

FILED

STATE OF NORTH CAROLINA NOV -4 PM 2:30 IN THE GENERAL COURT OF JUSTICE
COUNTY OF DURHAM DURHAM CO. C.S. CLERK SUPERIOR COURT DIVISION
22-CVS-4054

Emancipate NC, Inc.,

Plaintiff,

v.

Durham County,

Defendant.

BY CH

COMPLAINT

INTRODUCTION

This is a lawsuit seeking to enforce the right to inspect public records pursuant to North Carolina's Public Records Law, N.C. Gen. Stat. § 132 *et seq.* Plaintiff, Emancipate NC, a North Carolina nonprofit corporation, requested public records from Defendant, Durham County, relevant to the operations of the Durham County Department of Social Services (DSS). Emancipate NC is a public interest organization and sought records for the purpose of educating the public about the operations of the Durham DSS, including seeking the minutes from monthly DSS Board meetings, which have apparently gone unpublished on the DSS Board website since the April minutes were published in May 2022. Emancipate NC also sought records about the number, age, race, and gender of children separated from their parents through the child welfare system, and the number of adoptions accomplished by the Durham DSS, among other miscellaneous public records.

The request for records was summarily denied on October 25, 2022, in an electronic communication that stated: "Durham County does not have a record responsive to your inquiry." It is implausible that Durham County has *no record* reflecting the number of children separated

from their parents through the foster care system by its county DSS agency, nor the number of adoptions accomplished by the agency. Indeed, the last Board minutes published from the meeting in April 2022, records a decrease in foster care enrollment from July 2021 (320 children) to March 2022 (294 children), indicating that Durham County *does track* these vital numbers. The non-publication of the minutes from the agency's monthly Board meetings is also unlawful.

This Court's intervention, including the imposition of appropriate sanctions against Defendant, is required to compel Defendant's disclosure of public records and its compliance with the law.

JURISDICTION AND VENUE

1. This Court has jurisdiction over the action pursuant to N.C. Gen. Stat. § 132-9. Plaintiff shall comply with N.C. Gen Stat. § 7A-38.3E(b).

2. Venue is proper in this Court, pursuant to N.C. Gen. Stat. § 1-82, because Plaintiff's primary office is in Durham County, North Carolina.

PARTIES

3. Plaintiff is a North Carolina nonprofit corporation, and a "person" within the meaning of N.C. Gen. Stat. §12-3(6) (the word "person" shall extend and be applied to bodies politic and corporate, as well as to individuals.").

4. Defendant is Durham County. It administers the Durham Department of Social Services. Defendant is the legal custodian of the public records at issue in this action, and Defendant has designated the Public Information Office (PublicInformationOffice@dconc.gov) as the email address to whom public records requests should be directed. Durham County is amenable to process in Durham County.

FACTUAL ALLEGATIONS

5. Defendant is a subdivision unit of government of the State of North Carolina (i.e., it is a county). As such, is governed by the public disclosure requirements of the North Carolina Public Records Law, N.C. Gen. Stat. § 132 *et seq.*

6. On September 29, 2022, Plaintiff submitted the following public records request as an appendix to a report on potential county-level reforms to the child welfare system in Durham County (Ex. A) to the five Durham County Commissioners, the Durham County Manager, and two staff members of the Durham Director of the Department of Social Services:

Requests for Data from Durham County for the last 10 years:

- o How many kids are separated from their parents annually via DSS
- o Race, gender, age demographics of those children
- o Are they placed in Durham or out of Durham?
- o Are they placed with kin or non-kin?
- o Are they kept with siblings?
- o What are average number of months/years until reunification?
- o What is percent reunification rate?
- o How many children are missing as runaways or otherwise in unknown location?
- o How many adoptions?
- o Were these adoptions achieved via voluntary or involuntary terminations of parental rights?
- o How many vacancies in the DSS team per staff position?

7. After several follow-ups and upon advice from one County Commissioner (Ex. A), on October 14, 2022, Plaintiff resubmitted the same request to the Public Information Office email address (PublicInformationOffice@dconc.gov) and the County Attorney (Ex. B).

8. On October 17, 2022, Plaintiff supplemented the request to additionally request the minutes for Durham DSS board meetings for the months of June through September 2022 (Ex. B), as the public website had not been updated with any minutes since May 2022 (Ex. C).

9. By electronic mail dated October 25, 2022, Jovetta Whitfield, the Assistant

Director for Child & Family Services for Durham DSS stated: “Durham County does not have a record responsive to your inquiry,” and directed the requestor to a state agency, instead (Ex. D).

10. Defendant’s claim of “no record responsive” is not plausible. Given that the last published Board minutes recorded numbers about how many children were separated from families through the foster care system, Durham does possess at least some of this data (Ex. E). It cannot outsource its duty to respond to public records requests to the State; indeed, any data that the State possesses about Durham’s DSS operations must necessarily have been provided in the first instance by the Durham County agency that operates these programs. The response is an incomplete and improper response, and, upon information and belief, it does not encompass all non-classified and nonconfidential documents in Defendant’s possession, custody, or control that are subject to disclosure under North Carolina’s Public Records Law. Upon information and belief, Defendant possesses *some records* that would be responsive to these records requests yet has refused to produce any.

FIRST CLAIM FOR RELIEF
(Violation of the North Carolina Public Records Law)

11. The allegations stated in the preceding paragraphs are incorporated herein by reference as if fully set forth herein.

12. The North Carolina Public Records Law, N.C. Gen. Stat. § 132-1(b), states that all “public records and public information compiled by the agencies of North Carolina government . . . are the property of the people,” and as such, “the people may obtain copies of their public records and public information for free or at a minimal cost.”

13. The Public Records Law, N.C. Gen. Stat. § 132-6(a), provides that “[e]very custodian of public records shall permit any record in the custodian’s custody to be inspected and examined at reasonable times and under reasonable supervision by any person.”

14. Under the Public Records Law, N.C. Gen. Stat. § 132-6(a), (c), the custodian must furnish requested public records “as promptly as possible,” and “[n]o request to inspect, examine, or obtain copies of public records shall be denied on the grounds that confidential information is commingled with the requested nonconfidential information.”

15. By its willful refusal to provide records responsive to Plaintiff’s requests, Defendant has violated the North Carolina Public Records Law, N.C. Gen. Stat. § 132 *et seq.*, and thereby caused Plaintiff to suffer damages.

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PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

1. Assume jurisdiction over this action;
2. Enter an order compelling Defendant to comply fully and without further delay with the North Carolina Public Records Law and to furnish Plaintiff all public records satisfying the description in its requests;
3. Enter an order directing that, because Defendant's delay in complying with its obligations under the Public Records Law was without substantial justification, Defendant must waive all costs/fees associated with producing the public records responsive to Plaintiff's requests;
4. Enter an order granting Plaintiff all damages it has incurred in seeking to compel Defendant's compliance with the Public Records Law;
5. Award Plaintiff its reasonable attorneys' fees and costs, as authorized by N.C. Gen. Stat. § 132-9(c) and to the extent otherwise permitted by law; and
6. Grant Plaintiff such other and further relief as the Court deems just and proper.

This the 4th day of November, 2022

Respectfully submitted,



Elizabeth G. Simpson
NC State Bar No. 41596
EMANCIPATE NC
P.O. Box 309
Durham, NC 27701
919-682-1149
elizabeth@emancipatenc.org

Exhibit A



Elizabeth Simpson <elizabeth@emancipatenc.org>

Opportunities for Durham Child Welfare Reform

8 messages

Elizabeth Simpson <elizabeth@emancipatenc.org>

Thu, Sep 29, 2022 at 9:51 AM

To: bhowerton@dconc.gov, "Jacobs, Wendy" <wjacobs@dconc.gov>, nbums@dconc.gov, nallam@dconc.gov, hcarter@dconc.gov, county_manager@dconc.gov, Monique.Hyman@durhamnc.gov, "Rose, Ben" <wrose@dconc.gov>, "Whitfield, Jovetta L." <jwhitfield@dconc.gov>

Dear Durham County Officials:

I am sending this report to you on behalf of Emancipate NC and Thrive Tribe NC. Over the past year, we have conducted interviews with a variety of stakeholders in the Durham child welfare system, as well as conducting academic research on best practices for child welfare reform. There is growing consensus that involuntary family separation of any length imposes deep traumatic wounds on children and families and should be avoided whenever possible. In reflection of this consensus, federal monies previously reserved for foster care services can now be used to provide services that can keep kids safe with their parents.

I know that Ben Rose has provided strong and dedicated leadership to DSS over these past years and is committed to protecting children and families. We congratulate him on his retirement and thank him. As he retires this fall, and as the Board of DSS looks to hire a new Director, we hope that it can be an opportunity to affirm Durham's values.

I could not locate email addresses for the full DSS Board online, so I hope that Commissioner Jacobs and Councilor Holsey-Hyman will provide the Board's public email addresses to us and will also pass this report to the other members. I also hope that you all – in small groups – will be open to meeting with our team and with all the varied stakeholders in the community and to committing to a process of comprehensive child welfare reform. This is a national movement that we are at the beginning stages of. It will not happen overnight, but our children deserve all of our efforts to protect them and serve them.

There is a request for public data at the end of the report. Please let me know who would be best to work with on that public records request.

Thank you so much for your work for Durham.

Sincerely,

Elizabeth Simpson, on behalf of Emancipate NC

* * *

Elizabeth Simpson (she/her)

strategic director & attorney

EMANCIPATE NC

703.587.8563 (cell)

www.emancipatenc.org

Emancipate NC Thrive Tribe NC Report on Durham County Child Welfare Reform 9.29.22.pdf

387K

Elizabeth Simpson <elizabeth@emancipatenc.org>

Mon, Oct 3, 2022 at 11:07 AM

To: bhowerton@dconc.gov, "Jacobs, Wendy" <wjacobs@dconc.gov>, nbums@dconc.gov, nallam@dconc.gov, hcarter@dconc.gov, county_manager@dconc.gov, Monique.Hyman@durhamnc.gov, "Rose, Ben" <wrose@dconc.gov>, "Whitfield, Jovetta L." <jwhitfield@dconc.gov>

Good morning,

Thank you for permitting our group's public comment this morning about this report.

