

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

H.B. 863  
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40426-NBa-159

Short Title: Foster Care Reform/Funds. (Public)

Sponsors: Representative Pierce.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO MAKE VARIOUS FOSTER CARE REFORMS AND TO APPROPRIATE  
3 FUNDS FOR THOSE PURPOSES.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 7B-1111 reads as rewritten:

6 "§ 7B-1111. Grounds for terminating parental rights.

7 (a) The court may terminate the parental rights upon a finding of one or more of the  
8 following:

9 ...

10 (2) The parent has willfully left the juvenile in foster care or placement outside  
11 the home for more than ~~12~~nine months without showing to the satisfaction of  
12 the court that reasonable progress under the circumstances has been made in  
13 correcting those conditions which led to the removal of the juvenile. No  
14 parental rights, however, shall be terminated for the sole reason that the  
15 parents are unable to care for the juvenile on account of their poverty.

16 ...."

17 SECTION 2. Article 1A of Chapter 131D of the General Statutes is amended by  
18 adding a new section to read:

19 "§ 131D-10.2C. Allowable number of children in foster home.

20 (a) A family foster home or any therapeutic foster home shall not provide care to more  
21 than six children in foster care at any time, except as provided in subsection (b) of this section.  
22 These six children do not include the foster parent's own children, children kept for babysitting,  
23 or any other children residing in the home.

24 (b) A family foster home or any therapeutic foster home shall not provide care to more  
25 than six foster children, unless written documentation is submitted to the licensing authority that  
26 siblings will be placed together to allow more than six children to be placed in the foster home.  
27 The out-of-home family services agreement for each sibling shall specify that siblings will be  
28 placed together and shall address the foster parents' skill, stamina, and ability to care for the  
29 children.

30 (c) Any family foster care home or therapeutic foster care home qualifying for placement  
31 of more than six children under subsection (b) of this section shall submit written documentation  
32 that the family foster home complies with fire and building safety and any waiver granted by the  
33 licensing authority, in addition to all other licensing requirements."

34 SECTION 3.(a) The Social Services Commission shall adopt temporary rules to  
35 implement G.S. 131D-10.2C, as enacted by Section 2 of this act. Temporary rules adopted in



1 accordance with this subsection shall remain in effect until permanent rules that replace the  
2 temporary rules become effective.

3 **SECTION 3.(b)** If necessary to implement G.S. 131D-10.2C, as enacted by Section  
4 2 of this act, the Department of Health and Human Services, Division of Social Services, or  
5 appropriate agency must submit an updated State Plan to the United States Secretary of Health  
6 and Human Services for approval in accordance with 42 U.S.C. § 671 to maintain federal funding  
7 for foster care maintenance payments.

8 **SECTION 3.(c)** Section 2 of this act becomes effective on October 1, 2023, if a State  
9 Plan amendment is not necessary to implement G.S. 131D-10.2C, as enacted in Section 2 of this  
10 act. If the submittance of a State Plan amendment is necessary to implement G.S. 131D-10.2C,  
11 as enacted in Section 2 of this act, then Section 2 of this act is effective on the date that the family  
12 foster care home maximum is increased to six, as approved by the United States Secretary of  
13 Health and Human Services in accordance with this section. The Secretary of the Department of  
14 Health and Human Services shall report to the Revisor of Statutes when the family foster care  
15 home maximum has been increased to six, if approved by State Plan amendment and the specific  
16 date approved for that increase, or on October 1, 2023, as applicable.

17 **SECTION 4.** There is appropriated to the Department of Health and Human  
18 Services, Division of Social Services, the nonrecurring sum of five hundred thousand dollars  
19 (\$500,000) in each year of the 2023-2025 fiscal biennium to assist the Division in the efforts of  
20 increasing the capacity and options for foster youth in this State.

21 **SECTION 5.** Section 3 of this act is effective when it becomes law. The remainder  
22 of this act becomes effective July 1, 2023.