



SENATE BILL 693: Expedite Child Safety and Permanency.

2021-2022 General Assembly

Committee:		Date:	February 25, 2022
Introduced by:		Prepared by:	Jessica Boney Staff Attorney
Analysis of:	S.L. 2021-132		

OVERVIEW: *Part I of S.L. 2021-132 makes various child welfare reforms to the Juvenile Code (Chapter 7B of the General Statutes) regarding abuse, neglect, and dependency laws.*

Part II of this act instructs 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 of this act, as amended by Section 9I.13 of S.L. 2021-180, the 2021 Appropriations Act, directs the Department of Health and Human Services (DHHS) to implement a statewide child protective services (CPS) hotline. DHHS is required to submit a progress report on its development and implementation of the statewide CPS hotline to the Joint Legislative Oversight Committee on Health and Human Services by September 1, 2022.

Part IV of this act directs 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. The operation plan was to be submitted to the Joint Legislative Oversight Committee on Health and Human Services by October 1, 2021.

Part V of this act implements the following requirements for the DSS director, local management entity/managed care organization (LME/MCOs), and prepaid health plans when a juvenile in the custody of DSS presents at a hospital emergency department for mental health treatment:

- *Requires the DSS director to request an assessment within 24 hours of the determination that the juvenile should not remain at the hospital and that no appropriate placement is available.*
- *Instructs the LME/MCO or prepaid health plan to arrange for a comprehensive clinical assessment within five business days.*
- *Outlines appropriate placements for the juvenile depending on the outcome of the assessment.*
- *Requires the DSS director to notify DHHS's Rapid Response Team if an appropriate placement or provider is not located for a juvenile after the assessment.*

Part V of this act authorizes a hearing for judicial review if the requirements for the appropriate placement of the juvenile in the custody of DSS are not satisfied and specifies possible remedies the court may order.

Part VI of this act requires the State Board of Education 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. The information must 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 contain specified information. Part VI of S.L. 2021-132

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applies to schools in public school units and high schools under the control of The University of North Carolina.

The various changes to the Juvenile Code became effective October 1, 2021, and apply to actions filed or pending on or after that date. The provision regarding human trafficking notification became effective October 1, 2021. The new procedures for juveniles in DSS custody presenting at emergency department for mental health treatment became effective October 1, 2021. The authorization of a hearing on appropriate placement for juveniles in need of mental health services became effective January 1, 2022. The requirement to provide information on child abuse, neglect and sexual abuse to students would apply beginning with the 2021-2022 school year. Except as otherwise provided, this act became effective September 1, 2021.

BILL ANALYSIS:

PART I. CHILD WELFARE REFORM

Part 1 does the following:

- Defines "Relative" as an individual directly related to the juvenile by blood, marriage, or adoption.
- Requires 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.
- Directs 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.
- Authorizes 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.
- Permits DSS to recommend unsupervised visits as an option if the juvenile has been removed from the home.
- Requires 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.
- Makes a positive drug test insufficient on its own to deny a parental visitation.
- Clarifies that if custody has not been removed, hearings are designated "review hearings," while if custody has been removed, hearings are designed "permanency planning hearings."
- Clarifies that a review or permanency planning hearing must take place within 90 days of the initial disposition hearing, and every six months thereafter.
- Allows any person with whom the juvenile is placed the opportunity to address the court regarding the juvenile's well-being.
- Requires 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.
- Requires a permanency planning hearing with 30 days of the review if a juvenile is removed from the custody of a parent, guardian, or custodian.
- Specifies actions the court may take at any review hearing.
- Allows 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.
- Requires a review hearing if requested.
- Requires, as part of foster parent licensure, training on the role of a foster parent in judicial proceedings.
- Repeals 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.

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- Requires written findings at permanency planning hearings if reunification is not the primary or secondary plan.
- Authorizes 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.
- Makes various technical changes.

PART II. HUMAN TRAFFICKING NOTICE TO NON-CARETAKER CLARIFICATION

Effective October 1, 2021, Part II provides 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 does the following:

- Directs DHHS to develop an operational plan to create and implement a statewide child protective services (CPS) hotline.
- Requires 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 does the following:

- Directs 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.
- Requires 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 does the following:

- Effective 30 days after the effective date of the act, implements 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:
 - Requires 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.
 - Instructs the LME/MCO or prepaid health plan to arrange for a comprehensive clinical assessment with 5 business days.
 - Outlines appropriate placements for the juvenile depending on the outcome of the assessment.
 - Requires 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, authorizes 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. REQUIRE PUBLIC SCHOOLS TO PROVIDE STUDENTS WITH INFORMATION AND RESOURCES ON CHILD ABUSE AND NEGLECT, INCLUDING SEXUAL ABUSE.

Part VI does the following:

- Requires 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.

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- Requires 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.
- Applies 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: The various changes to the Juvenile Code became effective October 1, 2021, and apply to actions filed or pending on or after that date. The provision regarding human trafficking notification became effective October 1, 2021. The new procedures for juveniles in DSS custody presenting at emergency department for mental health treatment became effective October 1, 2021. The authorization of a hearing on appropriate placement for juveniles in need of mental health services became effective January 1, 2022. The requirement to provide information on child abuse, neglect and sexual abuse to students would apply beginning with the 2021-2022 school year. Except as otherwise provided, this act became effective September 1, 2021.

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.*