consider the residence of the mother first, and then the residence of the father in accordance with [N.C.G.S. §153A-257](#).

In situations where the residence of the mother or father is known but the child does not reside with either, it is not necessary for the assessment to be assigned to the resident county of one of the parents.

2.) Assigning multiple county assessments

(a.) Open CPS Assessment

If it is determined that a CPS Assessment is currently active, the county with the open CPS assessment will be the county assigned to complete the CPS assessment with requests for assistance from other counties as needed.

(b.) Open CPS In-Home Services

If it is determined that a CPS In Home Services case is open, the county with the open CPS In Home Services case shall be the county responsible for conducting the CPS assessment of any new reports received, unless there has been a change in the residence of the child as outlined in statute.

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	See Section (4) page 16
Facility	Parent	Parent County of residence

This includes children placed in another county as part of a safety response or kinship placement. In that situation the county DSS where the child resides will conduct the CPS assessment, and the CPS In-Home Services case will be transferred to that county DSS if necessary at the completion of the assessment. Each county involved shall share information regarding the case.

A safety resource is to be considered a voluntary temporary placement and is not legally secure. It should not be considered a change in residence. If the conditions that required the placement with a safety resource are not remedied within **90 days**, the need for permanence should be assessed.

(c.) Multiple Counties of Residence

When it is determined that multiple children who are residents of multiple different counties are involved in a CPS report, the following guidelines shall be considered.

(i.) If at intake, the children are still in the county where the alleged abuse/neglect/dependency occurred, that county DSS is responsible for initiating the CPS assessment and assessing safety for all of the children. That county DSS will determine the counties of residence for each child and will make referrals to the DSS in each child's county of residence to complete the CPS assessments for those children.

(ii.) If at intake, the children alleged to have been abused, neglected or dependent have returned to their counties of residence from the county where the abuse/neglect/dependency occurred, the counties of residence will be notified of the report, and they will be responsible for conducting the CPS assessments for the children residing in their county.

(iii.) When there are multiple county DSS involved in conducting CPS assessments for multiple children resulting from a report of abuse, neglect or dependency, it is the responsibility of each county of residence to determine if they will conduct a **Family Assessment** or an **Investigative Assessment** for the child that is a resident of their county.

(iv.) Each county will complete their assessment and make their case decision based on that assessment. **Each county will submit one [DSS-5104](#) for the child that is the resident of their county.**

(d.) Open Placement case

If it is determined that the victim child is in the legal custody of a county DSS refer to page 15 for guidance.

(e.) Transfer of information

When multiple counties are involved with multiple children resulting from one CPS report, it is imperative that all of the counties share information with one

another in order for each county to be able to conduct thorough assessments for each child residing in their counties.

(i.) **The verbal exchange of information between counties shall be IMMEDIATE; not to exceed 2 hours, and followed by transmittal of the completed [DSS-1402](#) and any other written information not to exceed 2 hours, unless otherwise agreed upon verbally by each county.** If the 2 hour time limit exceeds normal business hours then the county that screened the report must make arrangements with the after hours worker in the other county.

(ii.) It is the responsibility of the screening county to ensure that the transfer of information occurs.

Should the transfer of information be delayed due to the inaccessibility of an intake worker, supervisor, program manager or administrator, then the Directors of each county shall be notified by the county sending the information.

Documented on the [DSS-1402](#) shall be the date, time of contact and the name of the social worker contacted regarding the transfer of information.

3.) Assigning conflict of interest assessments

(a.) According to Administrative rule 10A NCAC 70A .0103:

(i.) "Reports of neglect, abuse, or dependency shall be referred to another county department of social services for investigation when the alleged perpetrator is an employee of the county department of social services, a foster parent supervised by that county department of social services, a member of the Board of Social Services for that county, or a caretaker in a sole-source contract group home or agency-operated day care facility."

(ii) "When in the professional judgment of the county director, the agency would be perceived as having a conflict of interest while conducting a child protective service investigation, the director may request that another county conduct the investigation."

Note: This Administrative Rule applies to both Investigative Assessments and Family Assessments.

(b.) This interpretation does not apply to child care facilities in which an agency purchases slots, even if these represent all of the children served. CPS

assessments of abuse, neglect, or dependency in sole contract group homes and agency-operated child care centers must be assigned as an Investigative Assessment by a second county.

(c.) The purpose of the rule is to ensure that a county would not have a conflict of interest in conducting a CPS assessment, and that there would be no question of a lack of objectivity.

(d.) Other Situations Involving Conflict of Interest:

When in the professional judgment of the county director the agency would be **perceived** as having a conflict of interest in the conduction of any CPS assessments, the director may request that another county conduct the assessment.

Conflicts of interest may arise in a variety of situations including, but not limited to:

(i.) CPS assessments of individuals who have responsibility for the funding of the DSS, such as the County Manager or member of the Board of County Commissioners;

(ii.) CPS assessments of employees of agencies who receive their primary funding from the local department of social services;

(iii.) CPS assessments of a former DSS employee;

(iv.) CPS assessments of a person who has a professional relationship with the DSS, such as a physician, local mental health professional, or law enforcement officer;

(v.) CPS assessments of a child care arrangement when the suspected victim is in the custody of the department of social services (see Investigative Assessments of Reports in Child Care, [Section 1418](#));

(vi.) CPS assessment of a family foster home or group home where the supervising agency is a private child placing agency and where there are children placed that are in the custody of the county Department of Social Services where the home is located.

(vii.) Any other similar situation in which the objectivity of the agency's staff is likely to be compromised or questioned due to the nature of the relationship of the alleged perpetrator to the agency.

(e.) Procedure

The county DSS that receives a CPS report determines whether to accept the report for a CPS Assessment. If the report is accepted, the resident county is responsible for determining whether there is a conflict of interest.

If the county determines that there is a conflict of interest, that county DSS will request another county DSS to conduct the CPS assessment. If the county DSS receiving the report is not the resident county, they will forward the report to the resident county to conduct the CPS assessment. The resident county will determine if there is a conflict of interest and if so, will request another county DSS to conduct the CPS assessment for them.

Note: The County conducting the CPS assessment will accept the requesting county's screening decision and conflict of interest decision.

