

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

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HOUSE BILL 647

Short Title: Expedite Child Permanency. (Public)

Sponsors: Representative Stevens.

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Judiciary 2, if favorable, Families, Children, and Aging Policy, if favorable, Rules, Calendar, and Operations of the House

April 18, 2023

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

4 The General Assembly of North Carolina enacts:

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

6 "**§ 7B-100. Purpose.**

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

9 ...

10 (5) To provide standards, consistent with the Adoption and Safe Families Act of  
11 1997, P.L. 105-89, for ensuring that the best interests of the juvenile are of  
12 paramount consideration by the court and that when it is not in the juvenile's  
13 best interest to be returned home, the juvenile will be placed in a safe,  
14 permanent home within ~~a reasonable amount of time~~ one year from the date  
15 of the initial order removing custody."

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

17 "**§ 7B-101. Definitions.**

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

20 ...

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

24 ...

25 h. Whose parent, guardian, custodian, or caretaker uses an illegal  
26 controlled substance or abuses alcohol or a controlled substance and is  
27 unable to care for and provide a safe and appropriate home for the  
28 juvenile.

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

33 ...."

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



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1       "(a) When a request is made for nonsecure custody, the court shall first consider release  
 2 of the juvenile to the juvenile's parent, relative, guardian, custodian, or other responsible adult.  
 3 An order for nonsecure custody shall be made only when there is a reasonable factual basis to  
 4 believe the matters alleged in the petition are true, and any of the following apply:

- 5       ...
- 6       (7) The juvenile is an infant who was born drug-exposed to alcohol, unlawful  
 7 controlled substances, or controlled substances used in violation of the law. If  
 8 the parent is enrolled in and meeting or exceeding the benchmarks of a  
 9 substance abuse treatment program recommended by a medical provider or a  
 10 local management entity/managed care organization (LME/MCO), then any  
 11 alcohol, unlawful controlled substances use, or use of controlled substances  
 12 in violation of the law shall not be the sole ground for ordering nonsecure  
 13 custody.

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

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

20 **"§ 7B-505. Placement while in nonsecure custody.**

21       ...

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

37       ...."

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

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

- 44       (1) A court of competent jurisdiction determines or has determined that  
 45 aggravated circumstances exist because the parent has committed or  
 46 encouraged the commission of, or allowed the continuation of, any of the  
 47 following upon the juvenile:  
 48       ...
- 49       e. Chronic or toxic exposure to alcohol or controlled substances that  
 50 causes impairment of or addiction in the ~~juvenile~~juvenile, including,  
 51 but not limited to, exposure to unlawful controlled substances in utero

1 or controlled substances used in violation of the law in utero. The court  
 2 shall consider whether a parent is enrolled in and meeting or exceeding  
 3 the benchmarks of a substance abuse treatment program recommended  
 4 by a medical provider or a local management entity/managed care  
 5 organization (LME/MCO).

6 ...."

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

8 "**§ 7B-903. Dispositional alternatives for abused, neglected, or dependent juvenile.**

9 ...

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

20 ...

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

24 ...."

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

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

28 ...

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

36 ...."

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

38 "**§ 7B-1103. Who may file a petition or motion.**

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

41 ...

42 (5) Any person with whom the juvenile has resided for a continuous period of ~~18~~  
 43 15 months or more next preceding the filing of the petition or motion.

44 ...."

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