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SENATE BILL 421*
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Short Title: Amend Child Welfare Laws.-AB

(Public)

Sponsors:

Referred to:

March 17, 2003

A BILL TO BE ENTITLED

AN ACT TO CLARIFY AND MAKE TECHNICAL CORRECTIONS TO THE
CHILD WELFARE LAWS AND TO ENHANCE THE STATE'S ABILITY TO
PROTECT CHILDREN.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 7B-407 reads as rewritten:

"§ 7B-407. **Service of summons.**

The summons shall be ~~personally~~ served under G.S. 1A-1, Rule 4(j) upon the parent, guardian, custodian, or caretaker, not less than five days prior to the date of the scheduled hearing. The time for service may be waived in the discretion of the court.

If the parent, guardian, custodian, or caretaker entitled to receive a summons cannot be found by a diligent effort, the court may authorize service of the summons and petition ~~by mail or by publication.~~ publication under G.S. 1A-1, Rule 4(j1). The cost of the service by publication shall be advanced by the petitioner and may be charged as court costs as the court may direct.

If the parent, guardian, custodian, or caretaker is ~~personally~~ served as herein provided and fails without reasonable cause to appear and to bring the juvenile before the court, the parent, guardian, custodian, or caretaker may be proceeded against as for contempt of court."

SECTION 2. G.S. 7B-1109(d) reads as rewritten:

"(d) The court may for good cause shown continue the hearing for ~~such time as is required for receiving~~ up to 90 days from the date of the initial petition in order to receive additional evidence, evidence including any reports or assessments which that the court has requested, to allow the parties to conduct expeditious discovery, or any to receive any other information needed in the best interests of the juvenile. Continuances that extend beyond 90 days after the initial petition shall be granted only in extraordinary circumstances when necessary for the proper administration of justice,

1 and the court shall issue a written order stating the grounds for granting the
2 continuance."

3 **SECTION 3.** G.S. 115C-378 reads as rewritten:

4 **"§ 115C-378. Children required to attend.**

5 Every parent, guardian or other person in this State having charge or control of a
6 child between the ages of seven and 16 years shall cause such child to attend school
7 continuously for a period equal to the time which the public school to which the child is
8 assigned shall be in session. Every parent, guardian, or other person in this State having
9 charge or control of a child under age seven who is enrolled in a public school in grades
10 kindergarten through two shall also cause such child to attend school continuously for a
11 period equal to the time which the public school to which the child is assigned shall be
12 in session unless the child has withdrawn from school. No person shall encourage,
13 entice or counsel any such child to be unlawfully absent from school. The parent,
14 guardian, or custodian of a child shall notify the school of the reason for each known
15 absence of the child, in accordance with local school policy.

16 The principal, superintendent, or teacher who is in charge of such school shall have
17 the right to excuse a child temporarily from attendance on account of sickness or other
18 unavoidable cause ~~which~~that does not constitute unlawful absence as defined by the
19 State Board of Education. The term "school" as used herein is defined to embrace all
20 public schools and such nonpublic schools as have teachers and curricula that are
21 approved by the State Board of Education.

22 All nonpublic schools receiving and instructing children of a compulsory school age
23 shall be required to keep such records of attendance and render such reports of the
24 attendance of such children and maintain such minimum curriculum standards as are
25 required of public schools; and attendance upon such schools, if the school refuses or
26 neglects to keep such records or to render such reports, shall not be accepted in lieu of
27 attendance upon the public school of the district to which the child shall be assigned:
28 Provided, that instruction in a nonpublic school shall not be regarded as meeting the
29 requirements of the law unless the courses of instruction run concurrently with the term
30 of the public school in the district and extend for at least as long a term.

31 The principal or his designee shall notify the parent, guardian, or custodian of his
32 child's excessive absences after the child has accumulated three unexcused absences in a
33 school year. After not more than six unexcused absences, the principal shall notify the
34 parent, guardian, or custodian by mail that he may be in violation of the Compulsory
35 Attendance Law and may be prosecuted if the absences cannot be justified under the
36 established attendance policies of the State and local boards of education. Once the
37 parents are notified, the school attendance counselor shall work with the child and his
38 family to analyze the causes of the absences and determine steps, including adjustment
39 of the school program or obtaining supplemental services, to eliminate the problem. The
40 attendance counselor may request that a law-enforcement officer accompany him if he
41 believes that a home visit is necessary.

