

Department of Health and Human Services

**OFFICE OF
INSPECTOR GENERAL**

**AUDIT OF TITLE IV-E FOSTER CARE
CHILD CARE CLAIMS AT THE NORTH
CAROLINA DEPARTMENT OF HEALTH
AND HUMAN SERVICES' DIVISION OF
CHILD DEVELOPMENT
FOR THE PERIOD
NOVEMBER 1, 1997 TO MARCH 31, 1999**



**JANET REHNQUIST
Inspector General**

**NOVEMBER 2001
A-04-01-00002**



REGION IV
Room 3T41
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8909

NOV 19, 2001

CIN: A-04-01-00002

Carmen Hooker Buell, Secretary
North Carolina Department of Health
and Human Services
Adams Building, 101 Blair Drive
Raleigh, North Carolina 27603

Dear Secretary Buell:

This final report provides you with the results of our ***AUDIT OF TITLE IV-E FOSTER CARE CHILD-CARE CLAIMS AT THE NORTH CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES' DIVISION OF CHILD DEVELOPMENT***. Our audit covered child-care claims for the period November 1, 1997 to March 31, 1999.

EXECUTIVE SUMMARY

OBJECTIVE

The objective of our audit was to determine whether the State was paid for unallowable Title IV-E (IV-E) child-care claims.

SUMMARY OF FINDINGS

The State was reimbursed \$186,282 Federal financial participation (FFP) in unallowable IV-E child-care payments. Our random sample of 200 IV-E child-care line items showed that 28 did not meet the requirements for FFP. Of the 28 unallowable line items, 5 were unallowable for more than one of the following reasons:

- Original court orders did not contain required language such as “reasonable efforts” and/or “contrary to the welfare” or were not signed by a judge.
- Applications for child-care for service month tested were missing.
- Documentation did not show the need for child-care services and/or services were for reasons other than the foster parent(s)’ employment.
- Attendance records for service month tested were missing.

- Children were not placed in licensed IV-E Foster Care homes during the period of services reviewed.
- Vouchers/Action Notices for service month tested were missing or incomplete.
- Eligibility for Aid to Families with Dependent Children (AFDC) was not documented or child was not eligible.
- Documentation needed for a child 13 or older to receive services was missing.
- Unallowable therapeutic child-care services were provided.
- Foster Care maintenance payments were not paid with IV-E funds.

In our opinion, the unallowable payments were the result of the State's inadequate review of its consultant's identification of children who were to be determined eligible for a specific grant. In addition, each grant had different requirements; yet, the State's accounting system did not identify which grant program was used to pay for a child's care. Also, the claims did not have documentation to support eligibility factors and the need for services.

RECOMMENDATIONS

We recommend that the State:

- Refund the \$186,282 (FFP) overpayment;
- Develop accounting procedures that identify the grant used to pay for a child's care;
- Maintain documentation to support eligibility for all child-care claims for required periods; and
- Monitor its consultant to ensure that only allowable child-care claims are filed for FFP.

In written comments to our draft report, State officials generally disagreed with our findings and recommendations. The State officials' written comments and the Office of Inspector General's (OIG) response to the State's comments are summarized in more detail after the **RECOMMENDATIONS** section of this report. The complete text of the State's comments is included in **Appendix C**.

BACKGROUND

The Administration for Children and Families (ACF) requested this audit of the North Carolina Department of Health and Human Services' Division of Child Development's (State) claims for IV-E Foster Care child care funds.

This is the second of three reports being issued by OIG. We previously reported on IV-E paid claims totaling \$6.2 million (FFP) for the period October 1, 1993 through October 31, 1997 and Other Grants¹ totaling \$68.4 million (FFP) for the period October 1, 1993 through June 30, 1995 (Common Identification Number (CIN) A-04-98-00123). A third report will cover Other Grants for the period January 1, 1996 through March 31, 1999.

The ACF disallowed the State's initial claims because documentation the State submitted did not substantiate what appeared to be, in some cases, exorbitant child-care expenditures. North Carolina appealed the disallowance to the Department of Health and Human Services' (HHS) Departmental Appeals Board. The ACF agreed to pay the claims with the condition that the OIG would audit the disallowed claims, as well as the current claims.

Title IV-E Child-Care

In certain circumstances, child-care is an allowable cost for IV-E foster care children. Section 475 (4) of the Social Security Act states that "*The term 'foster care maintenance payments' means payments to cover the cost of . . . daily supervision*"

In ACYF-PA-82-01 issued April 30, 1982, ACF interpreted Section 475(4)(A) of the Act to allow states to claim FFP for IV-E eligible foster care children who receive child-care based on the employment of the foster parent(s). The ACYF-CB-PIQ-97-01, issued March 4, 1997, reiterated that IV-E child-care must be based on the employment of the foster parent(s).

State's Claim

Working under a revenue maximization contract, a consultant developed retroactive IV-E child-care claims from child-care costs that had previously been paid from other Federal and/or State sources. During the period this report covers, the State prepared the claims. However, the consultant prepared the final assignment of children to specific grants.

¹ Other HHS grants reviewed included the Child Care for Families At-Risk of Welfare Dependency Grant (At-Risk) the Child Care and Development Block Grant (CCDBG), and the Social Services Block Grant (SSBG). Other HHS grants to be reviewed for the third report include At-Risk, CCDBG, SSBG and the Child Care and Development Fund (CCDF).

The North Carolina Department of Health and Human Services is the single State agency designated to administer the Foster Care program. The State's Division of Social Services is responsible for IV-E Foster Care maintenance payments and the Division of Child Development (DCD) is responsible for IV-E Foster Care child-care payments.

OBJECTIVE, SCOPE AND METHODOLOGY

Objective

The objective of our audit was to determine whether the State was paid for unallowable IV-E child-care claims.

Scope

Our audit included \$1.9 million (FFP) of IV-E claims for the period November 1, 1997 through March 31, 1999.

We selected and reviewed a random sample of 200 Title IV-E line items from paid child-care claims. The sample was selected from a universe of claims totaling \$3 million (\$1.9 million FFP) for the period November 1, 1997 through March 31, 1999. Our sampling unit was a line item charge for child-care services where payment was assigned to IV-E. Details of our sampling methodology and projections are presented in **Appendix A**. **Appendix B** contains details for each sample unit reviewed.

We reviewed applicable laws, regulations, IV-E guidelines, and information obtained from State officials to determine whether the IV-E child-care claims were allowable for FFP.

Our internal control review of the State was limited to obtaining an understanding of the IV-E child-care program. However, we did observe that the State agency's accounting system did not show from which grant a child's care was paid; therefore, the accounting system could not be relied upon. In addition, limited tests of Foster Care child-care claims performed by the North Carolina State Auditor's Office during the 1998 Single Audit showed an error rate of 13.6 percent. Based on these and other observations, we did not rely on the State's internal controls. Therefore, the objective of our review was accomplished through substantive testing of 200 sample items.

Methodology

The objective of our audit was discussed with ACF regional and headquarters officials to identify requirements for the IV-E child-care program. We reviewed applicable Federal regulations, the North Carolina State Plans, the State's Child Day Care Services' Manual, the North Carolina Division of Social Services' Family Services' Manual, and work performed by the North Carolina Office of the State Auditor.

We prepared and used a review form to apply the program criteria and to identify any unallowable payments applicable to each sample item. Prior to our review, we submitted the review form to the State for its input and made all changes suggested by the State.

For the 200 Title IV-E line items reviewed, supporting documentation was obtained from the State which typically included an application/authorization form, a voucher/action notice, the original court order, support for prior AFDC eligibility, foster care placement at the time of service, age of child, need for service, facility license/registration, origin of maintenance payments (must be IV-E), an attendance record and payment information.

We held discussions with State program officials and employees of the State's consultant as we reviewed the claims. During the course of our review, we made a "second request" to DCD staff for missing documentation. In cases where DCD staff provided adequate documentation, we considered the line items allowable.

Field work was performed at the State's offices in Raleigh, North Carolina from May 2000 to September 2000 and continued in the OIG's Raleigh Field Office through April 2001. Our audit was made in accordance with generally accepted government auditing standards.

On June 18, 2001, we issued a draft of this report to State officials for comment on our findings and recommendations. State officials declined our invitation to have an exit conference to discuss the draft report's contents. On July 13, 2001, State officials requested, and OIG granted, a 30-day extension of time to provide written comments. We also provided State officials with copies of various audit working papers for use in preparing their written comments. We received the State's written comments dated August 16, 2001.

FINDINGS AND RECOMMENDATIONS

The results of the statistical sample of 200 IV-E Foster Care child-care line items for the period November 1, 1997 through March 31, 1999 showed that 28 of the line items did not meet requirements for FFP. As a result, the State was reimbursed \$186,282 (FFP) in unallowable child-care payments. At the conclusion of our field work, the State's DCD staff agreed with our

determination that supporting documentation was missing on line items deemed to be unallowable.

Similarly, the State Auditor's office reviewed claims filed for the period March 1996 through April 1998 and found 8 errors (13.6 percent) out of 59 cases reviewed. The State agency concurred with the State Auditors' finding.

In our opinion, the unallowable payments were the result of the State's inadequate review of its consultant's identification of children who were to be determined eligible for a specific grant. In addition, the State's accounting system did not identify which grant program was used to pay for a child's care and each grant has different requirements to be met. Also, the claims did not have documentation to support eligibility factors and the need for services.

Title IV-E Child-Care Line Items

Of the 28 line items, 5 were unallowable for more than one reason:

- **Original Court Orders Lacked Required Language or Were Not Signed by a Judge**

Eight line items were for children whose file lacked documentation of foster care placement by a judge's timely, signed order containing required language. Foster care payments are allowable only if the foster child was removed by means of a judicial determination or a voluntary placement agreement. According to 472(a)(1) of the Social Security Act, if the removal was by judicial determination, the court order must contain language to the effect that the child's remaining at home would be contrary to his/her welfare and that reasonable efforts have been made to prevent the removal.

- **Missing Child-Care Applications**

Eight line items did not include an application. In North Carolina, the application form is used for determining and documenting eligibility under the IV-E program and for approving the service.

According to the State's Child Day Care Services Manual, Revised July 1997, Chapter 8, Applying for Child Day Care Services, Section 1, Application Form Requirements. *"A formal request for child day care services must be initiated by completing a written application. . . . The application must be completed at the time of initial determination of eligibility and during routine redetermination of eligibility. Redetermination of eligibility must be made at least every twelve months."*

Grant regulations under Title 45 Code of Federal Regulations (CFR) Section 74.21(b)(7) require that recipients' financial management systems include: *"[a]ccounting records, including cost accounting records, that are supported by source documentation."*

- **No Documentation to Show Need for Service or Need Other Than Foster Parent(s) Employment**

Four line items had no indication that the foster parent(s) were employed or the files stated the foster parents were not employed. Section 475 (4)(A) of the Social Security Act allows for *“foster care maintenance payments . . . to cover the cost of . . . daily supervision. . . .”*

In ACYF-PA-82-01 issued April 30, 1982, ACF interpreted Section 475(4)(A) of the Act to allow states to claim FFP for IV-E eligible foster care children who receive child-care based on the employment of the foster parent(s). The ACYF-CB-PIQ-97-01, issued March 4, 1997, reiterated that IV-E child-care must be based on the employment of the foster parent(s).

- **Missing Attendance Records**

One line item did not have records that showed the child attended day care. Attendance records are used to document services received and to authorize payments for child-care services. Grant regulations under Title 45 CFR Section 74.21(b)(7) require that recipients' financial management systems include: *“[a]ccounting records, including cost accounting records, that are supported by source documentation.”*

Child Day Care Law, North Carolina G.S. 110-91 (9) states *“ . . . Each day care facility shall keep accurate records on each child receiving care in the day care facility in accordance with a form furnished or approved by the Commission, and shall submit attendance reports as required by the Department. (August 11, 1993)*

- **Child Not Placed in Licensed Foster Home for Month of Service**

Six line items were for services provided during periods that the child was not in a licensed foster care home; consequently, services were not reimbursable. The Social Security Act, Section 472 (c) states that *“For the purposes of this part, (1) the term ‘Foster family home’ means a foster family home for children which is licensed by the State in which it is situated or has been approved, by the agency of such State having responsibility for licensing homes of this type, as meeting the standards established for such licensing. . . .”*

According to the North Carolina Division of Social Services, Family Services Manual, Volume I: Children's Services, Chapter IV - Foster Care Services 1205, IV-E Foster Care Assistance, Revised 9-1-93, I. General, *“ . . . A distinction should be made between eligibility and reimbursability. . . . Once established, a child's eligibility will continue as long as need and deprivation continue and the child remains in the agency's custody or placement responsibility. Reimbursability, however, may change on a monthly basis dependent upon the child's placement. . . . The child has to be eligible and reimbursable for IV-E foster care assistance.”*

▪ **Missing Vouchers/Action Notices**

One line item did not include a voucher/action notice necessary for determining IV-E eligibility. Types of missing information included:

- need for services;
- applicant and authorization signatures; and
- authorization dates.

The Child Day Care Services Manual, Revised July 1997, Chapter 13: Voucher Procedures, A. states: “. . . *The intent of the voucher is to enable the parent to assume responsibility for the selection of the provider rather than the local purchasing agency arranging the care. The voucher serves as an agreement between the parent and the provider and is a mechanism which places the liability for the selection of a provider with the parent instead of with the agency. . . . C. . . . Only an initial voucher is needed, with subsequent ones issued when there is a change of provider. Once the voucher has been issued initially, it is not necessary to issue another one when the individual’s 12-month eligibility period ends. A Child Day Care Action Notice . . . is issued instead to document the new eligibility period.*”

▪ **Ineligible for AFDC or Eligibility Not Documented**

One line item was for a child whose AFDC eligibility requirement was not met. To be eligible for IV-E reimbursement, the foster child must have received or have been eligible to receive AFDC based on the placement of the child within the 6 months prior to being taken into custody by the Division of Social Services (DSS).

According to 472(a) of the Social Security Act, a child receiving foster care maintenance payments must have been eligible to receive aid (AFDC) but for his removal from the home of a relative.

According to the North Carolina Division of Social Services, Family Services Manual, Volume I: Children’s Services, Chapter IV - Foster Care Services 1205, IV-E Foster Care Assistance, Revised 9-1-93, IV. Eligibility Requirements for IV-E Foster Care Assistance, A. AFDC Eligibility, “*The child must have been eligible for AFDC. . . .*”

▪ **Documentation Needed for a Child 13 or Older to Receive Services Missing**

One line item did not include an explanation why a child 13 years old or older received services.

According to the State’s Child Day Care Services Manual, Revised July 1997, Chapter 8, 3. Age of the Child, “. . . *requests for services for children ages 13 through 17 should be carefully evaluated to determine the need for care. Services may be provided for teenagers in situations in which one of the following can be documented: the child has a special need, is under court-ordered supervision, is receiving child protective services or foster care*

services and the teenager's parent or guardian meets the applicable eligibility requirements, or has a documented medical situation.

- **Title IV-E Child-Care that Included Social Services**

One line item was for developmental needs and behavior modification. These services were not allowable for IV-E reimbursement.

The ACYF-PA-82-01 states “ Social services are not allowable cost items as title IV-E maintenance payments under any circumstances, regardless of what type of person provides them. Examples of unallowable ‘social services’ are . . . counseling and therapy . . . These costs may be claimed under other programs, e.g., title IV-B or title XX (Social Services Block Grant Program) of the Act or a State-funded program.”

The ACYF-CB-PIQ-97-01 reiterated that “. . . *therapeutic child care is a social service and is not an allowable expenditure under title IV-E foster care maintenance.*”

- **Foster Care Maintenance Payments Not Paid by Title IV-E**

One child-care line item indicated that maintenance payments were not paid by IV-E. If IV-E did not pay for the child's maintenance payment, IV-E cannot be used to pay for a child's day care.

North Carolina 1998 Single Audit Report Findings

As part of the 1998 North Carolina Single Audit, the State Auditor's office reviewed Foster Care claims filed for the period March 1996 through April 1998. They examined 59 cases and found 8 errors, a 13.6 percent error rate.

The State auditors found that Federal reimbursement was claimed for children who were no longer receiving foster care services or were receiving foster care services but were placed in unlicensed facilities during the period the day care was claimed.

The State auditors recommended that the State agency: (1) revise its procedures to claim reimbursement for only eligible children placed in licensed facilities, and (2) correct the claims. The State agency concurred with the State auditors' finding.

State's Claim Preparation

The claims included in this audit were prepared by the State. However, the State's consultant, under a revenue maximization contract, performed the assignment of children to specific grants.

The consultant developed a computer program to extract the names of IV-E Foster Care child-care-eligible children from the State’s database. For most unallowable claims, the consultant did not properly determine the allowability of the claims before assigning them to IV-E child-care and the State did not adequately review these claims before submission to ACF.

Moreover, the State does not have an accounting system that identifies the child-care grant used to pay for a child’s care. The State acknowledged in its brief to the Departmental Appeals Board (relative to its original claim upon which ACF levied a disallowance) that it did not have an adequate accounting system in place to provide ACF with adequate documentation to verify that there would be no duplication of Federal funding or duplication of State matching in its claim for IV-E child-care.

RECOMMENDATIONS

We recommend that the State:

- ❑ Refund the \$186,282 (FFP) overpayment;
- ❑ Develop accounting procedures that identify the grant used to pay for a child’s care;
- ❑ Maintain documentation to support eligibility for all child-care claims for required periods; and
- ❑ Monitor its consultant to ensure that only allowable child-care claims are filed for FFP.

STATE AGENCY’S COMMENTS AND OIG’S RESPONSE

In written comments to the draft report, State officials generally disagreed with our findings and recommendations. The State agency’s comments and the OIG’s response to those comments are summarized in the paragraphs that follow.

Original Court Orders Lacked Required Language or Were Not Signed by a Judge

The OIG questioned 16 line items where the original court order either lacked the required “reasonable efforts” and “contrary to the welfare” language or the orders were not signed by a judge. In their written comments, State officials agreed that 1 of the 16 line items was an error. For 5 of the 16 line items, State officials provided additional documentation that showed the children were eligible for IV-E child-care. Accordingly, we revised our costs recommended for adjustment. The State’s comments and the OIG’s response regarding the remaining 10 line items are as follows.

State Agency Comments - (line item #38) - State officials said that findings by the court satisfy the “contrary to the welfare” and “reasonable efforts”

requirements and that no specific words are required in a contrary to welfare or reasonable effort determination.

OIG Response - (line item #38) – We continue to believe that the court order for this line item does not have the required “contrary to the welfare” and “reasonable efforts” language. In addition, the child in question was placed with his maternal grandmother who was not licensed for foster care at the time the child was placed. Also, the maternal grandmother was not licensed until after the 180-day eligibility period. To be eligible for child-care to be paid by IV-E, a child must be placed in a licensed facility within 180 days of entering custody of the county Department of Social Services. Therefore, this line item remains recommended for adjustment.

State Agency Comments - (line item #39) – State agency officials said that the court had found that the children in this case were neglected juveniles. As such, the court’s findings were equivalent to findings that reasonable efforts to prevent removal were not required and that it was contrary to the children’s welfare to remain in their father’s home.

OIG Response - (line item #39) – Contrary to the State’s assertions, we believe this line item is not eligible for IV-E reimbursement. The child was placed with his paternal grandparents and the court order showed that the home was not licensed at the time of placement. The license, that was subsequently issued, expired on May 24, 1998. Based on the State’s computerized licensure system, the home was never re-licensed as of the end of our audit field work. The month of child-care was July 1998.

State Agency Comments - (line item #40) – As in line item #39, State agency officials said that the court had found that the children were neglected juveniles and the court’s findings were equivalent to findings that reasonable efforts were made and it was contrary to the children’s welfare to remain in the home.

OIG Response - (line item #40) – This line item remains ineligible for IV-E reimbursement because the court order was not timely. The court order was issued more than 180 days after the child was taken into custody. The child was taken into custody on September 5, 1996 and the order was dated June 9, 1997.

State Agency Comments - (line item #50) – The State agency argued that the court order in this case did have the “best interest” language. State officials did not, however, address the “reasonable efforts” language requirement for this line item.

