

2016 Legislative Changes Child Welfare

S.L. 2016-94 (H1030): Appropriations Act of 2016. Subpart 12.C addresses the Department of Health and Human Services Division of Social Services. Effective July 1, 2016, the following amendments were made to G.S. Chapter 7B.

- **Caretakers.** Sections 12C.1.(d) and (f) (pages 76-77 of the pdf version) amends G.S. 7B-101(3) to add to the definition of caretaker “a potential adoptive parent during a visit or trial placement with a juvenile in the custody of a department” and amends G.S. 7B-401.1(h) to remove a caretaker from the list of persons or agencies authorized to intervene in an abuse, neglect, or dependency proceeding.
- **Confidentiality.** Section 12C.1.(e) (page 77 of the pdf version) amends G.S. 7B-302(a1)(1) and adds a private child placing or adoption agency licensed by NC DHHS to the agencies a county department shall disclose confidential information to in order to protect a juvenile from abuse or neglect.
- **Reasonable Efforts.** Section 12C.1.(g) (pages 77-78 of the pdf version) amends G.S. 7B-901(c). After concluding there is compelling evidence warranting reasonable efforts for reunification, the court order may those reasonable efforts with a parent continue.
- **Concurrent Planning.** Section 12C.1.(h) (page 78 of the pdf version) adds subsection (a1) to G.S. 7B-906.2, which eliminates concurrent permanency planning when a permanent plan has been achieved.
- **Statewide Child Welfare Plans.** Sections 12C.1.(a), (b), and (c) (page 76 of the pdf version) addresses the need for statewide plans and systems.
 - The State must implement NC DHHS’s Program Improvement Plan (PIP), which the state was required to create after the 2015 federal Child Family Service Review found the state was not in substantial conformity with any of the 14 factors that were assessed. Semiannual reports must be submitted to the Joint Legislative Oversight Committee on Health and Human Services between August 1, 2016 and February 1, 2019.
 - By December 1, 2016, the Division of Social Services must develop a statewide strategic plan and submit it to the Joint Legislative Oversight Committee on Health and Human Services. The plan must (1) complement the PIP, (2) address findings from the evaluation of the state’s child welfare system required by S.L. 2014-100, and (2) ensure Native American children are served in a culturally appropriate manner.

- The Division of Social Services must continue to add child welfare information and data to NC FAST so as to be able to track children and outcomes across counties. The Division must make quarterly reports to the Joint Legislative Oversight Committee on Health and Human Services between August 1, 2016 and February 1, 2018. The system is intended to be operational by December 31, 2017.

S.L. 2016-115 (H424): Unlawful Transfer of Custody of Minor Child. This act creates a new crime and amends statutes related to child welfare and adoption.

- **New Crime.** Effective for all offenses committed on or after December 1, 2016, Section 1 creates G.S. 7B-321.2, which makes it a Class A1 misdemeanor or Class G felony if a child suffers serious physical injury when (1) a biological or adoptive parent, legal guardian, or legal custodian unlawfully transfers physical custody of his/her child, (2) a person accepts or attempts to accept physical custody of a child through an unlawful transfer (unless that person contacts and makes the child available to local law enforcement and/or a county child welfare agency), or (3) a person advertises, recruits, solicits, or helps another to advertise, recruit, or solicit the unlawful transfer of custody of a child. Unlawful transfer is defined and includes nine enumerated exceptions that relate to authorized procedures for a child's adoption, temporary transfers for specified periods of time, or transfers to relatives. Relatives and parent are defined for purposes of this statute.
- **Child Welfare.** Effective December 1, 2016, Section 3 amends the definition of neglected juvenile found at G.S. 7B-101(15) to include a juvenile whose physical custody has been unlawfully transferred. Section 4 amends G.S. 7B-302(a) to add that the county department must immediately initiate an assessment of a report that a child has been unlawfully transferred.
- **Adoption.** Effective July 28, 2016, Section 2 amends G.S. 48-10-101(b) to explain "public medium" as related to advertisements includes computerized systems such as the internet and email. Section 5 requires NC DHHS to develop a program that provides support to adoptive families who are at risk of an adoption dissolution.