42 After 10 accumulated unexcused absences in a school ~~year-year~~, the principal shall
43 review any report or investigation prepared under G.S. 115C-381 and shall confer with
44 the student and ~~his~~the student's parent, guardian, or ~~custodian~~custodian, if possible

1 possible, to determine whether the parent, guardian, or custodian has received
2 notification pursuant to this section and made a good faith effort to comply with the law.
3 If the principal determines that the parent, guardian, or custodian has not, not made
4 a good faith effort to comply with the law, he-the principal shall notify the district
5 attorney-attorney and the director of social services of the county where the child
6 resides. If he-the principal determines that the parent, guardian, or custodian has, has
7 made a good faith effort to comply with the law, he-the principal may file a complaint
8 with the juvenile court counselor pursuant to Chapter 7B of the General Statutes that the
9 child is habitually absent from school without a valid excuse. Evidence that shows that
10 the parents, guardian, or custodian were notified and that the child has accumulated 10
11 absences which cannot be justified under the established attendance policies of the local
12 board shall establish a prima facie case that the child's parent, guardian, or custodian is
13 responsible for the absences. Upon receiving notification by the principal, the director
14 of social services shall determine whether to undertake an investigation under G.S.
15 7B-302."

16 **SECTION 4.** G.S. 131D-10.3A(b) reads as rewritten:

17 "(b) The Department shall ensure that all individuals who are required to be
18 checked pursuant to subsection (a) of this section are checked ~~annually~~ upon relicensure
19 for county and State criminal histories."

20 **SECTION 4.1.** G.S. 7B-302 is amended by adding a new subsection (h) to
21 read:

22 "(h) The director or the director's representative may not enter a private residence
23 for investigation purposes without at least one of the following:

- 24 (1) The reasonable belief that a juvenile is in imminent danger of death or
25 serious physical injury.
- 26 (2) The permission of the parent or person responsible for the juvenile's
27 care.
- 28 (3) The accompaniment of a law enforcement officer who has legal
29 authority to enter the residence.
- 30 (4) An order from a court of competent jurisdiction."

31 **SECTION 4.2.** G.S. 131D-10.6A(b) reads as rewritten:

32 "(b) (**See Editor's Note**) The Division of Social Services shall establish minimum
33 training requirements for child welfare services staff. The minimum training
34 requirements established by the Division are as follows:

- 35 (1) Child welfare services workers shall complete a minimum of 72 hours
36 of preservice training before assuming direct client contact
37 responsibilities. In completing this requirement, the Division of Social
38 Services shall ensure that each child welfare worker receives training
39 on family centered practices and State and federal law regarding the
40 basic rights of individuals relevant to the provision of child welfare
41 services, including the right to privacy, freedom from duress and
42 coercion to induce cooperation, and the right to parent.

- 1 (2) Child protective services workers shall complete a minimum of 18
2 hours of additional training that the Division of Social Services
3 determines is necessary to adequately meet training needs.
- 4 (3) Foster care and adoption workers shall complete a minimum of 39
5 hours of additional training that the Division of Social Services
6 determines is necessary to adequately meet training needs.
- 7 (4) Child welfare services supervisors shall complete a minimum of 72
8 hours of preservice training before assuming supervisory
9 responsibilities and a minimum of 54 hours of additional training that
10 the Division of Social Services determines is necessary to adequately
11 meet training needs.
- 12 (5) Child welfare services staff shall complete 24 hours of continuing
13 education annually. In completing this requirement, the Division of
14 Social Services shall provide each child welfare services staff member
15 with annual update information on family centered practices and State
16 and federal law regarding the basic rights of individuals relevant to the
17 provision of child welfare services, including the right to privacy,
18 freedom from duress and coercion to induce cooperation, and the right
19 to parent.