OIG Response - (line item #50) – In their written comments (page 16 of the State’s written comments), State officials agreed this line item was an error.

State Agency Comments - (line item #97) – In this case, the State agency also argued that the court order did have the “best interest” language. State officials did not, however, address the “reasonable efforts” language requirement for this case.

OIG Response - (line item #97) – The child-care in this case was for developmental needs. The county’s records show that the child received day care for developmental needs from July 1997 to September 1998 even though the foster mother was not employed. One notation in the child’s file implied that day care only began when the foster mother had a heart attack in August 1997. Other notations in the child’s case file state that no children in this foster home were in day care from August 1997 through April 1998. Our sample month was August 1997. Therefore, this child-care line item continues to be recommended for adjustment.

State Agency Comments - (line item #104) – State agency officials said that the court had found that the children were neglected juveniles and that the mother, a drug user, had not attained consistent substance abuse treatment during the time DSS had been working with her. As such, the court’s findings were equivalent to findings that it was contrary to the welfare of the children to remain in the home and that reasonable efforts to prevent removal had been made but failed.

OIG Response - (line item #104) – In their written comments, State officials said that county management agreed that this child’s day care costs should have been charged to a funding source other than IV-E. (See page 11 of the State agency’s comments).

State Agency Comments - (line item #143) – State officials said the mother in this case expressed her intention to seek inpatient treatment for her substance abuse problem. State officials further opined that the mother’s expected absence from the home was equivalent to a “best interest” finding and “reasonable efforts” were not required.

OIG Response - (line item #143) – The court order the State provided does not contain the required “reasonable efforts” and “contrary to the welfare” language. In addition, State records show that the child was placed with his first cousin. The State did not provide documentation to show that the child was placed in a licensed foster home within 180 days of taking the child into custody. This line item remains recommended for adjustment.

State Agency Comments - (line item #145) – State officials said the court order in this case stated that the custodial parent had no housing and no housing plan for the children and that all efforts to assist the parent were unsuccessful. State

officials believe that these findings are equivalent to “contrary to the welfare” and “reasonable efforts” findings.

OIG Response - (line item #145) – The court order in question for this child shows that the judge awarded DSS legal custody of the child. However, the judge also ruled that the child’s mother was to continue her **physical custody** (emphasis added) of the child. For the care to be eligible for IV-E reimbursement, the child must be in foster care.

State Agency Comments - (line item #178) – The State agency said that based on information in a court order, this case should not have been questioned. In this regard, State officials provided a quote from a September 18, 1990 court order that said, “...*That it is in the best interest of the Respondent that this Court adopt as its Order the recommendations of the Wake County Department of Social Services and the Guardian ad Litem and That the Respondent remain in the custody of the Wake County Department of Social Services with placement authority in that agency.*”

OIG Response - (line item #178) – Even though the court order does contain the required “reasonable efforts” and “contrary to the welfare” language, the line item is still questioned. The case file for this child shows that the child was placed with a relative and received both an AFDC payment and IV-E maintenance payment in July of 1990. An individual is not eligible to receive both AFDC and IV-E in the same month. Nothing in the file indicated that the relative’s home was licensed. The AFDC payments that had begun in March of 1990 continued uninterrupted through May of 1991. The IV-E payments began again in June of 1991 and continued through December of 1998. If this child did not qualify for IV-E in June of 1990, as appears evident from the fact that it was only received for 1 month, then the court order furnished would not be within the 180 days required for IV-E eligibility. The child-care payment month of services was January 1998.

State Agency Comments - (line item #190) – Similar to line item #178, State officials provided a quote from a court order. The order, dated March 5, 1998, states, “...*That it is in the best interest of [XXXXX XXXXX] that his custody remain with the Haywood County Department of Social Services, with placement in their discretion and with authority to authorize necessary medical, dental, psychological and psychiatric services for the juvenile.*”

OIG Response - (line item #190) – Even though the court order contains the required “contrary to the welfare” language, the order did not have the required “reasonable efforts” language and the order was not timely. The DSS assumed custody of the child on August 5, 1997 and the judge signed the court order

March 20, 1998. The DSS should have obtained the court order within 180 days of taking the child into custody.

Missing Child-Care Applications

The OIG questioned eight line items that did not have an application for child-care.

State Agency Comments - In their written comments, State agency officials argued that under the IV-E program, no application is required. State officials further contended that it is improper for Federal auditors to base audit findings on whether or not a State has complied with State policies and procedures that are not required by Federal law. Rather, they were discretionary policies and procedures that the State has the authority to waive.

OIG Response – We agree that an application is not required in order to be eligible for IV-E Foster Care maintenance payments. We do not agree that an application for child-care is not required. In North Carolina, the application form is used for determining and documenting eligibility for child-care under the IV-E program and for approving the day care services. The State agency included the requirement for a written application in its State Child Day Care Services Manual that was developed to assist counties in administering the State’s child day care programs. It is disingenuous for State officials to now assert that the State agency is not required to follow its own policies and procedures that require an application for child-care services.

In addition, the State agency did not provide any documentation that showed the county offices were notified that the requirement for an application had been waived. It appears that if the State agency did waive the requirement for an application, the waivers were only applicable to line items where the OIG questioned costs because an application was not in the child’s case file.

Also, Federal regulations require States to develop and follow policies and procedures in order to obtain child-care grant funds. The OMB Circular A-87, Attachment A, Section (C)(1)(c), requires that grant expenditures “...be authorized or not prohibited under State or local laws or regulations.”

For one line item (#86), the State argued that at least 2 days of day care should have been allowed because there was an application and voucher covering the period in question. We agree and have modified our cost recommended for adjustment accordingly.

In two other line items (#179 and #180) that involved the same child but for different periods, the State provided copies of applications that covered the months we tested. One application covers the period April 6, 1997 to April 5,

1998. The other application appears to be an exact copy of the April 6th application with the eligibility dates altered to show the child’s eligibility as April 6, 1998 to April 5, 1999.

The application date for the second application also appears to have been altered. According to a written notation we initially received from the State during our field work, “the application dates changed but no new signatures were obtained.” Therefore, we adjusted our cost recommended for adjustment to allow 5 days of child-care – April 1st through April 5th 1998.

No Documentation to Show Need for Service or Need Other Than Foster Parent(s)’ Employment

The OIG questioned four line items because there was no indication that the foster parent(s) were employed or the files stated the foster parents were not employed.

State Agency Comments

The State agency agreed that three of the four line items (#104, #191, and #192) should have been charged to a funding source other than IV-E (See page 11 of the State agency’s comments). In regard to the remaining line item (#97), the State said that the child’s foster mother was hospitalized the last weekend in July 1997 and underwent a heart catheterization in August.

OIG Response

See OIG Response, Page 12, under the heading, **Original Court Orders Lacked Required Language or Were Not Signed by a Judge** for the OIG response to the State agency’s comments on line item #97. This child-care line item continues to be recommended for adjustment.

Missing Attendance Records

The OIG questioned four line items (#91, #92, #97, and #173) that did not have records to show the child attended day care.

State Agency Comments

The State agency said that it is official day care policy that day care providers are paid based on enrollment and not attendance as shown in Part II, Chapter C, Section 2, page 14 of the State’s Child Day Care Services Manual. State agency officials also provided attendance records for four line items.

OIG Response

(Line item #91) - The attendance record the State submitted is acceptable. However, the application for day care is still missing. Therefore, this line item remains questioned.

(Line item #92) – The attendance record for this child is acceptable. However, other documentation the State agency sent has been altered (from the copy we originally obtained during audit field work) to provide after-the-fact justification for services to a child over 13 years old. This justification was not on the copy the State originally gave to us during audit field work. This line item remains questioned.

(Line item #97) - The attendance record the State submitted is acceptable. However, the child-care in this case was for developmental needs. The county’s records show that the child received day care for developmental needs from July 1997 to September 1998 even though the foster mother was not employed. See Page 12, OIG Response, under the heading, **Original Court Orders Lacked Required Language or Were Not Signed by a Judge.**

(Line item #173) – The State provided us a copy of a turn-around document containing a notation that: “Wake County utilizes the turnaround printout as its attendance record.” However, the document shows three payments for this child’s care totaling \$814. Our sample payment was \$417. In the documentation provided to us, the State did not provide any explanation for this discrepancy. This line item remains questioned.

Child Not Placed in Licensed Foster Home for Month of Service

The OIG questioned six line items for services provided during periods that the child was not in a licensed foster care home.

State Agency Comments – State officials agreed that the licenses for the foster homes in three instances (#8, #61, and #67) were expired as of the month of the child-care payment. State officials also said that the Children Services Manual provided for a 90-day grace period after the license expiration date.

OIG Response – In each of the three line items, the homes were not licensed during the service months. In addition, The Children Services Manual, Chapter 4, Section 1213, cited by the State in its written comments also states that, “*...If the license is not renewed by the end of the 90 day grace period, the license is terminated.*” (emphasis added)

For line item #8, the month of service was August 1998. The license lapsed on June 2, 1998 and was not re-issued as of September 30, 1999 (at the time the

auditor reviewed this claim). For line item #61, the month of service was June 1998. The license lapsed on April 26, 1998 and was not re-issued until September 16, 1998, which is after the 90-day grace period. For line item #67, the month of service was August 1998. The license lapsed July 14, 1998 and was not re-issued until November 5, 1998.

Since the providers did not meet the re-licensing requirement within the 90-day grace period, by State rules, the licenses are considered terminated. Accordingly, these line items remain questioned.

Also, court orders furnished with the State's comments showed that three other child-care line items were for children not placed in licensed foster care homes. Two child-care line items were for children placed with relatives who had not been licensed as foster homes and one child-care line item was for a child placed with his mother.

Missing Vouchers/Action Notices

The OIG questioned two line items (#86 and #91) that did not include a voucher/action notice necessary for determining IV-E eligibility.

State Agency Comments – For line item #86, State agency officials provided a copy of an approved application and voucher covering 2 days of the month sampled. State officials were of the opinion that at least these two days should be allowable. In the other case (line item #91), State officials provided a copy of a voucher covering the period November 3, 1998 through November 2, 1999.

OIG Response – For line item #86, we agree that 2 days of day care should have been allowed and have modified our cost recommended for adjustment accordingly. For the remaining case (line item #91), the voucher and attendance record the State submitted are acceptable. However, the application for day care is still missing. Therefore, this line item remains questioned.

Ineligible for AFDC or Eligibility Not Documented

The OIG questioned two line items for children whose AFDC eligibility requirement were either not met or not documented.

State Agency Comments – For line item #50, State officials agreed this case was an error (page 16 of the State's written comments). The State agency provided additional documentation for line item #103.

OIG Response – For line item #103, the documentation the State provided is acceptable. Accordingly, we revised our costs recommended for adjustment.

Documentation Needed for a Child 13 or Older to Receive Services Was Missing

The OIG questioned one line item (#92) that did not include an explanation why a child 13 years old or older received services.

State Agency Comments – State agency officials said that a narrative statement written in the case file by the social worker provides the explanation for the child’s need for day care.

OIG Response – As discussed on page 15 under OIG’s response to the State’s Comments regarding **Missing Attendance Records**, the documentation the State agency sent for this child is questionable because the record has been altered (from the copy we originally obtained during audit field work) to provide after-the-fact justification for services to a child over 13 years old. This justification was not on the copy that the State gave us during audit field work. Therefore, this line item remains questioned.

Title IV-E Child-Care That Included Social Services

The OIG questioned one line item (#159) because the services were for developmental needs and behavior modification.

State Agency Comments – State agency officials said that this line item should be allowable because the amounts paid for this child involved intensive daily supervision, which is an allowable IV-E cost.

OIG Response – Based on the documentation we received from the State agency initially and the documentation the State provided with its written comments, we continue to believe the services rendered to this child were for developmental needs and as such, are not allowable for IV-E child-care reimbursement.

Foster Care Maintenance Payments Not Paid by Title IV-E

The OIG questioned one child-care line item (#140) because the State’s records indicated that maintenance payments were not paid by IV-E. State officials agreed this line item was an error. (See page 19 of the State agency’s comments.)

Other – Legal Criteria

State Agency Comments

In their written comments, State agency officials said that it was improper for Federal auditors to base audit findings on whether or not a State has complied with State policies and procedures

that are not required by Federal law. State agency officials further asserted that the policies and procedures described in North Carolina's Child Day Care Services Manual were discretionary policies and procedures that the State has the authority to waive.

OIG Response

We do not agree that it is improper for the OIG to base findings on whether or not a State complied with its own policies and procedures. In our opinion, Federal regulations require States to develop and follow policies and procedures in order to obtain child-care grant funds. The OMB Circular A-87, Attachment A, Section (C)(1)(c), requires that grant expenditures “. . . be authorized or not prohibited under State or local laws or regulations.”

- - - - -

Final determinations as to actions taken on all matters reported will be made by the HHS action official named below. We request that you respond to the HHS action official within 30 days from the date of this letter. Your response should present any comments or additional information that you believe may have a bearing on the final determination.

In accordance with the principles of the Freedom of Information Act (Public Law 90-23), OIG, Office of Audit Services reports issued to the Department's grantees and contractors are made available, if requested, to members of the press and general public to the extent information contained therein is not subject to exemptions in the Act which the Department chooses to exercise (see 45 CFR Part 5).

To facilitate identification, please refer to Common Identification Number (CIN) A-04-01-00002 in all correspondence relating to this report.

We would like to thank you and members of your staff for the cooperation and assistance extended to us during our on-site review.

Sincerely yours,



Charles J. Curtis
Regional Inspector General
for Audit Services, Region IV

Page 20 – Carmen Hooker Buell

Direct Reply to HHS Action Official:

Southeast Regional Hub Director
Administration for Children and Families, Region IV
U.S. Department of Health and Human Services
61 Forsyth Street, S.W., Suite 4M60
Atlanta, Georgia 30303-8909

SAMPLING METHODOLOGY AND RESULTS OF SAMPLE

OBJECTIVE

The objective of this sample was to determine whether the IV-E Foster Care claims made for child-care services between November 1, 1997 and March 31, 1999 met applicable guidelines.

POPULATION

The population was the 14,945 line item expenditures for clients for child-care services charged to IV-E Foster Care between November 1, 1997 and March 31, 1999. The assignment to specific funding sources was created by the State's consultant from data furnished by the State's HHS.

SAMPLE UNIT

The sampling unit was a line item charge for child-care services where payment was assigned to IV-E.

SAMPLE DESIGN

An unrestricted random sample was used.

SAMPLE SIZE

A sample of 200 child-care line item charges was selected.

ESTIMATION METHODOLOGY

Using the HHS-OIG-Office of Audit Services RAT-STATS Variable Appraisal Program for unrestricted samples, we projected the overpayment that resulted from reimbursements for ineligible and unallowable line items.

RESULTS OF SAMPLE

Number of Line Items	Sample Size	Number of Errors	Value of Errors
14,945	200	28	\$5,178.57

PROJECTION OF SAMPLE

Point Estimate \$386,969

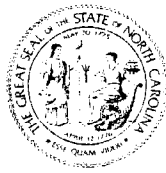
90% Confidence Interval

Lower Limit \$186,282
Upper Limit \$587,655
Precision Amount \$200,686
Precision Percent 51.86%

**IV-E CHILD-CARE CLAIMS
Summary of Sample Review**

Legend:

(1) Documentation did not show the need for child care services and/or were for reasons other than the foster parent(s) employment.
(2)
(3) Applications for child care for service month tested were missing.
(4) Application not signed by foster parent/authorized representative.
(5) Original court orders did not contain required language such as "reasonable efforts and/or "contrary to the welfare" or were not signed by a judge.
(6) Foster Care maintenance payments were not paid with IV-E funds.
(7) Eligibility for AFDC was not documented or child was not eligible.
(8) Children were not placed in licensed IV-E Foster Care homes during the period of services reviewed.
(9) Vouchers/Action Notices for service month tested were missing or incomplete.
(10) Vouchers/Action Notices were not approved or did not match application.
(11)
(12) Attendance records for service month tested were missing.
(13) Attendance record for service month tested does not show days.
(14) Payment codes indicated for other than foster parent/s employment.
(15) Unallowable social services (therapeutic) child care services were provided.
(16) Other.



North Carolina Department of Health and Human Services
2001 Mail Service Center • Raleigh, North Carolina 27699-2001
Tel 919-733-4534 • Fax 919-715-4645

Michael F. Easley, Governor

Carmen Hooker Buell, Secretary

August 16, 2001

Reference: CIN: A-04-01-00002

Mr. Charles J. Curtis
Regional Inspector General for Audit Services, Region IV
Room 3T41, Atlanta Federal Center
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8909

Dear Mr. Curtis:

Thank you for the opportunity to respond to the OIG Audit of Title IV-E Foster Care Child Care Claims at the North Carolina Department of Health and Human Services' Division of Child Development for the period November 1, 1997 through March 31, 1999. We are also appreciative of the extension of time granted for this purpose. After having reviewed the draft report and various audit workpapers which were supplied to NCDHHS, we would like for consideration to be given to the following comments/documentation prior to finalizing the report.

The draft audit report states that: *"Thirty-three of the 200 line items were unallowable for various reasons."* Also in the report, questioned costs of \$6,212.90 (FFP) relating to these thirty-three line items were identified in the sample and extrapolated to the total population of IV-E day care claims to arrive at the questioned costs of \$ 257,591. Of the 3,000 attributes examined by the OIG auditors, only 41 attribute errors were found which equates to an error percentage of 1.366 or 1.3 errors per 100 attributes examined.

Attached is documentation that negates a majority of the draft audit findings and reduces the number of attribute errors even further. Based on the DHHS review and the documentation attached to this response, more accurate error numbers would be 6 attribute errors out of the 3,000 attributes tested that equates to an error percentage of .2 or **0.2 errors per 100 attributes** examined.



OIG Initial Findings and NCDHHS Responses

A. Original Court Orders Lacked Required Language or Were Not Signed by a Judge [Error Attribute 5]

OIG Finding: Sixteen line items were for children whose file lacked documentation of foster care placement by a judge's timely, signed order containing required language. Foster care payments are allowable only if the foster child was removed by means of a judicial determination or a voluntary placement agreement. According to 472(a)(1) of the Social Security Act, if the removal was by judicial determination, the court order must contain language to the effect that the child's remaining at home would be contrary to his/her welfare and that reasonable efforts have been made to prevent the removal.

NCDHHS Response to Error Attribute 5:

Case 38: The Court order dated April 14, 1994 found that the children in this case were "neglected juveniles in that they have not received adequate care and proper supervision from their mother." The court also found that "attempts by the Department of Social Services to engage [the mother] in a services contract or other planning for the stability of the children have been unsuccessful." The findings by the court satisfy the "contrary to welfare" and "reasonable efforts" requirements. See *In re Helms*, 491 S.E. 2d 672 (1997) (DSS made reasonable efforts to prevent removal where it entered into four different plans with the mother regarding child's care and protection in an effort to stabilize the child's home environment). No specific words are required in a contrary to welfare or reasonable efforts determination; rather, all that is required is a court determination "to the effect" that remaining in the home would be contrary to the welfare of the child and that reasonable efforts to prevent removal were made or were not required. See Pennsylvania Department of Public Welfare, DAB Decision No. 1508 (1995). Accordingly, this should be neither a finding nor a questioned cost. (Attachment 38)

Case 39: The Court order in this case dated November 17, 1994 stated that a prior court order had awarded custody of the children to the father, that the father had abandoned the children, and that the father's whereabouts were unknown. The court also found that the children were neglected juveniles. These findings are equivalent to findings that reasonable efforts to prevent removal from the father's home were not required and that it was contrary to the children's welfare to remain in his custody. Accordingly, this should be neither a

finding nor a questioned cost. (Attachment 39)

Case 40: A review of the file documentation indicates that a court hearing was held on September 4, 1996 regarding the custody of this child as a result of the death of "*an infant sibling on August 28, 1996. Autopsy results on the deceased child indicated the infant had a ruptured heart, healed bone fractures, and healing fractures.*" The Court Order stated in its Conclusion of Law: "*That there is a reasonable factual basis to believe that the allegations contained in the petition are true and the children have suffered actual physical injury and/or there is a substantial risk of the minor children's exposure to physical injury.*" Further, the Court Order stated "*That the Richmond County Department of Social Services is hereby granted the legal custody pending a hearing on the merits.*"

The mother was charged with felony child abuse and first degree murder. A court order dated June 27, 1997 states that the Department of Social Services had been unable to make contact with the father. The court's order dated July 29, 1997 found that the children were neglected juveniles. It is clear that this situation meets the Family Services Manual eligibility requirement definition: "*That continuation in the home would be contrary to the welfare of the child, or that placement is in the child's best interest.*" Moreover, reasonable efforts to prevent removal are not required where the parent has committed murder. 42 U.S.C. § 671(a)(15)(D)(ii)(I). Accordingly, this should be neither a finding nor a questioned cost. (Attachment 40)

Case 50: Court Order dated November 13, 1996 is attached. Court Order states "*That it is in the best interest of the minor child that his non-secure custody remain with the Buncombe County Department of Social Services with placement in the discretion of the Department pending further hearings in this matter.*" Accordingly, this should not be a finding. (Attachment 50)

Case 87: We agree that the Court Order dated July 6, 1995 was not within the 180 day required period.

