

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

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SENATE BILL 625  
Health Care Committee Substitute Adopted 4/19/23  
Judiciary Committee Substitute Adopted 4/25/23  
Fourth Edition Engrossed 4/27/23  
PROPOSED HOUSE COMMITTEE SUBSTITUTE S625-PCS35383-CI-39

Short Title: Child Welfare, Soc. Serv., and DHHS Reforms.

(Public)

Sponsors:

Referred to:

April 6, 2023

1 A BILL TO BE ENTITLED  
2 AN ACT TO MAKE VARIOUS CHANGES TO THE LAWS AFFECTING JUVENILES AND  
3 ASSOCIATED SERVICES, COUNTY SOCIAL SERVICES BOARDS AND  
4 DEPARTMENTS, REGIONAL SOCIAL SERVICES BOARDS AND DEPARTMENTS,  
5 CONSOLIDATED HUMAN SERVICES BOARDS AND AGENCIES, AND THE NORTH  
6 CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES.

7 The General Assembly of North Carolina enacts:

8  
9 **PART I. CHILD WELFARE LAW REFORMS**

10 **SECTION 1.(a)** G.S. 7B-100 reads as rewritten:

11 **"§ 7B-100. Purpose.**

12 This Subchapter shall be interpreted and construed so as to implement the following purposes  
13 and policies:

14 ...

- 15 (5) To provide standards, consistent with the Adoption and Safe Families Act of  
16 1997, P.L. 105-89, for ensuring that the best interests of the juvenile are of  
17 paramount consideration by the court and that when it is not in the juvenile's  
18 best interest to be returned home, the juvenile will be placed in a safe,  
19 permanent home within ~~a reasonable amount of time~~ one year from the date  
20 of the initial order removing custody."

21 **SECTION 1.(b)** G.S. 7B-101 reads as rewritten:

22 **"§ 7B-101. Definitions.**

23 As used in this Subchapter, unless the context clearly requires otherwise, the following words  
24 have the listed meanings:

- 25 (1) Abused juveniles. – Any juvenile less than 18 years of age (i) who is found to  
26 be a minor victim of human trafficking under G.S. 14-43.15 or unlawful sale,  
27 surrender, or purchase of a minor under G.S. 14-43.14 or (ii) whose parent,  
28 guardian, custodian, or caretaker:

29 ...

- 30 d. Commits, permits, or encourages the commission of a violation of the  
31 following laws by, with, or upon the juvenile: ~~first-degree forcible~~  
32 ~~rape, as provided in G.S. 14-27.21; second-degree forcible rape as~~  
33 ~~provided in G.S. 14-27.22; statutory rape of a child by an adult as~~



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provided in G.S. 14-27.23; first-degree statutory rape as provided in G.S. 14-27.24; first-degree forcible sex offense as provided in G.S. 14-27.26; second-degree forcible sex offense as provided in G.S. 14-27.27; statutory sexual offense with a child by an adult as provided in G.S. 14-27.28; first-degree statutory sexual offense as provided in G.S. 14-27.29; sexual activity by a substitute parent or custodian as provided in G.S. 14-27.31; sexual activity with a student as provided in G.S. 14-27.32; unlawful sale, surrender, or purchase of a minor, as provided in G.S. 14-43.14; a sexually violent offense as provided in G.S. 14-208.6(5); crime against nature, as provided in G.S. 14-177; incest, as provided in G.S. 14-178; preparation of obscene photographs, slides, or motion pictures of the juvenile, as provided in G.S. 14-190.5; ~~employing or permitting the juvenile to assist in a violation of the obscenity laws as provided in G.S. 14-190.6;~~ dissemination of obscene material to the juvenile as provided in G.S. 14-190.7 and G.S. 14-190.8; and displaying or disseminating material harmful to the juvenile as provided in G.S. 14-190.14 and G.S. 14-190.15; ~~first and second-degree sexual exploitation of the juvenile as provided in G.S. 14-190.16 and G.S. 14-190.17; promoting the prostitution of the juvenile as provided in G.S. 14-205.3(b); and taking indecent liberties with the juvenile, as provided in G.S. 14-202.1;~~G.S. 14-190.15.

...  
 (15) Neglected juvenile. – Any juvenile less than 18 years of age (i) who is found to be a minor victim of human trafficking under G.S. 14-43.15 or (ii) whose parent, guardian, custodian, or caretaker does any of the following:

- ...  
 h. Uses an illegal substance, abuses alcohol, or uses a controlled substance in violation of the law, and is unable to care for and provide a safe and appropriate home for the juvenile.  
 i. Uses an illegal substance, abuses alcohol, or uses a controlled substance in violation of the law while a child is in utero.

In determining whether a juvenile is a neglected juvenile, it is relevant whether that juvenile lives in a home where another juvenile has died as a result of suspected abuse or neglect or lives in a home where another juvenile has been subjected to abuse or neglect by an adult who regularly lives in the home.

