

Department of Social Services

Board of Directors

Meeting Agenda

January 19, 2021, 6:30 P.M.

The DSS Board Meeting will Take Place Via ZOOM (Zoom Invitation Included in Packet)

- I. Call to Order- Chairman
- II. Pledge of Allegiance
- III. Modification of Agenda\*
- IV. Adoption of the Agenda\*
- V. Public Forum
- VI. Minutes- December 2020
- VII. Old Business
  - a. DHHS MOU Rebuttal\*
- VIII. New business
  - a. Vaya Health / DSS One Home Initiative\*
- VI11. Director's Report / Statistical Report
- IX. Adjourn

\* Action Item

**Cherokee County DSS Board Meeting**

**January 19, 2021**

**Zoom Invitation**

Amanda TannerMcGee is inviting you to a scheduled Zoom meeting.

Topic: DSS Board Meeting January 19 2021

Time: Jan 19, 2021 06:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/89992587705?pwd=SjcrbHJBc09QVy84UGtGdXF6QUcvQT09>

Meeting ID: 899 9258 7705

Passcode: 299865

One tap mobile

+13017158592,,89992587705# US (Washington D.C)

+13126266799,,89992587705# US (Chicago)

Dial by your location

+1 301 715 8592 US (Washington D.C)

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+1 929 436 2866 US (New York)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

Meeting ID: 899 9258 7705

Find your local number: <https://us02web.zoom.us/j/kd5BvwztgD>

MINUTES -December 15, 2020

**Cherokee County Department of Social Services**

**Board of Directors**

**MEETING MINUTES**

**December 15, 2020**

**I. Call to Order**

The regular meeting of the Cherokee County Department of Social Services was duly called and held on December 15, 2020, at 6:34 P.M., via Zoom.

**Present were:**

Dan Eichenbaum, Chair

Gary Westmoreland, Member

Cal Stiles, Member

Randy Phillips, Member

Jan Griggs, Member

**Staff present were:**

Amanda Tanner-McGee, DSS Director

Andria Duncan, DSS Attorney

Mr. Eichenbaum called the meeting to order at 6:34 P.M., and Amanda Rhodes, Clerk to the Board recorded the minutes.

**II. Modification of Agenda**

There was no modification to the agenda.

**III. Adoption of the Agenda**

Mr. Westmoreland made a motion to adopt the agenda, with Mr. Phillips seconding the motion, with a unanimous vote, the Board approved the agenda.

**IV. Public Forum**

There were no Board or public comments or questions.

**V. Approval of Minutes**

**November 23, 2020**

Mr. Phillips made a motion to accept, Mr. Westmoreland seconding the motion, with a unanimous vote the Board approved the November 23, 2020 DSS Board meeting minutes.

**VI. Old Business**

**A. DHHS MOU Rebuttal**

Director McGee and the Board discussed the DHHS Memorandum of Understanding. Each member of the Board objected to signing the MOU at the previous DSS Board meeting until the state considers, system wide barriers and other concerns about the contents of the MOU. Director McGee discussed drafting a rebuttal letter for approval.

**VII. Director's Report**

**A. DSS Court and Child Support Court Update**

Attorney Duncan discussed how COVID-19 continues to impact the courts. At this time, courts have been suspended for 30 days which continues to cause a backlog of cases. The next scheduled DSS Court is January 12, 2021 and will be conducted remotely. The upcoming child support court that was scheduled for December 18, 2020 has now been cancelled.

**VIII. Statistical Report**

Director McGee was unable to provide the Board with the November 2020 Statistical Report at the time of the meeting.

**IX. Adjourn**

Meeting was adjourned at 6:50 P.M. with Mr. Stiles making a motion to adjourn, Mr. Westmoreland seconding the motion, and all in favor.



