

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 776
PROPOSED SENATE COMMITTEE SUBSTITUTE H776-PCS40762-TV-24

Short Title: Adoption and Juvenile Law Changes.

(Public)

Sponsors:

Referred to:

April 13, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND VARIOUS PROVISIONS UNDER THE LAWS GOVERNING
3 ADOPTIONS AND JUVENILES.
4 The General Assembly of North Carolina enacts:

5
6 **PART I. AFFIDAVITS AS PROOF OF IDENTITY**

7 **SECTION 1.1.** G.S. 48-3-605 reads as rewritten:

8 "**§ 48-3-605. Execution of consent: procedures.**

9 ...

10 (b) A parent who has not reached the age of 18 years shall have legal capacity to give
11 consent to adoption and to release that parent's rights in a child, and shall be as fully bound as if
12 the parent had attained 18 years of age. ~~In addition to other methods of identification permitted~~
13 ~~by Chapter 10B of the General Statutes or other applicable law, a parent who has not reached the~~
14 ~~age of 18 years may be identified to an individual authorized to administer oaths or take~~
15 ~~acknowledgements by an affidavit of an adult relative of the minor parent, a teacher, a licensed~~
16 ~~professional social worker, or a health service provider.~~

17 ...

18 (h) In addition to other methods of identification permitted by Chapter 10B of the General
19 Statutes or other applicable law, a parent or adoptee who has not reached the age of 18 years may
20 be identified to an individual authorized to administer oaths or take acknowledgments by an
21 affidavit of an adult relative of the minor, a teacher, a social worker employed by an agency or a
22 county department of social services, a licensed professional social worker, a health service
23 provider, or, if none of the foregoing persons to whom the minor does not object is available, an
24 adult who has known the minor for more than two years."

25
26 **PART II. NAME DESIGNATION/NEWBORN PLACEMENT**

27 **SECTION 2.1.** G.S. 48-3-606(3) reads as rewritten:

28 "**§ 48-3-606. Content of consent; mandatory provisions.**

29 A consent required from a minor to be adopted, a parent, or a guardian under G.S. 48-3-601
30 must be in writing and state each of the following:

31 ...

32 (3) The date of birth or the expected delivery date, the sex, and the name of the
33 minor to be adopted, if known. A consent to adoption of a newborn minor may
34 give the minor's name as "Baby [Last Name of Biological Mother]" or a
35 similar designation."

36 **SECTION 2.2.** G.S. 48-3-703(a)(3) reads as rewritten:



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1 **"§ 48-3-703. Content of relinquishment; mandatory provisions.**

2 (a) A relinquishment executed by a parent or guardian under G.S. 48-3-701 must be in
3 writing and state the following:

4 ...

5 (3) The date of birth or the expected delivery date, the sex, and the name of the
6 minor, if known. A relinquishment of a newborn minor may give the minor's
7 name as "Baby [Last Name of Biological Mother]" or similar designation."

8
9 **PART III. ACQUISITION OF SOCIAL SECURITY NUMBER**

10 **SECTION 3.1.** G.S. 48-3-607 is amended by adding a new subsection to read:

11 "(d) A prospective adoptive parent with whom a minor has been placed in an independent
12 adoption and who has filed a petition for adoption of the minor may, after the time within which
13 the consenting parent or guardian may revoke the consent has expired, apply ex parte to a clerk
14 of superior court for an order finding that the child has been placed with the petitioner and
15 confirming that the petitioner has legal and physical custody of the minor for the purposes of
16 obtaining a certified copy of the child's birth certificate, a Social Security number, or federal and
17 State benefits for the minor."

18 **SECTION 3.2.** G.S. 48-3-705 is amended by adding a new subsection to read:

19 "(e) An agency or county department of social services to whom a minor has been
20 relinquished may, after the time within which the relinquishing parent or guardian may revoke
21 the relinquishment has expired, apply ex parte to a clerk of superior court for an order finding
22 that the child has been relinquished to the agency and confirming that the agency or county
23 department of social services has legal custody of the minor for the purposes of obtaining a
24 certified copy of the child's birth certificate, a Social Security number, or federal and State
25 benefits for the minor."