...."

**SECTION 1.(c)** G.S. 7B-503(a) reads as rewritten:

"(a) When a request is made for nonsecure custody, the court shall first consider release of the juvenile to the juvenile's parent, relative, guardian, custodian, or other responsible adult. An order for nonsecure custody shall be made only when there is a reasonable factual basis to believe the matters alleged in the petition are true, and any of the following apply:

- ...  
 (7) The juvenile is an infant who was born exposed to alcohol, illegal substances, or controlled substances used in violation of the law. If the parent is enrolled in and meeting or exceeding the benchmarks of a substance abuse treatment program recommended by a medical provider or a local management entity/managed care organization (LME/MCO), then any use of alcohol, illegal substances, or controlled substances in violation of the law shall not be the sole ground for ordering nonsecure custody.

1 A juvenile alleged to be abused, neglected, or dependent shall be placed in nonsecure custody  
2 only when there is a reasonable factual basis to believe that there are no other reasonable means  
3 available to protect the juvenile. The developmental and attachment needs of the juvenile must  
4 be considered in making nonsecure custody determinations. In no case shall a juvenile alleged to  
5 be abused, neglected, or dependent be placed in secure custody."

6 **SECTION 1.(d)** G.S. 7B-505(b) reads as rewritten:

7 "(b) The court shall order the department of social services to make diligent efforts to  
8 notify relatives and other persons with legal custody of a sibling of the juvenile that the juvenile  
9 is in nonsecure custody and of any hearings scheduled to occur pursuant to G.S. 7B-506, unless  
10 the court finds the notification would be contrary to the best interests of the juvenile. The  
11 department of social services shall use due diligence to identify and notify adult ~~relatives~~  
12 relatives, next of kin, and other persons with legal custody of a sibling of the juvenile within 30  
13 days after the initial order removing custody. The department shall file with the court information  
14 regarding attempts made to identify and notify adult relatives of the juvenile and persons with  
15 legal custody of a sibling of the juvenile. In placing a juvenile in nonsecure custody under this  
16 section, the court shall first consider whether a relative of the juvenile is willing and able to  
17 provide proper care and supervision of the juvenile in a safe home. If the court finds that the  
18 relative is willing and able to provide proper care and supervision in a safe home, then the court  
19 shall order placement of the juvenile with the relative unless the court finds that placement with  
20 the relative would be contrary to the best interests of the juvenile. The developmental and  
21 attachment needs of the child shall be considered by the court when determining whether  
22 placement with the relative would be contrary to the best interest of the juvenile."

23 **SECTION 1.(e)** G.S. 7B-901(c) reads as rewritten:

24 "(c) If the disposition order places a juvenile in the custody of a county department of  
25 social services, the court shall direct that reasonable efforts for reunification as defined in  
26 G.S. 7B-101 shall not be required if the court makes written findings of fact pertaining to any of  
27 the following, unless the court concludes that there is compelling evidence warranting continued  
28 reunification efforts:

29 (1) A court of competent jurisdiction determines or has determined that  
30 aggravated circumstances exist because the parent has committed or  
31 encouraged the commission of, or allowed the continuation of, any of the  
32 following upon the juvenile:

33 ...

34 e. Chronic or toxic exposure to alcohol or controlled substances that  
35 causes impairment of or addiction in the ~~juvenile~~. juvenile, including  
36 in utero exposure to alcohol, illegal substances, or controlled  
37 substances used in violation of the law. The court shall consider  
38 whether a parent is enrolled in and meeting or exceeding the  
39 benchmarks of a substance abuse treatment program recommended by  
40 a medical provider or a local management entity/managed care  
41 organization (LME/MCO).

42 ...."

43 **SECTION 1.(f)** G.S. 7B-903 reads as rewritten:

44 "**§ 7B-903. Dispositional alternatives for abused, neglected, or dependent juvenile.**

45 ...

46 (a1) In placing a juvenile in out-of-home care under this section, the court shall first  
47 consider whether a relative of the juvenile is willing and able to provide proper care and  
48 supervision of the juvenile in a safe home. If the court finds that the relative is willing and able  
49 to provide proper care and supervision in a safe home, then the court shall order placement of the  
50 juvenile with the relative unless the court finds that the placement is contrary to the best interests  
51 of the juvenile. The developmental and attachment needs of the child shall be considered by the

1 court when determining whether placement with the relative would be contrary to the best interest  
 2 of the juvenile. In placing a juvenile in out-of-home care under this section, the court shall also  
 3 consider whether it is in the juvenile's best interest to remain in the juvenile's community of  
 4 residence. Placement of a juvenile with a relative outside of this State must be in accordance with  
 5 the Interstate Compact on the Placement of Children.

6 ...

