



HOUSE BILL 647: Expedite Child Permanency.

2023-2024 General Assembly

Committee: House Judiciary 2. If favorable, re-refer to Families, Children, and Aging Policy. If favorable, re-refer to Rules, Calendar, and Operations of the House **Date:** April 23, 2023

Introduced by: Rep. Stevens **Prepared by:** Debbie Griffiths
Analysis of: PCS to First Edition Staff Attorney
H647-CSSA-8

OVERVIEW: *House Bill 647 would amend various abuse, neglect, and dependency laws to do the following:*

- *Ensure the safety of children in out-of-home placements.*
- *Expedite permanency planning hearings for children who have been removed from the home.*
- *Create a presumption that foster parents with whom a child has lived continuously for nine months are deemed nonrelative kin.*
- *Create an aggravating circumstance for the exposure of unlawful controlled substances in utero or controlled substances in violation of the law in utero.*

The PCS to House Bill 647 would make a technical change to Section 1.(f), subsection (a5) correcting the reference from subsection to section.

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.

Jeffrey Hudson
Director



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BILL ANALYSIS:

Section 1(a) would amend 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 amend the definition of neglected juvenile 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.

Section 1(c) would add to the criteria for non-secure custody a condition providing that if a juvenile is an infant born drug-exposed to alcohol, unlawful controlled substances, or controlled substances used in violation of the law, 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:

- Require a department of social services to use due diligence to identify and notify next of kin, in addition to adult relatives 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.
- Clarifies that the court must consider the developmental and attachment needs of the juvenile when determining whether placement with a relative is in the best interest of the juvenile.

Section 1(e) would provide that reasonable efforts to reunify the family are not required if the court finds that the parent has committed or allowed the child to suffer chronic or toxic exposure to alcohol or controlled substances that causes impairment of or addiction in the juvenile, including 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 clarify changes to the dispositional alternatives for juveniles that have been abused, neglected, or dependent and placement cannot remain in their home, including:

- Requiring the court to consider the juvenile's developmental and attachment needs when deciding whether placement of the juvenile with a relative is in the juvenile's best interests.
- Providing 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.

Section 1(g) would amend the law on review and permanency planning hearings to provide the court must consider whether a parent engaged in any of the factors described in G.S. 7B-901(c) in determining whether efforts to reunite the family would be unsuccessful or inconsistent with the juvenile's health and safety and need for a safe, permanent home.

Section 1(h) would reduce the time the juvenile must continuously reside with an individual from 18 months to 15 months for that individual to have standing to file a petition or motion to terminate the parental rights of either or both parents.

EFFECTIVE DATE: This bill would become effective October 1, 2023 and apply to actions filed or pending on or after that date.

BACKGROUND: The provisions of this bill were contained in HB918 for the 2019-2020 session. HB918 was ratified on June 25, 2020 and was vetoed by the governor on July 2, 2020.