# 2015-2016

# HOUSE CHILDREN, YOUTH & FAMILIES

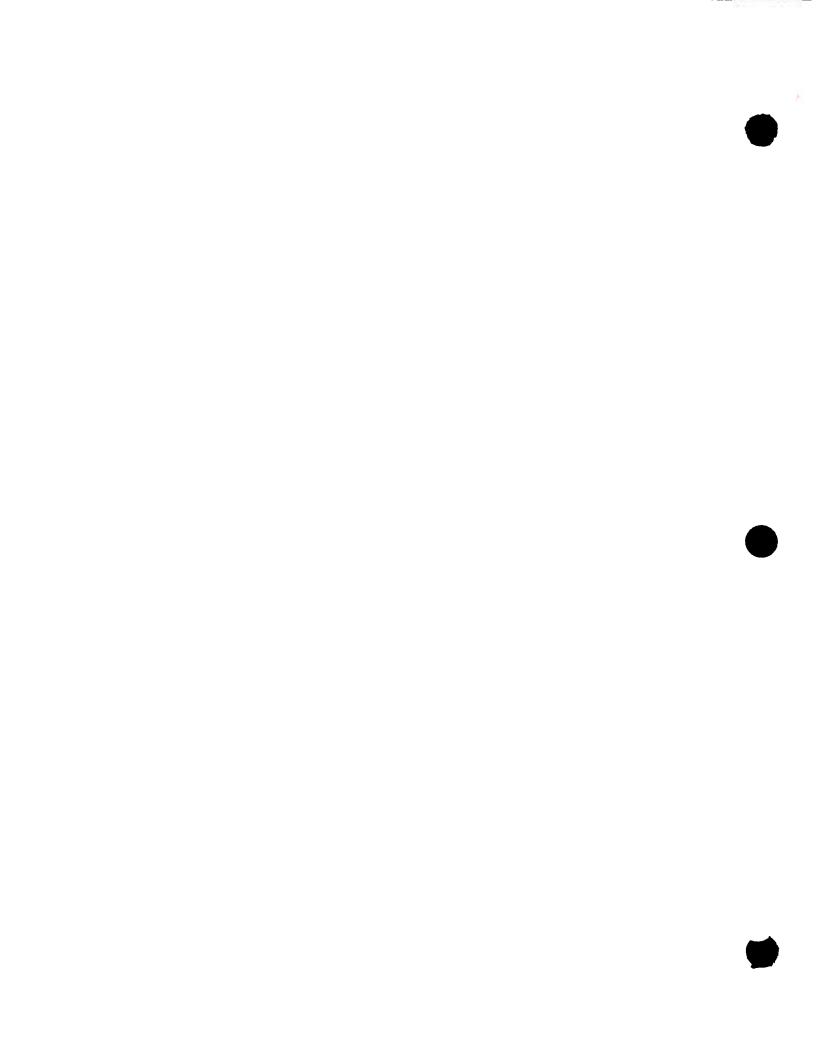
**MINUTES** 



# House Committee on Children, Youth and Families

2015-2016 Session

Rep. Jonathan Jordan, Co-Chair Rep. Sarah Stevens, Co-Chair



#### NORTH CAROLINA GENERAL ASSEMBLY

# CHILDREN, YOUTH, and FAMILIES 2015-2016 SESSION



Rep. Jonathan Jordan Co- chair



Rep. Sarah Stevens Co-Chair



Rep. Tricia Cotham Vice chair



Rep. Jay Adams



Rep. John Ager



Rep. Marilyn Avila



Rep. Carla Cunningham



Rep. Rosa Gill



Rep. Craig Horn



Rep. Charles Jeter



Rep. Linda Johnson

		•

#### NORTH CAROLINA GENERAL ASSEMBLY

# CHILDREN, YOUTH, and FAMILIES 2015-2016 SESSION



Rep. Garland Pierce



Rep. Dennis Riddell



Rep. Evelyn Terry



Rep. Brad Salmon



Rep. Paul Stam



Rep. Sam Watford

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#### CHILDREN, YOUTH, AND FAMILIES

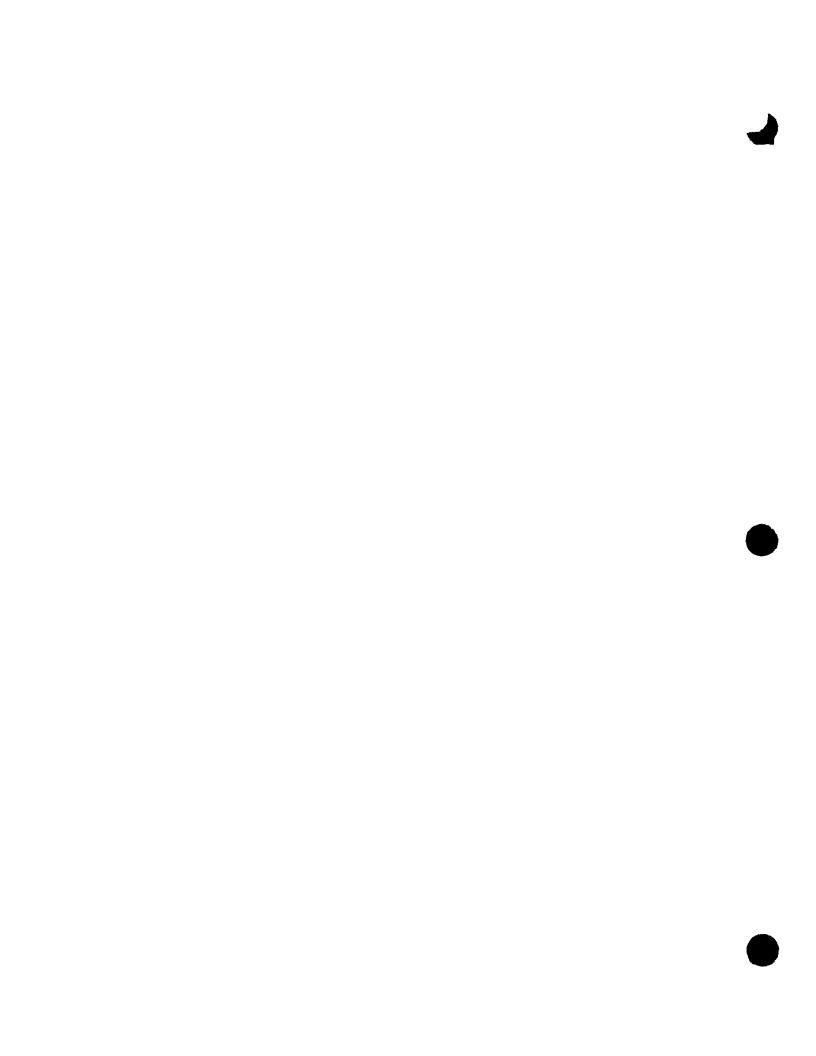
<u>MEMBER</u>	<u>ASSISTANT</u>	<b>PHONE</b>	<b>OFFICE</b>	<b>SEAT</b>
Rep. Jonathan Jordan Co - Chair	Kevin King	733-7727	420 LOB	42
Rep. Sarah Stevens Co – Chair	Lisa Brown Committee Clerk	715-1883	635 LOB	13
Rep. Tricia Cotham Vice-Chair	Carol Erichsen	715-0706	402 LOB	33
Rep. Jay Adams	Susan Phillips	733-5988	2215 LB	98
Rep. John Ager	Meredith Graf	733-5746	1315 LB	115
Rep. Marilyn Avila	Susan Lewis	733-5530	2217 LB	50
Rep. Carla Cunningham	Sherrie Burnette	733-5807	1109 LB	59
Rep. Rosa Gill	Lisa Ray	733-5880	1303 LB	58
Rep. Craig Horn	Pattie Fleming	733-2406	419A LOB	32
Rep. Charles Jeter	Britt Eller	733-5654	2226 LB	113
Rep. Linda Johnson	Joanna Hogg	733-5861	<b>301D LOB</b>	3
Rep. Garland Pierce	Janice Fenner	733-5803	1204 LB	57
Rep. Dennis Riddell	Polly Riddell	733-5905	533 LOB	64
Rep. Brad Salmon	Katie Stanley	715-3026	1319 LB	107
Rep. Paul Stam	Anne Murtha	733-2962	612 LOB	5
Rep. Evelyn Terry	Franklin Terry	733-5777	1015 LB	92
Rep. Sam Watford	Regina Irwin	715-2526	2121 LB	88
Staff: Jan Paul Denise Adams Tawanda Foster James Ritter		733-2578 733-2578 733-2578 733-2578	200 LOB 545 LOB 200 LOB 545 LOB	

	<u> </u>
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## **ATTENDANCE**

### CHILDREN, YOUTH, and FAMILIES

DATES	03-12-2015	04-16-2015	05-14-2015	06-04-2015						
Rep. Jonathan Jordan – Co-Chair	X	X	X	X						
Rep. Sarah Stevens – Co-Chair	X	X	X	X		+	-			
Rep. Tricia Cotham – Vice Chair	X			X						
Rep. Jay Adams	X	X		X						
Rep. John Ager	X	X	X	X						
Rep. Marilyn Avila	X			X						
Rep. Carla Cunningham	X	X		X						
Rep. Rosa Gill	X		X	X						
Rep. Craig Horn	X	X		X						
Rep. Charles Jeter	X	X								
Rep. Linda Johnson		X								
Rep. Garland Pierce	X	X	X	X						
Rep. Dennis Riddell	X			X						
Rep. Brad Salmon	X			X						
Rep. Paul Stam		X	X							
Rep. Evelyn Terry				X						
Rep. Sam Watford	X	X		X						
STAFF										
Jan Paul - Research	X	X	X							
Denise Adams - Research	X			X						
Tawanda Foster - Research	X	X	X	X						
James Ritter - Research	X	X		X						
Lisa Brown – Committee Clerk	X	X	X	X						



## NORTH CAROLINA GENERAL ASSEMBLY HOUSE OF REPRESENTATIVES

#### CHILDREN, YOUTH, AND FAMILIES COMMITTEE REPORT

Representative Jonathan C. Jordan, Co-Chair Representative Sarah Stevens, Co-Chair

#### FAVORABLE AND RE-REFERRED

HB **82** Execution/Nonsecure Custody Order/Child Abuse.

Draft Number: None

Serial Referral: JUDICIARY III

Recommended Referral: None Long Title Amended: No Floor Manager: Stevens

#### FAVORABLE COM SUB, UNFAVORABLE ORIGINAL BILL AND RE-REFERRED

HB 12 Remove Sunset/Foster Care Ombudsman Prog.

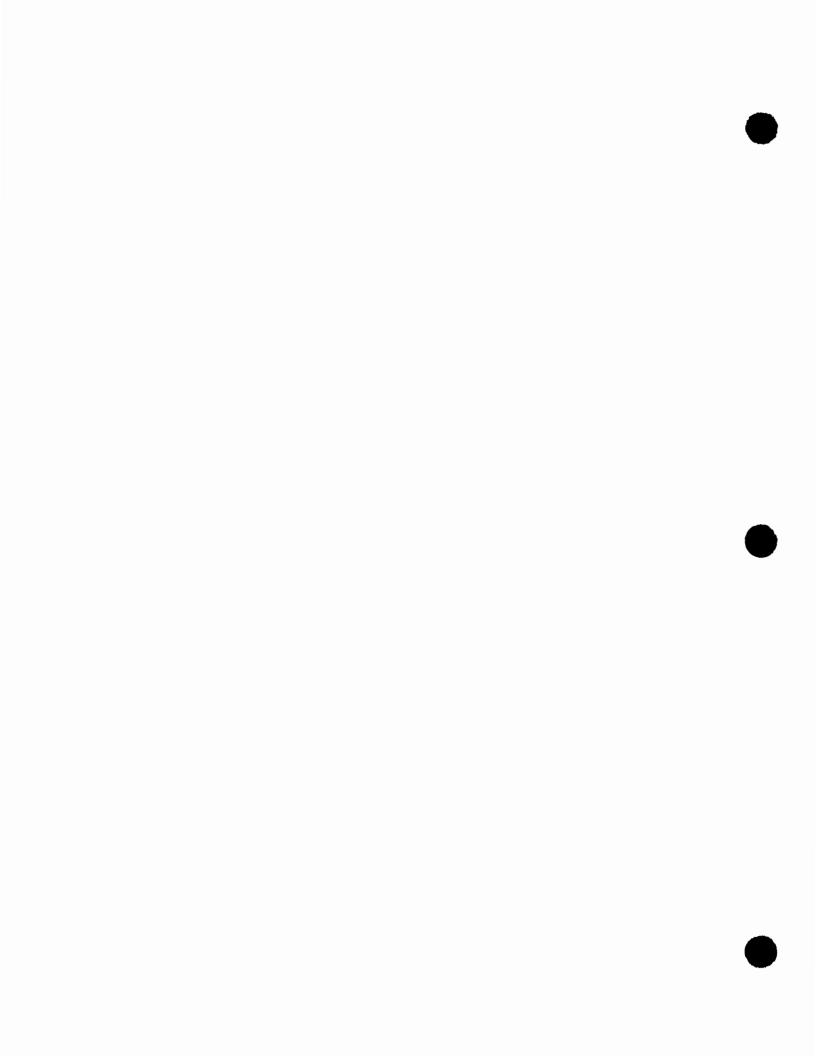
Draft Number: H12-PCS20084-TB-4

Serial Referral: JUDICIARY IV

Recommended Referral: None Long Title Amended: Yes Floor Manager: Torbett

**TOTAL REPORTED: 2** 





#### NORTH CAROLINA GENERAL ASSEMBLY **HOUSE OF REPRESENTATIVES**

#### CHILDREN, YOUTH, AND FAMILIES COMMITTEE REPORT

Representative Jonathan C. Jordan, Co-Chair Representative Sarah Stevens, Co-Chair

#### **FAVORABLE AND RE-REFERRED**

SB 114

Custodial Parent/Party Cooperate w/Child Supp.

Draft Number:

None

Serial Referral:

JUDICLARY III

Recommended Referral: None Long Title Amended:

No

Floor Manager:

R. Turner

**TOTAL REPORTED: 1** 



## NORTH CAROLINA GENERAL ASSEMBLY HOUSE OF REPRESENTATIVES

#### CHILDREN, YOUTH, AND FAMILIES COMMITTEE REPORT

Representative Jonathan C. Jordan, Co-Chair Representative Sarah Stevens, Co-Chair

#### FAVORABLE AND RE-REFERRED

SB 578 (CS#1)

Transition Certain Abuse Investigations/DCDEE.

Draft Number:

None

Serial Referral:

JUDICIARY III

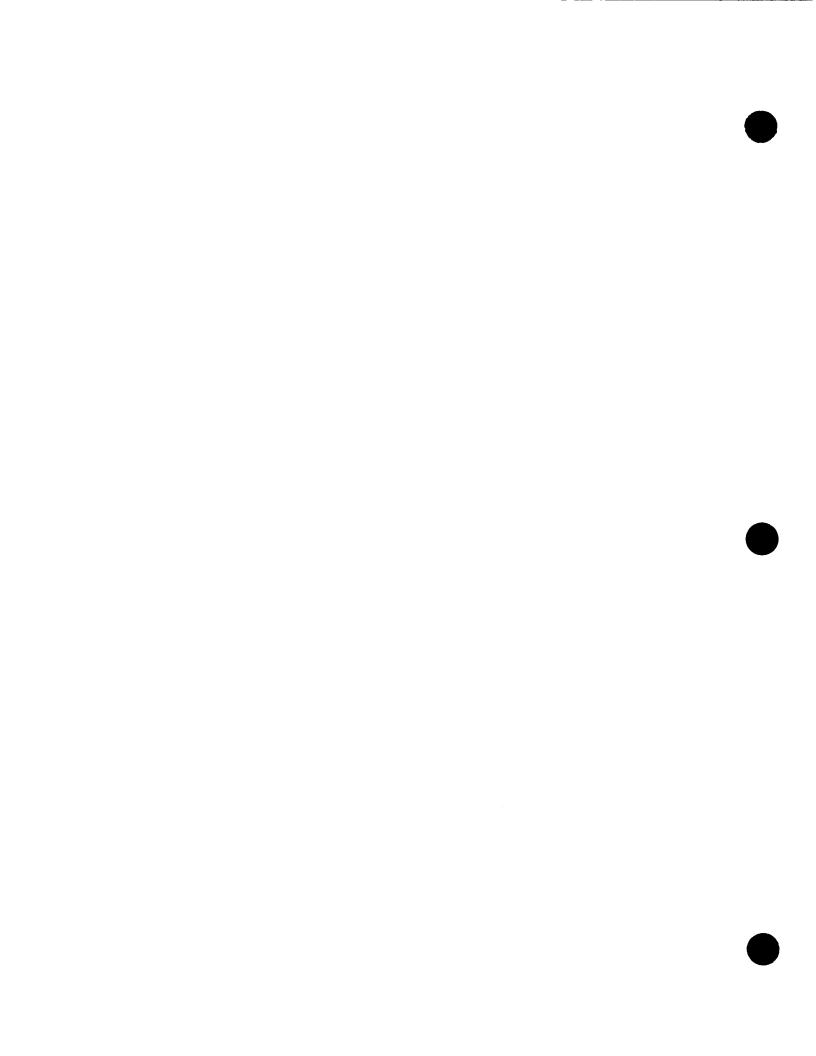
Recommended Referral: Long Title Amended: None No

Floor Manager:

Stevens

**TOTAL REPORTED: 1** 







#### House Committee on Children, Youth, and Families Thursday, March 12, 2015 at 11:00 AM Room 425 of the Legislative Office Building

#### **MINUTES**

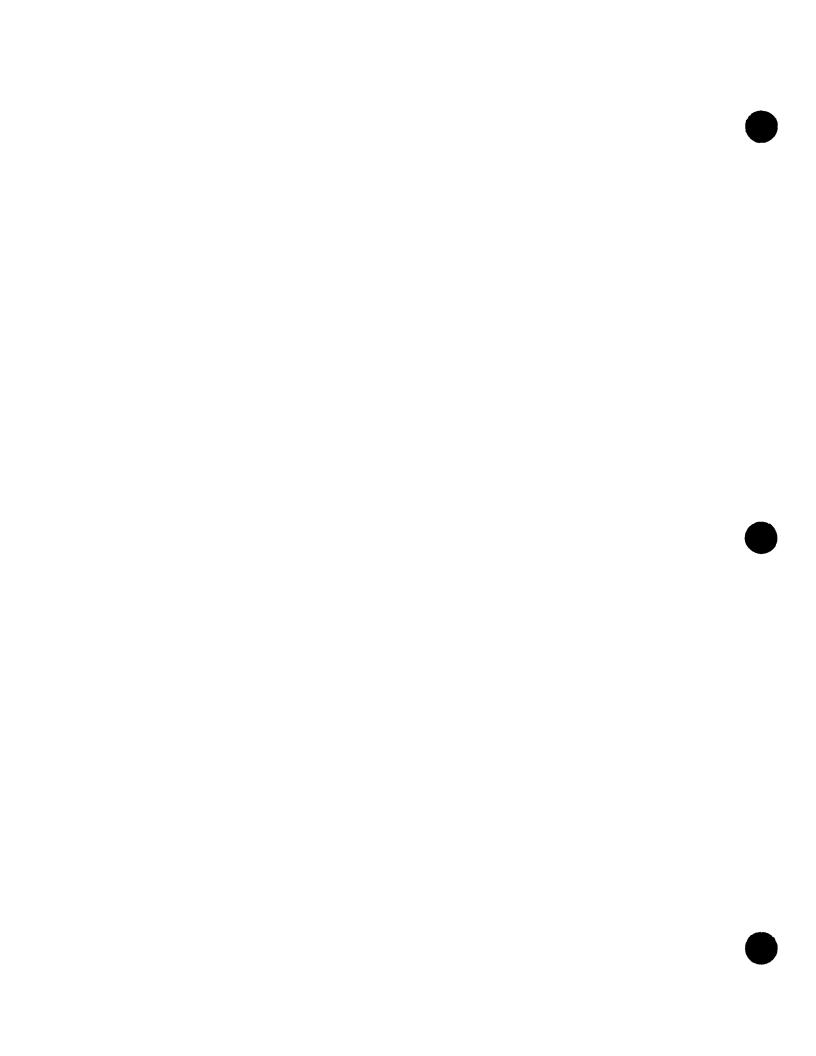
The House Committee on Children, Youth, and Families met at 11:00 AM on March 12, 2015 in Room 421 of the Legislative Office Building. Representatives Jonathan Jordan and Sarah Stevens – Co-Chairs; Representative Cotham – Vice-Chair; and Representatives Adams, Ager, Avila, Cunningham, Gill, Horn, Jeter, Peirce, Riddell, Salmon and Watford were in attendance.

Representative Jordan, Co-Chair, called the meeting to order and introduced the Pages and Sergeant At Arms who would be assisting with the Committee. Copies of the agenda, attendance and visitor registration are attached to these minutes, (Attachment 1-4).

# HB 12 - AN ACT TO REMOVE THE SUNSET ON THE FOSTER CARE OMBUDSMAN PILOT PROGRAM IN GASTON COUNTY, (Attachment 5).

Rep. Jordan stated that House Bill 12, "Remove Sunset/Foster Care Ombudsman Prog.", was before the Committee for discussion and recognized Rep. Cotham who moved that PCS H12-CSTB-4 [v.1] be heard by the Committee, (Attachment 6). This motion was seconded by Rep. Stevens. Rep. Jordan called for a vote, the motion carried, and the PCS for House Bill 12 was properly before the Committee for consideration. Rep. Jordan then recognized Rep. Torbett to explain the bill. The PCS for House Bill 12 would add a provision that a parent or juvenile could request the foster care ombudsperson become involved in a matter prior to the disposition order being entered. The PCS also gives Gaston County the option to designate an attorney to assist the ombudsman, if requested by the ombudsman. In addition to the records and reports already accessible, it expands access to Department of Social Services case files regarding juveniles who have been placed in foster care at any point. It further allows the ombudsperson to assist pre-adoptive parents or relatives if requested.

Following this explanation, Rep. Jordan recognized members for questions and comment; on the bill. Reps. Horn, Jeter, and Cunningham were called on for questions and were answered by Rep. Torbett and Tawanda Foster of Research. Rep. Jeter was then recognized and moved that the PCS for House Bill 12 receive a favorable report, unfavorable as to the original bill, and be re-referred to the Committee on Judiciary IV. Rep. Jordan called for a vote and the motion carried.



HB 82 - AN ACT CLARIFYING THE MANNER IN WHICH A LAW ENFORCEMENT OFFICER MAY TAKE CUSTODY OF A JUVENILE WHEN EXECUTING A NON-SECURE CUSTODY ORDER UNDER THE LAWS PERTAINING TO ABUSE, NEGLECT, AND DEPENDENCY, (Attachment 7).

Rep. Jordan stated that House Bill 82, "Execution/Nonsecure Custody Order/Child Abuse", was before the Committee for consideration and recognized Rep. Zachary to explain the bill. House Bill 82 would amend G.S. 7B-504 to allow the court to authorize a law enforcement officer to enter private property to take physical custody of the juvenile who is the subject of the nonsecure custody (NSC) order and, under exigent circumstances, to make a forcible entry at any hour if the officer has reason to believe the child is being abused at the time the NSC order is being executed.

Following this explanation, Rep. Jordan recognized members for questions and comments on the bill. Rep. Avila was recognized and asked for the definition of nonsecure custody. Rep. Stevens stated that the person being taken into custody was not under arrest. Rep. Jordan then recognized Rep. Jeter who moved that House Bill 82 receive a favorable report and be re-referred to the Committee on Judiciary III. Rep. Jordan called for a vote and the motion carried.

#### Presentation by Judge Calabria on the Literacy Council

Rep. Jordan recognized Judge Ann Marie Calabria to present before the Committee information concerning the Triangle Literacy Council, (Attachment 8). Judge Calabria stated that the program started out with adults only in Raleigh and expanded to Wake County and then they added in juveniles. Grants were added for Wake County because of how many volunteers the director of Triangle Literacy Council had. The program was in Wake for 5 years and then Durham/Johnston wanted to join. They were able to make connections with schools, community colleges, libraries, and SRO's for children who are potentially at risk and added small group tutoring 2 times a week for one to one and a half hours. They try to keep children for at least 5-6 months with 4 contact hours. Program goals provide direct one on one tutoring, small group classes, test preparedness, interaction with adults, and time management. In the beginning they only had 50% of parents involved and now this number continues to increase. A monthly basis student portfolio is reviewed so they can be celebrated for the progress they've made. School and family liaisons provide education for parents and will refer parents/guardians to the adult literacy program: adult relevant seminars are also offered.

#### Anna Hedgpath BOD for Triangle Literacy Council

Rep. Jordan then recognized Anna Hedgepeth to present before the Committee concerning the budget and expansion of the Triangle Literacy Council (Attachment 9). Ms. Hedgepeth stated that it costs approximately \$115,000 to operate one site, and they are trying to move to three additional counties. In the second year, additional funding was added for six additional counties plus three that were already served. Each site serves approximately 150 students per year on average \$766/student. Cost is less per year for student than 4 days of incarceration. The budget per site includes \$39,000 for the full time program/instructor, \$34,000 to the instructor and family school liaison, \$19,000 to director of juvenile literacy services program per site, \$18,000 for backup

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services including purchasing, bookkeeping and staff administration and, \$5,000 for educational materials and supplies.

Following this presentation, Rep. Jordan recognized members for questions and comments.

Rep. Cunningham - Does the Program Manager have a professional background?

Laura Waters, Representative of the TLC - The current program manager has a master's degree in child development/basic education and the instructor has background in social services and education.

Rep. Horn - What is the involvement with k12 education?

**Laura Waters** – We have a close partnership with WCPSS and are already meeting with the Durham public schools. We also meet with teachers and, most often, students are referred by teachers.

**Rep. Horn -** How are grants funded?

Laura Waters - From an existing program in Wake County.

**Rep. Stevens –** The Governors Crime Commission feels that they are an incubator for programs like these and once they're successful they have to find new funding.

**Laura Waters -** Each volunteer has four onsite training sessions. Training includes mental health and social issues with a primary focus on education but train on everything.

Judge Calabria – The program could go to any county depending on where the need is from the children. There have only been discussions with Durham and Johnston because they are close by.

There being no further business before the Committee, Representative Jordan adjourned the meeting.

Respectfully submitted:

Representative Jonathan Jordan, Co-Chair

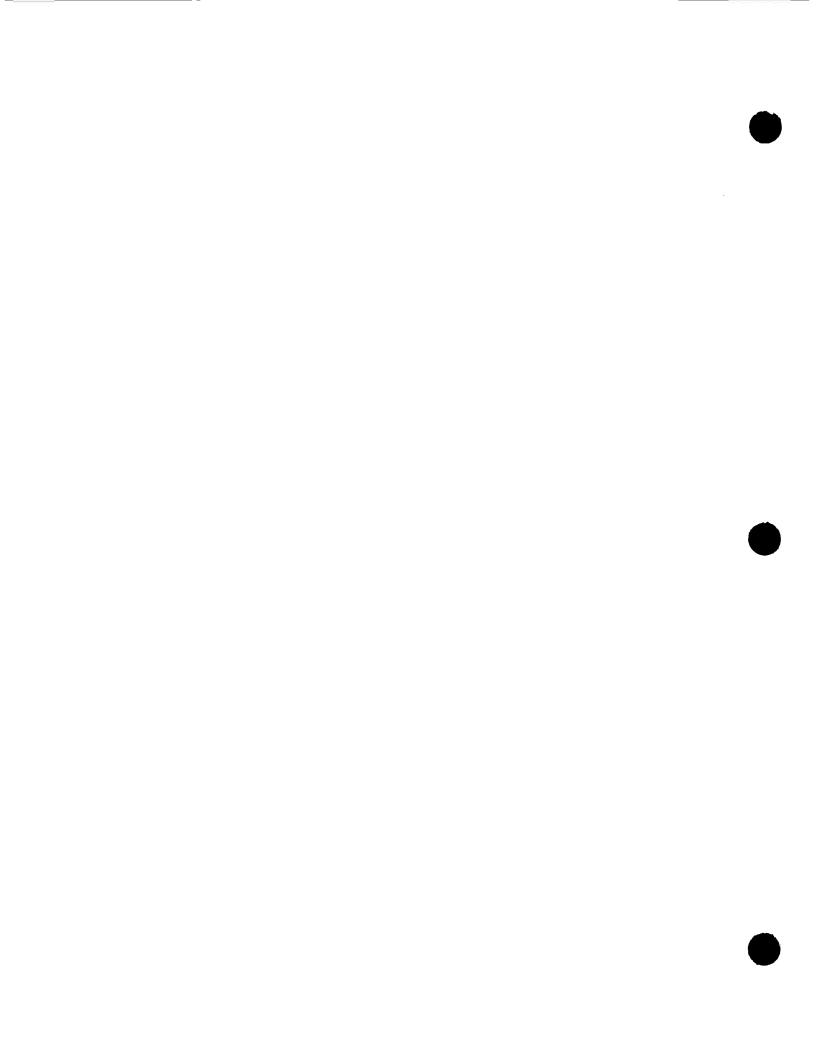
Répresentative Sarah Stevens, Co-Chair

Lisa Brown, Committee Clerk

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#### Attachments:

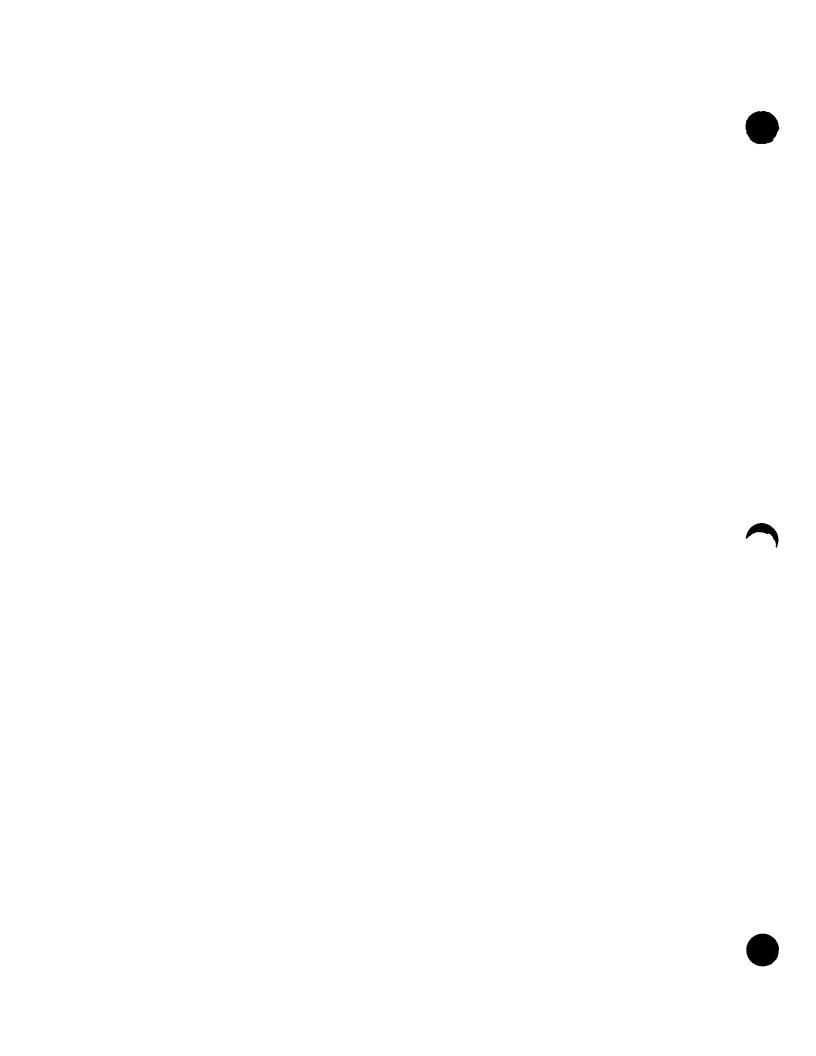
- 1. Agenda
- 2. Attendance
- 3. Committee Sergeant at Arms
- 4. Visitor Registration
- 5. HB 12 and Summary
- 6. PCS for HB 12
- 7. HB 82 and Summary
- 8. Presentation Handout
- 9. Presentation Handout



# **ATTENDANCE**

### **CHILDREN, YOUTH, and FAMILIES**

DATES	03-12-2015					
Rep. Jonathan Jordan – Co-Chair	X					
Rep. Sarah Stevens – Co-Chair	X					
Rep. Tricia Cotham – Vice Chair	X					
Rep. Jay Adams	X					
Rep. John Ager	X					
Rep. Marilyn Avila	X					
Rep. Carla Cunningham	X					
Rep. Rosa Gill	X					
Rep. Craig Horn	X					
Rep. Charles Jeter	X					
Rep. Linda Johnson						
Rep. Garland Pierce	X					
Rep. Dennis Riddell	X					
Rep. Brad Salmon	X					
Rep. Paul Stam						
Rep. Evelyn Terry						
Rep. Sam Watford	X					
STAFF						
Jan Paul - Research	X					
Denise Adams - Research	X					
Tawanda Foster - Research	X					
James Ritter - Research	X					
Lisa Brown – Committee Clerk	X					





#### House Committee on Children, Youth, and Families Thursday, March 12, 2015, 11:00 AM 421 Legislative Office Building

#### AGENDA

**Welcome and Opening Remarks** 

**Introduction of Pages** 

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 12	Remove Sunset/Foster Care Ombudsman Prog.	Representative Torbett
HB 82	Execution/Nonsecure Custody Order/Child Abuse.	Representative Stevens Representative Zachary Representative Glazier Representative Jordan

