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HOUSE BILL 896  
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Short Title: Child Welfare Changes.

(Public)

Sponsors:

Referred to:

April 8, 1997

A BILL TO BE ENTITLED  
AN ACT TO AMEND THE LAW PERTAINING TO THE CUSTODY AND  
PLACEMENT OF JUVENILES TO ENHANCE THE STATE'S ABILITY TO  
ENSURE THAT JUVENILES ARE PLACED IN A SAFE, PERMANENT HOME  
WITHIN A REASONABLE PERIOD OF TIME, TO AUTHORIZE THE  
DEPARTMENT OF HUMAN RESOURCES TO ASSUME CONTROL OF  
DELIVERY OF COUNTY CHILD WELFARE SERVICES UNDER CERTAIN  
CIRCUMSTANCES, AND TO ESTABLISH THE LEGISLATIVE STUDY  
COMMISSION ON CHILDREN AND YOUTH.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-289.32(3) reads as rewritten:

"(3) The parent has willfully left the child in foster care for more than 12 months without showing to the satisfaction of the court that reasonable progress under the circumstances has been made within 12 months in correcting those conditions which led to the removal of the child. ~~child or without showing positive response within 12 months to the diligent efforts~~

1 of a county Department of Social Services, a child caring institution or  
2 licensed child placing agency to encourage the parent to strengthen the  
3 parental relationship to the child or to make and follow through with  
4 constructive planning for the future of the child. Provided, however, that no  
5 parental rights shall be terminated for the sole reason that the parents are  
6 unable to care for the child on account of their poverty."

7 Section 2. G.S. 7A-289.32(7) reads as rewritten:

8 "(7) That the parent is incapable as a result of mental retardation, mental illness,  
9 organic brain syndrome, or any other degenerative mental condition of  
10 providing for the proper care and supervision of the child, such that the  
11 child is a dependent child within the meaning of G.S. 7A-517(13), and  
12 that there is a reasonable probability that such incapability will continue  
13 throughout the minority of the child. for the foreseeable future.  
14 Incapability under this subdivision may be the result of substance abuse,  
15 mental retardation, mental illness, organic brain syndrome, or any other  
16 similar cause or condition."

17 Section 3. G.S. 7A-517 is amended by adding the following new subdivisions  
18 to read:

19 "(25a) 'Reasonable efforts'. – The diligent use of preventive or reunification  
20 services by a department of social services when a juvenile's remaining  
21 at home or returning home is consistent with achieving a safe,  
22 permanent home for the juvenile within a reasonable period of time.

23 (25b) 'Safe home'. – A home in which the child is not at substantial risk of  
24 physical or emotional abuse or neglect."

25 Section 3.1. G.S. 7A-544 reads as rewritten:

26 "**§ 7A-544. Investigation by Director; access to confidential information;**  
27 **notification of person making the report.**

28 When a report of abuse, neglect, or dependency is received, the Director of the  
29 Department of Social Services shall make a prompt and thorough investigation in order to  
30 ascertain the facts of the case, the extent of the abuse or neglect, and the risk of harm to  
31 the juvenile, in order to determine whether protective services should be provided or the  
32 complaint filed as a petition. When the report alleges abuse, the Director shall  
33 immediately, but no later than 24 hours after receipt of the report, initiate the  
34 investigation. When the report alleges neglect or dependency, the Director shall initiate  
35 the investigation within 72 hours following receipt of the report. The investigation and  
36 evaluation shall include a visit to the place where the juvenile resides. All information  
37 received by the Department of Social Services, including the identity of the reporter, shall  
38 be held in strictest confidence by the Department.

39 When a report of a ~~juvenile's death as a result of suspected maltreatment~~ abuse, neglect,  
40 or dependency of a juvenile is received, the Director of the Department of Social Services  
41 shall immediately ascertain if other juveniles remain in the home, and, if so, initiate an  
42 investigation in order to determine whether they require protective services or whether  
43 immediate removal of the juveniles from the home is necessary for their protection.

