

SECTION 1100 - OVERVIEW, LEGAL BASIS AND MANUAL FORMAT

CHANGE NOTICE 02-2009

FEBRUARY 2009

I. INTRODUCTION

North Carolina funds child welfare services through Federal, State and County funds. The combination of funds allows county Departments of Social Services to have flexibility as funding amounts shift or decline during the year.

The State and counties must follow Federal and State laws, regulations and policies in order to obtain reimbursement of these funds. State allocations are authorized by the General Assembly. While each county has its own challenges in terms of population density, tax base, industry and culture, each county Department of Social Services must abide by the laws, rules and policies developed by the State and Federal governments.

Child welfare services include prevention services such as family support services, family preservation services, intensive family preservation services, and family reunification services; child protective services; and placement services, including adoption. Not all services are funded by all funding sources. Federal law mandates States to provide child protective services, foster care and adoption services.

This manual section provides information on funding requirements and procedures for claiming reimbursement for child welfare services. Federal monies usually require matching funds from States to continue to draw down Federal funds. In North Carolina, county Departments of Social Services and the State share the costs of providing matching funds to receive Federal funds for the most part. Matching amounts vary depending on the funding source and the activities to be funded. Each funding source has different eligibility requirements and reimbursement formulas.

There are 3 types of activities funded by federal, state, and, in some instances, county monies. These are:

- Foster Care and Adoption Assistance Payments
- Training Activities
- Administrative Activities

Administrative activities are those that social workers engage in around providing or arranging for the provision of services to children and families.

These activities are documented on the DSS Form 4263-Worker Daily Report of Services, more commonly known as the day sheet.

It is mainly through the day sheet that each social worker's salary is paid. Consequently, it is vital that day sheets be completed accurately and in a timely manner.

(This manual section supersedes the following Dear County Director Letters and Administrative Letters:

**North Carolina Division of Social Services
Family Services Manual
Volume I: Children's Services
Chapter XIII – Child Welfare Funding Manual**

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Dear Director Letter, dated 09-28-99, Use of TANF Funds to Provide Child Welfare Services

Dear Director Letter, dated 11-24-99, TANF (TEA) Funded Foster Care Maintenance Payments

Dear Director Letter, dated 03-03-00, Use of Maintenance-of-Effort (MOE) Funds for Child Welfare Services

Dear Director Letter, dated 03-19-01, Changes to Program Code 0 (numeric)

Administrative Letter #CS 1-01, dated 08-01-01, New Requirements Relating to Federal AFDC-EA Settlement Agreement

Dear Director Letter, dated 08-28-01, Changes to TEA Verification Form

Dear Director Letter, dated 10-25-02, Child Welfare Program Code Changes

Dear Director Letter, dated 11-25-02, Funding Options for CPS Case Planning and Case Management (215) and Foster Care Case Management Services (109); Special Immigrant Juvenile Status for Children Under Juvenile Court Jurisdiction

II. LEGAL BASIS

Both Federal and State laws control and guide the eligibility and reimburse ability determinations for children in the child welfare system.

FEDERAL LAWS

PL. 92-672, originally passed in 1974, created Title XX of the Social Security Act and **PL. 93-647** and **PL. 97-35** further amended the Act. While originally an entitlement program, in 1980 it became a block grant now known as the **Social Services Block Grant Program**;

PL. 96-272-Adoption Assistance and Child Welfare Act of 1980-amended Title IV of the Social Security Act and created a new part E, Federal Payments for Foster Care and Adoption Assistance.