The county DSS conducting the assessment will make the decision whether to assign the assessment for a Family Assessment or an Investigative Assessment for neglect (except for certain neglect) cases and for dependency cases.

4.) Assigning out of home living arrangements CPS assessments

Note: Reports involving out of home placement providers shall be assigned as Investigative Assessments. When a child who is in the custody of a DSS makes an allegation of abuse or neglect, it does not automatically require the assessment to be conducted by another county DSS. For instance, if the child alleges an incident that occurred with the parent or caretaker prior to placement or during a home visit that report would not automatically meet criteria for a conflict of interest assessment. If accepted, the report would be referred to the child's county of residence for the CPS assessment.

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(a.) Refer to the following chart when the assistance of another county is necessary to conduct the CPS assessment in an **out of home living arrangement**:

Type of Home	Supervised/ Licensed by	The County DSS with the Responsibility for Conducting an Out of Home CPS assessment
Family Foster Home, Therapeutic Foster Home or Residential Child Care Facility or Boarding School * None of the local county DSS' children in the home. Children placed voluntarily without the intervention of a DSS may be in the home.	Licensed by the Division of Social Services or the Division of Health Services Regulation and Supervised by a private child placing agency	<ul style="list-style-type: none"> • A parent/caretaker should be assessed by the parent/caretakers' resident county if the allegations are related to when the child was with the parent/caretaker. • A foster parent should be assessed by the foster parent's resident county. • A worker of a facility should be assessed by the county where the facility is located.
Family Foster Home, Therapeutic Foster Home or Residential Child Care Facility or Boarding School with children in the custody of the local county DSS in the home.	Any agency	County in which the report arose with the assistance of another county if necessary. If the Allegations are regarding: <ul style="list-style-type: none"> • A parent/ caretaker should be assessed by the parent/caretakers' resident county. • The county DSS that has a child in their custody in the foster home will request another county DSS to conduct the CPS assessment of the foster home. • A worker of a facility should be assessed by the county where the facility is located.
Family Foster Home, Therapeutic Foster Home or Residential Child Care Facility	Licensed by the Division of Social Services or the Division of Health Services Regulation and supervised by the county DSS	County in which the report arose with the assistance of another county. Allegations regarding: <ul style="list-style-type: none"> • A parent/caretaker should be assessed by the parent/caretakers' resident county. • All others must be assessed as a conflict of interest.

- (b.) When a CPS assessment is conducted that involves children who are in the custody of a DSS other than the county in which the home is located, the county with custody of the child shall be notified that a CPS assessment is being conducted. Information shall be shared between the counties including the case decision.
- (c.) Regardless of which county DSS is responsible for conducting the CPS assessment in an out of home living arrangement, it is the responsibility of the county where the child is found at the time of the report to initiate the CPS assessment and to assess the safety of the child.
- (d.) Initiation and completion of an Out of Home assessment shall be in accordance with timeframes established for the completion of Investigative Assessments.

5.) Requests for assistance from one county to another

Note: The request for assistance has the same priority as if the activity were for the resident county. Responding to a request for assistance is not optional and must be completed within timeframes established.

- (a.) A thorough CPS assessment is required for every CPS report accepted for assessment. All of the activities required for a thorough CPS Assessment must be completed or there shall be documentation to justify why a particular activity could not be done as required. See [Section 1408](#), Investigative and Family Assessments. If the county conducting the assessment needs the assistance from another county DSS to perform a required assessment activity, that DSS will make the request of the appropriate county DSS.
- (b.) Requests for assistance may include:
 - (i.) A visit to the home where the alleged abuse/neglect/dependency occurred
 - (ii.) A face to face interview with the alleged perpetrator
 - (iii.) A face to face interview with other parents or caretakers
 - (iv.) Contacts with other adults living in the home
 - (v.) A face to face interview with other children who were in the home at the time that the alleged abuse/neglect/dependency occurred
 - (vi.) Contacts with collaterals
 - (vii.) Assessment of a safety resource
 - (viii.) Any other activities that will provide information to complete a thorough CPS assessment so that a sound case decision can be made
 - (ix.) When it is determined that assistance is required from another county to conduct any part of a CPS assessment, the county conducting the assessment shall document their request for assistance and

maintain a log of such requests. This log will be available for the CPR to review at regular intervals.

- (c.) The request for assistance may or may not be from the resident county. For example, in a conflict of interest case, the county DSS conducting the assessment for the resident county finds that they need the assistance of another county DSS for a collateral contact with someone significant to the case.

Note: The County receiving the request for assistance does not have the option of refusing to perform the requested activity.

- (d.) The request for assistance shall:
- (i.) be verbal with acknowledgment by the assisting county of the receipt of the request;
 - (ii.) Include sharing of the completed and legible [DSS-1402](#), central registry check and any other pertinent information gathered during the intake process to the assisting county by fax or email; and
 - (iii.) Include sharing of the completed and legible documentation of pertinent information gathered during the CPS assessment process to the assisting county by fax.

C. Conducting an assessment with multiple counties involved

- 1.) Responsibilities of the county DSS conducting the CPS assessment

Note: It is the responsibility of the county where the child is found at the time of the CPS report to initiate the CPS assessment and to assess and ensure the child's safety, regardless of what county DSS is ultimately responsible for conducting the CPS assessment.

- (a.) Should the child move following the initiation of the assessment, the county conducting the CPS assessment will not change until the completion of the CPS assessment.

Note: The exception is if the move of the child is planned, then the assessment may be transferred to the new county of residence if it is in the best interest of the child. However, if there is sufficient information available to make a case decision, it should be made prior to the transfer occurring. It is at the discretion of the county that initiated the assessment to make the decision as to whether or not there is sufficient information to make the case decision or the need to transfer to the other county.

The new county of residence for the child shall be contacted to assist with the completion of the CPS assessment. The new county of residence **shall** be included in the discussion of the case decision and the need for any ongoing services that they will be responsible for providing if substantiated or found in need of services or services recommended.

