



# SENATE BILL 625: Child Welfare, Soc. Serv., and DHHS Reforms.

2023-2024 General Assembly

<b>Committee:</b>	House Judiciary 2. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	June 26, 2024
<b>Introduced by:</b>	Sens. Krawiec, Jarvis, Batch	<b>Prepared by:</b>	Debbie Griffiths Staff Attorney
<b>Analysis of:</b>	PCS to Fourth Edition S625-CSCI-39		

**OVERVIEW:** *The Proposed Committee Substitute (PCS) to S625 would do the following:*

- *Amend several child welfare laws.*
- *Stay the Regional Abuse and Medical Specialist (RAMS) program until it completes the rulemaking process and, if applicable, obtains federal approval.*
- *Create a private cause of action against the Department of Health and Human Services (DHHS) if an individual is harmed by a program or policy created, administered, supervised, or funded by DHHS that did not go through the rulemaking process when required to do so.*
- *Require members of county boards of social services, regional boards of social services, and consolidated human services boards to attend education and training sessions created by DHHS and other stakeholders.*
- *Require the Administrative Office of the Courts (AOC) to conduct a feasibility and cost study to establish a child support tribunal.*
- *Establish a conflict of interest procedure for county departments of social services, regional departments of social services, and consolidated human services agencies, and require the Social Services Commission to adopt rules regarding conflicts of interest management.*
- *Require the Joint Legislative Oversight Committee on Health and Human Services to study and make recommendations regarding various child welfare matters and DHHS compliance with the rulemaking procedure under the Administrative Procedures Act.*
- *Make technical and clarifying changes.*

**BILL ANALYSIS:**

**PART I. CHILD WELFARE LAW REFORMS.**

**Section 1** of the act would make various amendments to child welfare laws including:

- Amending the purpose and policy of G.S. 7B-100(5) to have a child placed in a safe, permanent home within one year of the date the order removing the child from his or home was entered when it is not in the child's best interest to return to his or her home.
- Amending the definition of "Abused Juvenile" to include:

Jeffrey Hudson  
Director



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- A juvenile less than 18 years old who is the victim of the unlawful sale, surrender, or purchase of a minor under G.S. 14-43.14.
- A juvenile less than 18 years old whose parent, guardian, custodian, or caretaker commits, permits, or encourages a sexually violent offense as provided in G.S. 14-208.6(5) by, with, or upon a juvenile.
- Amending the definition of "Neglected Juvenile" include any juvenile less than 18 years of age whose parent, guardian, custodian, or caretaker uses an illegal substance, abuses alcohol, or abuses a controlled substance in violation of the law and is unable to care for and provide a safe and appropriate environment for the child or did so when the child was in utero.
- Adding an infant born exposed to alcohol, illegal substances, or controlled substances used in violation of the law as grounds for nonsecure custody. The exposure could not be the sole ground for ordering nonsecure custody if the parent is enrolled in a recommended substance abuse treatment program and meeting or exceeding the benchmarks of the program.
- Adding "Next of kin" to the adults that must be located and notified of the out of home placement of the child and the court would be required to consider the developmental and attachment needs of the child when determining whether placement with a relative would be contrary to the best interest of the child.
- Requiring the court to include the developmental and attachment needs of the child when determining whether placement with a relative would be contrary to the best interest of the child.
- Including a foster parent as nonrelative kin for consideration of placement if the child has resided in the foster parent's home for at least nine consecutive months, the child is not a member of a State-recognized tribe as set forth in G.S. 143B-407(a), and placement was not made with a relative.
- Clarifying that unsupervised visitation does not have to be recommended or ordered before return of custody can be recommended or ordered.
- Amending the definitions of review hearing and permanency planning hearing as follows:
  - A review hearing would be held when custody has not been removed from a parent, guardian, or custodian.
  - A permanency planning hearing would be held when custody has been removed from a parent, guardian, custodian, or when the juvenile was residing with a caretaker at the time the petition was filed.
- Amending the time period from "within a reasonable period of time" to "within one year from the date the initial order removing custody was entered" for whether efforts to reunite the child and parents would be unsuccessful or inconsistent with the child's health and safety and the child's need for a permanent, safe home.
- Reducing the time a child must reside with an individual from 18 consecutive months or longer to 15 consecutive months or longer for the individual to have standing to file a petition to terminate parental rights.
- Amending the standard of proof for adjudication hearings to clear and convincing evidence.

