



# HOUSE BILL 918: Amend Abuse Laws/Expedite Permanency.

2019-2020 General Assembly

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| <b>Committee:</b>     | House Rules, Calendar, and Operations of the House | <b>Date:</b>        | May 3, 2019       |
| <b>Introduced by:</b> | Reps. Jarvis, Stevens, Murphy                      | <b>Prepared by:</b> | Tawanda N. Foster |
| <b>Analysis of:</b>   | First Edition                                      |                     | Staff Attorney    |

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

- *Ensure the safety of children in out-of-home placements.*
- *Expedite the goal of permanency for children under three years of age who have been removed from the home.*
- *Create a presumption that foster parents with whom a child under three years of age has lived continuously for nine months are deemed nonrelative kin.*
- *Create an aggravating circumstance for the exposure of nonmedical, controlled substances in utero.*

**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:**

**Section 1** amends the purpose of Subchapter I of Chapter 7B to provide juveniles under age 3 years of age who are removed from their homes are to have a prospective permanent placement within one year of the date of the initial order removing custody.

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**Section 2** amends the definition of non-relative kin to include a presumption that a foster parent with whom a juvenile under 3 years of age has lived for at least nine months is nonrelative kin and adds a definition for relative to include an individual directly related to the juvenile.

**Section 3** adds to the criteria for non-secure custody a condition providing if a juvenile is an infant who: 1) was born drug-exposed and the drug exposure was not medically based; 2) the parent is unable to discharge parental responsibilities due to a history of chronic drug abuse, and 3) there are reasonable grounds to believe that the parent's substance abuse will continue for a prolonged or indeterminate period based on the opinion of a licensed health care provider with substance abuse disorders experience, then the court will issue an order for non-secure custody.

**Section 4** does the following:

- Requires 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 60 days of the initial order removing custody. This section also requires filing with the court information regarding attempts to make such identification and notification.
- Adds to the items that the court must consider when placing a juvenile with a relative the developmental and attachment needs of the juvenile and allows the court to not place the juvenile with the relative if doing so is contrary to those interests.

**Section 5** requires the court to 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 exposure to nonmedical controlled substances in utero."

**Section 6** does the following:

- Requires the court to consider the juvenile's developmental and attachment needs when deciding whether to order placement of the juvenile with a relative when placing a juvenile in out-of-home care.
- Adds the requirement that once a child under age 3 has lived with a foster parent for at least nine months, the foster parent is deemed to be a relative. Further, 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.
- Permits 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.
- Permits the court to order the placement of the juvenile with nonrelative kin if the court finds the placement is in the juvenile's best interest.

**Section 7** does the following:

- Makes it a goal of the department to place infants under age 3 in a prospective permanent placement within 12 months of the date of the initial order removing custody.
- Adds to the items that the court must consider when making written findings at each permanency planning hearing, to include whether the parent has engaged in any of the factors under G.S. 7B-901(c) when making a finding as to whether efforts to reunite the juvenile with

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their parent would be unsuccessful or inconsistent with the juvenile's health or safety and need for a safe, permanent home.

- Requires that the court may not waive or refuse to conduct a permanency planning hearing if a party files a motion seeking the hearing.

**Section 8** adds a requirement that 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, and if practicable, shall set the date and time for the review hearing.

**Section 9** requires the court to make or have made written findings in order for reunification to not be a primary or secondary plan.

**Section 10** adds a foster parent to the persons who may file a petition or motion to terminate parental rights provided the foster parent is one with whom a juvenile under age 3 has resided for a continuous period of at least nine months preceding the filing of the petition or motion.

**EFFECTIVE DATE:** This act becomes effective October 1, 2019, and applies to actions filed or pending on or after that date.