

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 647
Committee Substitute Favorable 4/26/23

Short Title: Expedite Child Permanency.

(Public)

Sponsors:

Referred to:

April 18, 2023

A BILL TO BE ENTITLED
AN ACT TO AMEND VARIOUS ABUSE, NEGLECT, AND DEPENDENCY LAWS TO
EXPEDITE PERMANENCY.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 7B-100 reads as rewritten:

"§ 7B-100. Purpose.

This Subchapter shall be interpreted and construed so as to implement the following purposes and policies:

...

(5) To provide 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~~ one year from the date of the initial order removing custody."

SECTION 1.(b) G.S. 7B-101 reads as rewritten:

"§ 7B-101. Definitions.

As used in this Subchapter, unless the context clearly requires otherwise, the following words have the listed meanings:

...

(15) Neglected juvenile. – Any juvenile less than 18 years of age (i) who is found to be a minor victim of human trafficking under G.S. 14-43.15 or (ii) whose parent, guardian, custodian, or caretaker does any of the following:

...

h. Whose 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.

In determining whether a juvenile is a neglected juvenile, it is relevant whether that juvenile lives in a home where another juvenile has died as a result of suspected abuse or neglect or lives in a home where another juvenile has been subjected to abuse or neglect by an adult who regularly lives in the home.

...."

SECTION 1.(c) G.S. 7B-503(a) reads as rewritten:

"(a) When a request is made for nonsecure custody, the court shall first consider release of the juvenile to the juvenile's parent, relative, guardian, custodian, or other responsible adult.



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An order for nonsecure custody shall be made only when there is a reasonable factual basis to believe the matters alleged in the petition are true, and any of the following apply:

...

(7) The juvenile is an infant who was born drug-exposed to alcohol, unlawful controlled substances, or controlled substances used in violation of the law. If the parent is enrolled in and meeting or exceeding the benchmarks of a substance abuse treatment program recommended by a medical provider or a local management entity/managed care organization (LME/MCO), then any alcohol, unlawful controlled substances use, or use of controlled substances in violation of the law shall not be the sole ground for ordering nonsecure custody.

A juvenile alleged to be abused, neglected, or dependent shall be placed in nonsecure custody only when there is a reasonable factual basis to believe that there are no other reasonable means available to protect the juvenile. The developmental and attachment needs of the juvenile must be considered in making nonsecure custody determinations. In no case shall a juvenile alleged to be abused, neglected, or dependent be placed in secure custody."

SECTION 1.(d) G.S. 7B-505 reads as rewritten:

"§ 7B-505. Placement while in nonsecure custody.

...

(b) The court shall order the department of social services to make diligent efforts to notify relatives and other persons with legal custody of a sibling of the juvenile that the juvenile is in nonsecure custody and of any hearings scheduled to occur pursuant to G.S. 7B-506, unless the court finds the notification would be contrary to the best interests of the juvenile. The department of social services shall use due diligence to identify and notify adult ~~relatives~~ relatives, next of kin, and other persons with legal custody of a sibling of the juvenile within 30 days after the initial order removing custody. The department shall file with the court information regarding attempts made to identify and notify adult relatives of the juvenile and persons with legal custody of a sibling of the juvenile. In placing a juvenile in nonsecure custody under this section, the court shall first consider whether a relative of the juvenile is willing and able to provide proper care and supervision of the juvenile in a safe home. If the court finds that the relative is willing and able to provide proper care and supervision in a safe home, then the court shall order placement of the juvenile with the relative unless the court finds that placement with the relative would be contrary to the best interests of the ~~juvenile~~ juvenile, including, but not limited to, the developmental and attachment needs of the juvenile.

...."

SECTION 1.(e) G.S. 7B-901(c) reads as rewritten:

"(c) If the disposition order places a juvenile in the custody of a county department of social services, the court shall direct that reasonable efforts for reunification as defined in G.S. 7B-101 shall not be required if the court makes written findings of fact pertaining to any of the following, unless the court concludes that there is compelling evidence warranting continued reunification efforts:

(1) A court of competent jurisdiction determines or has determined that aggravated circumstances exist because the parent has committed or encouraged the commission of, or allowed the continuation of, any of the following upon the juvenile:

...

e. Chronic or toxic exposure to alcohol or controlled substances that causes impairment of or addiction in the ~~juvenile~~ juvenile, including, but not limited to, exposure to unlawful controlled substances in utero or controlled substances used in violation of the law in utero. The court shall consider 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 local management entity/managed care organization (LME/MCO).

...."

SECTION 1.(f) G.S. 7B-903 reads as rewritten:

"§ 7B-903. Dispositional alternatives for abused, neglected, or dependent juvenile.

...

(a1) In placing a juvenile in out-of-home care under this section, the court shall first consider whether a relative of the juvenile is willing and able to provide proper care and supervision of the juvenile in a safe home. If the court finds that the relative is willing and able to provide proper care and supervision in a safe home, then the court shall order placement of the juvenile with the relative unless the court finds that the placement is contrary to the best interests of the ~~juvenile~~ juvenile, including, but not limited to, the developmental and attachment needs of the juvenile. In placing a juvenile in out-of-home care under this section, the court shall also consider whether it is in the juvenile's best interest to remain in the juvenile's community of residence. Placement of a juvenile with a relative outside of this State must be in accordance with the Interstate Compact on the Placement of Children.

...

(a5) Once a juvenile who is not a member of a State-recognized tribe as set forth in G.S. 143B-407(a) has resided in the home of a foster parent for a continuous period of at least nine months, the foster parent is deemed to be nonrelative kin for purposes of this section.

...."

SECTION 1.(g) G.S. 7B-906.1(d) reads as rewritten:

"(d) At each hearing, the court shall consider the following criteria and make written findings regarding those that are relevant:

...

(3) Whether efforts to reunite the juvenile with either parent clearly would be unsuccessful or inconsistent with the juvenile's health or safety and need for a safe, permanent home within a reasonable period of ~~time~~ time, including whether a parent has engaged in any of the factors described under G.S. 7B-901(c). The court shall consider efforts to reunite regardless of whether the juvenile resided with the parent, guardian, or custodian at the time of removal.

...."

SECTION 1.(h) G.S. 7B-1103 reads as rewritten:

"§ 7B-1103. Who may file a petition or motion.

(a) A petition or motion to terminate the parental rights of either or both parents to his, her, or their minor juvenile may only be filed by one or more of the following:

...

(5) Any person with whom the juvenile has resided for a continuous period of ~~48~~ 15 months or more next preceding the filing of the petition or motion.

...."

SECTION 2. This act becomes effective October 1, 2023, and applies to actions filed or pending on or after that date.