7 (a5) Once a juvenile who is not a member of a State-recognized tribe as set forth in  
 8 G.S. 143B-407(a) has resided in the home of a foster parent for a continuous period of at least  
 9 nine months, the foster parent is deemed to be nonrelative kin for purposes of this section.

10 ...."

11 **SECTION 1.(g)** G.S. 7B-903.1(c) reads as rewritten:

12 "(c) If a juvenile is removed from the home and placed in the custody or placement  
 13 responsibility of a county department of social services, the director shall not allow unsupervised  
 14 visitation with or return physical custody of the juvenile to the parent, guardian, custodian, or  
 15 caretaker without a hearing at which the court finds that the juvenile will receive proper care and  
 16 supervision in a safe home. Before a county department of social services may recommend  
 17 unsupervised visits or return of physical custody of the ~~juvenile~~-juvenile, whichever occurs first,  
 18 to the parent, guardian, custodian, or caretaker from whom the juvenile was removed, a county  
 19 department of social services shall first observe that parent, guardian, custodian, or caretaker with  
 20 the juvenile for at least two visits that support the recommendation. Each observation visit shall  
 21 consist of an observation of not less than one hour with the juvenile, shall be conducted at least  
 22 seven days apart, and shall occur within 30 days of the hearing at which the department of social  
 23 services makes the recommendation. A department of social services shall provide  
 24 documentation of any observation visits that it conducts to the court for its consideration as to  
 25 whether unsupervised visits or physical ~~eustody~~-custody, whichever occurs first, should be  
 26 granted to the parent, guardian, custodian, or caretaker from whom the juvenile was removed."

27 **SECTION 1.(h)** G.S. 7B-906.1 reads as rewritten:

28 "**§ 7B-906.1. Review and permanency planning hearings.**

29 (a) The court shall conduct a review or permanency planning hearing within 90 days from  
 30 the date of the initial dispositional hearing held pursuant to G.S. 7B-901. Review or permanency  
 31 planning hearings shall be held at least every six months thereafter. If custody has not been  
 32 removed from a parent, guardian, ~~caretaker~~, or custodian, the hearing shall be designated as a  
 33 review hearing. If custody has been removed from a parent, guardian, or custodian, or the juvenile  
 34 was residing with a caretaker at the time the petition was filed, the hearing shall be designated as  
 35 a permanency planning hearing.

36 ...

37 (d) At each hearing, the court shall consider the following criteria and make written  
 38 findings regarding those that are relevant:

39 ...

40 (1a) Reports on the juvenile's continuation in the home of the parent, guardian, or  
 41 custodian; and the appropriateness of the juvenile's continuation in that home.  
 42 If the juvenile is removed from the custody of a parent, guardian, or custodian  
 43 at a review hearing, the court shall schedule a permanency planning hearing  
 44 within 30 days of the ~~review, unless the hearing was noticed and heard as a~~  
 45 ~~permanency planning hearing.~~ review.

46 ...

47 (3) Whether efforts to reunite the juvenile with either parent clearly would be  
 48 unsuccessful or inconsistent with the juvenile's health or safety and need for a  
 49 safe, permanent home ~~within a reasonable period of time.~~ one year from the  
 50 date the initial order removing custody was entered, including whether a  
 51 parent has engaged in any of the factors described under G.S. 7B-901(c). The

1 court shall consider efforts to reunite regardless of whether the juvenile  
2 resided with the parent, guardian, or custodian at the time of removal.

3 ...

4 (i) ~~The~~ At any permanency planning hearing, the court may maintain the juvenile's  
5 placement under review or order a different placement, appoint a guardian of the person for the  
6 juvenile pursuant to G.S. 7B-600, or order any disposition authorized by G.S. 7B-903, including  
7 the authority to place the child in the custody of either parent or any relative found by the court  
8 to be suitable and found by the court to be in the best interests of the juvenile.

9 ...

10 (l) If the court orders or continues the juvenile's placement in the custody or placement  
11 responsibility of a county department of social services, the provisions of G.S. 7B-903.1 shall  
12 apply to any order entered under this section.

13 ...

14 (n) Notwithstanding other provisions of this Article, the court may waive the holding of  
15 permanency planning hearings required by this section, may require written reports to the court  
16 by the agency or person holding custody in lieu of permanency planning hearings, or order that  
17 permanency planning hearings be held less often than every six months if the court finds by ~~clear,~~  
18 ~~eogent,~~ clear and convincing evidence each of the following:

- 19 (1) The juvenile has resided in the placement for a period of at least one year or  
20 ~~the juvenile has resided in the placement for at least six consecutive months~~  
21 the parties are in agreement and the court enters a consent order pursuant to  
22 G.S. 7B-801(b1).
- 23 (2) The placement is stable, and continuation of the placement is in the juvenile's  
24 best interests.
- 25 (3) Neither the juvenile's best interests nor the rights of any party require that  
26 permanency planning hearings be held every six months.
- 27 (4) All parties are aware that the matter may be brought before the court for  
28 review at any time by the filing of a permanency planning or modification  
29 ~~for review~~ or on the court's own motion.
- 30 (5) The court order has designated the relative or other suitable person as the  
31 juvenile's permanent custodian or guardian of the person.