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- Amending the time a parent willfully leaves their child in foster care or other out of home placement from 12 months to 9 months without making reasonable progress under the circumstances on correcting the conditions which led to the child's removal.

**Section 1** of the act would become effective October 1, 2024 and apply petitions or motions to terminate parental rights filed on or after that date.

## **PART II. REGIONAL ABUSE AND MEDICAL SPECIALISTS PROGRAM.**

The Regional Abuse and Medical Specialist Program (RAMS) was created by the Department of Health and Human Services (DHHS) in conjunction with the Child Medical Evaluation Program in the Pediatric Department of the UNC School of Medicine. The program would be limited to specific types of cases including those with children under the age of four with unexplained or poorly explained injuries, children under the age of four and another child in the home died of suspected abuse, and there is a concern for child medical abuse. The program's role would be to support, guide, and mentor county supervisors during the family and investigative assessment phase of the case. The RAMS program would be stayed pending completion of the required rulemaking process and approval by the U.S. Department of Health and Human Services of the rules and plan amendments to ensure federal funding is not negatively impacted.

## **PART III. PRIVATE CAUSE OF ACTION AGAINST DHHS.**

G.S. 143B-138.1A would create a new private cause of action allowing individuals to sue DHHS if they are harmed by any program created by, administered by, supervised by, or funded by DHHS that did not go through the rulemaking process, if required. The individual would be required to prevail on any claim to be eligible for damages which would include attorney's fees, court costs, and other litigation costs. This section would become effective October 1, 2024 and apply to actions taken by DHHS on or after that date.

## **PART IV. EDUCATION AND TRAINING REQUIREMENTS FOR COUNTY SOCIAL SERVICES BOARD MEMBERS.**

**Sections 4.(a), (b), and (d)** would amend G.S. 108A-9, G.S. 108A-15.9, and G.S. 153A-77(d) to require that the county board of social services members, regional board of social services members, and consolidated health and human services boards have education and training related to the position during their first year serving on the board.

**Sections 4.(c) and (e)** would require DHHS and other stakeholders to collaborate in the creation of an educational and training program for the board members which must include a segment on potential liabilities of the board. All current board members must complete the education and training by March 1, 2027.

Sections 4.(a), (b), (d) would become effective on March 1, 2025. All other sections would become effective when the act becomes law.

## **PART V. CHILD SUPPORT TRIBUNAL STUDY BY AOC.**

The AOC would be required to conduct a cost and feasibility study of the establishment of a quasi-judicial child support tribunal utilizing dedicated court officers and to submit a report to the Joint Legislative Oversight Committee on Health and Human Services by May 1, 2025. The minimum requirements for the study would be funding strategies, staffing, and implementation. This section would become effective when it becomes law.

## **PART VI. CONFLICT OF INTEREST PROCEDURE FOR COUNTY DEPARTMENTS OF SOCIAL SERVICES.**

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G.S. 108A-15.16 would create a procedure to address conflicts of interest which may arise when providing social services, define when a conflict of interest may arise, require the Social Services Commission to adopt rules for the management of conflicts of interest, and require the Social Services Commission to report the adoption of the rules to the Joint Legislative Oversight Committee on Health and Human Services within 30 days of the rules being adopted. This section would become effective when it becomes law.

## **PART VII. INTERIM STUDY COMMITTEE TO REVIEW CHILD WELFARE PROGRAMS, POLICIES, AND PROCEDURES AND REVIEW DHHS'S COMPLIANCE WITH RULEMAKING REQUIREMENTS.**

The Joint Legislative Oversight Committee on Health and Human Services would be required to study, evaluate, and make recommendations regarding several matters related to child welfare policies, procedures, and programs including establishment of regional offices by DHHS as required by Ryan's Law (SL 2017-41), creating a Foster Ombudsman Program, requiring DHHS to review all outstanding policies and guidance that did not go through the proper rulemaking process and requiring them to do so, and the creation of more uniform standards regarding child welfare.

**EFFECTIVE DATE:** Except as otherwise provided, this act would become effective when it becomes law.