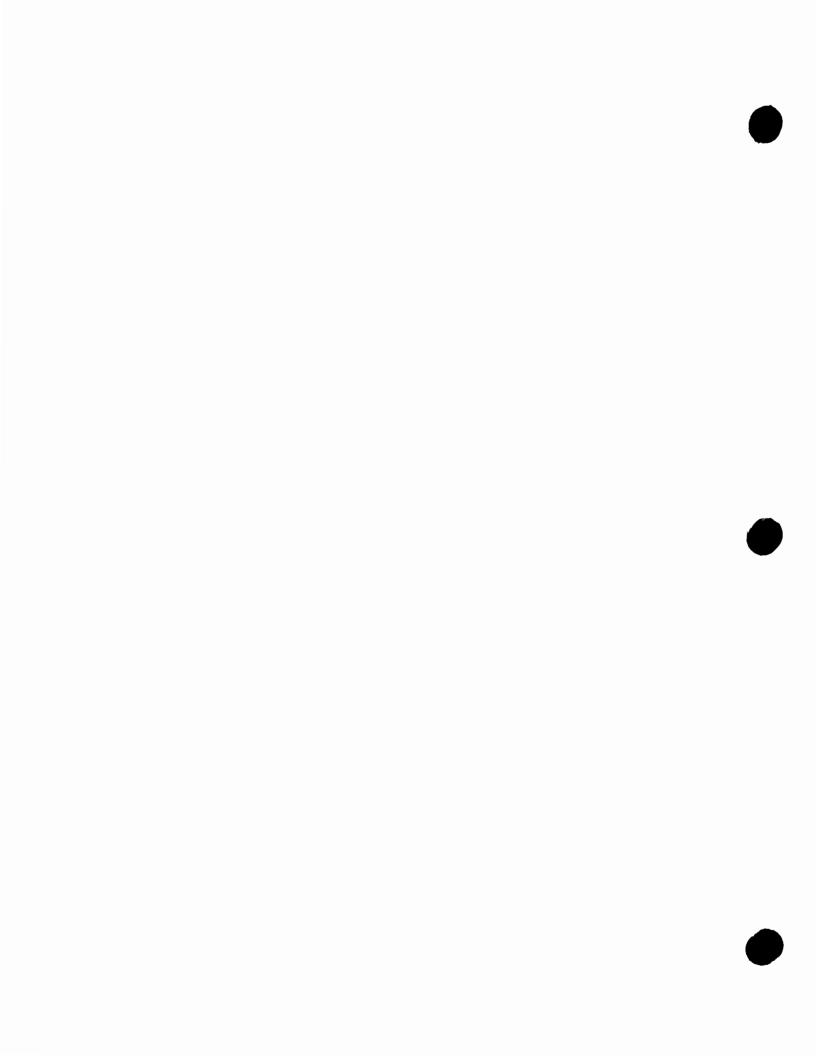
**Presentations** 

Presentation by Judge Calabria on the Literacy Council

Adjournment

### Committee Sergeants at Arms

NAME O	F COMMITTEE _	House Cmte on	Children, Youth	, and Families
DATE: _	12 March 2015	Room:	LOB 421	. 1-2
		House Sgt-At	Arms:	
1. Name:	BH Powell			
2. Name:	David Linthicum	(Len-tha-come)	and the state of t	
ame:	Chris McCracke	en		_
4. Name:	to - manufacture and the second secon			<del></del>
5. Name: _	44.			· · · · · · · · · · · · · · · · · · ·
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Thursday, March 12
CHILDREN YOUTH
& FAMILIES

**Room** 421

Time 11:00 am

Name	County	Sponsor
Josh Kirk	Wake	Marilyn Avila
David Mahan	Moore	Garland E. Pierce
Brianna Moore	Rutherford	Mike Hager
Keiara Newsome	Mecklenburg	Kelly M. Alexander, Jr.
Ava Rosenbaum	Wake	Nelson Dollar

#### VISITOR REGISTRATION SHEET

House Committee on Children, Youth, and Families 12 March 2015

Name of Committee Date

#### VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS	
", roe", T AST	WNC Boxes	
Matt Goss	NIK	
Annalyse bolph	Dolph Law	
will Pary there	NCHFA	
Allism Stewart	cardinal Innovations	
Rep Rena Turner		
Acar Floring	Spenter Oxforce	
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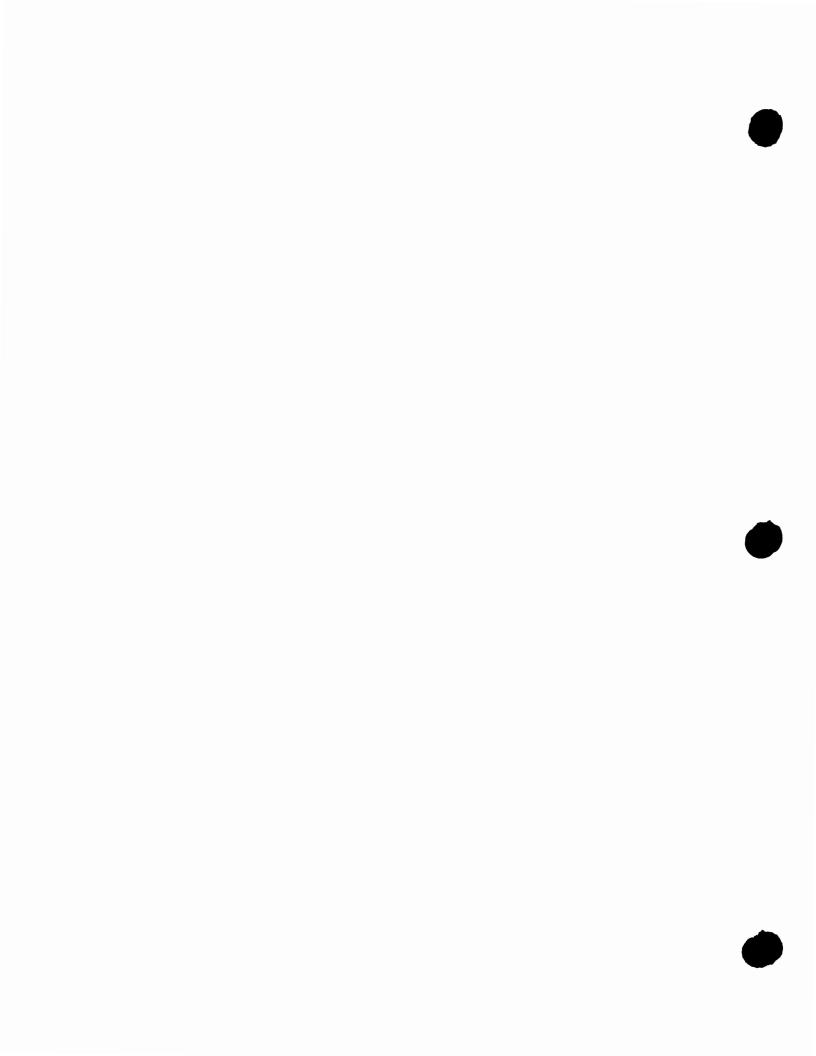
### VISITOR REGISTRATION SHEET

House Committee on Children, Youth, and Families 12 March 2015

Name of Committee Date

### VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Lody Garris	NC6A
LecZnchpm	NGGA
Zane Stilwell	Nº SBE
Erin Conner	NC DSS
Trent Womble	· DIHH5
Viddia Dorbett	Rep Dorbett
Dear Fleming	Aoc/GAC
Cindy B122ell	ADC/GAL
DOSAN -   arr 50	NC 55WA



### GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2015

H HOUSE BILL 12

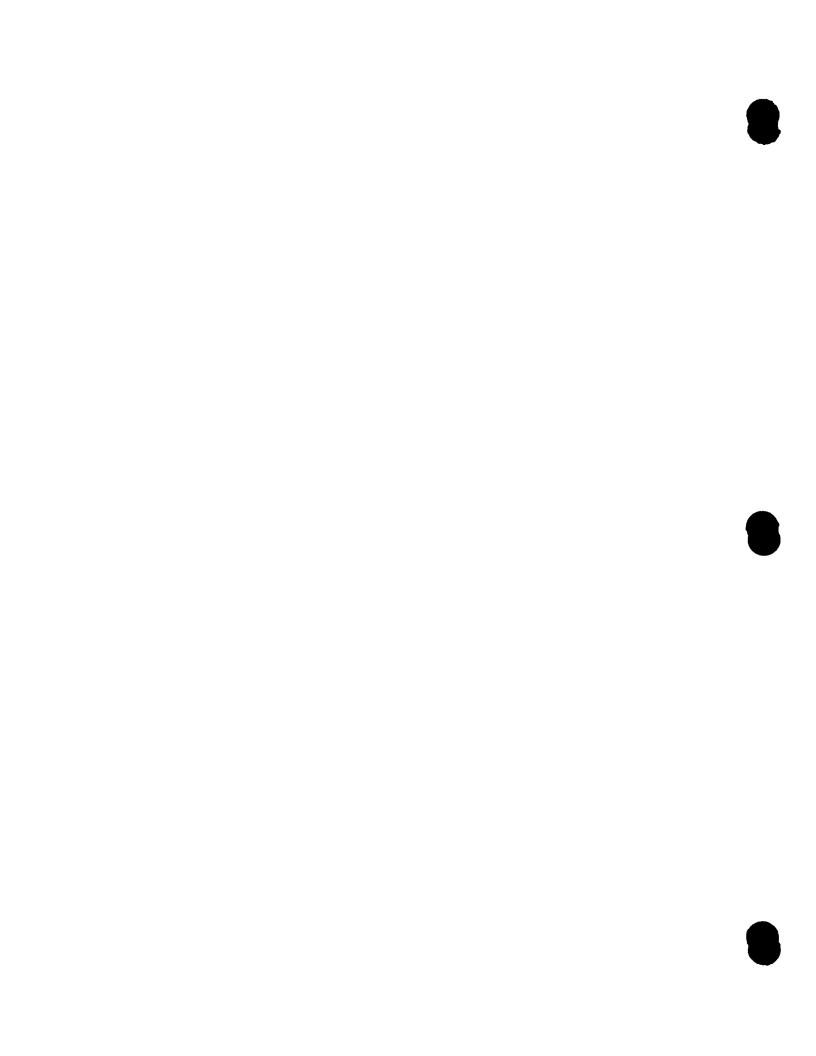
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Short Title:	Remove Sunset/Foster Care Ombudsman Prog. (Loc	
Sponsors:	Representative Torbett (Primary Sponsor).	
	For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.	
Referred to:	Children, Youth, and Families, if favorable, Judiciary IV.	

January 29, 2015

	· · · · · · · · · · · · · · · · · · ·
1	A BILL TO BE ENTITLED
2	AN ACT TO REMOVE THE SUNSET ON THE FOSTER CARE OMBUDSMAN PILOT
3	PROGRAM IN GASTON COUNTY.
1	The General Assembly of North Carolina enacts:
5	<b>SECTION 1.</b> Section 5 of S.L. 2013-111 reads as rewritten:
5	"SECTION 5. This act is effective when it becomes law and expires July 1, 2015. law."
7	<b>SECTION 2.</b> This act is effective when it becomes law.







## **HOUSE BILL 12: Remove Sunset/Foster Care Ombudsman Prog**

#### 2015-2016 General Assembly

Committee: House Children, Youth, and Families, if

**Date:** March 5, 2015

favorable, Judiciary IV

Introduced by: Rep. Torbett

Prepared by: Tawanda Foster

**Analysis of:** PCS to First Edition

Denise Adams

H12-CSTB-4

Legislative Analysts

SUMMARY: The Proposed Committee Substitute (PCS) for House Bill 12 would provide a foster care ombudsperson to assist foster parents in Gaston County and further defines the rights and responsibilities of this position. The PCS also makes a technical change to correct a statutory citation.

BILL ANALYSIS: The PCS for House Bill 12 would add a provision that a parent or juvenile could request the foster care ombudsperson become involved in a matter prior to the disposition order being entered. The PCS gives Gaston County the option to designate an attorney to assist the ombudsman, if requested by the ombudsman. In addition to the records and reports already accessible, it expands access to Department of Social Services case files regarding juveniles who have been placed in foster care at any point. The PCS further allows the ombudsperson to assist pre-adoptive parents or relatives if requested. Finally, the PCS removes the sunset provision which originally was July 1, 2015.

**CURRENT LAW:** S.L. 2013-111 is an existing local act that establishes a foster care ombudsperson for Gaston County. The act specifies the foster care ombudsperson shall:

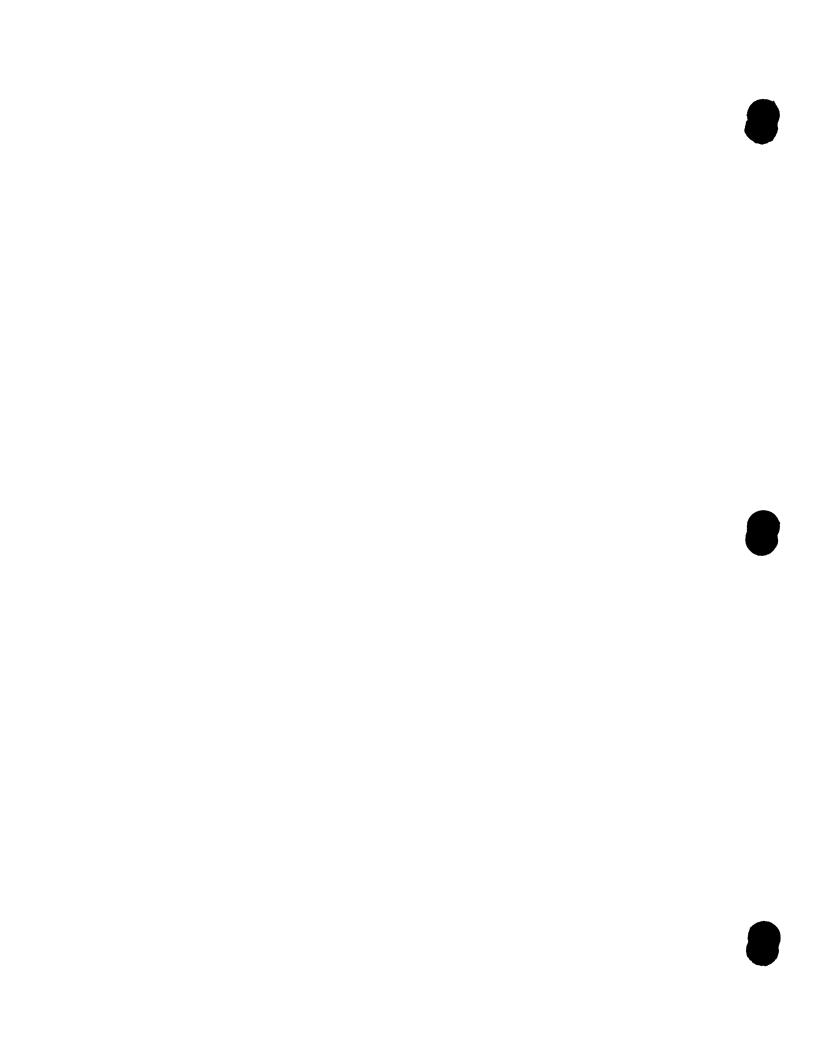
- 1) Be a party in all matters involving a juvenile placed in foster care after the disposition hearing and during the review hearing and permanency planning hearings.
- 2) Determine the facts, needs, and available resources to meet the needs of foster families and to protect and promote the interests of foster families.
- 3) Have authority to obtain confidential records where relevant to a case.
- 4) Refer to the social services director or any appropriate law enforcement agency any suspicion that a juvenile is abused, neglected or dependent.
- 5) Be a resource and advocate for foster parents.
- 6) Provide a periodic report on foster placements within the county, including recommendations regarding current and future placements.
- 7) Compile and make available data collected while exercising the official duties.
- 8) Provide information on the role, duties and functions of foster parents and the ombudsperson.
- 9) Comply with other duties or responsibilities deemed appropriate by the board.

**EFFECTIVE DATE:** The bill would become effective when it becomes law.





Research Division (919) 733-2578



### GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2015

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### HOUSE BILL 12 PROPOSED COMMITTEE SUBSTITUTE H12-CSTB-4 [v.1]

3/4/2015 6:52:36 PM

Short Title: Amend Gaston Foster Care Ombudsman Prog.

(Local)

D

Sponsors:
Referred to:

January 29, 2015

A BILL TO BE ENTITLED

AN ACT TO AMEND THE FOSTER CARE OMBUDSMAN PILOT PROGRAM IN GASTON COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. Section 1(c) of S.L. 2013-111 reads as rewritten:

"SECTION 1.(c) The foster care ombudsman shall:

(1) When a juvenile is placed in foster care following a disposition order under

- When a juvenile is placed in foster care following a disposition order under G.S. 7B-905, be a party in all actions under G.S. 7B-906 and G.S. 7B-907 G.S. 7B-906.1 on behalf of the foster parents and permitted to speak on their behalf. The County shallmay designate an attorney to assist the ombudsman, if requested by the ombudsman. If requested by the parent or the juvenile, the ombudsman shall be allowed to participate in any meeting or court hearing regarding the juvenile prior to a disposition order.
- (2) Determine the facts, the needs of the juvenile, and the available resources within the family, foster community, and community to meet those needs; to facilitate, when appropriate, the settlement of disputed issues; to explore options with the court at the dispositional hearing; to report to the court when the needs of the juvenile are not being met; and to protect and promote the best interests of the juvenile as seen by the foster family.
- (3) Have the authority to obtain any information or reports, whether or not confidential, that may in the ombudsman's opinion be relevant to the a case. The ombudsman shall have access to case files regarding any juvenile in the care of the Department if the juvenile is placed with a foster parent at any point. No privilege other than the attorney-client privilege may be invoked to prevent the ombudsman from obtaining such information. The confidentiality of the information or reports shall be respected by the ombudsman, and no disclosure of any information or reports shall be made to anyone except by order of the court or unless otherwise provided by law.
- (4) Refer to the social services director and any appropriate law enforcement any cause of suspect that any juvenile is abused, neglected, or dependent, as defined by G.S. 7B-101.
- (5) Be a resource and advocate for foster parents.
- (6) Provide to the director of social services a periodic report on foster placements within the county, including any recommendations regarding that placement or future placements.



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G	eneral Assen	ably of North Carolina	Session 2015
1	(7)	Compile and make available to the Board any de	ata the ombudsman has
2		collected in the course of exercising his or her official	al duties.
3	(8)	Provide information regarding the role, duties,	and functions of foster
4		parents and the ombudsman, and the rights of chil	ldren in foster care. The
5		ombudsman may assist a pre-adoptive parents or a	relative of the juvenile
5		with matters related to that case, if so requested by the	he pre-adoptive parent or
7		relative.	
3	(9)	Comply with any other duties or responsibilities de	emed appropriate by the
9		Board."	
)	SECT	ΓΙΟΝ 2. Section 5 of S.L. 2013-111 reads as rewritter	n:
1	"SECTION	5. This act is effective when it becomes law and expire	es July 1, 2015.law."
2	SECT	<b>FION 3.</b> This act is effective when it becomes law.	

Page 2 House Bill 12 H12-CS ΓΒ-4 [v.1]

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### GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2015

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### **HOUSE BILL 82**

Short Title:	Execution/Nonsecure Custody Order/Child Abuse. (Pu	ublic)
Sponsors:	Representatives Stevens, Zachary, Glazier, and Jordan (Primary Sponsors).	
	For a complete list of Sponsors, refer to the North Carolina General Assembly Web Sit	e.
Referred to:	Children, Youth, and Families, if favorable, Judiciary III.	

### February 16, 2015

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### A BILL TO BE ENTITLED

AN ACT CLARIFYING THE MANNER IN WHICH A LAW ENFORCEMENT OFFICER MAY TAKE CUSTODY OF A JUVENILE WHEN EXECUTING A NONSECURE CUSTODY ORDER UNDER THE LAWS PERTAINING TO ABUSE, NEGLECT, AND DEPENDENCY.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 7B-504 reads as rewritten:

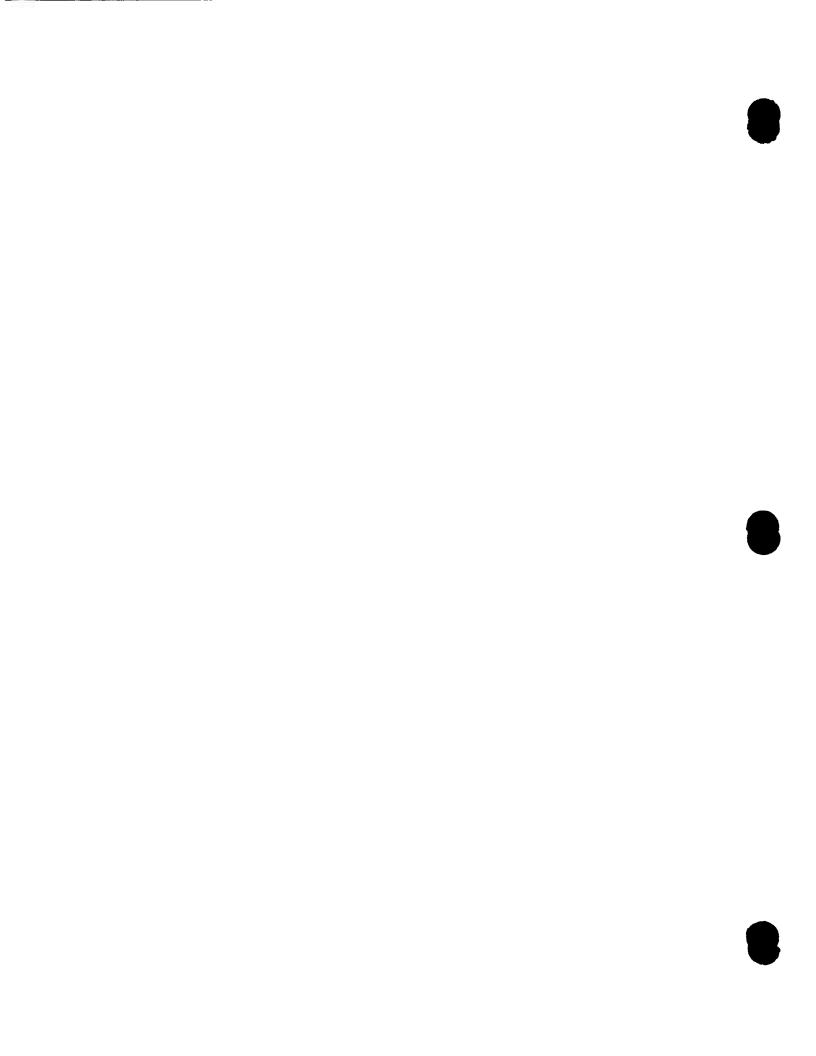
"§ 7B-504. Order for nonsecure custody.

The custody order shall be in writing and shall direct a law enforcement officer or other authorized person to <u>assume-take physical</u> custody of the juvenile and to make due return on the order. A copy of the order shall be given to the juvenile's parent, guardian, custodian, or caretaker by the official executing the order.

An officer receiving an order for custody which is complete and regular on its face may execute it in accordance with its terms. If the court finds on the basis of the petition and request for nonsecure custody or the testimony of the petitioner that a less intrusive remedy is not available, the court may authorize a law enforcement officer to enter private property to take physical custody of the juvenile. If required by exigent circumstances of the case, the court may authorize a law enforcement officer to make a forcible entry at any hour so long as the law enforcement officer has reason to believe the child is being abused at the time the officer is executing the nonsecure custody order. The officer is not required to inquire into the regularity or continued validity of the order and shall not incur criminal or civil liability for its due service."

**SECTION 2.** This act is effective when it becomes law and applies to orders issued on or after that date.







## **HOUSE BILL 82: Execution/Nonsecure Custody Order/Child Abuse**

2015-2016 General Assembly

Committee: House Children, Youth, and Families, if

favorable, Judiciary III

Introduced by: Reps. Stevens, Zachary, Glazier, Jordan

**Analysis of:** First Edition

Date: February 23, 2015

Prepared by: Janice Paul

Committee Counsel

SUMMARY: House Bill 82 would clarify the manner in which a law enforcement officer or other authorized person may enter premises in order to take physical custody of a juvenile for whom a nonsecure custody order has been issued.

**BILL ANALYSIS:** House Bill 82 would amend G.S. 7B-504 to allow the court to authorize a law enforcement officer to enter private property to take physical custody of the juvenile who is the subject of the nonsecure custody (NSC) order and, under exigent circumstances, to make a forcible entry at any hour if the officer has reason to believe the child is being abused at the time the NSC order is being executed.

**EFFECTIVE DATE:** This act is effective when it becomes law and applies to nonsecure custody orders issued under Article 5 of Chapter 7B of the General Statutes on or after that date.

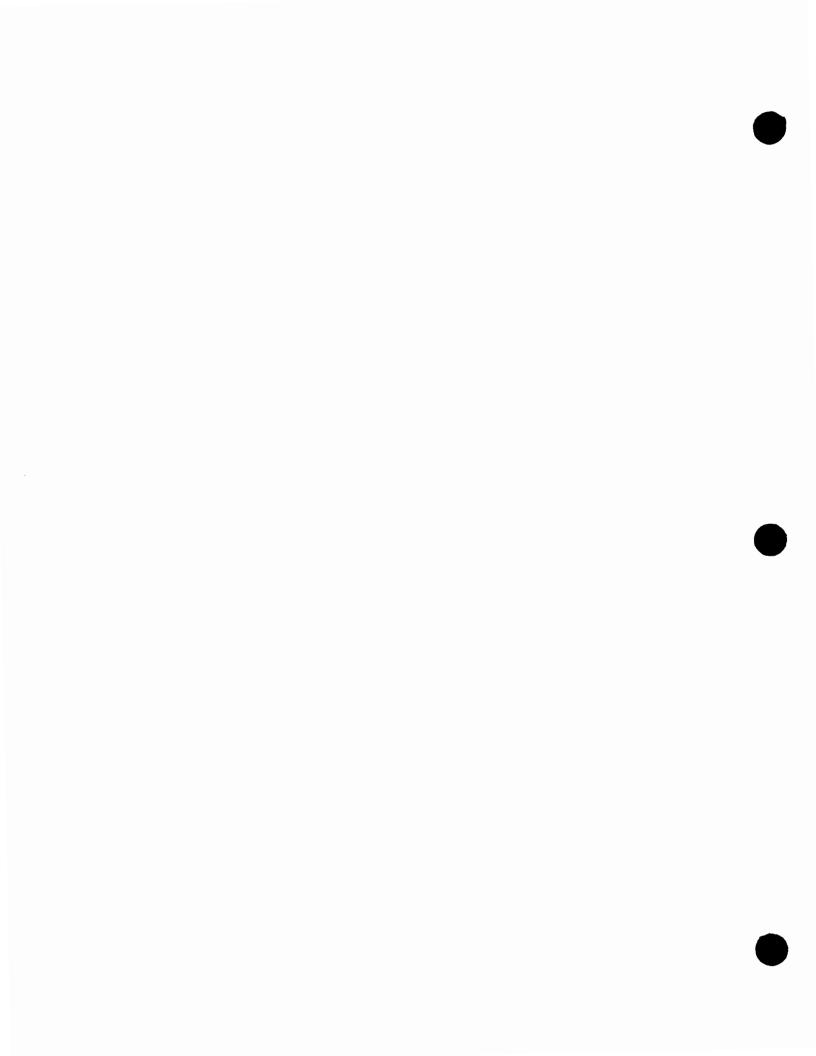






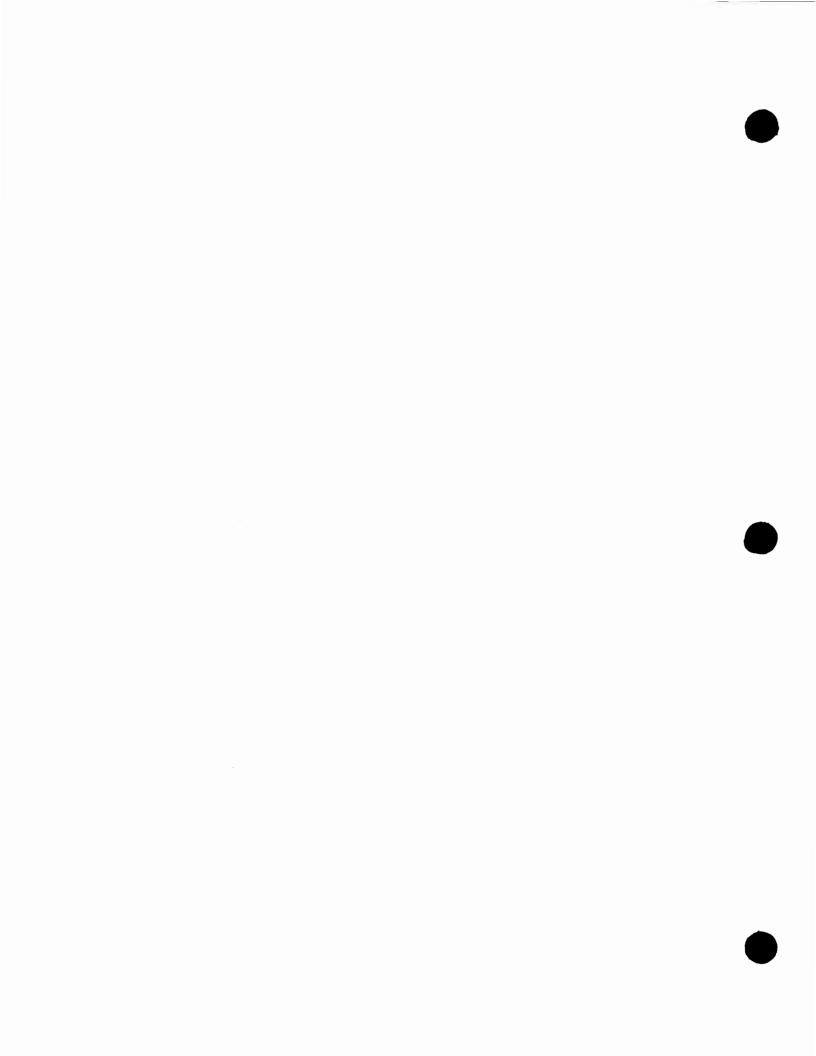
# Triangle Literacy Council

JUVENILE LITERACY CENTER EXPANSION



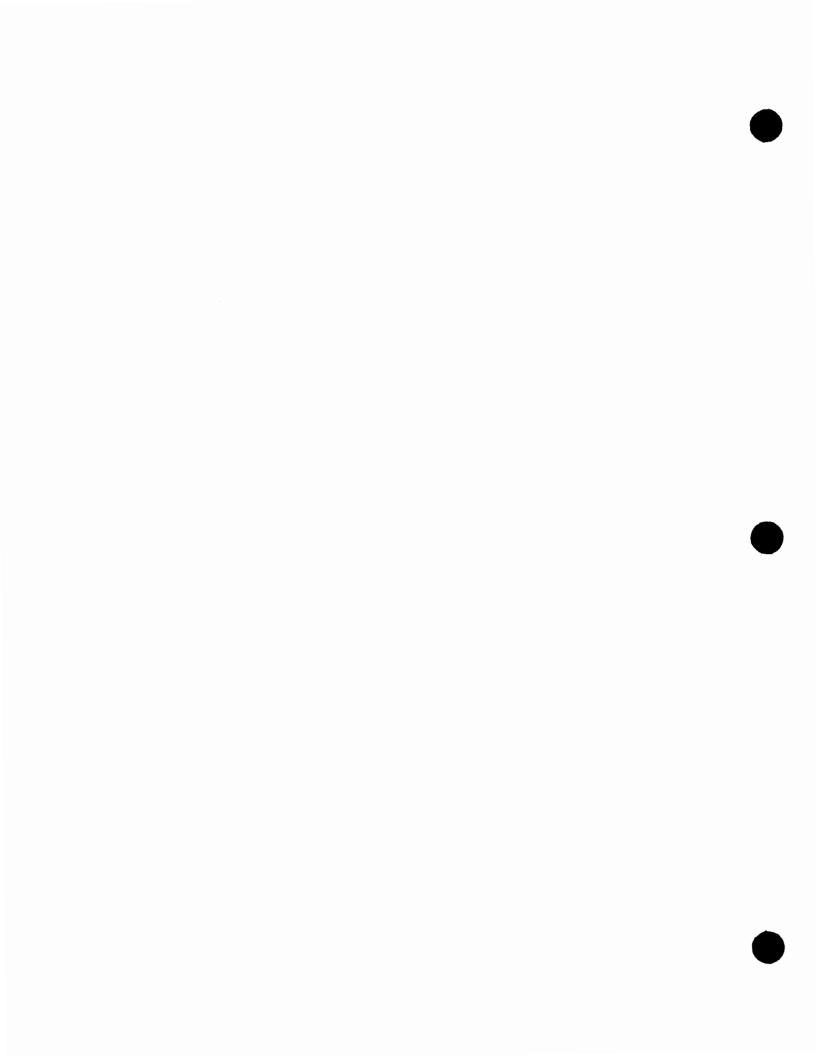
## Overview

Ju	venile Literacy Center established in Wake County Courthouse	
Serves court involved youth:		
	Prevents recidivism	
	Reintegration into schools	
	Proven effective at preventing criminal behavior	
	Improves academic skills	
	Increases emotional and social awareness for better behavior in schools, at home, and in the community	
Pr	oposal	
	TLC will establish new Juvenile Literacy Centers in neighboring counties of the Triangle	
	☐ 1 <sup>st</sup> Year: Durham, Johnston, Person	
	☐ 2 <sup>nd</sup> Year: Granville, Franklin, Vance	



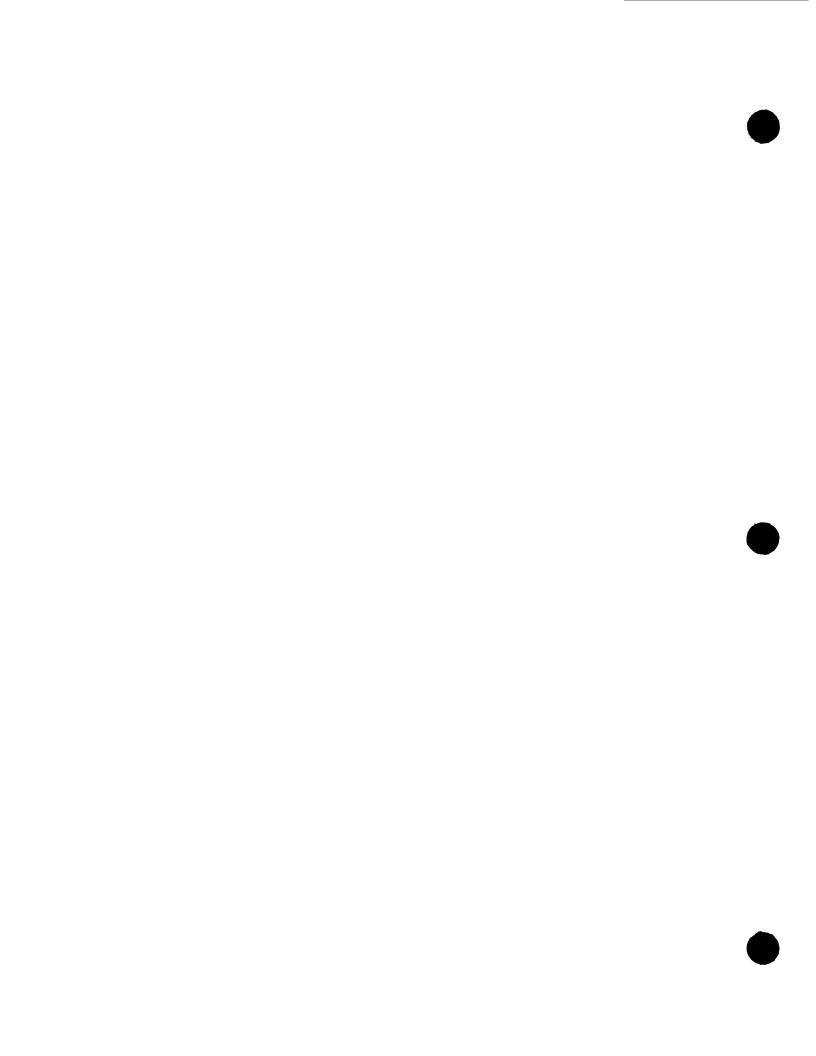
## Overview continued

- ☐ Juvenile Literacy Center Services
  - ☐ Provide individual and small group tutoring for youth who are court involved or at risk of involvement
  - ☐ Weekly tutoring sessions of two or more hours
  - ☐ Sessions focus on developing:
    - Basic literacy skills
    - ☐ Life skills
    - ☐ Improving academic performance
  - Meetings at County Court House and other partner sites
  - ☐ Expected length of stay: 5 months
  - ☐ Successful participants have 40 or more contact days