Case 97: Court Order dated October 3, 1995 is attached with Judge's determination "*That it is in the best interest of the child to remain in the legal and physical custody of the Guilford County Department of Social Services.*" Accordingly, this should not be a finding nor a questioned cost. (Attachment 97)

Case 98: Court Order dated August 12, 1994 is attached. Court Order states "*That it is in the best interest of [XXXXXX] and [XXXXXX XXXX] that they remain in the legal and physical custody of the Guilford County Department of Social Services.*" Accordingly, this should be neither a finding nor a questioned cost. (Attachment 98)

Case 100: Court Order dated October 23, 1996 is attached. The Court Order states in part "*That it is in the best [interest] of the child that she continue in the legal and physical custody of the Guilford County Department of Social Services.*" Accordingly, this should be neither a finding nor a questioned cost. (Attachment 100)

Case 101: Court Order dated May 26, 1995 is attached. The Court Order states in part "*That all parties consent and agree that it is in the best interest of the minor child to continue in the legal and physical custody of the Department of Social Services.*" Accordingly, this should be neither a finding nor a questioned cost. (Attachment 101)

Case 103: Court Order dated July 15, 1992 is attached. The Court Order states in part, "*It is in the best interest of the juveniles to remain in the legal and physical custody of the Guilford County Department of Social Services.*" Accordingly, this should be neither a finding nor a questioned cost. (Attachment 103)

Case 104: The Court Order dated May 12, 1995 contains the court's finding that the juveniles were neglected and that the mother, a cocaine user, "has not attained regular and consistent substance abuse treatment during the time that the Department of Social Services has been working with her." These findings are equivalent to findings that it was contrary to the children's welfare to remain in the home and that reasonable efforts to prevent removal from the home had been made but failed. Accordingly, this should be neither a finding nor a questioned cost. (Attachment 104)

Case 116: Court Order dated January 2, 1992 is attached. Court Order states "*That the juvenile should remain in the legal custody of YFS and that their placement shall be the responsibility of YFS. It would not be in the best interests of the juvenile to be returned to their mother's custody at this time.*" The subsequent Court Order dated April 9, 1992 states that "*It is not in child's best interest to be returned home*" and "*It is in the child's best*

interest to remain in the legal custody of YFS with placement with foster care."

Accordingly, this should be neither a finding nor a questioned cost. (Attachment 116)

Case 143: The Court Order dated May 15, 1995 states that the mother, an alcohol and drug addict, indicated "her intention to seek inpatient treatment for her problem of substance abuse." The expected absence of the mother from the home was equivalent to a finding that it would be contrary to the interests of the children to remain in the home without parental care and supervision and that efforts to prevent removal from the home were not required. Accordingly, this should be neither a finding nor a questioned cost. (Attachment 143)

Case 145: The Court Order dated August 17, 1995 states that the custodial parent had no housing and no housing plan for the children and that "all efforts to assist [her] were unsuccessful." These findings are equivalent to findings that it was contrary to the children's welfare to remain in the home and that reasonable efforts to prevent removal from the home had been made but failed. Accordingly, this should be neither a finding nor a questioned cost. (Attachment 145)

Case 178: Court Order dated September 18, 1990 is attached. The Court Order states in part "*That it is in the best interests of the Respondent that this Court adopt as its Order the recommendations of the Wake County Department of Social Services and the Guardian ad Litem*" and "*That the Respondent remain in the custody of the Wake County Department of Social Services with placement authority in that agency.*" Accordingly, this should be neither a finding nor a questioned cost. (Attachment 178)

Case 190: Court Order dated March 5, 1998 is attached. Court Order states "*That it is in the best interest of [XXXXXX XXXXX] that his custody remain with the Haywood County Department of Social Services, with placement in their discretion and with authority to authorize necessary medical, dental, psychological and psychiatric services for the juvenile.*" Accordingly, this should be neither a finding nor a questioned cost. (Attachment 190)

B. Missing Child Care Applications [Error Attribute 3]

OIG Finding: *Eight line items did not include an application. In North Carolina, the application form is used for determining and documenting eligibility under the IV-E program and for approving the service.*

According to the State's Child Day Care Services Manual, Revised July 1997, Chapter 8, Applying for Child Day Care Services, Section I, Application Form Requirements. "A formal request for child day care services must be initiated by completing a written application. . . . The application must be completed at the time of initial determination of eligibility and during routine redetermination of eligibility. Redetermination of eligibility must be made at least every twelve months."

Grant regulations under Title 45 Code of Federal Regulations (CFR) Section 74.21(b)(7) require that recipients' financial management systems include: "[a]ccounting records, including cost accounting records, that are supported by source documentation."

NCDHHS Response to Error Attribute 3:

(1) Requirement for applications. Eight missing applications were questioned in the audit.

However, it should be noted that under a Freedom of Information Act (FOIA) request to the HHS FOIA Office, the federal Children's Bureau provided the following information:

"(a) Documents relative to who may sign an application for Federal benefits for children in foster care:

No documents, policy issuances or regulations exist under the Title IV-E program regarding who may (or may not) sign an application for Federal benefits for children in foster care, because no "application" is required. The purpose of the Title IV-E foster care program is to provide Federal funds to States for the care of AFDC eligible children who must be placed in foster care. Federal financial participation in State expenditures for foster care maintenance payments is available at the Federal Medical Assistance Percentage (FMAP), which varies among States from 50% to 78%.

A child usually enters foster care after being abused or neglected at home. In order to be eligible for Title IV-E foster care, a child's removal from home must be pursuant to a court order that contains a judicial determination that it was contrary to the child's welfare to remain at home, or a voluntary placement agreement. The voluntary placement agreement must be signed by the parent or legal guardian and the State Title IV-E agency representative. Most often a State eligibility worker determines if the child meets the eligibility requirements at section 472(a) of the Social Security Act, including the AFDC eligibility requirement.

Mr. Charles J. Curtis
August 16, 2001
Page 7

After determining that a child meets all eligibility criteria, including placement with a licensed foster care provider, the State files a quarterly claim on the child's behalf for Federal reimbursement at the FMAP. No application, as such, is required to place a child in foster care." Letter to Jason W. Mannes, Esq., dated December 22, 1999, signed by Amy Reynolds Hay, Assistant U.S. Attorney. (Emphasis added.)

Thus, according to the HHS FOIA Office and the Children's Bureau, no application is required for IV-E.

- (2) **State policies and procedures.** It should be noted that it is improper for federal auditors to base audit findings on whether or not a State has complied with State policies and procedures that are not required by federal law. The procedures and policies described in North Carolina's Child Day Care Services Manual on which the OIG auditors relied were not required by federal law. Rather, they were discretionary procedures and policies that the State has the authority to waive. Non-compliance with these State procedures and policies cannot support a finding that the State's claims for FFP were overstated. See, e.g., Ohio Department of Health and Human Services, DAB Decision No. 725A (1986) (reversing disallowance based on State's failure to follow its own policy because the State had the authority to waive its administrative requirements).
- (3) **Applicability of CFR Title 45, Part 74.21(b)7 is highly questionable.** The cited reference states that financial management systems shall provide "*Accounting records, including cost accounting records, that are supported by source documentation.*" The State of North Carolina and its subrecipient Counties have accounting records that are supported by source documentation including client eligibility documentation. The auditor's implication that case applications are an absolute requirement to qualify as a "financial management system" is without foundation.
- (4) **Case specific points:**
Case 71: Only the application form was missing. Of the 15 attributes tested, 14 attributes were present. In essence, all of the documentation was in the file that was necessary to determine eligibility.

Case 86: Two errors (application form and voucher/action notice missing for the month of December 1998) were noted by the auditor. However, a review of the audit workpapers revealed that there was an approved application dated December 30, 1998 along with a voucher/action notice for the period of December 30, 1998 through December 29, 1999. This was apparently unacceptable by the auditor. We disagree. A note from Forsyth County personnel indicated that the problem was an overdue recertification. There was both an application and a voucher in the file as indicated. At minimum, the portion of the payment relating to December 30 and 31 should have been allowed. However, based on other Federal guidance, we believe that the entire amount should be allowable as referenced below.

ACF Policy Interpretation Questions (PIQ) are Federal issuances that provide interpretations of Federal statutes and program regulations that have significance for program operations at all levels, Federal and State. Generally, they respond to grantee inquiries, received either directly or through the regional offices. ACYF-CB-PIQ-85-06 provides official guidance for eligibility in cases of late redetermination which is germane to Case 86. The policy states in part:

Question 3:

“We believe failure to hold a timely redetermination of title IV-E eligibility is a program issue, not an eligibility issue. Similarly, we believe failure to hold a six month case review is a program issue and not an eligibility issue. Is this correct?”

ACF Answer 3:

“You are correct in your assessment that failure to hold a timely redetermination of title IV-E eligibility is a State plan issue (a program issue, as stated in your question) rather than an issue related to the eligibility of the child for title IV-E foster care maintenance payments. Under the Aid to Families with Dependent Children (AFDC) Program, a six month eligibility redetermination is a State plan requirement (45 CFR 206.10(a)(9)(iii)) and not a factor affecting the child's eligibility. While there is no statutory requirement under title IV-E concerning the frequency of eligibility redeterminations, such a procedure should be carried out periodically in order to assure that Federal financial participation is claimed properly. (Section 471(a)(1) allows for FFP for foster care maintenance payments only in accordance with the

requirements in section 472. Therefore, the State must assure that the child meets those eligibility requirements.) ACYF has advised State agencies in ACYF-PIQ-82-14, that an appropriate period for redetermination would be every six months, at which time factors subject to change, such as continued deprivation of parental support and care and the child's financial need (section 406(a) or 407 of the Act) would be reviewed and documented. However, if the State agency misses the six month eligibility redetermination schedule in certain cases, those cases would not be considered ineligible for FFP for that reason alone. When the eligibility review is held, however, if the child is found to have been ineligible for any prior month, no claim for FFP may be made for that month.

Also, we agree that failure to hold a periodic review as required in Section 471(a)(16) of the Act is not an eligibility issue. Section 471(a)(16) is a title IV-E State plan requirement for a case review system with respect to each child receiving title IV-E foster care maintenance payments. It is not an eligibility requirement for the individual child in care. Failure to conduct timely periodic reviews of the status of each child receiving assistance under title IV-E could result in the State's being out of compliance with its title IV-E State plan; however, such failure would not affect the individual child's eligibility under the program." [emphasis supplied]

Thus, the Federal interpretation is that recertification is a program issue as opposed to an eligibility issue. The child in question was eligible for the entire period, the costs were allowable and the only problem was a programmatic late recertification. Accordingly, this should not be listed as a questioned cost. (Attachment 86)

Case 91: Three errors were noted. Documentation negating two of the alleged errors is attached which only leaves the missing application form. As noted above, all the eligibility documentation for the other 14 attributes is available in the file to determine eligibility.

Case 171: Only the application form was missing. Of the 15 attributes tested, 14 attributes were present. In essence, all of the documentation was in the file that was necessary to determine eligibility.

Case 179: Application forms are attached that cover the month tested, April 1998 (periods April 6, 1997 to April 5, 1998 and April 6, 1998 to April 5, 1999). (See Attachment 179)

Case 180: An application form is attached for the period of April 6, 1998 to April 5, 1999 that encompasses the date of service for December 1998. (See Attachment 180)

Case 184: Only the application form was missing. Of the 15 attributes tested, 14 attributes were present. In essence, all of the documentation was in the file that was necessary to determine eligibility.

Case 185: Only the application form was missing. Of the 15 attributes tested, 14 attributes were present. In essence, all of the documentation was in the file that was necessary to determine eligibility.

C. No Documentation to Show Need for Service or Need Other Than Foster Parent(s)' Employment [Error Attribute 1]

OIG Finding: Four line items had no indication that the foster parent(s) were employed or the line items' files stated the foster parents were not employed. Section 475 (4)(A) of the Social Security Act allows for "foster care maintenance payments . . . to cover the cost of . . . daily supervision. . . ."

According to ACYF-PA-82-01 issued April 30, 1982, FFP may be claimed for IV-E eligible foster care children who receive child care based on the employment of the foster parent(s). The ACYF-CB-PIQ-97-01 issued March 4, 1997, reiterated that IV-E child care must be based on the employment of the foster parent(s).

NCDHHS Response to Error Attribute 1:

Case 97: The audit report is partially correct in that the foster mother did not work during the month audited (August 1997). However, a review of the case file shows that the mother had a heart attack the last weekend in July 1997 and was hospitalized at Moses Cone Hospital in Greensboro. A follow-up case file note on August 13 indicates that the foster mother also had a heart catheterization at Moses Cone Hospital. The Child Day Care Services Manual (Revised July 1997) states in Chapter 9, Section C:

"When both parents are in the same household, day care to support employment may be provided only if both parents are working; or if one parent is employed and the parent remaining in the home is incapable of providing care for the child(ren) because of a physical or mental disability, . . ." [Emphasis supplied]

A heart attack requiring hospitalization qualifies for this exception as authorized in the Child Day Care Services Manual. (See Case File Note – Attachment 97). Thus, this should be neither a finding nor a questioned cost.

Case 104: County management agreed that the case was coded incorrectly by DSS personnel. The case should have been charged to another day care grant.

Cases 191 and 192: These two cases were for the same family. The case was coded incorrectly. The case should have been charged to another day care grant.

D. Missing Attendance Records [Error Attribute 12]

OIG Finding: Four line items did not have records that showed the child attended day care. Attendance records are used to document services received and to authorize payments for child care services. Grant regulations under Title 45 CFR Section 74.21(b)(7) require that recipients' financial management systems include: "[a]ccounting records, including cost accounting records, that are supported by source documentation."

Child Day Care Law, North Carolina G.S. 110-91 (9) states "... Each day care facility shall keep accurate records on each child receiving care in the day care facility in accordance with a form furnished or approved by the Commission, and shall submit attendance reports as required by the Department. (August 11, 1993)

NCDHHS Response to Error Attribute 12:

It should be noted that it is official day care policy that day care providers are paid based on enrollment--not attendance. The State's Child Day Care Services Manual, Part II, Chapter C, Section 2, page 14 states: "Payment for child day care services is based on the child's enrollment according to the plan of care developed by the service worker and the parent." Attendance records are kept at the local level (counties and LPA) and provide only part of the basis for payments to the various child care providers. Therefore, we disagree that the absence of an attendance record should be the sole basis for disallowing the cost.

Case 91: Missing Attendance Record for January 1999 is attached. Thus, this should be neither a finding nor a questioned cost. (Attachment 91)

Case 92: Missing Attendance Record for February 1998 is attached. Thus, this should be neither a finding nor a questioned cost. (Attachment 92)

Case 97: Missing Attendance Record for August 1997 is attached. Thus, this should be neither a finding nor a questioned cost. (Attachment 97)

Case 173: Missing Attendance Record for July 1998 is attached. Thus, this should be neither a finding nor a questioned cost. (Attachment 173)

E. Child Not Placed in Licensed Foster Home for Month of Service [Error Attribute 8]

OIG Finding: Three line items were for services provided during periods that the child was not in a licensed foster care home; consequently, services were not reimbursable. The Social Security Act, Section 472 (c) states that "For the purposes of this part, (1) the term "foster family home" means a foster family home for children which is licensed by the State in which it is situated or has been approved, by the agency of such State having responsibility for licensing homes of this type, as meeting the standards established for such licensing. . . ."

According to the North Carolina Division of Social Services, Family Services Manual, Volume I: Children's Services, Chapter IV - Foster Care Services 1205, IV-E Foster Care Assistance, Revised 9-1-93, I. General, ". . . A distinction should be made between eligibility and reimbursability. . . . Once established, a child's eligibility will continue as long as need and deprivation continue and the child remains in the agency's custody or placement responsibility. Reimbursability, however, may change on a monthly basis dependent upon the child's placement. . . . The child has to be eligible and reimbursable for IV-E foster care assistance."

NCDHHS Response to Error Attribute 8:

Case 8: We agree that the foster home license had an expiration date of June 2, 1998 and that the month audited was August 1998. However, according to the Children Services Manual, Chapter 4, Section 1213 states:

C. 90-Day Grace Period (10 NCAC 41F .0804)

- 1. A license is automatically provided a 90 day grace period after the license expiration date.*
- 2. If the license is not renewed by the end of the 90 day grace period, the license is terminated.*

The provider clearly had a 90-day grace period after the license expiration date. In this instance, termination of the license could not occur until September 2, 1998. Thus, this

should not be listed as a finding since the license was not terminated during the month of August 1998.

Case 61: We agree that the foster home license had an expiration date of April 26, 1998 and that the month audited was June 1998. However, according to the Children Services Manual, Chapter 4, Section 1213 states:

C. 90-Day Grace Period (10 NCAC 41F .0804)

- 1. A license is automatically provided a 90 day grace period after the license expiration date.*
- 2. If the license is not renewed by the end of the 90 day grace period, the license is terminated.*

The provider clearly had a 90-day grace period after the license expiration date. In this instance, termination of the license could not occur until July 25, 1998. Thus, this should not be listed as a finding since the license was not terminated during the month of June 1998.

Case 67: We agree that the foster home license had an expiration date of July 14, 1998 and that the month audited was August 1998. However, according to the Children Services Manual, Chapter 4, Section 1213 states:

C. 90-Day Grace Period (10 NCAC 41F .0804)

- 1. A license is automatically provided a 90 day grace period after the license expiration date.*
- 2. If the license is not renewed by the end of the 90 day grace period, the license is terminated.*

The provider clearly had a 90-day grace period after the license expiration date. In this instance, termination of the license could not occur until October 12, 1998. Thus, this should not be listed as a finding since the license was not terminated during the month of August 1998.

F. Missing Vouchers/Action Notices [Error Attribute 9]

OIG Finding: Two line items did not include a voucher/action notice necessary for determining IV-E eligibility. Types of missing information included:

- need for services;

- applicant and authorization signatures; and
- authorization dates.

The Child Day Care Services Manual, Revised July 1997, Chapter 13: Voucher Procedures, A. states: "... The intent of the voucher is to enable the parent to assume responsibility for the selection of the provider rather than the local purchasing agency arranging the care. The voucher serves as an agreement between the parent and the provider and is a mechanism which places the liability for the selection of a provider with the parent instead of with the agency. ... C. ... Only an initial voucher is needed, with subsequent ones issued when there is a change of provider. Once the voucher has been issued initially, it is not necessary to issue another one when the individual's 12-month eligibility period ends. A Child Day Care Action Notice ... is issued instead to document the new eligibility period."

NCDHHS Response to Error Attribute 9:

Case 86: Two errors (application and voucher/action notice missing for the month of December 1998) were noted by the auditor. However, a review of the audit working papers revealed that there was an approved application dated December 30, 1998 along with a voucher/action notice for the period of December 30, 1998 through December 29, 1999. This was apparently unacceptable by the auditor. We disagree. A note from Forsyth County personnel indicated that the problem was an overdue recertification. There was both an application and a voucher in the file as indicated. At minimum, the portion of the payment relating to December 30 and 31 should have been allowed. However, based on other Federal interpretations, we believe that the entire amount should be allowable.