## CHEROKEE COUNTY

75 Peachtree Street  
Murphy, NC 28906  
828-837-5527

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*Randy Wiggins, County Manager*  
*Maria Hass, Asst. County Manger/Clerk to the Board*  
*Candy R. Anderson, CPA, CGMA, Finance Officer*  
*Darryl Brown, County Attorney*

***Board of Commissioners***  
*Dan Eichenbaum, Chairman*  
*Jan Griggs, Vice-Chairman*  
*Randy Phillips, Member*  
*Cal Stiles, Member*  
*Gary Westmoreland, Member*

January 20, 2021

The Honorable Roy Cooper  
Governor of North Carolina  
North Carolina Office of the Governor  
20301 Mail Service Center  
Raleigh, NC 27699-0301

Subject: Memorandum of Understanding

Dear Governor Cooper:

This letter is in response to the legislative requirement for county DSS agencies to sign a Memorandum of Understanding (MOU) between the N.C. Department of Health and Human Services (DHHS) and each North Carolina county. The MOU is specific to county DSS agencies' responsibility to meet state and federal performance measures and the penalties for failure to do so. Rather than responding to the current MOU for the 18-month period of January 1, 2021 – June 30, 2022 (enclosed), this letter responds to all performance measures that have previously and will again be included in subsequent memorandums of understanding, and system wide barriers that hamper county achievement.

The decision to respond to the entire set of MOU performance measures is intentional (emphasis added) because of the high level of importance of all performance measures which collectively work to ensure that North Carolina's children are safe, their well-being is protected and that all children have permanent, safe and stable forever families. Cherokee County acknowledges and supports the initiatives being planned by DHHS to improve child welfare outcome measures included in Rylan's Law. These initiatives, once fully implemented with fidelity, should drive better outcomes for children and families, however, if existing system level barriers are not addressed, state-wide improved performance will not be realized.

Following is a description of a critical (emphasis added) system level barrier, and proposed solution, for your consideration. Additional concerns about the MOU requirements still remain as described in previous letters on file with DHHS. The MOU states, on page 6 of 10, under section 13.0, (3) a.i. that it (DHHS) "...shall provide leadership and coordination for developing strategies that address system-level barriers to the effective delivery of social services programs, including but not limited to: the Administrative Office of Courts, the LME/MCO, Department of Public Instruction, and the Department of Public Safety."

Cherokee County respectfully points out that a hobbled District Court system is a "system level barrier" directly associated with poor performance in child welfare permanency outcomes. The barrier is a result of a funding plan for judicial districts state-wide that is not tailored to the district sizes or caseloads which causes a huge number of hearing continuances. For example, Cherokee County is one of only two Judicial Districts in the State of North Carolina comprised of seven counties. Yet, with the same level of resources, District 1 is managing approximately half the caseload as District 30. According to the Continued Hearings Report by Guardian ad Litem for 2017-2018, District 1 had 556 hearings with 157 continued, representing 28.24% of all hearings with a total of 114 children involved. District 30, in comparison, had 3,263 scheduled hearings, with 1,475 being continued, representing 45.20% and 595 children.

Further, while District 30 has a perpetually strained judicial system, Cherokee County is specifically more negatively impacted by court continuances which are due to the lack of available parent counsel, coupled with geographical distance. In the same report referenced above, Cherokee County is reported to have had a continuance rate of 56.18% (compared to the district with 45.2%) which reflects that more than half of custody cases were continued at least once due to court related reasons. As a comparison, Haywood County DSS had 881 scheduled hearings with 325 continued while Cherokee County DSS had 607 scheduled hearings with 341 continued. To demonstrate this concern, we point to a case in which, due to multiple continuances, adjudication was not accomplished until the 11<sup>th</sup> month of the court process. In this example, the disposition will occur after the 12<sup>th</sup> month of non-secure custody, pushing permanency reviews further out leaving parents to agonize through a grossly delayed court process while trying to regain custody of their children. While this is an extreme case, the problem itself is not atypical and is a direct result of lack of available court appointed parent counsel who are available on DSS court days.