In addition to changing the funding mechanism for foster care and establishing adoption assistance for children with special needs, linkages were established between Title IV-E and Title IV-B to encourage less reliance on out of home placement and greater utilization of services directed at preventing placement and strengthening families;

PL. 99-272-Consolidated Omnibus Budget Reconciliation Act of 1985-amended IV-E to include the Independent Living Program;

PL. 100-647-Expanded the Independent Living Program;

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PL 106-169 - The Foster Care Independence Act of 1999, replaced section 477 of Title IV-E with new language and renamed the program the John H. Chafee Foster Care Independence Program;

PL.104-93-The Personal Responsibility and Work Opportunity Reconciliation Act of 1996-Title IV-A-Temporary Assistance to Needy Families-began the Work First program in NC and replaced the former AFDC program nationwide;

P.L. 104-235- Child Abuse Prevention and Treatment Act (CAPTA) - was designed to help states improve practices in preventing and treating child abuse and neglect and includes a basic state grant program for improving the child protective services (CPS) system infrastructure, a discretionary grant program for research, program demonstrations, training, and other innovative activities, and a grant program focused on community-based prevention efforts.

PL 105-89-The Adoption and Safe Families Act of 1997 (known as ASFA), made safety and permanency for children the primary goals to be achieved by States. As a part of the Act, Title IV-B and Title IV-E were amended. The amendments clarified reasonable efforts to prevent out-of-home placements and reasonable efforts to finalize permanent placements for children who cannot return to their parents. In addition, the Act provided funding for adoption incentives; strengthened the ability of agencies to file Termination of Parental Rights actions swiftly, required certain data collection, required training, and recruitment of foster and adoptive parents.

P.L. 107-133-Promoting Safe and Stable Families, (PSSF), was initially created in 1993 as the Family Preservation and Support Services Program. In 1997, it was reauthorized under the Adoption and Safe Families Act and renamed PSSF.

The 1997 legislation required the provision of two additional services which were time limited family reunification services and supportive adoption services. (material obtained online from the National Resource Center for Foster Care and Permanency Planning-at the Hunter College School of Social Work-"Information Packet – Promoting Safe and Stable Families" by Grace Antebi.) Subsequent amendments in 2001 created the Education Training Voucher (ETV) program, which amended the John Chafee Foster Care Independence Act.

P.L. 108-36, The Keeping Children and Families Safe Act of 2003 *reauthorized* CAPTA and reauthorized the Adoption Opportunities Act, the Abandoned Infants Assistance Act and the Family Violence Prevention and Services Act. The legislation also added new requirements to CAPTA and strengthened others.

The additions to CAPTA are as follows:

- Policies and procedures to address the needs of infants born and identified as being affected by prenatal drug exposure;

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- Provisions and procedures to require CPS representatives, at the time of initial contact, advise an individual of complaints and allegations made against them;
- Provisions addressing the training of CPS workers regarding their legal duties in order to protect the legal rights and safety of children and families;
- Provisions to require a State to disclose confidential information to any Federal, State or local government entity with a need for such information.
- Implements programs to increase the number of older foster children placed in adoptive families, including a grants program to eliminate barriers to placing children for adoption across jurisdictional boundaries.
- Amends the Abandoned Infants Assistance grants program to prohibit grants unless the applicant agrees to give priority to infants and young children who:
 - (1) Are infected with or exposed to the human immunodeficiency virus or have a life-threatening illness; or
 - (2) Have been prenatally exposed to a dangerous drug.

STATE LAWS

N.C.G.S. 7B-503; 7B-506; 7B-507; 7B-905; 7B-910; 108A-24; 108A-48; 108A-49; 108A-50; and 143B-153

COUNTY REQUIREMENTS

County Departments of Social Services and other divisions of county government may make policies and regulations specific to their situations. It is important for child welfare staff in county Departments of Social Services to be aware of any specific limitations. None of the county policies and regulations should conflict with federal and state law, rules or policies.

II. FORMAT OF FUNDING MANUAL

This manual is set up as follows:

Section 1100 - Overview, Legal Basis and Manual Format

Section 1200 - Federal, State and County Funding for Child Welfare Services

Section 1300 - Prevention Services

Section 1400 - Child Protective Services

Section 1500 - Foster Care Funding

Section 1600 - Adoption Assistance Funding