1 If the investigation indicates that abuse, neglect, or dependency has occurred, the  
2 Director shall decide whether immediate removal of the juvenile or any other juveniles in  
3 the home is necessary for their protection. If immediate removal does not seem  
4 necessary, the Director shall immediately provide or arrange for protective services. If the  
5 parent or other caretaker refuses to accept the protective services provided or arranged by  
6 the Director, the Director shall sign a complaint seeking to invoke the jurisdiction of the  
7 court for the protection of the juvenile or juveniles.

8 If immediate removal seems necessary for the protection of the juvenile or other  
9 juveniles in the home, the Director shall sign a complaint which alleges the applicable  
10 facts to invoke the jurisdiction of the court. Where the investigation shows that it is  
11 warranted, a protective services worker may assume temporary custody of the juvenile  
12 for the juvenile's protection pursuant to Article 46 of this Chapter.

13 In performing any duties related to the investigation of the complaint or the provision  
14 or arrangement for protective services, the Director may consult with any public or  
15 private agencies or individuals, including the available State or local law-enforcement  
16 officers who shall assist in the investigation and evaluation of the seriousness of any  
17 report of abuse, neglect, or dependency when requested by the Director. The Director or  
18 the Director's representative may make a written demand for any information or reports,  
19 whether or not confidential, that may in the Director's opinion be relevant to the  
20 investigation of or the provision for protective services. Upon the Director's or the  
21 Director's representative's request and unless protected by the attorney-client privilege,  
22 any public or private agency or individual shall provide access to and copies of this  
23 confidential information and these records to the extent permitted by federal law and  
24 regulations. If a custodian of criminal investigative information or records believes that  
25 release of the information will jeopardize the right of the State to prosecute a defendant  
26 or the right of a defendant to receive a fair trial or will undermine an ongoing or future  
27 investigation, it may seek an order from a court of competent jurisdiction to prevent  
28 disclosure of the information. In such an action, the custodian of the records shall have  
29 the burden of showing by a preponderance of the evidence that disclosure of the  
30 information in question will jeopardize the right of the State to prosecute a defendant or  
31 the right of a defendant to receive a fair trial or will undermine an ongoing or future  
32 investigation. Actions brought pursuant to this paragraph shall be set down for immediate  
33 hearing, and subsequent proceedings in the actions shall be accorded priority by the trial  
34 and appellate courts.

35 Within five working days after receipt of the report of abuse, neglect, or dependency,  
36 the Director shall give written notice to the person making the report, unless requested by  
37 that person not to give notice, as to whether the report was accepted for investigation and  
38 whether the report was referred to the appropriate State or local law enforcement agency.

39 Within five working days after completion of the protective services investigation, the  
40 Director shall give subsequent written notice to the person making the report, unless  
41 requested by that person not to give notice, as to whether there is a finding of abuse,  
42 neglect, or dependency, whether the county Department of Social Services is taking  
43 action to protect the juvenile, and what action it is taking, including whether or not a

1 petition was filed. The person making the report shall be informed of procedures  
2 necessary to request a review by the prosecutor of the Director's decision not to file a  
3 petition. A request for review by the prosecutor shall be made within five working days  
4 of receipt of the second notification. The second notification shall include notice that, if  
5 the person making the report is not satisfied with the Director's decision, he may request  
6 review of the decision by the prosecutor within five working days of receipt. The person  
7 making the report may waive the person's right to this notification and no notification is  
8 required if the person making the report does not identify himself to the Director."

9 Section 3.2. G.S. 7A-517(21) reads as rewritten:

10 "(21) Neglected Juvenile. – A juvenile who does not receive proper care,  
11 supervision, or discipline from the juvenile's parent, guardian,  
12 custodian, or caretaker; or who has been abandoned; or who is not  
13 provided necessary medical care; or who is not provided necessary  
14 remedial care; or who lives in an environment injurious to the juvenile's  
15 welfare; or who has been placed for care or adoption in violation of law.  
16 In determining whether a juvenile is a neglected juvenile, it is relevant  
17 whether that juvenile lives in a home where another juvenile has ~~died as~~  
18 ~~a result of abuse or neglect or lives in a home where another juvenile has been~~  
19 ~~subjected to sexual abuse or severe physical abuse~~ or neglect by an adult  
20 who regularly lives in the home."

