

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019**

**HOUSE BILL 918
RATIFIED BILL**

AN ACT TO AMEND VARIOUS ABUSE, NEGLECT, AND DEPENDENCY LAWS TO ENSURE THE SAFETY OF CHILDREN IN OUT-OF-HOME PLACEMENTS, EXPEDITE PERMANENCY PLANNING HEARINGS FOR CHILDREN WHO HAVE BEEN REMOVED FROM THE HOME, CREATE A PRESUMPTION THAT FOSTER PARENTS WITH WHOM A CHILD HAS LIVED CONTINUOUSLY FOR NINE MONTHS ARE DEEMED NONRELATIVE KIN, CREATE AN AGGRAVATING CIRCUMSTANCE FOR THE EXPOSURE TO UNLAWFUL CONTROLLED SUBSTANCES IN UTERO OR CONTROLLED SUBSTANCES USED IN VIOLATION OF THE LAW IN UTERO, AND REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF SOCIAL SERVICES, TO REPORT ANNUALLY CERTAIN EXPENDITURES FOR THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) AND TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) PROGRAM.

The General Assembly of North Carolina enacts:

PART I. ENSURE SAFETY FOR CHILDREN IN OUT-OF-HOME PLACEMENTS AND EXPEDITE PERMANENCY PLANNING HEARINGS

SECTION 1.(a) G.S. 7B-100 reads as rewritten:

"§ 7B-100. Purpose.

This Subchapter shall be interpreted and construed so as to implement the following purposes and policies:

...

- (5) To provide standards, consistent with the Adoption and Safe Families Act of 1997, P.L. 105-89, for ensuring that the best interests of the juvenile are of paramount consideration by the court and that when it is not in the juvenile's best interest to be returned home, the juvenile will be placed in a safe, permanent home within ~~a reasonable amount of time~~ one year from the date of the initial order removing custody."

SECTION 1.(b) G.S. 7B-101 reads as rewritten:

"§ 7B-101. Definitions.

As used in this Subchapter, unless the context clearly requires otherwise, the following words have the listed meanings:

...

- (15) Neglected juvenile. – Any juvenile less than 18 years of age (i) who is found to be a minor victim of human trafficking under ~~G.S. 14-43.15~~ G.S. 14-43.15, (ii) whose parent, guardian, custodian, or caretaker does not provide proper care, supervision, or discipline; or who has been abandoned; or who is not provided necessary medical care; or who is not provided necessary remedial care; or who lives in an environment injurious to the juvenile's welfare; or the custody of whom has been unlawfully transferred under G.S. 14-321.2; or who has been placed for care or adoption in violation



of ~~law~~-law or (iii) whose parent, guardian, custodian, or caretaker uses an illegal controlled substance or abuses alcohol or a controlled substance and is unable to care for and provide a safe and appropriate home for the juvenile. In determining whether a juvenile is a neglected juvenile, it is relevant whether that juvenile lives in a home where another juvenile has died as a result of suspected abuse or neglect or lives in a home where another juvenile has been subjected to abuse or neglect by an adult who regularly lives in the home.

...

(18a) Relative. – An individual directly related to the juvenile by blood, marriage, or adoption including, but not limited to, a grandparent, sibling, aunt, or uncle.

~~(18a)~~(18b) Responsible individual. – A parent, guardian, custodian, or caretaker who abuses or seriously neglects a juvenile.

~~(18b)~~(18c) Return home or reunification. – Placement of the juvenile in the home of either parent or placement of the juvenile in the home of a guardian or custodian from whose home the child was removed by court order.

...."

SECTION 1.(c) G.S. 7B-503(a) reads as rewritten:

"(a) When a request is made for nonsecure custody, the court shall first consider release of the juvenile to the juvenile's parent, relative, guardian, custodian, or other responsible adult. An order for nonsecure custody shall be made only when there is a reasonable factual basis to believe the matters alleged in the petition are true, and any of the following apply:

...

(7) The juvenile is an infant who was born drug-exposed to alcohol, unlawful controlled substances, or controlled substances used in violation of the law. If the parent is enrolled in and meeting or exceeding the benchmarks of a substance abuse treatment program recommended by a medical provider or a local management entity/managed care organization (LME/MCO), then any alcohol, unlawful controlled substances use, or use of controlled substances in violation of the law shall not be the sole ground for ordering nonsecure custody.

