

**MAPPING YOUR TERRITORY:
KEYS TO UNDERSTANDING THE CHANGING LANDSCAPE OF THE DSS IN
NORTH CAROLINA**

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December 2005

Introduction

North Carolina has a state supervised-county administered social services delivery system. The roots of this approach to human services can be found in the evolution of the poor laws that migrated to the colonies from England and later evolved within the various jurisdictions within the emerging United States. (Child Welfare League of America. 2004)

The purpose of this paper/presentation is to give the reader an update of the current issues and practice approaches in child welfare in North Carolina. In order to fully understand the issues faced in a legal practice with clients involved in child welfare issues, it is important to understand the context of state-county interaction and the overall evolution and changes in practice that are underway in our state.

Section one of the presentation/paper will review the evolution of current policies and practices in North Carolina county Departments of Social Service. For the sake of brevity I will refer to local agencies as DSS's and the North Carolina Division of Social Services as NCDSS.

Section two will focus on practices, language and theory that will be encountered in the current DSS setting.

Section three will provide suggestions for maximizing your effectiveness when working as an attorney in DSS practice settings.

There is a common element in the work of attorneys and social workers that deal with child welfare cases. We are both faced with difficult situations that involve the well being of vulnerable people. We have to deal with individuals who have limits in cognitive capacity, who have mental illness, substance abuse and often were themselves

subject to abuse as a child. We also have to deal with people of different cultures and world-views. The infusion of Latino people has brought with it a set of values and beliefs about gender and age that are a contrast to the norms of Anglo America. In fact social workers and attorneys have much to learn from each other though it is clear that we do not have a forum for such learning.

I. CURRENT CONTEXT—THE EVOLUTION OF ASFA AND FEDERAL PROGRAM REVIEWS

I will spare the reader the detailed description of the Adoption and Safe Families Act (ASFA). While there were important substantive changes that resulted in statute changes in North Carolina, there were other consequences that have had a significant impact on policy and practice within the DSS's. For the first time in Federal-State child welfare history, the Federal government was authorized by ASFA to begin a process of evaluation of the effectiveness of state child welfare programs based on the general ASFA criteria of child safety, permanence and family well being.

In March 2001, North Carolina completed its first federal Child and Family Service Review (http://www.dhhs.state.nc.us/dss/stats/docs/CFSR_Full_Report.pdf). North Carolina was found to be out of compliance with most of the federal standards covered in the review and developed a Program Improvement Program in response to this review. It should be noted that across the US most states did not fare well in this first ever-Federal review.

A. RESPONSES TO THE FEDERAL REVIEW—MAJOR PROGRAM CHANGES

NCDSS has made efforts to find research-based approaches to service delivery for children and families in the child welfare setting that will help the state meet the new federal standards. The approach has attempted to change the way county DSS's approach the child welfare client. The tradition in NC and around the US reflected a child welfare system that was based on “rescuing” children from “bad” parents and then finding better

alternatives for them. Alternatives involved either “fixing” the parents or finding alternative living options for the child/children. The changes in focus reflect the federal concern that the states were not doing a good job at either fixing families or at providing healthy options for children as alternatives to returning home.

The NCDSS began a pilot program to implement a variety of practice alternatives that would help NC come into federal compliance. This project is generally called Multiple Response Services (MRS). Prior to the federal review, the NCDSS had adopted the following goals for the state in 1996. These goals became the base for the Core Strategies of MRS that are listed after the goals.

Family-Centered Goals for Children's Services in North Carolina

1. Community-based support for families
2. One coordinated assessment process for each family
3. One caseworker or casework team for each family
4. One stable foster care placement for every child in his or her community
5. A permanent home for every child within one year

Core Strategies of the Multiple Response System

1. Strengths-based, structured intake process
2. Choice of two approaches to reports of child abuse, neglect, or dependency
3. Coordination between law enforcement agencies and child protective services for the investigative assessment approach
4. Redesign of in-home family services **Child and family team meetings**
5. Shared parenting meetings

It should be noted that these approaches were developed in North Carolina as a result of consultation with other states and with reviews of best practice

literature. For example, the states of Missouri and Minnesota had both been doing what they called Alternative or Differential Responses to child abuse/neglect allegations. Both states had studied the outcomes of this approach prior to its adoption by North Carolina.

(<http://www.dhhs.state.nc.us/dss/mrs/docs/Differential%20Response%20Improves%20Traditional%20Investigations%20in%20Missouri.pdf>)

MRS began with a pilot of ten counties and expanded to 54 counties in 2003. Effective January 2006 all counties will begin to use the service approaches of MRS. Duke University has done a preliminary review of NC's efforts through a study of the pilot counties. The study found good outcomes in the ten pilot counties and that information was shared with the NC General Assembly as they were asked for authority to expand MRS to the remaining counties.

(<http://www.childandfamilypolicy.duke.edu/news/MRS%20Report.pdf>).