I am just following up to make sure I know who is the best contact for the public records request that I submitted as part of this report & to request those email addresses for the other three DSS Board officials.

Hope you have a good day, and thank you,

Elizabeth Simpson, on behalf of Emancipate NC

* * *

Elizabeth Simpson (she/her)

strategic director & attorney

EMANCIPATE NC

703.587.8563 (cell)

www.emancipatenc.org

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Elizabeth Simpson <elizabeth@emancipatenc.org>

Mon, Oct 10, 2022 at 1:08 PM

To: bhowerton@dconc.gov

Hello Chair Howerton:

I am following up directly with you since I have not received a response to the questions in my email. Could you let me know how to proceed on the public records request – who will be handling progress on that? Could you share the official email addresses for the non-elected members of the DSS Board?

Thank you for your help,

Elizabeth Simpson

[Quoted text hidden]

Elizabeth Simpson <elizabeth@emancipatenc.org>

Tue, Oct 11, 2022 at 1:44 PM

11/4/22, 10:44 AM

Emancipate NC Mail - Opportunities for Durham Child Welfare Reform

To: "Jacobs, Wendy" <wjacobs@dconc.gov>, Monique.Hyman@durhamnc.gov

Dear Commissioner Jacobs & Councilor Holsey-Hyman:

Hope you are well. I am following up on this below email since I have not heard back. I am still seeking to provide our report to the other three members of the DSS Board – Charles Mitchell, Janice Paul, and Jacqueline Beatty-Smith.

Could you please let me know what are the public email addresses for these appointed public officials as I do not see them on the website?

I was also looking at the monthly public meetings, which I see are held virtually on the third Wednesday at 3 pm. I see that there is a phone number for public participation. Is there any method for signing up for public comment other than calling into that number?

Thank you for your help with these questions.

Sincerely,
Elizabeth Simpson

----- Forwarded message -----

From: Elizabeth Simpson <elizabeth@emancipatenc.org>

Date: Mon, Oct 3, 2022 at 11:07 AM

Subject: Re: Opportunities for Durham Child Welfare Reform

To: <bhowerton@dconc.gov>, Jacobs, Wendy <wjacobs@dconc.gov>, <nburns@dconc.gov>, <nallam@dconc.gov>, <hcarter@dconc.gov>, <county_manager@dconc.gov>, <Monique.Hyman@durhamnc.gov>, Rose, Ben <wrose@dconc.gov>, Whitfield, Jovetta L. <jwhitfield@dconc.gov>

[Quoted text hidden]

Elizabeth Simpson <elizabeth@emancipatenc.org>

Tue, Oct 11, 2022 at 1:45 PM

To: county_manager@dconc.gov

Hello Madam County Manager,

I hope you are well. I have not heard back on this thread. I am inquiring about the best contact person to follow up with about my public records request. I am also trying to get public email addresses for the DSS Board. Can you assist with either of these things?

Thank you so much,
Elizabeth Simpson

----- Forwarded message -----

From: Elizabeth Simpson <elizabeth@emancipatenc.org>

Date: Thu, Sep 29, 2022 at 9:51 AM

Subject: Opportunities for Durham Child Welfare Reform

To: <bhowerton@dconc.gov>, Jacobs, Wendy <wjacobs@dconc.gov>, <nburns@dconc.gov>, <nallam@dconc.gov>, <hcarter@dconc.gov>, <county_manager@dconc.gov>, <Monique.Hyman@durhamnc.gov>, Rose, Ben <wrose@dconc.gov>, Whitfield, Jovetta L. <jwhitfield@dconc.gov>

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Emancipate NC Thrive Tribe NC Report on Durham County Child Welfare Reform 9.29.22.pdf
387K

Jacobs, Wendy <wjacobs@dconc.gov>

Wed, Oct 12, 2022 at 11:15 AM

To: Elizabeth Simpson <elizabeth@emancipatenc.org>, "Monique.Hyman@durhamnc.gov" <Monique.Hyman@durhamnc.gov>

Hi Ms. Simpson,

Thanks so much for your follow up. The report has been shared directly with all members of the DSS Board by Director Ben Rose. Our administrative assistant Montrella Springfield is also able to share any information directly with all DSS Board members. You do not need to sign up in advance for public comment. We have a 10 minute public comment period at the beginning of our agenda at each meeting and you are welcome to speak at that time.

Best wishes,
Wendy Jacobs

Get Outlook for iOS

From: Elizabeth Simpson <elizabeth@emancipatenc.org>

Sent: Tuesday, October 11, 2022 1:44 PM

To: Jacobs, Wendy <wjacobs@dconc.gov>; Monique.Hyman@durhamnc.gov <Monique.Hyman@durhamnc.gov>

Subject: Fwd: Opportunities for Durham Child Welfare Reform

[Quoted text hidden]

Caution: Do not click links or open attachments unless you recognize the sender and know the content is safe.

Elizabeth Simpson <elizabeth@emancipatenc.org>

Wed, Oct 12, 2022 at 11:48 AM

To: "Jacobs, Wendy" <wjacobs@dconc.gov>

Cc: "Monique.Hyman@durhamnc.gov" <Monique.Hyman@durhamnc.gov>

Thank you, appreciate it very much. Do you have any insight on the trajectory of the public records request and with whom I should properly communicate about that?

[Quoted text hidden]

Fri, Oct 14, 2022 at 12:10 AM

Jacobs, Wendy <wjacobs@dconc.gov>
To: Elizabeth Simpson <elizabeth@emancipatenc.org>
Cc: "Monique.Hyman@durhamnc.gov" <Monique.Hyman@durhamnc.gov>

Hi Ms. Simpson,
I suggest you submit any public records requests through the Durham County Public Information Office. That contact information should be available on the county website for the PIO staff. Let me know if you are not able to locate this information.
Best wishes,
Wendy

[Get Outlook for iOS](#)

From: Elizabeth Simpson <elizabeth@emancipatenc.org>
Sent: Wednesday, October 12, 2022 11:48:51 AM
To: Jacobs, Wendy <wjacobs@dconc.gov>
Cc: Monique.Hyman@durhamnc.gov <Monique.Hyman@durhamnc.gov>

[Quoted text hidden]

[Quoted text hidden]



To: Durham County

From: Emancipate NC & Thrive Tribe NC¹

Re: Potential Avenues for County-Level Reform to Child Welfare System

Date: September 29, 2022

Emancipate NC and Thrive Tribe NC affirm their deep love for children and their commitment to protecting children from abuse and neglect. Children deserve to be cared for and loved unconditionally. Unfortunately, the child welfare system needs deep systemic reform to fulfill its mission of protecting children. Whenever possible, we need to give families the support they need to keep children safe with their parents, rather than rupturing family bonds and imposing increased attachment wounds.

Research demonstrates that forced family separation of any length imposes life-long trauma on a child.

The selection of a new Director of Social Services presents an opportunity to make a commitment that Durham will be a Best Practices county: one that strives to keep children safe in their homes by providing high levels of services; that when children must be removed as a last resort, our goal is prompt reunification; one that affirms that involuntary family separation is a tragedy that must be avoided with rigor; and one that knows our agency is charged with providing resources to keep families safe together.

Introduction

A mother holds her young child close, staring into his sparkling eyes as the hovering social worker tells her that it's time to leave. She leans in, warm hand running through curly black hair as she reassures the frightened boy with a kind smile: "I'll see you next

¹ Report authored by Attorney J Hallen and Attorney Elizabeth Simpson, with research assistance from Duke Law students Frank Colaruotolo and Haley Harris.

week.” Years later, the mother’s voice cracks as she describes her last interaction with her child. Within hours of the promise, a Judge had stopped all future visitation. The Department of Social Services and the Judge reasoned that this outcome was necessary due to the young boy’s inclination to “act out” after visits, punishing mother and child for separation anxiety. Another Black family is torn apart by the stroke of a judicial pen.

Many indigent parents in Durham County face intransigent and slow-moving bureaucracy as they try to navigate interactions with the Department of Social Services (DSS) and the Durham Abuse, Neglect, and Dependency (AND) Courtroom. ***Parents and their children are forced to reckon with inefficient processes, long court delays, and a system that adjudicates weighty questions of family rights in a courtroom better designed for traffic matters.***

In this world, ***understaffing and underpay*** is the norm for DSS social workers and attorneys representing parents alike.

Through interviews with attorneys, educators, parents, foster parents, GAL volunteers, and DSS stakeholders,² this policy paper seeks to outline the harms arising from our child welfare system before offering a series of reforms recommended to address these injustices.

An Unending Process

One concern almost universally expressed by those interviewed, regardless of role, is the ***slow, inefficient process and unrelenting continuances ever-present in child welfare proceedings.*** Given the lack of time-slot scheduling, attorneys are forced to loiter in court for days waiting on cases, at huge expense to taxpayers, and contributing to their frustration and burnout. Meanwhile, parents must find ways to miss work repeatedly without losing their jobs. Parents and attorneys alike expressed frustration about lingering in court for hours only to have their cases continued, or pushed back to another date, on repeat.

An experienced attorney who has represented parents in AND Courts for over ten years noted that, while cases are fluid and some cases do need to be continued due to new documents, such occurrences should not happen every court date. Far too often, cases are continued due to DSS failing to provide discovery or delays in court summaries prior to the pretrial date, delaying other cases docketed for the same day. One parent, speaking on condition of anonymity due to ongoing litigation, discussed the stressful conditions of taking work off repeatedly only to have their case continued. ***Foster parents described cases taking years to close, with children growing up estranged from biological parents by the passage of time and lack of meaningful visitation.***

² Confidentiality was maintained for all participants who requested it.

To address these concerns, multiple attorneys and educators interviewed encouraged the usage of time-slot scheduling and some recommended virtual hearings in the AND Courtroom in certain contexts. *Time-slot scheduling would conserve parent-attorney time, conserve the time of DSS social workers and Guardian ad litem volunteers, and would mitigate an array of harms arising from inefficient proceedings and month-after-month continuances.* Some attorneys, including Sydney Batch, a State Senator and longtime court-appointed parent attorney, also support the notion of virtual hearings. Senator Batch argues that virtual hearings would allow for higher participation. If everyone is given a time and a link, parents become able to take time off work and participate more easily, regardless of reliable transportation. Still, in-person hearings should be the norm when important credibility determinations are being made by judges.