32 The court may not waive or refuse to conduct a hearing if a party files a motion seeking the  
33 hearing. However, if a guardian of the person has been appointed for the juvenile and the court  
34 has also made findings in accordance with subsection (n) of this section that guardianship is the  
35 permanent plan for the juvenile, the court shall ~~proceed in accordance with~~ apply the criteria of  
36 G.S. 7B-600(b).

37 ...."

38 **SECTION 1.(i)** G.S. 7B-1103(a) reads as rewritten:

39 "(a) A petition or motion to terminate the parental rights of either or both parents to his,  
40 her, or their minor juvenile may only be filed by one or more of the following:

41 ...

- 42 (5) Any person with whom the juvenile has resided for a continuous period of ~~18~~  
43 15 months or more next preceding the filing of the petition or motion.

44 ...."

45 **SECTION 1.(j)** G.S. 7B-1109(f) reads as rewritten:

46 "(f) The burden in such proceedings shall be upon the petitioner or movant and all findings  
47 of fact shall be based on ~~clear, cogent, clear~~ clear and convincing evidence. The rules of evidence in  
48 civil cases shall apply. No husband-wife or physician-patient privilege shall be grounds for  
49 excluding any evidence regarding the existence or nonexistence of any circumstance authorizing  
50 the termination of parental rights."

51 **SECTION 1.(k)** G.S. 7B-1111(a) reads as rewritten:

1       "(a) The court may terminate the parental rights upon a finding of one or more of the  
2 following:

- 3       ...
- 4       (2) The parent has willfully left the juvenile in foster care or placement outside  
5 the home for more than ~~12~~nine months without showing to the satisfaction of  
6 the court that reasonable progress under the circumstances has been made in  
7 correcting those conditions which led to the removal of the juvenile. No  
8 parental rights, however, shall be terminated for the sole reason that the  
9 parents are unable to care for the juvenile on account of their poverty.

10       ...."

11       **SECTION 1.(l)** This section becomes effective October 1, 2024, and applies to  
12 petitions or motions to terminate parental rights filed on or after that date.

13  
14 **PART II. REGIONAL ABUSE AND MEDICAL SPECIALIST PROGRAM**

15       **SECTION 2.(a)** The Regional Abuse and Medical Specialist (RAMS) program  
16 staffed within the North Carolina Child Medical Evaluation Program (NC CMEP) through one  
17 or more contracts or memorandums of understanding between the Department of Health and  
18 Human Resources and the Pediatric Department of the UNC School of Medicine is immediately  
19 stayed pending compliance with the following:

- 20       (1) Establishment of rules for the program in compliance with Chapter 150A of  
21 the North Carolina General Statutes.
- 22       (2) Amendment of and federal approval of any State plan, which is required to  
23 comply with federal laws and regulations and maintain federal funding.
- 24       (3) Federal approval of rules for the RAMS program, which is required to comply  
25 with federal laws and regulations and maintain federal funding.

26       If necessary, any contracts or memorandums of understanding between the  
27 Department of Health and Human Services and the UNC School of Medicine regarding the  
28 RAMS program shall be modified to comply with the provisions of this section.

29       **SECTION 2.(b)** The Social Services Commission shall adopt temporary and  
30 permanent rules to implement the RAMS program which shall include:

- 31       (1) Limiting the RAMS team focus to screened in cases meeting one or more of  
32 the following criteria:
  - 33       a. The child is less than 4 years of age and presents with unexplained or  
34 poorly explained injuries. Injuries would not be considered poorly  
35 explained or unexplained in cases where the discipline or action by the  
36 caretaker explains the child's injury and the reporting medical provider  
37 states that the mechanism of the injury is plausible for having caused  
38 the injury.
  - 39       b. The child is less than 4 years of age and there is a concern for a  
40 sexually transmitted infection.
  - 41       c. The child is less than 4 years of age and another child who lives in the  
42 home died as a result of suspected abuse or neglect.
  - 43       d. There is concern for medical child abuse (Munchausen by Proxy) to a  
44 child of any age.
  - 45       e. The child, regardless of age, has a medically complex issue and one or  
46 more of the following is present:
    - 47       1. The child requires subspecialty care by two or more specialists.
    - 48       2. A second report of medical neglect is received within six  
49 months regardless of the prior case outcome.
    - 50       3. The child requires devices to sustain their function such as a  
51 tracheostomy or g-tube.