- (b.) In most cases, the county responsible for conducting the CPS assessment is the child's county of residence as defined by statute. In conflict of interest cases and in some out of home placement case, the county responsible for conducting the CPS assessment will not be the child's resident county. In either case, the county conducting the CPS assessment accepts full responsibility for the completion of a **thorough** CPS assessment and for ensuring that all of the components of a thorough assessment occur.

When requested to conduct a CPS assessment for another county, the county responsible for conducting the assessment must begin the assessment within mandated timeframes, unless a different time frame is mutually agreed upon, or is based on the safety issues at the time of referral.

Note: The timeframe for initiation starts with the initial date and time that the reporter contacted the DSS. It remains the responsibility of the county of residence to ensure that the assessment is initiated and to ensure the safety of the child.

- (c.) In some instances, the county DSS conducting the CPS assessment may need to ensure that a required activity is done in another county that is nearby. Instead of asking the other county DSS to perform the activity, the social worker may cross county lines to perform the required activity themselves if time and required driving distance permit. Permission should be obtained first.
- (d.) The county DSS conducting the CPS assessment is responsible for requesting assistance from any county where a significant party to the assessment is found during the course of the assessment.
- (e.) The county DSS conducting the CPS assessment is responsible for ensuring that all required and appropriate activities to complete a thorough CPS assessment are completed and occur within the timeframes established in law [N.C.G.S. §7B-302](#) and rule, [10A N.C.A.C. 70A .0105, .0106, .0107, .0108, .0109, .0110, .0112, .0114.](#)

- (f.) The county DSS conducting the CPS assessment is responsible for ensuring the completion of all Structured Decision Making Assessment tools with information provided from other counties as appropriate.
- (g.) The county DSS responsible for conducting the CPS assessment is responsible for making the case decision. In cases involving a conflict of interest or out of home placements, the county DSS conducting the CPS assessment for another county DSS should staff the case with the resident county prior to making the case decision, informing them of what they found during the assessment. It is preferable to staff the case together in person, but it is allowable to conduct the staffing by conference call. The county conducting the CPS assessment has the final responsibility for determining the case decision. **Once the case decision is made by the county DSS who conducted the CPS assessment, the other county must abide by that decision.**
- (h.) When one county DSS conducts a CPS assessment for another county DSS, it is the responsibility of the resident county to assist the county conducting the assessment in making arrangements to explain the case decision when the case is substantiated in an Investigative Assessment or found to be in need of services in a Family Assessment.
- (i.) As family centered practice, it is and highly recommended that the CPS In-Home Services social worker in the county where the ongoing services will occur, accompany the social worker who conducted the CPS assessment in a face to face contact with the family (parent/caretaker and perpetrator in substantiated cases) to explain the case decision to substantiate or find the family in need of services cases. This provides an opportunity to explain the expunction process ([Section 1427](#)), if applicable, and to begin the transition from the CPS assessment phase to the CPS In-Home Services phase.
- (ii.) In cases involving foster homes supervised by the DSS, the licensing social worker should accompany the social worker who conducted the CPS assessment in this face to face contact to explain the case decision to substantiate or find the foster family in need of services, and the licensing worker should explain the implications for the foster home's license, including revocation of the license if that is indicated.
- (iii.) In cases where the foster home is supervised by a private child placing agency, the licensing social worker should accompany the DSS social worker who conducted the CPS assessment in this face to face contact to explain the case decision to substantiate or find the foster family in need of services, and the licensing worker should explain the

implications for the foster home's license, including revocation of the license if that is indicated.

- (i.) In most cases, the county conducting the assessment is responsible for completing all required notices associated with the CPS assessment. In conflict of interest and out of home placement cases, the county conducting the assessment for another county will not complete the required notices. That is the responsibility of the county for whom the CPS assessment was conducted.
- (j.) The county conducting the CPS assessment is responsible for ensuring all documentation is received and placed in the case record. In cases where one county is conducting the assessment for another county, the conducting county is responsible for ensuring that all documentation is provided to the county for whom they conducted the assessment within 7 business days.
- (k.) In cases where one county conducts a CPS assessment for another county DSS due to conflict of interest or an out of home placement case, the resident county DSS is responsible for completing and submitting the [DSS-5104](#).

Note: The case decision made by the county who conducted the CPS assessment stands and may not be altered.

2.) Responsibilities for the resident county DSS

- (a.) When a resident county DSS needs another county DSS to conduct an assessment, the resident county DSS is responsible for contacting the other county directly. Direct contact by telephone is preferable. The resident county DSS is responsible for ensuring that the CPS assessment is initiated within the required time frames to assess safety of the child and to develop a safety plan with the parents/caretakers, if needed prior to the other county beginning the ongoing assessment.
- (b.) It is the responsibility of the resident county to respond and cooperate in every way possible, providing all necessary assistance as may be requested by the county conducting the assessment.
- (c.) It is the responsibility of the resident county to make available the intake report, case record, central registry report, and other pertinent information. They may be asked to conduct local criminal records checks and make any necessary appointments with individuals pertinent to the assessment in their community.

- (d.) It is also their responsibility to coordinate with the other county to discuss the information learned during the CPS assessment prior to the county conducting the assessment making the case decision. While the county DSS conducting the CPS assessment has the sole responsibility for making the case decision, both counties will discuss the finding before the case decision is made.
- (e.) As stated above, the resident county will make arrangements for the county conducting the assessment to explain the case decision in substantiated cases and in cases with a finding of in need of services to the family (parent/caretaker and perpetrator in substantiated cases.)

As family centered practice, it is highly recommended that the CPS In-Home Services worker in the county where the ongoing services will occur accompany the social worker who conducted the CPS assessment in a face to face contact with the family (parent/caretaker and perpetrator in substantiated cases) to explain the case decision to substantiate or find the family in need of services cases. This provides an opportunity to explain the expunction process ([Section 1427](#)), if applicable, and to begin the transition from the CPS assessment phase to the CPS In-Home Services phase.

In cases involving foster homes supervised by the DSS, the licensing social worker should accompany the social worker who conducted the CPS assessment in this face to face contact to explain the case decision to substantiate, and the licensing social worker should explain the implications for the foster home's license, including revocation of the license.

