

# Children and Families

See full summary documents for additional detail

## **H132 - Juvenile Code Revisions and Court Improvement Program Recommendations. (SL 2021-100)**

S.L. 2021-100 amends the abuse, neglect, and dependency statutes of Chapter 7B of the General Statutes as recommended by the Court Improvement Program.

This act became effective October 1, 2021.

## **H769 - Foster Parents' Bill of Rights. (SL 2021-144)**

S.L. 2021-144 creates a Bill of Rights recognizing the rights of foster parents.

This act became effective on September 10, 2021.

## **S35 - Max 4-Yr Age Diff to Marry Under 18 Yrs. (SL 2021-119)**

S.L. 2021-119 amends the lawful age of marriage to 16 years of age or older and provides a maximum four-year age difference for a 16- or 17- year-old to marry. The act became effective August 26, 2021, and applies to marriage licenses pending or issued on or after that date.

## **S105 - 2021 Appropriations Act.**

### **Sec. 9A.4: Rapid Rehousing for Individuals and Families at Risk of Homelessness . (SL 2021-180)**

Section 9A.4 of S.L. 2021-180 allocates \$15 million in nonrecurring funds for the 2021-2022 fiscal year to the Division of Aging and Adult Services, Department of Health and Human Services, for rapid rehousing services to assist families and individuals at risk of homelessness due to the COVID-19 pandemic. The funds must supplement existing funding for homelessness prevention services and may be used to cover the cost of acute financial assistance needs for eligible families and individuals.

This section became effective July 1, 2021.

## **S105 - 2021 Appropriations Act.**

### **Sec. 9C.1: NC Pre-K Programs/Standards for Four- and Five-Star-Rated Facilities. (SL 2021-180)**

Section 9C.1.(a) of this act describes eligibility requirements for the NC Pre-K program to be established by the Division of Child Development and Early Education (DCDEE), Department of Health and Human

Services (DHHS). The income eligibility requirements for the program cannot exceed 75% of the State median income. Up to 20% of children enrolled can have family incomes in excess of 75% of median income if those children have other designated risk factors. Any child who is 4 years of age on or before August 31 of the program year and is the child of an active duty member of the Armed Forces of the United States or a member of the Armed Forces of the United States is eligible for the NC Pre-K program.

Section 9C.1.(b) of the act directs DCDEE to require NC Pre-K contractors to issue multiyear contracts for licensed private child care centers providing NC Pre-K classrooms. Section 9C.1.(c) of the act requires private child care facilities and public schools operating NC Pre-K classrooms to meet the building standards for preschool students in G.S. 115C-521.1. Section 9C.1.(d) of the act requires entities operating NC Pre-K classrooms to adhere to programmatic standards and classroom requirements prescribed by DCDEE, except as noted in Section 9C.1.(c) of the act. Section 9C.1.(e) of the act instructs the local NC Pre-K committees to use the standard decision-making process developed by DCDEE in awarding NC Pre-K classroom slots and student selection.

Section 9C.1.(f) of the act requires the DCDEE to submit an annual report to the Joint Legislative Oversight Committee on Health and Human Services, the Office of State Budget and Management, and the Fiscal Research Division no later than March 15 of each year. The report must include specified data, including the number of children participating in the NC Pre-K program and expected NC Pre-K expenditures for the programs.

Section 9C.1.(g) of the act states the administration of the NC Pre-K program by local partnerships is subject to financial and compliance audits.

This section became effective July 1, 2021.

### **S105 - 2021 Appropriations Act.**

#### **Sec. 9C.3: Raise Base Reimbursement Rates for NC Pre-K Child Care Centers . (SL 2021-180)**

Section 9C.3 of S.L. 2021-180 allocates funds to raise the base reimbursement rates for child care centers participating in the NC Pre-K program by 2% over 2020-2021 fiscal year rates for the 2021-2022 fiscal year and by an additional 2% over the 2021-2022 rates for the 2022-2023 fiscal year.

This section became effective July 1, 2021.

### **S105 - 2021 Appropriations Act.**

#### **Sec. 9C.4: Child Care Subsidy Rates . (SL 2021-180)**

Section 9C.4.(a) of S.L. 2021-180 sets the maximum gross annual income for initial eligibility for subsidized child care services. The eligibility for a child aged zero to five is 200% of the federal poverty level and a child ages six to 12 is 133% of the federal poverty level. The eligibility for any child with special needs, including a child who is 13 years of age or older, is 200% of the federal poverty level.

Section 9C.4.(b) of the act specifies that fees for families required to share in the cost of care are established based on 10% of gross family income.