26
27 **PART IV. NOTICE OF SERVICE BY PUBLICATION/PRE-BIRTH**
28 **DETERMINATIONS**

29 **SECTION 4.1.** G.S. 48-2-206(e) reads as rewritten:

30 "(e) The manner of service under this section shall be the same as set forth in
31 G.S. 48-2-402. If the identity or whereabouts of the biological father cannot be ascertained and
32 the biological father is served by publication, then the 30-day notice requirements otherwise
33 required by this section shall not apply and the biological father shall have 40 days from the date
34 of first publication to answer in accordance with this section."

35
36 **PART V. PRELIMINARY HEARING/UNKNOWN PARENT**

37 **SECTION 5.1.** G.S. 7B-1105 is amended by adding a new subsection to read:

38 "(g) No summons shall be required for a parent whose name or identity is unknown and
39 who is served by publication as provided in this section."

40
41 **PART VI. CONSENTING AGENCY/PREPLACEMENT ASSESSMENTS**

42 **SECTION 6.1.** G.S. 48-3-303(c) reads as rewritten:

43 "(c) The preplacement assessment shall, after a reasonable investigation, report on the
44 following about the individual being assessed:

45 ...

46 (13) The most recent amended or updated preplacement assessment that meets the
47 requirements of this section and G.S. 48-3-301(a), including subsequent
48 amendments or partial updates completed as of the time of delivery, shall
49 constitute the preplacement assessment for the purpose of meeting any
50 requirement of this Chapter that a copy of the preplacement assessment be
51 delivered to a court or a placing parent, guardian, or agency.

1 When any of the above is not reasonably available, the preplacement assessment shall state
2 why it is unavailable."

3 **SECTION 6.2.** G.S. 48-3-303(g) reads as rewritten:

4 "(g) If the agency determines that the individual is not suitable to be an adoptive parent,
5 the ~~replacement~~ preplacement assessment shall state the specific concerns which support that
6 determination. A specific concern is one that reasonably indicates that placement of any minor,
7 or a particular minor, in the home of the individual would pose a significant risk of harm to the
8 well-being of the minor."

10 **PART VII. PERMANENCY INNOVATION INITIATIVE FUND**

11 **SECTION 7.1.** G.S. 131D-10.9B(a) reads as rewritten:

12 "(a) There is created the Permanency Innovation Initiative Fund that will support a
13 demonstration project with services provided by Children's Home Society of North Carolina to
14 (i) improve permanency outcomes for children living in foster care through reunification with
15 parents, providing placement or guardianship with other relatives, or adoption, (ii) improve
16 engagement with biological relatives of children in or at risk of entering foster care, and (iii)
17 reduce costs associated with maintaining children in foster care. In implementing these goals, the
18 Permanency Innovation Initiative Fund shall support the following strategies:

- 19 (1) ~~Family Finding, which is a program that uses intensive biological family~~
20 ~~engagement services to discover and engage biological relatives of children~~
21 ~~living in public foster care to provide permanent emotional and relational~~
22 ~~support, including adoption, legal guardianship, or legal custody.~~
23 (2) ~~Child Specific Adoption-Focused Recruitment Services, which is a program~~
24 ~~that follows the Wendy's Wonderful Kids Model as developed by The Dave~~
25 ~~Thomas Foundation for Adoption and works with children in public foster~~
26 ~~care to develop and execute adoption recruitment plans tailored to the needs~~
27 ~~of the individual child. These services include enhanced family engagement~~
28 ~~practices to discover and engage relatives of children living in public foster~~
29 ~~care.~~
30 (3) Permanency Training Services, which are services delivered by Children's
31 Home Society of North Carolina to ~~assess~~ enhance the readiness of county
32 departments of social services to implement the permanency strategies under
33 ~~subdivisions (1) and subdivision (2)~~ of this subsection and provide training
34 services to support the delivery of the services."
35

36 **PART VIII. VICTIMS OF CERTAIN TRAFFICKING OFFENSES**

37 **SECTION 8.1.(a)** G.S. 7B-101(1) reads as rewritten:

38 "(1) Abused juveniles. – Any juvenile less than 18 years of age (i) who is found to be a
39 minor victim of human trafficking under G.S. 14-43.15 or (ii) whose parent, guardian, custodian,
40 or caretaker:

