

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H

D

HOUSE BILL 510
Committee Substitute Favorable 4/10/13
PROPOSED SENATE COMMITTEE SUBSTITUTE H510-PCS80391-LU-8

Short Title: Foster Care Children's Bill of Rights.

(Public)

Sponsors:

Referred to:

April 3, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR THE FOSTER CHILDREN'S BILL OF RIGHTS UNDER THE
3 LAWS PERTAINING TO CONTROL OVER CHILD PLACING AND CHILD CARE.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 131D-10.1 reads as rewritten:

6 "**§ 131D-10.1. Purpose, Foster Care Children's Bill of Rights; purpose.**

7 (a) It is the policy of this State to strengthen and preserve the family as a unit consistent
8 with a high priority of protecting children's welfare. When a child requires care outside the
9 family unit, it is the duty of the State to assure that the quality of substitute care is as close as
10 possible to the care and nurturing that society expects of a family. However, the State
11 recognizes there are instances when protecting a child's welfare outweighs reunifying the
12 family unit, and as such, the care of residential care facilities providing high quality services
13 that include meeting the children's educational needs as determined by the Department of
14 Health and Human Services, Division of Social Services can satisfy the standard of protecting a
15 child's welfare, regardless of the child's age, particularly when the sibling groups can be kept
16 intact. To that end, the General Assembly promotes the following in the provision of foster
17 care:

- 18 (1) A safe foster home free of violence, abuse, neglect, and danger.
19 (2) First priority regarding placement in a home with siblings.
20 (3) The ability to communicate with the assigned social worker or case worker
21 overseeing the child's case and have calls made to the social worker or case
22 worker returned within a reasonable period of time.
23 (4) Allowing the child to remain enrolled in the school the child attended before
24 being placed in foster care, if at all possible.
25 (5) Having a social worker, when a child is removed from the home, to
26 immediately begin conducting an investigation to identify and locate all
27 grandparents, adult siblings, and other adult relatives of the child to provide
28 those persons with specific information and explanation of various options to
29 participate in placement of a child.
30 (6) Participation in school extracurricular activities, community events, and
31 religious practices.
32 (7) Communication with the biological parents if the child placed in foster care
33 receives any immunizations and whether any additional immunizations are
34 needed if the child will be transitioning back into a home with his or her
35 biological parents.



* H 5 1 0 - P C S 8 0 3 9 1 - L U - 8 *

- 1 (8) Establishing and having access to a bank or savings account in accordance
- 2 with State laws and federal regulations.
- 3 (9) Obtaining identification and permanent documents, including a birth
- 4 certificate, social security card, and health records by the age of 16, to the
- 5 extent allowed by federal and State law.
- 6 (10) The use of appropriate communication measures to maintain contact with
- 7 siblings if the child placed in foster care is separated from his or her siblings.
- 8 (11) Meaningful participation in a transition plan for those phasing out of foster
- 9 care, including participation in family team, treatment team, court, and
- 10 school meetings.

11 A violation of subdivisions (1) through (11) of this subsection shall not be construed to create a

12 cause of action under this section against the State, the Department of Health and Human

13 Services, or a person or entity providing foster care pursuant to this Article.

14 (b) The purpose of this Article is to assign the authority to protect the health, safety and

15 well-being of children separated from or being cared for away from their families."

16 **SECTION 2.** This act is effective when it becomes law.