ACF Policy Interpretation Questions (PIQ) are Federal issuances that provide interpretations of Federal statutes and program regulations that have significance for program operations at all levels, Federal and State. Generally, they respond to grantee inquiries, received either directly or through the regional offices. ACYF-CB-PIQ-85-06 provides official guidance for eligibility in cases of late redetermination. The policy states in part:

Question 3:

"We believe failure to hold a timely redetermination of title IV-E eligibility is a program issue, not an eligibility issue. Similarly, we believe failure to hold a six month case review is a program issue and not an eligibility issue. Is this correct?"

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Page 15

ANSWER 3:

"You are correct in your assessment that failure to hold a timely redetermination of title IV-E eligibility is a State plan issue (a program issue, as stated in your question) rather than an issue related to the eligibility of the child for title IV-E foster care maintenance payments. Under the Aid to Families with Dependent Children (AFDC) Program, a six month eligibility redetermination is a State plan requirement (45 CFR 206.10(a)(9)(iii)) and not a factor affecting the child's eligibility. While there is no statutory requirement under title IV-E concerning the frequency of eligibility redeterminations, such a procedure should be carried out periodically in order to assure that Federal financial participation is claimed properly. (Section 471(a)(1) allows for FFP for foster care maintenance payments only in accordance with the requirements in section 472. Therefore, the State must assure that the child meets those eligibility requirements.) ACYF has advised State agencies in ACYF-PIQ-82-14, that an appropriate period for redetermination would be every six months, at which time factors subject to change, such as continued deprivation of parental support and care and the child's financial need (section 406(a) or 407 of the Act) would be reviewed and documented. However, if the State agency misses the six month eligibility redetermination schedule in certain cases, those cases would not be considered ineligible for FFP for that reason alone. When the eligibility review is held, however, if the child is found to have been ineligible for any prior month, no claim for FFP may be made for that month.

Also, we agree that failure to hold a periodic review as required in Section 471(a)(16) of the Act is not an eligibility issue. Section 471(a)(16) is a title IV-E State plan requirement for a case review system with respect to each child receiving title IV-E foster care maintenance payments. It is not an eligibility requirement for the individual child in care. Failure to conduct timely periodic reviews of the status of each child receiving assistance under title IV-E could result in the State's being out of compliance with its title IV-E State plan; however, such failure would not affect the individual child's eligibility under the program." [emphasis supplied]

Thus, the Federal interpretation is that recertification is a program issue as opposed to an eligibility issue. The child in question was eligible for the entire period, the costs were

allowable and the only problem was a programmatic late recertification. Similarly, there was a lapse in the Child Day Care Action Notice for the same period of time as the application. Accordingly, this should not be listed as a questioned cost since the child was eligible and authorized under a prior notice.

Case 91: Voucher is attached that covers the period November 3, 1998 through November 2, 1999. Sample case was for the month January 1999. (See Attachment 91)

G. Ineligible for AFDC or Eligibility Not Documented [Error Attribute 7]

OIG Audit: Two line items were for children whose AFDC eligibility requirement was either not met or not documented. To be eligible for IV-E reimbursement, the foster child must have received or have been eligible to receive AFDC based on the placement of the child within the 6 months prior to being taken into custody by DSS.

According to 472(a) of the Social Security Act, a child receiving foster care maintenance payments must have been eligible to receive aid (AFDC) but for his removal from the home of a relative.

According to the North Carolina Division of Social Services, Family Services Manual, Volume I: Children's Services, Chapter IV - Foster Care Services 1205, IV-E Foster Care Assistance, Revised 9-1-93, IV. Eligibility Requirements for IV-E Foster Care Assistance, A. AFDC Eligibility, "The child must have been eligible for AFDC. . . ."

NCDHHS Response to Error Attribute 7:

Case 50: Case was apparently in error.

Case 103: Documentation is attached showing the child was "AAF" (AFDC designation) from 4-1-91 through 4-30-92. Date of custody was 4-3-92. Accordingly, this should be not be a finding. (Attachment 103)

H. Missing Documentation Needed for a Child 13 or Older to Receive Services [Error Attribute 2]

OIG Audit: One line item did not include an explanation why a child 13 years old or older received services.

According to the State's Child Day Care Services Manual, Revised July 1997, Chapter 8, 3. Age of the Child, ". . . requests for services for children ages 13 through 17 should be

carefully evaluated to determine the need for care. Services may be provided for teenagers in situations in which one of the following can be documented: the child has a special need, is under court-ordered supervision, is receiving child protective services or foster care services and the teenager's parent or guardian meets the applicable eligibility requirements, or has a documented medical situation.

NCDHHS Response to Error Attribute 2:

Case 92: The case file indicates application was made on 2/2/98. (Service month audited was for the same month, February 1998). The social worker in the case narrative specifically states that the child met the "Age of Child requirement—(1) Child is in foster care and (2) Foster parent works 2nd shift." The subsequent revision of the Child Day Care Services Manual, Chapter 8, specifically enumerates this type of situation as an eligible child.

"For example, a single parent works second or third shift and the child would be home alone at night or has a documented medical situation."

Thus, this should be neither a finding nor a questioned cost. (Attachment 92)

I. Title IV-E Child Care that Included Social Services [Error Attribute 15]

OIG Audit: One line item was for developmental needs and behavior modification. These services were not allowable for IV-E reimbursement.

The ACYF-PA-82-01 states that "Social services are not allowable cost items as title IV-E maintenance payments under any circumstances, regardless of what type of person provides them. Examples of unallowable 'social services' are . . . counseling and therapy . . . These costs may be claimed under other programs, e.g., title IV-B or title XX (Social Services Block Grant Program) of the Act or a State-funded program."

The ACYF-CB-PIQ-97-01 reiterated that "... therapeutic child care is a social service and is not an allowable expenditure under title IV-E foster care maintenance."

NCDHHS Response to Error Attribute 15:

Case 159: The audit cited one case as "developmental needs and behavior modification. These services were not allowable for IV-E reimbursement." This case was further labeled in the report draft as a "therapeutic" claim. Several points need to be made in regard to this finding.

(a) IV-E clearly provides for the cost of "daily supervision." It is documented in the case

file that both foster parents work and that the child is eligible for day care under the IV-E grant. At a minimum, the portion of the payment relating to "daily supervision" is allowable for this child. The applicable policy issued April 30, 1982, ACYF-PA-82-01 interpretation, states that child care that provides daily supervision during a foster parent's working hours when the child is not in school is an allowable expenditure under Title IV-E. Only social services (citing counseling, therapy, psychological or educational testing) are unallowable. Even in situations where "social services" are provided, the daily supervision component is an allowable cost. Yet the auditors have consistently taken the position that not even the daily supervision component is allowable for high cost cases that they consider therapeutic in nature. The audit position is contrary to Federal regulations and policy interpretations.

- (b) Certain handicapped children are going to require higher degrees of supervision which translates into higher day care supervision costs/rates. These should be treated as allowable costs as referenced in ACYF-PA-82-01. This position is specifically enumerated in ACYF-PIQ-86-04 which addresses higher foster care maintenance payments in cases that have increased supervision for children with special needs. The policy specifically states that:

"Yes, these costs are allowable for FFP under the title IV-E foster care program. Certain categories of children, including those with physical or emotional disabilities, may require more day-to-day supervision and attention than those without such conditions. A supplement to the basic maintenance payment for a particular child is justified when the child has greater than usual needs for the items included in the definition, as determined by the State agency."

- (c) Such is the case in question. Additional information regarding this case was obtained from the day care provider, Rockingham County Enrichment Center. According to the Center:

"The Rockingham County Enrichment Center is a daycare center for developmentally delayed children ages 15 months to three years. We provide intensive daily supervision/direct care for children exhibiting mild to severe developmental delays; they may simply exhibit a delay in speech, be immobile, and/or require tube feeding. We are licensed for a maximum of ten children per classroom with one teacher and

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August 16, 2001
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two assistants in each classroom.

Also, [Cxxxx Bxxx] received speech therapy through an outside service provider. No portion of the \$2,298 received monthly for her from DSS was ever used to pay for the speech therapy she received.

The above monthly subsidy amount received from DSS covered the developmental daycare slot, transportation to and from daycare, and high risk intervention services in the classroom."

It is clear that the amounts paid for this child involved intensive daily supervision which is an allowable IV-E cost. This should not be a finding. (Attachment 159)

J. Foster Care Maintenance Payments Not Paid by Title IV-E [Error Attribute 6]

OIG Audit: One child care line item indicated that maintenance payments were not paid by IV-E. If IV-E did not pay for the child's maintenance payment, IV-E cannot be used to pay for a child's day care.

NCDHHS Response to Error Attribute 6:

Case 140: This error resulted from a keying error that was originally posted as an August reimbursement (when the child was IV-E eligible). Later, the county indicated that the payment was reclassified from August to June (a non-IV-E eligible month).

Other – Legal Criteria

State Child Day Care Services (Manual). The audit cites the State's Child Day Care Services Manual in several findings. As stated above, we disagree with a number of the auditors' findings and associated questioned costs that the State failed to comply with procedures described in this State Manual. More important, however, we point out that it is improper for federal auditors to base audit findings on whether or not a State has complied with State policies and procedures that are not required by federal law. The procedures and policies described in North Carolina's Child Day Care Services Manual on which the OIG auditors relied were not required by federal law. Rather, they were discretionary procedures and policies that the State has the authority to

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waive. Non-compliance with these State procedures and policies cannot support a finding that the State's claims for FFP were overstated. See, e.g., Ohio Department of Health and Human Services, DAB Decision No. 725A (1986) (reversing disallowance based on State's failure to follow its own policy because the State had the authority to waive its administrative requirements).

In conclusion, we are not so naïve as to think that the State or local government agencies never make errors. Errors are routinely made at all levels of government: local, State and Federal—even auditors make errors. It is even common practice for Federal agencies to establish an error tolerance level that is deemed reasonable. We feel that this should likewise be applicable in this situation. With error attribute rates as low as .004, we feel that there should not be any payback associated with this audit.

While the additional response information and documentation provided is essentially self-explanatory, our staff will be glad to meet with the OIG audit staff to provide any additional clarification deemed necessary. (Copies of the response attachments with uncensored confidential client data have been remitted under separate cover to the OIG's Raleigh Office that performed the audit work.) Again, we appreciate this opportunity to provide input relative to the audit process.

Sincerely,



Carmen Hooker Buell

CHB:dcs

cc: Lanier Cansler
Satana Deberry
Peggy Ball
Gary Fuquay
Honorable Ralph Campbell

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August 16, 2001
Page 21

Attachments are numbered to match assigned Case sample numbers.

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Error 5

age, having a date of birth of 2 June 1993. That at various times [REDACTED] and her four children have stayed with [REDACTED]'s mother, [REDACTED]. At other times, [REDACTED] and the children have had residence independent from her mother, [REDACTED]. That [REDACTED] has relied upon her mother to care for her children on occasions.

2. That [REDACTED] maternal grandmother of the children, found the children alone and without adult supervision on at least two occasions in recent months.

3. That [REDACTED] has a past history of drug dependency. There is no finding as there is no evidence of present drug use.

4. That the New Hanover County Department of Social Services has provided protective services to the four [REDACTED] children over a period of several months. That the Department of Social Services has relied substantially upon [REDACTED] maternal grandmother, to monitor the condition of the children and to assure that the children's well-being, especially in the absence of their mother, [REDACTED].

5. That on 7 March 1994, the New Hanover County Department of Social Services filed herein a Petition alleging the above named juveniles to be neglected juveniles. At the filing of the Petition on 7 March 1994, all four children were in the care of their maternal grandmother, [REDACTED].

6. That attempts by the Department of Social Services to engage [REDACTED] in a services contract or other planning for the stability of the children have been

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Error 5

unsuccessful. That the Department of Social Services filed herein its Petition on 7 March 1994, and the matter was scheduled for adjudication at the 30 March 1994 hearing. At that hearing, [REDACTED] requested that she be allowed to be represented in this matter and the matter was continued until today with the entry of an Order on 30 March 1994, providing that [REDACTED], [REDACTED] and [REDACTED] were to remain in the home of their maternal grandmother, [REDACTED].

THAT BASED ON THE FOREGOING, THE COURT CONCLUDES AS A MATTER OF LAW that the above named juveniles, [REDACTED], [REDACTED], [REDACTED] and [REDACTED] are neglected juveniles in that they have not received proper care and adequate care or proper supervision from their mother, [REDACTED].

NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:

1. That legal custody of [REDACTED], [REDACTED], [REDACTED] and [REDACTED] is hereby granted to the New Hanover County Department of Social Services for placement of the children in the physical custody of their maternal grandmother, [REDACTED].

2. That visitation by [REDACTED] with her children is allowed specifically conditioned upon [REDACTED] obtaining an alcohol and drug abuse evaluation, her compliance with the recommendations resulting from such an evaluation and further conditioned upon her submitting to a test of her blood, breath or urine for alcohol or any controlled substance. That


[Handwritten signature]

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Error 5


visitation is to be supervised or under the supervision of the Department of Social Services as the department deems necessary. However, that should three successive drug tests be negative, then visitation shall not be supervised.

3. This cause is retained for further Orders of this Court and is to be reviewed within six months as required by statute, unless sooner review is necessitated by a substantial change of circumstances.

This the 14th day of April, 1994.



John W. Smith
District Court Judge

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FILED 12-7-, 1995

P. 13

AT _____ M.

39
Error 5

R. Anderson
CLERK SUPERIOR COURT

STATE OF NORTH CAROLINA ^{NEW HANOVER COUNTY} IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

COUNTY OF NEW HANOVER

FILE NO. 94 J

Alciboly
11-17-94
M. ...

IN THE MATTER OF:)
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)
)

[REDACTED]

ORDER OF ADJUDICATION
AND OF CUSTODY



This Cause coming on to be heard and being heard before the undersigned Chief District Court Judge presiding at and over the 17 November 1994 Session of Juvenile Court for New Hanover County for adjudication upon the merits of a Petition filed herein and appearing before the Court this date are the following persons: And it appearing to the Court from the stipulation of the Parties and by clear and convincing evidence as follows:

1. That the above-named juveniles are the children of [REDACTED]. That [REDACTED] is the father of [REDACTED] and the twins [REDACTED] and [REDACTED]. That by prior order of the Court, custody of all five children, including [REDACTED] was granted to [REDACTED] and the juvenile matter closed.
2. That the children and their father, [REDACTED] were residing in the home of [REDACTED], parents of [REDACTED]. That much of the care of the children was assumed by [REDACTED], especially [REDACTED].
3. That during June 1993, [REDACTED] married and left his parents' home taking the children with him. In October

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P. 14

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1993 concomitantly with protective services involvement, [REDACTED] and the children returned to his parents' home. During January 1994, [REDACTED] left his parents' home, abandoning the children.

4. That [REDACTED] do not know the present whereabouts of [REDACTED] and have received no support or assistance from their son nor from [REDACTED], the mother of the children.

5. That [REDACTED] are eligible to and have received AFDC for the four children to whom they are related but have been unable to receive any assistance for [REDACTED]

[REDACTED] That [REDACTED] cannot afford to raise these five children without greater financial resources. [REDACTED] and [REDACTED] are willing and well suited to raise the children if adequate financial support is provided.

6. That the New Hanover County Department of Social Services requests that it be granted legal custody of the above-named juveniles and that [REDACTED] pursue foster care licensing of their home so that more adequate financial support can be guaranteed the [REDACTED]. The guardian ad litem concurs.

That based on the foregoing the Court determines as a matter of law that the above-named juveniles are neglected juveniles and are in need of custodial disposition as follows.

NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:

1. That custody of the above-named juveniles is hereby granted to the New Hanover County Department of Social Services

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for continued placement in the home of [REDACTED]

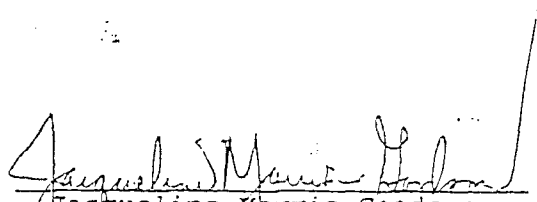
[REDACTED]

2. That foster care licensing of the home of [REDACTED]

[REDACTED] is to be expedited to the extent possible.

3. That this Cause is retained for further Order of this Court and is to be reviewed within twelve months unless sooner review is sought by either parent of the juveniles.

This the 17th day of November, 1994.


Jacqueline Morris-Goodson
Chief District Court Judge

JOHNSWMS
11/17/94

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PAGE 2

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STATE OF NORTH CAROLINA
COUNTY OF RICHMOND

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
FILE NO.

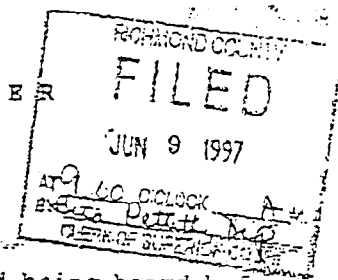
IN RE:



MINOR CHILDREN.

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ORDER



THIS CAUSE, coming on to be heard and being heard before the undersigned Judge presiding at the September 4, 1996, term of Richmond Juvenile Court; and it appearing that this matter is before the Court for a five-day non-secure custody hearing Attorney at Law; that the minor children were not present but was represented by [REDACTED], Richmond County Attorney Advocate; that the Richmond County Department of Social Services (hereinafter referred to as "Department of Social Services") was present and represented by [REDACTED] Attorney at Law; and the Court, after hearing evidence of the parties, reviewing matters of record, and hearing from counsel, makes, by clear, strong and convincing evidence, the following:

FINDINGS OF FACT

1. Richmond County Department of Social Services began an investigation regarding the minor children herein based upon the death of [REDACTED] an infant sibling, who died on August 28, 1996.
2. Autopsy results on the deceased child indicated the infant had a ruptured heart, healed bone fractures, and healing fractures.
3. [REDACTED] the mother of the minor children, related to the Department of Social Services' investigator that the infant [REDACTED] stopped breathing and that she tried to give the child CPR and "pounded on her chest".
4. The mother did not know if she had rolled over on the infant or any other reason to cause the child to stop breathing.
5. During the course of interviewing the mother on September 3, 1996, the worker noted a severe burn on the arm of [REDACTED] and also observed [REDACTED] playing with an electrical outlet with exposed wiring.

WING & LAPPING
ATTORNEYS AT LAW
RICHMOND, N. C. 28827

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CONCLUSIONS OF LAW

1. That this matter is properly before the Court and the Court has jurisdiction over the parties and the subject matter herein.

2. That there is a reasonable factual basis to believe that the allegations contained in the petition are true and the children have suffered actual physical injury and/or there is a substantial risk of the minor children's exposure to physical injury.

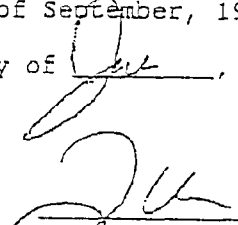
THEREFORE, it is ORDERED, ADJUDGED AND DECREED as follows:

1. That the Richmond County Department of Social Services is hereby granted the legal custody pending a hearing on the merits.

2. That the Richmond County Department of Social Services shall have placement authority with respect to the physical placement of the minor children herein, pending a hearing on the merits.

Entered this ___ day of September, 1996.

Signed this the 9 day of June, 1997.


TANYA WALLACE
Judge Presiding

STATE OF NORTH CAROLINA
COURT OF BUNCOMBE

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
JUVENILE DIVISION
96 J 416

IN THE MATTER OF:

[REDACTED]
minor child

NON-SECURE
ORDER

THIS CAUSE coming on for a non-secure hearing and being heard before the Honorable [REDACTED] Judge Presiding in the District Court, Juvenile Division, on the 13th day of November, 1996.

The following persons were present in Court:

1. [REDACTED], parents of the minor child.
2. [REDACTED], Attorney for [REDACTED]
3. [REDACTED] Guardian Ad Litem for the minor child.
4. [REDACTED] Guardian Ad Litem staff.
5. [REDACTED], Social Worker for the Buncombe County Department of Social Services.
6. [REDACTED], Attorney for the Buncombe County Department of Social Services.

