

**NORTH CAROLINA GENERAL ASSEMBLY**

**LEGISLATIVE FISCAL NOTE**

**BILL NUMBER:** House Bill 1720 (House Committee Substitute)

**SHORT TITLE:** Adoption & Safe Families Act

**SPONSOR(S):** Representative William Culpepper

*(This fiscal note along with the attached certification, fulfills the requirements of G. S. 120-36.8, Certification of Legislation Required by Federal Law.)*

<b>FISCAL IMPACT</b>					
	<b>Yes (X)</b>	<b>No ( )</b>	<b>No Estimate Available ( )</b>		
	<b><u>FY 1998-99</u></b>	<b><u>FY 1999-00</u></b>	<b><u>FY 2000-01</u></b>	<b><u>FY 2001-02</u></b>	<b><u>FY 2002-03</u></b>
<b>REVENUES</b>	52,277	60,786	62,586	64,476	66,455
<b>EXPENDITURES</b>	147,676	165,621	171,429	177,525	183,909
<b>NET COST</b>	\$95,399	\$104,835	\$108,843	\$113,049	\$117,454
<b>POSITIONS:</b>	1.0	1.0	1.0	1.0	1.0
<b>PRINCIPAL DEPARTMENT(S) &amp; PROGRAM(S) AFFECTED:</b> Department of Health and Human Services, Division of Social Services and Administrative Office of the Courts					
<b>EFFECTIVE DATE:</b> Sections 1-11, December 1, 1998; Sections 12-16, January 1, 1999; all remaining Sections are effective when the bill becomes law.					

**BILL SUMMARY:**

House Bill 1720 incorporates into statute those requirements mandated by Public Law 105-89, The Adoption and Safe Families Act of 1997, passed by the U. S. Congress and signed into law by the President in the fall of 1997. The bill also authorizes the Legislative Research Commission to study changes to the Juvenile Justice System pertaining to child abuse, neglect and dependency.

Several sections in HB 1720 are technical in nature (e.g., Section 2 restores language repealed in error in S.L. 1997-309), simply moving statutes around while other sections are substantive changes as mandated by federal law. These sections are summarized below:

Section 4.1 requires permanency planning hearings to be held within 30 days after the court finds that reasonable efforts are not required or shall cease;

Section 5 specifies that adjudicatory hearings are to be held no more than 60 days from the filing of a petition;

Section 6 prohibits unsupervised visitation or return of physical custody to the parents of a juvenile who is removed from the home and placed under the custody of a county DSS without a hearing;

Section 7 reduces the time frame for holding first review hearings from 6 months to 90 days from the date of the dispositional hearings;

Section 8.1 requires the court to order, in certain circumstances, a department of social services to initiate a proceeding to terminate parental rights when a child in the custody of a local department of social services, has been placed outside of the home for 15 of the most recent 22 months;

Section 8.1 requires subsequent permanency planning hearings to be held every six months; and

Section 15 amends G. S. 48-3-309 to require preplacement criminal checks of prospective adoptive parents seeking to adopt children in the custody or placement responsibility of county departments of social services.

**ASSUMPTIONS AND METHODOLOGY:** The following assumptions were used:

**Administrative Office of the Courts:**

The Administrative Office of the Courts estimates that the bill will have some impact on the Judicial System. It estimates that Sections 5 and 8 will have a substantial impact on the Judicial System. Specifically, it is anticipated that there will be a substantial increase in court time due to (1) more filings of petitions to terminate parental rights, (2) additional hearings on the issue of unsupervised visitation, and (3) additional hearings due to the requirement that first review hearings must be held 90 days after the dispositional hearings. **However, AOC is unable to determine the cost impact due to a lack of data needed to estimate the number of additional hearings and the increase in court time resulting from these expedited hearings.**

**Other sections in the bill impact on the time within which certain hearings must be held., however AOC cannot estimate the impact of these provisions but assume the impact will be minimal.**

**Department of Health and Human Services:**

1. Estimated 2,300 preplacement criminal history checks for prospective adoptive parents will be conducted during FY98/99; criminal history checks for prospective adoptive parents are estimated to grow approximately 5% each year thereafter;
2. Each complete criminal check costs \$48 each (\$5 Sheriff/local check; \$5 fingerprinting; \$14 State Bureau of Investigation; and \$24 Federal Bureau of Investigation;
3. Approximately 62% of all criminal history checks are Title IV-E eligible; and
- 4.
5. Federal receipts (Title IV-E) will partially offset costs for allowable staff and criminal checks (50% federal share).

**TECHNICAL CONSIDERATIONS:** None

**FISCAL RESEARCH DIVISION**

**733-4910**

**PREPARED BY:** Karen Hammonds-Blanks and Marilyn Chism

**APPROVED BY:** Tom Covington

**DATE:** August 31, 1998



**Signed Copy Located in the NCGA Principal Clerk's Offices**

# Memorandum

**Date:** January 12, 2005  
**To:** Representative Culpepper  
**From:** Gann Watson, Staff Attorney, gannw@ms.ncga.state.nc.us  
**Subject** H1720 - Adoption Federal Requirements - Certification

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G.S. 120-36.8 requires that every introduced bill that proposes any change in the law which purports to implement federal law or purports to be required or necessary for compliance with federal law, or on which is conditioned the receipt of federal funds, shall have attached a certification identifying the federal law. The certification is to be provided by the Fiscal Research Division in consultation with Bill Drafting/General Research.

House Bill 1720 makes changes to State law to ensure that the State is in compliance with Public Law 105-89, The Adoption and Safe Families Act of 1997. Compliance with P.L. 105-89 is required in order for the State to continue to receive federal funds for the State's foster care and adoption program.

The purpose of the federal law is to assure safe homes for children in a timely manner, expedite reunification of families when reunification is in the child's best interest, provide for permanent placement of children with their relatives when appropriate and in the child's best interest, initiate proceedings to terminate parental rights when parents have not provided for their children or have subjected their children to an unsafe home environment, and to facilitate timely adoption of children for whom reunification with the family is inappropriate. In order to accomplish these purposes, federal law requires the following:

the health and safety of children must be of paramount concern when making reasonable efforts to keep children in the home or reunify families when children have been removed; initiate proceedings to terminate parental rights for certain children in foster care; and require criminal history record checks on foster parents and prospective adoptive parents. These federal requirements also necessitate changes in State law pertaining to permanency planning hearings and to the time lines for adjudicatory, dispositional, and review stages of custody order hearings.

Sections 1- 16 and Section 18 are necessary changes in State law in order to comply with P.L. 105-89. Section 17 appropriates funds to implement the criminal history record checks required for foster care and prospective adoptive parents. Section 2 includes a technical change to the law to restore language deleted in error in S.L. 1997-390.

/gw

**This certification has been reviewed and approved for distribution.**