Other options exist to improve scheduling and increase efficiency through AND Courtroom processes. Timothy Heinle is the Civil Defender Educator at the UNC School of Government. Prior to joining UNC, Mr. Heinle spent a decade in litigation, representing both DSS and parents in AND proceedings. According to Mr. Heinle, lack of communication is prevalent between parents and their attorneys, particularly in advance of the initial court hearing. While there are a variety of causes for this insufficient communication, these gaps can contribute to delays with the proceeding, as delays are sometimes necessary to allow for proper preparation.

Reforms aimed at addressing the root causes of the lack of communication could increase the overall efficiency of AND proceedings. Mr. Heinle suggested that one possible local solution is to provide additional confidential spaces at the courthouse for parents and attorneys to meet. Doing so would increase the opportunity for parents—many of whom work multiple jobs or lack reliable transportation—and their often-busy attorneys to form professional bonds, develop trust, and communicate about important matters related to representation. All of this, Mr. Heinle says, has the potential for a positive impact on the efficiency and effectiveness of AND proceedings.

The Challenges of Burnout

Beyond scheduling and logistical issues, the AND Courtroom is a brutal place for vicarious trauma, which impacts judges, attorneys, GAL volunteers, social workers, and court staff alike. Hearing these stories day in and day out, and layering bureaucratic processes on top of human suffering, in a courtroom with a lot of repeat players, leads to an environment that is ripe for burnout.

Over a decade into working in parent defense, one attorney explains how a case that starts with one issue can quickly snake its way into every aspect of a parent's life: “[the courts] tell parents to do A, B, and C and most of these things are boilerplate, standard requirements put on every family” even if the requirements have nothing to do with the case. A child might be taken for a domestic violence concern, but instead of domestic

violence counseling or a parenting course, DSS will focus on employment, housing, or substance abuse. “It’s a rubber-stamp mentality.”

This assembly line of paperwork and case plans and the daily presence of trauma and overwork, creates an unhealthy work environment for everyone present in the courtroom. Judges remain in their positions for an extended period, and regularly hear stories of death, severe abuse, and other complex trauma on an always-overflowing docket. The result of this is burn out and numbness.

Parent attorneys feel this strain as well, and indigent attorneys within the courtroom tend to have very high rates of turnover. A parent facing termination of rights stated that they had been transitioned between 3 attorneys over the course of their proceedings. They describe an attorney who didn’t review medical records. A foster parent interviewed shared similar concerns. The birth parent of the 3-year-old foster child in their care was shuffled between three attorneys over the course of a single year. High DSS social worker turnover is also the norm, necessitating transitions between workers that lead to further delays in proceedings.

Many noted that severe underfunding plays a significant role in this high turnover rate. Senator Batch discussed that until recently, court-appointed attorneys experienced a decrease in their hourly state pay. She also noted that many attorneys have to wait weeks or months in order to be paid for their legal services. ***Court-appointed attorneys representing parents are among the lowest paid court-appointed attorneys in the state.*** Increased pay for court-appointed attorneys, alongside funding for additional deputy parent defenders, could play an outsized role in addressing attorney turnover. Indigent Defense Services recently increased the hourly rate for several court-appointed matters, including parent attorneys.

Beginning to Envision Reform

Alongside direct funding for attorneys who represent parents, support for a range of aspects within the child welfare system could benefit procedural fairness and the lives of those involved in the system. Mr. Heinle argues that the overall system could be improved with the creation and updating of additional resources and continuing legal education programs for AND attorneys. Additional funding may be required to support these educational resources. Local bars and judges could arrange to host continuing legal education programs in their area, which may make attending said training more feasible. Local rules could also be established to encourage or require attorneys who practice in AND court to attend training focused on education relevant to those proceedings. ***Other individuals interviewed for this policy paper suggested additional recommendations, including appointment of legal counsel to parents prior to removal of children, increased funding for social workers who are dedicated to working with the parents directly, and schemes to incentivize the use of support staff to improve quality of***

attorney representation. Many attorneys working these cases are solo practitioners without robust infrastructure and support, straining their capacity.

Outside of the courtroom, continuances, delays, underfunding, and unjust social policies create impossible situations for families making their way through the child welfare system. **While cases drag on, parents must contend with a system where one hour of visitation per week may be their allotment, even in the case of newborn infants, and meetings are held in small rooms.** At times, the deflated relationships stemming from months or years of limited visitation are used as further evidence against reunification, with DSS attorneys and social workers arguing that the lack of a bond is one more reason in favor of terminating parental rights.

“It is absurd,” one attorney stated, “[DSS] takes newborns from the hospital and thinks it’s ok for a mother to only have one hour a week with a newborn baby.” “We’re kidding ourselves to call these reunification cases,” Attorney Lenoir-Peek, the Deputy Parent Defender for Indigent Defense Services separately stated. Alongside increases in weekly visitation time, Attorney Lenoir-Peek also noted that **a greater variety of locations for visitation, including recreational options, could help facilitate continued bonds.** “Visitation doesn’t always have to be at DSS,” she explained, “If children were removed due to homelessness or a similar issue, why can’t they meet at the mall or a bowling alley?”

These strict restrictions placed on visitation, alongside the trauma of being ripped from one’s parents and, when present, parental abuse, place a huge psychological toll on impacted children. Removing a child from a parent is a very traumatic process. **Studies show that children placed with foster parents ultimately do not enjoy improved outcomes in comparison to their peers, with regard to juvenile justice involvement, reactive attachment disorder, or early mortality.**

A forced removal, especially with law enforcement involvement, can have a severe detrimental impact on a child’s psyche, and can completely alter their security and attachment later in life. **Foster parents report being tasked with caring for traumatized, at times suicidal, children without sufficient support from DSS.** One foster parent even reported having a foster child removed from their care after they expressed concern to DSS that DSS was not meeting the child’s mental health needs.

Experienced parent attorneys have witnessed the intergenerational nature of these complex psychological harms. One such attorney, who has advocated for parents in AND Courts for over ten years, has represented both ex-foster children who have gone on to have their own kids removed and guardians who took guardianship over a child because the court system was eager to close out a case and give the child to someone else.

Conclusion

These children deserve better. They deserve the opportunity to rebuild relationships with their biological parents through visitation and a court system that seeks to heal rather than punish. They deserve robust psychological services and mechanisms to efficiently access these services. They deserve funding, not just via advocates, but also directly through investments in biological families commensurate with those given to foster families.

These children, and their families, deserve a chance.

This chance does not exist in our current system, where families are separated and prayers for reunification are answered with a maze of red tape. Through the fog of trauma and loss, parents stumble through shifting requirements and underfunded support systems. Overworked social workers and attorneys burn out and end up quitting, finding the pain of second-hand trauma and bureaucracy too dire for the measly pay.

Disproportionately Black children from families experiencing poverty are placed with disproportionately wealthier white families, or wealthier Black families, under the guise of “safety.”

While the only remedy to the harms outlined in this piece is a systematic shift away from our current system into one focused on rehabilitation and reunification, the reforms listed below will help mitigate the ongoing trauma and protect families.

Recommended Reforms

After consulting with a diverse group of stakeholders including attorneys, foster parents, guardian ad litem volunteers, former DSS workers, scholars, policymakers, and impacted parents, and after researching emerging consensus on best practices, we recommend the following avenues for County-Level Reform to the Child Welfare System in Durham, North Carolina:

1. Keep Families Together while Investing in Families

- a. **Funding to support biological family** – investments commensurate with those given to foster families.
 - i. The Family First Prevention Services Act of 2018 (FFPSA) introduced sweeping federal reform to child welfare funding.³ The FFPSA allows states to receive federal reimbursement under Title IV-E for services that prevent foster care placements. This includes evidence-based mental health, substance abuse, and parenting treatments to keep children safely with their families.⁴ Before the

³ <https://www.ncdhhs.gov/divisions/social-services/child-welfare-services/family-first-prevention-services-act>.

⁴ *Id.*

FFPSA, Title IV-E funds were reserved for foster care placements. Under FFPSA, those foster care funds can—and should—be used on prevention services that allow kids to stay at home or live with a kin caregiver temporarily or permanently.⁵ North Carolina’s Family First Plan was approved in 2022.⁶ Durham County should take advantage of the opportunities provided under North Carolina’s FFPSA plan.⁷

b. **Family Stabilization Programs** are designed to ensure the safety and well-being of children and youth in their homes; prevent their initial placement or re-entry into foster care; and preserve, support, and stabilize their families. Family stabilization programs are aimed at families who have come to the attention of child welfare services and are in crisis and/or facing imminent risk of removal.⁸ Examples of successful, evidence-based family stabilization programs include:

c. **Family Centered Treatment (FCT).**⁹ FCT is a primary prevention program that addresses critical areas of family functioning that are the underlying causes for the risk of family dissolution (e.g., lack of housing, difficulty accessing medical, mental, or substance abuse treatments). FCT relies on in-home treatment and is an alternative to residential placement. **FCT is approved for Title IV-E funding.**¹⁰

i. A 2012 Maryland study—comparing children receiving FCT to children put in residential placements—found that FCT provides significant, positive behavioral results and reduces posttreatment placements.¹¹ Additionally, a cost analysis indicates that FCT is a cost-effective alternative to residential placement.¹²

⁵ See <https://imprintnews.org/finance-reform/cliffsnotes-family-first-anatomy-massive-child-welfare-entitlement-reform/29894>

⁶ See <https://www.ncsl.org/research/human-services/family-first-legislation-the-family-first-prevention-services-act.aspx>

⁷ See North Carolina Department of Health and Human Services (NCDHHS) Child Welfare Manual for Funding for Prevention Services under Title IV-B. Accessed at <https://policies.ncdhhs.gov/divisional/social-services/child-welfare/policy-manuals/modified-manual-1/appendix-3-3-prevention-services-funding.pdf>. The manual was last updated in July 2019. It must be revised with the expanded Title IV-E reimbursements for prevention services, granted by the FFPSA.