With every continuance, a child remains in out of home care longer than necessary. The longer a child remains in foster care, the more likely they are to experience multiple placements which compounds the trauma that children experience. The lifelong negative impacts associated with multiple placements and childhood trauma include poor physical and mental health, disruptions in school, juvenile delinquency, alcohol and drug use, multiple suicide attempts, secure hospital placements,

early pregnancy, etc., all leading to poor outcomes in adulthood. Additionally, the actual costs to the county for unnecessary long-term foster care are exorbitant. Without attempting to demonstrate a complicated reimbursement system, the county share for children in foster care (at the state level of reimbursement) is approximately 50%. Thus, when foster care is extended unnecessarily because of court continuances, both the State and the County suffer those costs.

For these reasons, Cherokee County will cannot consent to an agreement when a hobbled district court system is an underlying barrier and is not within our control to remedy. The control lies within the power of the State to easily remedy, according to the terms of the MOU. How, with a court system so clogged and lethargic, can DHHS expect compliance with an MOU, even if under the pretense of removing “corrective action” for this time period, when the root problems will be the same or even worse at the next MOU issuance? The responsibility for ensuring an effective court system for children and families currently rests solely within the N.C. Administrative Offices of the Courts (AOC). The lack of oversight and attention to these issues cause DSS custody cases to be static without movement towards discharge to any permanent plan pushing performance measures for permanency further and further outside of the federal measures. Cherokee County DSS cannot be held accountable for performance measures so directly tied to the District Court system which needs change.

DHHS should use the power and promise contained in the MOU to achieve an identified solution that would be cost effective at both the State and local levels. Cherokee County respectfully requests, in the true spirit of an MOU, that the Office of the Governor, in conjunction with DHHS, AOC, IDS, and the other powers that be, work with the legislature to pursue funding to implement a District 30-A Office of Public Defenders. A District-A Public Defender’s Office would include dedicated parent counsel for qualifying applicants and would immediately decrease court continuances, improve permanency timeliness, reduce on-going childhood trauma, and improve public health and long-term economic gains.

In closing, Cherokee County is committed to providing the highest level of services to our citizenry. In addition, we intend to fully comply, to the extent possible, with all state and federal benchmarks. With these commitments made, our counsel has advised us not to enter into a memorandum of understanding with which it is inherently impossible to comply. Cherokee County looks forward to working with you and others as you may direct, to remedy underlying system level barriers that impact departments of social services. The Public Defender’s Office for Judicial District 30-A is an excellent place to start. Thank you for your consideration.



Governor Cooper  
Page 4  
January 20, 2021

Best regards,

Dr. Dan Eichenbaum, Chairman

Ms. Jan Griggs, Vice Chairman

Mr. Randy Phillips, Member

Mr. Cal Stiles, Member

Mr. Gary Westmoreland, Member

Enclosure

CC: Phil Berger, North Carolina Senate President Pro Tempore  
Tim Moore, North Carolina House of Representatives House Speaker  
Kevin Corbin, North Carolina Senate  
Karl Gillespie, North Carolina House of Representatives  
Dr. Mandy K. Cohen, Secretary, North Carolina Department of Health and Human Services  
Ms. Mary Pollard, Executive Director, North Carolina Office of Indigent Defense Services

## ONE HOME INITIATIVE

### Description of Program:

This *One Home Initiative* is a collaborative between Vaya Health, Youth Villages, and Cherokee County Department of Social Services with the goal of ensuring that children in Cherokee County DSS custody do not have to change placements in order to get the mental health treatment and support they need. Cherokee County Department of Social Services foster parents have been trained in the evidence-based model of foster care "Together Facing the Challenge" developed by Duke University and have successfully implemented the model into their practice. In addition to the Together Facing the Challenge intensive training and on-going support, the *One Home Initiative* includes immediate trauma assessments and appropriate therapies, High-Fidelity Wraparound Services for all children over three years old in DSS custody, Respite Care, 2AND 4-hour crisis response.