- (f.) The resident county DSS is responsible for completing and sending all required notices. This includes delivering personal notice to the perpetrator in substantiated cases when their name will be included on the Responsible Individuals List. See [Section 1427](#) for the procedures in providing this notice. As stated above, it is family centered practice for both the resident county social worker and the social worker from the county that conducted the assessment to provide the personal notice to the perpetrator regarding their name going on the RIL list. If multiple attempts to deliver the notice are unsuccessful or if distance is an issue, it is permissible for the county conducting the assessment to request the resident county to deliver the notice. All required time frames must be met as outlined in statute and in [Section 1427](#).
- (g.) The resident county is responsible for ensuring all documentation is received from the county that conducted the CPS assessment and placed in the case record.

- (h.) In cases where one county conducts a CPS assessment for another county DSS due to conflict of interest or an out of home placement case, the resident county DSS is responsible for completing and submitting the [DSS-5104](#). **The case decision made by the county who conducted the CPS assessment stands and may not be altered.**

3.) Requests for assistance in a CPS assessment

A county DSS will respond to requests for assistance in the following manner:

- (a.) If related to initiation, the response will occur within the timeframe established in law [N.C.G.S. §7B-302](#) and rule [10A N.C.A.C. 70A .0105](#), but no later than 72 hours.

(i.) Permission should be granted for the conducting county social worker to cross county lines if necessary. If permission is not granted the conducting county acknowledges responsibility, but not liability, for the activity requested.

- (b.) If related to an initial kinship assessment for a safety resource, the response shall be immediate, or permission granted for the conducting county social worker to enter the county. The initial kinship assessment shall be completed prior to placement of the child. When there are extenuating circumstances that precluded the completion of the initial kinship assessment, the assessment of the kinship placement must take place within 24 hours. The forms and instructions are located in Appendix B of Section 1201. Forms to be used during kinship assessments are the [dss-5202 Kinship Face Sheet](#) and the [dss-5203 Kinship Care Initial Assessment](#).

If the conducting county fails to notify the safety resource's county of residence then the conducting county assumes all responsibility for the safety resource placement.

Note: Parents facing the potential removal of their children from their homes should be given a reasonable opportunity to come together with their kinship network to plan for and provide safety, care, nurture and supervision for the child. The agency shall remain involved with the family until the child can safely return home or the placement is legally secure. Kinship placements are for temporary short term situations and should not exceed 90 days. Please refer to [Chapter IV: 1201 Child Placement Services](#) for guidance on kinship placements.

- (i.) If the initial kinship assessment is completed by the conducting county, the initial kinship assessment shall be provided to the kinship

provider's county of residence. Included shall be a request for the kinship provider's county to monitor the kinship placement as a safety resource.

(ii.) The completed initial kinship assessment that is conducted by the kinship provider's county shall be provided to the requesting county prior to the placement of the child. The decision of the kinship provider's county to approve or decline the placement shall be final. A request for the placement to be monitored shall be made by the county conducting the CPS assessment or In-Home Services.

(c.) Comprehensive kinship assessment requests shall be responded to and completed in accordance with [Chapter VIII, Protective Services Section 1412](#) and [Chapter IV: 1201 Child Placement Services](#) section V. page 11.

(i.) Comprehensive assessments are to be completed within 30 days. Please refer to [Appendix B of Section 1201](#).

(d.) If related to a collateral contact, a response shall be no later than 5 **business days**, unless otherwise requested by the coordinating county.

(e.) Complete Structured Decision Making process and tools as requested.

(f.) Supply documentation to the county requesting assistance no later than 7 **business days** after the completion of the requested activity, unless otherwise requested.

(g.) Any request for an activity that promotes the safety of the child, will be honored.

4.) Initiation / response timeframes

In all cases, it is the responsibility of the county DSS where the child is found to initiate the CPS assessment within the statutory time frames [\(N.C.G.S. §7B-302\)](#) and [\(10A N.C.A.C. 70A .0105\)](#), regardless of what county is identified as the county that will conduct the CPS assessment

Note: The timeframe for initiation begins at the time that the report is received at intake, even if the county that received and screened the report will not be the county identified to conduct or coordinate the CPS assessment.

5.) Required activities in special CPS assessments

Nothing in this section alters any of the required activities to complete an assessment, (refer to [section 1408](#).)

(a.) Conflict of Interest Assessments

The county where the child resides shall determine whether or not a conflict of interest exists and shall immediately request assistance from another county DSS that would not create a conflict of interest *or* the perception of a conflict of interest.

The immediate request for assistance shall:

- (i.) Be verbal with acknowledgment by the assisting county;
- (ii.) Include a transfer of the completed [DSS-1402](#), central registry check and any other pertinent information gathered during the intake process to the assisting county by fax or email;
- (iii.) Include a brief identification of the conflict of interest; and
- (iv.) Be in accordance with all established timeframes for completion. Please refer to [section 1408](#) for further guidance.

(b.) Out of Home Placement CPS Assessments.

When the assessment is related to an out of home placement provider, there are additional required activities.

- (i.) The agency responsible for supervising the home shall be notified verbally within 2 hours that a report was received and accepted for a CPS assessment.

For facilities licensed by Division of Health Services Regulation (DHSR), verbal notification shall be to the intake/complaint unit at 1-800-624-3004. Should this occur after-hours it is permissible to leave a message.

For facilities supervised/licensed by the Division of Social Services, verbal notification that a report has been received is not required.

A written report shall follow the verbal notification within 5 business days of receiving the CPS report. Please refer to form [dss-5282](#).

Note: When notifying the agency responsible for supervising the placement, refer the agency to their internal protocol for responding to allegations of abuse and/or neglect.

- (ii.) Depending on the nature of the report, and if appropriate, it is permissible for the agency responsible for supervising the placement provider or licensing staff to notify the provider that a report has been

received. When notifying the agency that a report has been received, it will be important to advise the agency on what to expect during the CPS Assessment.

(iii.) Identifying information regarding the alleged victim child shall not be included in any written documents found in the placement provider's record.

(iv.) All Children living in the home are considered victim children. All children named as victims that are no longer living in the home are still required to be seen.

(v.) A visit to the home where the alleged incident occurred is required.