⁸ See <https://www.cebc4cw.org/topic/family-stabilization/>

⁹ For more information about FCT, see <https://www.familycenteredtreatment.org/>. Access Family Services and Carolina Outreach provide FCT to Durham County. See <https://www.familycenteredtreatment.org/>. Durham County DSS should widely utilize these services to prevent residential placements.

¹⁰ See <https://preventionservices.acf.hhs.gov/programs/399/show>

¹¹ Sullivan, M. B., Bennear, L. S., Honess, K. F., Painter W. E., Jr., & Wood, T. J. (2012). Family Centered Treatment - An alternative to residential placements for adjudicated youth: Outcomes and cost effectiveness. *OJJDP Journal of Juvenile Justice*, 2(1), 25-40. <https://www.ojp.gov/pdffiles/240461.pdf>

¹² *Id.*

- ii. A 2018 Maryland study indicated that FCT participants had a significantly lower risk of adult conviction and adult incarceration relative to youth who received group care.¹³
- iii. A 2021 Maryland study indicated that every dollar spent on FCT saved the state \$2.29 in out-of-home placement costs. The study focused on adjudicated delinquent youth who were treated with FCT instead of being sent to group homes. Within two years of receiving treatment, FCT youth had a significant decrease in adjudications while youth placed in group homes showed a significant increase in adjudications. Within a year of treatment, FCT youth had:
 - 1. a 24% reduction in group home placements;
 - 2. a 20% reduction in length of group home placements;
 - 3. a 39% reduction in days spent in Pending (out-of-home) Placements; and
 - 4. a 23% reduction in length of average Community Detention.¹⁴

d. Homebuilders¹⁵. Homebuilders provides intensive, in-home counseling, skill building and support services for families and children at risk of out-of-home placement, or who are in placement and cannot be reunified without intensive in-home services. Homebuilders practitioners collaborate with family members in developing intervention goals and corresponding service plans that address factors directly related to the risk of out-of-home placement. Homebuilders utilizes research-based intervention strategies including Motivational Interviewing, a variety of cognitive and behavioral strategies, and teaching families new skills to facilitate behavior change. Practitioners provide families with concrete goods and services related to the intervention goals, collaborating with community supports and systems, and teaching family members to advocate for themselves. Homebuilders is approved for Title IV-E funding.¹⁶

¹³ Bright, C. L., Farrell, J., Winters, A. M., Betsinger, S., & Lee, B. R. (2018). Family Centered Treatment, juvenile justice, and the grand challenge of smart decarceration. *Research on Social Work Practice*, 28(5), 638-645. <https://doi.org/10.1177/1049731517730127>

¹⁴ Sullivan, M. B., Benneer, L. S. (2021). A Quasi-experimental Evaluation of Family Centered Treatment® in the Maryland Department of Juvenile Services Community Based Non-residential Program: Child Permanency and Well-being. Family Centered Treatment Foundation. <https://bit.ly/3wNw13Y>.

¹⁵ For more information about Homebuilders, see <http://www.institutefamily.org/>

¹⁶ See <https://preventionservices.acf.hhs.gov/programs/254/show>

- i. A 1988 California study compared families receiving Homebuilders to families receiving usual CPS services. Results showed 74% of the Homebuilders children remained at home compared to 45% of the comparison group. Placement costs were also significantly lower for the Homebuilders group.¹⁷
 - ii. A 1996 randomized controlled trial in Utah indicated that significantly more children receiving Homebuilders returned to their families within the 90-day program than did children receiving regular CPS services. Homebuilders children also returned in a shorter amount of time than did control children. At one-year postintervention follow-up, 70% of Homebuilders children remained home as compared to 47% of children in the control group.¹⁸
- e. Family Group Decision Making (FGDM).**¹⁹ FGDM involves family groups in decision making about children who need protection or care. In FGDM processes, a trained coordinator who is independent of the case brings together the family group and agency personnel to create and carry out a plan to safeguard children and other family members. FGDM processes position the family group to lead decision making, and the statutory authorities agree to support family group plans that adequately address agency concerns. The statutory authorities also organize service providers from governmental and non-governmental agencies to access resources for implementing the plans.²⁰ FGDM is approved for Title IV-E funding.²¹
- i. A 2009 Texas study—comparing families receiving FGDM services to families that did not receive FGDM services—found that exits from care are faster if families participate in FGDM, and exits to reunification are increased. 32% of African-American children whose families attended an FGDM conference had returned home, relative to 11% whose families attended a Permanency Planning Team meeting. 40% percent of Hispanic children from families

¹⁷ Wood, S., Barton, K., & Schroeder, C. (1988). In-home treatment of abusive families: Cost and placement at one year. *Psychotherapy*, 25(3), 409-414. Accessed at <https://www.cebc4cw.org/program/homebuilders/>

¹⁸ Fraser, M. W., Walton, E., Lewis, R. E., Pecora, P. J., & Walton, W. K. (1996). An experiment in family reunification: Correlates of outcomes at one-year follow-up. *Children and Youth Services Review*, 18(4/5), 335-361. Accessed at <https://www.cebc4cw.org/program/homebuilders/>

¹⁹ For more information about FGDM, see [https://medschool.cuanschutz.edu/pediatrics/sections/child-abuse-and-neglect-kempe-center/our-work/national-center-on-family-group-decision-making-\(fgdm\)](https://medschool.cuanschutz.edu/pediatrics/sections/child-abuse-and-neglect-kempe-center/our-work/national-center-on-family-group-decision-making-(fgdm))

²⁰ See “Family Group Decision Making in Child Welfare: Purpose, Values and Process.” https://medschool.cuanschutz.edu/docs/librariesprovider68/default-document-library/fgdm-purpose-values-and-processes.pdf?sfvrsn=f9ec95ba_2

²¹ See <https://www.cebc4cw.org/program/family-group-decision-making/>

participating in FGDM had returned home compared to 13% participating in traditional services. Parents and relatives were more satisfied with FGDM than standard practice, and relatives felt especially empowered by FGDM. Children are less anxious if their families participate in FGDM.²²

- ii. A 2006 Kent County, Michigan study tracked the County's attempts to use FGDM to divert children from regular foster care services and keep them within their extended families. Long-term outcomes of the 257 cases referred to the FGDM program showed that most of the children placed through FGDM remained outside the child welfare system. However, children remaining with legal guardians received significantly less financial assistance than they would have if they were placed in foster care or were adopted.²³ This result indicates a need to increase funding to families in addition to implementing FGDM.
- iii. A 2003 Washington State study showed that after 6 months of receiving FGDM, fewer children were living with non-relatives and more children were living with their parents. Only 6.8% of the children were re-referred for alleged abuse and neglect in comparison with a statewide average of 8.1%. Placements also appeared to be stable with only 10.1% of children being placed in out-of-home care.²⁴
- iv. A 2000 Canadian study found that FGDM families reported half the number of maltreatment events after receiving FGDM, while families receiving traditional CPS services experienced increases in maltreatment events. The number of reports to and actions taken by CPS also fell for the FGDM group. Cases of mother/wife abuse also declined in FGDM group families and rose somewhat in traditional CPS families.²⁵

²² Sheets, J., Wittenstrom, K., Fong, R., James, J., Tecci, M., Baumann, D., J., & Rodriguez, C. (2009). Evidence-based practice in Family Group Decision-Making for Anglo, African American and Hispanic families. *Children and Youth Services Review*, 31, 1187-1191. Accessed at: <https://www.cebc4cw.org/program/family-group-decision-making/>

²³ Crampton, D., & Jackson, W. L. (2006). Family Group Decision Making and disproportionality in foster care: A case study. *Child Welfare*, 86(3), 51-69. Accessed at: <https://www.cebc4cw.org/program/family-group-decision-making/>

²⁴ Gunderson, K., Cahn, K., & Wirth, J. (2003). The Washington State long-term outcome study. *Protecting Children*, 18(1/2), 42-47. Accessed at: <https://www.cebc4cw.org/program/family-group-decision-making/>

²⁵ Pennell, J., & Burford, G. (2000). Family Group Decision Making: Protecting children and women. *Child Welfare*, 79(2), 131-158. Accessed at: <https://www.cebc4cw.org/program/family-group-decision-making/>

2. Calendaring/Scheduling Reform in the AND Courtroom

- a. Institute **time-slot scheduling** to conserve time of parent-attorneys and mitigate harms resulting from:
 - i. The need for attorneys to be present throughout the day, at huge expense to taxpayers and expense to attorneys' ability to prepare in advance for court; contributes to burn-out and under-preparation by attorneys when they sit through court waiting for appearance.
 - ii. Parents taking time off work, only to have their case continued.
- b. Consider usage of **virtual hearings** when appropriate, especially in hearings without live testimony, to mitigate time commitment and encourage parental participation.
 - i. In a 2021 survey of virtual child welfare hearing practice during the COVID-19 pandemic, responses indicated, most notably, that virtual hearings facilitated greater attendance of parties by relieving transportation barriers and reduced delays by improving the ability to conduct hearings on time.²⁶
- c. **Rotate Judges** in AND cases due to burn-out and overly-familiar relationships between judges and DSS/GAL teams.
- d. **End continuances as a general rule.** Reduce caseloads by identifying families that can receive services outside of court proceedings; establish much shorter time spans between court dates. These cases are urgent; treat them as urgent every time.

3. Funding/Staffing - Attorneys Representing Parents

- a. Increase pay for contract attorneys representing indigent parents. The County could cover additional funding.
- b. Provide funding for additional Assistant Parent Defenders.

