



HOUSE BILL 407: Foster Care Family Act

2015-2016 General Assembly

Committee:	House Judiciary III	Date:	April 15, 2015
Introduced by:	Reps. Stevens, Glazier	Prepared by:	Janice Paul
Analysis of:	PCS to First Edition H407-CSTJ-16		Committee Counsel

SUMMARY: *The Proposed Committee Substitute (PCS) to House Bill 407 would modify laws concerning foster care families by implementing a reasonable and prudent parenting standard, providing liability insurance for foster parents, reducing barriers to the obtaining of a driver license by foster children, and directing the Department of Health and Human Services (Department) to study a Medicaid waiver for children with serious emotional disturbance.*

[As introduced, this bill was identical to S423, as introduced by Sens. Barringer, Harrington, Tucker.]

BILL ANALYSIS:

Part II. "Reasonable and Prudent Parenting Standard in Foster Care."

Section 2.1 of the PCS would create a new section in Chapter 131D of the General Statutes, "Inspection and Licensing of Facilities," to establish a reasonable and prudent parenting standard in foster care, in order to conform to the provisions of federal law (Title 42 of the U.S. Code) .

Section 2.2 would amend a provision in the Juvenile Code to require the Department to make diligent efforts to notify relatives and any custodial parents of the juvenile's siblings that the juvenile is in nonsecure custody and to provide notice of nonsecure custody hearings, unless the court finds that such notification is not in the juvenile's best interests.

Section 2.3 would require the court to consider whether parents with custody of a sibling of the juvenile have been identified and notified as potential resources for placement and support prior to the hearing on adjudication.

Section 2.4 of the PCS would modify the statute concerning dispositional hearings to require the court to inquire about efforts made to identify and notify parents with custody of a sibling of the as potential resources for placement and support.

Section 2.5 would enact new sections in the Juvenile Code relating to dispositions, to do the following:

- Authorize a county department of social services (DSS) with custody of a juvenile to make decisions about matters generally made by a juvenile's custodian, including making educational decisions and consenting to the sharing of the juvenile's information, and authorizes the delegation of this authority to a juvenile's parent, foster parent, or another individual.
- Authorize a DSS with custody or placement authority of a juvenile to provide or withhold permission to allow a juvenile to participate in normal childhood activities. It would further allow the court to set alternative parameters if such authorization is not in the best interest of the juvenile.

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- Set out specific requirements for every permanency planning hearing for a juvenile 14 years of age and older in the custody of DSS, including a directive that the court inquire and make written findings regarding the child's transition to adulthood and whether another planned permanent living arrangement would be an appropriate permanent plan for the juvenile.

Part III. "Liability Insurance for Foster Parents."

Section 3.1 would enact new provisions in the Insurance Law to require the Rate Bureau to develop an optional policy form or endorsement to provide liability insurance for licensed foster parents, and sets out what coverage must be provided. This section provides that the liability insurance is not required to cover acts or omissions of a foster parent when the acts or omissions do not comply with written instructions of the placing agency or the Department.

Part IV. "Reduce Driving Barriers for Foster Children."

Section 4.1 of the PCS would enact a new G.S. 58-37-35(g), concerning the North Carolina Motor Vehicle Reinsurance Facility, to provide that, with the approval of the Insurance Commissioner, the Facility will establish a form of nonfleet private passenger motor vehicle liability insurance providing named nonowner coverage for a foster child in State custody, and sets out policy requirements.

Section 4.2 would enact a new provision to deem minors competent to contract for the purchase of an automobile insurance policy with the consent of the court if they are in the legal custody of the State and 16 years of age or older.

Section 4.3 would amend G.S. 20-11(i) to allow an application for a permit or license to be signed by both the applicant and certain other persons when the applicant is in the legal custody of DSS.

Section 4.4 would enact a new provision in the Motor Vehicle Act to provide that the owner of a motor vehicle who is a foster parent does not violate the Financial Responsibility Act by allowing their foster child to operate their motor vehicle when the foster child is covered by a nonowner motor vehicle insurance policy.

Part V. "Study Medicaid Waiver for Children with Serious Emotional Disturbance (SED)."

Section 5.1(a) of the PCS would require the Department's Division of Medical Assistance to design and draft, but not submit, a 1915(c) Medicaid waiver to serve children with Serious Emotional Disturbance (SED) in home and community-based settings.

Section 5.1(b) would requires the Department to report the draft waiver, other findings, and any other options or recommendations to best serve children with SED to the Joint Legislative Oversight Committee on Health and Human Services by December 1, 2015.

EFFECTIVE DATE: Parts 2 and 4 of this act would become effective October 1, 2015. The remainder of this act is effective when it becomes law.