- 1 f. The child is a substance-affected infant.
- 2 (2) Requiring the RAMS team to be contacted if the following criteria are met:
- 3 a. The report of abuse or neglect is screened in for a family or
- 4 investigative assessment by the local county child welfare agency.
- 5 b. One or more of the criteria of subdivision (1) of this subsection are
- 6 present.
- 7 (3) Requiring the RAMS team to cease involvement upon a determination that the
- 8 child does not meet the criteria of subdivision (2) of this subsection or upon
- 9 the final case decision resulting from the family or investigative assessment,
- 10 whichever shall occur first.
- 11 (4) Requiring the county director of social services to decide issues where a
- 12 disagreement between the local social services worker and the RAMS team
- 13 arises including:
- 14 a. Whether the child meets the criteria of subdivision (2) of this
- 15 subsection.
- 16 b. The course of action to be taken during the family or investigative
- 17 assessment.
- 18 c. The ultimate decision arising from the family or investigative
- 19 assessment.
- 20 The county director of social services shall make this determination based on
- 21 information contained in the case file provided by the RAMS team, provided
- 22 by the county social worker, and, if applicable, provided by the Regional Child
- 23 Welfare Consultant. The county director shall make the determination as soon
- 24 as possible after notification of the disagreement but no later than 24 hours
- 25 after the disagreement arises.
- 26 (5) Requiring the social worker assigned to the case to notify the county director
- 27 as soon as possible after a disagreement arises between the social worker and
- 28 the RAMS team member but no later than four hours after the disagreement
- 29 arises.
- 30 (6) Requiring the social worker to notify the family to be notified as soon as
- 31 possible of any decision impacting the family when the RAMS program is
- 32 involved in the family's case but no later than 24 hours after the decision is
- 33 made.
- 34 (7) Limiting the RAMS program's role to supporting, guiding, and mentoring
- 35 county supervisors during the family or investigative assessment phase only.
- 36 The county supervisor may include the social worker in meetings with the
- 37 RAMS personnel. The recommendations and suggestions made by the RAMS
- 38 team are contributions to the county's family or investigative assessment and
- 39 are not a complete guide of the assessment. The county must follow the policy
- 40 outlined in the Child Protective Services Family and Investigative
- 41 Assessments section of the NC Child Welfare policy manual. The county
- 42 director is ultimately responsible for the safety and well-being of children in
- 43 their county and is tasked with determining whether protective services should
- 44 be put in place, or a petition filed after making a prompt and thorough
- 45 assessment to determine the extent of abuse or neglect against the child and
- 46 the risk of future harm to the child.
- 47 (8) Establishing the frequency in which the RAMS team member and the county
- 48 social worker supervisor must meet during the family or investigative
- 49 assessment period.
- 50 (9) Establishing the documentation or information which must be provided to the
- 51 RAMS team during the family or investigative assessment period.

- 1 (10) Allowing the parent, guardian, or caretaker of the child who is subject to the  
2 report of alleged abuse or neglect or their attorney to access all documentation  
3 provided to or generated by the RAMS team during and after the RAMS  
4 team's involvement in the matter.

5 **SECTION 2.(c)** No later than 30 days after the rulemaking process is complete, the  
6 Secretary of the North Carolina Department of Health and Human Services or the Secretary's  
7 designee shall submit to the United States Secretary of Health and Human Services or the U.S.  
8 Secretary's designee for approval of the following:

- 9 (1) A draft of the proposed new rules outlined in subsection (b) of this section.  
10 (2) Any proposed changes to the State plan necessitated by the proposed rules to  
11 ensure there is no reduction or elimination of federal funding from any source.

12 **SECTION 2.(d)** The Social Services Commission shall initiate temporary and  
13 permanent rulemaking within 30 days of this act becoming effective.

14 **SECTION 2.(e)** If the United States Secretary of Health and Human Services or the  
15 U.S. Secretary's designee determines that any proposed rule, statute, or plan amendment  
16 submitted under subsection (c) of this section would negatively impact federal funding provided  
17 to North Carolina, then the proposed rules, statutes, and plan amendments submitted shall not  
18 become effective. The North Carolina Secretary of Health and Human Services or the Secretary's  
19 designee shall notify the Social Services Commission and Rules Review Commission of the  
20 United States Department of Health and Human Services' determination regarding the proposed  
21 rules, statute, and plan amendments submitted under subsection (c) of this section within five  
22 days of receipt.

23 **SECTION 2.(f)** The Division shall report to the Joint Legislative Oversight  
24 Committee on Health and Human Services, the chairs of the House Appropriations Committee  
25 on Health and Human Services, the chairs of the Senate Appropriations Committee on Health  
26 and Human Services, and the Joint Legislative Administrative Procedures Oversight Committee  
27 by September 1, 2024, and each year thereafter, on the hiring, training, and oversight of the  
28 RAMS program and, if applicable, the progress being made regarding the rulemaking process as  
29 provided for in this section. A copy of all reports and plans submitted to the federal government  
30 which includes information regarding the RAMS program shall be simultaneously provided to  
31 the Joint Legislative Oversight Committee on Health and Human Services, the chairs of the  
32 House Appropriations Committee on Health and Human Services, the chairs of the Senate  
33 Appropriations Committee on Health and Human Services, and the Joint Legislative  
34 Administrative Procedures Oversight Committee.