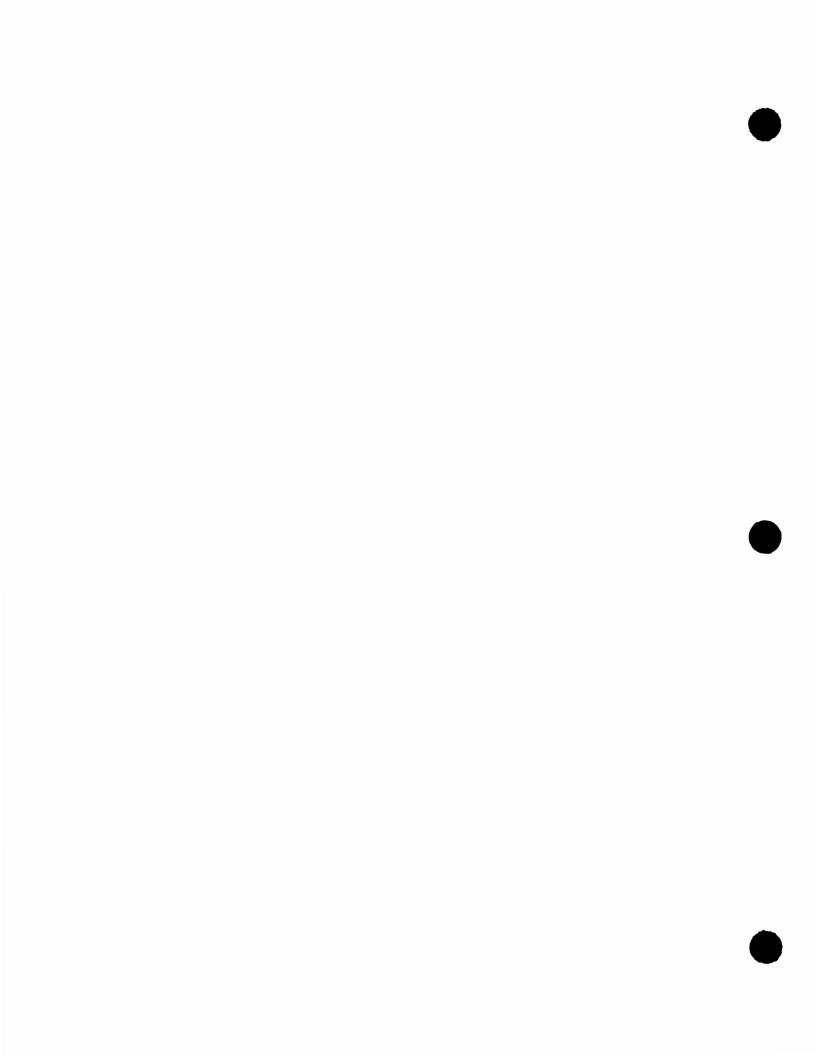
## **Problem Statement**

- One student's lack of high school completion may have a dire impact on the community
- ☐ More likely to:
  - ☐ Live in poverty
  - ☐ Use drugs
  - Join a gang
  - Become a parent at a young age
- ☐ High school dropouts are 3X more likely to be unemployed, could cost tax payers \$200K each
- Students with multiple suspensions leads to failure in school, apathy, misbehavior, and crime
- ☐ Students lack support, resources, and motivation needed to succeed in school



## **Target Population**

- ☐ Youth ages 10 17 who are court involved or at risk.
- Most are 12 15 years old
- Court involved or at risk youth:
  - Have identified risk factors
  - On probation
  - Teen Court referred
  - Multiple school suspensions
  - Attend an alternative school
  - Identified school misbehavior
  - Diagnosed learning disability
  - Negative peer association
  - Poor school attendance
  - Receiving services from other youth agencies such as behavioral health or gang intervention



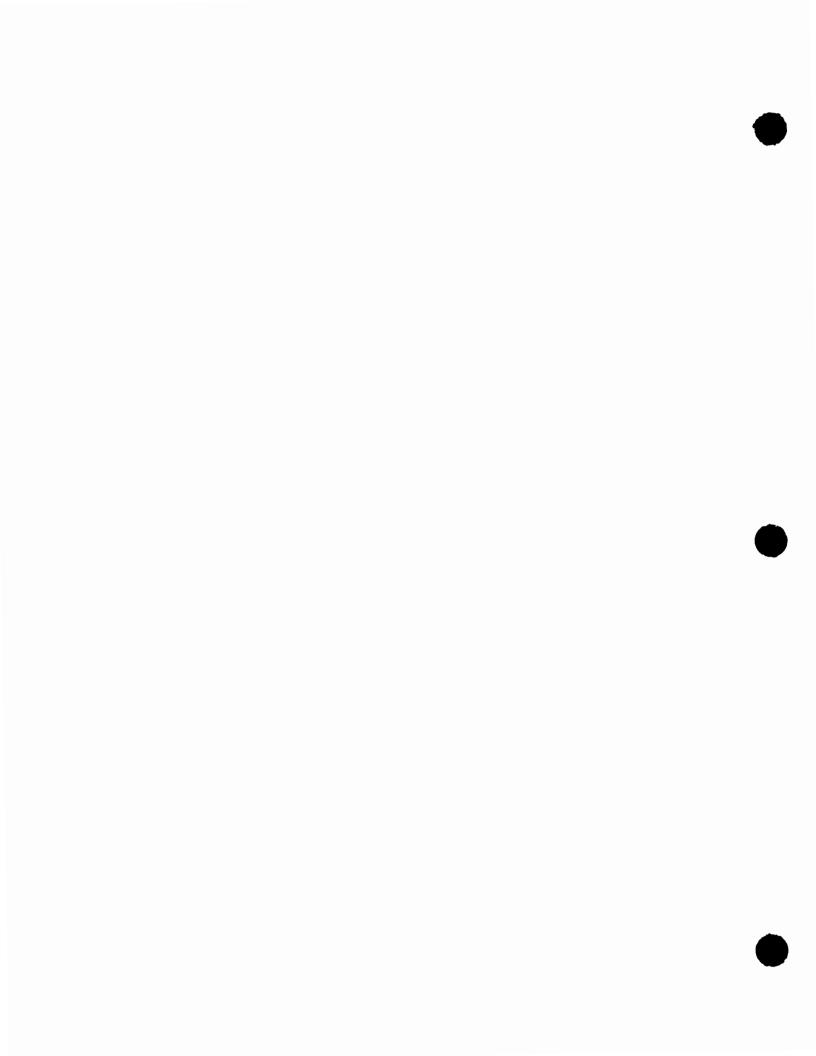
## Program Goals

- Provide direct one-on-one tutoring and/or small group classes
- Address basic literacy deficiencies (align with NC standards)
- Prepare participants with skills necessary to prepare for productive jobs and/or college
- ☐ Improve study habits, test preparedness, computer skills, adult/peer interaction, organization, and time management
- Involve families tutoring siblings and engaging parents
- Result
  - ☐ Lower recidivism rate into the justice system as minors
  - ☐ Improve measurable objectives from evidence based protocols

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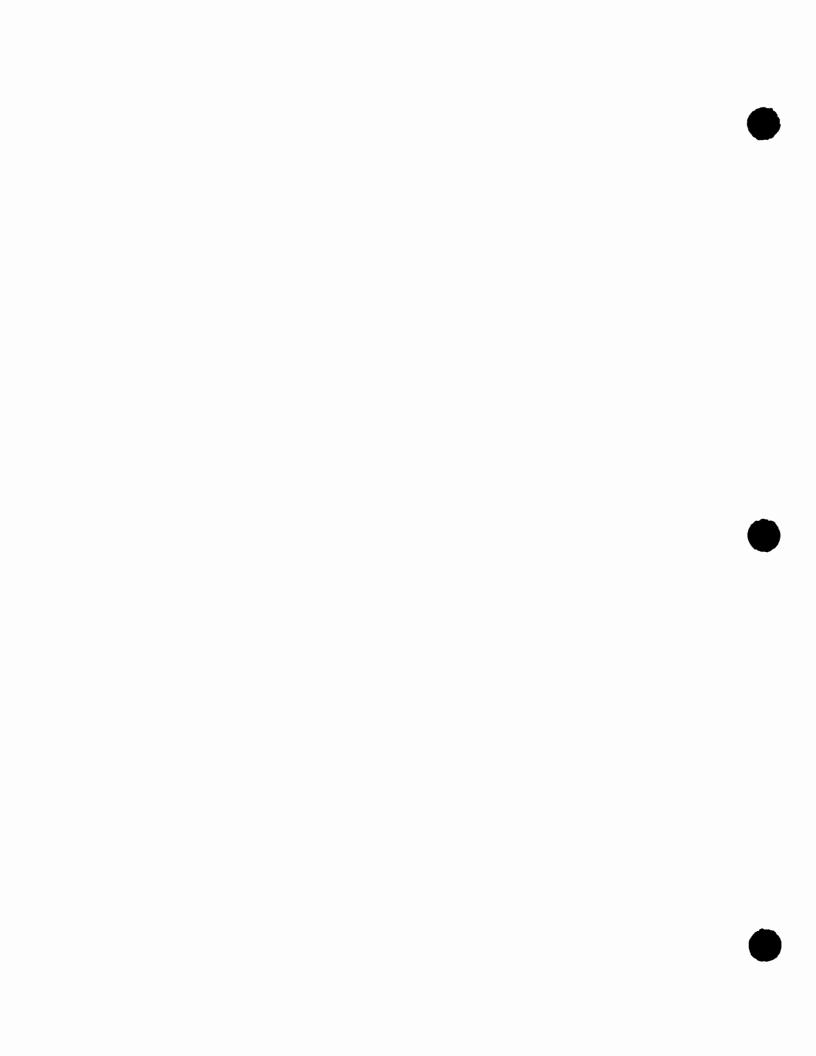
## Measurable Objectives

- ☐ 70% of participants complete the program and have no new adjudications for 12 months
- ☐ 65% of parents of participants demonstrate active involvement in the program
- ☐ 70% of participants who complete the program will show academic achievement
- 70% of participants completing the program will demonstrate a reduction in problem behaviors
- Tutoring outcomes:
  - decrease in school behavior problems and suspensions
  - lacktriangledown increase ability to comprehend material and participate in class
  - provide a safe space for youth to learn without fear of failure
  - maintain connection with students' schools to clarify academic needs
  - ☐ liaison with schools and families to engage additional support
  - promote pro-social behavior and explore personal interests by participating in activities and social projects



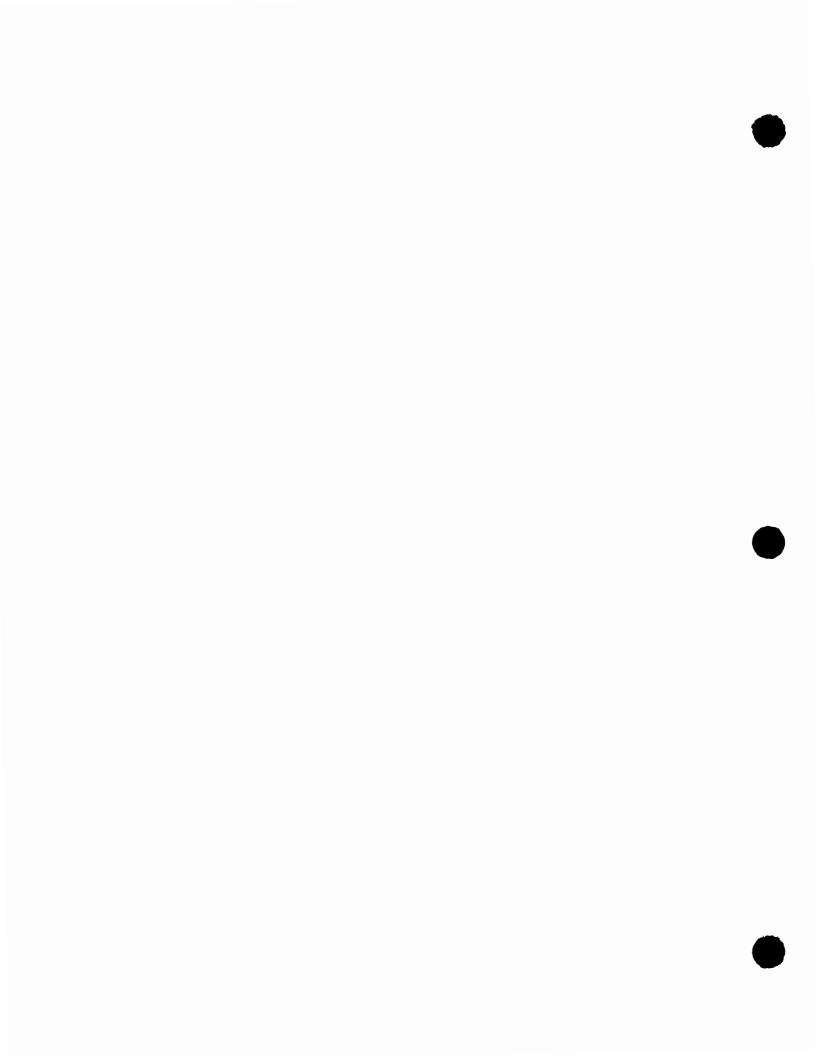
## Operations

- Individual tutoring sessions twice a week for one and a half hours per session
- Small group sessions one to two days a week for two hours per session
- Focus is on skill building for core subjects reading, writing, and math
- Tutors plan sessions tailored to the individual student's service plan
- Progress is at a pace that is comfortable for the student
- ☐ Assists with homework and study skills
- Emphasis is placed on preparing for end of grade and end of course testing
- Computer literacy, time management, and work readiness are other key components
- ☐ Monthly field trips and seasonal service trips are incentives and offer real world experience



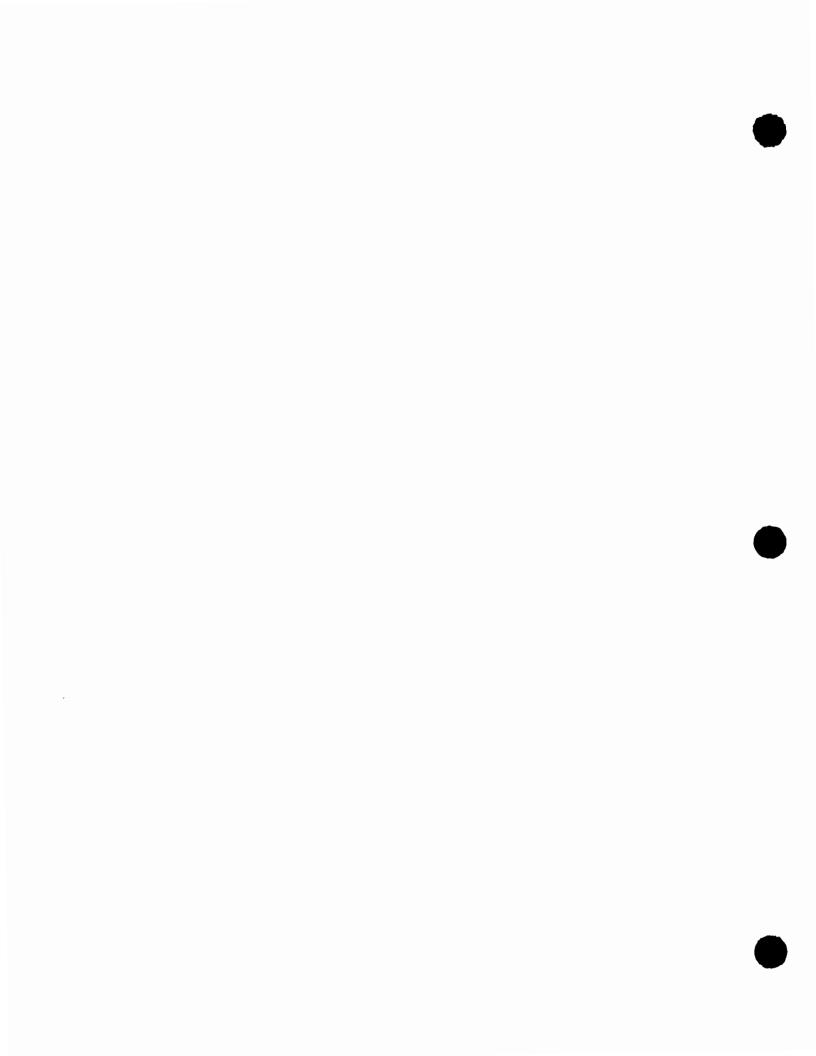
## Staffing

- ☐ Laura Walters Executive Director, Triangle Literacy Council
- ☐ Regina Basnight Director of Juvenile Literacy Services, Triangle Literacy Council
- ☐ TBD Program Manager and Instructor
- ☐ TBD Instructor and School-Family Liaison
- ☐ JLC Volunteers



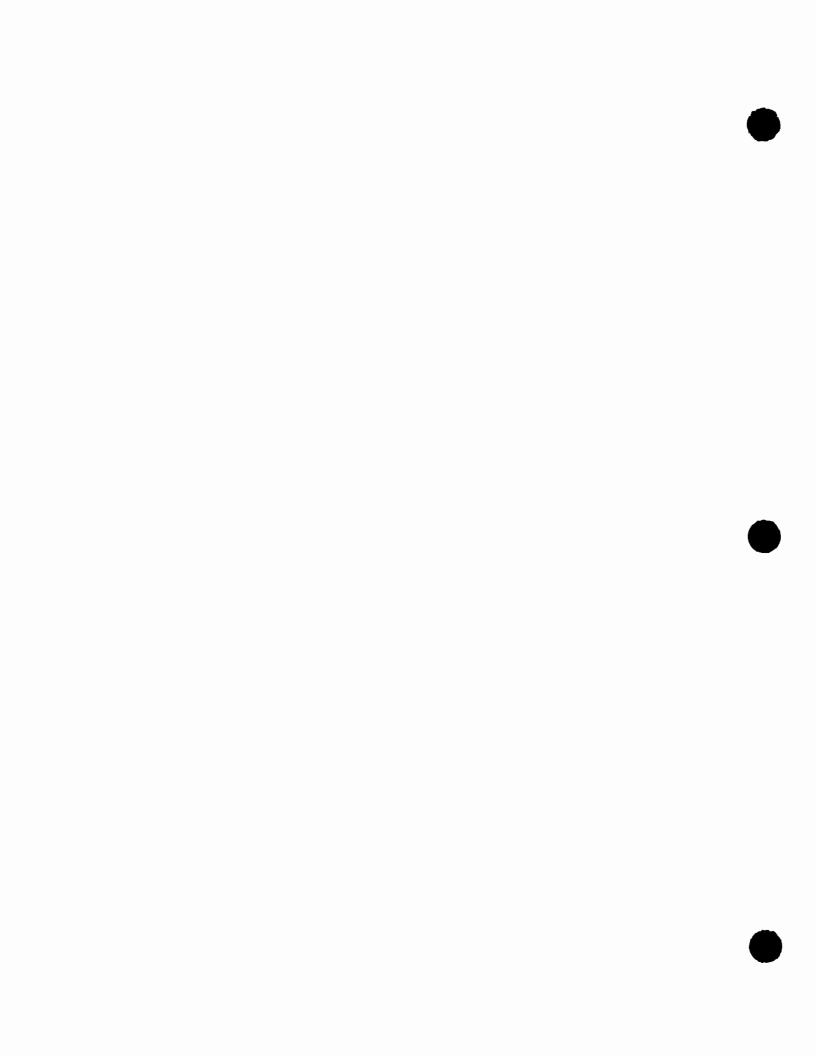
## **Admission Process**

Student Referral
☐ Juvenile court, teen court
☐ County public schools
☐ Law enforcement
Other youth-serving agencies
☐ The program manager is responsible for the vetting process
Interview Process
☐ Students and legal guardians attend an intake meeting to be briefed on guidelines and develop an individualized plan
☐ Students are briefly interviewed on school experience, interests and goals
Students take a Test of Adult Basic Education (TABE) that assesses proficiency in reading, writing and math
Once the assessment is scored, the staff develops an individualized service plan
Starting tutoring
On a monthly basis, the student's working portfolio is evaluated to recognize and celebrate achievements in learning
A monthly tutor report documents an individual student/tutor needs and concerns, progress, and what has been completed



## Intervention/Treatment

Tutors will plan sessions to address inappropriate school behavior
 Behavioral issues within the program are addressed by a case worker and school-family liaison
 The school-family liaison will provide resources to parents/guardians to create conditions for academic achievement in the home
 Educational deficiencies can be inter-generational, TLC will refer adult literacy programs to parents/guardians of participants
 Seminars and educational resources will be offered to other youth within the home to reinforce the need for intergenerational approach to fostering a home culture of learning
 Life skills seminars on topics such as study habits, health and nutrition, computer literacy and public safety are offered to participants and caregivers



## **Best Practices Used**

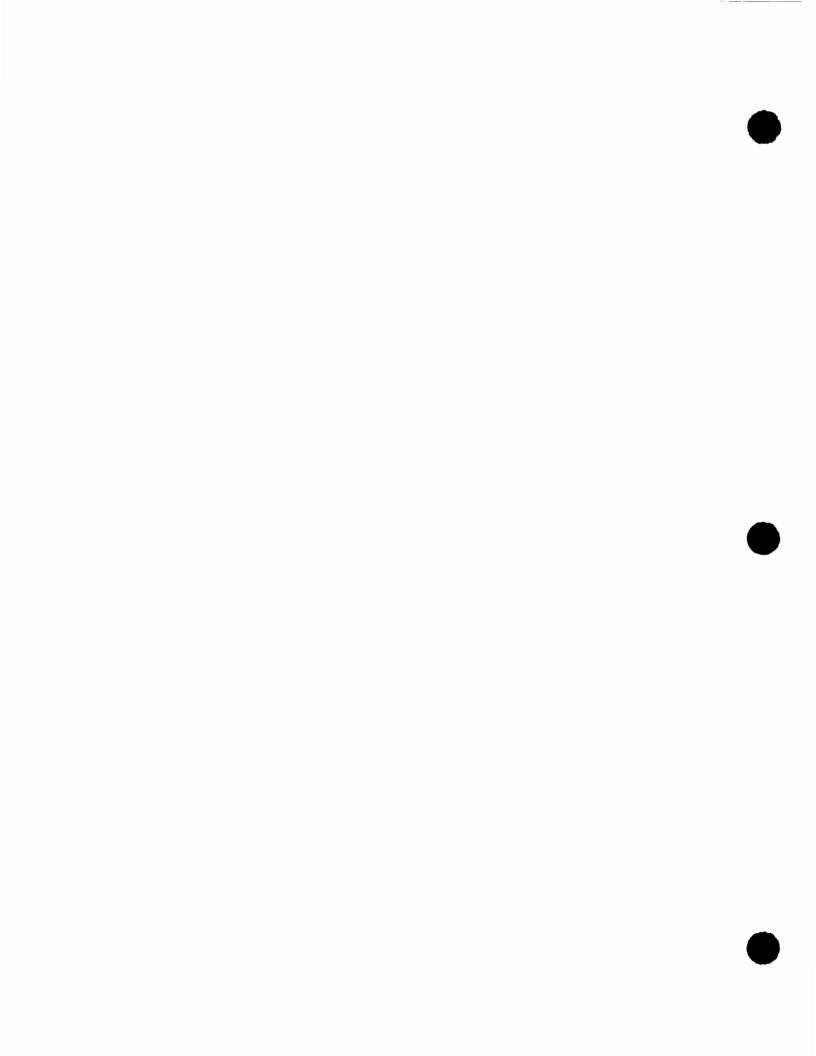
□ Evidenced based outcomes including:

 individual juvenile planning
 assessments of program effectiveness
 multi-sensory instruction
 skills based interventions and family involvement

 □ Programs meet Standardized Program Evaluation Protocol (SPEP)

 addresses the individual risk factors of academic failure
 school behavioral problems

 □ Assessments define educational goals for students
 □ Program incorporates data-based decision making through frequent progress measures
 □ Students are pre-tested and post-tested using Test of Adult Basic Education (TABE)
 □ Lesson plans are modified as needed and tutors work at the student's pace



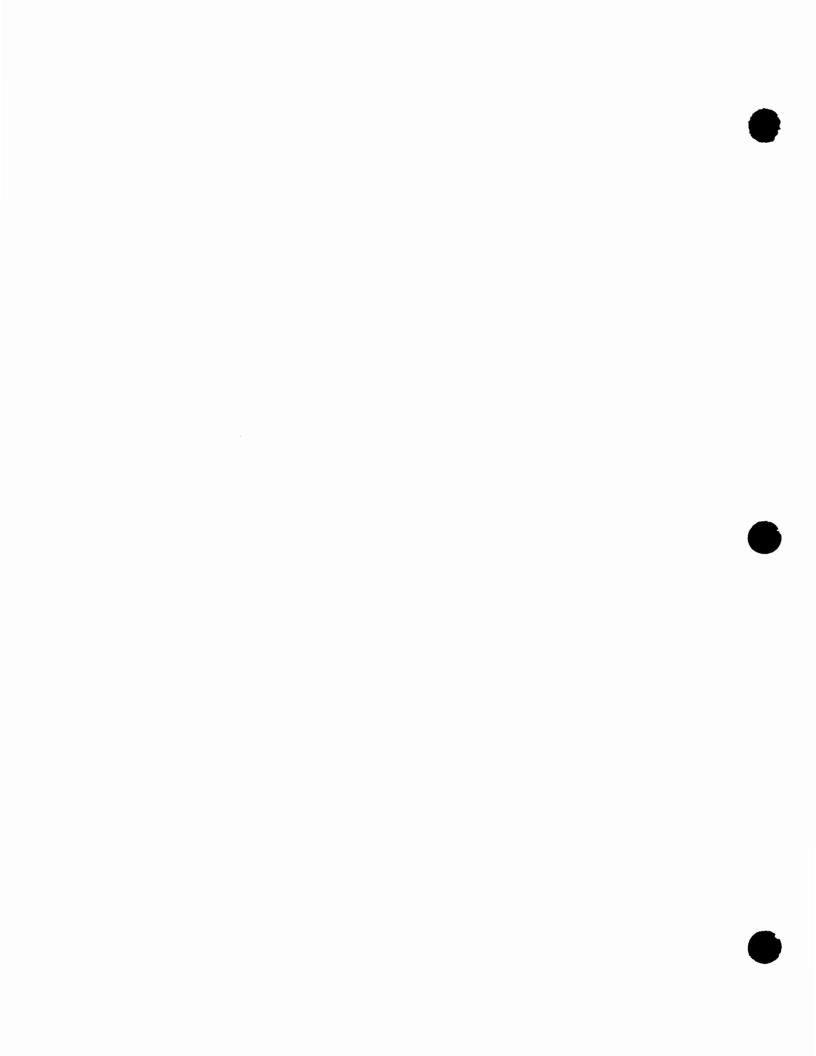
# **Budget Summary**

Budget – 1 <sup>st</sup> Year 2015/2016	
Juvenile Literacy Center Cost Per Site	\$115,000
Expansion into Durham, Person and Johnston Counties Total Cost	\$345,000

Budget – 2 <sup>nd</sup> Year 2016/2017	<b>文文的连接的设施等外的</b> 对数
Juvenile Literacy Center Cost Per Site	\$115,000
Continuing operations in Durham, Person and Johnston Counties	\$345,000
Expansion into Franklin, Granville and Vance Counties	\$345,000
Total for Year Two Operations Serving 6 Counties	\$690,000

# Budget per Site

Line Item	Budget
Staff	
Program Manager/Instructor – Full time	\$39,000
Instructor and School/Family Liaison – Full time	\$34,000
Director of Juvenile Literacy Services – Part time per site	\$19,000
Administrative Support – Part time per site	\$18,000
Subtotal Staff	\$110,000
Educational Materials and Supplies	\$5,000
Grand Total	\$115,000





#### JUVENILE LITERACY CENTER EXPANSION

**PROPOSAL** 

#### **BRIEF OVERVIEW**

The Triangle Literacy Council formerly known as Literacy Council of Wake County, has established a Juvenile Literacy Center in the Wake County Courthouse which has been extremely successful in preventing recidivism of court involved youth and increasing participants' educational levels so they can successfully reintegrate into school. This model has proven effective in preventing criminal behavior, improving academic skills, and increasing emotional and social awareness for better behavior in schools, at home, and in the community. The Triangle Literacy Council proposes to establish new Juvenile Literacy Centers in neighboring counties of the Triangle starting with Durham, Johnston and Person Counties the first year and adding Granville, Franklin and Vance the second year.

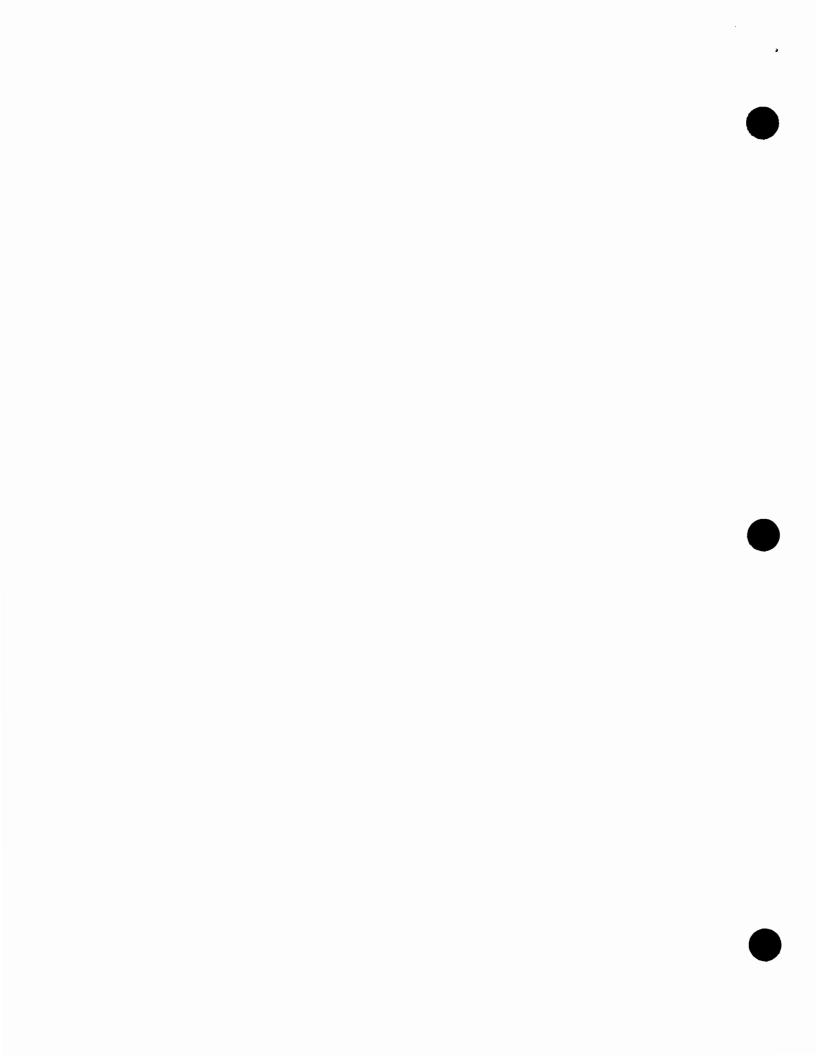
The Juvenile Literacy Center (JLC) provides individual and small group tutoring for youth who are court-involved or at risk of court involvement. Weekly tutoring sessions are two or more hours and focus on developing basic literacy skills, life skills and improving academic performance. Students meet at the Wake County court house and other partner sites within the county. Expected length of stay is a minimum of five months. Successful participants will have 40 or more act days.

#### STATEMENT OF THE PROBLEM

One student's lack of high school completion may have a dire impact on the community. That individual is more likely to be poor, use drugs, join a gang or become a parent at a young age. The statistics are alarming. High school dropouts are three times more likely to be unemployed than those who graduate. The rate for economically disadvantaged students who did not graduate is 35%. African American students represent a disproportionately high percentage of these dropouts. Incarceration rates for high school dropouts (ages 16 -24) are also 63 times higher than for those with a college degree. (2011-2012 dropout report Public Schools of North Carolina, State Board of Education) With the high risk of incarceration, poverty and substance abuse, a high school dropout could cost tax payers more than \$200,000 over the course of their lifetime. (Breslow, Jason. By the Numbers: Dropping Out of High School. Frontline.) Another subset of those at risk of not completing high school are students with multiple school suspensions. There is a positive correlation between crime and short term suspensions which creates negative outcomes for our youth. Many of these juveniles have experienced consistent failure in traditional academic settings, which leads to apathy, misbehavior and ultimately crime. The majority of these students lack the support, resources and motivation needed to succeed in school. The Juvenile Literacy Center aims to prevent such outcomes by equipping students with tools for academic success; increasing their likelihood of graduating from high school or earning their GED and becoming productive citizens within their communities. Scholarly work has continued to strongly link academic self-efficacy with school motivation and performance. Such students "have better learning strategies, such as personal goal setting or time monitoring; and are less likely to engage in risky behaviors (for example, delinquency and substance use)" (National Association of Social Workers, 2005). Academic success will enable them to secure a better education, better jobs and a brighter future.

### GET POPULATION

The program targets youth ages 10 to 17 who are court-involved or at risk of court involvement. Most participants are 12 to 15 years old. Some referred youth may be younger if they are court-involved or have other identified risk factors.



Court-involvement refers to young people on probation or diversion or Teen Court referred. Individuals at-risk of court-involvement are defined as those who have multiple school suspensions, attend an alternative school, identified school misbehavior, diagnosed learning disability, negative peer association or poor school attendance. Often, program ticipants meet two or more of these risk factors. Other at-risk youth may be Teen Court referred or receiving services from other youth agencies such as behavioral health or gang intervention. Youth may also reside temporarily in therapeutic foster care or a group home setting. The majority of youth served have been identified as having household incomes at less than 50% of the median income. The number of youth served each year is at least 150 at each site.