21 Section 4. G.S. 7A-576 reads as rewritten:

22 "**§ 7A-576. Place of secure or nonsecure custody.**

23 (a) A juvenile meeting the criteria set out in G.S. 7A-574, subsection (a), may be  
24 placed in nonsecure custody with the Department of Social Services or a person  
25 designated in the order for temporary residential placement in:

- 26 (1) A licensed foster home or a home otherwise authorized by law to  
27 provide such care or  
28 (2) A facility operated by the Department of Social Services or  
29 (3) Any other home or facility approved by the court and designated in the  
30 order.

31 In placing a juvenile in nonsecure custody under this section and under G.S. 7A-629  
32 and G.S. 7A-651, the court shall first consider whether a relative of the juvenile is willing  
33 and able to provide proper care and supervision of the juvenile in a safe home. If the  
34 court finds that the relative is willing and able to provide proper care and supervision in a  
35 safe home, then the court shall order placement of the juvenile with the relative. Prior to  
36 placement of a juvenile with a relative outside of this State, the placement must be in  
37 accordance with the Interstate Compact on the Placement of Children.

38 (b) A juvenile meeting the criteria set out in G.S. 7A-574(b) may be temporarily  
39 detained in an approved county detention home or a regional detention facility which  
40 shall be separate from any jail, lockup, prison, or other adult penal institution. It shall be  
41 unlawful for a county or any unit of government to operate a juvenile detention home  
42 unless the facility meets the standards promulgated by the Department of Human  
43 Resources."

1 Section 5. G.S. 7A-577(h) reads as rewritten:

2 "(h) Any order authorizing the continued nonsecure custody of a juvenile who is  
3 alleged to be abused, neglected, or dependent shall include findings as to whether  
4 reasonable efforts have been made to prevent or eliminate the need for placement of the  
5 juvenile in custody and may provide for services or other efforts aimed at returning the  
6 juvenile ~~home promptly.~~ promptly to a safe home. A finding that reasonable efforts have  
7 not been made to prevent or eliminate the need for placement shall not preclude the entry of  
8 an order authorizing continued nonsecure custody when the court finds that continued  
9 nonsecure custody is necessary for the protection of the juvenile. Where efforts to prevent  
10 the need for the juvenile's placement were precluded by an immediate threat of harm to  
11 the juvenile, the court may find that the placement of the juvenile in the absence of such  
12 efforts was reasonable. If the court finds through written findings of fact that efforts to  
13 eliminate the need for placement of the juvenile in custody clearly would be futile or  
14 would be inconsistent with the juvenile's safety and need for a safe, permanent home  
15 within a reasonable period of time, then the court shall specify in its order that  
16 reunification efforts are not required or order that reunification efforts cease."

17 Section 6. G.S. 7A-577 is amended by adding the following new subsection to  
18 read:

19 "(i) At each hearing to determine the need for continued nonsecure custody, the  
20 court shall:

21 (1) Inquire as to the identity and location of any missing parent. The court  
22 shall include findings as to the efforts undertaken to locate the missing  
23 parent and to serve that parent. The order may provide for specific  
24 efforts aimed at determining the identity and location of any missing  
25 parent;

26 (2) Inquire as to whether a relative of the juvenile is willing and able to  
27 provide proper care and supervision of the juvenile in a safe home. If  
28 the court finds that the relative is willing and able to provide proper care  
29 and supervision in a safe home, then the court shall order temporary  
30 placement of the juvenile with the relative. Prior to placement of a  
31 juvenile with a relative outside of this State, the placement must be in  
32 accordance with the Interstate Compact on the Placement of Children;  
33 and

34 (3) Inquire as to whether there are other juveniles remaining in the home  
35 from which the juvenile was removed and, if there are, inquire as to the  
36 specific findings of the investigation conducted under G.S. 7A-544 and  
37 any actions taken or services provided by the Director for the protection  
38 of the other juveniles."