Section 9C.4.(c) of the act specifies certain requirements for the payments to purchase child care services for low-income children. Religious sponsored child care facilities and licensed child care centers and homes are paid the one-star county market rate or the rate they charge privately paying parents, whichever is lower. Licensed child care centers and homes with two or more stars receive the market rate for that rated license level for that age group or the rate they charge privately paying parents, whichever is lower. Transportation services are not payable. Payments for subsidized child care services for postsecondary education are limited to a maximum of 20 months of enrollment.

Section 9C.4.(d) of the act specifies the payment rates for child care providers in counties that do not have at least 50 children in each age group for center-based and home-based care.

Section 9C.4.(e) of the act directs the Division of Child Development and Early Education (DCDEE), Department of Health and Human Services (DHHS), to calculate a statewide rate, a regional market rate, and a county rate for each rated license level for each age category of enrollees.

Section 9C.4.(f) of the act instructs DCDEE to implement policies in which, to the extent possible, child care subsidies are paid for child care in the higher quality centers and homes only. This section outlines a transition period for facilities to receive funds while increasing star ratings and allows for exemptions in cases where there are an inadequate number of higher rated facilities.

Section 9C.4.(g) of the act allows licensed child care facilities and religious sponsored child care facilities to participate in the program that provides for the purchase of care in child care facilities for minor children of needy families. Except as noted in Section 9C.4.(f) of the act, no separate licensing requirements must be used to select facilities to participate. A provider's failure to comply with requirements cannot be used by county departments of social services as a condition to reduce the provider's subsidized child care rate.

Section 9C.4.(h) of the act states Temporary Assistance for Needy Families Block Grant funds used to pay for subsidized child care must comply with all regulations and policies issued by the DCDEE for the subsidized child care program.

Under Section 9C.4.(i) of the act, noncitizen families residing legally in the State are eligible for child care subsidies if all other eligibility conditions are met. Noncitizen families residing illegally in the State are eligible for child care subsidies if the child is receiving child protective services or foster care services, is developmentally delayed or at risk of being developmentally delayed, or is a citizen of the United States.

Section 9C.4.(j) of the act directs DCDEE to require all county departments of social services to include whether the family is receiving assistance through the NC Pre-K Program or Head Start on any forms used to determine eligibility for child care subsidy.

Section 9C.4.(k) of the act provides for Department of Defense-certified child care facilities to participate in the State-subsidized child care program as long as certain conditions are met.

This section became effective July 1, 2021.

## **S105 - 2021 Appropriations Act.**

### **Sec. 9C.5: Child Care Allocation Formula . (SL 2021-180)**

Section 9C.5.(a) of S.L. 2021-180 outlines the child care subsidy allocation formula. The base amount for each county's child care subsidy allocation is the mandatory 30% North Carolina Partnership for Children,

Inc., subsidy allocation. In addition, the Department of Health and Human Services (DHHS) must allocate funds to a county based upon the projected cost of serving children under age 11 in families with all parents working who earn less than the applicable federal poverty level percentage.

Section 9C.5.(a) of the act allows DHHS to withhold up to 2% of available funds from the allocation formula for preventing termination of services throughout the fiscal year and repayment of any federal funds identified by counties as overpayments, including overpayments due to fraud. Any funds not needed for the purposes described in this section must be allocated to counties. DHHS must submit a report to the Joint Legislative Oversight Committee on Health and Human Services and the Fiscal Research Division in each year of the 2021-2023 fiscal biennium 30 days after any funds withheld as allowed under this section are distributed, but no later than April 1 of each respective year. The report must include the following:

- The amount of funds used for preventing termination of services and the repayment of any federal funds.
- The date the remaining funds were distributed to counties.
- As a result of funds withheld under this section and after funds have been distributed, any counties that did not receive at least the amount the county received the previous year and the amount by which funds were decreased.

Section 9C.5.(a) of the act requires DHHS to set aside 4% of child care subsidy allocations for vulnerable populations.

Section 9C.5.(b) of the act allows DHHS to reallocated unused child care subsidy voucher funds. Section 9C.5.(c) of the act places certain requirements on DHHS when implementing the formula under this section.

This section became effective July 1, 2021.

## **S105 - 2021 Appropriations Act.**

### **Sec. 9C.6: Smart Start Initiatives . (SL 2021-180)**

Section 9C.6.(a) of S.L. 2021-180 directs the North Carolina Partnership for Children, Inc., and its Board to ensure policies focus on the mission of improving child care quality for children from birth to age 5. This section outlines the North Carolina Partnership for Children, Inc., funded activities including assisting child care facilities with improving quality and implementing prekindergarten programs. State funding for local partnerships is to be used for programs that increase children's literacy, increase the parents' ability to raise healthy, successful children, improve children's health and assist four- and five-star rated facilities in improving and maintaining quality.