(vi.) All required activities must be completed even if the child has been removed from the home.

(vii.) Unless parental rights have been terminated, biological parents shall be informed that a CPS assessment has been conducted and the results of the assessment.

(viii.) A discussion of the case decision with the placement provider and the supervising/licensing agency is required, at a minimum.

(ix.) Contact with the assigned Children's Programs Representative (CPR), by the county conducting the assessment, shall occur after all involved counties have discussed the findings and the case decision is ready to be made. This should occur prior to reporting a case decision to the Division on the [DSS-5104](#). The social workers **and** supervisors and/or program managers should be involved in the discussion of the findings with the CPR. If more than one CPR is involved each county should notify their own CPR and both or all should be part of the same discussion at the same time, whether in a face to face meeting or by conference call. The CPR's role shall be to provide guidance that ensures the assessment is thorough, and that counties are clear about the differences between licensing issues and true CPS issues.

(x.) The foster parent's license may or may not be revoked when a substantiation occurs, [\(10A NCAC 70E.0506\)](#).

(xi.) The Placement Provider's record should contain documentation of the occurrence of a CPS Assessment and the results of the assessment, including any recommendations by the county conducting the assessment. Identifying information regarding all alleged victim children shall be removed from all documents to be included in the Placement Provider's Record.

Note: It is permissible for the County Director to share information and a summary of documentation from the case record without a court order with public or private agencies or individuals that are being utilized to provide or facilitate the provisions of protective services to a child.

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- (xii.)When the allegations are within a DHHS facility (that provides 24 hour care) all volunteers and employees of the facility are automatically considered caretakers under [N.C.G.S. § 7B-101\(3\)](#).
(xiii.)Notification to the licensing authority of an accepted report and notification of the case decision are also required:

If licensed by the Division of Social Services, utilize the [dss-5282](#). To determine if the DSS is the licensing authority goes to <http://www.ncdhhs.gov/dss/licensing/listings.htm>

All notices shall be sent to:
Regulatory and Licensing Services
North Carolina Division of Social Services
952 Old US Highway 70,
Black Mountain, North Carolina 28711
(828) 669-3388
(828) 669-3365 fax

If licensed by the Division of Health Services Regulation, utilize the [dss-5282](#). To determine if DHSR is the licensing authority go to [N.C. DFS, Regulated Facility Listing at http://facility-services.state.nc.us/reports.htm](#) Notices shall be sent to:

Division of Health Services Regulation
Complaint Intake Unit
2711 Mail Service Center
Raleigh, North Carolina 27699-2711
1-800-624-3004
(919) 715-7724 fax

Note: These reports should only contain the required information. Do NOT reveal the name of the reporter in any notice. However, sufficient information should be provided so that victim children do not need to be re-interviewed.

6.) Placement during the assessment

If placement becomes necessary during the CPS assessment, all required activities shall be completed to comply with law [N.C.G.S. §7B-302 \(c\), \(d\), \(d1\)](#) and rule [10A N.C.A.C. 70A .0110](#).

- (a.) Safety Resources shall be considered for placement when acute situations arise and should only be considered on a short term basis. Safety Resources shall be assessed in accordance with [Section 1412](#) of the Protective Services Manual and [Section 1201](#) of the Placement Manual.
 - (i.) Placements with relatives/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 that has the open CPS case shall reassess the child's need for permanence. Assistance from the county DSS where the safety resource is located may be needed if the safety resource is in a different county.
- (b.) The county where the child resides is the county responsible for filing a petition for non-secure custody when that becomes necessary. Usually, this is the county that is conducting the CPS assessment. If the county conducting the CPS assessment is not the resident county, the county where the child resides is responsible for filing the petition, and information from the county conducting the assessment will be provided to the resident county.

It is important to remember that any N.C. District Court can have jurisdiction over a person, regardless of where in N.C. they reside, provided that the person is served a summons and notice of the hearing.

[N.C.G.S. 7B-903 \(c\)](#) 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 counties are involved, a discussion shall take place as to the roles and services needed from each county DSS. Consider:
- (i.) What is the permanent plan for the child?
 - (ii.) Who is identified as the child's planned permanent family?
 - (iii.) Who has the most information/relationship with the child?
- (d.) The inter-county agreement [10A N.C.10 NCAC 411.A.C. 70E .0203](#) and the [DSS- 1797](#) shall be completed when the county where the child is placed and the county 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. N.C. Rules of Civil Procedure, [N.C. R Civ. P. 13\(h\)](#), 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\(b\)](#) 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."
- Should a county elect not to be present at the change of venue hearing, all rights to argue against the transfer are forfeited.
- (f.) The county with venue shall notify all involved counties of any changes in venue.
- (g.) The case record shall be shared in its entirety when a case is transferred from one county to another, within 7 business days.

IV. CPS IN-HOME SERVICES (215 SERVICES)

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

- 1.) Nothing in this section alters the requirements for the delivery of CPS In-Home Services. Please see [Section 1412](#) for a full discussion of CPS In-Home Services policies. The following policies are required, and if fulfilling these

policies involve more than one county DSS, it is the responsibility of the involved counties to work together to identify which county DSS will conduct the activities.

- 2.) When ongoing CPS In-Home Services are indicated following substantiation or a finding of service needed, the county 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 counties should coordinate the provision of services to the parent and the child. It will be important to determine whether or not other counties 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 DSS will be responsible for providing the ongoing CPS In-Home Services is made timely in order to meet this time frame.
- 4.) For cases where the risk rating is high or intensive based on the Family Risk Assessment, weekly face to face contact shall be maintained with the family. All children substantiated as abuse neglected or dependent, or identified as "services needed" and their parents shall be seen face to face two times per month. All other children (unsubstantiated or found services recommended or services not recommended) residing in the home shall be seen face to face 1 time per month. On "off weeks" 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 or 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 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 2 times 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 their 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 or 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 abuse, neglect 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](#). 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 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 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 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 with the open case will contact the county where the

family is believed to have relocated. They will request the other county DSS to verify that the family has, in fact, relocated in that county. The Diligent Efforts form in [section 1408](#) 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 DSS's involved about transferring the CPS In-Home Services case. **It is never appropriate to transfer a case from one county to another without this discussion either face to face or by conference call. Simply faxing information to the other county is not sufficient.** Social Workers, supervisors and/or program managers from both counties 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 counties are already involved, a decision shall be made collaboratively as to which county should be responsible for providing the CPS In-Home Services. In most cases, the county where the child resides is the county 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 counties involved in assisting the county DSS providing the CPS In-Home Services.