- 41 a. Inflicts or allows to be inflicted upon the juvenile a serious physical
42 injury by other than accidental means;
43 b. Creates or allows to be created a substantial risk of serious physical
44 injury to the juvenile by other than accidental means;
45 c. Uses or allows to be used upon the juvenile cruel or grossly
46 inappropriate procedures or cruel or grossly inappropriate devices to
47 modify behavior;
48 d. Commits, permits, or encourages the commission of a violation of the
49 following laws by, with, or upon the juvenile: first-degree forcible
50 rape, as provided in G.S. 14-27.21; second-degree forcible rape as
51 provided in G.S. 14-27.22; statutory rape of a child by an adult as

1 provided in G.S. 14-27.23; first-degree statutory rape as provided in
 2 G.S. 14-27.24; first-degree forcible sex offense as provided in
 3 G.S. 14-27.26; second-degree forcible sex offense as provided in
 4 G.S. 14-27.27; statutory sexual offense with a child by an adult as
 5 provided in G.S. 14-27.28; first-degree statutory sexual offense as
 6 provided in G.S. 14-27.29; sexual activity by a substitute parent or
 7 custodian as provided in G.S. 14-27.31; sexual activity with a student
 8 as provided in G.S. 14-27.32; unlawful sale, surrender, or purchase of
 9 a minor, as provided in G.S. 14-43.14; crime against nature, as
 10 provided in G.S. 14-177; incest, as provided in G.S. 14-178;
 11 preparation of obscene photographs, slides, or motion pictures of the
 12 juvenile, as provided in G.S. 14-190.5; employing or permitting the
 13 juvenile to assist in a violation of the obscenity laws as provided in
 14 G.S. 14-190.6; dissemination of obscene material to the juvenile as
 15 provided in G.S. 14-190.7 and G.S. 14-190.8; displaying or
 16 disseminating material harmful to the juvenile as provided in
 17 G.S. 14-190.14 and G.S. 14-190.15; first and second degree sexual
 18 exploitation of the juvenile as provided in G.S. 14-190.16 and
 19 G.S. 14-190.17; promoting the prostitution of the juvenile as provided
 20 in G.S. 14-205.3(b); and taking indecent liberties with the juvenile, as
 21 provided in G.S. 14-202.1;

- 22 e. Creates or allows to be created serious emotional damage to the
 23 juvenile; serious emotional damage is evidenced by a juvenile's severe
 24 anxiety, depression, withdrawal, or aggressive behavior toward
 25 himself or others;
- 26 f. Encourages, directs, or approves of delinquent acts involving moral
 27 turpitude committed by the juvenile; or
- 28 g. Commits or allows to be committed an offense under G.S. 14-43.11
 29 (human trafficking), G.S. 14-43.12 (involuntary servitude), or
 30 G.S. 14-43.13 (sexual servitude) against the child."

31 **SECTION 8.1.(b)** G.S. 7B-101(15) reads as rewritten:

32 "(15) Neglected juvenile. – ~~A juvenile who~~ Any juvenile less than 18 years of age
 33 (i) who is found to be a minor victim of human trafficking under G.S. 14-43.15
 34 or (ii) whose parent, guardian, custodian, or caretaker does not receive provide
 35 proper care, supervision, or discipline from the juvenile's parent, guardian,
 36 eustodian, or caretaker; discipline; or who has been abandoned; or who is not
 37 provided necessary medical care; or who is not provided necessary remedial
 38 care; or who lives in an environment injurious to the juvenile's welfare; or the
 39 custody of whom has been unlawfully transferred under G.S. 14-321.2; or
 40 who has been placed for care or adoption in violation of law. In determining
 41 whether a juvenile is a neglected juvenile, it is relevant whether that juvenile
 42 lives in a home where another juvenile has died as a result of suspected abuse
 43 or neglect or lives in a home where another juvenile has been subjected to
 44 abuse or neglect by an adult who regularly lives in the home."

45 **SECTION 8.1.(c)** Article 10A of Chapter 14 of the General Statutes is amended by
 46 adding a new section to read:

47 **"§ 14-43.15. Minor victims.**

48 Any minor victim of a violation of G.S. 14-43.11, 14-43.12, or 14-43.13 shall be alleged to
 49 be abused and neglected and the provisions of Subchapter I of Chapter 7B of the General Statutes
 50 shall apply."

1 **PART IX. EFFECTIVE DATE**

2 **SECTION 9.1.** This act becomes effective October 1, 2018.