Section 9C.6.(b) of the act directs administrative costs must be equivalent to, on an average statewide basis for all local partnerships, no more than 8% of the total statewide allocation to all local partnerships. The North Carolina Partnership for Children, Inc., is to continue using a single statewide contract management system that incorporates features of the required standard fiscal accountability plan. All local partnerships are required to participate in the contract management system and to collaborate with other local partnerships to increase efficiency and effectiveness.

Section 9C.6.(c) of the act outlines the salary schedule based on specified criteria to determine the maximum amount of State funds that can be used for the salary of the Executive Director and the directors of the local partnerships. Nothing in this subsection prohibits a local partnership from using non-State funds to supplement an individual's salary.

Section 9C.6.(d) of the act requires the North Carolina Partnership for Children, Inc., and all local partnerships, in the aggregate, to match 100% of the total amount budgeted for the program in each fiscal year of the 2021-2023 biennium. Of the funds that the North Carolina Partnership for Children, Inc., and the local partnerships are required to match, contributions of cash are to be equal to at least 13% and in-kind donated resources are to be equal to no more than 6%, for a total match requirement of 19% for each year of the 2021-2023 fiscal biennium. This section provides details on in-kind contributions, volunteer services and expenses. Failure to obtain a 19% match by June 30 of each year of the 2021-2023 fiscal biennium results in a dollar-for-dollar reduction in the appropriation for the program for a subsequent fiscal year.

Section 9C.6.(e) of the act requires the North Carolina Partnership for Children, Inc., and all local partnerships to use a specified competitive bidding practices in contracting for goods and services depending on contract amounts.

Section 9C.6.(f) of the act prohibits the North Carolina Partnership for Children, Inc., from reducing the allocation for counties with less than 35,000 in population below the 2012-2013 funding level.

Section 9C.6.(g) of the act requires the Department of Health and Human Services to continue implementing the performance-based evaluation system.

Section 9C.6.(h) of S.L. 2021-180 prohibits the use of funds allocated for Early Childhood Education and Development Initiatives for the 2021-2023 fiscal biennium from being administered or distributed for capital expenditures or for advertising and promotional activities.

Notwithstanding Section 9C.6.(h) of the act, Section 9C.6.(i) of the act allows up to 1% of State funds to be used for fundraising activities, and requires the North Carolina Partnership for Children, Inc., to include in its annual report required under G.S. 143B-168.12(d) a report on the use of State funds for fundraising.

This section became effective July 1, 2021.

## **S105 - 2021 Appropriations Act.**

### **Sec. 9C.7: Smart Start Literacy Initiative/Dolly Parton's Imagination Library . (SL 2021-180)**

Section 9C.7.(a) of S.L. 2021-180 directs that a portion of the funds allocated to the North Carolina Partnership for Children, Inc., are to continue being used to increase access to Dolly Parton's Imagination Library. Section 9C.7.(b) of the act allows the North Carolina Partnership for Children, Inc. to use up to 1% of the funds for statewide program management and up to 1% of the funds for program evaluation. The funds allocated under this section are not subject to child care services funding requirements, child care subsidy expansion requirements, or match requirements.

This section became effective July1, 2021.

**S105 - 2021 Appropriations Act.**

**Sec. 9C.8: Flexibility in the Use of Additional Smart Start Funds/Exemption from Certain Requirements . (SL 2021-180)**

Section 9C.8 of S.L. 2021-180 allows additional recurring funds allocated to the North Carolina Partnership for Children, Inc., for each year of the 2021-2023 fiscal biennium to be used for any of Smart Start's programs and clarifies that these funds are not subject to administrative cost requirements, child care services funding requirements, child care subsidy expansion requirements, or match requirements.

This section became effective July 1, 2021.

**S105 - 2021 Appropriations Act.**

**Sec. 9C.9: Grants for Child Care Facilities and NC Pre-K Classrooms/ARPA Funds . (SL 2021-180)**

Section 9C.9 of S.L. 2021-180 allocates \$20 million in nonrecurring funds to the Division of Child Development and Early Education, Department of Health and Human Services, to provide grants for child care facilities and NC Pre-K classrooms in response to the COVID-19 pandemic. The grants are one-time awards to assist with start-up costs associated with establishing a new NC Pre-K classroom or child care facility, quality improvements for existing NC Pre-K classrooms or child care facilities that increase the classroom or facility's capacity or upgrade its star rating, and capital improvements or renovations.

This section became effective July 1, 2021.