39 Section 7. G.S. 7A-585 reads as rewritten:

40 "**§ 7A-585. Appointment of guardian.**

41 In any case when no parent appears in a hearing with the juvenile or when the judge  
42 finds it would be in the best interest of the juvenile, the judge may appoint a guardian of  
43 the person for the juvenile. The guardian shall operate under the supervision of the court

1 with or without bond and shall file only such reports as the court shall require. The  
2 guardian shall have the care, custody, and control of the juvenile or may arrange a  
3 suitable placement for ~~him~~ the juvenile and may represent the juvenile in legal actions  
4 before any court. The guardian ~~shall also have authority to~~ may consent to certain actions  
5 on the part of the juvenile in place of the parent including (i) marriage, (ii) enlisting in  
6 the armed forces, and (iii) ~~undergoing major surgery.~~ enrollment in school. The guardian  
7 may also consent to any necessary remedial, psychological, medical, or surgical treatment  
8 for the juvenile. The authority of the guardian shall continue until the guardianship is  
9 terminated by court order, until the juvenile is emancipated pursuant to Article ~~56,~~ 56 of  
10 this Chapter, or until the juvenile reaches the age of majority."

11 Section 8. G.S. 7A-651(c) reads as rewritten:

12 "(c) Any order directing placement of a juvenile in foster care shall also contain:

- 13 (1) A finding that the juvenile's continuation in or return to his own home  
14 would be contrary to the juvenile's best interest; and  
15 (2) Findings as to whether reasonable efforts have been made to prevent or  
16 eliminate the need for placement of the juvenile in foster care. A finding  
17 that reasonable efforts were not made ~~to prevent or eliminate the need for~~  
18 ~~placement~~ shall not preclude entry of a dispositional order authorizing  
19 placement in foster care when the court finds that such placement is  
20 needed for protection of the juvenile. When efforts to prevent the need  
21 for the juvenile's placement are precluded by an immediate threat of  
22 harm to the juvenile, the court may find that placement of the juvenile in  
23 the absence of such efforts is reasonable.

24 The order may provide for services or other efforts aimed at returning the juvenile  
25 promptly to a safe home. If the court finds through written findings of fact that efforts to  
26 eliminate the need for placement of the juvenile in custody clearly would be futile or  
27 would be inconsistent with the juvenile's safety and need for a safe, permanent home  
28 within a reasonable period of time, the court shall specify in its order that reunification  
29 efforts are not required or order that reunification efforts cease."

30 Section 9. G.S. 7A-657 reads as rewritten:

31 "**§ 7A-657. Review of custody order.**

32 (a) ~~In any case where the judge removes custody from a parent or person standing~~  
33 ~~in loco parentis because of dependency, neglect or abuse, the juvenile shall not be~~  
34 ~~returned to the parent or person standing in loco parentis unless the judge finds sufficient~~  
35 ~~facts to show that the juvenile will receive proper care and supervision.~~ In any case where  
36 custody is removed from a parent, the judge shall conduct a review within six months of  
37 the date the order was entered, shall conduct a second review within six months after the  
38 first review, and shall conduct subsequent reviews at least every year thereafter. The  
39 Director of Social Services shall make timely requests to the clerk to calendar the case at  
40 a session of court scheduled for the hearing of juvenile matters within six months of the  
41 date the order was entered. The Director shall make timely requests for calendaring ~~of~~  
42 ~~the yearly reviews thereafter.~~ subsequent reviews. The clerk shall give 15 days' notice of  
43 the review to the parent or the person standing in loco parentis, the juvenile if 12 years of

1 age or more, the guardian, foster parent, custodian or agency with custody, the guardian  
2 ad litem, and any other person the court may specify, indicating the court's impending  
3 review.

