

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 683
PROPOSED COMMITTEE SUBSTITUTE H683-PCS10339-TV-5

Short Title: Indian Child Welfare Agreement Form.

(Public)

Sponsors:

Referred to:

April 11, 2017

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 DEVELOP A STANDARD FORM TO BE
4 USED TO ESTABLISH AGREEMENTS WITH STATE-RECOGNIZED INDIAN
5 TRIBES ON BEHALF OF INDIAN CHILDREN UNDER THEIR AUTHORITY
6 INVOLVED IN MATTERS OF FOSTER CARE, ADOPTION ASSISTANCE, AND
7 KINSHIP GUARDIANSHIP ASSISTANCE PROGRAMS UNDER TITLE IV-E OF THE
8 SOCIAL SECURITY ACT.

9 The General Assembly of North Carolina enacts:

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

11 "**§ 143B-139.5A. Collaboration between Division of Social Services and Commission of**
12 **Indian Affairs on Indian Child Welfare Issues.**

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

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



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- 1 (5) Development of a valid and reliable process through which Indian children
2 within the child welfare system can be identified.
- 3 (6) Identify the appropriate roles of the State and of Indian tribes, organizations
4 and agencies to ensure successful means for securing the best interests of
5 Indian children.

6 (b) The Department of Health and Human Services, Division of Social Services, shall
7 develop a standard form to be used to establish an agreement with any state-recognized Indian
8 tribe who requests such an agreement to provide specific actions to be taken on behalf of an
9 Indian child under their authority involved in matters of foster care, adoption assistance, and
10 kinship guardianship assistance programs under Title IV-E of the Social Security Act. The
11 agreement shall incorporate similar provisions to apply to state-recognized tribes as provided in
12 the federal Indian Child Welfare Act, 25 U.S.C. § 1901, et seq., applicable to Indian children in
13 federally recognized Indian tribes.

14 (c) The Department of Health and Human Services, Division of Social Services, shall
15 consult with representatives of state-recognized tribes and related organizations or consortia
16 that represent members of state-recognized tribes in development of the standard form.

17 (d) The Department of Health and Human Services, Division of Social Services, shall
18 submit an interim report to the Joint Legislative Oversight Committee on Health and Human
19 Services (Committee) no later than June 30, 2018, detailing any resources and actions needed,
20 including legislation needed to effectively develop and implement the standard form. The
21 Department of Health and Human Services shall submit a final report, including its standard
22 form and any recommendations for legislation in accordance with subsection (b) of this section,
23 to the Committee by December 1, 2018."

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