²⁶ A. Summers & S. Gatowski (2021). Virtual (Remote) Hearings in Child Welfare Cases: Perspectives from the Field. Accessed at: https://www.researchgate.net/publication/351885759_Virtual_Remote_Hearings_in_Child_Welfare_Cases_Perspectives_from_the_Field ; *see also* National Center for State Courts (2022). Study of Child Welfare Hearings Facilitating Trauma-Responsive Virtual Hearings for Dependency Cases. Accessed at <https://nsc.contentdm.oclc.org/digital/collection/famct/id/1738/>

- i. Staffing is a critical factor in delivering high-quality legal representation. An adequately-staffed legal services office results in fewer delays to the court process, greater consistency in representation for the client, and opportunity to improve practice through training, experience, and oversight.²⁷
- ii. **Title IV-E Reimbursement for Legal Services for Parents, Children and Youth.** High quality legal representation and services that benefit the parents, children and youth are critical to supporting family and youth voice. DSS can claim title IV-E administrative costs of independent legal representation by an attorney for a child who is a candidate for title IV-E foster care or in foster care, and his/her parents to prepare for and participate in court proceedings. This will help ensure that, among other things, reasonable efforts are made to prevent removal and finalize the permanency plan, parents and youth are engaged in and understand their case plan, and compliance with case plans progress is appropriately reported.²⁸
- c. Provide more extensive spaces for attorneys to meet with parents in the Courthouse.
- d. Appointment of counsel upon initiation of CPS investigation.
 - i. A growing body of empirical research found that early appointment of counsel—at or prior to a party’s first appearance in court—improved case planning, expedited permanency, and decreased costs for state government.²⁹
- e. Continuing legal education requirements for attorneys to improve quality of representation
 - i. A 2012 study of three enhanced parent representation programs across the country found that providing parents with quality representation (1) reduces the time that children spend in foster care and leads to quicker permanency for children across all permanency

²⁷ ABA Center on Children and the Law (2020). *Effects of Funding Changes on Legal Representation Quality in California Dependency Cases*. Accessed at: https://www.americanbar.org/groups/public_interest/child_law/project-areas/legal-representation/calrep-funding/

²⁸ U.S. Department of Health and Human Services Administration for Children and Families (2019). *Reshaping Child Welfare in the United States to Focus on Strengthening Families Through Primary Prevention of Child Maltreatment*. Accessed at: <https://www.acf.hhs.gov/sites/default/files/documents/cb/im1903.pdf>

²⁹ U.S. Department of Health and Human Services Administration for Children and Families (2017). *High Quality Legal Representation for All Parties in Child Welfare Proceedings*. Accessed at: <https://www-media.floridabar.org/uploads/2017/09/High-Quality-Legal-Representation.pdf>

outcomes, and (2) leads to faster and more successful family reunifications.³⁰

1. The findings of this study point to the conclusion that providing parents with high-quality representation can reduce the hard costs to local and state governments associated with extended foster-care placement.³¹

f. **Interdisciplinary Representation Models** allow attorneys to collaborate with a team of professionals like social workers, parent advocates, investigators, and interpreters when representing parents involved with the child welfare system.³²

- i. A multi-year study of the New York City child welfare system found that children of parents represented by an interdisciplinary team spent nearly four less months in foster care and achieved permanency, including reunification and guardianship, faster than children of parents represented by solo practitioner attorneys.³³
- ii. A 2016 study of the children welfare proceedings in Flint, Michigan indicated that interdisciplinary representation supports case resolution and family preservation through a greater likelihood of case dismissal at adjudication, an increased likelihood of placement with relatives instead of foster care, and a decrease in termination of parental rights petitions.³⁴

4. Funding/Staffing - Non-Attorney

- a. More social workers on Parent-side
- b. Improved compensation for DSS social workers to discourage turnover

³⁰ E. Thornton & B. Gwin (2012). High-quality legal representation for parents in child welfare cases results in improved outcomes for families and potential cost savings, *Family Law Quarterly*, 46(1), 139-154.

³¹ *Id.*

³² Family Justice Initiative, <https://15ucklg5c821brpl4dycpk15-wpengine.netdna-ssl.com/wp-content/uploads/sites/48/2020/03/fji-implementation-guide-attribute2-2.pdf>

³³ L.A. Gerber, Y.C. Pang, T. Ross, M. Guggenheim, P.J. Pecora, & J. Miller (2019), Effects of an interdisciplinary approach to parental representation in child welfare. *Children and Youth Services Review*, 102, 42-55. <https://doi.org/10.1016/j.childyouth.2019.04.022>

³⁴ R. Pott (2016). The Flint MDT Study: A Description and Evaluation of a Multidisciplinary Team Representing Children in Child Welfare, *in* Children's Justice: How to Improve Legal Representation of Children in the Child Welfare System 189, 203–04. Accessed at: https://www.researchgate.net/publication/318281229_The_Flint_MDT_Study_A_Description_and_Evaluation_of_a_Multidisciplinary_Team_Representing_Children_in_Child_Welfare

c. Funding schemes to incentivize the use of support staff to improve quality of representation.

i. **The Iowa Parent Partner Approach:** Parent Partners are parents who have been in the child welfare system and have achieved reunification, or resolved parental terminations issues. Parent Partners provide one-on-one mentoring by providing advice, support, and encouragement to families whose children are currently involved with DHS in efforts to enhance their capacity to provide for and guide their children's healthy development. Parent Partners meet with families face-to-face as well as contact by phone. Parent Partners offer to be present as a support at Family Team Decision Making Meetings, staffings, and court appearances.

1. Results indicated that the children of Iowa Parent Partner Approach participants were significantly more likely to return home at discharge from their foster care placement than the children of matched nonparticipants. Additionally, Iowa Parent Partner Approach participants were significantly less likely to have a subsequent child removal within 12 months of the child returning home than matched nonparticipants.³⁵

d. Creation of a representative for the express interests of the children involved (potentially above a certain age). GAL's represent the "best" interests of the child, rather than the "express" interest.

5. Visitation/Family Time

a. **Increase in weekly visitation time.**

i. Increasing evidence associates regular, meaningful family time for children in out-of-home care with several positive outcomes, including: (1) Enhanced parental engagement; (2) greater likelihood of reunification; (3) expedited permanency; (4) increased chances of reunification being sustained; (5) more meaningful connections to parents for older youth without reunification as permanency goal; and (6) improved emotional well-being for parents and children.³⁶

³⁵ Chambers, J., Lint, S., Thompson, M. G., Carlson, M. W., & Graef, M. I. (2019). Outcomes of the Iowa Parent Partner program evaluation: Stability of reunification and re-entry into foster care. *Children and Youth Services Review*, 104, Article 104353. <https://doi.org/10.1016/j.chilyouth.2019.05.030>

³⁶ U.S. Department of Health and Human Services Administration for Children and Families (2020). *Family Time and visitation for children and youth in out-of-home care*. Accessed at: <https://www.acf.hhs.gov/sites/default/files/documents/cb/im2002.pdf>

- ii. Frequency of parental visiting is a strong predictor of family reunification.³⁷ For example, a 1996 study of reunification in a sample of 922 children aged 12 and younger found that children who were visited by their mothers were 10 times more likely to be reunited.³⁸
- b. Greater variety of locations available for visitation (recreational activity options in order to facilitate continued bonds)
 - i. The Wisconsin Department of Children and Families Ongoing Services Standards recommend that visits occur in the least restrictive setting and include parent attendance in regular parenting activities, like medical appointments and school events.³⁹
- c. Shifting supervision model towards a system that does not require supervision in every case, and does not require a social worker to supervise in every meeting
 - i. The presence of a social worker can affect the quality of the time a parent spends with his or her child. During such supervised visits, a parent may feel uncomfortable and have difficulty engaging with his or her child.⁴⁰
- d. Institution of DSS policies to discourage recommendations that end visitation
 - i. A parent's failure to attend a visit is not always indicative of a lack of interest—meeting family time schedules is sometimes difficult due to a variety of everyday challenges that may exist in the life of parents involved with the child welfare system. Ending or reducing family time as a form of punishment for noncompliance can set back parental progress.⁴¹

³⁷ Child Welfare Information Gateway. (2011). *Family reunification: What the evidence shows*. Washington, DC: U.S. Department of Health and Human Services, Children's Bureau. Accessed at: https://www.mncourts.gov/mncourtsgov/media/scao_library/CJI/family_reunification.pdf; Leathers S. J. (2002). Parental visiting and family reunification: could inclusive practice make a difference?. *Child welfare*, 81(4), 595–616.

³⁸ Davis, P., Landsverk, J., Newton, R. (1996). Parental visiting and foster care reunification. *Children and Youth Services Review*, 18(4-5), 363–382. [https://doi.org/10.1016/0190-7409\(96\)00010-2](https://doi.org/10.1016/0190-7409(96)00010-2)

³⁹ U.S. Department of Health and Human Services Administration for Children and Families (2020). *Family Time and visitation for children and youth in out-of-home care*. Accessed at: <https://www.acf.hhs.gov/sites/default/files/documents/cb/im2002.pdf>

⁴⁰ *Id.*

⁴¹ *Id.*

6. Training and Mentality Shifts

- a. Consider models for trauma-informed courtrooms and processes. The adversarial model is a poor fit for these cases, and observers find that the judge affirms DSS decision in overwhelming majority of cases, reducing the efficacy of the adversarial model – how can we tweak this courtroom to make it more trauma-informed for all participants.
 - o A statewide initiative in Connecticut combined workforce development, trauma screening, policy change, and improved access to evidence-based trauma-focused treatments, with a result of frontline staff reporting improvements, **including in understanding how trauma history can affect a parent’s response to workers and children welfare system activities/mandates.**⁴²
- b. Increased training on the impact of domestic violence and family violence on survivors, including parent victims of violence. Truly integrate trauma-informed approaches within DSS and courtroom.
- c. Watch the use of jargon in the courtrooms; many parents are confused by extensive use of acronyms and legal language
- d. Improved language justice, including increasing number of bilingual social workers, therapists, parental evaluation examiners, and interpreters
 - o Interview subjects reported monolingual Spanish speakers having to undergo parental capacity evaluations and therapy through an interpreter.
- e. Convene conversations with stakeholders for vulnerable conversations about how this system is doing; and how it can be improved for everyone’s benefit – especially children
- f. Adopt a Durham County resolution reaffirming that we are a “Family First County” – that we strive to keep children safe in their homes by

⁴² Lang, J. M., Campbell, K., Shanley, P., Crusto, C. A., & Connell, C. M. (2016). Building Capacity for Trauma-Informed Care in the Child Welfare System: Initial Results of a Statewide Implementation. *Child Maltreatment*, 21(2), 113–124. <https://doi.org/10.1177/1077559516635273>

providing high levels of services; that when children must be removed as a last resort, our goal is prompt reunification; and that involuntary family separation is a tragedy that must be avoided with rigor; that our agency is charged with providing resources to keep families safe together

- *Prioritize this mentality in all hiring and training processes within the agency, especially in the selection of a new DSS director*
- g. Reconsider the impact of negative drug screens on parents' rights – especially marijuana – given the racial justice movement to legalize marijuana and the fact that drug screens may not reveal the difference between illegal marijuana and legal hemp

7. Requests for Data from Durham County

- Collect and publish data on the following subjects for the last 10 years so that our community is aware of the contours of the situation
 - How many kids are separated from their parents annually
 - Race, gender, age demographics of those children
 - Are they placed in Durham or out of Durham?
 - Are they placed with kin or non-kin?
 - Are they kept with siblings?
 - What are average number of months/years until reunification?
 - What is percent reunification rate?
 - How many children are missing as runaways or otherwise in unknown location?
 - How many adoptions?
 - Were these voluntary or involuntary terminations of parental rights?
 - How many vacancies in DSS team?

