

**Issues and Strategies in Working with Local
Departments of Social Service in North Carolina**

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*Prepared for NC Trial Lawyers
CLE Program
Defending Parents in DSS Cases
April 30, 2004*

ABSTRACT

Trial lawyers who work with parents involved with the DSS need information about the culture and policy issues present in local agencies. This knowledge will help attorneys have a better understanding of how to represent their clients and how to work cooperatively with this large and complex bureaucracy.

NOTE

Policy and procedures change over time. The status of policy and procedures noted in this paper are in regular flux and care should be taken in applying specific policy or procedures. Always consult with your local DSS colleagues or state consultants for current policy interpretation and status.

This paper will focus on three questions.

Question 1 What policy and political factors are having current impact on local DSS's and how might those factors impact an attorney representing clients involved with a DSS?

Question 2 What are the general cultural and organizational issues that may be present in a local DSS that has impact an attorney representing clients involved with a DSS?

Question 3 What steps can an attorney representing clients involved with a DSS take that will improve outcomes in working with families and children?

Question 1 What policy and political factors are having current impact on local DSS's and how might those factors impact an attorney representing clients involved with a DSS?

The response to this question will have four parts that focus on the following areas,

- Overview of System
- Who are the social workers?
- Current Federal Issues and their impact on local DSS's.
- Important changes in DSS service approach.

Overview of System

North Carolina's social service system is one of 13 in the US that operates a "state supervised-county administered" social services program. (Child Welfare League of America, 2004) The roots of this system are in the colonial poor laws that focused local responsibility for the vulnerable on the Parrish and later on local government. The charge of the North Carolina Constitution to counties makes that charge clear.

All counties operate at local Department of Social Services. Wake and Mecklenburg counties operate a merged social services system that integrates a variety of services for children and families into one service system. Permission to operate a unified system is based on the population of a county and currently only Wake and Mecklenburg qualify by size.

Each county DSS has a director who is appointed by their DSS Board. The hiring and firing of the Director is the only real power held by the board. In the agency the Director is the "hiring authority" and does so under the guidelines of the Office of State Personnel. While operating within county government, the Departments of Social Service and Health have direct connections to state government that make them unlike any other departments in county government. This is significant as county commissioners and managers often complain about a variety of unfunded mandates thrust upon them by the state, some of which come through the social services programs.

The state supervision of local DSS's is accomplished in a number of ways. The Division of Social Services (the Division) is part of the Department of Human Resources. The Division provides written policy for all areas of service, provides forms, and provides consultation and direction to county staff. Consultation and direction are provided most often by state consultants assigned to a group of counties. They will attempt to answer specific policy questions, interprets policy and review the activities of the county to assure compliance of state policy.

The Division clearly makes good faith efforts to monitor this system and to keep consistence between counties. There is considerable evidence that this effort is difficult and does not yield consistent results across the state. Some of the reasons for inconsistency have nothing to do with the work of the state or local DSS's. The configuration of local resources combined with community values and standards can often have an impact on the system outcomes.

For greater understanding of the dynamics of this issue you will find in Appendix A the recent statewide report card on child welfare activities. As you compare counties you will notice significant differences in various reporting areas. It is tempting to give meaning to this data and to conclude that it suggests some counties are doing better or worse jobs in protecting children. It is belief of the author that while the data is of value; it is not of value to compare counties across the state. For further discussion of these issues consult the

Child Advocacy Institute (CAI) website. (North Carolina Child Advocacy Institute, 2004)

Who Are Social Workers

One of the issues addressed in the CAI study is the salary of social workers in each county. While the state does set a minimum salary, individual counties set specific salaries depending on market, county wealth and a variety of other factors. In North Carolina a social worker is not required to be professionally educated. NC has five masters degree programs in social work and seventeen offering a bachelors degree in social work. Less than 35% of the social workers in North Carolina have a professional degree. While almost all have a college degree, it is important to understand that the term social worker is a title and not necessarily a reflection of a professional with a defined knowledge base and tested skills in working with families.

A person hired to fill the social work title is required to take a 12-day training offered by the Division prior to their direct contact with children and families. They have an annual requirement for training of 18 hours, much of which is offered by the Division. (North Carolina Division of Social Services, 2004)

Let me be quite clear that there have been and are people with the social work title who have done outstanding and often heroic work to protect children and families. Having a

professional degree in social work is an assurance of exposure to a knowledge base, to a Code of Ethics and to a minimum level of entry skill in the profession.

These issues are part of the larger issue of system turnover. Turnover hurts families and children as it disrupts the continuity of service, cause delays in important actions and extend involvement of families in the DSS system. Across the state turnover is in the 35 to 45% range. The Division and many local DSS's are doing a number of things to decrease turnover, including support for the NC Child Welfare Education Collaborative.

Current Federal Issues and their impact on local DSS's.

