



SENATE BILL 693: Expedite Child Safety and Permanency.

2021-2022 General Assembly

Committee:

Introduced by: Sens. Jarvis, Krawiec, Edwards

Analysis of: Fifth Edition

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OVERVIEW: *Senate Bill 693 would make various amendments to the Juvenile Code regarding abuse, neglect, and dependency laws; would implement a State-wide child protective services hotline; and would require public schools to provide students with information and resources on child abuse and neglect, including sexual abuse.*

BILL ANALYSIS:**PART I. CHILD WELFARE REFORM**

Part 1 would do the following:

- Define "Relative" as an individual directly related to the juvenile by blood, marriage, or adoption.
- Require the Department of Health and Human Services (DHHS) and county departments of social services (DSS) to share certain confidential records related to complaints of abuse and neglect with legislators and joint oversight committees who request them, making it a Class 1 misdemeanor for any violation of the requirements.
- Direct DSS to use due diligence to identify and notify adult relatives with legal custody of the juvenile's sibling within 30 days as to the juvenile's nonsecure custody status.
- Authorize the court to consider placement of a juvenile with a former foster parent, other persons with legal custody of a sibling of the juvenile, or nonrelative kin, if not with a relative.
- Permit DSS to recommend unsupervised visits as an option if the juvenile has been removed from the home.
- Require that observation visits occur within 30 days of the hearing at which DSS makes a recommendation of either unsupervised visits or a return of physical custody.
- Make a positive drug test insufficient on its own to deny a parental visitation.
- Clarify that if custody has not been removed, hearings are designated "review hearings," while if custody has been removed, hearings are designed "permanency planning hearings."
- Clarify that a review or permanency planning hearing must take place within 90 days of the initial disposition hearing, and every six months thereafter.
- Allow any person with whom the juvenile is placed the opportunity to address the court regarding the juvenile's well-being.
- Require the court to consider reports on the juvenile's continuation and appropriateness of that continuation in the home of the parent, guardian, or custodian at each hearing.
- Require a permanency planning hearing with 30 days of the review if a juvenile is removed from the custody of a parent, guardian, or custodian.
- Specify actions the court may take at any review hearing.
- Allow the court to terminate further review hearings or its jurisdiction when the parent, guardian, or custodian has successfully completed court-ordered services and the juvenile is residing in a safe home.
- Require a review hearing if requested.

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- Require, as part of foster parent licensure, training on the role of a foster parent in judicial proceedings.
- Repeal G.S. 7B-905(b), which requires dispositional orders removing custody of the juvenile from the parent, guardian, custodian, or caretaker to direct a review hearing to be held within 90 days of the dispositional hearing.
- Require written findings at permanency planning hearings if reunification is not the primary or secondary plan.
- Authorize a person to petition for termination of parental rights if the juvenile has lived with the person for at least 18 months prior to the petition.
- Make various technical changes.

PART II. HUMAN TRAFFICKING NOTICE TO NON-CARETAKER CLARIFICATION

Effective October 1, 2021, Part II would provide direction to the director of social services on how to provide notification to the responsible individual for a juvenile if the juvenile is the victim of human trafficking by someone other than the juvenile's parents or caretakers.

PART III. IMPLEMENTATION OF STATEWIDE CPS HOTLINE

Part III would:

- Direct DHHS to develop an operational plan to create and implement a statewide child protective services (CPS) hotline.
- Require the operation plan to be submitted to the Joint Legislative Oversight Committee on Health and Human Services by September 1, 2022.

PART IV. DEVELOP A PLAN TO INCREASE APPROPRIATE TREATMENT AND RESIDENTIAL SETTINGS

Part IV would:

- Direct DHHS to develop a plan to increase the supply of appropriate treatment and residential settings for minors in need of behavioral and mental health services.
- Require the operation plan to be submitted to the Joint Legislative Oversight Committee on Health and Human Services by October 1, 2021.

PART V. PROVIDE SAFE AND APPROPRIATE PLACEMENT FOR CHILDREN IN NEED OF MENTAL HEALTH SERVICES

Part V would:

- Effective 30 days after the effective date of the act, implement the following procedures for the director, LME/MCOs, and prepaid health plans when a juvenile in the custody of DSS presents at a hospital emergency department for mental health treatment:
 - Require the director to request an assessment within 24 hours of the determination that the juvenile should not remain at the hospital and no appropriate placement is available.
 - Instruct the LME/MCO or prepaid health plan to arrange for a comprehensive clinical assessment within 5 business days.
 - Outline appropriate placements for the juvenile depending on the outcome of the assessment.
 - Require the director of a DSS to notify DHHS's Rapid Response Team if an appropriate placement or provider is not located for a juvenile after the assessment.
- Effective January 1, 2022, authorize a hearing for judicial review if the new requirements for the care provided to a juvenile are not met and specify possible remedies the court may order.

PART VI:

Part VI would do the following:

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- Require the State Board of Education (SBE) to adopt a rule requiring public school units to provide students in grades six through 12 with age-appropriate information on child abuse, neglect, and sexual abuse.
- Require that the information be provided in the form of a document given to the students at the beginning of the school year and as a display posted in visible, high-traffic areas throughout the school. Both the document and display must have the following:
 - Warning signs that a child may be the victim of abuse or neglect, including age-appropriate information on sexual abuse.
 - Telephone number of the local department of social services for reporting abuse or neglect.
 - Statement that reported information will be held in strict confidence.
 - Resources available, including anonymous safety tip line application.
- Apply to schools in public school units and high schools under the control of The University of North Carolina, including:
 - Local school administrative units.
 - Charter schools.
 - Innovative School District.
 - Residential schools for the visually and hearing impaired.
 - Laboratory schools.
 - Regional schools.
 - North Carolina School of Science and Mathematics.
 - North Carolina School of the Arts.

EFFECTIVE DATE: Except as otherwise provided, this act is effective when it becomes law. Part I would be effective October 1, 2021, and would apply to actions filed or pending on or after that date. Part V would have various effective dates. Part VI would apply beginning with the 2021-2022 school year.

BACKGROUND: S.L. 2019-245 required employing entities of public schools to adopt and implement a child sexual abuse and sex trafficking training program for school personnel who work directly with students in grades kindergarten through 12. The training program must provide education and awareness training related but not limited to, best practices from the field of prevention, the grooming process of sexual predators, the warning signs of sexual abuse and sex trafficking, how to intervene when sexual abuse or sex trafficking is suspected or disclosed, legal responsibilities for reporting sexual abuse or sex trafficking, and available resources for assistance.

** Brian Gwyn, Jennifer Bedford, and Drupti Chauhan, Staff Attorneys with the Legislative Analysis Division, substantially contributed to this summary.*