4 (b) Notwithstanding other provisions of this Article, the court may waive the  
5 holding of review hearings required by subsection (a), may require written reports to the  
6 court by the agency or person holding custody in lieu of review hearings, or order that  
7 review hearings be held less often than every 12 months, if the court finds by clear,  
8 cogent and convincing evidence that:

- 9 (1) The juvenile has ~~been placed~~ resided with a relative or has been in the  
10 custody of another suitable person for a ~~continuous~~ period of at least one  
11 year; and  
12 (2) The placement is stable and continuation of the placement is in the  
13 juvenile's best interest; and  
14 (3) Neither the juvenile's best interests nor the rights of any party require  
15 that review hearings be held every 12 months; and  
16 (4) All parties are aware that the matter may be brought before the court for  
17 review at any time by the filing of a motion for review or on the court's  
18 own motion; and  
19 (5) The court order has designated the relative or other suitable person as  
20 the juvenile's permanent caretaker or guardian of the person. ~~at the~~  
21 ~~review at which these findings are made.~~

22 The court may not waive or refuse to conduct a review hearing if a party files a motion  
23 seeking the review.

24 (c) At every review hearing, the court shall consider information from the  
25 Department of Social Services, the court counselor, the juvenile, the parent or person  
26 standing in loco parentis, the custodian, the foster parent, the guardian ad litem, and any  
27 public or private agency which will aid it in its review.

28 In each case the court shall consider the following ~~criteria:~~ criteria and make written  
29 findings regarding those that are relevant:

- 30 (1) Services which have been offered to reunite the ~~family;~~ family, or  
31 whether efforts to reunite the family clearly would be futile or  
32 inconsistent with the juvenile's safety and need for a safe, permanent  
33 home within a reasonable period of time;  
34 (2) Where the juvenile's return home is unlikely, the efforts which have  
35 been made to evaluate or plan for other methods of care;  
36 (3) Goals of the foster care placement and the appropriateness of the foster  
37 care plan;  
38 (4) A new foster care plan, if continuation of care is sought, that addresses  
39 the role the current foster parent will play in the planning for the  
40 juvenile;  
41 (5) Reports on the placements the juvenile has had and any services offered  
42 to the juvenile and the parent;  
43 (6) When and if termination of parental rights should be considered;

1 (7) Any other criteria the court deems necessary.

2 (d) The judge, after making findings of fact, ~~shall have authority to~~ may appoint a  
3 guardian of the person for the juvenile pursuant to G.S. 7A-585 or may make any  
4 disposition authorized by G.S. 7A-647, including the authority to place the child in the  
5 custody of either parent or any relative found by the court to be suitable and found by the  
6 court to be in the best interest of the juvenile. If the juvenile is placed in or remains in the  
7 custody of the department of social services, the court may authorize the department to  
8 arrange and supervise a visitation plan. Except for such visitation, the juvenile shall not  
9 be returned to the parent or person standing in loco parentis without a hearing at which  
10 the court finds sufficient facts to show that the juvenile will receive proper care and  
11 supervision. The court may enter an order continuing the placement under review or  
12 providing for a different placement as is deemed to be in the best interest of the juvenile.  
13 If at any time custody is restored to a parent, the court shall be relieved of the duty to  
14 conduct periodic judicial reviews of the placement.

15 (d1) At a hearing designated by the court, but at least within 12 months after the  
16 juvenile's placement, a review hearing shall be held under this section and designated as a  
17 permanency planning hearing. The purpose of the hearing shall be to develop a plan to  
18 achieve a safe, permanent home for the juvenile within a reasonable period of time.  
19 Notice of the hearing shall inform the parties of the purpose of the hearing. At the  
20 conclusion of the hearing, if the juvenile is not returned home, the judge shall make  
21 specific findings as to the best plan of care to achieve a safe, permanent home for the  
22 juvenile within a reasonable period of time and shall enter an order consistent with those  
23 findings.