THE COURT FINDS AS FACTS AS FOLLOWS:

1. That the Buncombe County Department of Social Services filed a juvenile summons and petition on November 8, 1996 alleging that the minor child is a neglected child and obtained a non-secure custody order.
2. That [REDACTED] father of the minor child, has a significant problem with violence and that the minor child was exhibiting aggressive and violent behaviors for which the parents were not seeking appropriate services.
3. That the minor child was born on June 13, 1992.
4. That [REDACTED] mother of the minor child, testified in this matter and acknowledged that [REDACTED] had been kicked out of three (3) day cares for his behavior but that she did not see a significant problem. [REDACTED] acknowledged that the Haywood County Department of Social Service had been involved with her

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family in the past and that they had left Haywood County and went to Kentucky in order get Haywood County Department of Social Services out of their lives. [REDACTED] wants the Buncombe County Department of Social Services out of her life as well. She did acknowledge that the minor child had behavioral problems but did not appear to understand the seriousness of his behavioral problems or the need to follow through with treatment for the minor child or to accept services in order to attempt to address his problems.

5. That on August 21, 1996 [REDACTED] entered into a Protection Plan with the Buncombe County Department of Social Services in which she acknowledged that [REDACTED] has a history of extremely violent behavior and she agreed to ensure that she would not allow unsupervised contact between [REDACTED] until such time as [REDACTED] had enrolled in and successfully completed a program to address his violence. [REDACTED] violated that agreement by moving back in with [REDACTED] without advising the social worker where she lived or that she was moving back in with [REDACTED] although she acknowledged on the witness stand that she was obliged to do both.

6. That there is a reasonable factual basis to believe the matters alleged in the juvenile petition are true and that there is a reasonable factual basis to believe that there is no other reasonable means available to protect the juvenile other than non-secure custody.

7. That it is in the best interest of the minor child that his non-secure custody remain with the Buncombe County Department of Social Services with placement in the discretion of the Department pending further hearings in this matter.

BASED ON THE ABOVE FINDINGS OF FACTS THE COURT CONCLUDES AS A MATTER OF LAW AS FOLLOWS:

1. That it is in the best interest of the minor child that his non-secure custody remain with the Buncombe County Department of Social Services with placement in the discretion of the Department pending further hearings in this matter.

2. That there is a reasonable factual basis to believe the matters alleged in the juvenile petition are true and that there is a reasonable factual basis to believe that there is no other reasonable means available to protect the juvenile other than non-secure custody.

IT IS THEREFORE, ORDERED:

1. That the non-secure custody of the minor child, [REDACTED] shall remain with the Buncombe County Department of Social
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P.C

Services with placement in the discretion of the Department pending further hearings in this matter.

2. That this matter shall be scheduled for a mandatory pre-trial conference on 1:15 p.m. on December 17, 1996 and an adjudication hearing shall be scheduled for January 15, 1997.

This the 4th day of Dec, 1996.



HONORABLE JUDGE PRESIDING

D/C... 11-18-96

5

Applicant Telephone No. [redacted]
 Case Name (if different from Applicant) [redacted] Case No. [redacted]
 Address [redacted]

- I. Type of Action: New Review Redetermination Other Action
 II. Reason Child Day Care Services are Needed: Employment* Education/Training* Developmental Needs* CPS CWS
 III. Is Applicant a U.S. Citizen? Yes No If no, is applicant a legal non-citizen? Yes No (if "No," family may not apply for child day care services unless the child needing care is in foster care or receiving Child Protective Services)
 IV. Members of Income Unit:

Name: Check (✓) to indicate which children need child care services	Relationship to Applicant	DOR	Parent Fee/Effective Date
[redacted]	[redacted]	04/05/91	
[redacted]	[redacted]	04/01/92	
[redacted]	[redacted]	02/16/94	N/A

V. Income Information: N/A (services available without regard to income)
 Income Unit Size: 03 (*These reasons require determination of income eligibility, except for children in foster care.)

Type of Income (Include child day care subsidies, such as Pell Grants, employer benefits, etc.)	Gross Monthly Amount	Method of Verification (If Applicable) (May use Worksheet on reverse side)
Children in DSS Custody	0	
Total Countable Monthly Income	0	

Does the family pay child support outside the income unit? Yes No If yes, deduct from monthly countable income: _____
 VI. Child care transportation is needed: Yes No

VII. Certification of Applicant/Authorized Representative: I certify that I have read and had read to me the Applicant's Statement on the back of this form and that the information provided, as reflected on this form, is accurate and complete to the best of my knowledge.

Signature of Applicant/Authorized Representative: [redacted] Date: 09/29/97 Witness: [redacted]
 VIII. Approval: Yes, Approved from [redacted] to: 08/13/95 Not Approved
 Comments: [redacted] Date of Decision: 09/29/97
 Signature of Worker: [redacted]

86

CHILD DAY CARE ACTION NOTICE

This notice is to inform you of a change which is about to take place in your child care. Please read it carefully, front and back, because it is very important to you.

TO: Parent/RA: [Redacted] TO: Provider: [Redacted]
Address: [Redacted] Name: [Redacted]
Address: [Redacted]

Child's Name: [Redacted] Home Address: [Redacted]
Fold here

Description of Action (✓): Redetermination of Eligibility from 08/14/97 through 08/14/97 Effective Date: 08/14/97

Redetermination of Eligibility from 08/14/97 through 08/14/97 Type of Change: Parent Fee
 Termination: Family certification period will end on _____ Hours of care
Payment to current provider will end on _____ Other:
 Reinstatement
 Provider chosen is not approved
 Transportation Payments: begin on N/A and end on N/A

Comments: _____

Parent must pay the following fee beginning:			County Case#: <u>120387</u>
Type of Care	Monthly Parent Fee	Daily Parent Fee	DCS ID#: <u>200 141 509 70</u>
Full-Time	\$ _____	\$ _____	Cat. Code <u>020</u> Payment Code <u>311</u>
3/4 Care	\$ _____	\$ _____	Child eligible for: <input checked="" type="checkbox"/> SCC <input type="checkbox"/> Smart Start
Half Time	\$ _____	\$ _____	# of adults in Work First Case: <input type="checkbox"/> 0 <input type="checkbox"/> 1 <input type="checkbox"/> 2

Days/Hours Child Care Is Needed: M T W Th F S S From 7:45 am/pm Until 4:15 am/pm
(Circle days and enter times.) M T W Th F S S From _____ am/pm Until _____ am/pm

Dates School-age Care Is Needed: From: _____ Until: _____ Before/After School/Summer
(Enter dates m/d/yr and circle type) From: _____ Until: _____ Before/After School/Summer
From: _____ Until: _____ Before/After School/Summer

Comments: DAY CARE Re-certification can not be shared. Continue to use
EMERGENCY DAY CARE SERVICES - New Certification Period
8/14/97 thru 8/14/97

Check (✓) if attachments are included for additional children.
Attention Parent: If your child care payments stop or are changed, you have 60 days or until 11/29/97 to ask for a hearing. If you do not ask for a hearing by then, you cannot have a hearing. If the hearing decision is in your favor, you will receive retroactive benefits to cover the benefits that you missed. How to ask for a hearing is explained on the back of this form. Please read our rights and responsibilities on the back of this form.

From: Worker's Name Ralph E. FLELDGE Telephone # 707-255-551
Agency Name Cal. Dept. of Social Services Date Sent/Completed 09/29/97
Address: P.O. Box 999 115 N.E. 2716 2

50

08/21/97

Agency: Use Only: To [redacted] From [redacted] Date: 1-1-99
 Note the following information regarding the eligibility of the individuals listed below.
 The parent listed below needs assistance in arranging child care.

CHILD DAY CARE ACTION NOTICE

This notice is to inform you of a change which is about to take place in your child care. Please read it carefully, front and back, because it is very important to you.

86

TO: Parent/RA: [redacted] TO: Provider: [redacted]
 Address: [redacted] Name: [redacted]
 Address: [redacted]

Child's Name: [redacted] Date of Birth: [redacted]
 Fold here →

Description of Action (✓):	Effective Date: 12-30-98
Redetermination of Eligibility from 12-30-98 through 12-29-99	Type of Change: <input type="checkbox"/> Parent Fee <input type="checkbox"/> Hours of care <input type="checkbox"/> Other:
Termination: Family certification period will end on _____	
Payment to current provider will end on _____	Comments: _____
Reinstatement	
Provider chosen is not approved	
Transportation Payments: begin on _____ and end on _____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

must pay the following fee beginning: <input checked="" type="checkbox"/>	County Case#: 62010																
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;">of Care</td> <td style="width: 15%;">Monthly Parent Fee</td> <td style="width: 15%;">Daily Parent Fee</td> <td style="width: 15%;">DCS ID#: 20014456836</td> </tr> <tr> <td>Time</td> <td>\$ <u> </u></td> <td>\$ <u> </u></td> <td>Cat. Code 020 Payment Code 811</td> </tr> <tr> <td>are</td> <td>\$ <u> </u></td> <td>\$ <u> </u></td> <td>Child eligible for: <input type="checkbox"/> SCC <input type="checkbox"/> Smart Start</td> </tr> <tr> <td>Half Time</td> <td>\$ <u> </u></td> <td>\$ <u> </u></td> <td># of adults in Work First Case: <input type="checkbox"/> 0 <input type="checkbox"/> 1 <input type="checkbox"/></td> </tr> </table>	of Care	Monthly Parent Fee	Daily Parent Fee	DCS ID#: 20014456836	Time	\$ <u> </u>	\$ <u> </u>	Cat. Code 020 Payment Code 811	are	\$ <u> </u>	\$ <u> </u>	Child eligible for: <input type="checkbox"/> SCC <input type="checkbox"/> Smart Start	Half Time	\$ <u> </u>	\$ <u> </u>	# of adults in Work First Case: <input type="checkbox"/> 0 <input type="checkbox"/> 1 <input type="checkbox"/>	
of Care	Monthly Parent Fee	Daily Parent Fee	DCS ID#: 20014456836														
Time	\$ <u> </u>	\$ <u> </u>	Cat. Code 020 Payment Code 811														
are	\$ <u> </u>	\$ <u> </u>	Child eligible for: <input type="checkbox"/> SCC <input type="checkbox"/> Smart Start														
Half Time	\$ <u> </u>	\$ <u> </u>	# of adults in Work First Case: <input type="checkbox"/> 0 <input type="checkbox"/> 1 <input type="checkbox"/>														

Days/Hours Child Care is Needed: M T W Th F S S From _____ am/pm Until _____ am/pm
 (Circle days and enter times.) M T W Th F S S From _____ am/pm Until _____ am/pm

as School-age Care is Needed: From: _____ Until: _____ Before/After School/Summer
 (Enter dates m/d/yr and circle type) From: _____ Until: _____ Before/After School/Summer
 From: _____ Until: _____ Before/After School/Summer

Comments: *County Case number changed.*

Check (✓) if attachments are included for additional children.
 Union Parent: If your child care payments stop or are changed, you have 60 days or until _____ to ask for a hearing. If you do not ask for a hearing by then, you cannot have a hearing. If the hearing decision is in your favor, you will receive retroactive benefits to cover the benefits that you missed. How to ask for a hearing is explained on the back of this form. Please read rights and responsibilities on the back of this form.

Worker's Name: M Fulk Telephone #: 927 2555
 Agency Name: DSS Date Sent/ Completed: 1-6-99
 Address: WS 27102

d
 K-4/D-86
 pg. 7 of 9 copy

JAN 8 1999

SOCIAL SERVICES DEPARTMENT

Ann Hamilton, ACSW, Ph.D.
DIRECTOR

Katherine G. Knecht, ACSW
ASSISTANT DIRECTOR



TEMPORARY
ASSISTANCE AND MAINTENANCE 86
DIVISION

David L. Bradshaw, ACSW
DIVISION DIRECTOR

August 10, 2000

To Whom it may concern:

Case #

Name:

month: 12/98

There is no application nor voucher or CAN
for period 8-14-98 through 12-29-98 because
of an overdue recertification. The county
continued to pay for the child.

Sincerely,

Susan Thompson

(336) 727 2555

91
5.70
By (Date): 11/19/98
Voucher No.: 1025

Must Be Returned to: DEPARTMENT OF SOCIAL SERVICES
P.O. BOX # 1977, GASTONIA, N.C. 28053

CHILD DAY CARE VOUCHER

Parent/RA: [Redacted] Child's Name: [Redacted]
Address: [Redacted] Date of Birth: 10-22-91
Issued by: GASTONIA County: [Redacted]
Telephone #: [Redacted] If served from waiting list: SCC SCC-WF Sm.
Eligibility Period: From: 11-3-98 Through: 11-2-99 Payment by: Parent Agency

Parent must pay the following fee beginning:			County Case#: 122015
Type of Care	Monthly Parent Fee	Daily Parent Fee	DCS ID#: 70038782492
Full-Time	S /	S /	Cat. Code 020 Payment Code 871
3/4 Care	S /	S /	Child eligible for: <input type="checkbox"/> SCC <input type="checkbox"/> Smart
Half Time	S /	S /	# of adults in Work First Case: <input checked="" type="checkbox"/> 0 <input type="checkbox"/> 1
Transportation Payments: begin on _____ and end on _____			0 0 0 0
Days/Hours Child Care is Needed: (M T W Th F S) S From 12:15 am/pm Until 3:00 p			
(Circle days and enter times.) (M T W Th F S) S From _____ am/pm Until _____			
Dates School-age Care is Needed: From: _____ Until: 4:00 Before/After School/Sum.			
(Enter dates m/d/yr and circle type) From: _____ Until: _____ Before/After School/Sum.			
From: _____ Until: _____ Before/After School/Sum.			
Comments: 10090 [Redacted]			

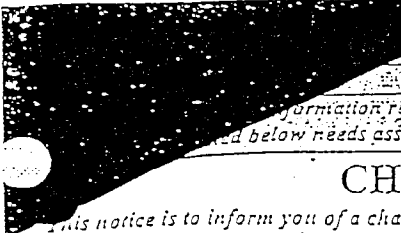
Check (✓) if attachments are included for additional children.
I understand that I have the right to select the provider to provide child care for my children. I understand that I will have to pay a provider if I receive child care after I become ineligible for assistance or if I receive any child care which is not approved by this Release of Information: I certify that I have read or had read to me the release of information statement on the back of this form.
Parent/RA Signature: [Redacted] Date: 11-3-98
Worker's Name: [Redacted] Telephone: 810-383-3838
Agency Rep. Signature: DR. AL WENZEL BB Date: 11-3-98

NOTICE TO CHILD CARE PROVIDER: You must be operating legally in order to accept child care payment with public. If you have never done this before, please call the number given below before taking children in care to find out how much you paid to provide this child care service.
Agency Contact: [Redacted] Telephone: 888-331-7777

To be Completed by the Child Care Provider: I agree to provide child care for the child/ren named on this voucher and continuation page, if attached. I will begin taking care of the child/ren on the following date: 11-2-98
I understand I must be enrolled as an eligible child care provider before I receive my first payment for the child/ren. I know that information about the child/ren and family is confidential, and that I must allow the parent access to the child/ren and the caregiver whenever the child/ren are in care.

Child Care Provider: [Redacted] Lic/Reg#: 365523
Name of Contact Person: [Redacted] Telephone Number: 810-383-3838
Location Address: [Redacted] 28054
Signature of Provider: [Redacted] County: Gaston

Note to Provider: Return white copy to the person named on the top of the form. Keep the pink copy for your files. Give yellow copy to the parent.
DCD-046 Rev. 6



From: Child Care Date: 3/10/99
 Information regarding the eligibility of the individuals listed below
 and below needs assistance in arranging child care.

CHILD DAY CARE ACTION NOTICE

This notice is to inform you of a change which is about to take place in your child care. Please read it carefully, front and back, because it is very important to you.

TO: Parent/RA: [Redacted] Provider: [Redacted]

Address: _____ Name: _____

Address: _____ Address: _____

Child's Name: [Redacted] Date of Birth: 10/22/94

Fold here

Description of Action (✓):		Effective Date:	
<input type="checkbox"/> Redetermination of Eligibility from _____ through _____	Type of Change:	<input type="checkbox"/> Parent Fee	
<input checked="" type="checkbox"/> Termination: Family certification period will end on <u>3/24/99</u>		<input type="checkbox"/> Hours of care	
Payment to current provider will end on <u>3/24/99</u>		<input type="checkbox"/> Other:	
<input type="checkbox"/> Reinstatement	Comments: _____		
<input type="checkbox"/> Provider chosen is not approved			
<input type="checkbox"/> Transportation Payments: begin on _____ and end on _____			

Parent must pay the following fee beginning:			County Case#: _____	
Type of Care	Monthly Parent Fee	Daily Parent Fee	DCS ID#: _____	
Full-Time	\$ _____	\$ _____	Cat. Code _____ Payment Code _____	
3/4 Care	\$ _____	\$ _____	Child eligible for: <input type="checkbox"/> SCC <input type="checkbox"/> Smart	
Half Time	\$ _____	\$ _____	# of adults in Work First Case: <input type="checkbox"/> 0 <input type="checkbox"/> 1 <input type="checkbox"/>	
Days/Hours Child Care is Needed: M T W Th F S S From _____ am/pm Until _____ ar				
(Circle days and enter times) * M T W Th F S S From _____ am/pm Until _____ ar				
Dates School-age Care is Needed: From: _____ Until: _____ Before/After School/Summer				
(Enter dates m/d/yr and circle type) From: _____ Until: _____ Before/After School/Summer				
From: _____ Until: _____ Before/After School/Summer				
Comments: <u>Client failed to provide work verification on advised schedule by 3/16/99.</u>				

Check (✓) if attachments are included for additional children.

Attention Parent: If your child care payments stop or are changed, you have 60 days or until _____ to ask for hearing. If you do not ask for a hearing by then, you cannot have a hearing. If the hearing decision is in your favor, you will receive retroactive benefits to cover the benefits that you missed. How to ask for a hearing is explained on the back of this form. Please read your rights and responsibilities on the back of this form.

From: Worker's Name Carl S. [Redacted] Telephone # 766-3873

Agency Name [Redacted] Date Sent/ Completed 3/10/99

Address: _____

CS-DSS-5-14

9
NARRATIVE RECORD

3/93

Name: [REDACTED]

Case #: 49394

Page #: 1

Date/Worker/Type Contact: [REDACTED]

Office 2/95

On 2/2/98 [REDACTED] came to the agency to make an application for child care services. These services were requested to

support Employment/Training/ CPS/ FC/Special Needs. The applicant works/attends

Food Service

during the following days and hours:

5 days 10:30-12:30 & 3:30-9:30 pm

The applicant states that no one lives in the home and is unable to assist in day care due to:

Target Population of Employment/Education will require income to be verified for eligibility. The applicant has the following monthly income:

~~None~~ - none

Child is 13 yrs old and meets "Age of child" require:

Child is in foster care Parent works 2nd shift.

FEE: 0 EFFECTIVE:

Is the applicant income eligible for services? YES/NO/NA due to CPS

Applicant is is not in the Workfirst Employment Services.

Category: 020 Service Code: 811 Family Size: 1

Certification Period: 2/2/98 - 2/1/99 Applicant has read and signed

DSS-1463. Voucher(s) # 7388

were assigned and applicant was given original and 2 copies for their use.

Original voucher to be returned by: 2/16/98. Blue copy retained.

Intake forms submitted for case set-up. Further action awaits assignment of 11-digit ID's, case file, etc.

3/5/98/92 Let msg [REDACTED] moved out 3/1/98.

JUL-09 01 15:06 FROM: CHILD DAY CARE

336-333-6264

TO: 919 715 3000

JUL-13-2001 FRI 09:08 ID:

TEL:

P:09

North Carolina Division of Social Services
Individual Basic Data File
Narrative Documentation Record

97

Case Name and Number:

Date	3. Family Members	4. Narrative
8/11	T/C [REDACTED]	[REDACTED] IN HOSPITAL DISEASE 8/19/97 8/4/98
		POSSIBLE HEART ATTACK OVER WEEKS MOSES CONE 3709
8/13/97	T/C [REDACTED]	F.M. IS HOME FROM HOSPITAL. HEART ATTACK HAPPENED ON SUNDAY MORNING. HEART CATHETERIZATION AT MOSES CONE
		[REDACTED]
		[REDACTED]
		[REDACTED]
		[REDACTED]
		[REDACTED]
		[REDACTED]
		[REDACTED]
		[REDACTED]
		[REDACTED]
11		[REDACTED]

EB

001-13-2001 PRI 09:07 ID:

TEL:

P:02

87/13/2001 10:36 3363210389

GAL:HIGFP1

97

12

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

GUILFORD COUNTY

IN THE MATTER OF: [REDACTED]

O R D E R

95-J-647

[REDACTED]

This matter is properly before the court for a hearing, under G. S. 7A-577, to determine the need for the continued non-secure custody of the juveniles named above. This court has jurisdiction over the subject matter of this proceeding and of the person of the juveniles. An Order to Assume Custody was entered under G. S. 7A-573, and a petition under G. S. 7A-560 was filed, as appears of record.

