



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**
Division of Social Services

ROY COOPER • Governor

MANDY COHEN, MD, MPH • Secretary

SUSAN OSBORNE • Assistant Secretary for County Operations
for Human Services

Date: July 2, 2020

DEAR COUNTY DIRECTORS OF SOCIAL SERVICES

**ATTENTION: DIRECTORS, CHILD WELFARE PROGRAM ADMINISTRATORS, MANAGERS,
SUPERVISORS, AND SOCIAL WORKERS**

SUBJECT: Federal Exceptions to Termination of Parental Rights

REQUIRED ACTION: Information Only Time Sensitive Immediate

PURPOSE

The Children's Bureau released a letter on June 23, 2020, providing a reminder of the exceptions to the federal Termination of Parental Rights law. Included in the letter is also a reminder to follow up with adoptive families and offer support that may be necessary during and after the COVID-19 pandemic. The letter from the Children's Bureau is enclosed as a matter of reference and resource. However, additional guidance is provided in alignment with North Carolina's child welfare law, policy, and practice.

Termination of Parental Rights and Cease in Reunification Efforts

The Social Security Act §475(5)(E) requires Title IV-E agencies to file Termination of Parental Rights proceedings when a child has been in the custody of the agency for 15 of the last 22 months. North Carolina's General Statute § 7B-1111 (a)(2) allows for Termination of Parental Rights proceedings when a child has been in foster care or placed outside of the home for more than 12 months, without reasonable progress being made to alleviate the circumstances that led to the child's removal.

COVID-19 may have created some obstacles in a parent's ability to access services. Court closures, limited service provider availability or other circumstances may have impacted access to services for families. Initiation of TPR proceedings or requests to cease reunification efforts should be considered on a case by case basis. Should agencies delay initiation of TPR proceedings or request the courts to cease reunification efforts at permanency planning, the family's record must be clearly documented to include the specific exemption applied and a summary of the family circumstances supporting the delay.

Agencies should consider exemptions listed below, prior to initiating TPR proceedings during the COVID-19 pandemic. The two exceptions to filing a timely TPR allowable by the Social Security Act are as follows:

NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF SOCIAL SERVICES

LOCATION: 820 S. Boylan Avenue, McBryde Building, Raleigh, NC 27603
MAILING ADDRESS: 2409 Mail Service Center, Raleigh, NC 27699-2409
www.ncdhhs.gov • TEL: 919-527-6390 • FAX: 919-733-3052

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1. When the agency is required to make reasonable efforts to reunify the family, but has not provided the family the services necessary for the safe return of the child; or
2. The agency has documented a compelling reason that filing a TPR petition is not in the child's best interests.

Agencies are also encouraged to consider whether circumstances associated with COVID-19 should impact requests for the court to cease reunification efforts at permanency planning.

If you have any additional questions, please contact your regional child welfare consultant.

Sincerely,



Lisa T. Cauley
Deputy Director for Child Welfare
Department of Health and Human Services

Enclosure

Children's Bureau TPR Letter



Children's Bureau
Letter - Termination

Cc: Susan Osborne, Assistant Secretary for County Operations for Human Services
Teresa Strom, Section Chief for County Operations
Carla McNeill, Section Chief of Permanency
Kathy Stone, Section Chief for Child Protective Services and Prevention
Linda Waite, Acting Section Chief for Licensing & Regulatory

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