24 (e) The provisions of subsections (b), (c), and (d) of G.S. 7A-651 shall apply to any  
25 order entered under this section which continues the foster care placement of a juvenile."

26 Section 10. Article 3 of Chapter 108A of the General Statutes is amended by  
27 adding the following new section to read:

28 "**§ 108A-74. County department failure to provide services; State intervention in or**  
29 **control of service delivery.**

30 (a) Notwithstanding any other provision of law to the contrary, the Secretary of  
31 Human Resources may take action in accordance with this section to ensure the delivery  
32 of child welfare services in accordance with State laws and applicable rules. As used in  
33 this section, the terms:

34 (1) 'County department of social services' also means the consolidated  
35 human services agency, whichever applies;

36 (2) 'County director of social services' also means the human services  
37 director, whichever applies; and

38 (3) 'County board of social services' also means the consolidated human  
39 services board, whichever applies.

40 (b) If the Secretary of Human Resources determines that a county department of  
41 social services is not providing child protective services, foster care services, or adoption  
42 services in accordance with State law and with applicable rules adopted by the Social  
43 Services Commission, or fails to demonstrate reasonable efforts to do so, then the



1 Secretary, after providing written notification of intent to the county director of social  
2 services, to the chair of the county board of commissioners, and to the chair of the county  
3 board of social services, and after providing them with an opportunity to be heard, may  
4 intervene in the particular service or services in question. Intervention includes, but is  
5 not limited to, the following activities:

6 (1) Sending staff of the Department of Human Resources to the county  
7 department of social services to provide technical assistance and to  
8 monitor the services being provided;

9 (2) Establishing a corrective plan of action to correct inappropriate policies  
10 and procedures; and

11 (3) Advising county personnel as to appropriate policies and procedures.

12 If within 60 days of completion of the intervention activities, the Secretary finds that  
13 the county department of social services is not providing in accordance with State laws  
14 and applicable rules the particular service or services for which intervention was initiated,  
15 or has not demonstrated reasonable efforts to do so, the Secretary shall withhold State  
16 and federal child welfare services administrative funds until the particular service or  
17 services are provided in accordance with State laws and applicable rules.

18 (c) If the Secretary determines that a county department of social services is not  
19 providing child protective, foster care, or adoption services in accordance with State law  
20 and with applicable rules adopted by the Social Services Commission, or fails to  
21 demonstrate reasonable efforts to do so, and the failure to provide the services poses a  
22 substantial threat to the safety and welfare of children in the county who receive or are  
23 eligible to receive the services, then the Secretary, after providing written notification of  
24 intent to the chair of the county board of commissioners, to the chair of the county board  
25 of social services, and to the county director of social services, and after providing them  
26 with an opportunity to be heard, shall withhold funding for the particular service or  
27 services in question and shall ensure the provision of these services through contracts  
28 with public or private agencies or by direct operation by the Department of Human  
29 Resources.

30 (d) In the event that the Secretary assumes control of service delivery pursuant to  
31 subsection (c) of this section, the county director of social services shall be divested of all  
32 service delivery powers conferred upon the director by G.S. 108A-14 and other  
33 applicable State law as the powers pertain to the services in question. Upon assumption  
34 of control of service delivery, the Secretary may assign any of the powers and duties of  
35 the county director of social services to the Director of the Division of Social Services of  
36 the Department of Human Resources or to a contractor as the Secretary deems necessary  
37 and appropriate to continue the provision of the services in the county.

38 (e) In the event the Secretary takes action under this section, the Department of  
39 Human Resources shall, in conjunction with the county board of commissioners, the  
40 county board of social services, and the county director of social services develop and  
41 implement a corrective plan of action. The Department of Human Resources shall also  
42 keep the chair of the county board of commissioners, the chair of the county board of

1 social services, and the county director of social services informed of any ongoing  
2 concerns or problems with the delivery of the services in question.