Present in court are the [REDACTED] Assistant County Attorney, [REDACTED] Attorney Advocate, [REDACTED] Social Worker, [REDACTED] Litem Program Coordinator, [REDACTED]

THE COURT MAKES THE FOLLOWING FINDINGS OF FACT BY CLEAR AND CONVINCING EVIDENCE:

1. Pursuant of G. S. 7A-577(f), upon evidence stated below, the court makes the following findings of fact relevant to the criteria for continued non-secure custody set forth in G. S. 7A-574(a):

That a petition alleging neglect and dependency was filed September 26, 1995 at 3:04 p.m.

2. That the child is currently in the legal and physical of the Guilford County Department of Social Services.

3. That there is a reasonable and factual basis for filing the petition.

4. That the parent was advised of the right to counsel and that she may be required to reimburse the state for the fees of the court appointed attorney, Mr. Ronald Butler.

5. That it is in the best interest of the child to remain in the legal and physical custody of the Guilford County Department of Social services.

6. That the Guilford County Department of Social Services is allowed to place the child back in the home with her mother.

7. That the mother cooperate with the Guilford County Department of Social Services and to show that she is giving the medication to her child as prescribed by the doctor, and that all doctor's appointments are met.

8. That the mother also take her medication as prescribed.

9. That the mother is to cooperate with the Guilford County Department of Social Services, the health department and any agency that is working with her.

12

10/10/1995 15:36 338910389

PAGE 43

13

97

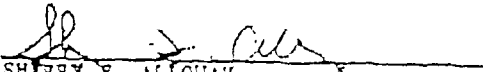
CONTINUED - PAGE TWO

FILE NO. 95-J-647

IT IS NOW THEREFORE ORDERED, ADJUDGED AND DECREED:

1. That the child remain in the legal and physical custody of the Guilford County Department of Social Services with that agency having placement responsibility and the authority to consent for medical and educational needs.
2. That the mother cooperate with any agency that is helping her at this time.
3. That this matter come on for a hearing on the merits December 20, 1995.
4. That this matter be retained for further orders of this court.

This the 3rd day of October, 1995.



 SHERRY R. ALLOWAY
 JUDGE PRESIDING

spb

D/Kushnalsky
9/26/95

13

TEL:

P:21

15

98

NORTH CAROLINA
GUILFORD COUNTY

JUDICIAL COURT OF JUSTICE
FAMILY COURT DIVISION

IN THE MATTER OF

O R D E R

[REDACTED]

94-j-292
94-j-294
94-j-295

This matter is coming on for a Review, Friday, August 12, 1994 pursuant to an Order entered on July 20, 1994.

Present in Court are [REDACTED]
[REDACTED] of the minor children; Attorney [REDACTED];
[REDACTED] Attorney Advocate [REDACTED];
[REDACTED] Social Worker [REDACTED]
[REDACTED] with the Guilford County Department of Social
Services; [REDACTED]
Attorney [REDACTED] representing [REDACTED]; and
Attorney [REDACTED] representing [REDACTED]

THE COURT MAKES THE FOLLOWING FINDINGS OF FACT:

1. That all three (3) children are currently in the legal and physical custody of the Guilford County Department of Social Services as the result of an adjudication of neglect and dependency.
2. That [REDACTED] is currently living with her paternal [REDACTED] that she is doing well in her grandmother's home.
3. That the Guardian ad Litem, the father's attorney and the mother all agree that it is in the child's best interest that she be placed in the legal and physical custody of her paternal grandmother.
4. That the two (2) younger children, [REDACTED] are currently in foster care in Guilford County; that they are doing well in their foster home.

15

16
[REDACTED]
August 12, 1994
page two

5. That this matter was adjudicated on July 20, 1994 and was scheduled for today's date to determine what steps the Department of Social Services had made towards reunification.

6. That the Department of Social Services has made the following reasonable efforts:

(a) Arranged a visitation schedule once a week for the two younger children and every other week with all three (3) children.

(b) Arranged with the foster mother to begin full day visits on the week-ends beginning this week-end.

(c) Referred the parents to the Department of Social Services emergency assistance program and that program has been active in assisting with housing as well as food stamps and other emergency assistance.

(d) Assistance, counseling and case management has been provided to [REDACTED] in order to assist him in the filing of his disability claim; that [REDACTED] is also being aided in filing his claim by the Episcopal Servant Center of Greensboro.

(e) Assisting [REDACTED] in the completion of the necessary applications to obtain further education.

(f) Provided transportation by the use of bus tickets.

(g) Referred them to Urban Ministries in order to receive food assistance, and has confirmed that food vouchers and assistance is available for the parents.

(h) The ongoing Social Worker has given the parents an 800 pager number for them to call him as needed.

7. That the Department of Social Services has made reasonable efforts for reunification.

8. That there are some delays that have been caused by the parents.

JUL-13-2001 FRI 09:52 10:

TEL:

P:23

17

98

[REDACTED]
August 12, 1994
page three

9. That the parents have not kept regular appointments with emergency assistance, the Episcopal Servants Center; that they were late and completely missed a visit with their children; that there have been inconsistent statements reported which have caused delays in obtaining housing.

10. That it is in the best interest of [REDACTED] that she be placed in the legal and physical custody of her paternal grandmother, [REDACTED]

11. That it is in the best interest of [REDACTED] that they remain in the legal and physical custody of the Guilford County Department of Social Services.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that [REDACTED] be placed in the legal and physical custody of her paternal grandmother, [REDACTED] with [REDACTED] having the authority to consent to any medical and educational needs of the child.

IT IS FURTHER ORDERED that [REDACTED] remain in the legal and physical custody of the Guilford County Department of Social Services with that agency having placement responsibility and the authority to consent to any medical and educational needs.

IT IS FURTHER ORDERED that the services that the Department of Social Services has implemented be continued.

IT IS FURTHER ORDERED that the parents are to fully cooperate with the Department of Social Services to timely meet their appointments and to timely make all visitation.

IT IS FURTHER ORDERED that the Department of Social Services has the discretion to increase the visitation and to allow overnight visits; that prior to exercising any overnight visits or any extended visits, the Guardian ad Litem be notified 72 hours prior to any such visits.

IT IS FURTHER ORDERED that this matter come back on for a Review on February 10, 1995.

THIS MATTER IS RETAINED FOR FURTHER ORDERS OF THE COURT.

17

August 12, 1994
page four

This the 12th day of August, 1994.

[Signature]
SHERRY F. ALLOWAY
JUDGE PRESIDING

*D/Custody
Court Order 8/12/94
Signed by Judge
H-588-94
8/24/94*

NORTH CAROLINA-GUILFORD COUNTY
CERTIFIED A TRUE COPY OF ORIGINAL
ON FILE IN THIS OFFICE.

8-24, 1994
[Signature] C.S.C.

18

18

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Continued - Page - Two

October 23, 1996

3. That reasonable efforts have been made in this matter to prevent the need for placement and otherwise encourage reunification.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

1. That [redacted] remain in the non-secure legal and physical custody of the Guilford County Department of Social Services with said agency having placement responsibility and the authority to consent to any medical and or educational needs.

2. That visitation be at the discretion of the Guilford County Department of Social Services and is to be supervised.

3. That the mother of the minor child is to continue to cooperate and follow through with course of treatment, therapy counseling or other assessments through Guilford County Mental Health, Guilford County Community College with respect to parenting classes or other education or vocational opportunities, otherwise cooperate and submit to voluntary assessment and appropriate treatment as recommended through Alcohol and Drug Services.

4. That the mother cooperate with the Guilford County Department of Social Services.

5. That a hearing on the merits shall be held on November 6, 1996.

THIS MATTER IS RETAINED FOR FURTHER ORDERS OF THE COURT.

This 23rd day of October, 1996.


A. ROBINSON HASSELL
JUDGE PRESIDING

js

NORTH-CAROLINA - GUILFORD COUNTY,
CERTIFIED A TRUE COPY OF ORIGINAL
ON FILE IN THIS OFFICE

THIS 9th day of Dec 1996
Kathryn J. [unclear] C.S.C.

20

21

STATE OF NORTH CAROLINA
GUILFORD COUNTY

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

IN THE MATTER OF

O R D E R

95-J-437

[REDACTED]

This matter is properly before the court for a hearing, under G.S. 7A-577, to determine the need for the continued nonsecure custody of the juvenile named above. This court has jurisdiction over the subject matter of this proceeding and of the person of the juvenile. An Order to Assume Custody was entered under G.S. 7A-575, and a petition under G.S. 7A-540 was filed, as appears of record.

Present in court are the [REDACTED] of the minor child; [REDACTED]; Attorney Advocate [REDACTED] standing in for [REDACTED] Deputy County Attorney [REDACTED]; and Social Worker [REDACTED]

THE COURT MAKES THE FOLLOWING FINDINGS OF FACT BY CLEAR AND CONVINCING EVIDENCE:

1. That this matter is before the court pursuant to a petition filed on May 22, 1995 at 8:36AM, alleging neglect and dependency.
2. That [REDACTED] was born on October 13, 1993.
3. That the mother of the minor child is [REDACTED] and she is present in court. She represents to the court that she wants to work toward regaining custody of her child.
4. That all parties consent and agree that it is in the best interest of the minor child to continue in the legal and physical custody of the Department of Social Services.
5. That the efforts by the Department of Social Services were necessary and in the best interest of the child. That there was no time for the department to work with the family before seeking the custody of the minor child.

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101

[REDACTED]
May 26, 1995
Page Two

6. That all parties agree that this matter should be set for an Adjudicatory Hearing on August 2, 1995, and that any 7-Day Hearings between now and that date should be waived.

THE COURT CONCLUDES AS A MATTER OF LAW:

1. There is a reasonable factual basis to believe that the matters alleged in the petition are true, that there is no reasonable means other than continued nonsecure custody available to protect the juvenile.

2. Reasonable efforts have been made by the Guilford County Department of Social Services to prevent or eliminate the need for placement of the juvenile in custody.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED:

1. That [REDACTED] remain in the nonsecure legal and physical custody of the Guilford County Department of Social Services with placement responsibility and the authority to consent to any medical or educational needs.

2. That visitation between the child and the mother or any extended family member be at the discretion of the Department of Social Services, but no less than once a week between the child and mother if the mother is able to keep that visitation schedule.

3. That the Department of Social Services work with the mother towards reunification.

4. That all 7-Day Hearings between now and the Adjudicatory Hearing are waived.

5. That the mother sign the necessary release of information forms if she enters into any type of substance abuse program, and all other release of information forms necessary to help the court with information towards determining whether to return the minor child to her.

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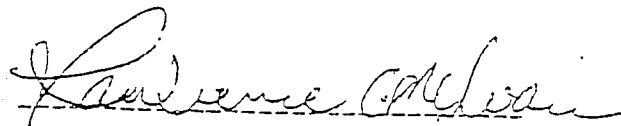
[REDACTED]

May 26, 1995
Page Three

3. That this matter shall come back on for an
Adjudicatory Hearing on August 2, 1995.

THIS MATTER IS RETAINED FOR FURTHER ORDERS OF THE
COURT.

This 26th day of May, 1995.



LAWRENCE C. MCSWAIN
JUDGE PRESIDING

at

23

24

NORTH CAROLINA
GUILFORD COUNTY

FILED IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

APR 11 AM 10:42

GUILFORD COUNTY, N.C.

BY [Signature]

92 J 268
92 J 269
92 J 196
92 J 197
92 J 226

IN THE MATTER OF:

[Redacted]
and [Redacted]

ORDER

THIS MATTER COMING ON TO BE HEARD AND BEING HEARD before the undersigned presiding Judge at the July 15, 1992, Session of Juvenile Court, High Point Division, Guilford County, North Carolina, the Court makes the following findings of fact by clear, cogent and convincing evidence.

The Court finds that those present before the Court are [Redacted] Attorney representing [Redacted], Guilford County Department of Social Services; [Redacted], Assistant County Attorney; [Redacted] and [Redacted] Attorney Advocate.

The Court finds that all parties agree and stipulate to a finding that all juveniles named above are neglected and dependent juveniles in that they did not receive proper care and supervision from their parent and lived in an environment injurious to their welfare.

The Court finds that [Redacted] the mother of the juveniles, was residing at Pathways, [Redacted] Family Shelter, in April, 1992; that she left Pathways at 9:00 a.m. on April 1, 1992 and had not returned as of 9:00 p.m. that evening, leaving her two children, [Redacted] unattended when they returned from school; and that her whereabouts were unknown and information on other relatives was unavailable; and that these children were taken into custody of the Department of Social Services pursuant to a petition filed April 2, 1992, and a non-secure custody order issued thereafter.

The Court finds that [Redacted] was asked to leave Pathways because she had gotten into a fight with another resident; that she did not locate other housing for herself and her younger children, [Redacted] that there were no other relatives who were able or willing to care for the children; and that [Redacted] and

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██████████ taken into the custody of the Department of Social Services pursuant to a petition filed April 1, 1992 and a non-secure custody order issued thereafter.

The Court finds ██████████ was born on June 8, 1992; that ██████████ did not receive any prenatal care for the child; that ██████████ had no clothing for the child and did not have a stable living arrangement; that the child tested positive for cocaine at birth; and that the child was taken into the custody of the Department of Social Services pursuant to a petition filed June 11, 1992, and a non-secure custody order issued thereafter.

The Court finds that ██████████ and her family have been provided services by the Department of Social Services since 1984 including: AFDC money payments, food stamps, transportation services, assistance in locating housing in 1988 and 1990 through the Housing Authority, and assistance on at least two occasions in placing the family in a homeless shelter; and that the Department of Social Services has made reasonable efforts to prevent the removal of the juveniles from their home.

The Court finds that the the Department of Social Services and the Guardian ad Litem have recommended that the legal and physical custody of the juveniles remain with the Department of Social Services with the agency having placement responsibility and authority to consent for medical and educational needs; and that visitation be at the discretion of the Department of Social Services.

The Court finds that the the Department of Social Services and the Guardian ad Litem have recommended that ██████████ submit herself to Greenpoint for a drug and alcohol assessment and that she follow the recommendations with regard to treatment and/or counseling.

The Court finds that the Guardian ad Litem recommends that ██████████ be ordered to complete a psychological assessment and be provided with life management counseling and assistance.

The Court finds that the Guardian ad Litem recommends that the Department of Social Services arrange for ██████████ to attend 4-H camp.

Based on the foregoing Findings of Fact, the Court concludes as a Matter of Law that:

- (1) The Court has jurisdiction over the parties and subject matter.
- (2) Said juveniles are dependent and neglected as defined by G.S. 7A-517(13) and (21).

13-2001 FBI 02:54 (D)

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103

- (3) The Department of Social Services has made reasonable efforts to prevent the removal of the juveniles from their home.
- (4) It is in the best interest of the juveniles to remain in the legal and physical custody of the Guilford County Department of Social Services.

Based on the foregoing Findings of Fact and Conclusions of Law and with the consent of all parties herein, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that said juveniles are neglected and dependent as defined by law.

IT IS ORDERED that the legal and physical custody of said juveniles remain with the Guilford County Department of Social Services with that agency having placement responsibility and the authority to consent to medical treatment and educational needs.

IT IS ORDERED that [REDACTED] submit herself to a substance abuse assessment and evaluation at Greenpoint; and, as time permits and circumstances evolve, that she obtain a mental health evaluation to determine her needs regarding life management and counseling to break the cycle of her unstable lifestyle.

IT IS ORDERED that the Department of Social Services execute a contract with the mother which should set forth the terms and conditions of reunification as well as the timetable as to the agency's expectations of the mother's completion of the conditions; and that this contract include life management programs, parenting classes, or any other services that will be beneficial to the mother of the juveniles.

IT IS ORDERED that the Department of Social Services assist [REDACTED] as appropriate with obtaining housing and addressing other needs.

IT IS ORDERED that the Department of Social Services provide the funding for [REDACTED] attend the 4-H camp as soon as possible.

IT IS ORDERED that visitation between the mother and the juveniles be at the discretion of the Department of Social Services.

IT IS ORDERED that the Department of Social Services notify the Guardian ad Litem office at least 48 hours prior to any change in placement except in the event of an emergency at which time the Guardian ad Litem should be notified as early as possible.

26

JUL-13-2001 FRI 09:56 ID:

TEL:

P:35

28

103

EIS CURRENT CASE DATA

CASE-ID 78545684 CREATED 1995061 LAST-CHG 2001134 FORM-ID 0235254B
 CO 41 CO-CASE 001810 DIST 109 CO-REASSIGN 0 000000 TERM 70 05312001
 BASEHEAD/PAYEE [REDACTED] ID 900333246L PH#
 ADDRESS LINE 1 3 LANCER CT ADDRESS LINE 2
 CITY GREENSBORO STATE NC ZIPCODE 27405 WORKER-NO 109 NEEDS UNIT
 SUB-PAY-CODE 11 SUB-PAYEE-NAME [REDACTED]

APPLICATION-NO 0516177 APPL-DATE 02281995 APPL-TYPE 2
 ONGOING-DISP: DATE 03011995 REASON A1 RETRO-DISP: DATE 00000000 REASON
 AID-PROG I AID-CATG AS CHILD-CARE: AMT 0000 VENDORS 0 HOLD/TERM
 PYMT-REVW-PERD 000000 000000 PYMT-TYPE 9 MO-PYMT-AMT 000000 PYMT-EFF 000000
 MED-STAT A MED-EFF-DATE 01012001 MEDICAID-CERT-PERD 01012001 12312001
 MED-DEDUCTIBLE-BAL 00000.00 MEDIC-CLASS C PAT-MO-LIABILITY-AMT 00000

GROSS INC 00000.00 DISREGD 00000.00 TOT-UNEARN 00000.00 MAIN-AMT 00362.00
 WORK-EXP 00000.00 NET-EARNED 00000.00 RSDI-AMT 00000.00 AMBULATORY-CAP
 CHILD/ADULT-CARE 00000.00 SSI-AMT 00000.00 DOMICILIARY-RATE 0000.00
 GRANT-RECOUPMENT 0000 000000 TOT-COUNTABLE-MO-INC 00000.00

FOOD-STAMP STEP-PARENT EPICS CLM N SSI N VA-PAY N
 SELECTION: KEY: 78545684

D/Cashels
11-3-95

28

JUL-13-2001 FRI 08:58 ID:

TEL:

103

P:34

29
EJA901

EIS APPLICATION DATA FOR APPLICATION NO 63848426

NAME	AID-CAT	Q11	HLTH	CH	APPL-DT	CASE-ID
[REDACTED]	AAF				01291991 3	2716670
ADDRESS LINE 1	WORKER	CO	CO-CASE	DIST	IND-CT	FOOD-STAMP-NO HEAD INCL?
PT D	132	41	001810	132	01	0001810 N
ADDRESS LINE 2	VER	AFS	BD	R/DISPOSITION	DATE	REASON NOTICE STATUS
710 KENT ST	Y			A	03041991 A1	Y PA
CITY	STATE	ZIP	APP	RECVD	R/DISPOSITION	DATE REASON NOTICE LCD
HIGH POINT	NC	27260				
LN	INDIVIDUAL NAME	BIRTH-DT	RACE	SEX	CLM	SSN
01	[REDACTED]	01041991	B	M	N	
						1991072 INDIV-ID 9003332461

SELECTION KEY
604-INQUIRY IS COMPLETE

*P/C Submittal
4-3-97*

29

JUL-13-2001 FRI 08:55 ID:

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103

P:23

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EIS INDIVIDUAL ELIGIBILITY HISTORY FOR 900333246L

HIST FROM	AUTH FROM	HIST THRU	PGM AMB	CLS SN	SSI	CO	PAY	CASE ID	PROVDR NUM	LIV CD	DB/PML (AUTO	COV RSN	DIST
11/01/1993	11/01/1993	06/30/1994	AAF	C	N	60	1	32679866					
10/01/1993	10/01/1993	10/31/1993	IAS	C	N	41	9	78545684			()
04/01/1993	04/01/1993	09/30/1993	IAS	C	N	41	9	78545684			()
10/01/1992	10/01/1992	03/31/1993	IAS	C	N	41	9	78545684			()
05/01/1992	05/01/1992	09/30/1992	IAS	C	N	41	9	78545684			()
04/01/1991	04/01/1991	04/30/1992	AAF	C	N	41	1	27166708			()
											()
											()

SELECTION KEY 900333246L
604-INQUIRY IS COMPLETE

D/Custody H-3-92

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This matter shall be reviewed on October 21, 1992.