#### **PROGRAM GOALS**

The program's intent is twofold: to provide at-risk juveniles in the court system with direct one-on-one tutoring and/or small group classes that address basic literacy deficiencies and align with North Carolina standards; and, to prepare participants with skills necessary to be prepared for both college and/or productive jobs. The program incorporates individualized plans and seminars focused on improving study habits, test preparedness, computer skills, adult/peer interaction, organization and time management. The program also involves families by providing tutoring for siblings or other youth within the household who qualify for service and engaging parents or guardians. Equipped with the tools for academic and job success, program participants experience a lower recidivism rate into the justice system as minors and as adults. The measurable objectives used result from evidence based protocols and procedures which ensures a high success rate of students.

#### **MEASUREABLE OBJECTIVES**

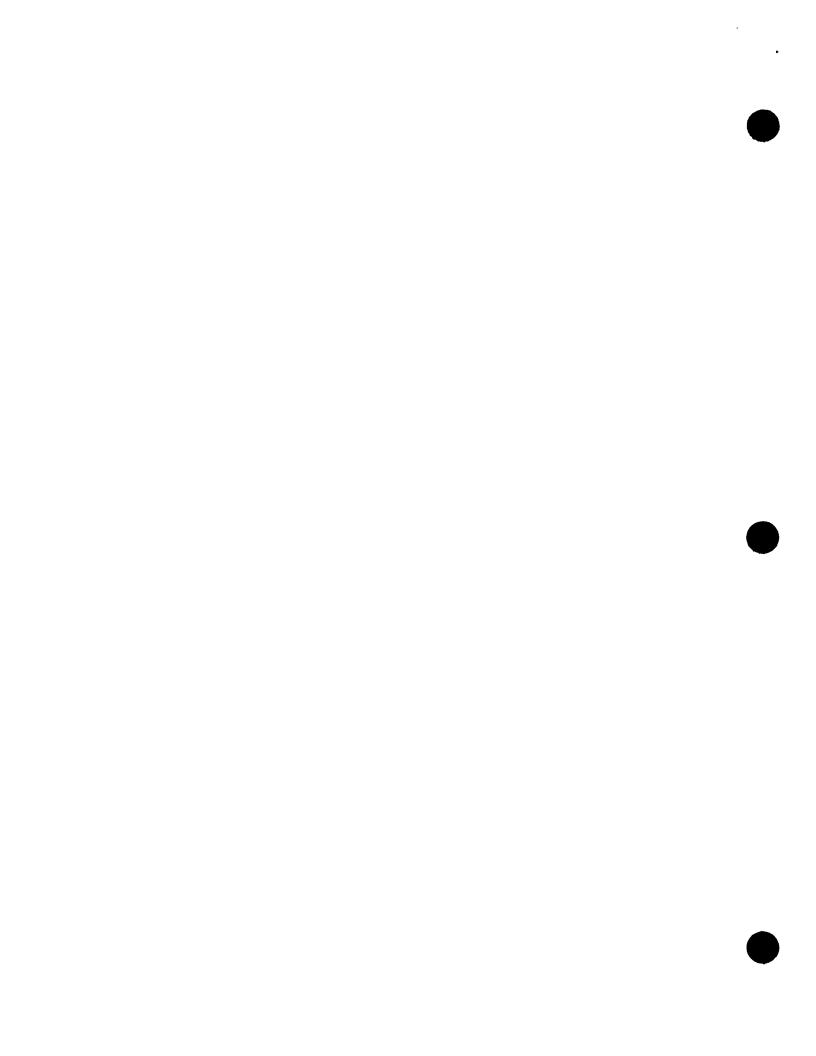
70% of Participants successfully/satisfactorily completing the program will have no new adjudications in the 12 months following completion.

65% of Parents of participants will demonstrate active involvement in the program

of Participants who complete the program will show academic achievement and demonstrate educational gains.

70% of Participants completing the program will demonstrate a reduction in problem behaviors for which they were referred.

Through tutoring, remedial education, and supplemental activities, there will be a decrease in school behavior problems and school suspensions. The Juvenile Literacy Center will increase participants' abilities to comprehend material and participate in class while improving academic performance. Serious school behavior problems and school suspensions are directly correlated with a student's lack of academic self-efficacy and social disengagement. These factors negatively influence their behavior in school and lead to school suspensions. The Juvenile Literacy Center provides a safe space for youth to learn without the fear of failure. The program promotes school connectedness by maintaining communication with students' schools in order to clarify academic needs and by encouraging youth to be productive within the classroom. The program's school-family liaison will schedule meetings with teachers and/or school counselors and develop a plan to address those concerns. Opportunities for positive family involvement include regular contact with families, parent access to services, scheduled site visits and volunteer opportunities. The school-family liaison will schedule home visits for all court-referred youth and other program participants identified as needing additional retention support\*. Other school-aged youth within the household are also eligible to participate in the program. Referral sources receive updates regarding the youths' academic progress. One of the primary goals is to promote a change of attitude towards learning. Tutors help students set positive expectations and experience success on a regular basis. To promote pro-social behavior, students will have an opportunity to explore personal interests, participate in monthly activities and seasonal service projects. Upon completion of the program, successful students will demonstrate more positive school behavior and reduced school suspensions. \*Participants needing additional retention support lde all court-involved youth and those who have had poor program attendance and limited parental involvement.



#### **OPERATIONS**

Students participate in individual tutoring sessions twice a week and small group sessions one to two days a week for up wo hours per session during the school year. Frequency and duration of lessons vary by program site and are based site accommodations, youth schedule and availability for staff oversight. Youth focus on skill building for core subjects including reading, writing and math. Tutors plan lessons according to the students' individual service plan and progress at a pace that is comfortable for their student. JLC also assists participants with homework and study skills. Special emphasis is placed on preparing for End of Grade / End of Course tests. Computer literacy, time management and work readiness are other key components of the program. As an incentive, students attend monthly activities including field trips and participate in seasonal service projects. During the summer, programming is offered for high school and middle school youth. Programs have a STEM focus, emphasizing skill building in Science, Math and Technology. Students meet twice weekly for a total of four hours and participate in engaging, relevant lessons. The program stresses real-world application of skills and may include field trips for youth. Throughout the year, the school-family Liaison will stay involved with family members, school personnel, and court counselors to ensure a macro approach to improving services for juveniles and their outcomes.

#### **STAFFING**

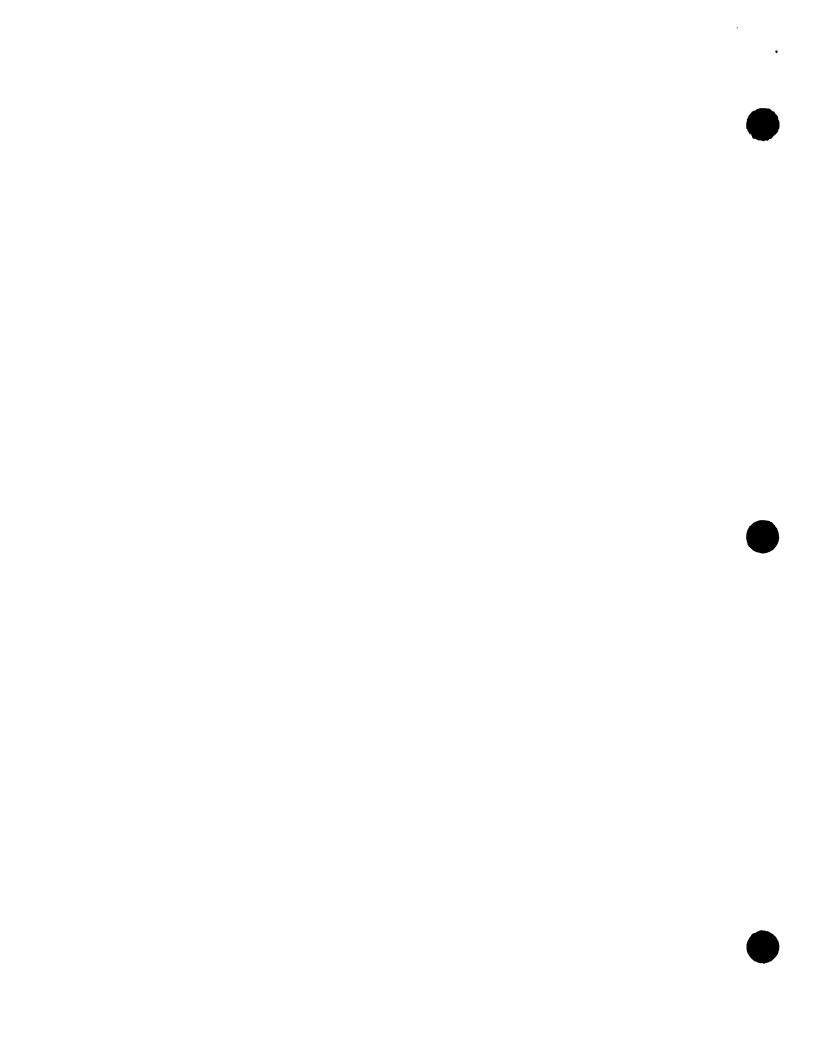
Laura Walters, the Executive Director of the Triangle Literacy Council since July 2003, has over 20 years of nonprofit management experience. She has a degree in Public Administration and holds a Certificate in Non-Profit Management from Duke University. She recently stepped down as the President of the North Carolina Literacy Association after a tenure of 10 years. Laura regularly attends national conferences on literacy training including those by the Commission on Adult Basic Education, the National Center for Family Literacy, NC Basic Skills and Family Literacy, ProLiteracy and others. Her training and experience make her an excellent administrator of basic skills literacy programs, as well as other complementary programs at the Triangle Literacy Council. The Executive Director will oversee the program and ensure and compliance.

Director of Juvenile Literacy Services: Regina Basnight, has been working with youth for more than ten years. Regina oversees the daily functions of the Wake County based program and will be a key player in the expansion to other counties. Her primary roles are to manage students' development, monitor progress, work with parents, interact with court personnel and other partners, and recruit new volunteers. She also facilitates tutor training and small group classes and provides direct tutoring services.

Program Manager and Instructor: A Program Manager and an Instructor will be installed at each site to teach small group classes at program sites. Both will compile resources to develop the program curriculum to target individual student needs and align with North Carolina Common Core Standards. They will maintain an online resource site for tutors. The Program Instructor compiles existing academic materials and develops new resources for students.

Instructor and School-Family Liaison: A full-time school-family liaison will schedule home visits for court-involved youth and those at risk youth identified as needing additional retention support. This staff person will meet with school staff to develop an improvement plan for youth referred due to school behavior issues and develops monthly incentive activities for participants, facilitates seasonal service projects and parental engagement programs, and provides additional administrative support for the program. The school family liaison will have a four-year degree and a background in social work or similar field. Staff members regularly attend appropriate training workshops and conferences over the course of the year to meet standards for best practice.

JLC Volunteers: Volunteers serve as literacy mentors to the youth who participate in the program. Each volunteer submits an application and references. Volunteers are also interviewed by program staff and undergo a criminal kground check. Once volunteers have met the requirements of the application process, they attend a 12 hour datory orientation and training. Experienced consultants and trainers work with the JLC staff to provide quality inservice opportunities.



#### **ADMISSION PROCESS**

Student Referral: Students are referred to the program by juvenile court, teen court, County Public Schools, law recement and other youth-serving agencies. The program manager is responsible for deciding if a referral should or should not be accepted. A referral may not be accepted if the student is not court-involved or at risk of court involvement.

Interview process: Students and legal guardians attend an intake meeting during which time they are made aware of the program guidelines, develop an individualized service plan and complete additional intake forms. Students complete a brief interview focused on school experience, interests and goals. Intake assessment and scoring: Once students complete the first part of the intake process, they complete a TABE (Test of Adult Basic Education) assessment that determines their proficiency in reading, writing and math. Once assessments are scored, the staff develops an individualized service plan for each student. This service plan will guide the lesson planning process.

Referral sources are notified when a referred student completes intake and starts tutoring. To ensure that the program of study is of sufficient intensity for the students to progress and achieve, tutors and students are required to do the following on a monthly basis:

- 1. Evaluate the student's working portfolio in order to recognize and celebrate significant achievements in learning.
- 2. Complete a monthly tutor report which documents individual student/tutor needs and concerns, instruction and preparation, and goals that are in progress or have been completed.

Referral sources will be made privy to these data collection tools. Regular meetings with these individuals will be scheduled as needed. Referral sources also receive monthly updates on student progress and are contacted regarding any concern with student behavior, attendance, etc. Referring agencies receive most student updates electronically wing all confidentiality laws, but they also have access to hard copies of student reports.

#### INTERVENTION/TREATMENT

Each Juvenile Literacy Center's efforts will lead to improvement in participants' academic performance and pro-social behavior. As students experience success and personal growth, energies directed toward inappropriate youth behavior will be channeled into constructive and more rewarding endeavors — both academic and character-building. Tutors will plan sessions to address inappropriate school behavior with guidance from the school-family liaison. Behavioral issues within the program will be addressed by the case worker and school-family liaison. Further, the school-family liaison will provide resources to parents/guardians of participants to support participants' academic and personal growth and create an environment conducive to academic enrichment in the home.

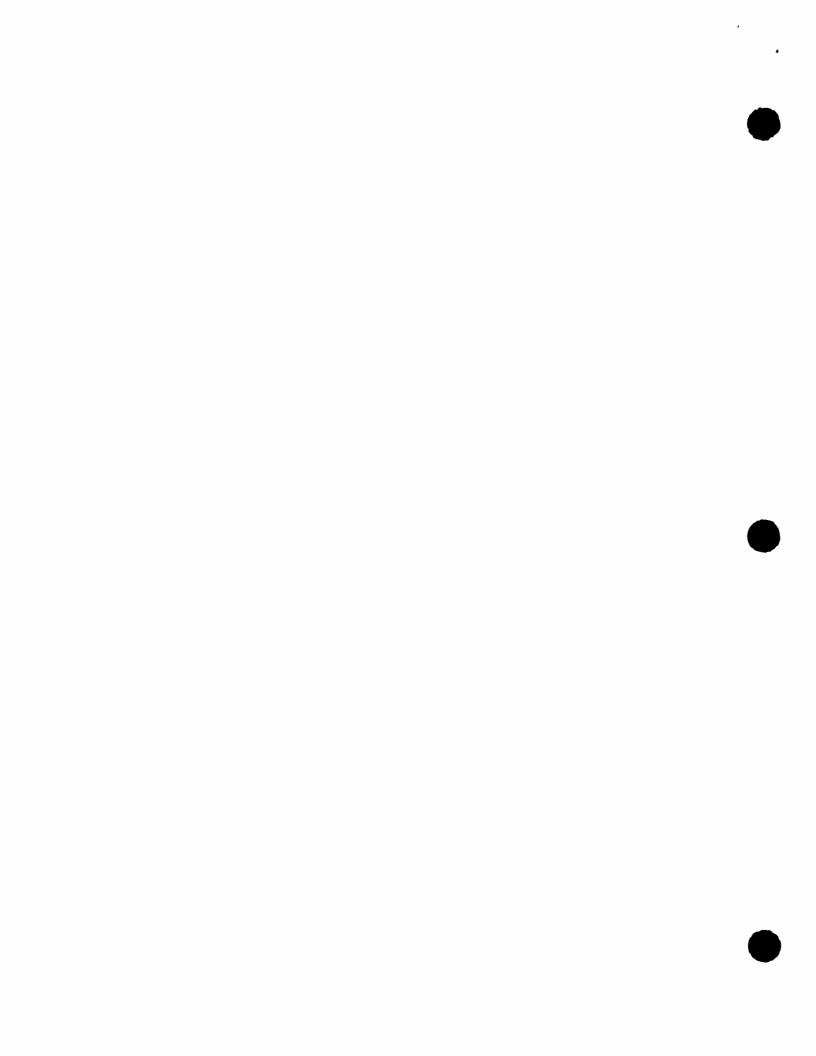
Because educational deficiencies can be inter-generational, the Triangle Literacy Council will refer adult literacy program to the parents/caregivers of participants. Home and site visits by the school-family liaison, seminars and educational resources will be offered to parents/caregivers and program participants and other youth within the home to reinforce the need for an intergenerational approach to fostering a home culture of learning and appreciation of school success. Life skills seminars on topics such as study habits, health and nutrition, computer literacy and public safety will be offered to participants and caregivers to provide information on important subjects for the healthy development of the child and to provide an opportunity for caregivers and participants to interact in an educational environment. Students and parents will have opportunities to participate in joint service projects and specific monthly activities.

#### **BEST PRACTICES USED**

The Juvenile Literacy Center adheres to a best practice model with evidence based outcomes which includes ssments of program effectiveness, individual juvenile planning, multi-sensory instruction, skills based interventions and family involvement. The program also meets Standardized Program Evaluation Protocol (SPEP) standards for a remedial academic program by addressing the individual risk factors of academic failure and school behavioral problems. Assessments of program effectiveness are integral to the success of the JLC and aid in the development of

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clear, well defined educational goals for students. The program incorporates data-based decision making through frequent progress measures, monthly reports and exit surveys. Students are also pretested and post-tested using the TEE (Test of Adult Basic Education). All students are held to high performance standards. Individual juvenile planning is very important. Students work in a small, supportive learning environment. They receive guidance and assistance in meeting personal goals for success in the program. Lesson plans are modified as needed and tutors work at the student's pace. Multi-sensory Instruction appeals to the learning needs & styles of our students. The program's primary emphasis is on developing reading skills through phonics instruction (as needed), fluency, vocabulary and comprehension. Students also focus on math and writing skills. Hands-on materials, computer-based resources and interactive exercises keep students engaged and make the learning process more enjoyable. JLC's Skills-Based Interventions extend beyond typical classroom instruction to aid students in developing positive and healthy social skills, and help them learn essential life skills as they prepare for the future. Youth will participate in monthly activities including educational seminars, social activities and service projects. Thanks to the generosity of the community, participating youth and their families have attended Carolina Hurricanes games, where they had private box seats, as well as the circus and other community programs.



# GET SUMMARY

The Juvenile Literacy Centers receive donations of office space so overhead is very low. There are no costs associated with utilities or rent. Most program costs are needed for instructors and the purchase of educational materials. Many local agencies and corporations provide other needed program supplies such as computers, nutrition, and age appropriate books and supplies. Using high quality volunteer tutors ensures staffing costs are kept low and they can focus on instruction and improvement of each student.

With the proposed establishment of three new Juvenile Literacy Centers in Johnston, Durham and Person counties the first year, the budget reflects the cost to operate those three centers. The second year will add three more Juvenile Literacy Centers in Granville, Franklin and Vance counties. The first year budget will double the second year since 6 sites will be operating at the same cost rate as the first year

#### Budget - 1st Year 2015/2016

Juvenile Literacy Center Cost Per Site	\$115,000

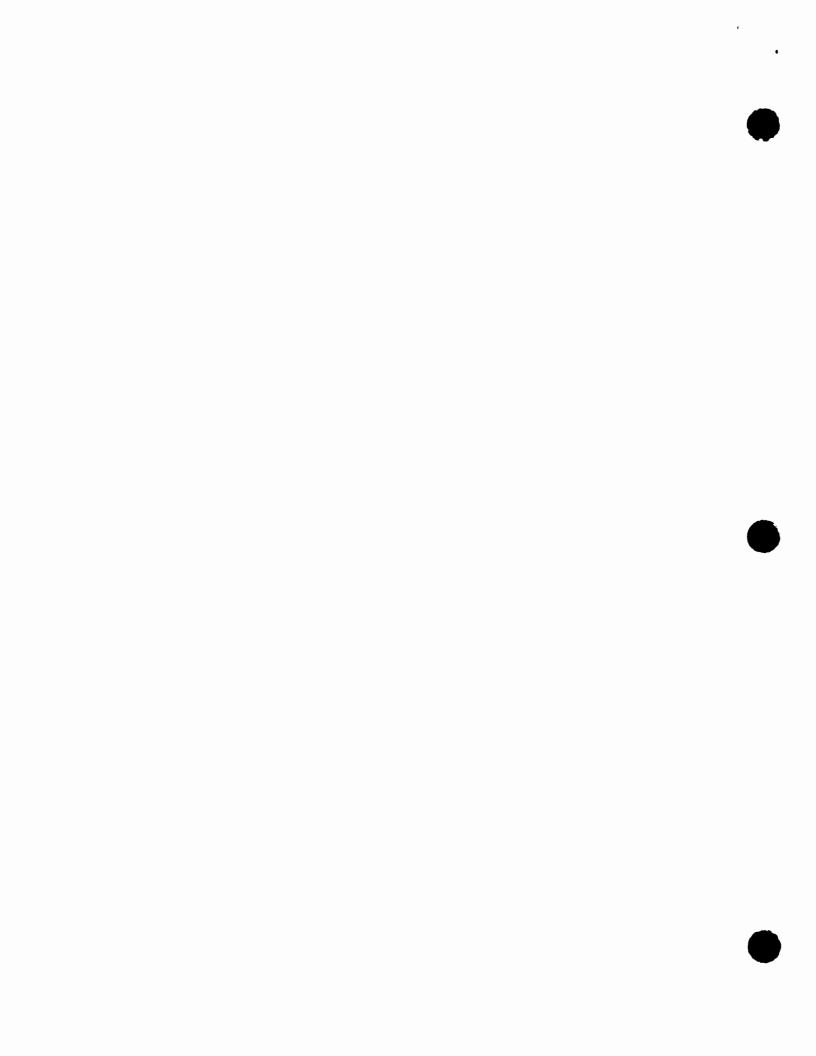
Expansion into Durham, Person and Johnston Counties Total Cost \$345,000

### Budget - 2<sup>nd</sup> Year 2016/2017

\$690,000

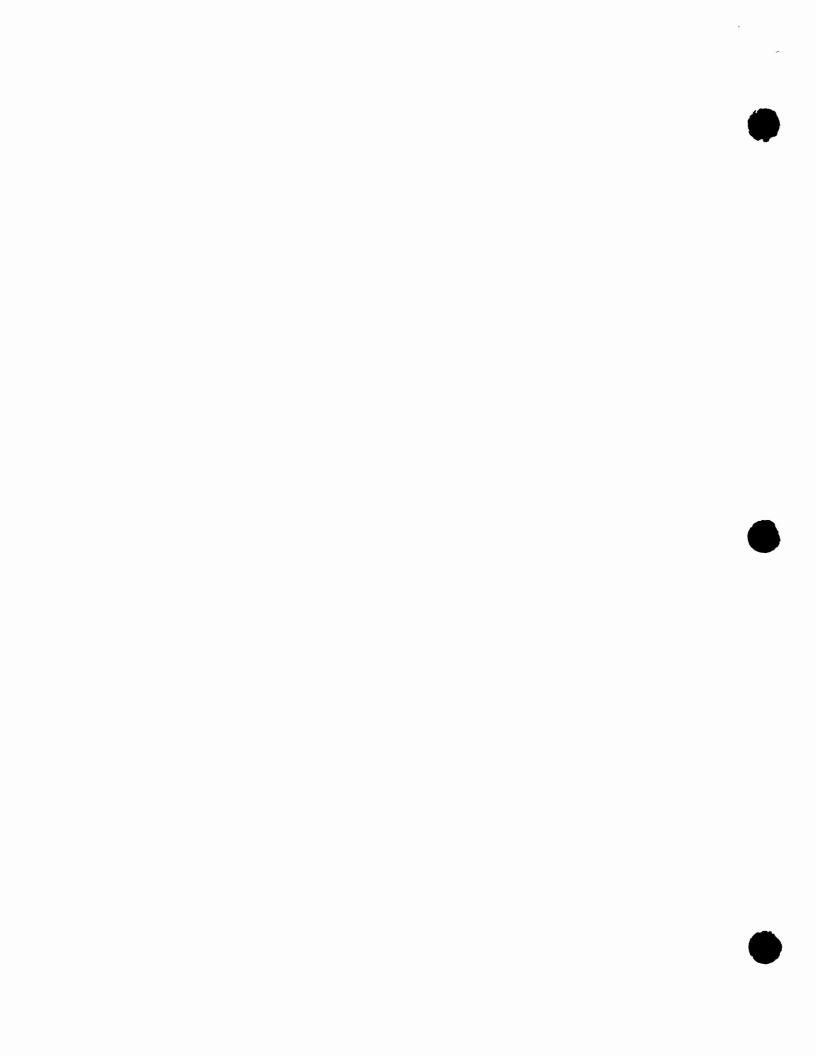
Juvenile Literacy Center Cost Per Site	\$115,000
Continuing operations in Durham, Person and Johnston Counties	\$345,000
2nd Year Expansion into Franklin, Granville and Vance Counties	\$345,000

**Total for Year Two Operations Serving 6 Counties** 



#### **BUDGET PER SITE**

Program Manager/Instructor		Total:	\$110,000
Full time program manager and instructor to provide program management, recruit students and volunteers, ensure appropriate academic services, and act as liaison to court, school and law enforcement personnel.	\$39,000		
Instructor and School/Family Liaison	\$34,000		
<ul> <li>Preparation of lesson plans, curriculums, providing appropriate support for students and parents/caregivers.</li> </ul>			
Director of Juvenile Literacy Services			
<ul> <li>Follow up of program participants, preparation of instructional materials and supplies, information resources for participants, referrals.</li> </ul>	\$19,000		
Administrative Support			
<ul> <li>Back up services including purchasing, bookkeeping, and staff administration.</li> </ul>	\$18,000		
		Total: \$	5,000
Educational Materials and Supplies			
Textbooks, Dictionaries, Practice Tests and	on-line Test		
Fees, Curriculum and other necessary supp			
High School Equivalency Diploma tests in colocal community colleges.	onjunction with		
local community coneges.			
GRAND TOTAL		\$115,00	00





### House Committee on Children, Youth, and Families Thursday, April 16, 2015 at 11:00 AM Room 421 of the Legislative Office Building

#### **MINUTES**

The House Committee on Children, Youth, and Families met at 11:00 AM on April 16, 2015 in Room 421 of the Legislative Office Building. Representatives Jonathan Jordan and Sarah Stevens – Co-Chairs; and Representatives Adams, Ager, Cunningham, Horn, Jeter, Johnson, Peirce, Stam and Watford were in attendance.

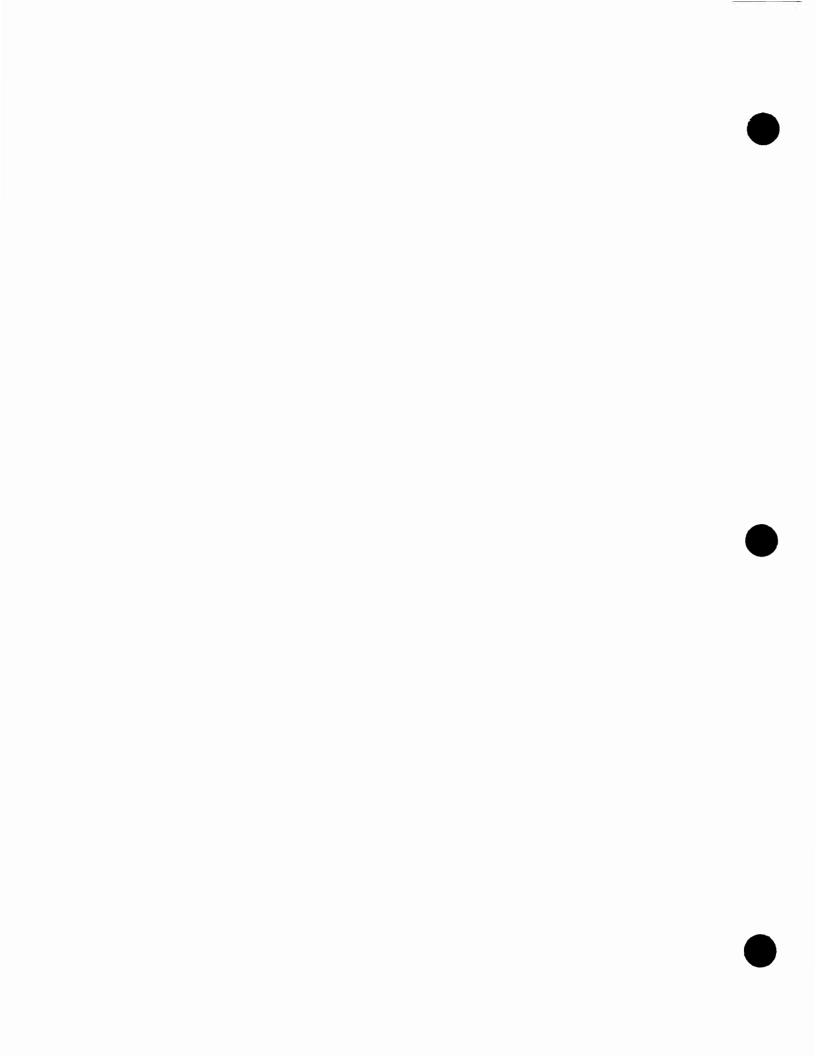
Representative Stevens, Co-Chair, called the meeting to order and introduced the Pages and Sergeant At Arms who would be assisting with the Committee. Copies of the attendance and visitor registration are attached to these minutes, (Attachment 1-4).

#### **Presentation from the Child Fatality Task Force**

Rep. Stevens recognized Karen McLeod of Benchmarks to present before the Committee concerning the Child Fatality Taskforce. See attachment 5 for a complete copy of this presentation. Following this presentation, Rep. Stevens recognized Alan Dellapenna who spoke to the Committee from page 11 of attachment 5 which covered the 2015 legislative agenda for the Child Fatality Task Force. Mr. Dellapenna then gave information to the Committee regarding the dangers of E-Cigarettes and E-Liquid, the North Carolina Toxic Free Kids Act of 2013, Protecting NC School Children from Careless Drivers, safe drug disposal and the Youth Skin Cancer Prevention Act. See attachments 6-10 for complete copies of these presentations.

Mr. Tom Vitaglione was then recognized who spoke on Senate Bill 81, "NC Toxic-Free Kids Act", House Bill 158, "Jim Fulghum Teen Skin Cancer Prevention Act ", and Senate Bill 286, "Regulate the Sale of E-Liquid Containers", which are in House and Senate Committees at this time. See attachments 11 and 13 for copies of these bills.

Rep. Jordan then recognized Sarah Verbiest of the Child Fatality Task Force to speak before the Committee, (Attachment 5, page 12). Ms. Verbiest stated that the bulk of children deaths occur before their first birthday which is why it is so important to fund the Perinatal Quality Care Collaborative of NC, East Carolina University High-Risk Maternity Clinic, March of Dimes Preconception Health Campaign, progesterone to prevent premature births, and the Safe Sleep Campaign to prevent infant deaths. Rep. Watford was recognized and asked if there was trouble with parents rolling on to children. Ms. Verbiest stated that co-sleeping was a large



problem at this time. Rep. Cunningham stated that the information seems to keep changing on whether a baby should be put to sleep on its back or front. Ms. Verbiest stated that sleeping on their backs, in a cool room with no embellishments in the crib was always best. Reps. Jeter, Horn, and Adams also asked questions and were answered by Ms. Verbiest and Alan Dellapenna.

There being no further business before the Committee, Representative Stevens adjourned the meeting.

Respectfully submitted:

Representative Jonathan Jordan, Co-Chair

Representative Sarah Stevens, Co-Chair

## Attachments:

- 1. Agenda
- 2. Attendance
- 3. Committee Sergeant at Arms
- 4. Visitor Registration
- 5. Handout Child Fatality Task Force
- 6. Handout E-Cigarettes and E-Liquid
- 7. Handout North Carolina Toxic Free Kids Act of 2013
- 8. Handout Protecting NC School Children from Careless Drivers
- 9. Handout Safe Drug Disposal
- 10. Handout Youth Skin Cancer Prevention Act
- 11. Senate Bill 81
- 12. House Bill 158
- 13. Senate Bill 286

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## House Committee on Children, Youth, and Families Thursday, April 16, 2015, 11:00 AM 421 Legislative Office Building

#### **AGENDA**

**Welcome and Opening Remarks** 

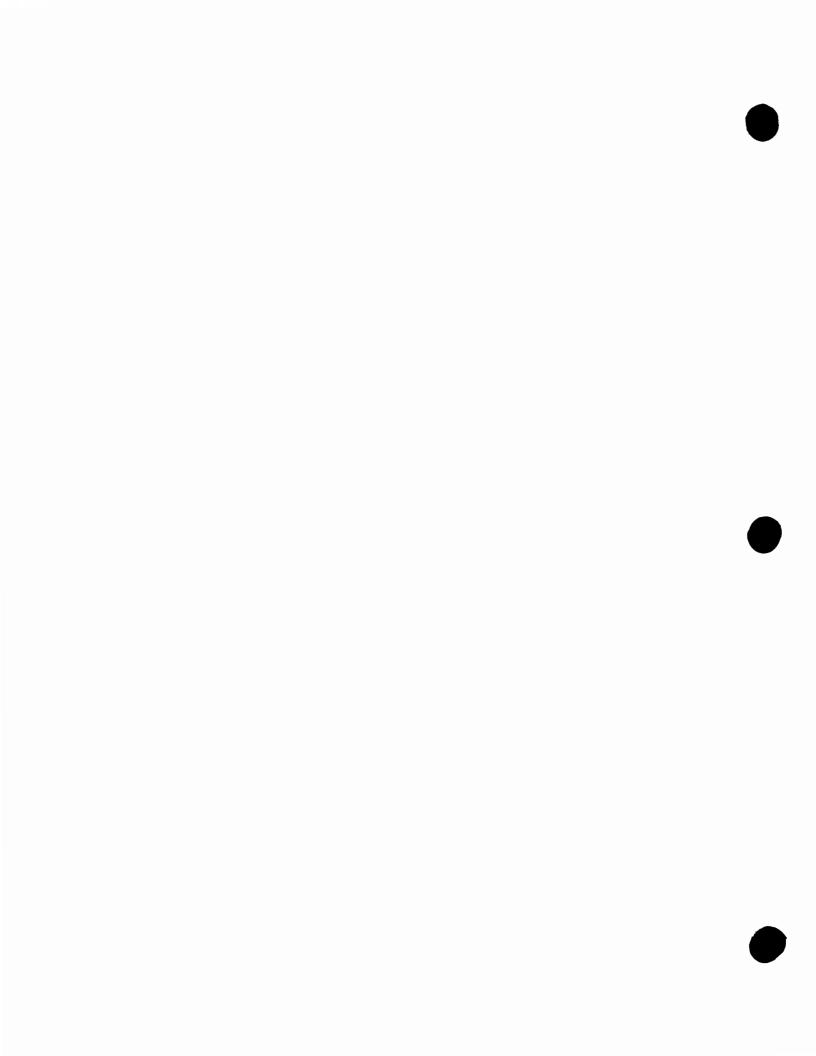
**Introduction of Pages** 

**Presentations** 

Presentation from the Child Fatality Task Force.