8. Additional Resources

- a. The U.S. Department of Health and Human Services, Administration for Children and Families has released information memorandums urging local agencies to initiate child welfare reform, including planning, implementing, and maintaining prevention programs to prevent unnecessary separations. See <https://www.acf.hhs.gov/sites/default/files/documents/cb/im1903.pdf> and <https://familyfirstact.org/sites/default/files/ACYF-CB-IM-18-05.pdf>

- i. The Children's Bureau Regional Office Program Manager for North Carolina is:

Shalonda Cawthon
Region 4 - Atlanta
shalonda.cawthon@acf.hhs.gov
61 Forsyth Street SW, Ste. 4M60
Atlanta, GA 30303-8909
(404) 562-2242

- b. Title IV-E Prevention Services Clearinghouse: <https://preventionservices.acf.hhs.gov/>
- c. Family First Act: <https://familyfirstact.org/> and <https://imprintnews.org/finance-reform/chronicles-complete-guide-family-first-prevention-services-act/30043>
- d. California Evidence-Based Clearinghouse for Child Welfare: <https://www.cebc4cw.org/>
- e. Child Welfare Information Gateway: <https://www.childwelfare.gov/>
- f. Blind Removal Process: reducing racial disparities among children entering care: <https://www.casey.org/blind-removals-nassau/>
- g. UNC School of Government's Manual on Abuse, Neglect, Dependency, and Termination of Parental Rights: <https://www.sog.unc.edu/resources/microsites/abuse-neglect-dependency-and-termination-parental-rights/>

Exhibit B



Elizabeth Simpson <elizabeth@emancipatenc.org>

Follow Up on Public Records Request Made 9/29/22

2 messages

Elizabeth Simpson <elizabeth@emancipatenc.org>

Fri, Oct 14, 2022 at 4:04 PM

To: PublicInformationOffice@dconc.gov

Cc: wdarby@dconc.gov

Hello Public Info Office & Attorney Darby:

I sent the following public records request to the 5 county commissioners, the county manager, and the DSS director on September 29, 2022, via email. I have been following up since then to find out who would be the best person to communicate with about the request. I was directed to the public information email address.

Could you please confirm that this request is being processed and when I should expect a response?

Thank you,

Elizabeth Simpson

Requests for Data from Durham County

For the last 10 years:

- o How many kids are separated from their parents annually via DSS
- o Race, gender, age demographics of those children
- o Are they placed in Durham or out of Durham?
- o Are they placed with kin or non-kin?
- o Are they kept with siblings?
- o What are average number of months/years until reunification?
- o What is percent reunification rate?
- o How many children are missing as runaways or otherwise in unknown location?
- o How many adoptions?
- o Were these adoptions achieved via voluntary or involuntary terminations of parental rights?
- o How many vacancies in the DSS team per staff position?

* * *

Elizabeth Simpson (she/her)

strategic director & attorney

EMANCIPATE NC

703.587.8563 (cell)

www.emancipatenc.org**Elizabeth Simpson** <elizabeth@emancipatenc.org>

Mon, Oct 17, 2022 at 12:18 PM

To: PublicInformationOffice@dconc.gov

Cc: wdarby@dconc.gov

Hello Attorney Darby and Public Information Officer:

I am following up on my email from last week with additional queries around public records and the Durham Department of Social Services. I would appreciate follow-up on both emails.

Can you advise where I would find the minutes for DSS Board meetings for June - September 2022? The website I'm looking at reflects no minutes since May 18, 2022:

<https://www.dconc.gov/county-departments/departments-f-z/social-services/public-notices-and-announcements/dss-board-meetings>

Can you advise whether the meeting that has been labeled "Durham County Department of Social Services Supervisors Meeting" on the county Facebook page was a public meeting for purposes of the North Carolina Open Meetings Law? (It appears from photographs that at least 3 county commissioners attended.)

11/4/22, 10:44 AM

Emancipate NC Mail - Follow Up on Public Records Request Made 9/29/22

Can you advise whether there was a public meeting where the DSS Board voted to hold a closed session to discuss employment matters in order to hire Sarah Bradshaw as Interim Director, as announced by the County in a press release on October 13, 2022? If so, are there minutes available from that public meeting?

Thanks for your assistance, and have a good day,
Elizabeth Simpson

[Quoted text hidden]

Exhibit C

DSS BOARD MEETINGS

The DSS Board Meetings occur on the 3rd Wednesday of every month. Please see below for upcoming meeting dates.

DSS Board Media Advisory for November 16, 2022.

The Durham County Board of Social Services will hold their Regular Meeting on November 16, 2022, at 3:00 pm. This will be a virtual meeting.

Citizens wishing to attend the meeting may call: 1 919-670-1343 and use the Conference ID: **794 554 481#.**

Future Durham County Board Meeting Dates Include:

Date of Meeting
11/16/2022
12/21/2022

Board Meeting Minutes

- May 18, 2022

- [March 16, 2022](#)
- [February 16, 2022](#)
- [January 19, 2022](#)

- [September 15, 2021](#)
- [June 21, 2021](#)
- [May 19, 2021](#)
- [April 21, 2021](#)
- [March 17, 2021](#)
- [February 17, 2021](#)
- [January 20, 2021](#)
- [December 16, 2020](#)
- [November 18, 2020](#)

Exhibit D



Elizabeth Simpson <elizabeth@emancipatenc.org>

Follow Up on Public Records Request

2 messages

Whitfield, Jovetta L. <jwhitfield@dconc.gov>

Tue, Oct 25, 2022 at 2:50 PM

To: "elizabeth@emancipatenc.org" <elizabeth@emancipatenc.org>

Cc: "Rose, Ben" <wrose@dconc.gov>, "Bradshaw, Sarah" <sbradshaw@dconc.gov>, "Purifoy, Pamela" <ppurifoy@dconc.gov>, "Dudley, Dawn D." <ddudley@dconc.gov>, "Briggs, Danielle" <dbriggs@dconc.gov>

Good afternoon Ms. Simpson,

I hope you are well. I am responding to your request for public records.

Durham County does not have a record responsive to your inquiry. Such a record may exist in the NC Department of Social Services database. You may contact Susan Osborne, Assistant Secretary for County Operations at Susan.Osborne@dhhs.nc.gov.

Requests for Data from Durham County

For the last 10 years:

- o How many kids are separated from their parents annually via DSS
- o Race, gender, age demographics of those children
- o Are they placed in Durham or out of Durham?
- o Are they placed with kin or non-kin?
- o Are they kept with siblings?
- o What are average number of months/years until reunification?
- o What is percent reunification rate?
- o How many children are missing as runaways or otherwise in unknown location?
- o How many adoptions?
- o Were these adoptions achieved via voluntary or involuntary terminations of parental rights?
- o How many vacancies in the DSS team per staff position?

Regards,

Jovetta L. Whitfield, MSW

Assistant Director

Child & Family Services

414 E. Main Street

Durham, North Carolina 27701

Office (919) 560-8086

Fax (919) 560-8682 OR (919) 560-8155

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Exhibit E

Durham County Board of Social Services

Regular Session Minutes

April 20, 2022

The Durham County Board of Social Services monthly meeting was held on Wednesday, April 20, 2022. The DSS Board meeting continues to be virtual due to COVID-19.

The following DSS Board members were in attendance: Chair Commissioner Wendy Jacobs, Vice Chair Dr. Monique Holsey-Hyman; Board members: Janice P. Paul, Jacqueline Beatty-Smith, and Charles I. Mitchell.

The Durham County Department of Social Services was represented by the following: Director William Rose, Deputy Director Catherine Williamson-Hardy and Chief Operations Officer Kelly Inman; Assistant Directors: Krystal Harris, Jovetta Whitfield, Rhonda Stevens, Margaret Faircloth, and Janeen Gordon. DSS staff attending included: Candice Leathers, Latoya Chambers, Meghan Russ, Nancy Santos, Kalindra Ellerbe, Lee Little, John Margolis, Quannah Jackson-Brown, Shontelle Smith, LaVelle Chesney, Quanesha Archer, Lynn Thomas, Pamela Purifoy, John Kenion, Jasmine Cherry, Emma Perry and Loretta Roberts

The following staff from Alliance Health were present: Chief Executive Officer Rob Robinson, Chief of Staff Sara Wilson and Director of Foster Care Support Paige Rosemond

Melissa Gordon-Pitts, Assistant Director of Social Work at Duke University Hospital was present.

Community partner James Svava was present.

DSS Human Resources Analyst James Hart attended the meeting.

Senior Assistant County Attorney Danielle Briggs was present.

Chair Commissioner Wendy Jacobs called the DSS Board meeting to order at 3:02 pm.

Public Comments

No public comments

Approval of the Agenda

Chair Commissioner Wendy Jacobs asked the board members to review and approve the proposed agenda. Board member Jacqueline Beatty-Smith offered the motion to approve the proposed agenda and Vice Chair Dr. Monique Holsey-Hyman seconded.

The agenda was unanimously approved by voice vote.