Entered this 15th day of July, 1992:

Signed this 7th day of August, 1992.

Thomas B. Fitzg

Judge Presiding

*D/Custody
4-3-92*

ATRE
DEPT OF JUSTICE
GULFPORT, MISSISSIPPI
James L. Allen

27

NORTH CAROLINA
GUILFORD COUNTY

FILED
1995 MAY 20 AM 8:40
GUILFORD COUNTY, N.C.
BY

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

95 J 246
95 J 247
95 J 248

MC 10
04

10 H
Error 5
no working
D/Costly 3-9-94

IN THE MATTER OF:



ORDER

THIS MATTER COMING ON TO BE HEARD AND BEING HEARD before the undersigned presiding Judge at the May 12, 1995, Session of Juvenile Court, Greensboro Division, Guilford County, North Carolina, the Court makes the following findings of fact by clear, cogent and convincing evidence.

The Court finds that those present before the Court are [redacted] mother of the juveniles; Ms. Marilyn Cahoon, attorney appointed to represent [redacted] Ms. Linda Marrs and Ms. Cynthia Cole, Guilford County Department of Social Services; Ms. Lynne G. Schifftan, Deputy County Attorney; and Mr. Don Rumsey, Attorney Advocate.

The Court finds after hearing evidence from all parties that the allegations in the Petition have been proved by clear, cogent and convincing evidence and that said juveniles are neglected as defined by law.

The Court finds that [redacted] was born on or about March 7, 1995, and tested positive for cocaine; that the mother admitted to using cocaine on a regular basis and not receiving prenatal care; that another child, [redacted] was born on July 26, 1993, also testing positive for cocaine, and another child, [redacted] has been in the legal custody of the Department of Social Services for several years and has serious medical problems due to the mother's use of cocaine during that pregnancy.

The Court finds that the mother has not attained regular and consistent substance abuse treatment during the time that the Department of Social Services has been working with her but has indicated in Court on this date that she intends to comply with such.

Based on the foregoing Findings of Fact, the Court concludes as a Matter of Law that:

- (1) The Court has jurisdiction over the parties and subject matter.
- (2) Said juveniles are neglected as defined by law.

APPROVED AND FORWARDED:
JUDGE OF THE DISTRICT COURT
IN AND FOR THE COUNTY OF GUILFORD
June 20 1995
K. [Signature]

Signed this 20th day of May, 1995.

K. [Signature]
Judge Presiding

309

3/ AUG. -10' 00 (THU) 06:41 YOUTH & FAMILY SVCS

TEL: 704-336-7509

P. 020



116

MECKLENBURG COUNTY
Youth and Family Services Department

COURT SUMMARY

July 10, 1992

Re: [REDACTED]	Mother: [REDACTED]
DOB: 10/13/85	
[REDACTED]	Father: [REDACTED]
DOB: 7/04/87	Address Unknown
[REDACTED]	Father: [REDACTED]
DOB: 1/13/89	Address Unknown
[REDACTED]	Father: [REDACTED]
DOB: 4/09/90	Address Unknown
FILE#: 90-J-624,625,626,627	
	Type of Hearing: Review

PROCEDURAL HISTORY

The [REDACTED] children were placed in DSS legal and physical custody on 10/03/91, based on mother's being sentenced to 8 years in prison for violating the terms of her probation. [REDACTED] was incarcerated for possession with intent to sell and deliver cocaine. The [REDACTED] children came into DSS custody on 9/25/90, due to the mother's incarceration. The children were returned to her custody on 1/10/91. In both cases the children were adjudicated dependent.

[REDACTED] was paroled on 2/11/92. Since that time DSS has been working with her and providing services in order for reunification to occur.

32
AUG. -10' 00 (THU) 06:41 YOUTH & FAMILY SVCS

TEL: 704-536-7509

P. 021

COURT SUMMARY J. HOUPT
PAGE 2

116

PLACEMENT

All four children are in the foster home of [REDACTED]. The children are doing very well with little or no problems reported by the foster mother.

SERVICES OFFERED

[REDACTED] was referred to Open House before the last court hearing which was on April 9th. Open House recommended that [REDACTED] attend the 16th week After Care Program. As of this writing [REDACTED] has not attended the program. [REDACTED] was also referred to the Metrolina Aids Project. We referred to MAPP hoping she could receive counseling for herself and her children to help explain to her children about her condition. [REDACTED] has stated to this worker that she has spoke with her daughter concerning her HIV status.

As of this writing [REDACTED] resides in a hotel on Wilkinson Blvd. She informed us that she is in the process of moving into her own apartment.

[REDACTED] has also stated that she has applied for Food Stamps, AFDC and SSI.

VISITATION

[REDACTED] has been visiting with her children on the weekends. The weekend visits have been going very well. The children state that they have a great time on these visits and want them to be longer. [REDACTED] has been very good about calling this worker on a weekly basis to schedule the visits.

The only concern we have was that one of the children informed us that they were being spanked on these visits. We discussed this with [REDACTED] and feel like she understands the importance of not using any physical discipline. There have been no more incidents reported.

YOUTH AND FAMILY SERVICES RECOMMENDATIONS

- 1) That the children remain in the legal and physical custody of the Department.
- 2) That [REDACTED] attend the After Care Program at Open House and follow all recommendations.

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AUG. -10' 00 (THU) 06:42 YOUTH & FAMILY SVCS

TEL: 704-536-7509

P. 022

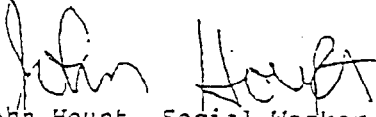
COURT SUMMARY J. HOUP
PAGE 3

116

- 3) That [REDACTED] obtain sufficient living arrangements for herself and her children.

REQUESTED REVIEW PERIOD: Sixty ___ Days

Respectfully submitted,


John Houpt, Social Worker
Youth and Family Services

FILE No. 353 07/06 101 14:23 ID:

FAX: 704 336 7429

DATE

34

116



MECKLENBURG COUNTY

Richard W. Jacobsen, Jr.
Director
jacobrw@co.mecklenburg.nc.us

Department of Social Services

John K. Skidmore
Interim Director, YFS
Skidmik@co.mecklenburg.nc.us

Youth and Family Services Division

July 6, 2001

To: Danny C. Stewart, Director
Office of the Internal Audit

From: Mary D. Franklin, Behavioral Health Tech.

Re: [REDACTED]

Mr. Stewart,

I am faxing a copy of the Custody Order, at 180 days from initial placement date of 10/2/1991. I also cross-referenced this Order with the Juvenile Courts file, and this is the only Court Order that is of 180 days of the placement date of 10/2/1991.

If you have any questions or concerns please feel free to contact me at 704-336-7384.

Respectfully,
Mary D. Franklin

Mary D. Franklin
Behavioral Health Tech.



PEOPLE • PRIDE • PROGRESS

720 East Fourth Street • Charlotte, North Carolina 28202 • (704) 336-2131 • Fax (704) 336-7429
www.co.mecklenburg.nc.us/codss

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AUG. -10' 00 (THU) 06:42 YOUTH & FAMILY SVCS

TEL: 704-336-7509

P. 024

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
FILE #: 90-J-625, 626, 627, 628

116

IN THE MATTER OF:

O R D E R

[REDACTED] Children.

This matter came on for adjudication on January 2, 1992. Present for the hearing were [REDACTED] YFS attorney; YFS social workers, [REDACTED] substituting for [REDACTED] the mother's attorney, [REDACTED] and the juveniles' advocate, [REDACTED]

The mother freely, voluntarily, and with full knowledge of the consequences stipulated to the following findings of fact and the Court finds a factual basis for the stipulations:

1. The mother stipulated that paragraphs a, c, e, f, and g of the verified petition are true.

Based upon the above findings of fact, the Court hereby CONCLUDES AS A MATTER OF LAW and ORDERS as follows:

1. That the juveniles are dependent as defined by NCGS §7A-517(13).
2. That the children should have weekly visitation with each other.
3. That YFS has made reasonable efforts towards reunification in this case.
4. That the juvenile should remain in the legal custody of YFS and that their placement shall be the responsibility of YFS. It would not be in the best interests of the juvenile to be returned to their mother's custody at this time.
5. That YFS shall conduct a home study on the maternal uncles.
6. That the Court will hear this matter for disposition on April 9, 1992, at 9:00 a.m.

This the 10 day of Jan 1992.

RECEIVED

JAN 13 1992

MECKLENBURG COUNTY
YOUTH & FAMILY SVC

Marilyn R. Bissell
The Honorable Marilyn R. Bissell
District Court Judge Presiding

[Signature]
JAN 13 1992

35
✓

FILE No. 368 07/06 '01 14:24 ID:
STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG
IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

FAX: 7043367429

PAGE 4

Signed Judge: WJ, RH, (JH)

116

MECKLENBURG COUNTY
FILED
APR 9 1992
AT _____ M.
CLERK OF SUPERIOR COURT

DISPOSITIONAL HEARING ORDER

IN THE MATTER OF:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
(Names)

10/13/85
7/4/87
1/13/89
4/9/90

PRESENT PLACEMENT

D. Custody
10-2-91
Court Doc
H-9-9
FOSTER CARE
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

A DISPOSITIONAL HEARING was conducted in this case on APRIL 9TH, 1992.

1. The following persons were present for the hearing:

____ child(ren)
____ mother
____ father
 mother's atty [REDACTED]
____ father's atty
 YFS atty [REDACTED]
 social worker [REDACTED]

Atty Advocate [REDACTED]
____ GAL
____ Court Counselor
____ Other(s)

2. On 1/2nd, 1992, the child was adjudicated [] abused, [] neglected, [] dependent or [] the Court placed the child into custody at the delinquency/undisciplined disposition.

3. The Court received and considered the following: [] YFS Summary, [] Written Case Plan, [] Reasonable Efforts Report, [] GAL Report, [] Other _____

Based on the written reports, the case record, and the statements made and other evidence presented at this hearing, the Court finds the following facts:

1. The problems which lead to the adjudication and which must be resolved to achieve reunification and/or otherwise conclude this case are:

CEIVE

APR 21 1992

2. The case plan [] presented at this hearing is appropriate, MECKLENBURG COUNTY WITH FAMILY SVC the plan is amended as follows is appropriate:

36

10/13/85
10/21

(a) The parent(s) need to do the following within the time frame(s) indicated:

37

ACTIVITY

TIME FRAME

116

(b) The following treatment/services should be provided to meet the child's needs and facilitate reunification:

PS SET OUT IN SUMMARY

3. The permanent plan for this child is reunification with MOTHER
 has not yet been determined and must be established by _____

4. Visitation between the child and the
mother is or is not desirable;
father is or is not desirable;
_____(other caretaker or relative) is is not desirable.

5. The juvenile's mother is employed, unemployed earning gross, net income as follows: \$ _____ per _____.

The juvenile's father, _____, is employed, unemployed, earning gross, net income as follows: \$ _____ per _____.

The juvenile's father, _____, is employed, unemployed, earning gross, net income as follows: \$ _____ per _____.

6. It is in the child's best interest to be returned to the physical/legal custody of _____ where he/she will receive proper care and supervision for the following reasons; or It is not in the child's best interest to be returned home at this time, for the following reasons: *contains info in summary.*

37

38
17. [] Other: _____

116

Based upon the above FINDINGS OF FACT, the Court CONCLUDES AS A MATTER OF LAW that

1. YFS has, [] has not made reasonable efforts since the last hearing.
2. ~~YFS~~ reasonable efforts requirement is not applicable because [] perman plan is not reunification or [] child is in relative placement, [] reunification has occurred.
3. [] Mother has a duty to pay child support and [] is [] is not able to do at this time.

[] Father has a duty to pay child support and [] is [] is not able to do at this time.
4. Mother has a duty to reimburse the state for the cost of her legal representati and [] is, [] is not able to do so at this time.

Father has a duty to reimburse the state for the cost of his legal representati and [] is, [] is not able to do so at this time.
5. Mother has a duty to pay for [] any medical care or other treatment of the chil [] any individual treatment ordered by the Court, and [] is, [] is n financially able to do so.
6. Father has a duty to pay for [] any medical care or other treatment of the chil [] any individual treatment ordered by the Court, and [] is, [] is n financially able to do so.
7. It is in the child's best interest to remain in the legal custody of YFS wi placement with FOSTER CARE or [] place legal custody with:

THEREFORE, based on the above FINDINGS OF FACT and CONCLUSIONS OF LAW, the Cou ORDERS the following:

1. The child be placed/remain in the legal custody of YFS with placeme with FOSTER CARE; or [] that legal custody be plac with _____
2. The child's placement and care are the responsibility of YFS, and YFS to provide or arrange for the foster care or other placement of the chil
3. Visitation shall take place as follows:
AT LEAST WEEKLY. DSS MAY ARRANGE FOR OVERNIGHT
OR WEEKEND VISITS.

FILE NO. 99-07700-01 14:25

FAX: 7043367429

PAGE 7

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4. Beginning _____, _____ shall pay child support in the amount of _____ every _____ until further order through the Clerk of Superior Court

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Beginning _____, _____ shall pay child support in the amount of _____ every _____ until further order through the Clerk of Superior Court to _____

5. Father, _____, shall pay \$ _____ and mother shall pay \$ _____ to the Office of the Clerk of Superior Court for Mecklenburg County to reimburse the state of the cost of their legal representation.

6. _____ shall pay _____ towards the medical treatment of _____.

7. YFS shall provide the following treatment and services:
DSS TO PROVIDE ASSISTANCE & COUNSELING REGARDING
BIIRTH CONTROL TO mother.

8. Mecklenburg County must pay for the cost of the child's placement in whole or in part; the cost of the child's medical or other treatment; the cost of the parents' treatment; transportation of the child to services.

9. The parent(s) shall comply with the case plan as contained herein above specifically including, but not limited to the following:

10. Other: GAL OFFICE TO APPOINT LISA PIAZZI AS GAL FOR
THE CHILDREN

11. For purposes of this order "child" shall mean all children whose names appear in the caption and "parents" shall mean either or both parents of any child and YFS shall be understood to be the Department of Social Services (DSS).

12. A review hearing in this case is hereby scheduled for JULY 10th, 1992 at 9:30 a.m. p.m.

This the 9th day of April, 1992

A TRUE COPY
CLERK OF SUPERIOR COURT
Andrea Lovick
Clerk of Superior Court

Cam Hunter
District Court Judge Presiding

39

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Even 5

JUL-13-2001 FRI 11:42 AM

FAX NO.

P. 03

3. That over the weekend preceding this hearing, [REDACTED] consumed alcohol and drugs and was briefly hospitalized at New Hanover Regional Medical Center. The Department of Social Services filed herein a Motion requesting Nonsecure Custody of [REDACTED] and [REDACTED] for placement in the home of a first cousin, [REDACTED]. That nonsecure custody was granted by Order of 15 May 1995.

4. That [REDACTED] consents to the continued placement of the children with [REDACTED] and continued placement of [REDACTED] with [REDACTED] pending further hearing.

5. That [REDACTED] indicates her intention to seek in-patient treatment for a problem of substance addiction.

NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:

1. That legal custody of [REDACTED] and of [REDACTED] is hereby granted to the New Hanover County Department of Social Services for placement in the home of [REDACTED] or otherwise as necessary. Placement may be made with other relatives if necessary and if concurred in by the guardian ad litem.

2. That this Cause is continued for further Order of this Court and is to be set for adjudication on 13 July 1995 to allow [REDACTED] to complete in-patient treatment.

This the 15th day of May, 1995.

Rebecca W. Blackmore
Rebecca W. Blackmore
District Court Judge

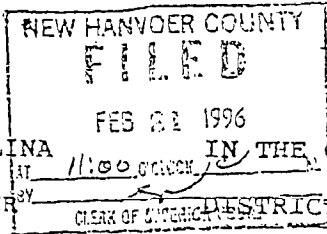
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STATE OF NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE
COUNTY OF NEW HANOVER DISTRICT COURT DIVISION

IN THE MATTER OF:

FILE NO. 92 J 363, 364
FILE NO. 94 J 152

145
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[Redacted names]

ORDER ON REVIEW

D/Custody 7-20

This cause coming on to be heard and being heard before the undersigned District Court Judge presiding at and over the 17 August 1995 Session of Juvenile Court for New Hanover County, for review of previous adjudicatory and custodial orders of this Court and appearing before the Court this date are the following persons: [Redacted], mother of the above-named children, represented by Mark Terrall, Attorney at Law; [Redacted] father of the above surnamed juveniles, represented by Steve Porter, Attorney at Law; Les Strayhorn, Social Worker and Julia Talbutt, Attorney, on behalf of the New Hanover County Department of Social Services; [Redacted] Guardian ad litem, represented by Regina Floyd-Davis, Attorney Advocate. And it appearing to the Court from the reports of the Department of Social Services, the Guardian ad litem and from the official file in this cause as follows:

1. That pursuant to prior Order of this Court of 18 May 1994, legal custody of [Redacted] and [Redacted] was retained by the New Hanover County Department of Social Services with physical custody retained by their mother, [Redacted]

2. That, in light of [Redacted] move to Raleigh, North Carolina in March of 1995, the Court requested

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CLERK SUPERIOR COURT
NEW HANOVER COUNTY

FAX NO.

P. 07

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the Wake County Department of Social Services to continue to monitor this case and requested a Guardian ad litem. That both Wake County and New Hanover County were to continue to provide support to [REDACTED] and her family.

3. That [REDACTED] moved back to Wilmington 2 July 1995, because she had lost her housing in Wake County. [REDACTED] had no housing plans in place upon her return to Wilmington so she moved into a one bedroom apartment in [REDACTED] with [REDACTED] and another adult. [REDACTED] and [REDACTED] were advised that there must be a plan for housing for [REDACTED] and the children by 14 July 1995. The Department placed the children back into foster care on 20 July 1995, when it became apparent that no plan was in place for resolving housing and stability issues. All efforts to assist [REDACTED] and [REDACTED] were unsuccessful.

4. [REDACTED] is working at [REDACTED] Cafeteria with her mother. [REDACTED] states she is looking for affordable housing and trying to save money for a down payment and the first month's rent. No parent is paying child support for these children.

5. All the children are doing well in foster care and they all attend day care. These children need a permanent, stable, safe and loving home.

NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:

1. That legal custody of [REDACTED] and [REDACTED] and [REDACTED] is retained by the New Hanover County Department of Social Services for continued placement in

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PAGE NO.

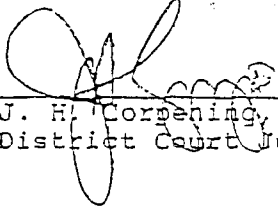
P. 08

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foster care with physical custody continuing with their mother,
[REDACTED]

2. That this cause is retained for further orders of this Court and is to be reviewed within six months, at which time, there is to be a determination as to the appropriateness of reunification as a permanent plan. Sooner review may be sought by any party upon a substantial change of circumstances.

This the 17th day of August 1995.



J. H. Corpening, II
District Court Judge

92J363+

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Encl 5

JUL-13-2001 FRI 11:41 AM

FAX NO.

P. 02

FILED 8-28 1995

AT 12:10 P.M.