**Other Business** 

Adjournment



# **ATTENDANCE**

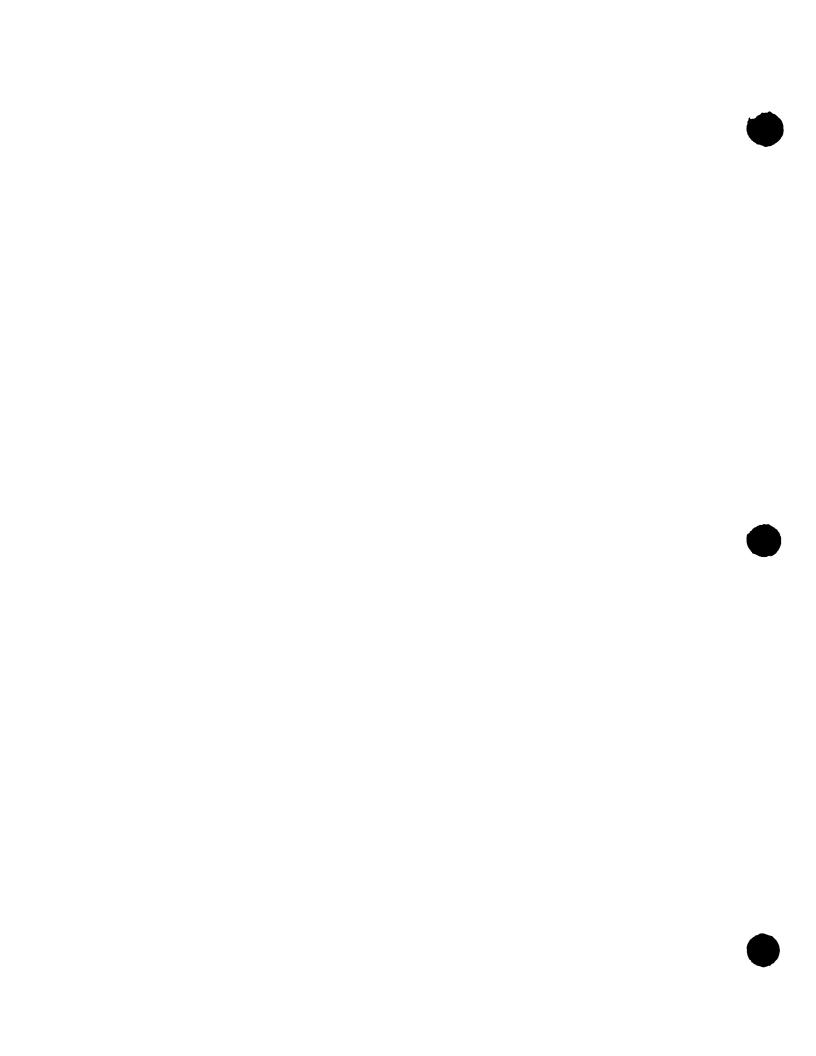
# CHILDREN, YOUTH, and FAMILIES

DATES	04-16-2015						
Rep. Jonathan Jordan – Co-Chair	X						
Rep. Sarah Stevens – Co-Chair	X						
Rep. Tricia Cotham – Vice Chair							
Rep. Jay Adams	X						
Rep. John Ager	X						
Rep. Marilyn Avila							
Rep. Carla Cunningham	X						
Rep. Rosa Gill							
Rep. Craig Horn	X						
Rep. Charles Jeter	X						
Rep. Linda Johnson	X						
Rep. Garland Pierce	X						
Rep. Dennis Riddell							
Rep. Brad Salmon							
Rep. Paul Stam	X						
Rep. Evelyn Terry							
Rep. Sam Watford	X						
STAFF							
Jan Paul - Research	X						
Denise Adams - Research							
Tawanda Foster – Research	X						
James Ritter - Research	X						
Lisa Brown – Committee Clerk	X						

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# Committee Sergeants at Arms

NAME OF COMMUTTEE Childern, Youth And Fa	milies
DATE: 4-16-2015 Room: 415	
House Sgt-At Arms:	
1. Name: Bill Bass	
2. Name: John Brandon	
ame: Mark Cone	
4. Name:	
5. Name:	· ·
Senate Sgt-At Arms:	
. Name:	manaro stali
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i d'inc:	_



Thursday, April 16 CHILDREN, YOUTH AND FAMILIES

**Room** 421

Time 11:00 am

Name	County	Sponsor
Ben Smith	Johnston	N. Leo Daughtry

		_

## VISITOR REGISTRATION SHEET

# Children, Youth and Families

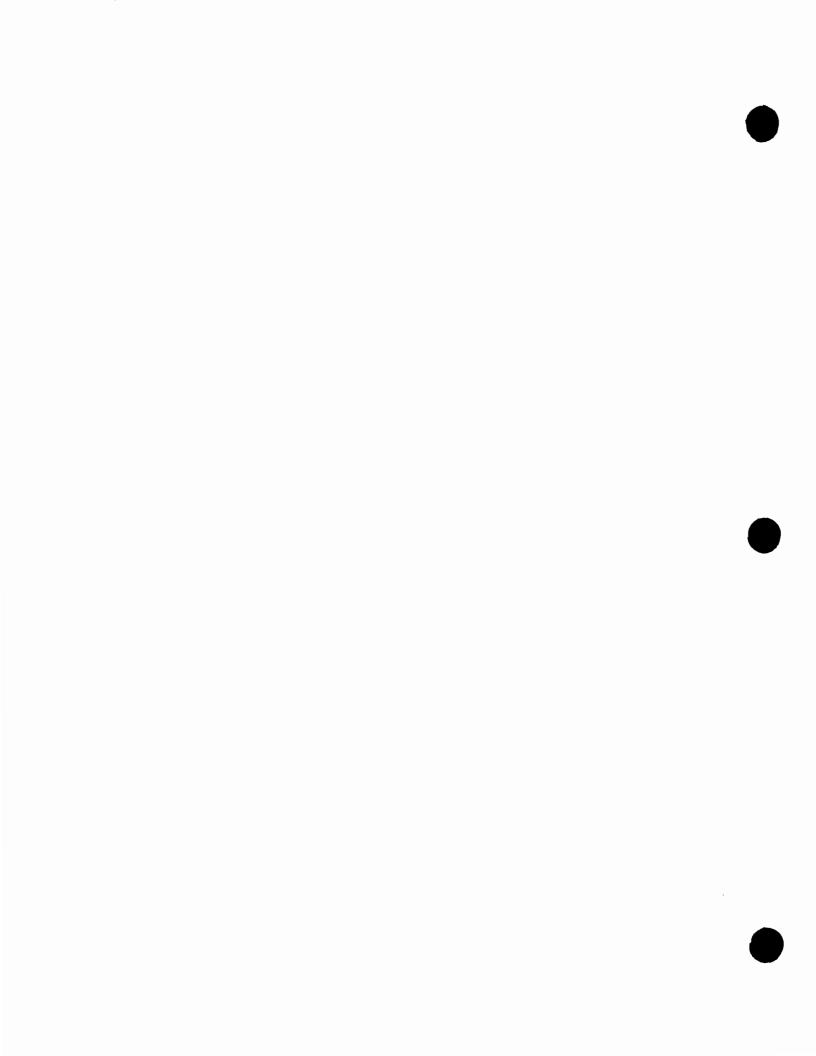
Name of Committee

4-16-2015

Date

## VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS			
TOMVABELINE	NCCHILD			
Sarah Verbiest	Child Fatality Task Force			
ALAN DELLAPENNA	CHILD FATALITY TASK FORCE			
Mat-1600s	NCPC			
Dey of	muc			
Annaliese polph	DL			
Dela Votte:	AHA			
Andy Chase	KMA.			
Trent Worde	D12-5.			
JUSAN HARRIS	NCDISEA			
Jamaira Pfister	Unidians Home Society			



### VISITOR REGISTRATION SHEET

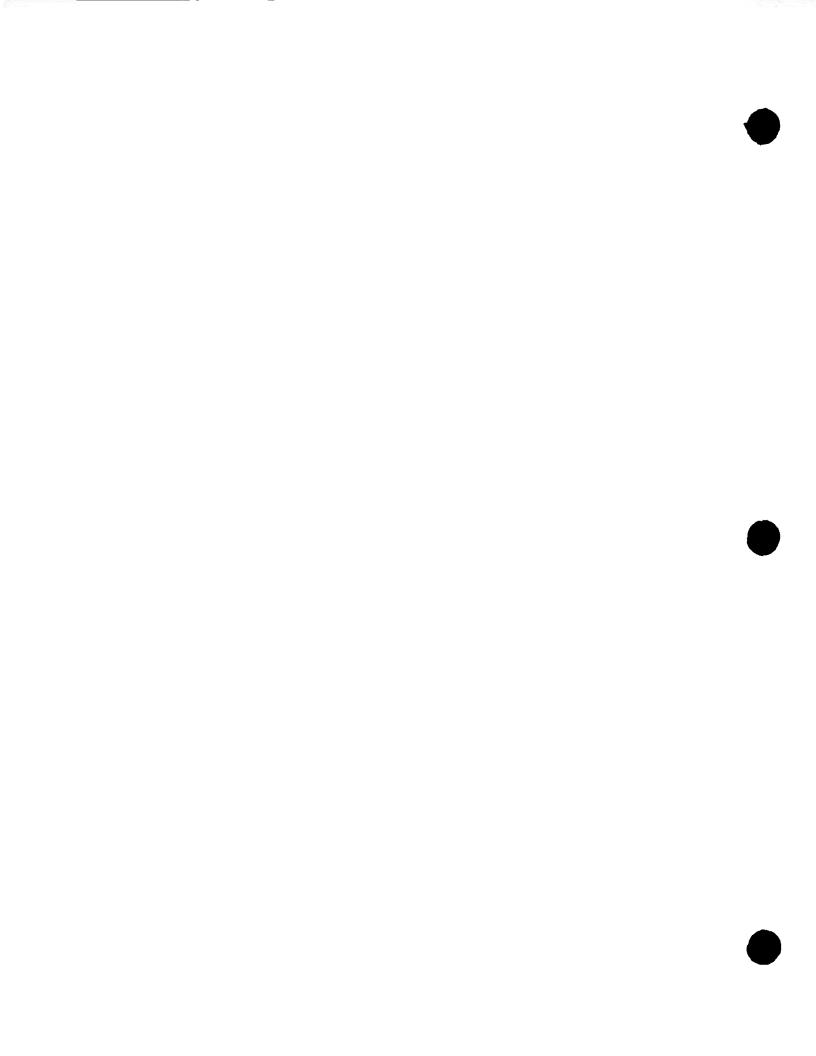
# Children, Youth and Families

Name of Committee

4-16-2015

## VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS	
Mildred Spearman	NCAOC	
Mildred Spearman KM	NCAOC	
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	,	





# **Child Fatality Task Force**

Children, Youth, and Families Committee

April 2015

# Child Fatality Task Force

In 1991, the General Assembly established the Child Fatality Task Force as a legislative study commission to review the causes of death in children less than 18 years of age, and to develop recommendations to prevent future deaths.

The Task Force charge was later expanded to studying the incidence and causes of child maltreatment.

## Child Fatality Task Force

## Our Charge (7B-1400)

- Develop communitywide approach to child abuse and neglect;
- Understand causes of childhood death;
- ID gaps in service delivery in systems designed to prevent death; and
- Make and implement recommendations for laws, rules and policies that will support the safe and healthy development of our children and prevent future child abuse, neglect and death.

## CFTF Membership

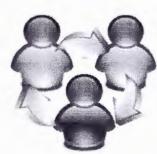
- Comprised of 10 NC state legislators and 35 volunteers who are individuals with specific areas of expertise, appointed to the commission either by the House or Senate leadership or the Governor's office.
- About 1000 hours or more of volunteer time goes into crafting the CFTF agenda every year!!

## Child Fatality Prevention System

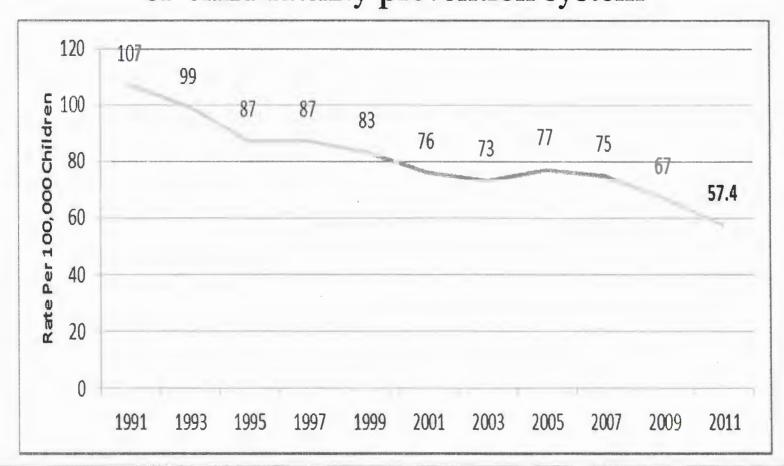
## **Child Fatality Prevention System**

- Child Fatality Task Force
- State Child Fatality Prevention Team (State Team)
- Local teams (Child Fatality Prevention Team and

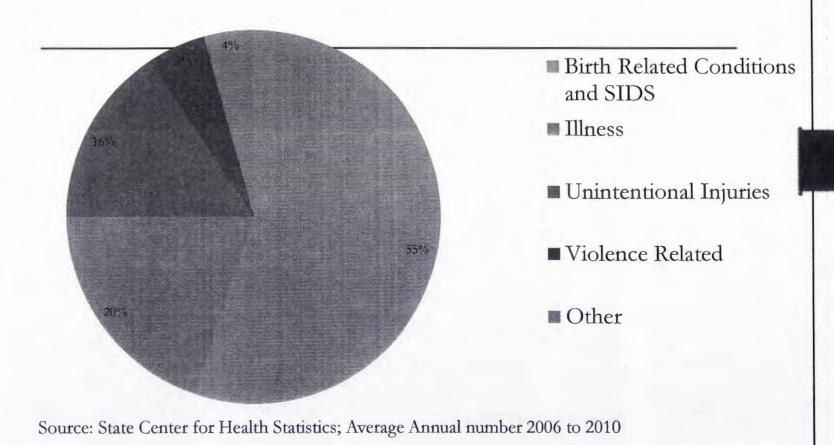
Community Child Protection Team)



# 46% Decline in child death rate since inception of child fatality prevention system



## CAUSES OF child DEATH in NC



# Varied agenda created by 3 committees correlating to causes of death

- Perinatal Health
- Unintentional Death
- Intentional Death Prevention



## Child Fatality Task Force

- Over the years, the Task Force has made several hundred recommendations. A few examples of those adopted include:
- Graduated Drivers License Program
- Child passenger safety laws
- Safe Surrender Act
- Pulse Oximetry Screening
- Funding to Drive Evidence Based Treatment Programs
- Strengthened Sex-Offender Registry and Child Abduction Laws

## Child Fatality Task Force

- Task Force is focused on data-driven and evidence-based recommendations that bring a strong return on investment.
- Subcommittees develop recommendations that are brought forward to the full CFTF for consideration.
  - Legislative Recommend/Support
  - Legislative Endorse
  - Administrative Recommendation
  - > Track and Monitor



## CFTF 2015 Legislative Agenda

## Legislative- Recommend/Support

- Require child-proof packaging for e-cigarette/vapor nicotine liquid.
- Prohibit sale of certain chemicals (Bisphenol A; TRIS; Phthalates) in children's products.
- \$700,000 to expand the Stop-Arm Camera Program on school buses.
- \$120,000 to the State Bureau of Investigation for Safe Drug disposal
- Ban minors from using commercial/regulated tanning beds.
- Support a resolution authorizing the Legislative Research Commission to examine ways to prevent suicide in youth using existing bodies of research and evidence, including the 2015 NC Suicide Prevention Plan.



## CFTF 2015 Legislative Agenda

## Legislative - Endorse

Reduce infant mortality and promote perinatal health through funding of key efforts:

\$367,500 for the Perinatal Quality Care Collaborative of NC

\$393,750 for East Carolina University High-Risk Maternity Clinic

\$367,500 for the March of Dimes Preconception Health Campaign

\$54,600 for 17-Progesterone to prevent premature births.

\$100,000 for the Safe Sleep Campaign to prevent infant deaths.

- Provide additional funding from the Master Settlement Agreement for tobacco cessation and prevention.
- Reinstatement (to \$1.4 million) of the funding for the Carolina's Poison Control Center.
- Require drivers of scooters to wear reflective clothing.
- Strengthen the Controlled Substances Reporting System.
- \$750,000 to support all accredited Child Advocacy Centers in NC

## E-Cigarettes and E-Liquid: Danger to Children

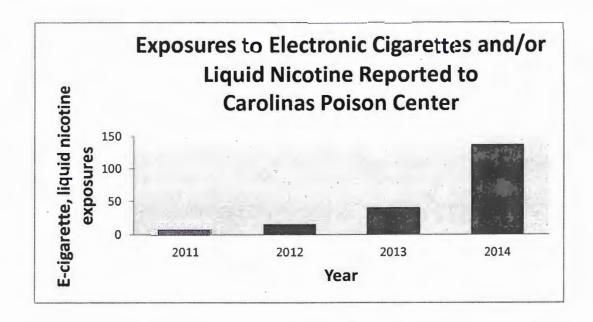


### What is an E-Cigarette?

- E-cigarettes (also called vapor products) are battery operated devices that heat a liquid solution, normally containing nicotine, to produce an aerosol inhaled by the user.
- Some e-cigarettes use cartridges that can be refilled with a liquid solution (e-liquid).

#### What is the Danger for Kids?

- · Liquid nicotine is extremely toxic.
- Even small amounts of e-liquid, whether swallowed or absorbed through the skin, can cause vomiting, seizures, or death.
- E-liquid comes in many flavors that are enticing to children, such as cherry, chocolate, candy apple, and bubble gum.
- E-liquid containers are currently packaged in a way that does not protect against child tampering and opening.
- A child in the United States recently died from e-liquid poisoning.
- Calls to the Carolinas Poison Center about e-liquid poisonings have increased 1,613% over the past three years.

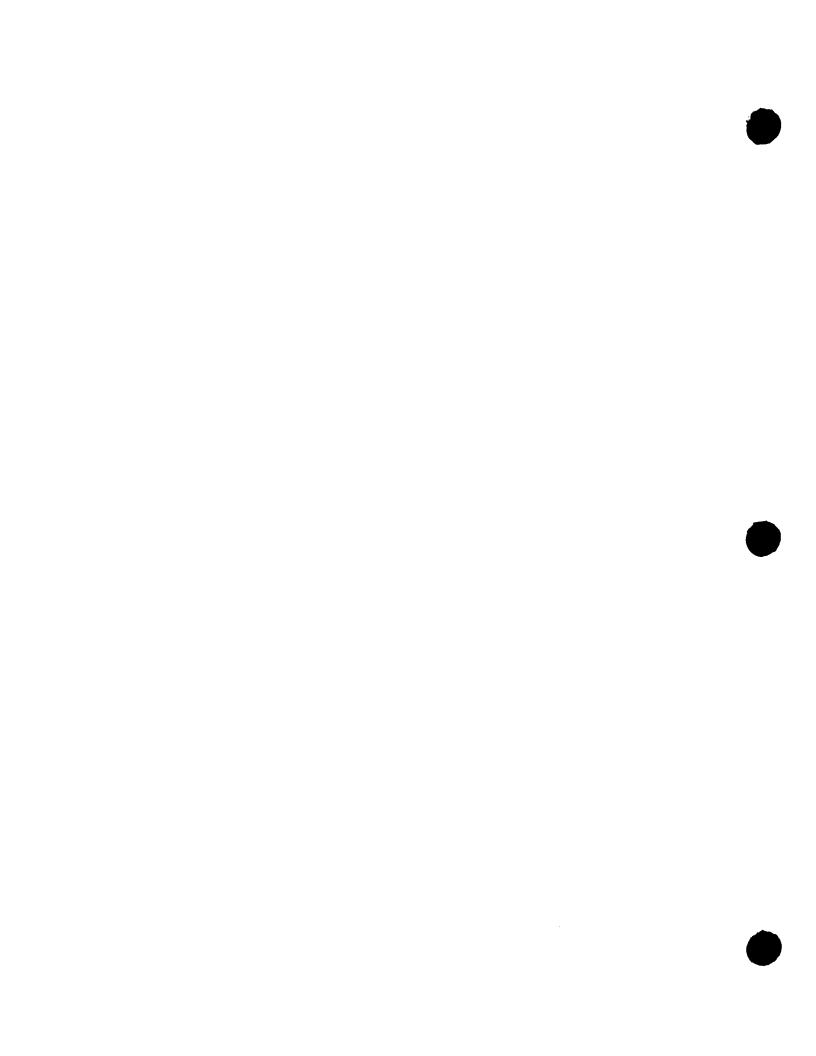


#### Sources:

- -- Tobacco Control Legal Consortium, Electronic Cigarette Liquid Packaging and Sales Requirements (updated September 2014), available at http://publichealthlawcenter.org/sites/default/files/resources/tclc-fs-e-liquid-packaging-2014\_0.pdf
- --Robert A. Bassett et al., Nicotine Poisoning in an Infant, 370 N. ENGL. J. MED. 2240 (2014), available at http://www.nejm.org/doi/full/10.1056/NEJMc1403843
- --Stanton Glanz, Child Resistant Packaging of Electronic Cigarettes Devices and Refill Liquid to Prevent Child Poisoning, Center for Tobacco Control Research & Education (July 8, 2014), available at http://tobacco.ucsf.edu/child-resistant-packaging-electronic-cigarette-devices-and-refill-liquid-containers-containing-nicot
- --Press Release, American Association of Poison Control Centers (AAPCC) and Poison Centers Issue Warning About Electronic Cigarettes and Liquid Nicotine (Mar. 25, available at http://www.aapcc.org/press/29

from National Association of Attorneys General to Margaret Hamburg, Commissioner of the Food and Drug Administration (Sept. 24, 2013), available at http://www.naag.org/assets/files/pdf/E%20Cigarette%20Final%20Letter%20%285%29%281%29.pdf

--First Child's Death From Liquid Nicotine Reported as 'Vaping' Gains Popularity, ABC News (December 12, 2014), available at http://abcnews.go.com/Health/childs-death-liquid-nicotine-reported-vaping-gains-popularity/story?id=27563788



## N.C. Toxic Free Kids Act of 2013

H.B. 848 (McGrady)

The N.C. Toxic Free Kids Act takes a common sense approach to ensuring that children's products are safe before they end up in stores and our homes. The N.C. Toxic Free Kids Act of 2013 will:

- Ensure that all manufacturers that use toxic chemicals in children's products disclose the presence of these chemicals.
- Require that manufacturers phase out the use of three Priority Chemicals in children's products.



### What's the Problem?

Harmful chemicals continue to be found in children's products, even though safer alternatives are available. Toxic chemicals known to be used in the products that children use every day include:

- BPA in food packaging such as baby food and infant formula containers.
- Phthalates in toys, scented lotions, shampoos and other personal care products.
- Flame retardants in nursery furniture, nursing pillows and carseats.

Priority Chemicals are persistent in our environment and bodies. They have been found to cause health effects like cancer, reproductive harm or adverse effects on brain development. Cancer is on a slow and steady increase in American children, rising 22% from 1975 to 2004. Autism now affects 1 in 88 American children, and 1 in 54 boys. Exposure to toxic chemicals is an important factor in these devastating diseases.

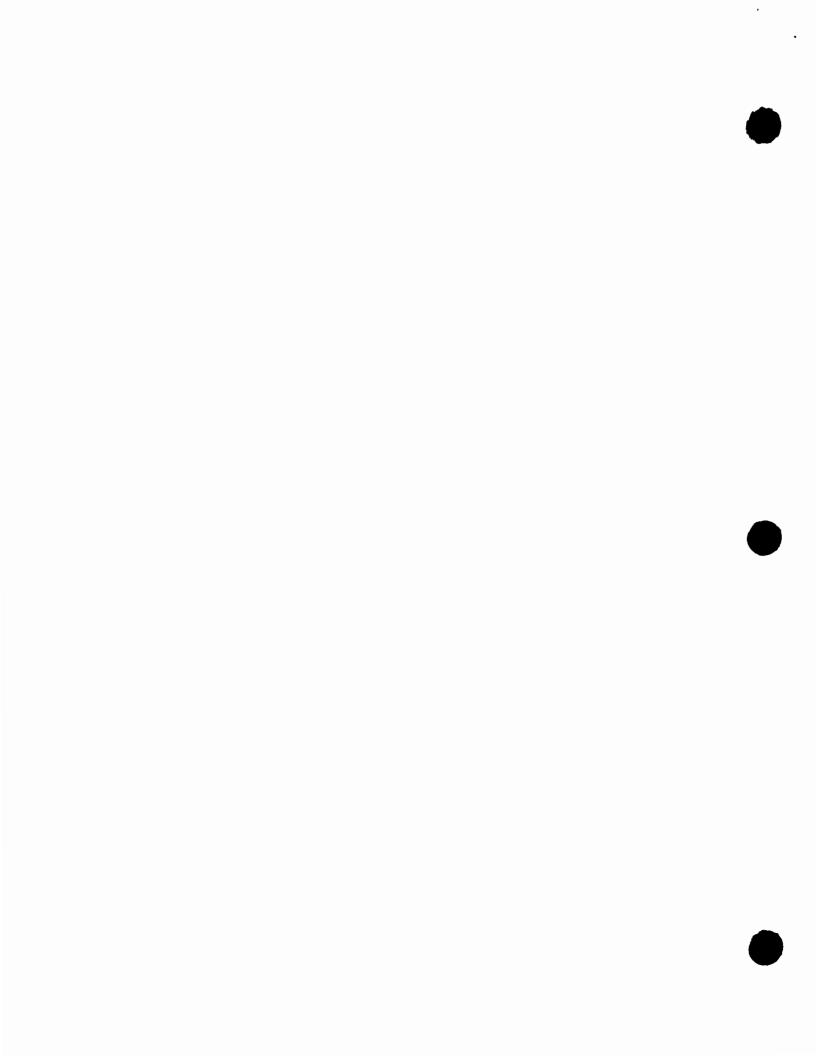
There is no comprehensive system in place to assure that highly hazardous chemicals are not being used in children's products. That means many toxic chemicals are ending up in a place they shouldn't: our children's bodies.

### What's the Solution?

In order to reduce our children's exposure to toxic chemicals, North Carolina needs a mechanism to begin phasing out the use of dangerous chemicals in children's products:

**Disclosure.** The NC Department of Environment & Natural Resources would work together with the NC Division of Public Health to develop a list of **Priority Chemicals** that pose unnecessary risks to children's health.

**Phase Out.** Ends the use of two cancer-causing Tris flame retardants (TCDPP and TCEP), as well as the plastic additives Bisphenol A (BPA) and phthalates in children's products.



Safer Products. Requires makers of children's products that contain chemicals from the Priority Chemicals List to begin identifying safer chemicals or materials for their products.

### **Market-Driven Approach**

Thanks to innovative solutions, mercury, toxic flame retardants, lead, and other persistent toxic chemicals all are being phased out in several states. Providing manufacturers with a Priority Chemicals List can help end the toxic treadmill of substituting one bad chemical for another, and help businesses avoid costly substitution problems.

In the last decade, 18 states have passed more than 70 laws to ban chemicals in products or create new chemical management programs at the state level (for examples see Maine's Kid Safe Products Act; Washington's Children's Safe Product Act; Minnesota's Toxic Free Kids Act).

### **Priority Chemicals**

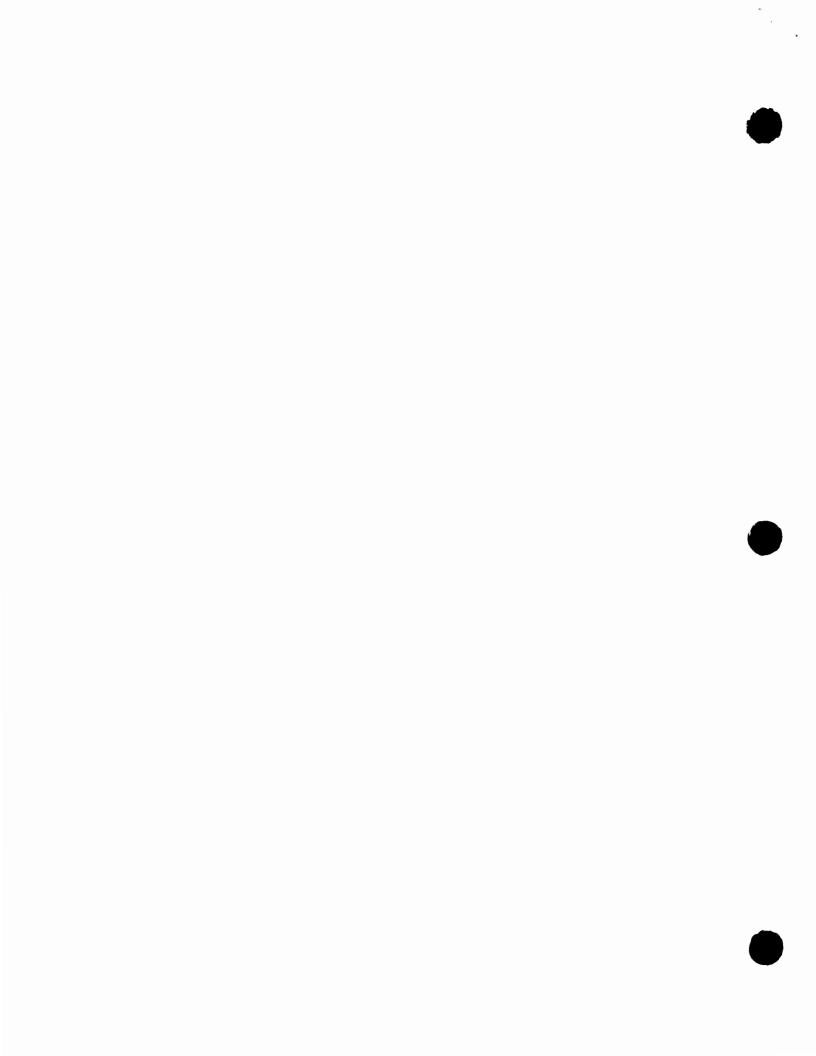
Priority Chemicals are persistent in our environment and bodies, and have been found to cause health effects like cancer, reproductive harm or adverse effects on brain development. Three chemicals targeted for phase-out under this bill are:

- 1. Bisphenol A (BPA) is a hormone-disrupting chemical found in polycarbonate plastic. BPA is widely used in food packaging, including baby food and formula.
- 2. Phthalates (BBP, DBP, DEHP) are used as softeners in PVC plastic such as children's toys, and fragrance-binders in personal care products like baby shampoo. Phthalates are hormone-disrupters, and exposure is linked to reproductive and respiratory problems, and risk factors for breast cancer.
- 3. TRIS flame retardants are used in textiles such as nursery furniture, and foam products like nursing pillows and the padding in carseats. They are linked to cancer, as well as adverse effects on learning and development. TRIS flame retardants were banned from children's pajamas in the 1970's due to cancer risks, but are back in the marketplace to replace hazardous Brominated flame retardants, which were taken off the market recently.



For more information contact:
Fawn Pattison, Toxic Free NC fawn@toxicfreenc.org

Toxic Free NC is a non-profit organization dedicated to protecting children's health, a clean environment, and a vibrant economy. www.ToxicFreeNC.org





## Protecting NC School Children from Careless Drivers

Every day thousands of drivers in North Carolina speed past stopped school buses, putting children at risk. In a one-day survey at the beginning of the 2014 school year, NC school bus drivers reported 3,153 vehicles passing stopped school buses, more than double the violations reported in 2000.

In recent weeks, NC children boarding or waiting for school buses have been injured and even killed by careless drivers. These tragedies are preventable. As you know from past work on this issue, parents, school officials and law enforcement work to protect children and hold violators accountable, but the sheer number of buses makes it impractical for law enforcement to catch every violator. We can and should do more to protect children by using technology to the fullest extent.

States around the country are using state-of-the-art technology to catch violators who pass stopped school buses. Systems in Virginia and Georgia deploy stop-arm cameras mounted on school buses to detect illegally passing vehicles, photograph the license plates, and issue automatic citations to vehicle owners. The systems pay for themselves using fines collected from violators, similar to the way red light photo enforcement works.

Utilizing this civil citation method would improve student safety and enforcement while minimizing the work load on school districts, law enforcement and the criminal justice system.

It's working. These states have seen fewer drivers speeding past stopped school buses thanks to the swift, automatic action following each violation. For example, a large, urban county in Georgia issued 1,302 citations in its first month. But by the sixth month, citations dropped to 375 per month, a 71 percent decrease.

In North Carolina, legislation is needed to give local school boards authority to implement a photo enforcement civil citation system for violators who illegally pass stopped school buses. We respectfully request that the NC Child Fatality Task Force actively support this plan to improve safety for students who ride school buses and to deter potentially deadly violations.



Charges and Convictions for G.S. 20-217 November 2014

SCOPE: Table 1 represents the total number of charges and convictions for G. S. 20-217 from 2009-2013. Please note that convictions are not a subset of charges, and conviction rates cannot be calculated from this report.

Table 1. Charges and Convictions for Violations of G.S. 20-217

Table 1. Charges and Convictions for Violations of G.S. 20-217						
YEAR	F/T*	OFFENSE	STATUTE	TOTAL CHARGES	TOTAL CONVICTIONS	
2009	F	PASS STOPPED BUS STRIKE PERSON	20-217(G)	4	2	
2009	T	FAIL TO STOP FOR STOPPED BUS	20-217	1216	329	
2010	F	PASS STOPPED BUS STRIKE PERSON	20-217(G)	1	0	
2010	Т	FAIL TO STOP FOR STOPPED BUS	20-217	1145	326	
2011	F	PASS STOPPED BUS STRIKE PERSON	20-217(G)	5	0	
2011	Т	FAIL TO STOP FOR STOPPED BUS	20-217	1257	348	
2012	F	PASS STOPPED BUS STRIKE PERSON	20-217(G)	2	0	
2012	F	PASS STOP SCH BUS-CAUSE DEATH	20-217(G)	1	0	
2012	T	FAIL TO STOP FOR STOPPED BUS	20-217	1313	367	
2013	F	PASS STOPPED BUS STRIKE PERSON	20-217(G)	11	3	
2013	F	PASS STOP SCH BUS-CAUSE DEATH	20-217(G)	4	1	
2013	Т	FAIL TO STOP FOR STOPPED BUS	20-217	1408	402	

<sup>\*</sup>Denotes Felony or Traffic Violation

41,767 Patients called the Carolinas Poison Center in 2013 and their poison emergency was managed at home

A survey of these patients found

If the Carolinas Poison Center wasn't there, patients would have....

sought care in the healthcare system

69%

called a friend, searched the internet, or not sure what to do

21%

Annual increased cost to the health care system without Carolinas Poison Center.