Factors to consider in defining the services needed from the different counties 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 will collaborate with the other counties involved in the case to determine which county will make the necessary contacts and assessments based on the needs of the case. The county providing these contacts and assessments will provide written documentation, to the county DSS responsible for providing the CPS In-Home Services.

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- 3.) When a new CPS report is received during the provision of CPS In-Home Services, the county that is providing the CPS In-Home Services will conduct the CPS assessment and will collaborate with any other county DSS's 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	See Section (4) page 16
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 [N.C.G.S. §7B-302](#) and rule [10A N.C.A.C. 70A .0110](#).

- (a.) Safety Resources shall be considered for placement. Safety Resources shall be conducted in accordance with [Section 1412](#) of the Protective Services Manual and [Section 1201](#) of the Placement Manual.

(i.) Placements with relatives/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 that has the open CPS In-Home Services case shall reassess the child's need for permanence. A request for assistance from the county DSS where the safety resource is located may be needed if the safety resource is in a different county.

- (b.) The county where the child resides shall be responsible for filing the petition for non-secure custody. In most cases, that is the county that is providing the CPS In-Home Services.

[N.C.G.S. 7B-903 \(c\)](#) 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 counties are involved, a discussion shall take place as to the roles and services needed from each county DSS. 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 [10A N.C.10 NCAC 411.A.C. 70E .0203](#) and the [DSS- 1797](#) shall be completed when the county where the child is placed, and the county 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 elect not to be present at the change of venue hearing, all rights to argue against the transfer are forfeited.

N.C. Rules of Civil Procedure, [N.C. R Civ. P. 13\(h\)](#), 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\(b\)](#) 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 counties 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 to another, within 7 business days.

V. WHEN COUNTY DEPARTMENTS DISAGREE

A. Process for Resolving Disagreements in CPS Cases When Multiple Counties are Involved

- 1.) Should a disagreement occur among staff when more than one county is involved regarding any or all parts of the assignment of a CPS assessment case, an In-Home Services case, filing of a petition or a request for assistance, the staff involved with the case and their respective supervisors should attempt to resolve the issues and come to a consensus with a focus on family-centered practice.
- 2.) If the staff from the counties involved and their respective supervisors cannot reach a consensus, the Program Managers/Administrators from each county DSS should confer and attempt to resolve the issues and come to a consensus with a focus on family-centered practice.
- 3.) If the issues cannot be resolved at the Program Manager/Administrator level, the Directors of the DSS involved will be notified of the issues and the fact that the issues cannot be resolved by their staff and management. The Directors will confer and attempt to resolve the issues and come to a consensus with a focus on family-centered practice.

B. Consultation with the Division of Social Services

In the event that the county DSS involved cannot resolve the issues and come to a consensus at the DSS Directors' level, the appropriate Children's Programs Representative (CPR) will be contacted. If multiple CPR's are assigned to the different counties involved in the situation, each county's CPR should be included in the discussion. In the event that the CPR is unavailable, contact the CPR manager at (919) 733-7831. If the CPR manager is unavailable contact the Division's Work First/CPS Policy Team at (919) 733-4622.

[N.C.G.S. § 153A-257](#)(d) provides the Division of Social Services with the authority to make a decision when disagreements occur and the decision of the Division shall be final.

NOTE: At no time shall a CPS assessment be allowed to go un-assessed due to a disagreement between counties. Although nothing should prevent a county social worker from crossing into another county to conduct an assessment activity if necessary, a request from the other county should be made first.

VI. FOSTER CARE

A. Child Placement Policies Regardless of Whether One or More County DSS are Involved

- 1.) Nothing in this section alters the requirements for the delivery of services when a county has placement responsibility of a child. Please refer to [Chapter IV: 1201 Child Placement Services](#) for a full discussion of the relevant policies. The

following policies are required, and if fulfilling these policies involve more than one county DSS, it is the responsibility of the involved counties to work together to identify which county DSS will conduct the activities.

- 2.) When removal from the home is required, the agency shall assess whether any relatives are willing and able to care for the child. The agency shall evaluate if such placement would be in the child's best interest.
- 3.) When temporary custody (12 or 24 hours) is initiated, the agency shall document compliance with the following requirements:
 - (a.) that the child would have been endangered if the social worker first had to obtain a court order;
 - (b.) that the child was returned to the parents or persons from whom the child was removed unless a petition or motion for review was filed and an order for secure or non-secure custody was obtained;
 - (c.) that the parents were notified that they could be with the child while the court determined the need for secure or non-secure custody.
- 4.) Any petition initiated by a county DSS, by which a child comes into agency custody or placement responsibility, shall allege all of the conditions that would invoke jurisdiction.
- 5.) Upon filing a petition, a non-secure order should only be requested when a child is at imminent risk. A hearing shall be held within 7 days when a child is removed from home by a non-secure order and may be postponed for no more than 10 business days with the parent's consent.
- 6.) The non-secure order shall give specific sanction for a placement other than a licensed placement provider.
- 7.) When the initial placement is with relatives or other non-licensed persons, documentation shall show that the agency assessed the placement resource before making the placement. If continuing placement is recommended or planned with a non-licensed relative or other non-licensed person, the agency shall conduct a thorough assessment of the placement provider. This assessment shall be documented on the Kinship Care Assessment form.
- 8.) The agency shall arrange for and maintain a single, stable living arrangement for each child based on the needs and attachments of the child. This placement shall be within the child's own community. A child will be moved only when it is in his best interest and there are clear indicators documented to support the necessity of the move. Documentation shall reflect diligent efforts made to maintain a single placement in the child's community or reasons why this is not possible.

- 9.) Siblings shall be placed together whenever possible, unless contrary to the child's developmental, treatment, or safety needs.