**S105 - 2021 Appropriations Act.**

**Sec. 9D.14: Allow a Parent to Retain Medicaid Eligibility While a Child is Temporarily Served by the Foster Care System . (SL 2021-180)**

Section 9D.14 of S.L. 2021-180 directs the Department of Health and Human Services to seek federal approval to allow a parent to retain Medicaid coverage while the parent's child is being served temporarily by the foster care system, so long as the parent is making reasonable efforts to comply with a court-ordered reunification plan. This retention of coverage will be effective upon federal approval, but if approval is not granted by June 30, 2023, then the section expires on that date. The remainder of this section became effective July 1, 2021.

**S105 - 2021 Appropriations Act.**

**Sec. 9F.6: Youth Tobacco Enforcement Funding. (SL 2021-180)**

Section 9F.6 of S.L. 2021-180 directs the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, Department of Health and Human Services, to transfer \$300,000 in recurring funds to the Alcohol Law Enforcement Division of the Department of Public Safety for each year of the 2021-2023 fiscal biennium to be used for compliance checks to enforce the State's youth tobacco access law.

This section became effective July 1, 2021.

**S105 - 2021 Appropriations Act.**

**Sec. 9G.1: Local Health Departments/Competitive Grant Process to Improve Maternal and Child Health . (SL 2021-180)**

Section 9G.1 of S.L. 2021-180 directs the Division of Public Health (DPH), Department of Health and Human Services (DHHS), to use funds to continue administering a competitive grant process for local health departments based on maternal and infant health indicators and the county's detailed proposal to invest in evidence-based programs to achieve the following goals: (i) improving the State's birth outcomes; (ii) improving the overall health status of children age five and younger; and (iii) lowering the State's infant mortality rate. The grant process must include (i) a request for application process to allow local health departments to apply for and receive the grants on a competitive basis, (ii) a prioritization of applications that are able to leverage non-State funds, (iii) a provision that grant funds do not supplant other existing sources of funds, and (iv) a provision allowing the grants to be awarded every two years.

The Secretary of DHHS must submit a report to the Joint Legislative Oversight Committee on Health and Human Services on the identity of each grantee, the amount awarded to each grantee, and the number of individuals served by each grantee.

No later than February 1 of each year, the grantees must provide DPH with a written report about all the activities funded by State appropriations.

This section became effective July 1, 2021.

**S105 - 2021 Appropriations Act.**

**Sec. 9G.4: Carolina Pregnancy Care Fellowship Funds/Grants for Services. (SL 2021-180)**

Section 9G.4 of S.L. 2021-180 provides \$500,000 in recurring funds and \$1,203,437 in nonrecurring funds for the 2021-2022 fiscal year and \$500,000 in recurring funds and \$2,479,904 in nonrecurring funds for the 2022-2023 fiscal year to the Division of Public Health, Department of Health and Human Services, for Carolina Pregnancy Care Fellowship (CPCF) be allocated to provide grants for services to pregnancy centers located in this State that apply to the CPCF. Only 10% of the funds can be used for administrative purposes, and CPCF must contact all pregnancy centers that are part of its network and advise them of the availability of the grants. CPCF must report to the Joint Legislative Oversight Committee on Health and Human Services, by July 1 of each year of the 2021-23 fiscal biennium with a list of the grantees and the amounts awarded.

This section became effective July 1, 2021.

**S105 - 2021 Appropriations Act.**

**Sec. 9G.4A: Carolina Pregnancy Care Fellowship Funds/Grants for Durable Medical Equipment and Training . (SL 2021-180)**

Section 9G.4A of S.L. 2021-180 provides \$750,000 in nonrecurring funds for the 2021-2022 fiscal year and \$750,000 in nonrecurring funds for the 2022-2023 fiscal year to the Division of Public Health, Department of Health and Human Services, for Carolina Pregnancy Care Fellowship (CPCF) to be allocated to provide grants to pregnancy centers located in this State to purchase and pay for training on the use of durable medical equipment. Only 10% of the funds can be used for administrative purposes, and CPCF must contact all pregnancy centers that are part of its network and advise them of the availability of the grants. CPCF must report to the Joint Legislative Oversight Committee on Health and Human Services, by July 1 of each year of the 2021-23 fiscal biennium with a list of the grantees and the amounts awarded.

This section became effective July 1, 2021.

**S105 - 2021 Appropriations Act.**

**Sec. 9G.5: Mountain Area Pregnancy Centers. (SL 2021-180)**

Section 9G.5 of S.L. 2021-180 clarifies that, of the funds appropriated to the Division of Public Health, Department of Health and Human Services, for Mountain Area Pregnancy Services, only 15% of the funds can be used for administrative purposes. The remainder of the funds must be used for direct services.

This section became effective July 1, 2021.