**\$4.1 million**Medicaid

\$11 million

in healthcare costs

**\$4.7 million**Private Insurance

**\$1.6 million**Medicare

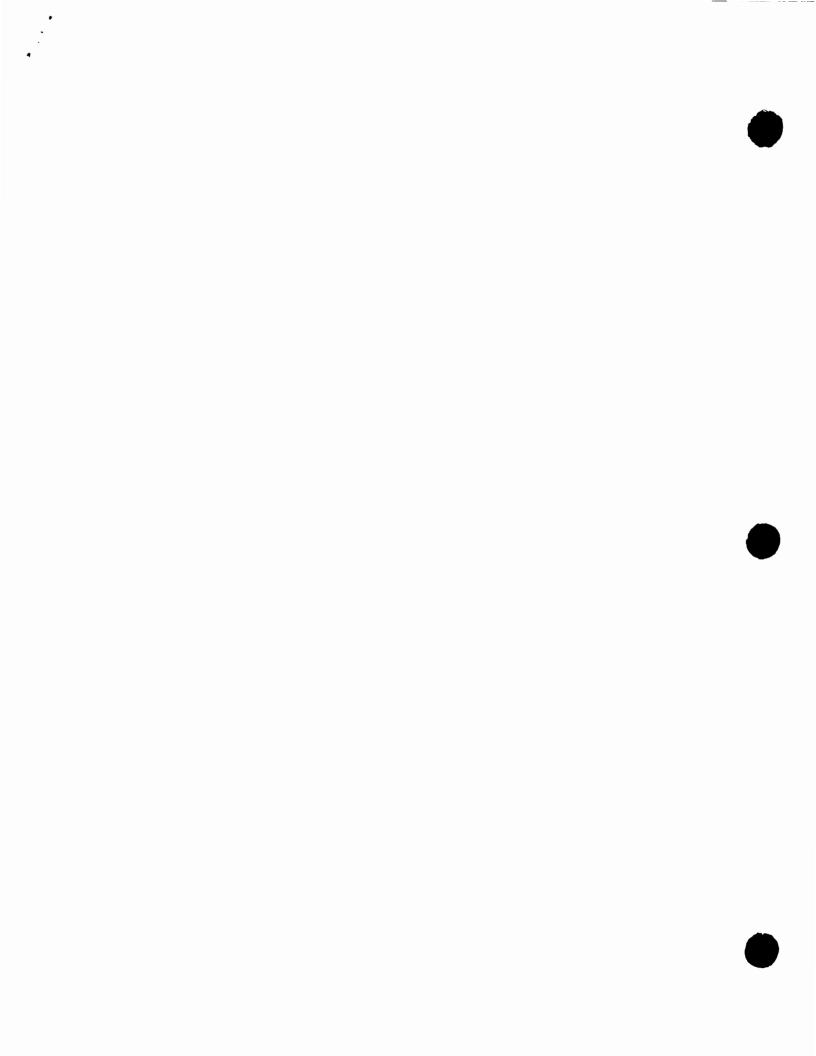
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The poisoning death rate in North Carolina has increased 300% since 1999.

The Carolina's Poison Center funding has declined over this period and services are being cut.

The Carolina's Poison Center seeks funding support to maintain services at the current level of need of \$500,000.

At the funding level, every \$1 spent saves \$22 in costs to the health care system. \$13 of the \$22 saved are Medicare and Medicaid funds.



## INDUSTRY CHANGED POSITION - SUPPORT YOUTH BAN



#### Youth Skin Cancer Prevention Act H18/S167

The Child Fatality Task Force recommends policy solutions to foster the health and well-being of our next generation with the goal of reducing child deaths. Since the inception of the Task Force in 1991, the overall child death rate has declined 46%.

**Tanning bed use by youth is associated with higher skin cancer rates.** The International Agency for Research on Cancer reports a recent study found that 76 percent of melanoma cases in people between the ages 18 and 29 years old was connected to indoor tanning bed use. Other research notes similar findings. North Carolina melanoma rates are higher than the national average.

Many states have laws more stringent than NC. At least a dozen states have laws stricter than North Carolina's current requirement that prohibits children younger than 13 from using commercial tanning beds, absent a doctor's prescription. At least 26 states are currently considering making more stringent their bans on youth use of commercial tanning beds, with 19 of those states looking at applying the restriction at age 18.<sup>2</sup>

Compliance appears to be weaker in "parental consent" states than in states with a ban.

National studies show that tanning bed operators frequently misinform consumers about the risks of tanning bed use, including investigators posing as teenage girls.<sup>3</sup> State specific studies in Massachusetts and Michigan, which are parental consent states, found that more than 80% of salons sold tanning bed time to underage patrons.<sup>4</sup> In contrast, in Wisconsin, which bans tanning bed use for youth under age 16, less than 30% of salons sold to underage patrons.<sup>5</sup>

Groups supporting a ban on youth use of tanning beds include:

- American Academy of Dermatology
- American Academy of Pediatrics
- American Cancer Society
- NC Dermatology Association
- NC Medical Society
- NC Pediatrics Society
- World Health Organization

<sup>1</sup> http://abcnews.go.com/Health/federal-investigation-finds-indoor-tanning-salons-deny-health/story?id=15483714

<sup>&</sup>lt;sup>2</sup> http://www.ncsl.org/issues-research/health/indoor-tanning-restrictions.aspx . The 12 states with more stringent laws currently are CA, DE, GA, IL, ME, NH, NJ, NY, ND, TX, VT, WI. The 19 states considering raising the age to 18 are AL, AZ, CT, FL, HI, IL, IN, IA, ME, MA, MI, MN, NE, OK, OR, PA, TX, WA, WV. The remaining states considering legislation more stringent than current NC law are CO, ID, MD, MO, MT, NJ and VA.

http://abcnews.go.com/Health/federal-investigation-finds-indoor-tanning-salons-deny-health/story?id=15483714;

<sup>4</sup> http://www.ncbi.nlm.nih.gov/pubmed/17097392

<sup>&</sup>lt;sup>5</sup> http://www.ncbi.nlm.nih.gov/pubmed/19770438

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2015

**SENATE BILL 81** 

(Public)

Sponsors:

Short Title:

S

NC Toxic-Free Kids Act.

1

Referred to:

Rules and Operations of the Senate.

February 17, 2015

Senators Bingham (Primary Sponsor); and Woodard.

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#### A BILL TO BE ENTITLED

AN ACT TO PROTECT CHILDREN FROM THE HEALTH IMPACTS OF TOXIC CHEMICALS IN CHILDREN'S PRODUCTS BY PROHIBITING THE SALE OF CHILDREN'S PRODUCTS CONTAINING BISPHENOL A, TRIS, OR PHTHALATES.

Whereas, rates of chronic diseases among children, including childhood cancers, autism spectrum disorders, certain birth defects, reproductive disorders, allergies, and developmental disorders are increasing and are associated with children's exposures to environmental agents; and

Whereas, infants and children are sensitive to toxic chemical exposure because their neurological and endocrine systems are not fully developed and their ability to detoxify and eliminate toxic residues is immature; and

Whereas, the Toxic Substances Control Act (TSCA), enacted in 1976, has allowed more than 82,000 chemicals into commerce in the United States, and only about 200 of those chemicals are subject to limited health and safety testing; and

Whereas, the chemicals known collectively as TRIS are added to plastics, foams, and textiles as flame retardants and these materials are then used in children's products such as car seats, baby changing pads, and baby carriers, despite the fact that the U.S. Consumer Product Safety Commission has determined that these chemicals are not the best way to prevent fires and is currently updating its flammability standards; and

Whereas, studies show that TRIS chemicals may induce leukenia, the most common childhood cancer; and

Whereas, phthalates are a group of chemical additives used as thickeners, softeners, or controlled release agents in plastics used in a wide variety of children's products; and

Whereas, the U.S. Centers for Disease Control and Prevention has found that phthalates, which are absorbed through the skin, are ubiquitous in the bodies of Americans, that levels are increasing, and that the highest levels are found in children and women of reproductive age; and

Whereas, several phthalates are listed as "probable" or "possible" human carcinogens by the U.S. Environmental Protection Agency, and exposure to phthalates has been associated with birth defects, shortened pregnancy, behavioral problems, lower IQ, and liver and kidney damage; and

Whereas, Bisphenol A (BPA) is an industrial chemical regularly used by the plastics industry for the production of items such as baby bottles, water bottles, food storage containers, and metal can liners; and



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51

TRIS. – Either or both of the following chemicals:

a. TDCPP (tris(1,3-dichloro-2-propyl)phosphate), Chemical Abstracts

Service Registry Number 13674-87-8, as of the effective date of this

section

<u>b.</u> Section.
 <u>b.</u> TCEP (tris(2-chloroethyl)phosphate), Chemical Abstracts Service
 Registry Number 115-96-8, as of the effective date of this section.

"§ 130A-512. Prohibition on the sale of children's products that contain chemicals of high concern.

Beginning July 1, 2017, no wholesaler or retailer may knowingly sell, offer for sale, distribute for sale, or distribute for use in this State a children's product containing any of the following:

S81 [Edition 1]

(12)

S81 [Edition 1] Page 3

appropriate use of the product.

"§ 130A-515. Adoption of rules.

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The Department may adopt rules as necessary to implement, administer, and enforce this Article."

**SECTION 1.(b)** G.S. 130A-17(b) reads as rewritten:

The Secretary of Environment and Natural Resources and a local health director "(b) shall have the same rights enumerated in subsection (a) of this section to enforce the provisions of Articles 9 and 109, 10, and 24 of this Chapter."

**SECTION 1.(c)** G.S. 130A-18(b) reads as rewritten:

The Secretary of Environment and Natural Resources and a local health director "(b) shall have the same rights enumerated in subsection (a) of this section to enforce the provisions of Articles 9 and 109, 10, and 24 of this Chapter."

**SECTION 1.(d)** G.S. 130A-19(b) reads as rewritten:

The Secretary of Environment and Natural Resources and a local health director shall have the same rights enumerated in subsection (a) of this section to enforce the provisions of Articles 9 and 109, 10, and 24 of this Chapter."

**SECTION 1.(e)** G.S. 130A-20(b) reads as rewritten:

"(b) The Secretary of Environment and Natural Resources and a local health director shall have the same rights enumerated in subsection (a) of this section to enforce the provisions of Articles 9 and 109, 10, and 24 of this Chapter."

SECTION 2.(a) The Department of Environment and Natural Resources in consultation with the Division of Public Health of the Department of Health and Human Services shall report to the General Assembly no later than January 1, 2017, summarizing and evaluating retailers' and distributors' notices on chemicals of high concern under Section 1 of this act. The report shall include recommendations for legislation to protect children's health and to improve the alternatives assessment process, as well as the following elements:

- A summary of the information provided by the reports about the use of chemicals of high concern in children's products.
- Evidence of children's exposure to chemicals of high concern. (2)
- Opportunities for preventing children's exposure to chemicals of high (3)
- The availability of safer alternatives to each chemical of high concern. **(4)**

**SECTION 2.(b)** The definitions in G.S. 130A-511, as enacted by Section 1 of this act, apply to this section unless the context clearly requires otherwise.

**SECTION 3.** Section 1 of this act becomes effective December 1, 2015. The remainder of this act is effective when it becomes law.

Page 4 S81 [Edition 1]

## GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2015

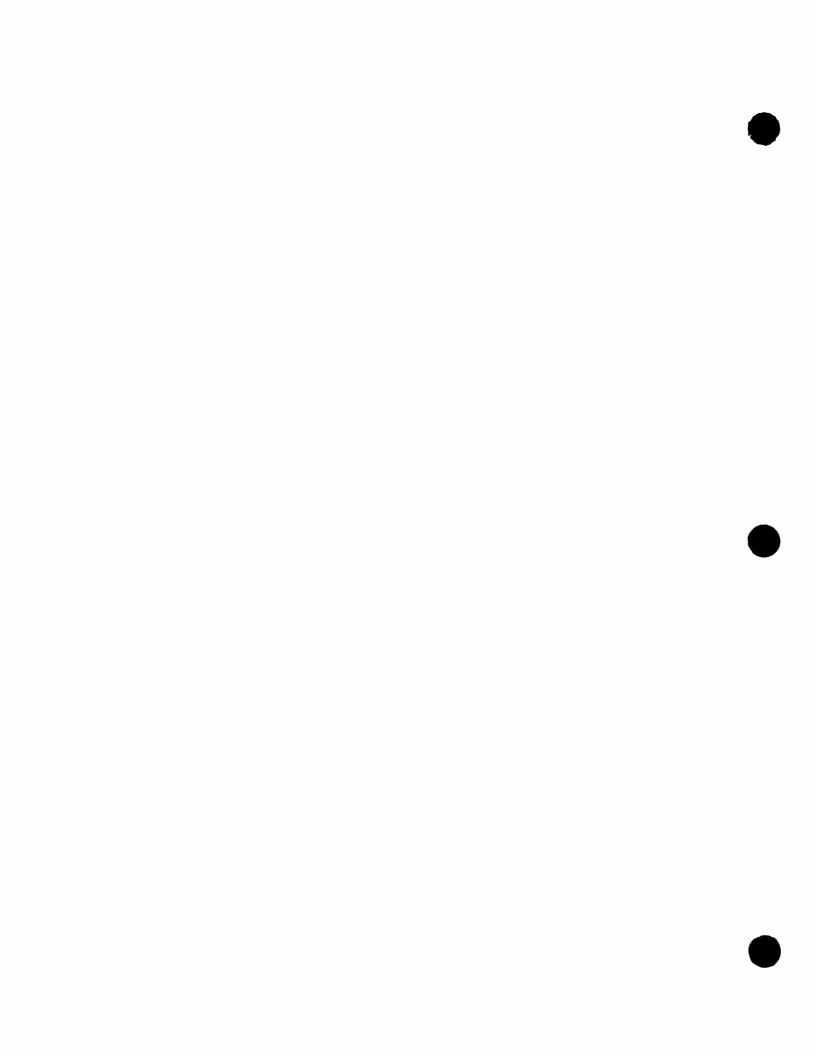
H HOUSE BILL 158\*

1

Short Title:	Jim Fulghum Teen Skin Cancer Prevention Act.	(Public)	
Sponsors:	Representatives Lambeth, Dollar, Hurley, and McElraft (Primary Sponsors).		
	For a complete list of Sponsors, refer to the North Carolina General Asser	nbly Web Site.	
Referred to:	Health.		

	Note that to the state of the s				
		March 5, 2015			
1		A BILL TO BE ENTITLED			
2	AN ACT	PROHIBITING PERSONS UNDER EIGHTEEN YEARS OF AGE FROM USING			
3	TAN	NING EQUIPMENT.			
4	The Gene	eral Assembly of North Carolina enacts:			
5		SECTION 1. This act shall be known as the Jim Fulghum Teen Skin Cancer			
6	Preventio	n Act.			
7		SECTION 2. G.S. 104E-9.1(a) reads as rewritten:			
8	"(a)	Operators of tanning equipment and owners of tanning facilities subject to rules			
9	adopted p	oursuant to this Chapter shall comply with or ensure compliance with the following:			
10		(1) The operator shall provide to each consumer a warning statement that			
11		defines the potential hazards and consequences of exposure to ultraviolet			
12		radiation. Before allowing the consumer's initial use of the tanning			
13		equipment, the operator shall obtain the signature of the consumer on the			
14		warning statement acknowledging receipt of the warning.			
15		(2) The operator shall not allow a person 13 years and younger under 18 years of			
16		age to use tanning equipment without a written prescription from the			
17		person's medical physician specifying the nature of the medical condition			
18		requiring the treatment, the number of visits, and the time of exposure for			
19		each visit.equipment.			
20		(3) Neither an operator nor an owner shall claim or distribute promotional			
21		materials that claim that using tanning equipment is safe or free from risk or			
22		that using tanning equipment will result in medical or health benefits."			
23		<b>SECTION 3.</b> This act becomes effective October 1, 2015.			





### GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2015

S

#### **SENATE BILL 286**

(Public)

1

Sponsors:

Short Title:

Senators Bingham, D. Davis (Primary Sponsors); Bryant and Waddell.

Referred to:

Rules and Operations of the Senate.

Regulate the Sale of E-Liquid Containers.

#### March 16, 2015

1	
2	

3

5

### A BILL TO BE ENTITLED

AN ACT PROHIBITING THE SALE OF E-LIQUID CONTAINERS WITHOUT CHILD-RESISTANT PACKAGING AND SAFETY WARNING LABELS.
The General Assembly of North Carolina enacts:

**SECTION 1.** Article 52 of Chapter 14 of the General Statutes is amended by adding a new section to read:

#### "§ 14-401.18A. Sale of certain e-liquid containers prohibited.

8

7

(a) The following definitions apply in this section:

10 11

12

(1) Child-resistant packaging. – Packaging that is designed or constructed to be significantly difficult for children under five years of age to open or obtain a toxic or harmful amount of the substance contained therein within a reasonable time and not difficult for normal adults to use properly, but does not mean packing which all such children cannot open or obtain a toxic or harmful amount within a reasonable time.

13 14 15

(2) E-liquid. – A liquid product, whether or not it contains nicotine, that is intended to be vaporized and inhaled using a vapor product.

16 17

18

E-liquid container. – A bottle or other container of e-liquid. The term does not include a container holding e-liquid in a cartridge that is intended for use in a vapor product if the cartridge is prefilled and sealed by the manufacturer and is not intended to be opened by the consumer.

19 20 21

22

23

(4) Vapor product. – Any noncombustible product that employs a mechanical heating element, battery, or electronic circuit regardless of shape or size and that can be used to heat a liquid solution contained in a vapor cartridge. The term includes an electronic cigarette, electronic cigar, electronic cigarillo, and electronic pipe.

242526

(b) It shall be unlawful for any person, firm, or corporation to sell, offer for sale, or introduce into commerce in this State an e-liquid container unless the container meets all of the following requirements:

272829

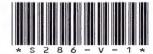
(1) Constitutes child-resistant packaging.

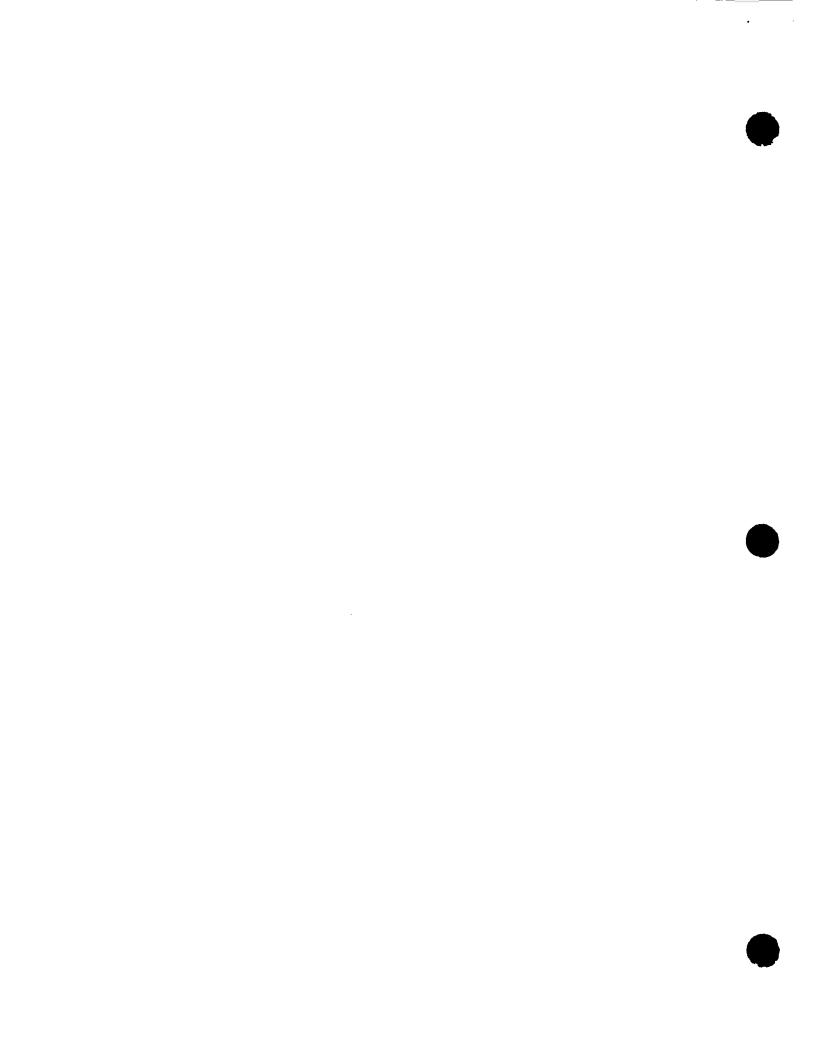
30 31 (2) Is labeled with safety warnings consistent with rules adopted by the North Carolina Commission for Public Health.

32 33 (c) Any person, firm, or corporation that violates the provisions of this section shall be liable in damages to any person injured as a result of the violation and also shall be guilty of a Class A1 misdemeanor."

34 35

SECTION 2. G.S. 130A-29(c) is amended by adding a new subdivision to read:

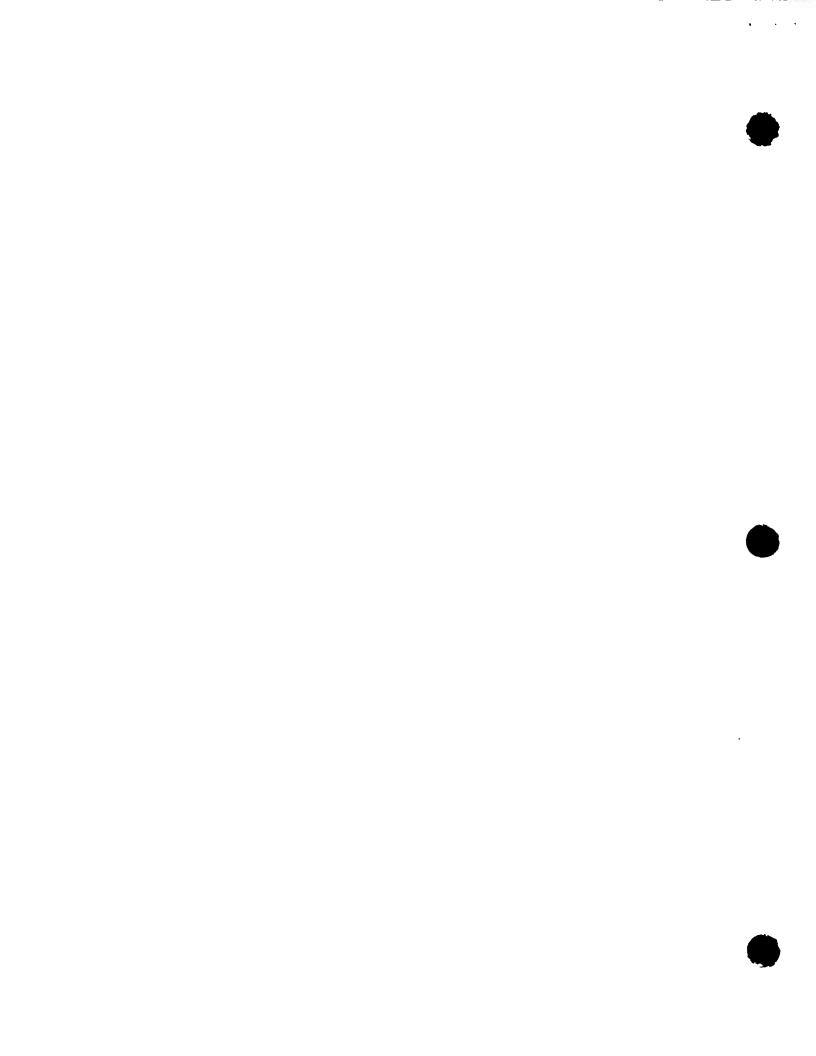




Assembly of North Carolina Session 2015	General Assemb
"(12) Establishing standards for safety warnings to be included on labels for	"(12)
e-liquid containers as defined in G.S. 14-401.18A."	
CECTION 2 This art because offerting December 1 2015 and on lies to	CECT

1 2 3 4 **SECTION 3.** This act becomes effective December 1, 2015, and applies to offenses committed on or after that date.

Page 2 S286 [Edition 1]





#### House Committee on Children, Youth, and Families Thursday, May 14, 2015 at 11:00 AM Room 421 of the Legislative Office Building

#### **MINUTES**

The House Committee on Children, Youth, and Families met at 11:00 AM on May 14, 2015 in Room 421 of the Legislative Office Building. Representatives Jonathan Jordan and Sarah Stevens – Co-Chairs; and Representatives Ager, Gill, Peirce and Stam were in attendance.

Representative Jordan, Co-Chair, called the meeting to order and introduced the Pages and Sergeant At Arms who would be assisting with the Committee. Copies of the attendance and visitor registration are attached to these minutes, (Attachment 1-4).

SB 114 - AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF CHILD DEVELOPMENT AND EARLY EDUCATION AND THE DIVISION OF SOCIAL SERVICES, TO DEVELOP A PLAN REQUIRING A CUSTODIAL PARENT OR OTHER RELATIVE OR PERSON WITH PRIMARY CUSTODY OF A CHILD RECEIVING CHILD CARE SUBSIDY PAYMENTS TO COOPERATE WITH COUNTY CHILD SUPPORT SERVICES PROGRAMS AS A CONDITION OF RECEIVING CHILD CARE SUBSIDY PAYMENTS, AS RECOMMENDED BY THE CHILD SUPPORT SUBCOMMITTEE OF THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE, (Attachment 5).

Rep. Jordan stated that Senate Bill 114, "Custodial Parent/Party Cooperate w/Child Supp" was before the Committee for consideration and recognized Sen. Randleman to present the bill. Senate Bill 114 would require the division of Child Development and Early Education and the Division of Social Services to develop a plan to require a person with primary custody of a child receiving child care subsidy payments to cooperate with county child support services as a condition of receiving the subsidy payments. The Division would be required to submit a report to the Joint Legislative Oversight Committee on Health and Human Services and the Fiscal Research Division.

Following this explanation, Rep. Jordan recognized members for questions and comments on the bill. Rep. Gill asked questions and was answered by Sen. Randleman and Rep. Stevens. Rep. Stam was then recognized and moved that Senate Bill 114 receive a favorable report and be re-referred to the Committee on Judiciary III. Rep. Jordan called for a vote and the motion carried.

There being no further business before the Committee, Representative Jordan adjourned the meeting.

Respectfully submitted:

Representative Jonathan Jordan, Co-Chair

Representative Sarah Stevens, Co-Chair

Lisa Brown, Committee Clerk

#### Attachments:

- 1. Agenda
- 2. Attendance
- 3. Committee Sergeant at Arms & Pages
- 4. Visitor Registration
- 5. SB 114 and Summary

		_



## House Committee on Children, Youth, and Families Thursday, May 14, 2015, 10:00 AM 421 Legislative Office Building

#### **AGENDA**

Welcome and Opening Remarks

**Introduction of Pages** 

**Bills** 

BILL NO. SHORT TITLE

**SPONSOR** 

**SB** 114

Custodial Parent/Party Cooperate

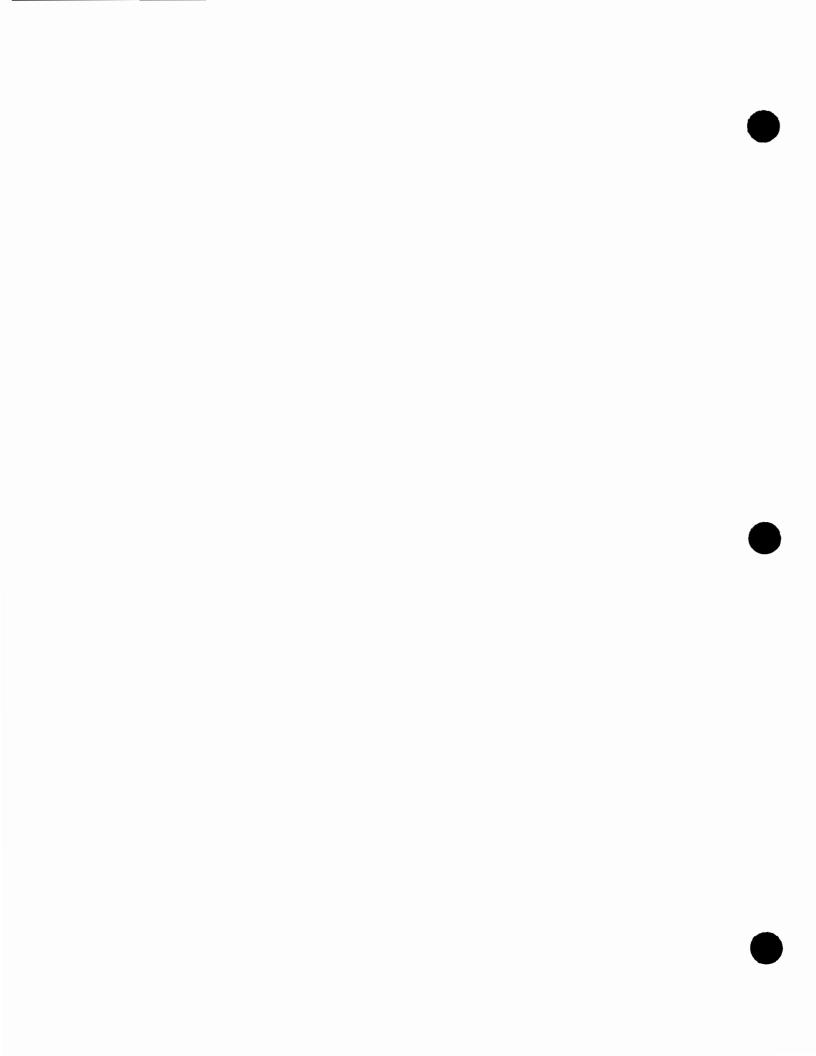
w/Child Supp.

Senator Randleman Senator Tarte Senator Bingham

#### **Presentations:**

Carol Shaw - Program Evaluation Division - Programs for Children, Youth, and Families Need a Guiding Framework for Accountability and Funding.

