



HOUSE BILL 132: Juvenile Code Rev's/CIP Recommendations.

2021-2022 General Assembly

Committee:	House Judiciary 2. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	March 8, 2021
Introduced by:	Rep. Stevens	Prepared by:	Susan Sitze and Hillary Woodard
Analysis of:	PCS to First Edition H132-CSCH-1		Staff Attorneys

OVERVIEW: *The Proposed Committee Substitute (PCS) to House Bill 132 amends the abuse, neglect, and dependency statutes of Chapter 7B of the General Statutes as recommended by the Court Improvement Program.*

BILL ANALYSIS:

Section 1 of the PCS for House Bill 132 would create a definition in G.S. 7B-101 for the term “relative.” It would be defined as “[a]n individual directly related to the juvenile by blood, marriage, or adoption...”

Section 2 would amend G.S. 7B-302(a1) to allow a juvenile’s Guardian ad litem (GAL) or the juvenile, including an emancipated juvenile, to review the report received by the Department of Social Services (DSS) regarding allegations of abuse, neglect, or dependency. Additionally, the juvenile or juvenile’s GAL could request all or part of the record unless prohibited by federal law, in which case DSS would have to provide either an electronic or written copy of the requested information within a reasonable period of time.

Section 3 would create a new provision in G.S. 7B-505 for when juvenile siblings are removed from a home and placed in nonsecure custody. It would require the DSS director to make reasonable efforts to place the siblings in the same home unless placing the siblings in the same home would be contrary to the safety or well-being of the siblings. If the director is unable to place the siblings together, then the director would be required to make reasonable efforts to provide sibling visitation and interaction unless it would be contrary to the safety or well-being of any of the juvenile siblings.

Section 4 would amend G.S. 7B-602 to require the court to provide a copy of the petition and summons or notice to an attorney appointed as provisional counsel for a parent in an abuse, neglect, or dependency case.

Section 5 would amend G.S. 7B-901 to require the court to order concurrent permanent plans after determining that reunification efforts are not required.

Section 6 would amend G.S. 7B-903.1 to require the DSS director to make reasonable efforts to place siblings in the same home and to provide visitation and interaction unless it would be contrary to the safety or well-being of any of the siblings.

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Section 7 would amend G.S. 7B-904 to provide that the court has jurisdiction over parents, guardians, custodians, stepparents, adult member of the juvenile's household, or adult entrusted with the juvenile's care. This section would also provide that individuals required to participate in substance abuse treatment are not in violation of the court order if they are in compliance with medication assisted treatment

Section 8 would repeal G.S. 7B-905(b), which requires the court to schedule a review hearing within 90 days of the dispositional hearing if the juvenile is removed from the custody of a parent, guardian, custodian, or caretaker.

Section 9 would amend G.S. 7B-905.1(d) to require the court to inform all parties of the right to file a motion for review of a visitation plan if the court waives the permanency planning hearing and retains jurisdiction.

Section 10 would amend G.S. 7B-906.(n) to remove any reference to the term review hearing and replace it with the term permanency planning hearing. Additionally, it would amend G.S. 7B-906(o) to provide that permanency planning hearings under the section would be required to be replaced by post termination of parental rights' placement review hearings when required by G.S. 7B-908.

Section 11 would amend G.S. 7B-906.2(b) to allow the court to find that reunification efforts would be unsuccessful or inconsistent with the best interest of the juvenile at any hearing. The court would also be allowed to eliminate reunification as a plan if this was found.

Section 12 would amend G.S. 7B-908 to clarify that the court must conduct a placement review no later than six months from the date of the termination hearing when both parents' parental rights have been terminated, and that an individual whose parental rights had been terminated or who had executed a relinquishment of parental rights that was irrevocable would not be a party to the placement review hearing. This section would also require the court to affirm DSS's proposed placement plan or order a different plan. The court would also be authorized to order concurrent permanent plans if in the best interests of the juvenile.

Section 13 would amend G.S. 7B-910.1 to allow a young adult who entered into a voluntary placement agreement with the DSS director to terminate the agreement without returning to court. If DSS terminated the agreement, then DSS must file a motion to return to court for resolution.

Section 14 would amend G.S. 7B-912(b) to require the court, at the permanency planning hearing immediately after the juvenile's seventeenth birthday and every hearing after, to provide information about how the juvenile can participate in the foster care 18-21 program.

Section 15 would create a new provision in G.S. 7B-912 to require the court to include certain information in every report after the juvenile's seventeenth birthday. This would include:

- DSS's efforts to identify and secure placement options for when the juvenile turns 18
- Adults who can serve as resources for the juvenile when the juvenile turns 18
- Contact information of the person responsible for overseeing voluntary foster care placements with young adults in the county department of social services with custody or placement responsibility of the juvenile and in the county department of social services where the juvenile plans to reside at the age of 18 years.
- Whether the juvenile has contact information for any family members after the juvenile turns 17

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- Whether DSS has provided the juvenile with help securing Medicaid and health services the juvenile will be eligible for once turning 18
- Whether DSS has provided the juvenile with information about job or educational plans for when the juvenile turns 18

Section 16 would amend G.S. 7B-1000 to remove the court's authority to vacate a dispositional order and provide additional requirements for modification hearings including appointing a GAL and attorney advocate for the juvenile, appointing provisional counsel for the parents, and providing notice of the hearing.

Section 17 would amend G.S. 7B-1101.1(a) to require that if provisional counsel was appointed for a parent, the clerk must provide a copy of the summons and petition to the attorney.

Section 18 would amend G.S. 7B-2901(b) to allow a juvenile's GAL or juvenile who has reached the age of 18 or is emancipated to access and receive records kept by DSS regarding that juvenile.

Section 19 would repeal G.S. 7B-3807. [See background.]

EFFECTIVE DATE: This act becomes effective October 1, 2021.

BACKGROUND

Section 19: "§ 7B-3807. Adoption of the Interstate Compact on the Placement of Children regulations.

The Interstate Compact on the Placement of Children regulations and any subsequent amendments that are adopted by the Association of Administrators of the Interstate Compact on the Placement of Children of the American Public Human Service Association are hereby enacted into law and shall apply to all interstate placements of children between North Carolina and jurisdictions that are a party to this Compact."