35 **SECTION 2.(g)** This section is effective when it becomes law. If approval by the  
36 United States Secretary of Health and Human Services is not required for any State plan  
37 amendments or for the proposed rules, the proposed rules shall become effective as provided for  
38 in G.S. 150B-21.3. If approval by the United States Secretary of Health and Human Services is  
39 required for the proposed rules created pursuant to subsection (a) of this section, or if any  
40 amendments to the State plan are necessary because of the proposed rules, the proposed rules  
41 shall be effective on the first day of the month that follows the date that the Secretary of the North  
42 Carolina Department of Health and Human Services receives notification of approval by the  
43 United States Secretary of Health and Human Services and as provided for in G.S. 150B-21.3.  
44 The Secretary of the North Carolina Department of Health and Human Services shall report to  
45 the Revisor of Statutes the applicable effective date once known.

### 46 **PART III. PRIVATE CAUSE OF ACTION**

47 **SECTION 3.(a)** Part 1 of Article 3 of Chapter 143B of the General Statutes is  
48 amended by adding a new section to read:

49 **"§ 143B-138.1A. Private cause of action.**  
50



1 If the Secretary of the Department or the Secretary's designee takes any action or causes any  
2 action to be taken against an individual through a program created, administered, supervised, or  
3 funded by the Department that is operating without going through the required rulemaking  
4 process and the individual experiences a loss or harm, including court costs, attorney's fees, and  
5 other litigation costs, that individual shall have a private cause of action against the Department.  
6 The individual must prevail on any claim to be eligible for an award of court costs, attorney's  
7 fees, and other litigation costs."

8 **SECTION 3.(b)** This section becomes effective October 1, 2024, and is applicable  
9 to actions taken by the Department on or after that date.

10  
11 **PART IV. EDUCATION AND TRAINING REQUIREMENTS FOR COUNTY SOCIAL**  
12 **SERVICES BOARD MEMBERS, REGIONAL SOCIAL SERVICES BOARD**  
13 **MEMBERS, CONSOLIDATED HUMAN SERVICES BOARD MEMBERS, AND**  
14 **COUNTY COMMISSIONERS**

15 **SECTION 4.(a)** G.S. 108A-9 reads as rewritten:

16 **"§ 108A-9. Duties and responsibilities.**

17 The county board of social services shall have the following duties and responsibilities:

- 18 (1) To select the county director of social services according to the merit system  
19 rules of the North Carolina Human Resources ~~Commission;~~Commission.
- 20 (2) To advise county and municipal authorities in developing policies and plans  
21 to improve the social conditions of the ~~community;~~community.
- 22 (3) To consult with the director of social services about problems relating to his  
23 office, and to assist him in planning budgets for the county department of  
24 social ~~services;~~services.
- 25 (4) To transmit or present the budgets of the county department of social services  
26 for public assistance, social services, and administration to the board of county  
27 ~~commissioners;~~commissioners.
- 28 (4a) To attend education and training sessions provided for new board members  
29 during the first year they serve on the board.
- 30 (5) To have such other duties and responsibilities as the General Assembly, the  
31 Department of Health and Human Services or the Social Services Commission  
32 or the board of county commissioners may assign to it."

33 **SECTION 4.(b)** G.S. 108A-15.8 reads as rewritten:

34 **"§ 108A-15.8. Regional board of social services.**

35 ...

36 (m) All regional boards of social services members shall attend education and training  
37 sessions provided for new board members during the first year they serve on the board."

38 **SECTION 4.(c)** The Department of Health and Human Services, Division of Social  
39 Services, shall collaborate with key stakeholders, including the North Carolina Association of  
40 County Boards of Social Services, Association of North Carolina County Social Services  
41 Directors, North Carolina Association of County Commissioners, and the University of North  
42 Carolina School of Government, to create formal education and training sessions for new county  
43 board of social services members in accordance with G.S. 108A-9(4a), as enacted in subsection  
44 (a) of this section, and G.S. 108A-15.8(m), as amended in subsection (b) of this section. The  
45 education and training sessions shall include a segment on the potential liabilities of the county  
46 or regional board of social services. The education and training sessions shall be available  
47 statewide by March 1, 2025.

48 **SECTION 4.(d)** G.S. 153A-77(d) reads as rewritten:

49 **"§ 153A-77. Authority of boards of commissioners over commissions, boards, agencies, etc.**

50 ...