B. Providing Services When There are No Other Counties Involved

- 1.) When a new CPS report is received

- (a.) Any allegation and/or incident that meets the legal definitions of abuse, neglect or dependency received at any time during the course of Foster Care/Child Placement Services, shall be documented as a new report [DSS-1402](#) 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](#). **All required structured assessments shall be completed.** All individuals making reports shall receive the required notices.

Note: Reports involving Family Foster Homes and Therapeutic Family Homes shall be assigned as an Investigative Assessment.

Reports involving out of home placement providers in non-family type settings shall be assigned as Investigative Assessments.

- 2.) When the parents move to another county

When the parents move to another county and the transfer of the case is being considered, take into consideration the following:

- (a.) When the Permanent Plan for the Child is Reunification.
- (i.) With whom is the child being reunified and where do they reside? For Example, if a child is placed with a grandparent and the plan remains reunification, it may be in the best interest of the child and family to transfer the case to the county of the parent's new residence.
- (b.) When reunification with the parent is no longer the goal or does not appear likely.
- (i.) If the grandmother is a likely candidate for permanency, it may be in the best interest of the family for the case to remain.
- (c.) The transfer of court cases is discussed in **VII** (Venue) of this Section.

(d.) Whenever the county DSS who has placement responsibility for the child needs assistance from another county DSS to make contacts, provide supervision, or conduct an assessment, the staff and their respective supervisors will discuss the case either face to face or by conference call and jointly determine the activities, timeframes, documentation required and communication expectations.

3.) When a child who is in the custody of DSS is placed with unlicensed relatives/kin and the relatives/kin move to another county

(a.) Once notified that the placement relative will be moving to another county, the county DSS with custody and placement responsibility shall immediately contact the DSS in the county where the relatives/kin will be relocating. The county DSS with custody and placement authority shall request an updated kinship care assessment.

(b.) The new county shall complete a new kinship care assessment within five (5) business days.

(c.) A new [dss-1797](#) shall be completed and returned to the county with custody and placement responsibility.

C. Providing Services When Multiple Counties are Involved

1.) Placement of a child out of county

(a.) Although it is policy and best practice to place a child within his own county and his own community, it is sometimes necessary to place the child with an unlicensed relative or other court-approved resource. When a child is placed out of the county with a relative or other court-approved resource:

(i.) Prior notice to the other county DSS of the impending placement is required. A child shall not be placed in another county without prior notification to that county.

(ii.) In cases that the county with legal custody of the child desires to place the child in a kinship placement in another county at the time of removal, the county with legal custody of the child shall make a request to the county where the potential kinship care provider resides for an initial kinship assessment and criminal history check of the potential placement providers shall be completed prior to placement of the child. The county conducting the kinship assessment shall complete the initial kinship care assessment and criminal history check within one (1) business day. If the initial kinship care assessment or criminal history

check documents safety concerns about the proposed placement, placement of the child shall not occur.

(iii.) If the results of the initial kinship care assessment and criminal record check are favorable, the county DSS with legal custody of the child has responsibility for the quarterly face to face contacts with the child and placement resource. The county where the kinship care placement is located will follow up with the full kinship care assessment and will provide any required contacts and will provide documentation of contacts to the placing county on a monthly basis.

(iv.)The county that has legal custody of the child shall send all pertinent documentation regarding the child to the county where the placement provider resides within five (5) business days. Documentation shall include case narrative, copies of the petition and Non-Secure Court Order, structured decision making assessments and the Family Services Agreement.

(v.) If the court in the county assuming custody of the child orders immediate placement with a relative or kin in the other county upon issuance of the non-secure custody court order, the county obtaining custody of the child shall immediately notify the county where the placement provider resides.

(vi.)Whenever possible, there should be careful planning for placement of a child with a relative or kin. It may be that the child is already in a placement with a relative who may be a potential placement resource is identified and resides in another county. When there is more time for assessment, the county with legal custody should request a Safety Assessment, Kinship Care Assessment and any home study that is requested by their court. These assessments must be completed prior to placement of the child.

(vii.)The instructions for completing the kinship care assessment are located in Section 1201 [Kinship Care Instructions](#).

(viii.)The Foster Home Care Inter-County Agreement, [dss-1797](#), shall be completed at the time of placement. The [dss-1797](#) assists counties with the determination of responsibilities while the child is in that placement. The agreement should also indicate the timeframes for the sharing of documentation. The [dss-1797](#) shall also describe what should happen should the placement disrupt. If the [dss-1797](#) is not completed and signed, the placement of the child shall not occur.

(ix.) If a placement with relative/kin disrupts, the county that has legal custody of the child is responsible for making other placement arrangements for the child.

(b.) There are times when the best placement for a child in the custody and placement authority of one county DSS is a licensed family foster home, therapeutic family foster home group home or institution located in another county. The Foster Home Care Inter-County Agreement, [dss-1797](#), shall be completed at the time of placement. The [dss-1797](#) assists counties with the determination of responsibilities while the child is in that placement. The agreement should also indicate the timeframes for the sharing of documentation.

(c.) The social worker shall have face to face contact with the child at least monthly. The agency shall have more frequent contact when indicated by the child's needs. The need for less frequent contact must be documented in writing and the documentation should include the level of contact expected. The county where the placement resource is located may serve as the monthly contact for the child's resident county

(d.) There shall be monthly contact with the placement provider in reference to the child's needs and progress, which shall be documented in the child's record. Documentation shall reflect diligent efforts made to contact.

(e.) In cases where a contractual party is conducting the required contacts, the agency shall request regular status reports and have face to face contact with the child at least once a quarter, or there shall be documentation to reflect efforts made or rationale for not making the contact.