The goals of the program are to:

1. Reduce the trauma that children experience by having to change placements in foster care;
2. Improve the well-being and health of all children in DSS foster care;
3. Reunify children more quickly with their parents or other permanent home;
4. Provide on-going support and training to foster parents to increase their satisfaction and well-being which should lead to increased retention of foster parents.

Foster parents will receive additional reimbursement per day for the commitment to:

1. Implement the Together Facing the Challenge model and the One Home Pilot Initiative with fidelity;
2. Work with a designated Team to help children address emotional and behavioral challenges and remain stable;
3. Work with biological parents and kinship families to more successfully parent their children.

**CHEROKEE COUNTY DEPARTMENT OF SOCIAL SERVICES  
STATISTICAL REPORT**

Service Month:  
**December 2020**

<b>Budget</b>					
		Dec-20	% of Budget	Dec-19	% of Budget
<b>Total Revenues (YTD)</b>		\$1,106,907.22	30%	\$1,258,915.56	36%
<b>Total Expenses (YTD)</b>		\$2,692,201.70	45%	\$2,310,641.59	41%

<b>Services</b>				<b>Calendar Year</b>	
<b>Child Welfare</b>		<b>Dec-20</b>	<b>Current -YTD</b>	<b>Dec-19</b>	<b>Current -YTD</b>
# of Child Abuse Reports Received		20	389	35	476
# of Screened In Reports		10	218	19	285
# of Screened out Reports		10	171	16	189
# of Other County Assists		5		3	
# of Open Assessments on last day of month		18		37	
# of Open In-Home (Case Mgmt) Services Cases		6		7	
# of Children Entered Into Legal Custody		0	27	0	38
# of Children Left Custody		2	26	5	37
<b># of Children In Legal Custody</b>		64		58	
# of Children Placed With Relatives		13		16	
# of Children Placed In Foster Homes/Other Placements		51		42	
# of Foster Care 18-21		7		6	
# of Licensed Foster Homes		12		9	
# of Agency Adoptions Completed		0	2	3	12
# of Non-Agency Adoptions Completed		0	3	0	2

<b>Adult Services</b>		<b>Dec-20</b>	<b>Current CY-YTD</b>	<b>Dec-19</b>	<b>Current CY-YTD</b>
# of Adult Protective Services Reports		13	146	7	172
# of APS Reports Accepted for Evaluation		7	82	5	95
# of Representative Payees		24		23	
# of Current Guardianship Cases		28		25	
# of Adult Care Homes		6		6	
# of Medicaid Clients Transported		177	2,208	184	2,673

<b>Child Support Enforcement</b>				<b>Fiscal Year</b>	
		<b>Dec-20</b>	<b>Current-YTD</b>	<b>Dec-19</b>	<b>Current-YTD</b>
# of Active Cases		713		758	
# of Paternity/CS Orders Established		6	102	2	83
# of Modifications Completed		0	7	2	4
# of Enforcement Actions Completed		89	628	116	732
<b>Amount of Collections</b>		\$97,798	\$636,291	\$99,975	\$613,933
<b>Arrears</b>	<b>Total Outstanding</b>	<b>Collected FY-YTD</b>			
	\$2,845,855.00	\$191,930.00			