- 51 (d) The consolidated human services board shall have authority to:

- 1 (1) Set fees for departmental services based upon recommendations of the human  
2 services director. Fees set under this subdivision are subject to the same  
3 restrictions on amount and scope that would apply if the fees were set by a  
4 county board of health, a county board of social services, or a mental health,  
5 developmental disabilities, and substance abuse area authority.
- 6 (2) Assure compliance with laws related to State and federal programs.
- 7 (3) Recommend creation of local human services programs.
- 8 (4) Adopt local health regulations and participate in enforcement appeals of local  
9 regulations.
- 10 (5) Perform regulatory health functions required by State law.
- 11 (6) Act as coordinator or agent of the State to the extent required by State or  
12 federal law.
- 13 (7) Plan and recommend a consolidated human services budget.
- 14 (8) Conduct audits and reviews of human services programs, including quality  
15 assurance activities, as required by State and federal law or as may otherwise  
16 be necessary periodically.
- 17 (9) Advise local officials through the county manager.
- 18 (10) Perform public relations and advocacy functions.
- 19 (11) Protect the public health to the extent required by law.
- 20 (12) Perform comprehensive mental health services planning if the county is  
21 exercising the powers and duties of an area mental health, developmental  
22 disabilities, and substance abuse services board under the consolidated human  
23 services board.
- 24 (13) Develop dispute resolution procedures for human services contractors and  
25 clients and public advocates, subject to applicable State and federal dispute  
26 resolution procedures for human services programs, when applicable.

27 Except as otherwise provided, the consolidated human services board shall have the powers  
28 and duties conferred by law upon a board of health, a social services board, and an area mental  
29 health, developmental disabilities, and substance abuse services board.

30 All consolidated human services board members shall attend education and training sessions  
31 provided for new board members during the first year they serve on the board.

32 Local employees who serve as staff of a consolidated county human services agency are  
33 subject to county personnel policies and ordinances only and are not subject to the provisions of  
34 the North Carolina Human Resources Act, unless the county board of commissioners elects to  
35 subject the local employees to the provisions of that Act. All consolidated county human services  
36 agencies shall comply with all applicable federal laws, rules, and regulations requiring the  
37 establishment of merit personnel systems."

38 **SECTION 4.(e)** The Divisions of Social Services, Public Health, and Mental Health,  
39 Developmental Disabilities, and Substance Use Services of the Department of Health and Human  
40 Services shall collaborate with key stakeholders, including the North Carolina Association of  
41 County Boards of Social Services, the Association of North Carolina County Social Services  
42 Directors, the North Carolina Association of County Commissioners, the Association of North  
43 Carolina Boards of Health, the Commission for Mental Health, Developmental Disabilities, and  
44 Substance Abuse Services, and the University of North Carolina School of Government, to create  
45 formal education and training sessions for new consolidated human services board members in  
46 accordance with G.S. 153A-77(d), as amended in subsection (d) of this section. The education  
47 and training sessions shall include a segment on the potential liabilities of the consolidated human  
48 services board. The education and training sessions shall be available statewide by March 1,  
49 2025.

50 **SECTION 4.(f)** Subsections (a), (b), and (d) of this section become effective March  
51 1, 2025, and by March 1, 2027, all current county board of social services members must have

1 participated in the education and training sessions provided in G.S. 108A-9(4a), as enacted by  
2 this act, all current regional board of social services members must have participated in the  
3 education and training sessions provided in G.S. 108A-15.8(m), as enacted by this act, and all  
4 current consolidated human services board members must have participated in the education and  
5 training sessions provided in G.S. 153A-77(d), as amended by this act. The remainder of this  
6 section is effective when it becomes law.

7  
8 **PART V. CHILD SUPPORT TRIBUNAL STUDY BY THE ADMINISTRATIVE OFFICE**  
9 **OF THE COURTS**

10 **SECTION 5.** The Administrative Office of the Courts shall conduct a feasibility and  
11 cost study of a proposed child support tribunal, with dedicated court officers to hear child support  
12 matters, using quasi-judicial procedures. The study shall include, at a minimum, strategies to  
13 address funding, staffing, and a plan for how the proposed changes will be implemented. The  
14 Administrative Office of the Courts shall submit a report of its findings and recommendations to  
15 the Joint Legislative Oversight Committee on Health and Human Services by May 1, 2025.