20 The Division of Social Services may grant an exception in whole or in part to the
21 requirement under subdivision (1) of this subsection to child welfare workers who
22 satisfactorily complete or are enrolled in a masters or bachelors program after July 1,
23 1999, from a North Carolina social work program accredited pursuant to the Council on
24 Social Work Education. The program's curricula must cover the specific preservice
25 training requirements as established by the Division of Social Services.

26 The Division of Social Services shall ensure that training opportunities are available
27 for county departments of social services and consolidated human service agencies to
28 meet the training requirements of this subsection."

29 **SECTION 5.** Chapter 131D of the General Statutes is amended by adding a
30 new section to read:

31 **"§ 131D-10.6C. Maintaining a register of applicants by the Division of Social**
32 **Services.**

33 (a) The Division of Social Services shall keep a register of all family foster and
34 therapeutic foster home applicants. The register shall contain the following information:

- 35 (1) The name, age, and address of each applicant.
36 (2) The date of the application.
37 (3) The applicant's supervising agency.
38 (4) Any mandated training completed by the applicant and the dates of
39 training.
40 (5) Whether the applicant was licensed and the date of the initial licensure.
41 (6) The current licensing period.
42 (7) Any adverse licensing actions.
43 (8) Any other information deemed necessary by the Division of Social
44 Services.

1 (b) The register shall be a public record under Chapter 132 of the General
2 Statutes. Information not specified in subsection (a) of this section shall be considered
3 confidential and not subject to disclosure."

4 **SECTION 6.** G.S. 143B-150.20(d) reads as rewritten:

5 "(d) The State Child Fatality Review Team shall have access to all medical
6 records, hospital records, and records maintained by this State, any county, or any local
7 agency as necessary to carry out the purposes of this subsection, including police
8 investigative data, medical examiner investigative data, health records, mental health
9 records, and social services records. The State Child Fatality Review Team may receive
10 a copy of any reviewed materials necessary to the conduct of the fatality review. Any
11 member of the State Child Fatality Review Team may share, only in an official meeting
12 of the State Child Fatality Review Team, any information available to that member that
13 the State Child Fatality Review Team needs to carry out its duties.

14 If the State Child Fatality Review Team does not receive information requested
15 under this subsection within 30 days after making the request, the State Child Fatality
16 Review Team may apply for an order compelling disclosure. The application shall state
17 the factors supporting the need for an order compelling disclosure. The State Child
18 Fatality Review Team shall file the application in the district court of the county where
19 the investigation is being conducted, and the court shall have jurisdiction to issue any
20 orders compelling disclosure. Actions brought under this section shall be scheduled for
21 immediate hearing, and subsequent proceedings in these actions shall be given priority
22 by the appellate courts."

23 **SECTION 7.** G.S. 153A-257 is amended by adding a new subsection to
24 read:

25 "(d) If two or more county departments of social services disagree regarding the
26 legal residence of a minor in a child abuse, neglect, or dependency case, any one of the
27 county departments of social services may refer the issue to the Department of Health
28 and Human Services, Division of Social Services, for resolution. The Director of the
29 Division of Social Services or the Director's designee shall review the pertinent
30 background facts of the case and shall determine which county department of social
31 services shall be responsible for providing protective services and financial support for
32 the minor in question."

33 **SECTION 7.1.** The Division of Social Services shall ensure that each
34 currently employed child welfare worker receives training on family centered practices
35 and State and federal law regarding the basic rights of individuals relevant to the
36 provision of child welfare services, including the right to privacy, freedom from duress
37 and coercion to induce cooperation, and the right to parent.

38 **SECTION 7.2.** The Division shall report to the Chairs of the Senate and
39 House Appropriations Committees and the Chairs of the Senate Health and Human
40 Services Appropriations Subcommittee and the House of Representatives
41 Appropriations Subcommittee on Health and Human Services by April 1, 2004,
42 regarding the additional training required in Sections 4.2 and 7.1 of this act.

43 **SECTION 8.** This act is effective when it becomes law.