**CHEROKEE COUNTY DEPARTMENT OF SOCIAL SERVICES**

**STATISTICAL REPORT**

<b>Economic Services</b>	Calendar Year		Calendar Year	
	Dec-20	YTD	Dec-19	YTD
# of Medicaid/Special Assistance Appl Taken	201	1,936	180	
# of Medicaid/SA Recerts completed	735	5,184	692	
# of Medicaid Participants	7865		8414	
# of Special Assistance Participants	80		92	
# of TANF Participants	44		42	
# of FNS Applications	107	1,591	126	1,678
# of FNS Recerts completed	63	834	133	2,063
# of FNS Benefits Paid	\$ 814,100.00	\$8,609,707	\$420,502.00	\$4,789,248
# of FNS Households	2789		1984	
Fraud Collections	\$110.00	\$12,801.54	\$682.00	\$26,363.08
# of Day Care Recipients	195		198	
# on Day Care Waiting List	0		0	
<b>Energy Assistance (Heating/Cooling)</b>				
LIEAP (Low Income Energy Assistance Program) Appl Taken	0	129	332	620
LIEAP Benefits Paid	\$82,200.00	\$132,204.00	\$55,300.00	\$126,700.00
CRISIS Applications Taken	27	162	38	197
CRISIS Benefits Paid	\$13,228.02	\$41,927.03	\$15,297.56	\$62,002.41

<b>Personnel</b>		
<b>Vacancies/Hires/Terminations for December 2020</b>		
		<b>Current Vacancies</b>
New Hires	0	SW I,A&T (x3), SWS III, SW III, Community Social Services Assistant (In-Home Aide), FNS E&T Coordinator, Processing Assistant III
Interagency Transfers	1	
Separations	3	
Reason for Separation:	( 1 ) Retirement; ( ) Relocation; ( ) Dismissal ( 2 ) Resignation	
Length of Service:	( 2 ) Less than 2 yrs; ( ) 2-5 years; ( ) 5-10 years; ( 1 ) over 10 years	

**CHEROKEE COUNTY DEPARTMENT OF SOCIAL SERVICES  
STATISTICAL REPORT**

Service Month:  
January 2021

<b>Budget</b>					
		Jan-21	% of Budget	Jan-20	% of Budget
<b>Total Revenues (YTD)</b>		\$1,627,662.29	44%	\$1,513,581.27	43%
<b>Total Expenses (YTD)</b>		\$3,144,663.52	52%	\$2,753,147.31	48%

<b>Services</b>				<b>Calendar Year</b>	
<b>Child Welfare</b>		Jan-21	Current -YTD	Jan-20	Current -YTD
# of Child Abuse Reports Received		35	35	36	36
# of Screened In Reports		14	14	22	22
# of Screened out Reports		21	21	14	14
# of Other County Assists		1		2	
# of Open Assessments on last day of month		17		36	
# of Open In-Home (Case Mgmt) Services Cases		8		8	
# of Children Entered Into Legal Custody		1	1	0	0
# of Children Left Custody		1	1	4	5
<b># of Children In Legal Custody</b>		64		56	
# of Children Placed With Relatives		16		16	
# of Children Placed In Foster Homes/Other Placements		48		40	
# of Foster Care 18-21		7		6	
# of Licensed Foster Homes		12		9	
# of Agency Adoptions Completed		0	0	0	0
# of Non-Agency Adoptions Completed		0	0	0	0

<b>Adult Services</b>		Jan-21	Current CY-YTD	Jan-20	Current CY-YTD
# of Adult Protective Services Reports		11	11	11	11
# of APS Reports Accepted for Evaluation		4	4	6	6
# of Representative Payees		24		23	
# of Current Guardianship Cases		28		24	
# of Adult Care Homes		6		6	
# of Medicaid Clients Transported		149	149	261	261

<b>Child Support Enforcement</b>			<b>Calendar Year</b>			
			Jan-21	Current-YTD	Jan-20	Current-YTD
# of Active Cases			701		750	
# of Paternity/CS Orders Established			7	7	14	14
# of Modifications Completed			0	0	2	2
# of Enforcement Actions Completed			93	93	125	125
<b>Amount of Collections</b>			\$96,783	\$96,783	\$98,752	\$98,752
<b>Arrears</b>	<b>Total Outstanding</b>		<b>Collected FY-YTD</b>			
	\$2,860,506.00		\$212,829.00			