**S105 - 2021 Appropriations Act.**

**Sec. 9G.6: Expansion of the Continuum of Care Pilot Program into a Statewide Program. (SL 2021-180)**

Section 9G.6 of S.L. 2021-180 provides \$3.2 million in nonrecurring funds in each year of the 2021-2023 fiscal biennium to be allocated to the Human Coalition to expand the continuum of care pilot program established by Section 11E-13(b) of S.L. 2017-57 into a statewide program. The program is designed to: (i) encourage healthy childbirth, (ii) support childbirth as an alternative to abortion, (iii) promote family formation, (iv) assist in establishing successful parenting techniques, and (v) increase the economic self-sufficiency of families. The program must include: (i) outreach to at-risk populations, (ii) the use of licensed nurses to assess pregnancy needs and provide accurate pregnancy-related information, and (iii) use of licensed social workers to develop appropriate care plans and make necessary referrals. Only 10% of the allocated funds can be used for administrative purposes. Beginning December 1, 2021, and every six months thereafter, the Human Coalition must report to the Department of Health and Human Services (DHHS) on the expenditures of the programs and the individuals served. By April 1, 2023, DHHS must report to the Joint Legislative Oversight Committee on Health and Human Services and the Fiscal Research Division on the status of the program.

This section became effective July 1, 2021.



**S105 - 2021 Appropriations Act.**

**Sec. 9G.6A: Timely Updates to Newborn Screening Program. (SL 2021-180)**

Section 9G.6A of S.L. 2021-180 makes changes to the newborn screening program to require that each condition listed on the federal Recommended Uniform Screening Panel (RUSP) is included in the Newborn Screening Program within three years after being added to the RUSP. The Department of Health and Human Services (DHHS) is required to provide a report to the Joint Legislative Oversight Committee on Health and Human Services 18 months after a condition is added to the RUSP. When a delay adding a condition exceeds three years, DHHS must provide a report on the status and reasons for the delay to the Joint Legislative Oversight Committee on Health and Human Services every six months following the three-year delay.

This section became effective January 1, 2022.

**S105 - 2021 Appropriations Act.**

**Sec. 9I.3: Intensive Family Preservation Services Funding, Performance Enhancements, and Report . (SL 2021-180)**

Section 9I.3 of S.L. 2021-180 notwithstanding the law (G.S. 143B-150.6), requires the Intensive Family Preservation Services (IFPS) Program to provide intensive services to children and families in cases of abuse, neglect, and dependency. The program must use standardized assessment criteria for determining imminent risk. The Department of Health and Human Services (DHHS) must require any entity that receives funding for the purpose of the IFPS to provide data that allows all of the following: (i) at least six months of follow-up services; (ii) detailed information on the interventions that were used; (iii) cost-benefit data; (iv) data on long-term benefits; (v) the number of families remaining intact after IFPS intervention, and (vi) the number and percentage by race of children who received services as compared to the general population. Entities that do not share this data will not receive funding. DHHS must report annually on December 1 to the Joint Legislative Oversight Committee on Health and Human Services and the Fiscal Research Division on the data provided.

This section became effective July 1, 2021.

**S105 - 2021 Appropriations Act.**

**Sec. 9I.4: Child Caring Institutions. (SL 2021-180)**

Section 9I.4 of S.L. 2021-180 provides that until the Social Services Commission adopts rules setting standardized rates for child caring institutions as authorized by G.S. 143B-153(8), the maximum reimbursement must not exceed the rate established for the specific child caring institution by the Office of the Controller, Department of Health and Human Services.

This section became effective July 1, 2021.

## **S105 - 2021 Appropriations Act.**

### **Sec. 9I.5: Use of Foster Care Budget for Guardianship Assistance Program . (SL 2021-180)**

Section 9I.5 of S.L. 2021-180 provides that the Division of Social Services, Department of Health and Human Services (DHHS), can continue providing, of the funds available for foster care services, for the financial support of children deemed to be (i) in a permanent family placement setting, (ii) eligible for legal guardianship, and (iii) otherwise unlikely to receive permanency. This section clarifies no additional expenses must be incurred beyond the funds budgeted for foster care for the Guardianship Assistance Program (GAP). GAP includes provisions for extending guardianship services for individuals and youth who exited foster care through GAP after 14 years of age or who have attained the age of 18 years and opt to continue to receive guardianship services until reaching 21 years of age if the individual meets specified criteria.

This section became effective July 1, 2021.

## **S105 - 2021 Appropriations Act.**

### **Sec. 9I.6: Child Welfare Postsecondary Support Program - NC REACH. (SL 2021-180)**

Section 9I.6 of S.L. 2021-180 directs the Department of Health and Human Services to continue providing assistance with the cost of higher education for:

- Children aging out of the foster care system.
- Children no longer in foster care due to a permanent placement through the Guardian Assistance Program.
- Children with special needs who were adopted out of the foster care system after age 12.

