

GENERAL ASSEMBLY OF NORTH CAROLINA
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10250-LU-100 (03/21)

Short Title: Indian Child Services Changes. (Public)

Sponsors: Representative C. Graham.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE THE DIVISION OF SOCIAL SERVICES IN THE DEPARTMENT
3 OF HEALTH AND HUMAN SERVICES TO NEGOTIATE IN GOOD FAITH WITH
4 INDIAN TRIBES AND ORGANIZATIONS THAT REQUEST TO DEVELOP
5 AGREEMENTS TO ADMINISTER PROGRAMS UNDER THE FEDERAL FOSTERING
6 CONNECTIONS TO SUCCESS AND INCREASING ADOPTIONS ACT AND TO
7 REQUIRE THE DIVISION OF SOCIAL SERVICES IN THE DEPARTMENT OF
8 HEALTH AND HUMAN SERVICES TO ADOPT THE FEDERAL INDIAN CHILD
9 WELFARE ACT AS A BEST PRACTICE IN THE PLACEMENT OF ALL INDIAN
10 CHILDREN IN THE STATE, AS RECOMMENDED BY THE 2011 STUDY
11 COMMITTEE TO PRESERVE THE CULTURE AND CUSTOMS OF INDIAN
12 CHILDREN.

13 The General Assembly of North Carolina enacts:

14 **SECTION 1.** G.S. 143B-139.5A reads as rewritten:

15 **"§ 143B-139.5A. Collaboration between Division of Social Services and Commission of**
16 **Indian Affairs on Indian Child Welfare Issues.**

17 (a) The Division of Social Services, Department of Health and Human Services, shall
18 work in collaboration with the Commission of Indian Affairs, Department of Administration,
19 and the North Carolina Directors of Social Services Association to develop, in a manner
20 consistent with federal law, an effective process through which the following can be
21 accomplished:

- 22 (1) Establishment of a relationship between the Division of Social Services and
23 the Indian tribes set forth in G.S. 143B-407(a), either separately or through a
24 central entity, that will enable these tribes, in general, and tribal councils or
25 other tribal organizations, in particular, to receive reasonable notice of
26 identified Indian children who are being placed in foster care or adoption or
27 who otherwise enter the child protective services system, and to be consulted
28 on policies and other matters pertinent to placement of Indian children in
29 foster care or adoption.
- 30 (2) Agreement on a process by which North Carolina Indians might be
31 identified and recruited for purposes of becoming foster care and adoptive
32 parents.
- 33 (3) Agreement on a process by which the cultural, social, and historical
34 perspective and significance associated with Indian life may be taught to
35 appropriate child welfare workers and to foster and adoptive parents.



- 1 (4) Identification or formation of Indian child welfare advocacy, placement and
- 2 training entities with which the Department of Health and Human Services
- 3 might contract or otherwise form partnerships for the purpose of
- 4 implementing the provisions of this act.
- 5 (5) Development of a valid and reliable process through which Indian children
- 6 within the child welfare system can be identified.
- 7 (6) Identify the appropriate roles of the State and of Indian tribes, organizations
- 8 and agencies to ensure successful means for securing the best interests of
- 9 Indian children.

10 (b) The Department of Health and Human Services, Division of Social Services, shall
11 negotiate in good faith with Indian tribes, organizations, and consortia that request the
12 development of an agreement with the State to administer foster care, adoption assistance, and
13 kinship guardianship assistance programs under Title IV-E of the Social Security Act on behalf
14 of Indian children under their authority, as authorized and required by the federal Fostering
15 Connections to Success and Increasing Adoptions Act.

16 (c) The Department of Health and Human Services, Division of Social Services, shall
17 adopt the federal Indian Child Welfare Act, 25 U.S.C. § 1901, et seq., as a best practice in the
18 placement of all Indian children in foster care or adoption by the Division."

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