16  
17 **PART VI. CONFLICTS OF INTEREST WITHIN COUNTY DEPARTMENTS OF**  
18 **SOCIAL SERVICES**

19 **SECTION 6.(a)** Part 2B of Article 1 of Chapter 108A of the General Statutes is  
20 amended by adding a new section to read:

21 **"§ 108A-15.16. Conflicts of interest.**

22 When conflicts of interest arise in the provision of social services provided by county  
23 departments of social services, regional departments of social services, or consolidated human  
24 services agencies, the office in which the conflict arose shall work expeditiously to resolve the  
25 conflict consistent with applicable law and any policies and procedures established by the  
26 Department of Health and Human Services. Policies and procedures shall address financial and  
27 practice responsibilities associated with conflicts of interest. Upon identifying a conflict of  
28 interest, the office in which the conflict arose shall notify the appropriate authority within the  
29 Department of Health and Human Services of the conflict. The Department of Health and Human  
30 Services shall have authority to make final decisions regarding conflicts of interest assignments  
31 when disputes arise, with the regional office having initial authority when a dispute arises  
32 between county departments of social services and consolidated human services agencies, unless  
33 no regional office is available, then the central office, and the central office having initial  
34 authority when disputes arise between regions. The Social Services Commission shall adopt rules  
35 regarding conflicts of interest management, including establishing reasonable and specific time  
36 lines for resolving conflicts of interest and shall begin the rulemaking process within 30 days of  
37 this act becoming law. For purposes of this section, a "conflict of interest" occurs when at least  
38 one of the following occurs:

- 39 (1) A county department of social services, regional department of social services,  
40 or consolidated human services agency is not able to manage the adverse  
41 interests of two individuals to whom the office owes a duty to serve.  
42 (2) A preexisting relationship between an individual and a county that results in  
43 a county department of social services', regional department of social  
44 services', or consolidated human services agency's inability to objectively  
45 fulfill its statutory responsibilities.  
46 (3) The provision of social services and duty owed by a county department of  
47 social services, regional department of social services, or consolidated human  
48 services agency conflicts with services and the duty owed by another county  
49 department of social services, regional department of social services, or  
50 consolidated human services agency."

1           **SECTION 6.(b)** The Social Services Commission shall report to the Joint Legislative  
2 Oversight Committee on Health and Human Services upon adopting rules pursuant to  
3 G.S. 108A-15.16, as enacted in subsection (a) of this section, within 30 days of the adoption of  
4 the rules.

5  
6 **PART VII. INTERIM STUDY COMMITTEE TO REVIEW CHILD WELFARE**  
7 **PROGRAMS, POLICIES, AND PROCEDURES AND REVIEW NORTH CAROLINA**  
8 **DEPARTMENT OF HEALTH AND HUMAN SERVICES' COMPLIANCE WITH**  
9 **RULEMAKING REQUIREMENTS**

10           **SECTION 7.(a)** The Joint Legislative Oversight Committee (Committee) on Health  
11 and Human Services shall do the following:

- 12           (1) Study, evaluate, and make recommendations on the following:
- 13           a. Creating a Foster Ombudsman program, including review of House  
14 Bill 665, review of Foster Ombudsman programs and their  
15 effectiveness in other states, including Maryland and Texas, and the  
16 cost of implementing a Foster Ombudsman program in North  
17 Carolina.
  - 18           b. Working with churches and nonprofit/private organizations to provide  
19 services and close gaps in services and needs of foster children, foster  
20 families, kinship care providers, and to aid in keeping families  
21 together, including Least of These, Safe Families for Children, and  
22 Adoption-Share.
  - 23           c. Requiring the North Carolina Department of Health and Human  
24 Services (DHHS) to review all outstanding policies and guidance that  
25 did not go through the proper rulemaking process and requiring DHHS  
26 to do so.
  - 27           d. Establishing the regional offices by DHHS as required under Ryan's  
28 Law (S.L. 2017-41).
  - 29           e. Requiring foster parent and kinship care providers' participation in  
30 court proceedings.
- 31           (2) Work with DHHS and county department of social services boards to create  
32 more uniform standards regarding child welfare matters and make  
33 recommendations based on this work.
- 34           (3) Follow up with DHHS for updated information on the work being done by the  
35 Child Welfare and Family Well-being Transformation Team and make  
36 recommendations based on the information provided.
- 37           (4) Work with the Chief Justice of the Supreme Court and his team regarding  
38 improvements to child welfare/foster/adoption cases, obtain any updates by  
39 Chief Justice Newby's Task Force of Adverse Childhood Experience (ACE)  
40 Informed Courts since the release of its final report in December 2023, and  
41 make recommendations based on the information provided.
- 42           (5) Follow up with DHHS on the status of the working group required to be  
43 established by the 2023 budget to identify innovative Medicaid services to fill  
44 gaps in care for foster children with behavioral health needs and develop a  
45 statewide trauma-informed standardized assessment for foster cases and make  
46 recommendations based on the information provided.
- 47           (6) Any other issues which the committee deems appropriate for the improvement  
48 of the child welfare system.

49           **SECTION 7.(b)** The Committee shall report its findings and any legislative  
50 recommendations to the 2025 Regular Session of the 2025 General Assembly prior to its  
51 convening.

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4

**PART VIII. EFFECTIVE DATE**

**SECTION 8.** Except as otherwise provided, this act is effective when it becomes law.