Board member	Yes	No	Abstained
Chair Commissioner Wendy Jacobs	Yes		
Vice Chair Dr. Monique Holsey-Hyman	Yes		
Board member Janice P. Paul	Yes		
Board member Jacqueline Beatty-Smith	Yes		
Board member Charles I. Mitchell	Yes		

Approval of Minutes

Chair Commissioner Wendy Jacobs asked the board members to review and approve the minutes from the Regular Meeting on March 16, 2022.

Board member Janice P. Paul offered a motion to approve the minutes and Board member Charles I. Mitchell seconded.

The minutes was unanimously approved by voice vote.

Board member	Yes	No	Abstained
Chair Commissioner Wendy Jacobs	Yes		
Vice Chair Dr. Monique Holsey-Hyman	Yes		
Board member Janice P. Paul	Yes		
Board member Jacqueline Beatty-Smith	Yes		
Board member Charles I. Mitchell	Yes		

Chair Report

Chair Commissioner Wendy Jacobs acknowledged all of the staff hosting different events in the community while continuing the work within DSS. All Durham County Government employees will be celebrated and recognized this month for National County Government Month. Chair Commissioner Jacobs

mentioned the new Omicron BA.2 variant and cautioned everyone to start masking up again and stay safe. She also encouraged everyone that is 50 and older to remember to get their second booster shots. Chair Commissioner Wendy Jacobs inquired about discussing the foster care Medicaid issue. Director William Rose will be covering this issue in his report.

Director's Report

Director William Rose submitted a written report.

Director William Rose informed the board members about the budget meeting with the county manager at the end of March. The department prepared an excellent budget presentation that included the priorities, strategic plans, and SWOT (Strengths, Weaknesses, Opportunities and Threats) analysis.

The state is considering creating a specialized Medicaid plan for foster care children to focus on holistic care. The Child and Family Specialty Plan has been delayed until 2023 and the state would like feedback. There are some mixed concerns in terms of the administrative level. Director William Rose invited Chief Executive Officer Rob Robinson and Chief of Staff Sara Wilson to present their view of this specialty plan.

Chief Executive Officer Rob Robinson shared a PowerPoint presentation about the Child and Family Specialty Plan with the board members. Alliance Health LME/MCO (Local Management Entity – managing services for uninsured or underinsured individuals) (Managed Care Organization – managing care for individuals with Medicaid); Alliance Health is located in six counties: Durham, Wake, Johnston, Cumberland, Orange, and Mecklenburg. In the midst of preparing to become a Tailored Plan, Alliance Health is responsible for the behavioral/physical health and pharmacy services for the citizens of the six counties with severe mental health substance use and everyone with intellectual and developmental disabilities. This statewide plan would serve all 100 counties and around 31,000 kids would be eligible for the Child and Family Specialty Plan (CFSP).

Significant concerns: (1) the proposed statewide plan will negatively impact existing collaborations, between Alliance and other county partners (2) potential disruption of Alliance's service expansion plan to support the foster care population (3) many of the key elements of the proposed CFSP would duplicate those of the Tailored Plans (4) the plan does not take into consideration provider capacity issues and workforce shortages, including strained bed capacity for children/youth with complex needs requiring placement (5) timing of the Request For Proposal relative to Tailored Plan implementation (6) potential for additional confusion for members

Recommendations: (1) delay implementation of a single statewide CFSP to prevent more system disruption for the Medicaid population and enable the benefit of current service and infrastructure investments to be realized (2) fully enroll the youth in Behavioral Health I/DD Tailored Plans, on a regional basis aligned with the Tailored Plan regions, launching December 1, 2022, to ensure that they and their families receive integrated care as timely as possible (3) efforts and resources (state and local) should be immediately utilized to address identified service gaps and systemic challenges across the state (4) take action to improve and ensure standardization of key areas across LME/MCOs including provider networks, transitions of care, and service authorizations/passthroughs

Director William Rose and Assistant Director Jovetta Whitfield encouraged the board members to support the recommendations from Alliance Health. There are some concerns about disruption of services to families and children if this specialty plan continues. Board member Janice P. Paul asked if the General Assembly legislated and then delegated this plan to NC DHHS and if so, did it have specifics and can NC DHHS tweak outside the legislation. Chief of Staff Sara Wilson answered that the legislation requires the department to have a plan that either enrolls kids in the Tailored Plan or they could create another specialty plan, so the legislation does not mandate that there has to be this specialty plan or that it has to be statewide. Vice Chair Dr. Monique Holsey-Hyman inquired who oversees the Tailored Plan. Chief Executive Officer Rob Robinson replied that Alliance manages the Tailored Plan and offers treatment and support for mental illness, substance use disorders and intellectual/developmental disabilities to a smaller number of the population. The Child and Family Specialty Plan (Foster Care Plan) enrollment will accept 31,000 kids and their families with Medicaid that are involved with DSS. Vice Chair Holsey-Hyman agrees that the board members should support the CFSP and is concerned that the citizens may get confused with the plans and not get the services that they need.

Chair Commissioner Wendy Jacobs stated that there was a consensus that the board members will support Director William Rose in sending a draft letter to the Board of County Commissioners and the County Manager. The letter will be asking NC DHHS for an extension of the deadline to implement the Child and Family Specialty Plan and make necessary revisions relating to Durham County.

Chair Commissioner Wendy Jacobs asked the board members for approval of the draft letter. Board member Janice P. Paul offered a motion and Vice Chair Dr. Monique Holsey-Hyman seconded.

The draft letter was unanimously approved by voice vote.

Board member	Yes	No	Abstained
Chair Commissioner Wendy Jacobs	Yes		
Vice Chair Dr. Monique Holsey-Hyman	Yes		
Board member Janice P. Paul	Yes		
Board member Jacqueline Beatty-Smith	Yes		
Board member Charles I. Mitchell	Yes		

Chair Commissioner Wendy Jacobs thanked Director William Rose for his great report. Chair Commissioner Jacobs asked about the child fatality protection team report. Director William Rose responded that Christy Malott would be presenting to the Board of County Commissioners in August 2022 and will plan to have a presentation for the board members as well.

Family Economic Independence (FEI) – Rhonda Stevens, Assistant Director

Assistant Director Rhonda Stevens submitted a written report.

Assistant Director Rhonda Stevens introduced the new Redeterminations Team Program Manager Emma Perry. Assistant Director Stevens highlighted that the department received a notice on April 14, 2022, that there has been a 90-day extension on the public health waiver for Medicaid until July 16, 2022. The department is meeting with the representative to start planning on how to manage the work. Food and Nutrition Services is experiencing a great deal of client calls about benefits due to the auto-extension ending and staff vacancies. There are some parts of the waiver continuing through June where certain 6-month certification periods will be extended. This will only apply to individuals that have not previously received an extension. The following waivers are being utilized: telephone interviews and signatures, several Program Integrity claim extensions, and some information around timelines. It is imperative that this information is documented. The department received notification on April 18, 2022, that individuals are still receiving the maximum benefit. The state sent a transition guide to help the counties prepare for when the waivers are terminated. The greatest impact will be when the supplements stop, so the department is meeting to discuss the next plan of action.

Food and Nutrition Services has a partnership with Cooperative Extension and will be having a Durham World Hunger Day tentatively on June 4, 2022, from

3:00 pm – 6:00 pm at Central Park. The department has various staff volunteering to assist.

Durham is one of the 31 counties that will go back into the Recipient Eligibility Determination Audit (REDA) taking place for the next ten months.

Food and Nutrition recertifications did not meet the mark this month due to the volume and the number of people being recertified. The department is exploring all options to assist with processing these cases.

Chair Commissioner Wendy Jacobs thanked Rhonda for her great report. She acknowledged the department for exceling in all of the other certifications and knows that the department will get back on track. Chair Commissioner Jacobs inquired about the strategy to start preparing clients regarding the extra benefits terminating. Assistant Director Rhonda Stevens replied that this subject was discussed on a call last week about sending information out to the community. The department is exploring sending out communication as the waivers transition out and does not have a full solution yet that will not have a major impact.

Customer Accountability and Talent Development (CATD) – Krystal Harris, Assistant Director

Assistant Director Krystal Harris submitted a written report.

Assistant Director Krystal Harris highlighted that Program Integrity is still working on the USDA charge letter received a few months ago. It has been a lengthy process to complete and there has been an increase in hearings and appeals based off of the charge letter. The deadline to finalize this process is October 2022. The department has reached out to the state to see if there is flexibility with completing the hearings. There may be a Facebook group of individuals that have been contacted about the charge letter, because they are using the exact language when asking for a hearing. The staff is working overtime to undertake this task.

QAT has hired Joanne Otuonye as the new Aging & Adult Services Supervisor. She joined the department on Monday, April 18, 2022. The department is happy and very excited to have this position filled. The other supervisor position has a recommendation and a start date. Assistant Director Krystal Harris will share with the board members once it has been announced. The Interpreter position has also been filled. The internal candidate was promoted within CATD and will start on May 2, 2022. The department has three positions left to fill to be fully staffed.

Chair Commissioner Wendy Jacobs thanked Assistant Director Krystal Harris for her great report and the wonderful update about the new hires. Chair Commissioner Jacobs asked about the privacy issue challenges and the increase of the number of calls in the call center for the month of March. Assistant Director Krystal Harris replied that the department is working on addressing the privacy issues by continuing training with staff. There will be a refresher with the supervisors next month. Program Manager Lynn Thomas will be presenting some information to share with the supervisors and managers to ensure that staff is following the privacy side of compliance. The calls have increased greatly due to the changes in Food & Nutrition Services. Assistant Director Krystal Harris had a conversation with Assistant Director Rhonda Stevens to change the protocol for addressing client calls. The influx of calls is pertaining to FNS recertifications, changes and the waivers ending. In order to assist staff to manage the applications and recertifications the Call Center Supervisor Evelyn Hammiel and Assistant Director Harris developed a temporary plan to help mitigate the issue. Assistant Director Harris is hopeful that the numbers in April will be an improvement based on what has been implemented. Board member Jacqueline Beatty-Smith congratulated Senior Public Information Officer Pamela Purifoy for being selected for the newly created PR Advisory Board at NCCU. Vice Chair Dr. Monique Holsey-Hyman is interested in attending the next 7 Habits of Highly Effective People virtual training. Assistant Director Krystal Harris remarked that Deputy Director Catherine Williamson-Hardy and Program Manager Candice Leathers are facilitators for this training and will notify the board members of the next training.