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E. Condit
CLERK SUPERIOR COURT

12/15/95
5-15-95

STATE OF NORTH CAROLINA ^{NEW HANOVER COUNTY} IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

COUNTY OF NEW HANOVER

FILE NO. 95 J 112-114

IN THE MATTER OF:)
)
)
)
)

[REDACTED]

ORDER ON NEED FOR
CONTINUED CUSTODY

This Cause coming on to be heard and being heard before the undersigned District Court Judge presiding at and over the 18 May 1995 Session of Juvenile Court for New Hanover County for determination on the need for continued nonsecure custody and appearing before the Court this date are the following persons: [REDACTED] mother of the above-named juveniles, represented by James Maggard, Attorney at Law; Ethel Stanley, Social Worker, and Julia Talbutt, Attorney, on behalf of New Hanover County Department of Social Services, Petitioner herein; [REDACTED] Guardian ad litem District Coordinator and William Norton Mason, Attorney Advocata. And it appearing to the Court from the verified Petition as follows:

1. That the New Hanover County Department of Social Services filed herein a Petition alleging the above-named juveniles to be neglected juveniles.

2. That this matter was previously scheduled to be heard on 26 April 1995, and on 11 May 1995, but was continued to allow the parents of the above-named juveniles to obtain attorneys. That [REDACTED] has by consent of [REDACTED] father of the juvenile, and [REDACTED] mother of the juvenile, been placed with his paternal grandmother, [REDACTED]

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07/27/01

15:34

ROCKINGHAM CO. MHC → 919 715 5855

NO. 324 02

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Rockingham County

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Area

Mental Health, Developmental Disabilities, and Substance Abuse

Program

P.O. Box 355

Wilmington, North Carolina 27575-0355

Phone 336-342-831

Fax 336-342-831

DATE: 7/27/01

TO: DAN STEWART, INTERNAL AUDIT DEPARTMENT, DHHS
FROM: KATHY S. EANES, ADMIN. ASSISTANT/DD SERVICES *KSE*
RE: DSS SUBSIDY/CARMEN B.

This memo is to follow up our phone conversation of this afternoon.

The Rockingham County Enrichment Center is a daycare center for developmentally delayed children ages 15 months to three years. We provide intensive daily supervision/direct care for children exhibiting mild to severe developmental delays; they may simply exhibit a delay in speech, be immobile, and/or require tube feeding. We are licensed for a maximum of ten children per classroom with one teacher and two assistants in each classroom.

Also, [REDACTED] received speech therapy through an outside service provider. No portion of the \$2,298 received monthly for her from DSS was ever used to pay for the speech therapy she received.

The above monthly subsidy amount received from DSS covered the developmental daycare slot, transportation to and from daycare, and high risk intervention services in the classroom.

Please contact me at 336-342-8419 should you have any further questions.

KSE

7/27/01

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4. That as a result of a protective services report, the Respondent received a child sexual abuse evaluation on May 22, 1990.

5. This Court finds as additional findings of fact those facts contained within the aforesaid report [REDACTED] and [REDACTED]. A copy of said document is attached hereto and hereby incorporated by reference.

6. That from January 1990 until the child's removal from the home, the condition of the home and the physical condition of the child with regard to cleanliness and appropriate clothing deteriorated. Said deterioration paralleled the reduction in the emotional stability of the mother during the same time.

7. That on several occasions, including May 31, 1990, the Respondent was observed by [REDACTED] to be outside unsupervised. On some of the occasions, the child was outside, and his mother was in the house with the door closed. The family resided on [REDACTED] a highway for vehicular traffic. On May 31, 1990, the Respondent was observed to be at the edge of the highway "checking out" the blue and white cruiser of the policeman who had been called to assist in the removal of the child. The officer questioned [REDACTED] whether this child was the child he was to assist in picking up, and when it was confirmed, the officer stated, "It's a good thing."

8. That when the family lived in [REDACTED], the child was observed to be unsupervised away from his mother's home with her door closed.

9. That the Respondent was observed repeatedly by [REDACTED] to be dirty and wearing dirty, ill-fitting clothing. Moreover, the juvenile wore pampers while in the care of his mother although she acknowledged that he did not need to wear diapers. The mother explained that it was easier for her to let him to wear diapers because they were "on the go a lot."

10. That the Respondent's mother, upon being advised that there were allegations of sexual abuse of her son, she denied the sexual abuse and questioned "can they tell if a mama raped her own baby?"

11. That this Court adopts as additional findings of fact for dispositional purposes only those facts contained within the aforesaid Court Summary as amended on [REDACTED] dated August 21, 1990, and Guardian ad Litem Report to the Court as amended of [REDACTED] dated August 20, 1990.

12. That the Wake County Department of Social Services has made reasonable efforts under the circumstances to make it possible to allow the Respondent to return home.

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13. ~~That it is in the best interest of the Respondent that~~
this Court adopt as its Order the recommendations of the Wake
County Department of Social Services and the Guardian ad Litem.

Based upon the foregoing findings of fact, this Court
concludes as a matter of law:

CONCLUSIONS OF LAW

1. That the Respondent is a neglected juvenile as defined
by N.C.G.S. §7A-517(21) in that he has not received proper care
and supervision from his mother and lives in an environment
injurious to his welfare, to wit: the Respondent has been
exposed to and can describe various sexual acts. He exhibits a
preoccupation with sex and sexual orientation way beyond that
which is age appropriate knowledge, speech, or activity.
Exposure to the acts has been while the Respondent was in the
care of his mother. Moreover, the Respondent has been observed
on more than one occasion to be unsupervised in areas which are
dangerous to the Respondent at his age. Furthermore, the
Respondent has been observed to be dirty and in dirty and
ill-fitting clothing. These conditions have continued despite
the efforts of the Wake County Department of Social Services to
have the mother improve the conditions.

2. That the Wake County Department of Social Services has
made reasonable efforts under the circumstances to make it
possible to allow the Respondent to return home.

3. That it is in the best interests of the Respondent that
this Court adopt as its Order the recommendations of the Wake
County Department of Social Services and the Guardian ad Litem.

Based upon the foregoing findings of fact and conclusions of
law, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

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1. That the Respondent is a neglected juvenile as defined
by N.C.G.S. §7A-517(21) in that he has not received proper care
and supervision from his mother and lives in an environment
injurious to his welfare, to wit: the Respondent has been
exposed to and can describe various sexual acts. He exhibits a
preoccupation with sex and sexual orientation way beyond that
which is age appropriate knowledge, speech, or activity.
Exposure to the acts has been while the Respondent was in the
care of his mother. Moreover, the Respondent has been observed
on more than one occasion to be unsupervised in areas which are
dangerous to the Respondent at his age. Furthermore, the
Respondent has been observed to be dirty and in dirty,
ill-fitting clothing. These conditions have continued despite
the efforts of Wake County Department of Social Services to have
the mother improve the conditions.

Copy

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2. That the Respondent remain in the custody of the Wake County Department of Social Services with placement authority in that agency.

3. That the Respondent shall remain in his physical placement with [REDACTED] so long as it is deemed in his best interests in the discretion of the Wake County Department of Social Services and the Guardian ad Litem.

4. That the Respondent and his mother have regular, supervised visitation as developed by the visitation plan between the Wake County Department of Social Services, [REDACTED] and the Respondent's mother.

5. That this Court encourages the Respondent's mother to receive mental health assessment and treatment.

6. That this Court encourages the Respondent's mother to cooperate with the Wake County Department of Social Services concerning the best interests of her son, including parenting classes.

7. That the Respondent be assessed for participation in the sexual abuse counseling and be evaluated at Developmental Evaluation Center.

8. That the matter be reviewed in six (6) months or earlier upon motion of any party.

This the 5 day of October, 1990.

[Signature]
Honorable George F. Eason
Judge Presiding

ADJ996

D. [Signature]
5/31/9

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APPLICATION FOR CHILD DAY CARE SERVICES

Applicant's Name [Redacted] Telephone No. [Redacted]
 Case Name (if different from Applicant) [Redacted] Case No. 57364
 Address [Redacted]

- I. Type of Action: New Review Redetermination Other Action
 II. Reason Child Day Care Services are Needed: Employment* Education/Training* Developmental Needs* CPS CWS
 III. Is Applicant a U.S. Citizen? Yes No If no, is applicant a legal non-citizen? Yes No (If "No," family may not apply for child day care services unless the child needing care is in foster care or receiving Child Protective Services)
 IV. Members of Income Unit:

Name: Check (✓) to indicate which children need child care services	Relationship to Applicant	DOB	Parent Fee/Effective Date
[Redacted]	[Redacted]	7-5-89	N/A
[Redacted]	[Redacted]	"	"
[Redacted]	[Redacted]	"	"

V. Income Information: 4 N/A (services available without regard to income)
 Income Unit Size: (*These reasons require determination of income eligibility, except for children in foster care.)

Type of Income (Include child day care subsidies, such as Pell, Grants, employer benefits, etc.)	Gross Monthly Amount	Method of Verification (if Applicable) (May use Worksheet on reverse side)
NA - children in foster care		

Total Countable Monthly Income
 Does the family pay child support outside the income unit? Yes No If yes, deduct from monthly countable income:
 VI. Child care transportation is needed: Yes No

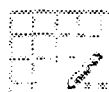
VII. Certification of Applicant/Authorized Representative: I certify that I have read or had read to me the Applicant's Statement on that the information provided, as reflected on this form, is accurate and complete to the best of my knowledge.

Signature of Applicant/Authorized Representative: [Signature] Date: 4-6-97
 Witness: [Signature] Date: 4-5-97 Not App

VIII. Approval: Yes, Approved from 4-6-97 to 4-5-98
 Comments:
 Signature of Worker: [Signature] Date of Decision: 4-6-97

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Shirley D Sorrell
08/16/2000 03:49 PM

To: Joyce Senter
cc:
Subject: [REDACTED]

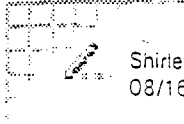
Attached are copies of the two applications you requested. They are copies of applications. Information was the same so the worker just changed the dates. There is no need for carbon copies of application for foster children since we are the custodians and the one copy is enough for our records..

[Faint, illegible handwritten text]

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Shirley D Sorrell
08/16/2000 03:49 PM

To: Joyce Senter

cc:

Subject: [REDACTED]

Attached are copies of the two applications you requested. They are copies of applications. Information was the same so the worker just changed the dates. There is no need for carbon copies of application for foster children since we are the custodians and the one copy is enough for our records..

[Handwritten signature]

51

09/22/2000 14:25 7844526692

HAYWOOD CO DSS

PAGE 02

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Attention: Joyce Senter

Mrs. Senter,

I can not find a court order within 6 months of when we took custody of [REDACTED]
[REDACTED] the closest one we have is the March of 1997. If there is anything else I
can help you with just let me know.

Thanks

Gayla Holland- Haywood County Department of Social Services

Gayla Holland

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07/13/1997 09:22 1044340022 FAX 09 1997 PAGE 03

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HAYWOOD COUNTY
DEPARTMENT OF SOCIAL SERVICES

488 East Marshall Street
Waynesville, North Carolina 28786

Phone (704) 452-6620
Fax (704) 452-6673
e-mail: tbeaman@haywood.main.nc.us

Tony Beaman, CSWM
Director

September 05, 1997

Ann H. Davis, Esquire
Attorney Advocate
P. O. Box 196
Waynesville, North Carolina 28786

In the Matter of: [REDACTED]

Dear Ann:

This is to advise you that the Review in the above-subject matter has been continued to the September 25, 1997 session of DSS Juvenile Court at 9:30 a.m.

Should you have any questions, please do not hesitate to contact me.

Yours very truly,

Denise M. Zullig for
R. Kirk Randleman, Agency Attorney

dmz

cc: James W. Kirkpatrick, Esquire
Constance C. Moore, Esquire
Bill D. Noland, Coordinator-GALP
Guardians ad Litem

NOTE TO GALs: If you have previously turned in a Court Report, please include a signed and dated Addendum stating any change or no changes, as applicable, for the period that this case was continued. Send your Report to Bill Noland or bring it with you to Court.

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HAYWOOD CO DSS

PAGE 05

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HAYWOOD COUNTY
DEPARTMENT OF SOCIAL SERVICES

190

488 East Marshall Street
Waynesville, North Carolina 28788

Phone (704) 452-6621
Fax (704) 452-6673
e-mail: tbeaman@haywood.main.nc.us

Tony Beaman, CSWM
Director

September 26, 1997

Ann H. Davis, Esquire
Attorney Advocate
P. O. Box 196
Waynesville, North Carolina 28786

In the Matter of: [REDACTED]

Dear Ann:

This is to advise you that the Adjudication in the above-subject matter has been continued to the November 6th, 1997 session of DSS Juvenile Court at 9:30 a.m.

Should you have any questions, please do not hesitate to contact me.

Yours very truly,

Denise M. Zullig for
R. Kirk Randleman, Agency Attorney

:dmz

cc: James W. Kirkpatrick, Esquire
Constance C. Moore, Esquire
Bill D. Noland, Coordinator-GALP
Guardians ad Litem

NOTE TO GALs: If you have previously turned in a Court Report, please include a signed and dated Addendum stating any change or no changes, as applicable, for the period that this case was continued. Send your Report to Bill Noland or bring it with you to Court.

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HAYWOOD CO 1997

PAGE 04

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THIS REQUEST FOR CONTINUANCE IS: () ALLOWED () DENIED

DATE CASE RESCHEDULED: _____

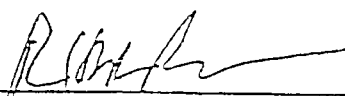
Date: _____

District Court Judge

CERTIFICATE OF SERVICE

This is to certify that the foregoing Motion and Order to Continue was served by depositing said copy in a postpaid, properly addressed envelope, in a post office depository under the exclusive control of the United States Postal Service addressed to Constance C. Moore, Esq., 46 South Main Street, Waynesville, NC 28786; the Guardian ad Litem Attorney Advocate, P. O. Box 196, Waynesville, NC 28786; the Guardian ad Litem Program Coordinator, P. O. Box 376, Waynesville, NC 28786.

This the 20th day of November, 1997.



R. Kirk Randleman, Agency Attorney
Haywood County Department of Social Services
486 East Marshall Street
Waynesville, NC 28786
(704) 452-6700

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HAYWOOD CO 055

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STATE OF NORTH CAROLINA
COUNTY OF HAYWOOD

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
92-J-80

IN THE MATTER OF:

~~_____~~
a minor child.

BY)
)
)
)

MOTION AND ORDER
FOR CONTINUANCE

Motion Filed by: R. Kirk Randleman, Esquire

Date Calendared for Trial: December 4, 1997

Basis of Motion: Interrogatory of key witness will have to be rescheduled due to unavailability prior to hearing date.

Date: November 20, 1997



R. Kirk Randleman, Agency Attorney
Haywood County Department of Social Services
485 East Marshall Street
Waynesville, NC 28786

Consented to by Opposing Party:

Signature Attorney for _____ Date: _____

Date case will be ready for trial: January 29, 1998

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07/18/2001 11:22 7244526632

HAYWOOD CO 333

PAGE 02

Continued list

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NORTH CAROLINA
HAYWOOD COUNTY

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
92-J-80

IN THE MATTER OF

[REDACTED]
Juvenile.

ORDER ON
ADJUDICATION

THIS CAUSE, coming on to be heard before the undersigned District Court Judge presiding at the March 5, 1998 session of Juvenile Court for Haywood County, North Carolina, for Adjudication on a petition filed by the Haywood County Department of Social Services.

Present for the hearing were: [REDACTED] Esq., attorney for the [REDACTED] Child Protective Services Investigator with the Haywood County Department of Social Services; [REDACTED] Social Worker Supervisor with the Haywood County Department of Social Services; [REDACTED] Outpatient Therapist with Smoky Mountain Counseling Center; [REDACTED] Coordinator of the Guardian ad Litem Program; [REDACTED] Esq., Attorney Advocate; and [REDACTED] Esq., Agency Attorney with the Haywood County Department of Social Services.

The Court, after considering the evidence presented, makes the following:

FINDINGS OF FACT:

1. That [REDACTED] mother of the minor child, was not present at the hearing.
2. That [REDACTED] father of the minor child, surrendered his rights on January 15, 1998.
3. That Child Protective Services Investigator [REDACTED] received a report of neglect on July 28, 1997, due to the mother having removed the child from counseling and refusing to take him back and that the child appeared to have lost weight during the summer.
4. That upon Investigator Sprouse's initial visit to the home, [REDACTED] would not let Investigator Sprouse into the house or let her see the child, and slammed the door in Investigator Sprouse's face. That it was necessary for Investigator Sprouse to return to the home with a police officer in order to conduct her investigation.
5. That when Investigator Sprouse visited the home of the mother and child, she observed an inadequate food supply consisting of a loaf of bread, a jar of peanut butter, a jar of mayonnaise, a bottle of Mountain Dew, one box of macaroni and cheese and one can of soup.

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704-520032

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6. That Investigator Sprouse observed that the child appeared malnourished and very skinny, and appeared to be relegated to his bedroom all day long.

7. That [REDACTED] refused to take the child to the doctor's appointment that Investigator Sprouse had scheduled and further refused to sign a form authorizing a child medical exam (CME). That Investigator Sprouse spoke with Judge Holt and obtained a nonsecure custody order.

8. That Dr. Steven Wall performed the CME on the child and the medical records indicated the child was 52.5 inches tall and weighed 53 pounds.

9. That research of the child's medical records by Investigator Sprouse indicated that the child was last seen by the doctor on March 14, 1995, and at that time was 49.5 inches tall and weighed 50 pounds.

10. That the August 1997 CME report from Dr. Wall and Investigator Sprouse's photographs of the child at the time of the investigation were admitted into evidence.

11. That [REDACTED] outpatient therapist at Smoky Mountain Counseling Center, was the child's therapist from June of 1997 to August of 1997, and saw the child four times during that period.

12. That [REDACTED] testified that the child was eight years of age when she first started seeing him, that he was very verbal and engaged in play therapy, and she observed that he was very thin, very pale, slouched, would not smile and had a disheveled look about him.

13. That [REDACTED] testified that the child did not present as a normal eight year old and had extremely poor socialization skills. That the child had trouble with his speech, was unable to play with games, had difficulty with puzzles, and would throw toys instead of play with them.

14. That [REDACTED] testified that during the counseling sessions, the child expressed a great interest in food, always talked about food and being hungry. That the child stated during one session at 11:00 a.m. that he had not had breakfast, and during another session at 1:00 p.m. that he had not had breakfast or lunch that day.

15. That [REDACTED] testified that the child stated he did not usually have breakfast, at the most a piece of bread, and stated in front his mother that he would like to have a real breakfast like oatmeal. That the mother told the child that she had no money and only food stamps.

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16. That the child told [REDACTED] that he had no toys at home and spent most of his time in his bedroom because his mother made him stay there.

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That the child told [REDACTED] that he hated his mother, that his mother did not want him at home, that he had a gun and wanted to shoot his mother, because his mother did not want him at home, only his sister, and he felt he was the reason his sister could not come home.

17. That [REDACTED] testified that this child is very angry and very hurt, and that his poor socialization skills and inability to work puzzles and play with toys were indicative of the child being kept in his bedroom most of the time and not having exposure to toys.

BASED on the foregoing, the Court CONCLUDES AS A MATTER OF LAW:

1. That this matter is properly before the Court and the Court has jurisdiction over the parties and the subject matter of this action.

2. That [REDACTED] a Neglected juvenile pursuant to N.C.G.S. 7A-517(21).

3. That it is in the best interest of [REDACTED] that his custody remain with the Haywood County Department of Social Services, with placement in their discretion.

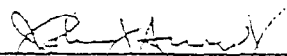
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED, AS FOLLOWS:

1. That [REDACTED] be and hereby is adjudicated a Neglected juvenile as defined by N.C.G.S. 7A-517(21).

2. That it is in the best interest of [REDACTED] that his custody remain with the Haywood County Department of Social Services, with placement in their discretion and with authority to authorize necessary medical, dental, psychological and psychiatric services for the juvenile.

This the 5th day of March, 1998.

Signed this the 20 day of March, 1998.



John V. Snow, Jr.
District Court Judge Presiding

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