

# Children and Families

See full summary documents for additional detail

## **H424 - Prohibit Unlawful Custody Transfer of Child. (SL 2016-115)**

S.L. 2016-115 creates a new law in the statutes governing the protection of minors to prohibit the unlawful transfer of custody of a minor child and provide a Class A1 misdemeanor for general violation of the offense, as well as a Class G felony for a violation that results in serious physical injury to the child. The act also makes general conforming changes, clarifies that the prohibition against advertising adoptions applies to communications via email and other internet communications, and directs the Department of Health and Human Services to develop support programs for families at risk of adoption dissolutions.

The new criminal offense and conforming statutory changes become effective December 1, 2016, and apply to offenses committed on or after that date. The clarification on advertising adoptions and the remainder of the act became effective July 28, 2016.

## **H1030 - 2016 Appropriations Act.**

### **Sec. 12C.1: Child Welfare System Changes. (SL 2016-94)**

Sec. 12C.1 of S.L. 2016-94 directs the Department of Health and Human Services (DHHS), Division of Social Services to implement the requirements of the federal Program Improvement Plan (Plan) to bring North Carolina into compliance with national standards for child welfare policy and practices and to report on the implementation and outcomes of the Plan to the Joint Legislative Oversight Committee on Health and Human Services (HHS Oversight Committee), beginning on August 1, 2016, and semiannually thereafter until February 1, 2019. The Division of Social Services must develop a statewide strategic plan for child welfare services that complements the required federal Plan and addresses the findings of the North Carolina Statewide Child Protective Services Evaluation in the areas of county performance, caseload sizes, administrative structure, adequacy of funding, social worker turnover, and monitoring and oversight. The State plan must also address measures for ensuring Native American children are served in a culturally appropriate manner, including in placements for adoption and foster care. The Division must submit the plan to the HHS Oversight Committee by December 1, 2016, for consideration by the 2017 General Assembly.

The Division must continue toward completion of the child welfare component of the North Carolina Families Accessing Services through Technology (NC FAST) system. It is the intent of the General Assembly that the child welfare component of the NC FAST system be operational by December 31, 2017. The Division must report on the development, implementation, and outcomes of the child welfare component of the NC FAST system to the HHS Oversight Committee quarterly beginning October 1, 2016, and ending with a final report on February 1, 2018. Each report must include the following:

- The current timeline for development and implementation of the child welfare component to NC FAST.
- Any adjustments and justifications for adjustments to the timeline.
- Progress on the development and implementation of the system.
- Any identified issues in developing or implementing the child welfare component of NC FAST and solutions to address those issues.

- The level of county participation and involvement in each phase of the project.
- Any budget and expenditure reports, including overall project budget and expenditures, and current fiscal year budget and expenditures.

This section also amends various laws governing the juvenile code (Chapter 7B of the General Statutes) as follows:

- The definition of "caretaker" is amended to include a potential adoptive parent during a visit or trial placement with a juvenile in the custody of DHHS.
- Adds any private child placing or adoption agency licensed by DHHS to the list of entities DHHS is required to disclose confidential information to in order to protect a juvenile from abuse or neglect.
- Removes caretakers as interested parties who may intervene in a proceeding on an abuse, neglect, or dependency action
- Clarifies the requirement that the director of the county department of social services must receive authorization from a juvenile's parent, guardian, or custodian to consent to care.
- Authorizes a court to order reunification if there is compelling evidence warranting continued reunification efforts.
- Authorizes a court to consider a juvenile's health, in addition to the juvenile's safety, when reviewing custody.
- Provides that concurrent planning must continue until a permanent plan has been achieved.

This section became effective July 1, 2016.

## **H1030 - 2016 Appropriations Act.**

### **Sec. 12C.6: Reporting Requirements/Eckerd Kids and Caring for Children Angel Watch Program. (SL 2016-94)**

SUMMARY: Sec. 12C.6 of S.L. 2016-94 requires the Division of Social Services, Department of Health and Human Services, to report on the use of funds provided by the Appropriations Act to expand the Eckerd Kids and Caring for Children's Angel Watch program. This foster care program serves children ages 0 to 6, with siblings up to age 10, who are not in the custody of a county department of social services and whose families are temporarily unable to care for them due to a crisis. The report must include the following:

- The number of families and children served by the program, including the counties in which the services are provided.
- The number of children who enter foster care within six months after their family participates in the program.
- A comparison of children with similar needs that do not participate in the program and the number of those children who enter into foster care.
- Any other matters deemed relevant.

On or before March 1, 2017, the Division is required to make an interim report to the House and Senate Appropriations Committees on Health and Human Services and the Fiscal Research Division. By September 1, 2017, the Division must submit a final report to the Joint Legislative Oversight Committee on Health and Human Services and the Fiscal Research Division.

This section became effective July 1, 2016.

**H1030 - 2016 Appropriations Act.**

**Sec. 32.6: Domestic Violence Center Fund/Develop New Grant Formula. (SL 2016-94)**

Sec. 32.6 of S.L. 2016-94:

- Directs the North Carolina Council for Women (Council) in the Department of Administration, in consultation with the Domestic Violence Commission, to develop a new formula for awarding grants from the Domestic Violence Center Fund to eligible centers for victims of domestic violence.
- Requires the Council, by November 1, 2016, to report its findings and recommendations to the Joint Legislative Oversight Committee on General Government.
- Places a moratorium on grant awards to new grantees from the Domestic Violence Center Fund for the 2016-2017 fiscal year.

This section became effective July 1, 2016.