



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**

ROY COOPER • Governor

KODY H. KINSLEY • Secretary

SUSAN G. OSBORNE • Assistant Secretary for Human Services

March 27, 2023

DEAR COUNTY DIRECTORS OF SOCIAL SERVICES

ATTENTION: DIRECTORS, PROGRAM ADMINISTRATORS, MANAGERS, SUPERVISORS, AND SOCIAL WORKERS

SUBJECT: LICENSURE REQUIREMENTS FOR RESPITE FOR CHILDREN IN THE CUSTODY OF LOCAL DEPARTMENTS OF SOCIAL SERVICES

REQUIRED ACTION: Information Only Time Sensitive Immediate Action

DSS Directors,

The current situation of unavailability of residential treatment placements for youth in foster care with complex behavioral health needs is creating burdens on local DSS agencies. As we work together to ensure a robust continuum of appropriate placements there are a few guidelines that we want to highlight as you navigate alternative placements.

The following is from the NCDSS Child Welfare Manual:
PERMANENCY PLANNING SERVICES POLICY, PROTOCOL, AND GUIDANCE
(Page 70):

https://policies.ncdhhs.gov/divisional/social-services/child-welfare/policy-manuals/permanency-planning_manual.pdf

“All children who are in the custody and placement responsibility of a county child welfare services agency must be in a placement licensed by the state, or in a relative or non-relative kinship care placement specifically approved by the court. This includes placement with unlicensed relatives.”

There has been conflicting information about mental health rules and respite related to unlicensed providers. To clarify, pursuant to the Mental Health Licensure rules found at 10A NCAC 27G .5101, “community respite” at a mental health facility is a service that provides **“periodic relief for a family or a family substitute on a temporary basis.”**

The rule goes on to define temporary as meaning **a period of less than 24 hours**, but it may include overnight care. It is important to note that the purpose of this community respite at a mental health facility is to provide

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periodic relief for a family or family substitute. This means that the traditional or typical caregiver of the individual is being given relief from providing care, but for periods of less than 24 hours at a time. Additionally, a private home that provides more than 24 consecutive hours of “respite” to children in DSS custody are required to be licensed as a mental health facility under G.S. 122C or a foster home G.S. 131D, and facility-based respite providers must be licensed under G.S. 131D if providing more than 24 hours of “respite” to children and they are not otherwise licensed as a mental health facility under G.S. 122C.

In summary, DSS agencies should not place children in unlicensed placement unless specifically approved by the court. Court approval of unlicensed placements is for the purpose of reporting justification of the need for unlicensed placement and to report on the safety checks that have been done (home environment, criminal checks) to ensure a safe placement.

If you have any questions, please feel free to contact your Regional Child Welfare Consultant for assistance.

Sincerely,



Lisa Tucker Cauley, MSW
Senior Director of Child, Family, and Adult Services
Division of Social Services
Department of Health and Human Services

Cc: Susan Osborne, Assistant Secretary for Human Services
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CWS-16-2023

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