This section allocates \$50,000 to the North Carolina State Education Assistance Authority to manage and distribute scholarship funds. This section provides \$339,493 for each year of the 2021-2023 fiscal biennium for the administration of the program and the provision of case management services. Lastly, this section requires that funds be awarded only to students attending public institutions of higher education in the State.

This section became effective July 1, 2021.

## **S105 - 2021 Appropriations Act.**

### **Sec. 9I.7: Federal Child Support Incentive Payments. (SL 2021-180)**

Section 9I.7 of S.L. 2021-180 directs the North Carolina Child Support Services Section (NCCSS), Division of Social Services, Department of Health and Human Services (DHHS), to retain up to 15% of annual federal incentive payments for the enhancement of centralized child support services and to allocate the remainder of the annual federal incentive payments to county child support services programs for the improvement of program effectiveness and efficiency. NCCSS must require county child support services programs to submit annual plans on how the federal incentive payments will be used and on the federal funds received. NCCSS must submit a report on federal child support incentive funding to the Joint Legislative Oversight Committee on Health and Human Services and the Fiscal Research Division by November 1 of each year.

This section became effective July 1, 2021.

**S105 - 2021 Appropriations Act.**

**Sec. 9I.8: Successful Transition - Foster Care Youth. (SL 2021-180)**

Section 9I.8 of S.L. 2021-180 directs the Foster Care Transitional Living Initiative Fund (Fund) to continue to support the Youth Villages Transitional Living Model, a demonstration project for youth 17-21 years of age transitioning out of foster care. The Fund must support the following strategies: transitional living services, public-private partnerships, impact measurement and evaluation, and the advancement of evidence-based processes.

This section became effective July 1, 2021.

**S105 - 2021 Appropriations Act.**

**Sec. 9I.9: Permanency Innovation Initiative . (SL 2021-180)**

Section 9I.9 of S.L. 2021-180 amends the law that creates the Permanency Innovation Initiative Fund (G.S. 131D-10.9B) to allow no more than 15% of the State funds appropriated for the Permanency Innovation Initiative to be used for administrative costs.

This section became effective July 1, 2021.

**S105 - 2021 Appropriations Act.**

**Sec. 9I.10: Report on Certain Expenditures for the Supplemental Nutritional Assistance Program and Temporary Assistance for Needy Families. (SL 2021-180)**

Section 9I.10 of S.L. 2021-180 requires the Division of Social Services (DSS), Department of Health and Human Services, to allocate funds for vendor costs incurred with the generation of data for reports on the Supplemental Nutritional Assistance (SNAP) and Temporary Assistance for Needy Families (TANF) expenditures. The data submitted by the vendor must include:

- The number and dollar amounts of out-of-state transactions accessed or expended for SNAP and TANF benefits.
- The amount of benefits expended out-of-state from active cases for both SNAP and TANF programs.
- The dollar amount and number of transactions and benefits accessed or expended in this State for both SNAP and TANF programs.

This section also directs DSS to evaluate the data provided by the vendor and to report by June 30 and December 31 of each year of the 2021-2022 fiscal biennium to the Joint Legislative Oversight Committee on Health and Human Services on how this data is used to detect fraud and abuse in the SNAP and TANF programs.

This section became effective July 1, 2021.

## **S105 - 2021 Appropriations Act.**

### **Sec. 9I.11: Increase Foster Care and Adoption Assistance Rates. (SL 2021-180)**

Section 9I.11 of S.L. 2021-180 amends G.S. 108A-49.1 to increase the maximum rates for State participation in the foster care and adoption assistance programs to the following amounts:

- \$514 per child per month for children from birth through five years of age.
- \$654 per child per month for children six through 12 years of age.
- \$698 per child per month for children at least 13 but less than 21 years of age.

The revised foster care assistance rates apply to family foster care homes, residential child care facilities, and Level 2 group homes. The Division of Social Services, Department of Health and Human Services, must use a portion of the funds allocated for rate increases to cover the county share of the cost of care for the rate increases under this section for the 2021-2022 fiscal year.

This section became effective January 1, 2022.