Child and Family Services (CFS) – Jovetta Whitfield, Assistant Director

Assistant Director Jovetta Whitfield submitted a written report.

Board member Jacqueline Beatty-Smith acclaimed Assistant Director Jovetta Whitfield on all of the impressive activities that have taken place and planned for the month of April for child abuse and prevention awareness and wished the department continued success.

Assistant Director Jovetta Whitfield highlighted that April is Child Abuse Prevention Month. The staff participated in the following activities: (1) wear blue on April 1, 2022 (2) proclamation presented on April 11, 2022 (3) setting up an information table presenting the partnerships with Public Health and the fire department along with distributing gun locks and smoke detectors (4) tying blue ribbons on the trees outside of the HHS building (5) statewide webinar (6) a panel lunch and learn will be held on April 25, 2022 to allow staff and the community an opportunity to ask questions about CPS, the processes and

procedures (7) partnering with Exchange Family Center for the pinwheel planting and will send the logistics when available

The community continues to be generous with donations. The department has received donations from several churches to include 300 easter baskets to deliver to families. The Alumni Chapter of Delta Sigma Theta donated diapers and wipes for the second time. The department also received donated duffel bags for our youth.

Assistant Director Jovetta Whitfield is optimistic that the Duke Endowment Grant was successfully submitted on April 1, 2022 and hoping that the grant is approved for the research on racial equity and child welfare.

Chair Commissioner Wendy Jacobs thanked Assistant Director Jovetta Whitfield for her great report and concurred with Board member Jacqueline Beatty-Smith's comment. Chair Commissioner Jacobs appreciates all of the partnerships created in the community. Vice Chair Dr. Monique Holsey-Hyman thanked Assistant Director Jovetta Whitfield and staff for presenting to her child welfare and leadership classes. Board member Jacqueline Beatty-Smith requested contact information to forward to some churches and community service organizations interested in donating items and whatever is needed. Assistant Director Jovetta Whitfield responded that she can be contacted directly and will connect them with the appropriate program area. The recruiter will also send the churches information about fostering/adoption and trying to encourage them to also become licensed resource parents.

Chair Commissioner Wendy Jacobs thanked Vice Chair Dr. Monique Holsey-Hyman and Board member Jacqueline Beatty-Smith for their comments. Chair Commissioner Jacobs inquired if Assistant Director Jovetta Whitfield would be coming to the Board of County Commissioners proclamation for Foster Care Month in May. Assistant Director Jovetta Whitfield answered that she will be attending. Chair Commissioner Jacobs requested insight on the foster care numbers trending down. Assistant Director Jovetta Whitfield noted that in-home services and investigations are trying to keep children with kinship care as much as possible focusing on moving toward and implementing Families First. Chair Commissioner Wendy Jacobs acknowledged the significant decrease in foster care noting that July was 320 and as of March it is 294. Assistant Director Jovetta Whitfield said that adoptions are happening, children are returning home and guardianships are occurring, but the complexities of the cases remain.

Aging and Adult Services (AAS) – Janeen Gordon, Assistant Director

Assistant Director Janeen Gordon submitted a written report.

Assistant Director Janeen Gordon highlighted that two National Association of Counties (NACO) Awards were submitted. Emergency Rental Assistance Program (ERAP) has ended for the year and the state has additional COVID-19 dollars only for the recipients that received funds to continue to obtain catch up dollars. May is Older Americans Month and a proclamation has been submitted. There will be a World Elder Abuse Awareness Day Walk/Run in June 2022. The Home and Community Care Block Grant funding will be focusing on providing in-home aide services for those at risk for placement. The department has some recommendations to discuss for the Low-Income Homeowner Relief program.

Chair Commissioner Wendy Jacobs thanked Assistant Director Janeen Gordon for her report and hopes her department will be recognized for all of their innovative work.

Business Operations (BO) – Kelly Inman, Chief Operations Officer

Chief Operations Officer Kelly Inman submitted a written report.

Assistant Director Margaret Faircloth commented that all of the department's points were covered at the budget meeting. The county manager is supportive of the services at DSS. She highlighted that the expenditures are slightly above benchmark along with revenue. Chair Commissioner Wendy Jacobs asked if some of the vehicles were covered in this year's budget. Assistant Director Margaret Faircloth replied that this item will be on the Board of County Commissioners agenda action form on May 2, 2022. The savings due to COVID-19 support the department in purchasing vehicles this fiscal year. Chief Operations Officer Kelly Inman informed the board members that the department will be receiving \$280,000 in additional revenue for SNAP relating to the American Rescue Plan Act (ARPA). Director William Rose recommended that it be a reimbursement to the county in addition to giving the budget department additional revenue. Assistant Director Rhonda Stevens suggested that it would be a great incentive for the income maintenance caseworkers. Chair Commissioner Wendy Jacobs advised that Director William Rose and Assistant Director Rhonda Stevens decide on the best use of the funding.

Chair Commissioner Jacobs proposed that Senior Public Information Officer Pamela Purifoy release a report at the end of this fiscal year on the ways that DSS has benefited the community during COVID-19 with helping to administer the following programs: (1) LIEAP (2) water assistance (3) emergency assistance (4) food and nutrition assistance (5) rental assistance, etc. This report will also be a reflection on the great work over the past two years. Director William Rose stated that this could be the framework for doing an annual report and would

be a good opportunity with all of the supplemental services offered during COVID-19. This topic will be added to the next leadership agenda.

Old Business

Director William Rose revisited the Low-Income Homeowners Relief program and made the following recommendations for policy to include the analysis from James Svara: (1) Durham County resident (2) lower the number of years required to be in the home from 10 to 5 years (3) increase the percentage of the tax bill being paid for the lower tier at 30% AMI or below (4) include banks in the notifications (5) open the application timeframe from August 1, 2022 through January 31, 2023 (6) campaigning in June and July 2022 with targeted outreach events; If the recommendations are approved the last step would be for county legal to review to ensure that they are in line with the tax laws, subsequently the department would adopt them as policy going forward. Deputy Director Catherine Williamson-Hardy suggested to change the wording to reflect whichever is smaller 60% or \$1,500 not to exceed \$1,500, since there is a concern about not expending the money. Director William Rose commented that basically the goal is to increase the amount provided as a subsidy to the lower and middle tier. Director Rose agreed to making this change in wording. Assistant Director Janeen Gordon stated that the projections will need to be reviewed after making this change. It is better to make this recommendation in favor of the residents. Chair Commissioner Wendy Jacobs reiterated that the intent is not for individuals to leave the state plan and come to the county-funded plan. She acknowledged that Jim Svara suggested having a special carve out for Habitat for Humanity homeowners. Tax Administrator Dwane Brinson does not support this, because it does not include the other low-income homeowners that purchased homes as well. He suggested that Habitat for Humanity create a special fund to assist the homeowners within the first five years with paying their taxes. Chair Commissioner Wendy Jacobs asked if the board members could give direction to pass it on as approving this framework. Director William Rose replied if the board members support the recommendations in addition to one final revision with the tiering then it would be passed to legal for a final review.

Chair Commissioner Wendy Jacobs said if there is a consensus with the board members she will entertain a motion. Board member Janice P. Paul offered a motion and Board member Charles I. Mitchell seconded.

The motion was unanimously approved by voice vote.

Board member	Yes	No	Abstained
Chair Commissioner Wendy Jacobs	Yes		
Vice Chair Dr. Monique Holsey-Hyman	Yes		

Board member Janice P. Paul	Yes
Board member Jacqueline Beatty-Smith	Yes
Board member Charles I. Mitchell	Yes

New Business

Adult Protective Services Supervisor John Margolis presented a PowerPoint to the board members to share information about the multidisciplinary team with Duke Assistant Director of Social Work Melissa Gordon-Pitts cofacilitating. The motivation behind creating the multidisciplinary team is to improve interagency communication, collaboration, and coordination around combating mistreatment of disabled individuals and seniors.

Chair Commissioner Wendy Jacobs thanked John Margolis and Melissa Gordon-Pitts for their presentation and the important work that they are doing. John Margolis sent the World Elder Abuse Awareness Day Walk/Run June 2022 flyers to the multidisciplinary team members and to Senior Public Information Officer Pamela Purifoy to ensure that the information is shared with the community. Board member Janice P. Paul inquired if the multidisciplinary team focus is on physical/emotional abuse or neglect/financial exploitation or all of the above. John Margolis answered that the focus is on all the above. Chair Commissioner Jacobs asked if John Margolis and Melissa Gordon-Pitts are the full-time coordinators of the team. Melissa Gordon-Pitts said for the time being they are maintaining and managing this effort. The goal is to find other ways for the rest of the team members to be more involved and for this to continue for years to come. Chair Commissioner Jacobs expressed that she appreciates their leadership and partnership and to let the board members know of any way that they can support the team.

Universal Personnel Evaluations

Director William Rose informed the board members that Durham County has converted to universal evaluations which are due at the same time to include his evaluation with the board members.

Unfinished Business

Board Action Items – no changes

Chair Commissioner Wendy Jacobs requested a motion to adjourn into closed session. Board member Charles I. Mitchell offered a motion to move to closed session and Board member Jacqueline Beatty-Smith seconded.

The motion was unanimously approved by voice vote.

Board member	Yes	No	Abstained
Chair Commissioner Wendy Jacobs	Yes		
Vice Chair Dr. Monique Holsey-Hyman	Yes		
Board member Janice P. Paul	Yes		
Board member Jacqueline Beatty-Smith	Yes		
Board member Charles I. Mitchell	Yes		

Closed Session N.C.G.S. § 143-318.11 (a) (6):

To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee.

Chair Commissioner Wendy Jacobs adjourned the DSS Board meeting at 5:00 pm.

Respectfully submitted

Chairperson

Date

Secretary to the Board

Date