Adjournment



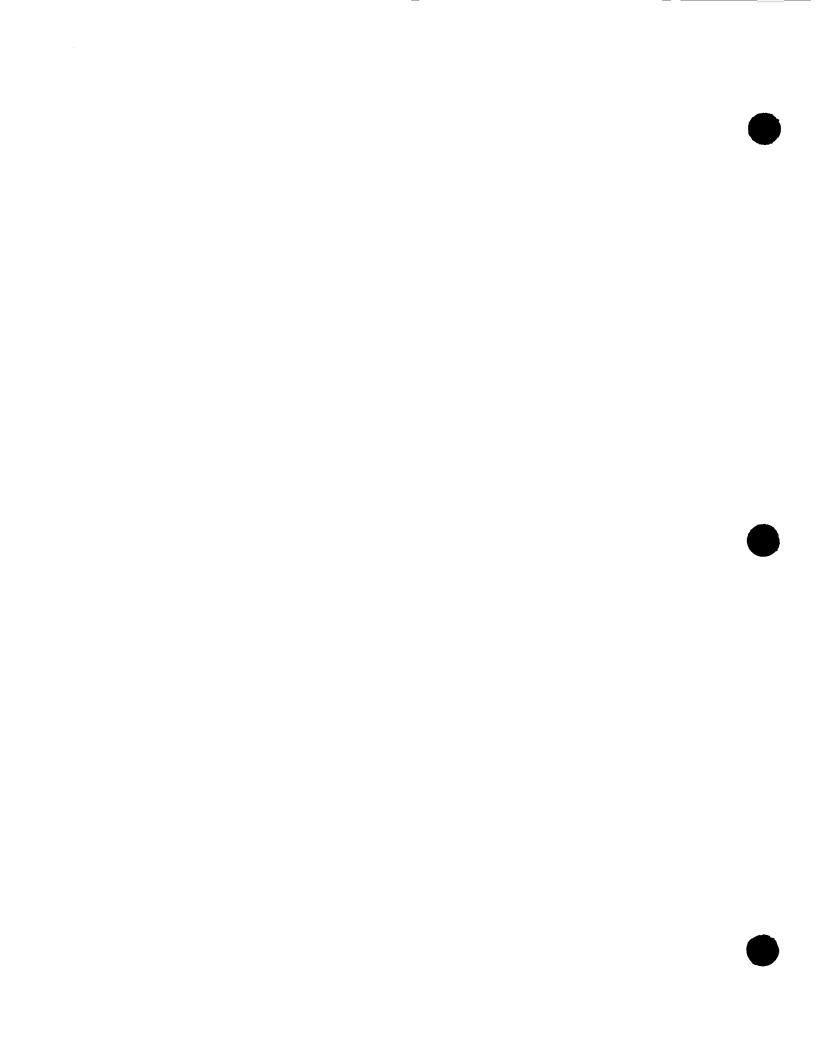
# **ATTENDANCE**

# CHILDREN, YOUTH, and FAMILIES

DATES	05-14-2015						
Rep. Jonathan Jordan – Co-Chair	X						
Rep. Sarah Stevens – Co-Chair	X	-	-	-			
Rep. Tricia Cotham – Vice Chair							
Rep. Jay Adams							
Rep. John Ager	X						
Rep. Marilyn Avila							
Rep. Carla Cunningham							
Rep. Rosa Gill	X						
Rep. Craig Horn							
Rep. Charles Jeter							
Rep. Linda Johnson							
Rep. Garland Pierce	X						
Rep. Dennis Riddell							
Rep. Brad Salmon							
Rep. Paul Stam	X						
Rep. Evelyn Terry							
Rep. Sam Watford							
STAFF							
Jan Paul - Research	X						
Denise Adams - Research							
Tawanda Foster – Research	X						
James Ritter - Research							
Lisa Brown – Committee Clerk	X						

# Committee Sergeants at Arms

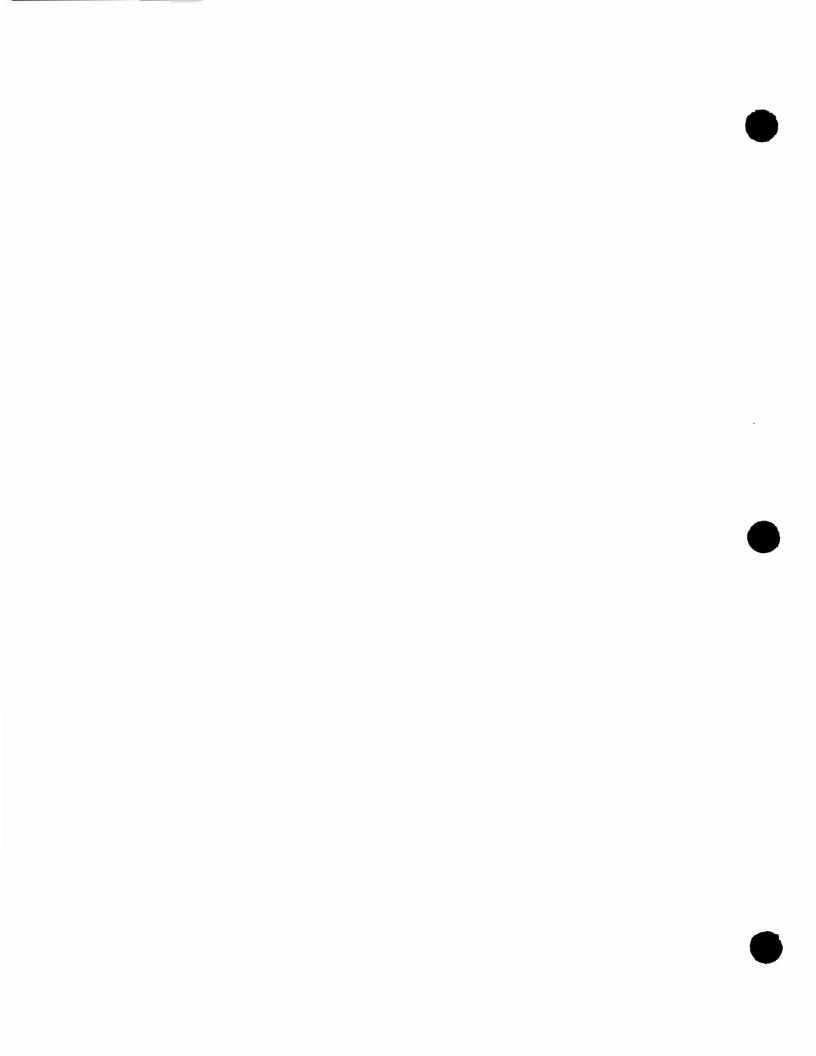
NAME OF COMMITTEE	Children, Youth and Families
DATE: 5-14-2015	Room: 421
	House Sgt-At Arms:
1. Name: Bill Bass	
2. Name: Mark Cone	
Chris McCra	acken
4. Name:	
5. Name:	•
	Senate Sgt-At Arms:
l. Name:	
% Name:	
. Name:	
Name:	
ine:	



Thursday, May 14
CHILDREN, YOUTH
AND FAMILIES

Room 421 Time 10:00 am

Name	County	Sponsor
Katie Malone	Wake	Chris Malone
Zachary Roupe	Pitt	Paul Stam



## VISITOR REGISTRATION SHEET

<u>CHILDREN, YOUTH, AND FAMILIES</u>	CHILDREN	, YOUTH,	<b>AND</b>	<b>FAMILIES</b>
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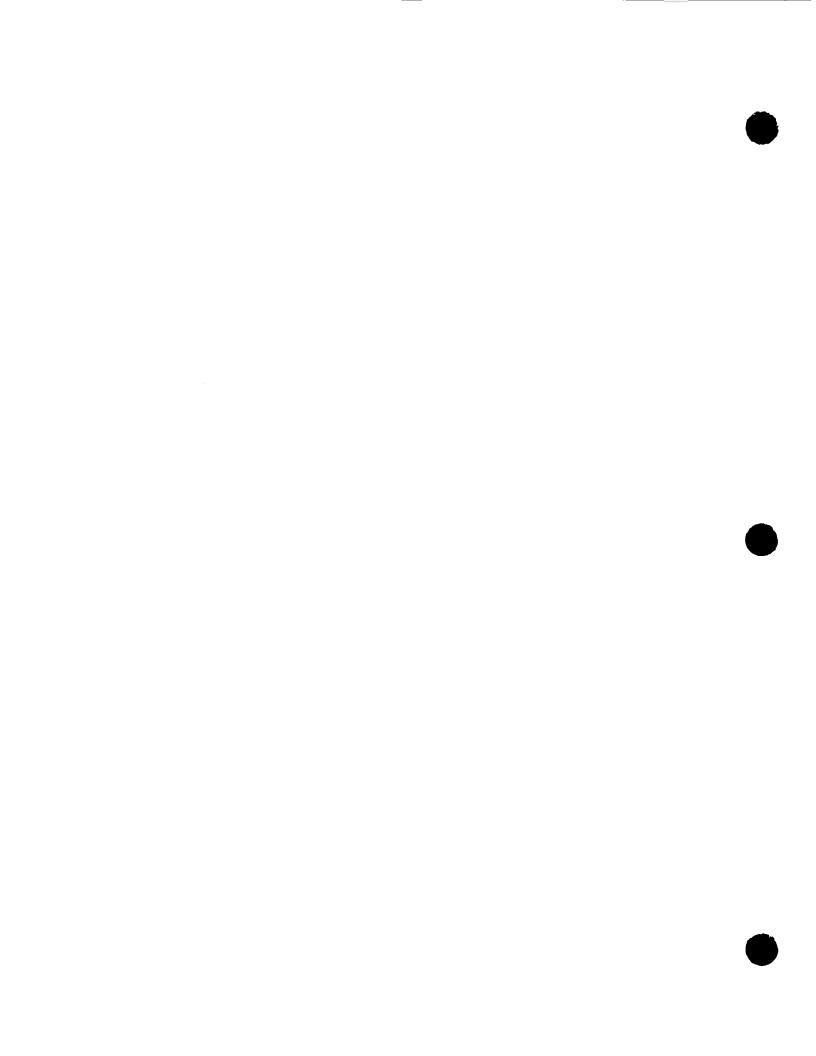
May 14, 2015

Name of Committee

Date

### VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME .	FIRM OR AGENCY AND ADDRESS
Michael Smallwood	UNC SOL
Jeffafe	NCOA
Rena Turner	NC House
Mat Gus	NCK



## **VISITOR REGISTRATION SHEET**

CHILDREN, YOUTH, AND FAMILIE	CHILDREN	, YOUTH,	, AND I	AMILIE
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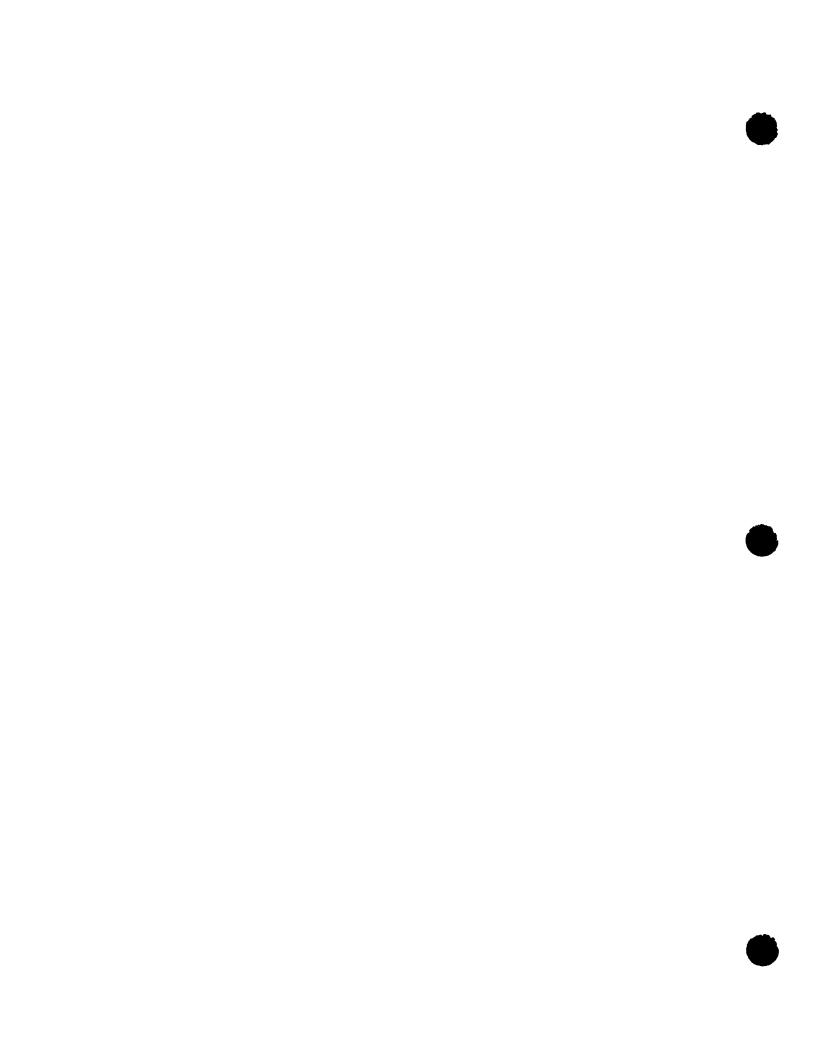
May 14, 2015

Name of Committee

Date

## VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Annalise Dolph	DC
Annalise Dolph Michel Perso	NC Child Care Coald



#### GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2015

#### **SENATE BILL 114\***

Short Title:	Custodial Parent/Party Cooperate w/Child Supp.	(Public)
Sponsors:	Senators Randleman, Tarte, Bingham (Primary Sponsors); Newton.	Clark, Krawiec, and
Referred to:	Rules and Operations of the Senate.	

#### February 27, 2015

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF CHILD DEVELOPMENT AND EARLY EDUCATION AND THE DIVISION OF SOCIAL SERVICES, TO DEVELOP A PLAN REQUIRING A CUSTODIAL PARENT OR OTHER RELATIVE OR PERSON WITH PRIMARY CUSTODY OF A CHILD RECEIVING CHILD CARE SUBSIDY PAYMENTS TO COOPERATE WITH COUNTY CHILD SUPPORT SERVICES PROGRAMS AS A CONDITION OF RECEIVING CHILD CARE SUBSIDY PAYMENTS, AS RECOMMENDED BY THE CHILD SUPPORT SUBCOMMITTEE OF THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE.

The General Assembly of North Carolina enacts:

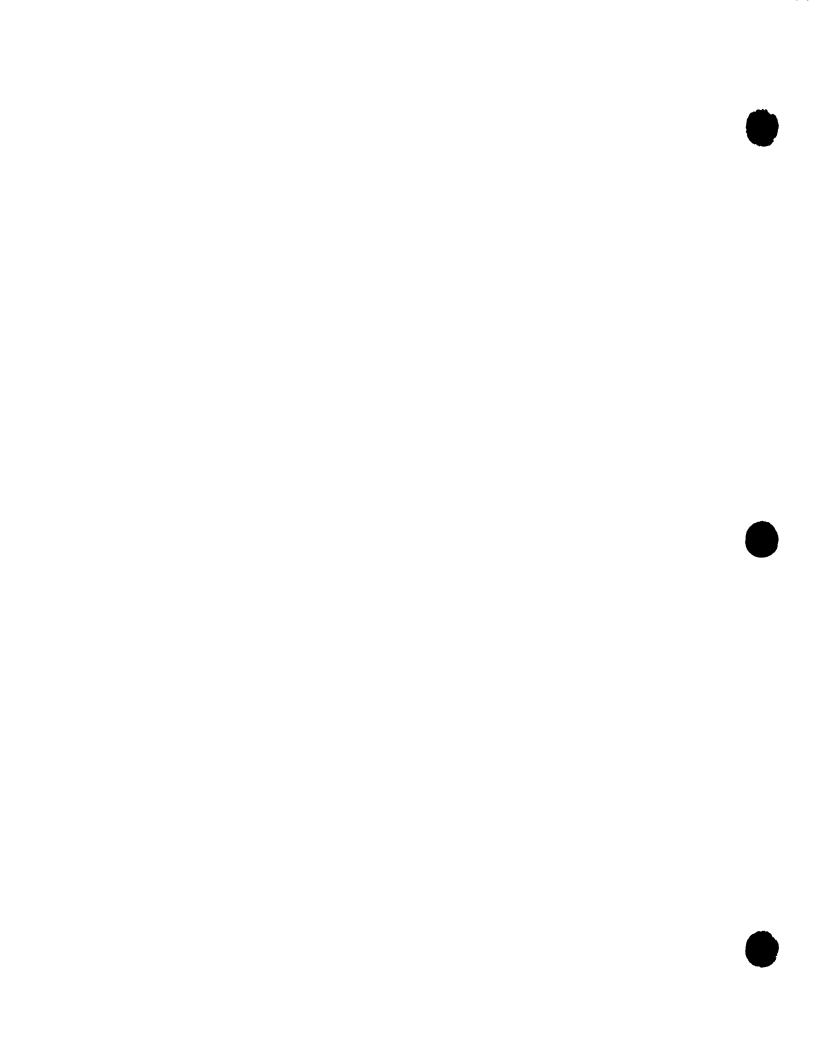
SECTION 1.(a) It is the intent of the General Assembly that the Department of Health and Human Services, Division of Child Development and Early Education (DCDEE) and the Division of Social Services (DSS), implement a process requiring child care subsidy recipients to participate in child support services programs. To that end, DCDEE and DSS shall develop a plan requiring a custodial parent or other relative or person with primary custody of the child who is receiving child care subsidy payments to cooperate with county child support services programs as a condition of receiving child care subsidy payments. In developing the plan, the DCDEE and DSS shall, at a minimum, consider each of the following:

- (1) The number of child care subsidy cases that would be referred to county child support services programs.
- Whether there are any disparities between child support services programs administered directly by the county department of social services versus those programs administered by a vendor through a contract with the county department of social services, specifically as related to maintaining consistent communication.
- (3) The access and exchange of information between county child support services programs/systems and child care subsidy services/systems and any differences that may create a conflict in coordinating child care subsidy payments with child support services.
- (4) Any implementation issues related to IV-D child support cases versus non-IV-D child support cases.
- (5) Any impact on the families involved and the need to incorporate good cause exceptions for cooperation with county child support services programs

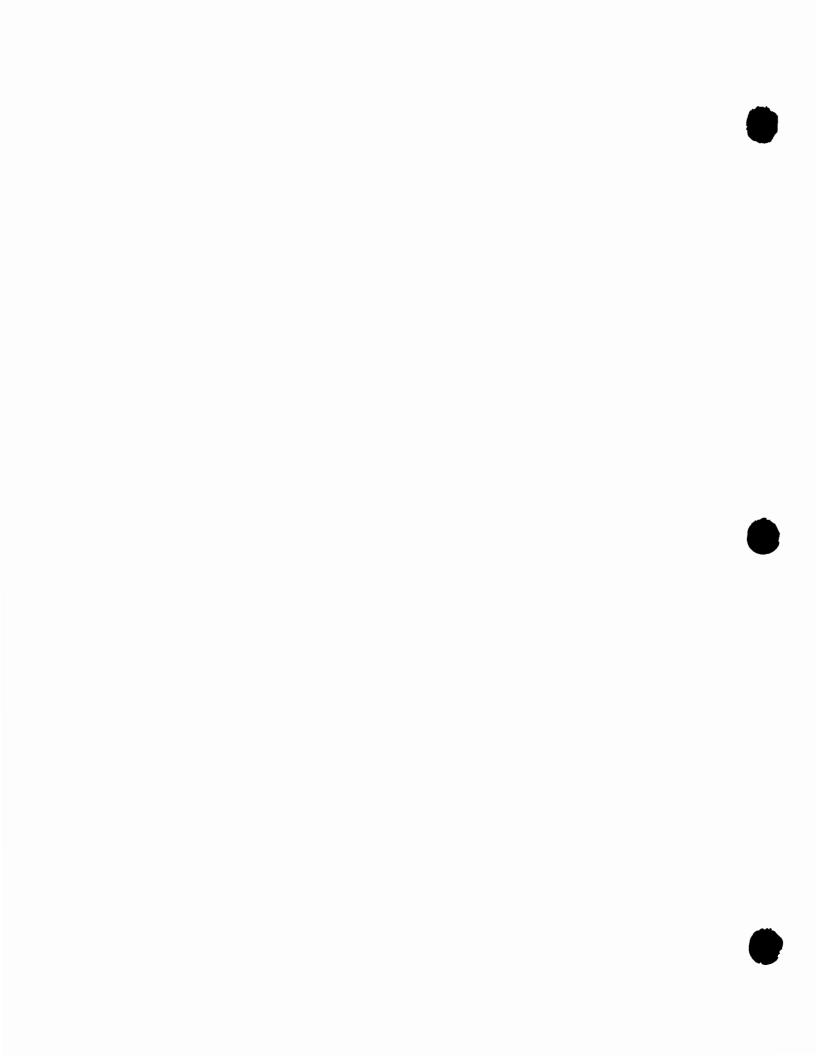


 $\mathbf{S}$ 

1 2



	General Assemb	oly of North Carolina Session 2015
1		similar to those for Temporary Assistance for Needy Families (TANF) and
2		Medicaid.
3	(6)	Any costs to implement the plan, including any automation costs associated
4		with connecting the child care subsidy payments system to the child support
5		payments system.
6	(7)	The development of any forms needed to implement the plan.
7	(8)	Transition time needed to implement the plan and to coordinate any interface
8		with current systems, such as the North Carolina Automated Collection and
9		Tracking System (NC ACTS) and North Carolina Families Accessing
10		Services through Technology (NC FAST).
11	(9)	Any training needs and costs associated with training.
12	(10)	Other states that have implemented a similar plan as proposed in this section.
13	(11)	Other programs of public assistance in this State requiring coordination with
14		child support services programs.
15	(12)	The need to update any current policies or procedures related to child care
16		subsidy payments and child support payments.
17	(13)	Any other issues DCDEE or DSS deem relevant.
18		<b>FION 1.(b)</b> The Division of Child Development and Early Education and the
19		al Services shall submit a report on the plan, along with any recommendations,
20	_	islative Oversight Committee on Health and Human Services and the Fiscal
21		on no later than February 1, 2016.
22	SECT	<b>FION 2.</b> This act becomes effective July 1, 2015.





## SENATE BILL 114: Custodial Parent/Party Cooperate w/Child Supp

2015-2016 General Assembly

Introduced by:

**Committee:** House Children, Youth, and Families, if

Date:

May 12, 2015

favorable, Judiciary III

Sens. Randleman, Tarte, Bingham

Prepared by: Janice Paul

C-----:

Analysis of: First Edition Committee Counsel

SUMMARY: Senate Bill 114 would require the Division of Child Development and Early Education and the Division of Social Services to develop a plan to require a person with primary custody of a child receiving child care subsidy payments to cooperate with county child support services as a condition of receiving the subsidy payments. The Division would be required to submit a report to the Joint Legislative Oversight Committee on Health and Human Services and the Fiscal Research Division

[As introduced, this bill was identical to H120, as introduced by Rep. R. Turner.]

#### **BACKGROUND:**

The North Carolina Child Support Services Program is overseen by the North Carolina Department of Health and Human Services (DHHS), Division of Social Services (Division), and primarily administered by the counties. Federally required by Title IV-D of the Social Security Act, services include location of the non-custodial parent, collection and distribution of child support payments, and establishment, review and modification of child support orders.

The Child Care Subsidy Program provides financial assistance to parents for their child care needs. The child care subsidy is based on an assessment of need, income and family size. Counties receive a combination of federal and state funding from the DHHS's Division of Child Development and Early Education (DCDEE) for subsidized child care services.

Senate Bill 114 is a recommendation of the Child Support Subcommittee of the Joint Legislative Program Evaluation Oversight Committee.

The Program Evaluation Division issued its final report to the Joint Legislative Program Evaluation Oversight Committee on July 16, 2014, entitled, "Revising State Child Support Incentive System Could Promote Improved Performance of County Programs." The report can be found at the following link: <a href="http://www.ncleg.net/PED/Reports/2014/ChildSupport.html">http://www.ncleg.net/PED/Reports/2014/ChildSupport.html</a>

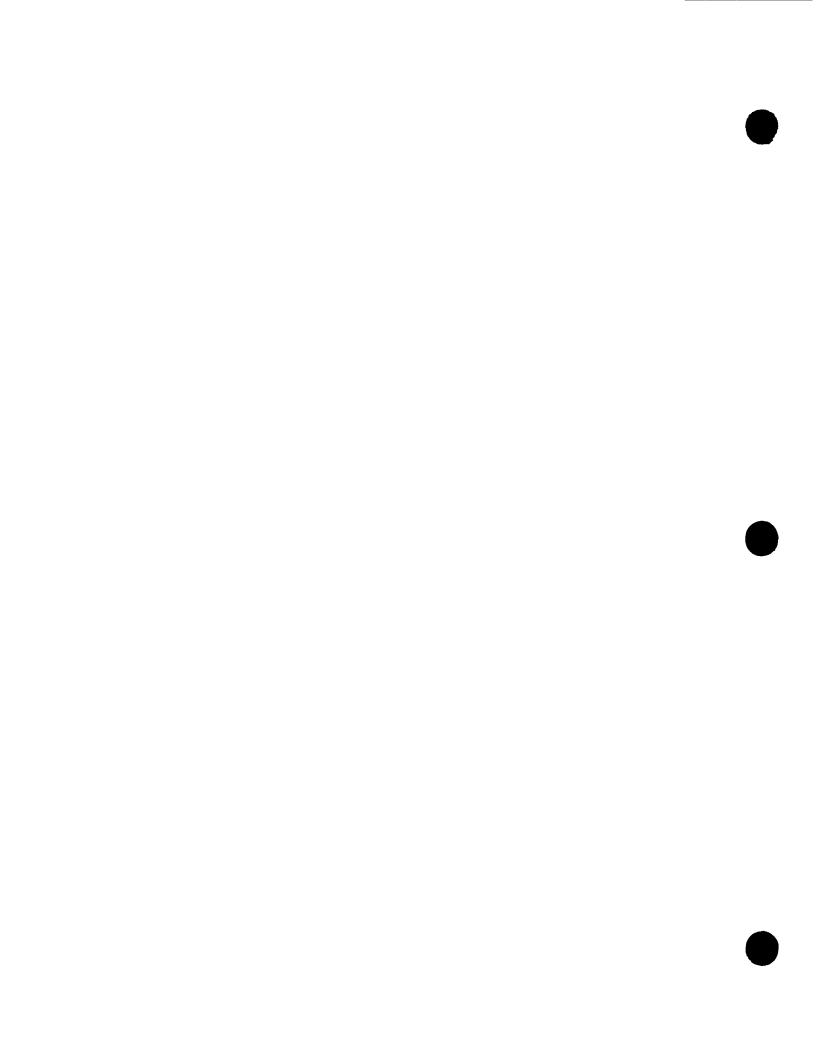
#### **BILL ANALYSIS:**

Senate Bill 114 would require that DCDEE and the Division to develop a plan to require a custodial parent, or other relative or person with primary custody of the child, who is receiving child care subsidy payments to cooperate with county child support services programs as a condition of receiving child care subsidy payments.





Research Division (919) 733-2578



#### Senate Bill 114

Page 2

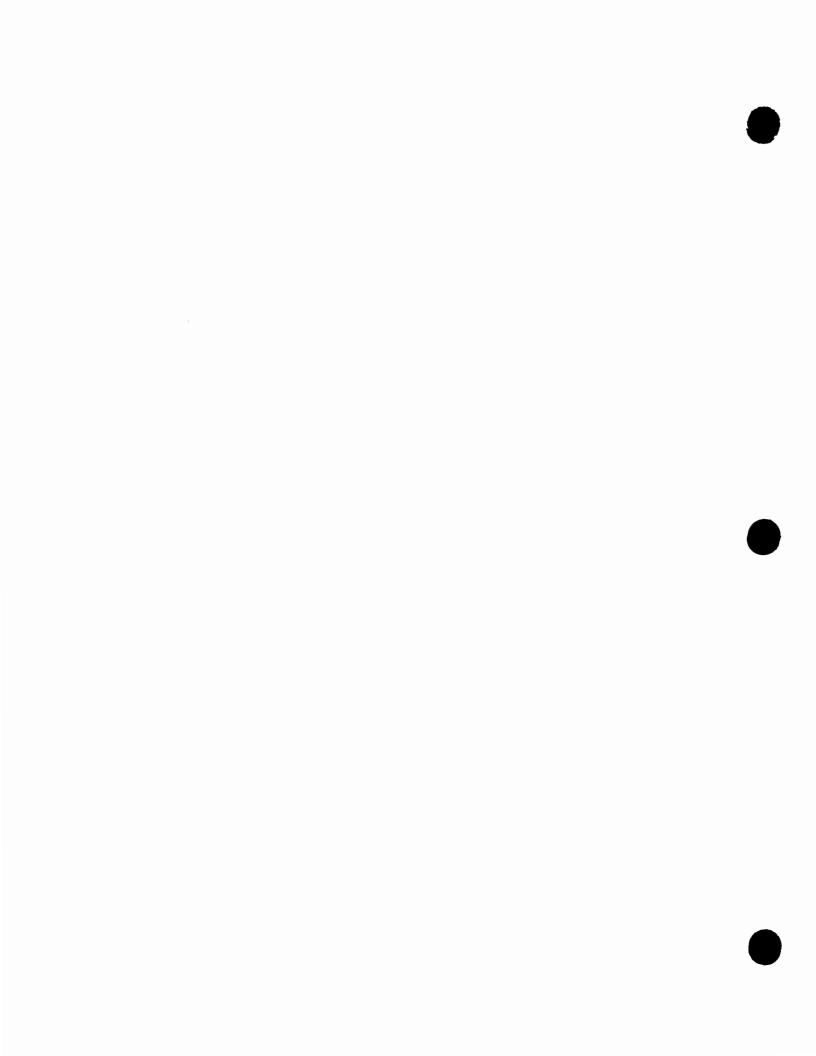
In developing the plan, DCDEE and the Division would be required to consider each of the following:

- (1) The number of child care subsidy cases that would be referred to county child support services programs.
- (2) Whether there are any disparities between child support services programs administered directly by the county departments of social services versus programs administered by a vendor.
- (3) The access and exchange of information between county child support services programs/systems and child care subsidy services/systems and any differences that may create a conflict in coordination.
- (4) Any implementation issues related to IV-D child support cases versus non-IV-D child support cases.
- (5) Any impact on the families involved and the need to incorporate good cause exceptions for cooperation with county child support services programs.
- (6) Any costs to implement the plan.
- (7) The development of any forms needed to implement the plan.
- (8) Transition time needed to implement the plan and to coordinate any interface with current IT systems.
- (9) Any training needs and costs associated with training.
- (10) Other states that have implemented a similar plan.
- (11) Other programs of public assistance in this State requiring coordination with child support services programs.
- (12) The need to update any current policies or procedures related to child care subsidy payments and child support payments.
- (13) Any other issues DCDEE or the Division deem relevant.

The report on this required plan and any recommendations would be due to the Joint Legislative Oversight Committee on Health and Human Services and the Fiscal Research Division no later than February 1, 2016.

**EFFECTIVE DATE:** This act becomes effective July 1, 2015

Amy Jo Johnson, former counsel to Senate Health Care, and Brad Krehely, counsel to Senate Judiciary I, contributed substantially to this summary.





# House Committee on Children, Youth, and Families Thursday, June 4, 2015 at 11:00 AM Room 421 of the Legislative Office Building

#### MINUTES

The House Committee on Children, Youth, and Families met at 11:00 AM on June 4, 2015 in Room 421 of the Legislative Office Building. Representatives Jonathan Jordan and Sarah Stevens – Co-Chairs; Rep. Cotham – Vice-Chair and Representatives Adams, Ager, Avila, Cunningham, Gill, Horn, Peirce and Stam were in attendance.

Representative Jordan, Co-Chair, called the meeting to order and introduced the Pages and Sergeant At Arms who would be assisting with the Committee. Copies of the agenda, attendance and visitor registration are attached to these minutes, (Attachment 1-4).

SB 578 - AN ACT TO TRANSITION ABUSE AND NEGLECT INVESTIGATIONS IN CHILD CARE FACILITIES TO THE DIVISION OF CHILD DEVELOPMENT AND EARLY EDUCATION WITHIN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, (Attachment 5).

Rep. Jordan stated that Senate Bill 578, "Transition Certain Abuse Investigations/DCDEE," was before the Committee for consideration and recognized Rep. Stevens to present the bill for Senator Barringer. Senate Bill 578 would amend provisions in Chapter 7B authorizing county directors to investigate abuse and neglect of juveniles to delete references to child care facilities, and would amend Article 7 of Chapter 110 to define child maltreatment and to assign authority for investigating child maltreatment in child care facilities to DHHS's Division of Child Development and Early Education. Tawanda Foster of Research was then recognized and explained all of the changes to the bill. (See the attached summary for a detailed list of all changes.)

Following this explanation, Rep. Jordan recognized members for questions and comments on the bill. Reps. Horn, Cotham, Avila, and Adams asked questions and were answered by Rep. Stevens, Tawanda Foster of Research, Alexandra Gruber of the Attorney General's office, and Adam Sholer of the Department of Health and Human Services. Rep. Gill was then recognized and moved that Senate Bill 578 receive a favorable report and be re-referred to the Committee on Judiciary III. Rep. Jordan called for a vote and the motion carried.

There being no further business before the Committee, Representative Jordan adjourned the meeting.

		_

#### Respectfully submitted:

Representative Jonathan Jordan, Co-Chair

Representative Sarah Śtevens, Co-Chair

Lisa Brown, Committee Clerk

#### Attachments:

- 1. Agenda
- 2. Attendance
- 3. Committee Sergeant at Arms & Pages
- 4. Visitor Registration
- 5. SB 578 and Summary



## House Committee on Children, Youth, and Families Thursday, June 4, 2015, 11:00 AM 421 Legislative Office Building

#### **AGENDA**

Welcome and Opening Remarks

**Introduction of Pages** 

**Bills** 

**BILL NO. SHORT TITLE** 

**SPONSOR** 

**SB 578** 

Transition Certain Abuse Investigations/DCDEE.

Senator Barringer Senator Hise Senator Tucker

Adjournment

# **ATTENDANCE**

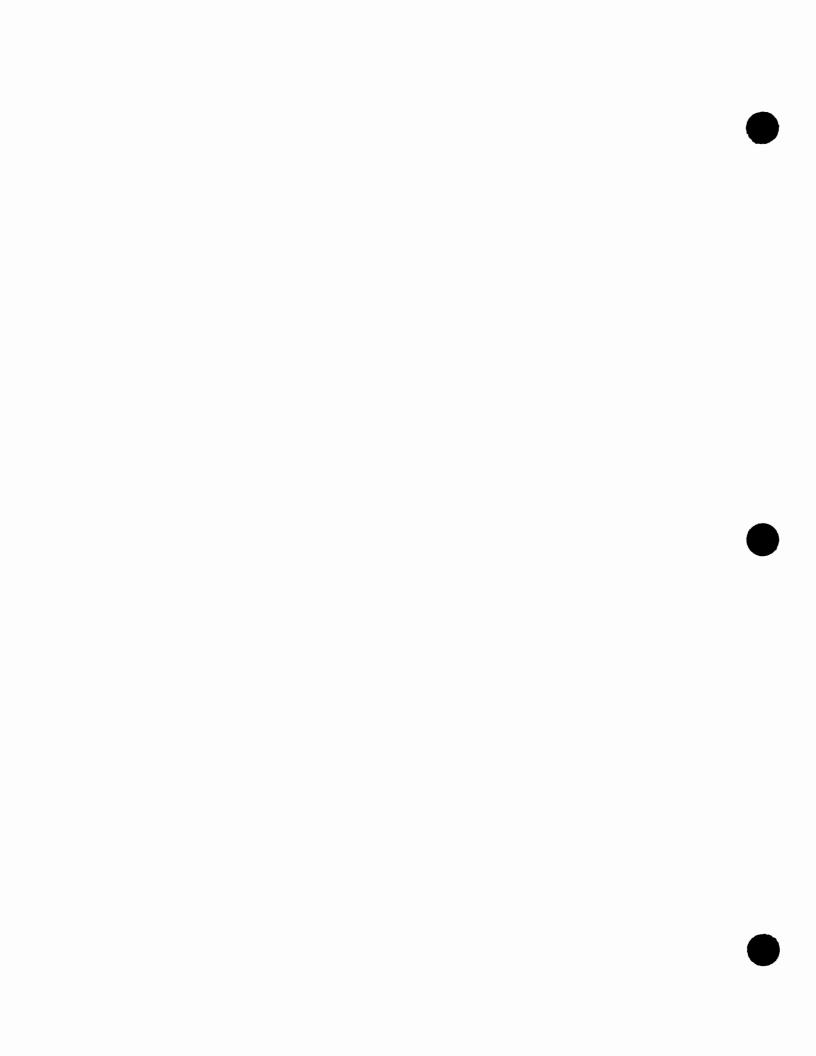
# CHILDREN, YOUTH, and FAMILIES

DATES	06-04-2015					
Rep. Jonathan Jordan – Co-Chair	X					
Rep. Sarah Stevens – Co-Chair	X					
Rep. Tricia Cotham – Vice Chair	X					
Rep. Jay Adams	X					
Rep. John Ager						
Rep. Marilyn Avila	X					
Rep. Carla Cunningham	X					
Rep. Rosa Gill	X					
Rep. Craig Horn	X					
Rep. Charles Jeter						
Rep. Linda Johnson						
Rep. Garland Pierce	X					
Rep. Dennis Riddell	X					
Rep. Brad Salmon	X					
Rep. Paul Stam						
Rep. Evelyn Terry	X					
Rep. Sam Watford	X					
STAFF						
Jan Paul - Research						
Denise Adams - Research						
Tawanda Foster – Research	X					
James Ritter - Research	X					
Lisa Brown – Committee Clerk						

		_

# Committee Sorgeants at Arms

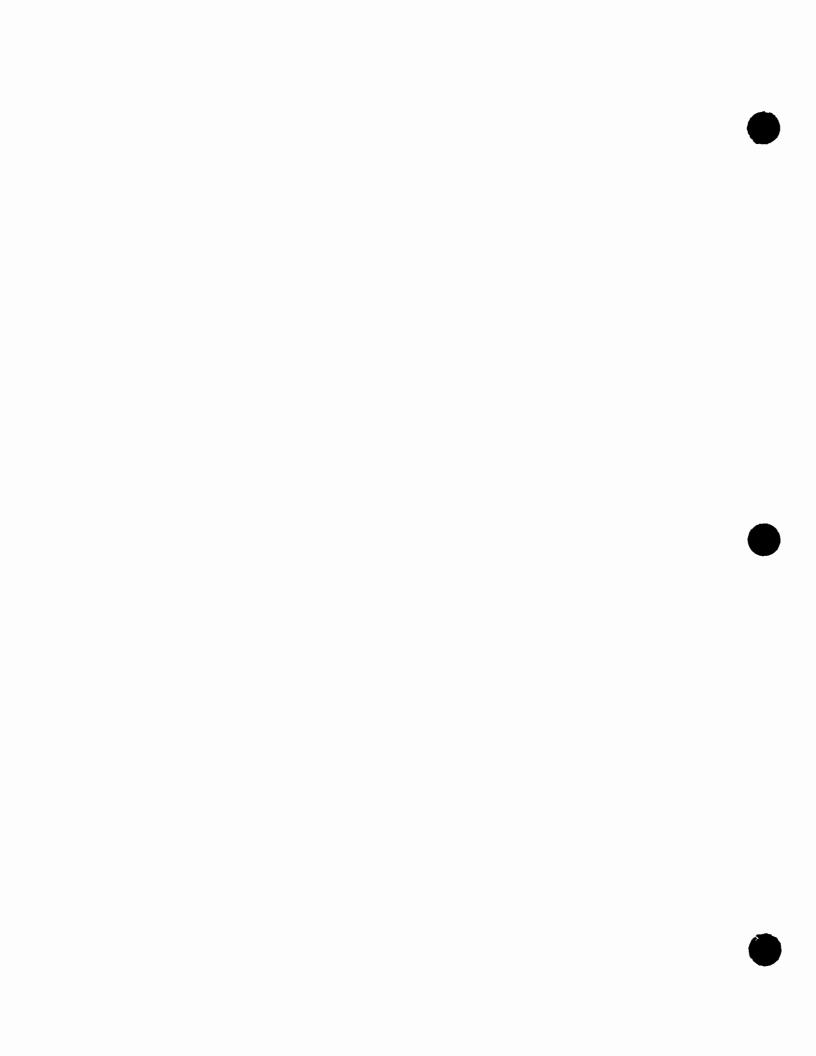
NAME OF COMMITTEE Children, Youth, and Families
DATE: 6-04-2015 Room: 421
House Sgt-At Arms:
1. Name: Bill Bass
2. Name: Charles Godwin
3. Name: Warren Hawkins
4. Name:
5. Name:
Schate Sgt-At Arms:
. Name:
:. Name:
i. Name:
i. Name:
. Name:
·