A juvenile alleged to be abused, neglected, or dependent shall be placed in nonsecure custody only when there is a reasonable factual basis to believe that there are no other reasonable means available to protect the juvenile. The developmental and attachment needs of the juvenile must be considered in making nonsecure custody determinations. In no case shall a juvenile alleged to be abused, neglected, or dependent be placed in secure custody."

SECTION 1.(d) G.S. 7B-505(b) reads as rewritten:

"(b) The court shall order the department of social services to make diligent efforts to notify relatives and other persons with legal custody of a sibling of the juvenile that the juvenile is in nonsecure custody and of any hearings scheduled to occur pursuant to G.S. 7B-506, unless the court finds the notification would be contrary to the best interests of the juvenile. The department of social services shall use due diligence to identify and notify adult relatives, next of kin, and other persons with legal custody of a sibling of the juvenile within 30 days after the initial order removing custody. The department shall file with the court information regarding attempts made to identify and notify adult relatives of the child, next of kin, and persons with legal custody of a sibling of the juvenile. In placing a juvenile in nonsecure custody under this section, the court shall first consider whether a relative of the juvenile is willing and able to provide proper care and supervision of the juvenile in a safe home. If the court finds that the relative is willing and able to provide proper care and supervision in a safe home, then the court shall order placement of the juvenile with the relative unless the court finds that placement with the relative would be contrary to the best interests of the ~~juvenile~~-juvenile, including, but not limited to, the developmental and attachment needs of the juvenile."

SECTION 1.(e) G.S. 7B-901(c)(1)e. reads as rewritten:

"(c) If the disposition order places a juvenile in the custody of a county department of social services, the court shall direct that reasonable efforts for reunification as defined in G.S. 7B-101 shall not be required if the court makes written findings of fact pertaining to any of the following, unless the court concludes that there is compelling evidence warranting continued reunification efforts:

(1) A court of competent jurisdiction determines or has determined that aggravated circumstances exist because the parent has committed or encouraged the commission of, or allowed the continuation of, any of the following upon the juvenile:

...

e. Chronic or toxic exposure to alcohol or controlled substances that causes impairment of or addiction in the ~~juvenile~~-juvenile, including, but not limited to, exposure to unlawful controlled substances in utero or controlled substances used in violation of the law in utero. The court shall consider whether a parent is enrolled in and meeting or exceeding the benchmarks of a substance abuse treatment program recommended by a medical provider or a local management entity/managed care organization (LME/MCO)."

SECTION 1.(f) G.S. 7B-903 reads as rewritten:

"§ 7B-903. Dispositional alternatives for abused, neglected, or dependent juvenile.

...

(a1) In placing a juvenile in out-of-home care under this section, the court shall first consider whether a relative of the juvenile is willing and able to provide proper care and supervision of the juvenile in a safe home. If the court finds that the relative is willing and able to provide proper care and supervision in a safe home, then the court shall order placement of the juvenile with the relative unless the court finds that the placement is contrary to the best interests of the ~~juvenile~~-juvenile, including, but not limited to, the developmental and attachment needs of the juvenile. In placing a juvenile in out-of-home care under this section, the court shall also consider whether it is in the juvenile's best interest to remain in the juvenile's community of residence. Placement of a juvenile with a relative outside of this State must be in accordance with the Interstate Compact on the Placement of Children.

...

(a4) If the court does not place the juvenile with a relative, the court may consider whether nonrelative kin or other persons with legal custody of a sibling of the juvenile are willing and able to provide proper care and supervision of the juvenile in a safe home. The court may order the department to notify the juvenile's State-recognized tribe of the need for nonsecure custody for the purpose of locating relatives or nonrelative kin for placement. The court may order placement of the juvenile with nonrelative kin if the court finds the placement is in the juvenile's best interests.

(a5) Once a juvenile who is not a member of a State-recognized tribe as set forth in G.S. 143B-407(a), has resided in the home of a foster parent for a continuous period of at least nine months, the foster parent is deemed to be nonrelative kin for purposes of this subsection.

...."

SECTION 1.(g) G.S. 7B-906.1 reads as rewritten:

"§ 7B-906.1. Review and permanency planning hearings.

(a) The court shall conduct a review hearing within 90 days from the date of the initial dispositional hearing held pursuant to G.S. 7B-901 and shall conduct a review hearing within six months thereafter. Within ~~12~~nine months of the date of the initial order removing custody, there shall be a review hearing designated as a permanency planning hearing. Review hearings after the initial permanency planning hearing shall be designated as subsequent permanency planning

hearings. Subsequent permanency planning hearings shall be held at least every six months thereafter or earlier as set by the court to review the progress made in finalizing the permanent plan for the juvenile, or if necessary, to make a new permanent plan for the juvenile.