**CHEROKEE COUNTY DEPARTMENT OF SOCIAL SERVICES**

**STATISTICAL REPORT**

<b>Economic Services</b>	Calendar Year		Calendar Year	
	Jan-21	YTD	Jan-20	YTD
# of Medicaid/Special Assistance Appl Taken	130	130	189	189
# of Medicaid/SA Recerts completed	534	534	442	442
# of Medicaid Participants	8249		8414	
# of Special Assistance Participants	80		89	
# of TANF Participants	48		48	
# of FNS Applications	157	157	150	150
# of FNS Recerts completed	47	47	120	120
# of FNS Benefits Paid	\$ 790,677.00	\$8,609,707	\$444,878.00	\$444,878
# of FNS Households	2201		1974	
Fraud Collections	\$110.00	\$12,801.54	\$568.00	\$568.00
# of Day Care Recipients	168		196	
# on Day Care Waiting List	0		0	
<b>Energy Assistance (Heating/Cooling)</b>				
LIEAP (Low Income Energy Assistance Program) Appl Taken	181	181	115	115
LIEAP Benefits Paid	\$23,600.00	\$23,600.00	\$45,300.00	\$45,300.00
CRISIS Applications Taken	14	14	43	43
CRISIS Benefits Paid	\$5,339.12	\$5,339.12	\$7,324.49	\$7,324.49

<b>Personnel</b>		
<b>Vacancies/Hires/Terminations for January 2021</b>		
New Hires	0	<b>Current Vacancies</b> SW I,A&T (x3), SW III, FNS E&T Coordinator, Processing Assistant III, Processing Assistant IV
Interagency Transfers	1	
Separations	0	
Reason for Separation:	<input type="checkbox"/> Retirement; <input type="checkbox"/> Relocation; <input type="checkbox"/> Dismissal <input type="checkbox"/> Resignation	
Length of Service:	<input type="checkbox"/> Less than 2 yrs; <input type="checkbox"/> 2-5 years; <input type="checkbox"/> 5-10 years; <input type="checkbox"/> over 10 years	

**White Paper**  
**The Need for Restructuring**  
**The**  
**North Carolina 30<sup>th</sup> Judicial District**

**PROBLEM:**

The 30<sup>th</sup> Judicial District of North Carolina operates with outdated structures and policies including low parent counsel payment, high number of counties included in the district, and insufficient number of court days per county, all of which contribute to an extremely high continuance rate which forces foster care cases to remain open far beyond acceptable timeframes.

**SUPPORTING FACTS:**

1. There are approximately 433 children in custody in the 30<sup>th</sup> Judicial District.
2. Each county has an average of 2.1 court days per month to resolve those cases.
3. Cherokee County has only 1.8 court days per month.
4. The District Continuance Rate, as presented by the Guardian ad Litem program was 45%.
5. The Cherokee County Continuance Rate was reported as 56%. This is the highest continuance rate in the District.
6. The Indigent Defense Services (IDS) reimbursement rate for court-appointed counsel is so low that attorneys do not place their names on the list and there are not enough attorneys to represent DSS parents.
7. There are only 23 parent attorneys listed for DSS courts in the entire 30<sup>th</sup> Judicial District.
8. Cherokee County has access to only 3 parent attorneys.
9. Attorneys in the 30<sup>th</sup> Judicial District cannot work in multiple counties without continuing hearings.
10. District 30 currently has an estimated 120 children in foster care longer than two years and 50 of those children have been in foster care over four years. In Cherokee County approximately 50% of children have been in foster care over 12 months.
11. The federal benchmark for permanency is under 12 months for children reunifying with their parents.

**PROPOSED SOLUTIONS:**

1. The legislature should break the 30<sup>th</sup> Judicial district into two districts.
2. The Legislature should fund additional judges to provide adequate representation for the two new districts.
3. The Legislature should require market pay for parent counsel (to incentivize attorneys to dedicate time to specific counties).
4. Alternative: The legislature should fund a Public Defenders Office to represent all indigent parents in the two districts.