## **S105 - 2021 Appropriations Act.**

### **Sec. 9I.12: Child Welfare-Behavioral Health Pilot Project. (SL 2021-180)**

Section 9I.12 of S.L. 2021-180 directs the Division of Social Services (DSS) and the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services (DMH/DD/SAS) to collaborate and establish a two-year child welfare and behavioral health pilot program to increase access to comprehensive health care services for children in foster care. Davie, Forsyth, Rockingham, and Stokes counties must participate in the pilot project. DSS and DMH/DD/SAS must establish a trauma-informed integrated health foster care model to facilitate partnerships between local county departments of social services and local management entities/managed care organizations. This section directs DSS and DMH/DD/SAS to submit a progress report on the pilot program by April 1, 2022, and a final report by October 1, 2023, to the Joint Legislative Oversight Committee on Health and Human Services.

This section became effective July 1, 2021.

## **S105 - 2021 Appropriations Act.**

### **Sec. 9I.13: Regional Supervision and Support of Child Welfare Services/CPS Hotline. (SL 2021-180)**

Section 9I.13 of S.L. 2021-180 provides that of the funds appropriated to the Department of Health and Human Services (DHHS), Division of Social Services (DSS), \$900,000 in recurring funds must be used to establish up to 15 positions for the (i) regional supervision support model directed by S.L. 2017-41 (Rylan's Law) and (ii) statewide child protective services (CPS) hotline.

This section also provides that, in accordance with the plan submitted by the Social Services Regional Supervision and Collaboration Working Group (SSWG) in its report on March 31, 2019, to the Joint Legislative Oversight Committee on Health and Human Services, DHHS must establish seven regions for regional supervision of child welfare and social services and begin providing oversight and support within

those regions through State regional staff and the central office team by April 1, 2022. Additionally, DHHS must continue (i) redeploying positions identified in the report to support regionalization and all managerial staff needed to support regionalization in the central office and (ii) repurposing corresponding operating expenses. DHHS is required to pursue procurement of physical offices within each of the seven regions beginning in March 2023 and to prioritize staffing to improve the child welfare system. DHHS must move towards full implementation of a regional model, with offices, by March 1, 2024.

Further, DSS and the North Carolina Association of Regional Councils of Governments (Councils of Governments) are required to explore entering into a memorandum of agreement to (i) utilize Councils of Governments' physical office space and office-related needs for Division staff and (ii) facilitate cooperation between regions and evaluate the estimated costs by region for the office space and sample agreements between the Division and the Councils of Governments. DSS must submit a report to the chairs of the Senate Appropriations Committee on Health and Human Services and the House Appropriations Committee on Health and Human Services by February 1, 2022, on the estimated costs, by region, for office space and sample agreements as described in this subsection.

Finally, this section amends Section 3 of S.L. 2021-132 to conform with the content of this section and to require DHHS to submit a progress report on its development and implementation of the statewide CPS hotline to the Joint Legislative Oversight Committee on Health and Human Services no later than September 1, 2022.

This section became effective July 1, 2021.

## **S105 - 2021 Appropriations Act.**

### **Sec. 9I.15: Deploy Child Welfare Component of NC FAST . (SL 2021-180)**

Section 9I.15.(a) of S.L. 2021-180 directs the Division of Social Services (DSS), Department of Health and Human Services (DHHS), to use funds to resume deployment of the North Carolina Families Accessing Services through Technology (NC FAST) system as it relates to case management functionality for child welfare. This section directs DSS to deploy the child welfare case management component of the NC FAST system statewide before October 1, 2022.

Section 9I.15.(b) of the act requires DSS to release a request for proposal (RFP) for at least one significant augmentation to the child welfare component of the NC FAST system within 30 days from the date DSS receives federal approval of its procurement plan. DSS must enter into a contract to augment and enhance the child welfare case management component of the NC FAST system within 150 days of releasing the RFP.

Section 9I.15.(b1) of the act provides \$3,500,000 in nonrecurring funds for each fiscal year of the 2021-2023 fiscal biennium to ensure that the child welfare case management component of the NC FAST system includes the capability to automate licensing and placements.

Section 9I.15.(c) of S.L. 2021-180 repeals Part III-N of S.L. 2019-240, which postponed the deployment of NC FAST case-management functionality for the child welfare system and aging and adult services' programs.

This section became effective July 1, 2021.

## **S105 - 2021 Appropriations Act.**

### **Sec. 9I.17: Child Advocacy Center Funds. (SL 2021-180)**

Section 9I.17 of S.L. 2021-180 allocates \$5,000,000 in recurring funds for each year of the 2021-2023 fiscal biennium and \$5,000,000 in nonrecurring funds for the 2021-2022 fiscal year to the Children's Advocacy Centers of North Carolina, Inc. At least 75% of these funds must be distributed to child advocacy centers in the State.

This section became effective July 1, 2021.