In Appendix C you will find a timeline for all major Federal policy legislation in child welfare since the 1970's.

The Adoption and Safe Families Act of 1996 (ASFA) continued the focus of Federal policy on enhancing efforts toward permanence that began in the 1980's with CAPTA. One of the more notable efforts of ASFA was to increase adoptions through reduction of the time required to initiate Terminations of Parental Rights (TPR). A useful summary of ASFA can be found at the National Clearinghouse on Child Abuse and Neglect.

APTA also began a new process that required Federal reviews of the child welfare programs of each state. These Child and Family Service Reviews (CFSR) began in 2001 and North Carolina was among the first states to be reviewed. As a result of the review the Division had to develop a Program Improvement Plan

(PIP) that would correct problems found by the Federal review. It should be noted that the Federal review found significant problems NC Division of Social Services and the Division has been in the process of implementing their PIP since the audit. The PIP can be found a reviewed at

www.dhhs.state.nc.us/dss/childrensservices/svcdel/index.htm

One could argue that the PIP has prompted the most significant and comprehensive series of changes in NC's approach to child welfare of the last 25 years. Of importance to our discussion in the implementation of several approaches to service that have been demonstrated as being effective in other states. I will highlight two areas below.

Multiple Response System

This approach is known by several names around the US. Since over 80% of the referrals that come to DSS are for neglect, this approach responds to neglect cases with a less intrusive, non-forensic intervention.

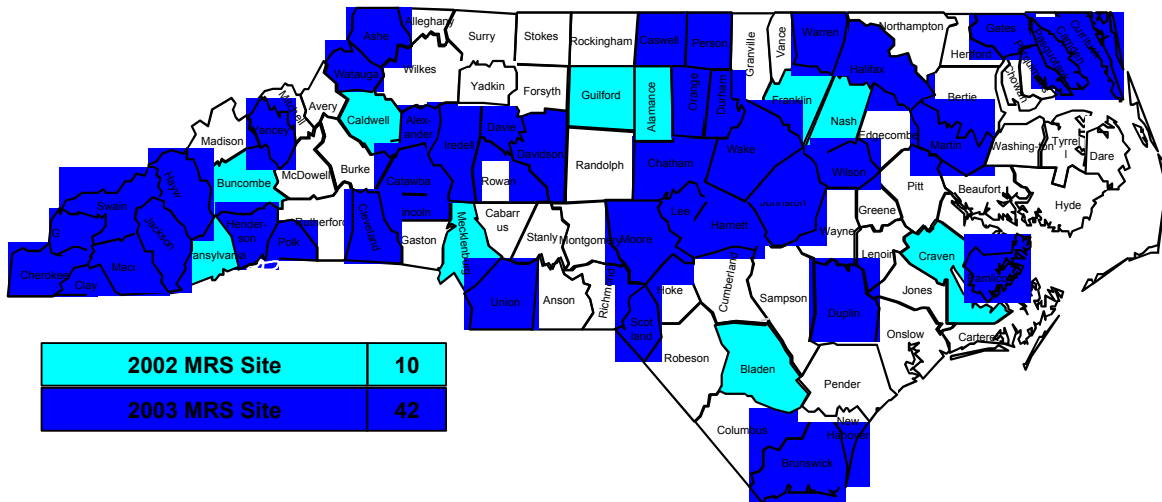
Below are the seven strategies being used by the Division to implement this approach.

- A choice of two approaches to reports of child abuse, neglect, or dependency
- A redesign of in-home services
- A strengths-based, structured intake process

- Coordination between law enforcement agencies and child protective services for the investigative assessment approach
- Implementation of Child and Family Team meetings during the provision of in-home services
- Implementation of Shared-Parenting meetings in child placement cases
- Collaboration between the Work First Family Assistance and child welfare programs

The map below shows where it is being implemented. The Division will require its implementation in all counties by beginning January 2005.

NC MRS 2003 EXPANSION MAP



The state of Missouri and Minnesota have been using this approach for a number of years. The independent evaluations of their programs found not increases in child deaths, a light decrease in reporting and overall better satisfaction of services from client families.

Note that one of the cornerstone efforts in the development of Multiple Response is the primacy of Team Decision Making (TDM) in cases that involve child custody decisions. These TDM events provide an excellent opportunity for family members and attorneys to have input into planning and decision making about family goals and to hear about progress.

Structured Decision Making Tools

One of the factors that could have contributed to the significant data differences between counties has been the lack of a consistent approach to issues of assessment of need at intake and evaluation of risk and safety issues. These areas are also addressed in the PIP response to the Federal audit. There are a number of states that have developed and use tools for a more structured process of making critical decisions about families.

I have attached all of these tools in your Appendix. I encourage you to review them and pay particular attention to the instructions. Because of the research done on these issues it is important, particularly in risk and safety, that those completing the tools do so using the definitions provided, not using their own view. In general, the tools are use first to consider safety (DSS 5231). Risk is evaluated after safety is insured. You will note that the tools provide a framework for protecting the child and guidance for case decision making regarding the issue of permanence.