...
(d) At each hearing, the court shall consider the following criteria and make written findings regarding those that are relevant:

- ...
- (3) Whether efforts to reunite the juvenile with either parent clearly would be unsuccessful or inconsistent with the juvenile's health or safety and need for a safe, permanent home within a reasonable period of ~~time~~time, including whether a parent has engaged in any of the factors described under G.S. 7B-901(c). The court shall consider efforts to reunite regardless of whether the juvenile resided with the parent, guardian, or custodian at the time of removal. If the court determines efforts would be unsuccessful or inconsistent, the court shall schedule a permanency planning hearing within 30 days to address the permanent plans in accordance with this section and G.S. 7B-906.2, unless the determination is made at a permanency planning hearing.

...
(n) Notwithstanding other provisions of this Article, the court may waive the holding of hearings required by this section, may require written reports to the court by the agency or person holding custody in lieu of review hearings, or order that review hearings be held less often than every six months if the court finds by clear, cogent, and convincing evidence each of the following:

...
The court may not waive or refuse to conduct a ~~review-permanency planning~~ hearing if a party files a motion seeking the ~~review-hearing~~. However, if a guardian of the person has been appointed for the juvenile and the court has also made findings in accordance with subsection (n) of this section that guardianship is the permanent plan for the juvenile, the court shall proceed in accordance with G.S. 7B-600(b).

...."

SECTION 1.(h) G.S. 7B-905(b) reads as rewritten:

"(b) ~~A~~An initial dispositional order ~~under which a juvenile is removed from the custody of a parent, guardian, custodian, or caretaker~~ shall direct that the review hearing required by G.S. 7B-906.1 be held within 90 days from of the date of the initial dispositional hearing and, if practicable, shall set the date and time for the review hearing."

SECTION 1.(i) G.S. 7B-906.2(b) reads as rewritten:

"(b) At any permanency planning hearing, the court shall adopt concurrent permanent plans and shall identify the primary plan and secondary plan. Reunification shall remain a primary or secondary plan unless the court makes or has made written findings under G.S. 7B-901(c) or makes written findings that reunification efforts clearly would be unsuccessful or would be inconsistent with the juvenile's health or safety. The court shall order the county department of social services to make efforts toward finalizing the primary and secondary permanent plans and may specify efforts that are reasonable to timely achieve permanence for the juvenile."

SECTION 1.(j) G.S. 7B-1103(a) reads as rewritten:

"(a) A petition or motion to terminate the parental rights of either or both parents to his, her, or their minor juvenile may only be filed by one or more of the following:

- ...
- (5) Any person with whom the juvenile has resided for a continuous period of ~~two years~~15 months or more next preceding the filing of the petition or motion.

...."

SECTION 1.(k) This section becomes effective October 1, 2020, and applies to actions filed or pending on or after that date.

PART II. REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF SOCIAL SERVICES, TO REPORT ANNUALLY CERTAIN EXPENDITURES FOR THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) AND TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) PROGRAM

SECTION 2.(a) The Department of Health and Human Services, Division of Social Services (Division), shall post on its Web site and make available by June 30 and December 31 of each year to the Joint Legislative Oversight Committee on Health and Human Services, the Speaker of the House of Representatives, the House of Representatives Minority Leader, the President of the Senate, and the Senate Minority Leader a report on certain expenditures for the Supplemental Nutrition Assistance Program (SNAP) and Temporary Assistance for Needy Families (TANF) program. The report, at a minimum, shall include each of the following:

- (1) The dollar amount and number of transactions of SNAP benefits accessed or expended out-of-state, by state.
- (2) The dollar amount and number of transactions of TANF benefits accessed or expended out-of-state, by state.
- (3) The dollar amount, number of transactions, and times of transactions of SNAP benefits accessed or expended in this State, by retailer, institution, or location.
- (4) The dollar amount, number of transactions, and times of transactions of TANF benefits accessed or expended in this State, by retailer, institution, or location.

SECTION 2.(b) The Division shall properly redact any information subject to reporting under subsection (a) of this section to prevent identification of individual recipients of SNAP or TANF benefits.

SECTION 2.(c) This section is effective when it becomes law.

SECTION 3. Except as otherwise provided, this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 25th day of June, 2020.

s/ Philip E. Berger
President Pro Tempore of the Senate

s/ David R. Lewis
Presiding Officer of the House of Representatives

Roy Cooper
Governor

Approved _____m. this _____ day of _____, 2020