2.) Collaboration among county DSS in out of home placement cases

Collaboration among all county DSS agencies involved in a child placement case is essential to providing continuity and stability for children and families during the times they most need it. Counties must facilitate the transfer of information about the family from one to the other in a timely manner. A thorough transfer of information between social workers is critical. A complete and effective transfer of information facilitates continuity of services for the child and family. Sharing information also helps the foster care social worker in developing a timely Out of Home Family Services Agreement for the family and a parallel legal plan for achieving safety and permanency for the child within one year. All information previously obtained about the family and a history of the agency's involvement with the family must be thoroughly documented in the case record and effectively transferred from one social worker to the next

Social workers may even overlap or share services to the child and family before, during, and after a transfer of a case from one county to the other. Whenever a child placement case is transferred, a transitional face to face visit with the child and their placement resource should be planned with both social workers present to allow for the child and placement resource to be introduced to the new social worker. This same kind of face to face meeting should be arranged with the child's birth family if the plan continues to be reunification in order for the family to be introduced to the new social worker.

Through the use of the [dss-1797](#) counties will negotiate who makes contacts with the respective individuals in their counties, and who documents or completes various pieces of the required assessment tools.

VII. ADOPTION

A. Adoption Services

Nothing in this section alters any of the requirements for the delivery of services once the plan for a child has become one of adoption. The adoption manual can be found in [Chapter VI: Adoption Services](#).

B. When Multiple Counties Become Involved with a Child Who is Legally Free for Adoption

1.) When the final decree of adoption has been issued

(a.) Should the adoption dissolve, the county where the child resides is responsible for the overall case management for the child, including placement and financial responsibility for foster care. The county that had custody of the

child prior to the finalization of the adoption maintains responsibility for Adoption Assistance until adoption assistance issues are resolved.

(b.) Should the county that had custody of the child prior to the finalization of adoption decide that it is in the best interest of the child to return to that county, the counties should work together to plan for this. It is important to remember that best practice dictates the county **that had custody prior to the finalization** share any and all case information deemed important by the county where the child and adoptive family reside in providing supportive services to the child and placement resources.

(c.) Should the child be placed in a residential facility, detention facility, hospital or other treatment facility in a third county (not the placing county and not the county where the adoptive parents reside) and the adoptive parents abandon the child, follow the guidelines in this section regarding the assessment of CPS reports involving more than one county. The county responsible for initiating the CPS assessment in this situation will be the county where the facility is located. However, the county DSS where the adoptive parents reside is considered by statute as the county of residence for the child. The resident county will be the county responsible for conducting the assessment and for filing a petition for custody. The resident county DSS has overall case management responsibility, including case management, financial responsibility for foster care and adoption assistance if the child is readopted.

(d.) Should the child's residence with the adoptive parents be in another state but the child is in a placement in North Carolina and the adoptive parents abandon the child, the county where the child is found is responsible for the child's safety and maintains responsibility for placement. This county maintains this responsibility until the State of Residence agrees to accept jurisdiction. If a North Carolina county placed the child, they continue to be responsible for adoption assistance for the child.

2. When the final decree of adoption has **not** been issued

If a child is in the legal custody of one county DSS and is placed in an adoptive home in another county and the placement disrupts and the child must be moved, the county with legal custody of the child is responsible for locating a new placement. They may request that the county DSS where the child and adoptive family reside assist by actually removing the child from the placement. However, it is the county that has custody of the child that is responsible for transporting the child to the new placement. In many instances, the county that had been supervising the adoptive placement may have provided significant contact and services to the child during the placement. The two counties may jointly decide that both social workers need to accompany the child to the new placement in

order to minimize further trauma. Such a decision should be based on the needs of the child.

The county where the child resides with the adoptive family is responsible for ensuring the child's safety until the county with legal custody moves the child to the new placement.

The [dss-1797](#) shall detail the responsibility of each county involved should a disruption occur. Each agreement should individually reflect the child's and family's needs.

VIII. VENUE

Requests to change venue should consider the permanency plan for the child, the child's current placement, visitation issues and any other information that affects the well-being of the child. The decision to change venue is at the court's discretion.

A. Notice of Hearing

- 1.) Before filing a motion to change venue of a juvenile court case, the involved counties must discuss the case. When it becomes necessary to request a change of venue, county DSS's must collaborate with one another to achieve a resolution that is in the best interest of the child without interrupting services to the family. The original county shall ensure that notice of the hearing to transfer venue is served on the county proposed to receive venue so that they are afforded an opportunity to be present at the hearing and to present any arguments against changing venue, or send written consents.
- 2.) An order changing custody of the child from one county to another county should be entered only after that agency is given notice and an opportunity to be heard, or consented to the transfer.

N.C. Rules of Civil Procedure, [N.C. R Civ. P. 13\(h\)](#), 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) 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."

- 3.) If a county DSS fails to appear or respond after having received notice, that county DSS is considered as having forfeited its right to be heard, and venue may be properly transferred.

B. Changing Venue

Changing venue does not automatically transfer custody of the juvenile to the other county DSS. The court order must specifically state that custody will also transfer. Any order changing venue should include;

- 1.) Language justifying the transfer of venue.
- 2.) The process of physically transferring the case.
- 3.) Clear description of the next action required.

C. When a Parent Moves

When a parent moves and a decision is made to transfer venue, the following should be considered:

- 1.) The permanent plan for the child
- 2.) The current placement of the child
- 3.) Visitation issues
- 4.) Any other relevant facts

IX. INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

The Interstate Compact on the Placement of Children (ICPC) regulates the interstate movement of children. The Compact is a uniform law that has been enacted by all the fifty states, the District of Columbia and the U.S. Virgin Islands. The North Carolina legislature enacted the Compact on July 1, 1971. The Compact is the best means we have to ensure protection and services to children who are placed across state lines for foster care or adoption.

The Compact is a legally and administratively sound means of placing children across states lines with the same safeguards and services as are available when they are placed within their own state. The Compact provides the means for securing an evaluation of a prospective placement before the child is sent outside the state and provides assurance that the sending state retains jurisdiction over the child sufficient to ensure that the child receives adequate care and protection. Refer to [Chapter XI Interstate/Intercountry Services to Children Section 1605](#) for more information.

[Attachment 1: dss-1402 Structured Intake](#)

[Attachment 2: Notification to the Reporter When a Self Report has been Made](#)

[Attachment 3: dss-1797 Inter-County Placement Agreement](#)

[Attachment 4: dss-5282 Notification to Supervising / Licensing Agency of CPS Involvement](#)

[Attachment 5: dss-5228 North Carolina Case Decision Summary/Initial Case Plan](#)