## **S105 - 2021 Appropriations Act.**

### **Sec. 9I.18: Funds for Temporary Assistance for Needy Families - Work First Families . (SL 2021-180)**

Section 9I.18 of S.L. 2021-180 allocates a portion of funding from the Pandemic Emergency Assistance Fund to the Division of Social Services (DSS), Department of Health and Human Services, to ease the negative impacts of the COVID-19 public health emergency for families enrolled in the Temporary Assistance for Needy Families (TANF)/Work First Cash Assistance program with at least one child under 18 years of age. This section directs DSS to distribute payments via electronic benefit transfer (EBT) to families as follows:

- A first payment of \$500 per child in the fall/winter of 2021-2022.
- A second payment of \$500 per child, based on available funding, in the summer of 2022.

This section became effective July 1, 2022.

## **S113 - Modify Termination of Parental Rights Appeals. (SL 2021-18)**

Session Law 2021-18 does the following:

- Changes the direct right of appeal from an order granting or denying a termination of parental rights, or an order eliminating reunification as a permanent plan, from the North Carolina Supreme Court to the Court of Appeals.
- Requires the Administrative Office of the Courts (AOC) to prepare an annual report about the amount of time it takes to resolve appeals related to an order granting or denying a termination of parental rights or an order eliminating reunification as a permanent plan.

This act became effective July 1, 2021, and applies to appeals filed on or after that date.

## **S207 - Various Raise the Age Changes/JJAC Recs. (SL 2021-123)**

S.L. 2021-123 modifies certain provisions of the Juvenile Justice Reinvestment Act, as recommended by the Juvenile Justice Advisory Committee, modifies the minimum age of a delinquent juvenile and an

undisciplined juvenile, creates a definition of "vulnerable juvenile," and modifies the law dealing with juvenile court mental health assessments. Please see the full summary for details of these modifications.

This act became effective December 1, 2021, and generally applies to offenses committed on or after that date, except that the provisions regarding mental health assessments apply to petitions filed on or after that date.

### **S693 - Expedite Child Safety and Permanency. (SL 2021-132)**

Part I of S.L. 2021-132 makes various child welfare reforms to the Juvenile Code (Chapter 7B of the General Statutes) regarding abuse, neglect, and dependency laws.

Part II of this act instructs the director of social services on how to provide notification to the responsible individual for a juvenile if the juvenile is the victim of human trafficking by someone other than the juvenile's parents or caretakers.

Part III of this act, as amended by Section 9I.13 of S.L. 2021-180, the 2021 Appropriations Act, directs the Department of Health and Human Services (DHHS) to implement a statewide child protective services (CPS) hotline. DHHS is required to submit a progress report on its development and implementation of the statewide CPS hotline to the Joint Legislative Oversight Committee on Health and Human Services by September 1, 2022.

Part IV of this act directs DHHS to develop a plan to increase the supply of appropriate treatment and residential settings for minors in need of behavioral and mental health services. The operation plan was to be submitted to the Joint Legislative Oversight Committee on Health and Human Services by October 1, 2021.

Part V of this act implements the following requirements for the DSS director, local management entity/managed care organization (LME/MCOs), and prepaid health plans when a juvenile in the custody of DSS presents at a hospital emergency department for mental health treatment:

- Requires the DSS director to request an assessment within 24 hours of the determination that the juvenile should not remain at the hospital and that no appropriate placement is available.
- Instructs the LME/MCO or prepaid health plan to arrange for a comprehensive clinical assessment within five business days.
- Outlines appropriate placements for the juvenile depending on the outcome of the assessment.
- Requires the DSS director to notify DHHS's Rapid Response Team if an appropriate placement or provider is not located for a juvenile after the assessment.

Part V of this act authorizes a hearing for judicial review if the requirements for the appropriate placement of the juvenile in the custody of DSS are not satisfied and specifies possible remedies the court may order.

Part VI of this act requires the State Board of Education to adopt a rule requiring public school units to provide students in grades six through 12 with age-appropriate information on child abuse, neglect, and sexual abuse. The information must be provided in the form of a document given to the students at the beginning of the school year and as a display posted in visible, high-traffic areas throughout the school. Both the document and display must contain specified information. Part VI of S.L. 2021-132 applies to schools in public school units and high schools under the control of The University of North Carolina.

The various changes to the Juvenile Code became effective October 1, 2021, and apply to actions filed or pending on or after that date. The provision regarding human trafficking notification became effective October 1, 2021. The new procedures for juveniles in DSS custody presenting at emergency department for mental health treatment became effective October 1, 2021. The authorization of a hearing on appropriate placement for juveniles in need of mental health services became effective January 1, 2022. The requirement to provide information on child abuse, neglect and sexual abuse to students would apply beginning with the 2021-2022 school year. Except as otherwise provided, this act became effective September 1, 2021.