



# HOUSE BILL 918: Expedite Permanency/DHHS Report SNAP/TANF.

2019-2020 General Assembly

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<b>Committee:</b>		<b>Date:</b>	November 6, 2020
<b>Introduced by:</b>	Reps. Jarvis, Stevens, Murphy	<b>Prepared by:</b>	Tawanda F. Artis Staff Attorney
<b>Analysis of:</b>	Ratified		

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**OVERVIEW:** *House Bill 918 would have amended various abuse, neglect, and dependency laws to do the following:*

- *Ensured the safety of children in out-of-home placements.*
- *Expedited permanency planning hearings for children who have been removed from the home.*
- *Created a presumption that foster parents with whom a child has lived continuously for nine months are deemed nonrelative kin.*
- *Created an aggravating circumstance for the exposure of unlawful controlled substances in utero or controlled substances in violation of the law in utero.*
- *Required the Department of Health and Human Services (DHHS), Division of Social Services (DSS) to report annually on certain expenditures for the Supplemental Nutrition Assistance Program (SNAP) and Temporary Assistance for Needy Families (TANF) Program.*

*House Bill 918 was ratified on June 25, 2020, and was vetoed by the Governor on July 2, 2020.*

**CURRENT LAW:** Subchapter I (Abuse, Neglect, and Dependency) of Chapter 7B (Juvenile Code) of the General Statutes does the following:

- Provides procedures for hearing juvenile cases to ensure fairness and equity and protect the constitutional rights of juveniles and parents.
- Develops dispositions in juvenile cases that reflect the facts, needs and limitations of the juvenile, and the strengths and weaknesses of the family.
- Provides services to protect juveniles by means that respect the right to family autonomy and the juveniles' needs for safety, continuity, and permanence.
- Provides standards for removal of juveniles from their homes and return of juveniles to their homes when necessary.
- Provides 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.

## BILL ANALYSIS:

Jeffrey Hudson  
Director

H918-SMTV-151(rat)-v-3

Legislative Analysis  
Division  
919-733-2578

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**Section 1(a)** would have amended the purpose of Subchapter I of Chapter 7B to clarify juveniles who are removed from their homes are to be placed in a safe, permanent home within one year of the date of the initial order removing custody.

**Section 1(b)** would have amended the definition of neglect to include circumstances where a 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. Also, added a definition for "relative" to include an individual directly related to the juvenile by blood, marriage, or adoption.

**Section 1(c)** would have added to the criteria for non-secure custody a condition providing if a juvenile is an infant who was born drug-exposed to alcohol, unlawful controlled substances, or controlled substances used in violation of the law, then the court may issue an order for non-secure custody. If the parent is enrolled in and meeting or exceeding the benchmarks of a substance abuse treatment program recommended by a medical provider or LME/MCO, then this factor cannot be the sole ground for ordering nonsecure custody.

**Section 1(d)** would have done the following:

- Required a department of social services to use due diligence to identify and notify adult relatives, next of kin, and others with legal custody of a sibling of a juvenile who is in non-secure custody within 30 days of the initial order removing custody. Also, required filing with the court information regarding attempts to make such identification and notification.
- Clarified a juvenile does not have to be placed with a relative if the court finds that it would be contrary to the best interests of the juvenile including consideration of the developmental and attachment needs of the juvenile.

**Section 1(e)** would have clarified the court must direct that reasonable efforts for reunification are not required if the court finds that a court has determined that aggravated circumstances exist because the parent has committed or allowed the continuation of chronic or toxic exposure to alcohol or controlled substances that causes impairment of or addiction in the 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 must take into consideration 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 LME/MCO.

**Section 1(f)** would have made clarifying changes to the dispositional alternatives for juveniles that have been abused, neglected or who are dependent, including:

- Required the court to consider the juvenile's developmental and attachment needs when deciding whether to order placement of the juvenile with a relative.
- Added a provision that if the court does not place the juvenile with a relative, the court may consider whether nonrelative kin or another person with legal custody of a sibling of the juvenile is willing and able to provide proper care and supervision of the juvenile in a safe home.
- Permitted the court to order the department to notify the juvenile's State-recognized tribe of the need for non-secure custody for locating relatives or nonrelative kin for placement.
- Provided when a juvenile, who is not a member of State-recognized tribe, has resided with a foster parent for a continuous period of at least nine months, that foster parent is deemed to be nonrelative kin.

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**Section 1(g)** would have amended the law on review and permanency planning hearings to provide there must be a permanency planning hearing within nine months of the date of the initial order removing custody and makes other clarifying changes.

**Section 1(h)** would have clarified an initial dispositional order must direct that the review hearing required under G.S. 7B-906.1 be held within 90 days from the date of the initial dispositional hearing.

**Section 1(i)** would have required the court to make or have made written findings in order for reunification to not be a primary or secondary plan.

**Section 1(j)** would have amended the law to allow any person with whom a juvenile has lived for a continuous period of 15 months or more to file a petition or motion to terminate the parental rights of either or both of the juvenile's parents.

**Section 1(k)** would have made Section 1 effective October 1, 2020, and applied to actions filed or pending on or after that date.

**Section 2(a)** would have required DSS to report on its website and make available on June 30 and December 31 of each year to the Joint Legislative Oversight Committee on Health and Human Services, the Speaker of the House, House Minority Leader, President Pro Tempore of the Senate, and Senate Minority Leader certain information related to expenditures for the SNAP and TANF program. The report must include:

- The dollar amount and number of transactions of SNAP benefits accessed or expended out of state, by state.
- The dollar amount and number of transactions of TANF benefits accessed or expended out of state, by state.
- The dollar amount, number of transactions, and times of transactions of SNAP benefits accessed or expended in this State, by retailer, institution, or location.
- 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)** would have required DSS to properly redact the information reported to prevent identification of individual recipients of benefits.

**Section 2(c)** would have made this section effective when it became law.

**EFFECTIVE DATE:** HB 918 was ratified on June 25, 2020, and was vetoed by the Governor on July 2, 2020.