3 (f) Upon the Secretary taking action pursuant to subsection (c) of this section,  
4 county funding of the services in question shall continue and at no time during the period  
5 of time that the Secretary is taking action shall a county withdraw funds previously  
6 obligated or appropriated for the services. Upon the Secretary's assumption of the control  
7 of service delivery, the county shall also pay the nonfederal share of any additional cost  
8 that may be incurred to operate the services in question at the level necessary to comply  
9 fully with State law and Social Services Commission rules.

10 (g) During the period of time that the Secretary is taking action pursuant to  
11 subsection (c) of this section, the Department of Human Resources shall work with the  
12 county board of commissioners, the county board of social services, and the county  
13 director of social services, to enable service delivery to be returned to the county if and  
14 when the Secretary has determined that services can be provided by the county in  
15 accordance with State law and applicable rules."

16 Section 11. Chapter 120 of the General Statutes is amended by adding the  
17 following new Article to read:

18 **"ARTICLE 24.**

19 **"THE LEGISLATIVE STUDY COMMISSION ON CHILDREN AND YOUTH.**

20 **"§ 120-208. Commission created; purpose.**

21 There is created the Legislative Study Commission on Children and Youth. The  
22 purpose of the Commission is to study and evaluate the system of delivery of services to  
23 children and youth and to make recommendations to improve service delivery to meet  
24 present and future needs of the children and youth of this State. This study shall be a  
25 continuing one and the evaluation ongoing.

26 **"§ 120-209. Commission duties.**

27 The Commission shall have the following duties:

28 (1) Study the needs of children and youth. This study shall include, but is  
29 not limited to:

30 a. Determining the adequacy and appropriateness of services:

31 1. To children and youth receiving child welfare services;

32 2. To children and youth in the juvenile court system; and

33 3. Provided by the Division of Social Services and the  
34 Division of Youth Services of the Department of Human  
35 Resources.

36 b. Developing methods for identifying and providing services to  
37 children and youth not receiving but in need of child welfare  
38 services, children and youth at risk of entering the juvenile court  
39 system, and children and youth exposed to domestic violence  
40 situations.

41 c. Developing strategies for addressing the issues of school dropout,  
42 teen suicide, and adolescent pregnancy.

- 1           d.     Identifying and evaluating the impact on children and youth of  
2           other economic and environmental issues.
- 3           e.     Identifying obstacles to ensuring that children who are in secure  
4           or nonsecure custody are placed in safe and permanent homes  
5           within a reasonable period of time and recommending strategies  
6           for overcoming those obstacles. The Commission shall consider  
7           what, if anything, can be done to expedite the adjudication and  
8           appeal of abuse and neglect charges against parents so that  
9           decisions may be made about the safe and permanent placement  
10           of their children as quickly as possible.
- 11         (2)   Evaluate problems associated with juveniles who are beyond the  
12         disciplinary control of their parents, including juveniles who are  
13         runaways, and develop solutions for addressing the problems of those  
14         juveniles.
- 15         (3)   Identify strategies for the development and funding of a comprehensive  
16         statewide database relating to children and youth to facilitate State  
17         agency planning for delivery of services to children and youth.
- 18         (4)   Conduct any other studies, evaluations, or assessments necessary for  
19         the Commission to carry out its purpose.

20    **"§ 120-210. Commission membership; terms; compensation.**

- 21         (a)   The Commission shall consist of 23 members, as follows:
- 22           (1)   Ten members appointed by the Speaker of the House of  
23           Representatives, as follows:
- 24           a.     Four shall be members of the House of Representatives at the  
25           time of their appointment.
- 26           b.     One shall be the director of a local health department.
- 27           c.     One shall be the director of a county department of social  
28           services.
- 29           d.     One shall be a representative of the general public who has  
30           knowledge of issues relating to children and youth.
- 31           e.     One shall be a licensed physician who is knowledgeable about  
32           the health needs of children and youth, and
- 33           f.     One shall be a chief district court judge recommended by the  
34           Council of Chief District Judges.
- 35           g.     One shall be a representative from the Covenant with North  
36           Carolina Children.
- 37           (2)   Ten members appointed by the President Pro Tempore of the Senate, as  
38           follows:
- 39           a.     Four shall be members of the Senate at the time of their  
40           appointment.
- 41           b.     One shall be the director of a mental health area authority.
- 42           c.     One shall be a representative of the Association of County  
43           Commissioners.