I encourage the reader to further explore the significant changes being undertaken by the Division and at the local DSS level. This will give you a better understanding of what is happening to both staff and clients.

Question 2 What are the general cultural and organizational issues that may be present in a local DSS that has impact an attorney representing clients involved with a DSS?

You will note from the discussion above that your local DSS is in a period of change with potential complications of child welfare staff turnover.

In general DSS's tend to be reactive organizations that are fearful of negative publicity. Their leadership varies in skill and professionalism. Line social workers and supervisors report they often do not feel strong support from upper level management

There is often a focus on compliance but not on change. Compliance meaning that all the rules, timeframes and policy is followed even if you get a bad outcome. Change meaning that the policy is used (along with social work skills) to help protect children and preserve families. In some DSS's there is conflict between the staff attorney and social workers. The nature of the conflict can be rooted in lack of information about each other's roles to interference in roles and significant value conflicts.

Resources or the lack of them can also be a source of conflict in agencies. Child welfare funding is best for children who fit certain criteria. If a child fits the guidelines for Title IV-e funding, the county share of funding is significantly less than a child who must be paid for by state funds, as the county must match the state funds at a 50% rate. It has been reported that some counties discourage taking children into care unless they qualify for Title IV-e funding. While no county would pursue such a policy on official grounds, it is possible that some counties do so on a de facto basis due to "save money" messages heard from management.

In working with DSS staff it is important to understand that you must make some effort to understand the culture and pressures within your county DSS. To get a real picture may be a challenge as stressed organizations (like stressed families) tend to mistrust outsiders and be somewhat secretive.

Question 3 What steps can an attorney representing clients involved with a DSS take that will improve outcomes in working with families and children?

This section is divided into two areas,

- Knowledge
- Support/ Relationships

Knowledge

There is a great deal of information available on the DSS system and on individual DSS's. I suggest understanding of policy at Federal and the Division level through review of manuals and other materials published by the Division.

A great starting place is one of the Divisions websites that has much of the information about their most important current projects and data.

<http://www.dhhs.state.nc.us/dss/childrenservices/index.htm>

All forms and manuals are also available online at <http://info.dhhs.state.nc.us/olm/>

The Division communicates important information to the local departments via Dear Director letters. They can be found at <http://www.dhhs.state.nc.us/dss/index.htm>

To understand Federal issues and to get access to information on a wide range of topics the National Clearinghouse

on Child Abuse and Neglect has great searchable database with over 40,000 documents.

<http://nccanch.acf.hhs.gov/index.cfm>

Support/Relationships

We know from the mediation realm that finding common ground and areas of agreement is key to solving problems. In order to reach that point there needs to be some degree of trust in either people or processes. In working with DSS clients it is valuable to have or begin to develop a relationship with the DSS staff. As in all efforts to make connections the currency is information about institutions, history, interests and values. Male attorneys should be careful not to be perceived as flirting with or "hitting on" the largely young female social workers.

Institutional support can be shown through contact with managers to get information and also to try and gain a better understanding of the operations of department. We all like to be considered experts and when you go to DSS staff as experts in their field they tend to start thinking about you differently than they do when you are in the adversarial role.

DSS Board meetings are open to the public and can be attended to observe or make contributions. The DSS Director and Board Chair usually develop the agenda.

What is the TPR backlog in your county? Could you be of help and volunteer to do help complete the legal process for TPR's? An act of this sort will establish a bank of goodwill within staff at the DSS.

Finally, show respect for the work and the people. Having safe children and strong families is something we all want for our communities. The DSS staff gets slammed from those who think they do not do enough to protect families and from those who think they are too invasive. Show empathy for their role while doing yours as you protect the rights of parents.

Summary

At a recent national conference on children's issues the current director of children's services for the state of Massachusetts talked about his experience in the child welfare field. He is a well-traveled public administrator who has worked in a number of service delivery systems, including public housing, education and law enforcement. He commented that in his entire career he had not encountered a job as hard as that faced by the line DSS staff member. The decisions about safety, risk, reunification and adoption are complex and often undertaken with little training, high turnover and mixed levels of management support. If you understand the complexity of their work they will be more likely to understand yours and be willing to work with you to make the best decisions possible for children, families and our communities.

Appendix A	NC Data Report Card
Appendix B	Structured Decision Making Tools
Appendix C	Timeline of Federal legislation

Appendix A - NC DSS DATA REPORT CARD

APPENDIX - B STRUCTURED DECISION MAKING TOOLS

APPENDIX C - TIMELINE OF FEDERAL LEGISLATION

http://nccanch.acf.hhs.gov

Major Federal Legislation

Timeline of Major Federal Legislation Concerned with Child Protection, Child Welfare, and Adoption

