



NC DEPARTMENT OF  
**HEALTH AND  
HUMAN SERVICES**

ROY COOPER • Governor

KODY H. KINSLEY • Secretary

LISA TUCKER CAULEY • Division Director, Human Services

07-09-2024

**DEAR COUNTY DIRECTORS OF SOCIAL SERVICES**

**ATTENTION:** Directors, Child Welfare Program Managers, Child Welfare Supervisors, and Social Workers

**SUBJECT:** Final Rule on Legal Representation and Permanency Planning Family Services Agreement Update

**REQUIRED ACTION:**  Information Only  **Time Sensitive**  **Immediate**

**PURPOSE/BACKGROUND:** Revised form and related policy

The North Carolina Division of Social Services (NCDSS) is releasing this letter to announce a revision to the [DSS-5240](#) to align with the Final Rule on Legal Representation. On May 10, 2024, The Department of Health and Human Services, Administration on Children, promulgated a rule that allows states to claim federal administrative funding for the cost of independent legal representation for IV-E eligible children and parents.

Beginning July 9, 2024, the rule will permit agencies to claim funding for legal representation in foster care or other civil legal proceedings. To qualify for IV-E administrative funding, legal representation has to be deemed necessary to carry out the requirements in the agency's Title IV-E foster care plan. As a result, NCDSS has updated page 6 of the Permanency Planning Family Services Agreement (FSA), form [DSS-5240](#), with the additional language that complies with this rule. Effective July 9, 2024, please ensure that the FSA used includes this additional language.

- For families with a current FSA, please substitute your current page 6 with the revised page 6 that includes the approved legal representation language when making updates to the case plan.
- For new families entering a FSA, please use the revised [DSS-5240](#).

North Carolina law already grants the right to legal counsel for all parents of children where a juvenile petition alleges a child is abused, neglected, or dependent (N.C.G.S. [7B-602](#)). North Carolina also provides an attorney advocate for all children where a juvenile petition alleges a child is abused or neglected (N.C.G.S. [7B-601](#)). The new federal rule will ensure that children and families continue to have access to independent legal counsel.

For questions, please contact Jessica Frisina, Foster Care Coordinator, at [jessica.frisina@dhhs.nc.gov](mailto:jessica.frisina@dhhs.nc.gov).

Sincerely,

Adrian W. Daye  
Deputy Director for Child Welfare Practice  
Division of Social Services, Child Welfare  
North Carolina Department of Health and Human Services

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AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

Cc: Lisa Tucker Cauley, Division Director of Human Services  
Kathy Stone, Section Chief for Safety and Prevention Services  
Kimaree Sanders, Section Chief for Regulatory and Licensing  
Peter West, Section Chief for County Operations

Attachment: DSS-5240

CWS-55-24