- 1           d.     One shall be a representative of the general public who has  
2           knowledge of issues relating to children and youth.  
3           e.     One shall be a licensed attorney whose practice includes the  
4           representation of parents accused of criminal or civil abuse or  
5           neglect, and  
6           f.     One shall be a chief district court judge recommended by the  
7           Council of Chief District Judges.  
8           g.     One shall be a representative from the North Carolina Child  
9           Advocacy Institute.

10       (3)   The following shall serve ex officio as nonvoting members of the  
11       Commission:

- 12           a.     The Secretary of Human Resources, or the Secretary's designee,  
13           b.     The State Superintendent of Public Instruction, or the  
14           Superintendent's designee, and  
15           c.     The Secretary of Administration, or the Secretary's designee.

16       (b)   Any vacancy shall be filled by the appointing authority who made the initial  
17       appointment and by a person having the same qualification. Members' terms shall last for  
18       two years. Members may be reappointed for two consecutive terms and may be  
19       appointed again after having been off the Commission for two years.

20       (c)   Commission members shall receive no salary as a result of serving on the  
21       Commission but shall receive necessary subsistence and travel expenses in accordance  
22       with G.S. 120-3.1, 138-5, and 138-6, as applicable.

23       **"§ 120-211. Commission meetings; public hearings; staff.**

24       (a)   The Commission shall hold its initial meeting at the call of the Speaker of the  
25       House of Representatives and the President Pro Tempore of the Senate. Subsequent  
26       meetings shall be held upon the call of the Commission cochairs. The Speaker of the  
27       House of Representatives and the President Pro Tempore of the Senate shall appoint a  
28       cochair each from the membership of the Commission.

29       (b)   The Commission may hold public hearings across the State to solicit public  
30       input with respect to issues relating to children and youth.

31       (c)   The Commission may contract for clerical or professional staff or for any other  
32       services it may require in the course of its ongoing study. At the request of the  
33       Commission, the Legislative Services Commission may supply members of the staff of  
34       the Legislative Services Office and clerical assistance to the Commission as the  
35       Legislative Services Commission considers appropriate. The Commission may, with the  
36       approval of the Legislative Services Commission, meet in the State Legislative Building  
37       or the Legislative Office Building.

38       **"§ 120-212. Commission reports.**

39       The Commission shall report to the General Assembly and to the Governor the results  
40       of its study and recommendations. A written report shall be submitted to each biennial  
41       session of the General Assembly at its convening.

42       **"§ 120-213. Commission authority.**

1       The Commission has the authority to obtain information and data from all State  
2 officers, agents, agencies, and departments, while in discharge of its duties, pursuant to  
3 G.S. 120-19, as if it were a committee of the General Assembly."

4               Section 11.1. G.S. 131D-10.6A reads as rewritten:

5 **"§ 131D-10.6A. Training by the Division of Social Services required.**

6       The Division of Social Services, Department of Human Resources, shall continue the  
7 in-house training component that provides a mandated minimum of 30 hours of  
8 preservice training for foster care parents either prior to licensure or within six months  
9 from the date a provisional license is issued pursuant to G.S. 131D-10.3, and 84 hours for  
10 foster care workers and adoption ~~care~~-social workers and a mandated minimum of 10  
11 hours of continuing education for all foster care parents and 18 hours for foster care  
12 workers and adoption ~~care~~-social workers."

13               Section 12. Sections 1 through 9 of this act become effective October 1, 1997,  
14 and apply to actions commenced on and after that date. Section 10 of this act becomes  
15 effective January 1, 1998. The remainder of this act is effective when it becomes law.