II PRACTICES, LANGUAGE AND THEORY

Effective January 2006 all of North Carolina's counties will begin to implement MRS. If you are in an MRS county you may have noticed some changes in how the DSS structures their involvement with family members through use of teams that attempt to actively engage parents or other family members in the decisions that are being made about their children. Child and Family Team Meetings are based on the following assumptions-

1. Everyone desires respect
2. All families have strengths and can change
3. Families are the experts on themselves
4. Families, with support, can overcome the challenges they face
5. To maximize family strength and problem-solving capacity, meetings should include extended family and supportive non-family members

You can find descriptions of the theory and suggested practice issues in the March 2003 document Practice Notes that is prepared for DSS child welfare social workers and is included in the appendix.

(http://ssw.unc.edu/fcrp/cspn/vol8_no2.htm).

Because counties have considerable autonomy in the delivery of social services, there will be variations from county-to-county regarding implementation of this approach. It is likely that some counties will, at least in the beginning of this process, conduct Child and Family Team Meetings, but they will look just like the previous approach to decision making which did not significantly involve the family. Below is the state direction for these meetings. Attorney involvement in these meetings is possible with the support of the family member.

1. Child and family team meetings occur **within seven days** of the time the decision is made to substantiate or reach a finding of “services required.”
2. The primary function of these meetings is to engage the family and other interested parties in joint decision-making and to provide the family with support.
3. The meeting addresses the family’s strengths and needs and how these affect the child’s safety, permanence, and well-being; it also results in a plan that specifies what must occur to help the family safely parent the children.
4. This is a meeting **with** the family. Therefore the family and the social worker jointly decide who will be invited to the meeting.
5. Typically families invite their parents, the child (if appropriate), and other supportive people.
6. Child and family teams are involved with the family throughout the life of the case, even if it is necessary to remove a child from the home due to safety issues.
7. Most successful meetings require a trained, neutral facilitator to prepare for, facilitate, and follow up after the meeting

Some counties will call this approach family group conferencing or use other terms that have been developed locally. You can find detailed information about this approach in the Practice Notes of March 2003, which is in the appendix.

(http://ssw.unc.edu/fcrp/cspn/vol8_no2.htm)

One of the other changes you will see in the DSS practice approach is move involvement with and connection between foster parents and biological parents. Again, there is research evidence in this approach improves permanence outcomes and it is included in your appendix.

(http://ssw.unc.edu/ferp/tm/tm_vol4_no2/tm_vol4no2.htm)

I have contact with over a dozen DSS's. They all have different language for their procedures and practice approaches as well as their organizational structure. I suggest you ask for an organizational chart and meet with the child welfare program manager to have her explain their structure to you. In the process you can find out how they approach their team process and what they call their teams. You will want to know items like, do they use a neutral (non-involved) facilitator, how do they engage families and how comfortable are they with family decision-making. Finally, do not be intimidated by the unknowns of the language of the DSS. Just like law, social work and the DSS have their own jargon that can be off-putting to attorneys and to their clients. If you do not understand what they are saying, ask them to repeat it in English!

III. EFFECTIVE PRACTICE IN THE DSS SETTING

How to maximize your practice effectiveness when working with a DSS child welfare population?

Here are five steps you can take that will help increase your capacity to work with DSS staff and help you better represent your client

1. As suggested above, learn about the structure of the agency and understand the hierarchy and how and who makes key decisions about your clients.
2. What are the key decision making groups in the agency? Who facilitates these groups? What are their rules and how do they function? Do they have written rules they give the client? After reading the Appendix materials, does the practice in your county seem to be of the quality suggested in the attached publications?

3. Read the two Practice Notes issues that are referenced in the section above. This will give you additional language to understand the ideas, policies and procedures used by the DSS. After reading these documents meet with the program manager or division director for child welfare and ask how they are implementing these approaches.
4. Attorneys are trained to resolve issues through conflict. Social Workers are trained to resolve issues through process. Court is the venue for conflict. While in DSS setting help your families work on solutions with their social workers if the solutions seem reasonable and likely to benefit the family.
5. Seek common ground. There are likely ways that you can help your client and be supportive of the plan developed by the DSS to allow for return of children

Appendix

Multiple Response and the Family-Centered Approach to Child Protective

Services Practice Notes, Vol. 7, No. 4 August 2002.

Child and Family Team Meetings in Child Welfare, Practice Notes

Vol. 8, No. 2 March 2003

Supporting Partnerships Between Birth and Foster Parents, Training Matters,

Number 2, April 2003

Additional Sources

Differential Response Improves Traditional Investigations: Criminal Arrests for Severe Physical and Sexual Abuse (Evaluation of Missouri Project)

<http://www.dhhs.state.nc.us/dss/mrs/docs/Differential%20Response%20Improves%20Traditional%20Investigations%20in%20Missouri.pdf>

Multiple Response System (MRS) Evaluation Report to the North Carolina Division of Social Services (NCDSS) at the request of the North Carolina General Assembly, Duke University Center on Child and Family Policy, April 2004.

<http://www.childandfamilypolicy.duke.edu/news/MRS%20Report.pdf>