Thursday, June 4
CHILDREN, YOUTH
& FAMILIES

Room 421 **Time** 10:00 am

Name	County	Sponsor			
Austin DuBois	Cumberland	Speaker Moore			
Brandon DuBois	Cumberland	John Szoka			
Mary Hope Hadley	Wake	Gale Adcock			
Danny Kruger	Cumberland	John Szoka			



# VISITOR REGISTRATION SHEET

CHILDREN, YOUTH, AND FAMILIES

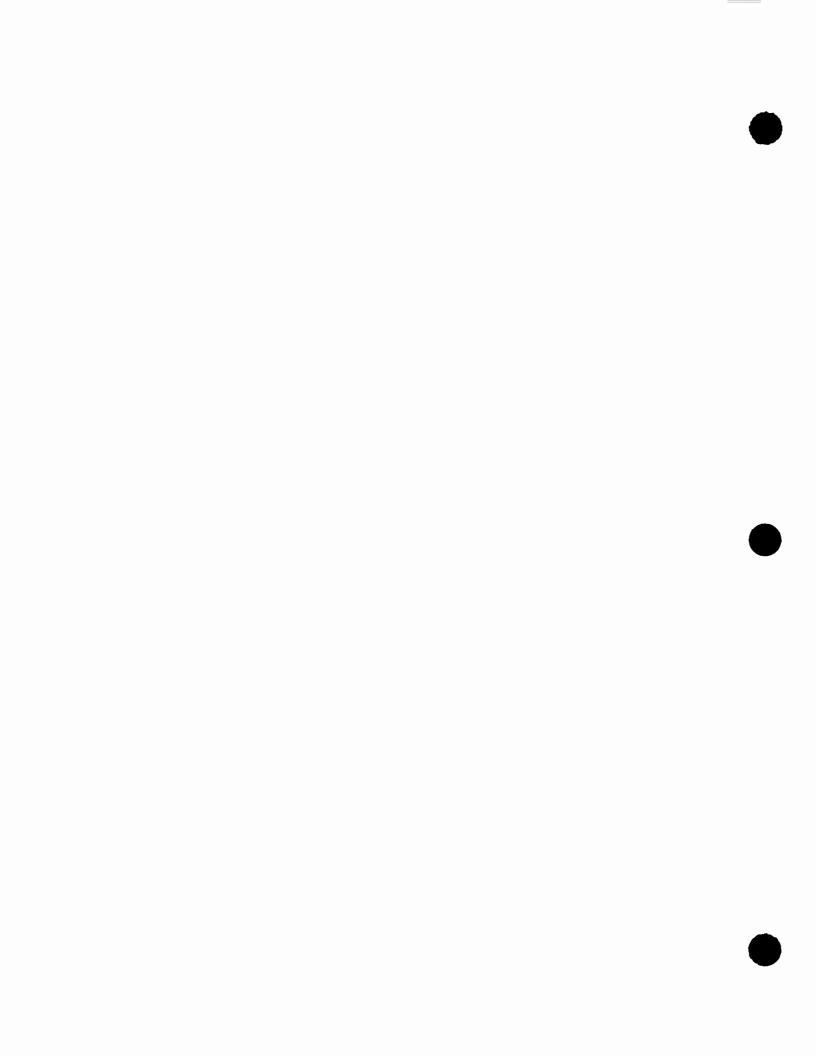
June 4, 2015

Name of Committee

Date

# VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Teresa Johnson	NCADSA, Fuguay Varira
My lie Eastmond	Friguer Widdle School, Friguery Vo
Ada Sholan	12HHS
Trent Namble	D1145
Akri Gruber	D03
Too and value	TODEE (D+1HS)
Taylor Emany	Intern Rep. Salman
Andy Chase	KMA.
Matt Gross	NEPC



# VISITOR REGISTRATION SHEET

CHILDREN.	YOUTH,	<b>AND</b>	<b>FAMILIES</b>

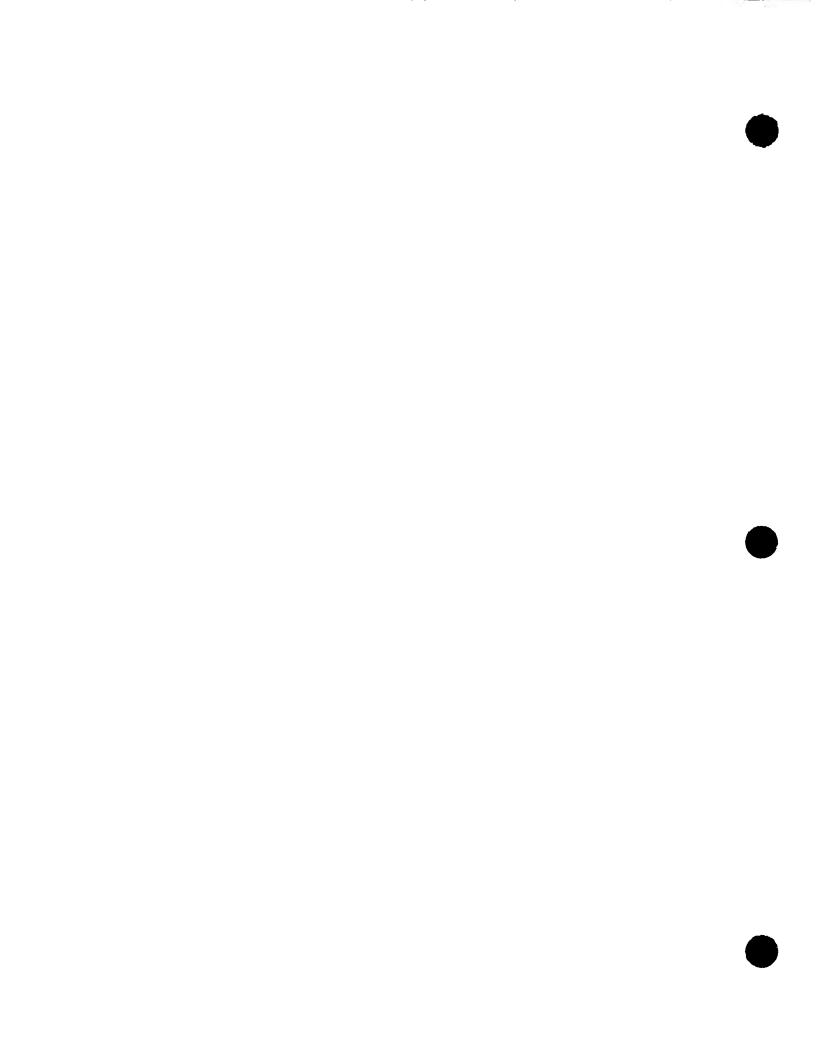
June 4, 2015

Name of Committee

Date

# VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS	
JWJaprel	NewFRAME	
JWJaper Pruitt	New FRAME  Perkinson Law	



### GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2015

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# SENATE BILL 578 Health Care Committee Substitute Adopted 4/22/15

Short Title: Transition Certain Abuse Investigations/DCDEE.		(Public)
Sponsors:	·	
Referred to:		

March 30, 2015

A BILL TO BE ENTITLED

AN ACT TO TRANSITION ABUSE AND NEGLECT INVESTIGATIONS IN CHILD CARE FACILITIES TO THE DIVISION OF CHILD DEVELOPMENT AND EARLY EDUCATION WITHIN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 7B-101(3) reads as rewritten:

"§ 7B-101. Definitions.

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

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(3)Caretaker. – Any person other than a parent, guardian, or custodian who has responsibility for the health and welfare of a juvenile in a residential setting. A person responsible for a juvenile's health and welfare means a stepparent, foster parent, an adult member of the juvenile's household, an adult relative entrusted with the juvenile's care, any person such as a house parent or cottage parent who has primary responsibility for supervising a juvenile's health and welfare in a residential child care facility or residential educational facility, or any employee or volunteer of a division, institution, or school operated by the Department of Health and Human Services. "Caretaker" also means any person who has the responsibility for the care of a juvenile in a child care facility as defined in Article 7 of Chapter 110 of the General Statutes and includes any person who has the approval of the care provider to assume responsibility for the juveniles under the care of the care provider. Nothing in this subdivision shall be construed to impose a legal duty of support under Chapter 50 or Chapter 110 of the General Statutes. The duty imposed upon a caretaker as defined in this subdivision shall be for the purpose of this Subchapter only."

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SECTION 2. G.S. 7B-300 reads as rewritten:

"§ 7B-300. Protective services.

The director of the department of social services in each county of the State shall establish protective services for juveniles alleged to be abused, neglected, or dependent.

Protective services shall include the screening of reports, the performance of an assessment using either a family assessment response or an investigative assessment response, casework, or other counseling services to parents, guardians, or other caretakers as provided by the director to help the parents, guardians, or other caretakers and the court to prevent abuse or neglect, to



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improve the quality of child care, to be more adequate parents, guardians, or caretakers, and to preserve and stabilize family life.

The provisions of this Article shall also apply to child care facilities as defined in G.S. 110-86."

#### **SECTION 3.** G.S. 7B-301 reads as rewritten:

"§ 7B-301. Duty to report abuse, neglect, dependency, or death due to maltreatment.

(a) Any person or institution who has cause to suspect that any juvenile is abused, neglected, or dependent, as defined by G.S. 7B-101, or has died as the result of maltreatment, shall report the case of that juvenile to the director of the department of social services in the county where the juvenile resides or is found. The report may be made orally, by telephone, or in writing. The report shall include information as is known to the person making it including the name and address of the juvenile; the name and address of the juvenile's parent, guardian, or caretaker; the age of the juvenile; the names and ages of other juveniles in the home; the present whereabouts of the juvenile if not at the home address; the nature and extent of any injury or condition resulting from abuse, neglect, or dependency; and any other information which the person making the report believes might be helpful in establishing the need for protective services or court intervention. If the report is made orally or by telephone, the person making the report to give a name shall not preclude the department's assessment of the alleged abuse, neglect, dependency, or death as a result of maltreatment.

Upon receipt of any report of sexual abuse of the juvenile in a child care facility, the director shall notify the State Bureau of Investigation within 24 hours or on the next workday. If sexual abuse in a child care facility is not alleged in the initial report, but during the course of the assessment there is reason to suspect that sexual abuse has occurred, the director shall immediately notify the State Bureau of Investigation. Upon notification that sexual abuse may have occurred in a child care facility, the State Bureau of Investigation may form a task force to investigate the report.

- (b) Any person or institution who knowingly or wantonly fails to report the case of a juvenile as required by subsection (a) of this section, or who knowingly or wantonly prevents another person from making a report as required by subsection (a) of this section, is guilty of a Class 1 misdemeanor.
- (c) A director of social services who receives a report of sexual abuse of a juvenile in a child care facility and who knowingly fails to notify the State Bureau of Investigation of the report pursuant to subsection (a) of this section is guilty of a Class 1 misdemeanor."

**SECTION 4.** G.S. 7B-302(a) reads as rewritten:

When a report of abuse, neglect, or dependency is received, the director of the department of social services shall make a prompt and thorough assessment, using either a family assessment response or an investigative assessment response, in order to ascertain the facts of the case, the extent of the abuse or neglect, and the risk of harm to the juvenile, in order to determine whether protective services should be provided or the complaint filed as a petition. When the report alleges abuse, the director shall immediately, but no later than 24 hours after receipt of the report, initiate the assessment. When the report alleges neglect or dependency, the director shall initiate the assessment within 72 hours following receipt of the report. When the report alleges abandonment, the director shall immediately initiate an assessment, take appropriate steps to assume temporary custody of the juvenile, and take appropriate steps to secure an order for nonsecure custody of the juvenile. The assessment and evaluation shall include a visit to the place where the juvenile resides, except when the report alleges abuse or neglect in a child care facility as defined in Article 7 of Chapter 110 of the General Statutes. When a report alleges abuse or neglect in a child care facility as defined in Article 7 of Chapter 110 of the General Statutes, a visit to the place where the juvenile resides is not required. resides. When the report alleges abandonment, the assessment shall include a request from the

Page 2 S578 [Edition 2]

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Missing Persons and other national and State resources whether the juvenile is a missing child." **SECTION 5.** G.S. 7B-307 reads as rewritten:

"§ 7B-307. Duty of director to report evidence of abuse, neglect; investigation by local law enforcement; notification of Department of Health and Human Services and State Bureau of Investigation. Services.

director to law enforcement officials to investigate through the North Carolina Center for

(a) If the director finds evidence that a juvenile may have been abused as defined by G.S. 7B-101, the director shall make an immediate oral and subsequent written report of the findings to the district attorney or the district attorney's designee and the appropriate local law enforcement agency within 48 hours after receipt of the report. The local law enforcement agency shall immediately, but no later than 48 hours after receipt of the information, initiate and coordinate a criminal investigation with the protective services assessment being conducted by the county department of social services. Upon completion of the investigation, the district attorney shall determine whether criminal prosecution is appropriate and may request the director or the director's designee to appear before a magistrate.

If the director receives information that a juvenile may have been physically harmed in violation of any criminal statute by any person other than the juvenile's parent, guardian, custodian, or caretaker, the director shall make an immediate oral and subsequent written report of that information to the district attorney or the district attorney's designee and to the appropriate local law enforcement agency within 48 hours after receipt of the information. The local law enforcement agency shall immediately, but no later than 48 hours after receipt of the information, initiate a criminal investigation. Upon completion of the investigation, the district attorney shall determine whether criminal prosecution is appropriate.

If the report received pursuant to G.S. 7B-301 involves abuse or neglect of a juvenile or child maltreatment, as defined in G.S. 110-105.3, in child care, the director shall notify the Department of Health and Human Services within 24 hours or on the next working day of receipt of the report.

- (b) If the director finds evidence that a juvenile has been abused or neglected as defined by G.S. 7B-101 in a child care facility, the director shall immediately so notify the Department of Health and Human Services and, in the case of sexual abuse, the State Bureau of Investigation, in such a way as does not violate the law guaranteeing the confidentiality of the records of the department of social services.
- (c) Upon completion of the assessment, the director shall give the Department written notification of the results of the assessment required by G.S. 7B-302. Upon completion of an assessment of sexual abuse in a child care facility, the director shall also make written notification of the results of the assessment to the State Bureau of Investigation.

The director of the department of social services shall submit a report of alleged abuse, neglect, or dependency cases or child fatalities that are the result of alleged maltreatment to the central registry under the policies adopted by the Social Services Commission."

**SECTION 6.** G.S. 110-105 reads as rewritten:

### "§ 110-105. Authority to inspect facilities.

(a) The Department shall have authority to inspect facilities without notice when it determines there is cause to believe that an emergency situation exists or there is a complaint alleging a violation of licensure law. When the Department is notified by the county director of social services that the director has received a report of child maltreatment in a child care facility, or when the Department is notified by any other person that alleged child maltreatment has occurred in a facility, the Commission's rules shall provide for an inspection conducted without notice to the child care facility to determine whether the alleged child maltreatment has occurred. The inspection shall be conducted within seven calendar days of receipt of the report. Additional visits shall be conducted, as warranted.

General Assembly Of North Carolina The Commission shall adopt standards and rules under this subsection which 1 2 provide for the following types of inspections: 3 An initial licensing inspection, which shall not occur until the administrator (1) of the facility receives prior notice of the initial inspection visit; 4 A plan for visits to all facilities, including announced and unannounced 5 (2) visits, which shall be confidential unless a court orders its disclosure; 6 7 An inspection that may be conducted without notice, if there is probable (3) cause to believe that an emergency situation exists or there is a complaint 8 9 alleging a violation of licensure law. When the Department is notified by the county director of social services that the director has received a report of 10 child abuse or neglect in a child care facility, or when the Department is 11 notified by any other person that alleged abuse or neglect has occurred in a 12 facility, the Commission's rules shall provide for an inspection conducted 13 without notice to the child care facility to determine whether the alleged 14 abuse or neglect has occurred. This inspection shall be conducted within 15 seven calendar days of receipt of the report, and when circumstances 16 warrant, additional visits shall be conducted. 17 The Secretary or the Secretary's designee, Department, upon presenting appropriate 18 credentials to the operator of the child care facility, may perform inspections in accordance 19 with the standards and rules promulgated under this subsection. The Secretary or the Secretary's 20 designee Department may inspect any area of a building in which there is reasonable evidence 21 that children are in care or in which the Department has cause to believe that conditions in 22 that area of a building pose a potential risk to the health, safety, or well-being of children in 23 24 care. 25 If an operator refuses to allow the Secretary or the Secretary's designee to inspect the child care facility, the Secretary shall seek an administrative warrant in accordance with 26 G.S. 15-27.2." 27 28 **SECTION 7.** G.S. 110-105.2 is repealed. SECTION 8. Article 7 of Chapter 110 of the General Statutes is amended by 29 30 adding the following new sections to read: "§ 110-105.3. Child maltreatment. 31 32 The purpose of this section is to assign the authority to investigate instances of child maltreatment in child care facilities to the Department of Health and Human Services, Division 33 of Child Development and Early Education. The General Assembly recognizes that the ability 34 to properly investigate child maltreatment in licensed child care facilities is dependent upon the 35 cooperation of State and local law enforcement agencies, as well as county departments of 36 37 social services. The following definitions shall apply in this Article: 38 (b) 39 (1)40 41

Caregiver. - The operator of a licensed child care facility or religious-sponsored child care facility, a child care provider, as defined in G.S. 110-90.2(a)(2), a volunteer, or any person who has the approval of the provider to assume responsibility for children under the care of the provider.

(2)Child care facilities. – Any of the following:

- All facilities required to be licensed under this Article. <u>a.</u>
- All religious-sponsored facilities operating pursuant to G.S. 110-106. <u>b.</u>
- All locations where children are being cared for by someone other C. than their parent or legal guardian that require a license under this Article but have not been issued a license by the Department.
- Child maltreatment. Any act or series of acts of commission or omission (3)by a caregiver that results in harm, potential for harm, or threat of harm to a child. Acts of commission include, but are not limited to, physical, sexual,

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and psychological abuse. Acts of omission include, but are not limited to, failure to provide for the physical, emotional, or medical well-being of a child, and failure to properly supervise children, which results in exposure to potentially harmful environments.

- (c) The Department, local departments of social services, and local law enforcement personnel shall cooperate with the medical community to ensure that reports of child maltreatment in child care facilities are properly investigated.
- (d) When a report of child maltreatment is received, the Department shall make a prompt and thorough assessment to ascertain the facts of the case, the extent of the maltreatment, and the risk of harm to children enrolled at the child care facility. When the report alleges maltreatment meeting the definition of abuse or neglect as defined in G.S. 14-318.2 and G.S. 14-318.4, the Department shall contact local law enforcement officials to investigate the report.
- (e) During the pendency of an investigation, the Department may issue a protection plan restricting an individual alleged to have maltreated a child from being on the premises of the facility while children are in care. The Department may also suspend activities at a facility under investigation, including, but not limited to, transportation, aquatic activities, and field trips.
- (f) At any time during the pendency of a child maltreatment investigation, the Department may order immediate corrective action as required to protect the health, safety, or welfare of children in care. If the corrective action does not occur within the period specified in the corrective action order, the Department may take administrative action to protect the health, safety, or welfare of the children at the child care facility.
- (g) The Department may, in accordance with G.S. 150B-3(c), summarily suspend the license of a child care facility if the Department determines that emergency action is required to protect the health, safety, or welfare of the children in a child care facility regulated by the Department.
- (h) In the event the Department determines child maltreatment did not occur in a child care facility, nothing in this section shall prevent the Department from citing a violation or issuing an administrative action based upon violations of child care licensure law or rules based upon its investigation. Citations of violations or administrative actions issued pursuant to this subsection shall not be confidential.
- (i) During the pendency of an investigation, all matters regarding the investigation, including, but not limited to, any complaint, allegation, or documentation regarding inspections or the identity of the reporter, shall be held in strictest confidence as provided by subjection (j) of this section. Following a determination that maltreatment has occurred, the investigation findings shall be made public, as well as the date of any visits made pursuant to the investigation, and any corrective action taken, if applicable. DCDEE shall not post on its Internet Web site that a maltreatment investigation occurred if the allegation of maltreatment was unsubstantiated.
- (j) Regardless of the Department's final determination regarding child maltreatment, all information received by the Department during the course of its investigation shall be held in the strictest confidence by the Department, except for the following:
  - (1) The Department shall disclose confidential information, other than the identity of the reporter, to any federal, State, or local government entity or its agent in order to protect a juvenile from child maltreatment, abuse, or neglect. Any confidential information disclosed to any federal, State, or local government entity or its agent pursuant to this subdivision shall remain confidential with the other government entity or its agent and shall only be redisclosed for purposes directly connected with carrying out that entity's mandated responsibilities.

- The Department shall only disclose information identifying the reporter pursuant to a court order, except that the Department may disclose information identifying the reporter without a court order only to a federal, State, or local government entity that demonstrates a need for the reporter's name to carry out the entity's mandated responsibilities.

  A district court, superior court, or administrative law judge of this State
  - A district court, superior court, or administrative law judge of this State presiding over a civil matter in which the Department is not a party may order the Department to release confidential information. The court may order the release of confidential information after providing the Department with reasonable notice and an opportunity to be heard and then determining that the information is relevant, necessary to the trial of the matter before the court, and unavailable from any other source.
  - (k) When a report of child maltreatment alleges facts that indicate that a report is required under G.S. 7B-301, the Department shall contact the local department of social services in the county where the juvenile resides or is found and make the necessary report.
  - (I) In performing any duties related to the assessment of a report of child maltreatment, the Department may consult with any public or private agencies or individuals, including the available State or local law enforcement officers, probation and parole officers, and the director of any county department of social services who shall assist in the assessment and evaluation of the seriousness of any report of child maltreatment when requested by the Department. The Department or the Department's representatives may make a written demand for any information or reports, whether or not confidential, that may in the Department's opinion be relevant to the assessment of the report. Upon the Department or the Department's representative's request and unless protected by attorney-client privilege, any public or private agency or individual shall provide access to and copies of this confidential information and the records required by this subsection, to the extent permitted by federal law and regulations.
  - (m) The North Carolina Child Care Commission shall adopt, amend, and repeal all rules necessary for the implementation of this section. Rules promulgated subject to this section shall be exempt from the provisions of G.S. 150B-19.1(e) and (f).

### "§ 110-105.4. Duty to report child maltreatment.

- (a) Any person who has cause to suspect that a child in a child care facility has been maltreated, as defined by G.S. 110-105.3, or has died as the result of maltreatment occurring in a child care facility, shall report the case of that child to the Department. The report may be made orally, by telephone, or in writing. The report shall include information as is known to the person making the report, including (i) the name and address of the child care facility where the child was allegedly maltreated, (ii) the name and address of the child's parent, guardian, or caretaker, (iii) the age of the child, (iv) the present whereabouts of the child if not at the home address, (v) the nature and extent of any injury or condition resulting from maltreatment, and (vi) any other information the person making the report believes might assist in the investigation of the report. If the report is made orally or by telephone, the person making the report shall give the person's name, address, and telephone number. Refusal of the person making the report to give a name shall not preclude the Department's assessment of the alleged maltreatment.
- (b) Upon receipt of any report of maltreatment involving sexual abuse of the child in a child care facility, the Department shall notify the State Bureau of Investigation within 24 hours or on the next workday. If sexual abuse in a child care facility is not alleged in the initial report, but during the course of the assessment there is reason to suspect that sexual abuse has occurred, the Department shall immediately notify the State Bureau of Investigation. Upon notification that sexual abuse may have occurred in a child care facility, the State Bureau of Investigation may form a task force to investigate the report.

"§ 110-105.5. Child maltreatment registry.

- (a) The Department shall establish and maintain a registry containing the names of all caregivers who have been confirmed by the Department of having maltreated a child pursuant to G.S. 110-105.3.
- (b) Individuals who wish to contest findings under subsection (a) of this section are entitled to an administrative hearing as provided by the Administrative Procedure Act under Chapter 150B of the General Statutes. A petition for a contested case shall be filed within 30 days of the mailing of the written notice of the Department's intent to place its findings about the person in the Child Maltreatment Registry.
- (c) Individuals whose names are listed on the Registry shall not be a caregiver as defined in G.S. 110-105.3(b)(2) at any licensed child care facility or religious-sponsored child care facility.
- (d) No person shall be liable for providing any information for the Child Maltreatment Registry if the information is provided in good faith. Neither an employer, potential employer, nor the Department shall be liable for using any information from the Child Maltreatment Registry if the information is used in good faith for the purpose of screening prospective applicants for employment or reviewing the employment status of an employee. The immunity established by this subsection does not extend to malicious conduct or intentional wrongdoing.
- (e) Upon request, a child care facility, as defined in G.S. 110-105.3, is permitted to provide confidential or other identifying information to the Department, including social security numbers, taxpayer identification numbers, parent's legal surname prior to marriage, and dates of birth, for the purpose of verifying the identity of the accused caregiver.
- (f) With the exception of the names of individuals listed on the Child Maltreatment Registry, all other information received by or pertaining to the Child Maltreatment Registry shall be confidential and is not a public record under Chapter 132 of the General Statutes.
- (g) In order to determine an individual's fitness to care for or adopt a child, information from the Child Maltreatment Registry may be used by any of the Department's divisions responsible for licensing homes or facilities that care for children, and the Department may provide information from this list to child-caring institutions, child-placing agencies, group home facilities, and other providers of foster care, child care, or adoption services.
- (h) The North Carolina Child Care Commission shall adopt, amend, and repeal all rules necessary for the implementation of this section.

## § 110-105.6. Penalties for child maltreatment.

- (a) For purposes of this Article, child maltreatment occurring in child care facilities is a violation of this Article, licensure standards, and licensure laws.
- (b) Pursuant to G.S. 110-105.3, when an investigation confirms that child maltreatment did occur in a child care facility, the Department may issue an administrative action up to and including summary suspension and revocation of the facility's child care license.
- (c) If the facility is permitted to remain open after an administrative action has been issued, the administrative action shall specify any corrective action to be taken by the operator.
- (d) The Department shall make unannounced visits to determine whether the corrective action has occurred. If the corrective action has not occurred, then the Department may take further action against the facility as necessary to protect the health, safety, or welfare of the children at the child care facility.
- (e) Administrative actions issued shall include a statement of the reasons for the action and shall specify corrective action that shall be taken by the operator.
- (f) Under the terms of the administrative action, the Department may limit enrollment of new children until satisfied the situation giving rise to the confirmation of child maltreatment no longer exists.
- (g) Specific corrective action required by an administrative action authorized by this Article may include the removal of the individual responsible for child maltreatment from child

	General Assembly Of North Carolina			
1	care pending a final determination or appeal of the individual's placement	on the	Child	
2	Maltreatment Registry.			

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Nothing in this section shall restrict the Department from using any other statutory or administrative remedies available."

**SECTION 9.** This act becomes effective January 1, 2016.

S578 [Edition 2] Page 8



### **SENATE BILL 578:**

# Transition Certain Abuse Investigations/DCDEE

#### 2015-2016 General Assembly

Analysis of:

Committee: House Children. Youth, and Families, if

**Date:** June 4, 2015

favorable, Judiciary III

Introduced by: Sens. Barringer. Hise, Tucker

Second Edition

Prepared by: Tawanda Foster

Committee Counsel

SUMMARY: Senate Bill 578 would transition abuse and neglect investigations in child care facilities to the Division of Child Development and Early Education within the Department of Health and Human Services (Department).

**CURRENT LAW:** Directors of county departments of social services ("county directors") are authorized to investigate allegations of abuse and neglect involving juveniles in child care facilities under Chapter 7B of the General Statutes. The Department of Health and Human Services (DHHS) is also charged with ensuring the health and safety of children in child care facilities under Article 7 of Chapter 110.

#### **BILL ANALYSIS:**

Senate Bill 578 would amend provisions in Chapter 7B authorizing county directors to investigate abuse and neglect of juveniles to delete references to child care facilities, and would amend Article 7 of Chapter 110 to define child maltreatment and to assign authority for investigating child maltreatment in child care facilities to DHHS's Division of Child Development and Early Education.

**Section 1** of the bill would amend the definition of caretaker under G.S. 7B-101 to remove references to child care facilities.

**Section 2** would amend the protective service requirements in G.S. 7B-300 to remove the reference to child care facilities.

Section 3 would remove the requirement that the director of a county department of social services notify the State Bureau of Investigation (SBI) within 24 hours of sexual abuse allegations in child care facilities in G.S. 7B-301(a).

**Section 4** would amend G.S. 7B-302(a), which requires a county director investigating a report of abuse or neglect to visit the place where the juvenile resides, to remove references to child care facilities.

**Section 5** would amend G.S. 7B-307 governing a county director's duty to report evidence of abuse or neglect, to remove references to child care facilities and to require the county director to notify DHHS within 24 hours after receiving a report of child maltreatment as defined in new G.S. 110-105.3 (added by Section 8 of the bill).

**Section 6** would amend G.S. 110-105. governing DHHS authority to inspect child care facilities, to permit inspection of such facilities without notice when there is cause to believe an emergency exists, when there is a complaint alleging a violation of licensure law, or when DHHS is notified that child maltreatment has occurred in such facilities.

**Section** 7 would repeal G.S. 110-105.2, governing abuse and neglect violations, which would be superseded by the new statutory provisions added in Section 8 of the bill.

Section 8 would add new sections in Article 7 of Chapter 110 that would:

O. Walker Reagan Director



Research Division (919) 733-2578

# Senate Bill 578

Page 2

- define caregiver, child maltreatment, and child care facilities;
- establish procedures for investigating allegations of child maltreatment in child care facilities;
- require persons to report to DHHS any suspected child maltreatment in a child care facility;
- establish a registry containing the names of all caregivers DHHS has confirmed to have maltreated a child:
- establish administrative penalties for child maltreatment.

**EFFECTIVE DATE:** This act becomes effective January 1, 2016.

### NORTH CAROLINA GENERAL ASSEMBLY

# CHILDREN, YOUTH, and FAMILIES 2015-2016 SESSION



Rep. Jonathan Jordan Co- chair



Rep. Sarah Stevens Co-Chair



Rep. Tricia Cotham Vice chair



Rep. Jay Adams



Rep. John Ager



Rep. Marilyn Avila



Rep. Carla Cunningham



Rep. Rosa Gill



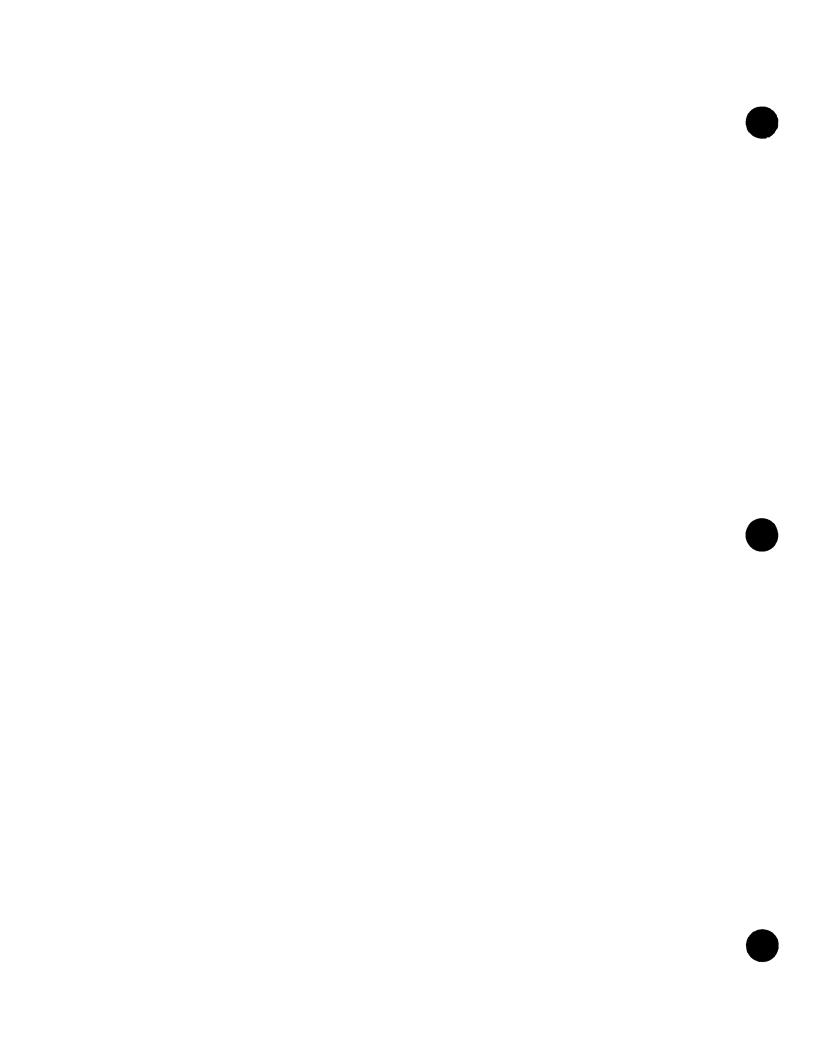
Rep. Craig Horn



Rep. Charles Jeter



Rep. Linda Johnson



### NORTH CAROLINA GENERAL ASSEMBLY

# CHILDREN, YOUTH, and FAMILIES 2015-2016 SESSION



Rep. Garland Pierce



Rep. Dennis Riddell



Rep. Brad Salmon



Rep. Chris Sgro



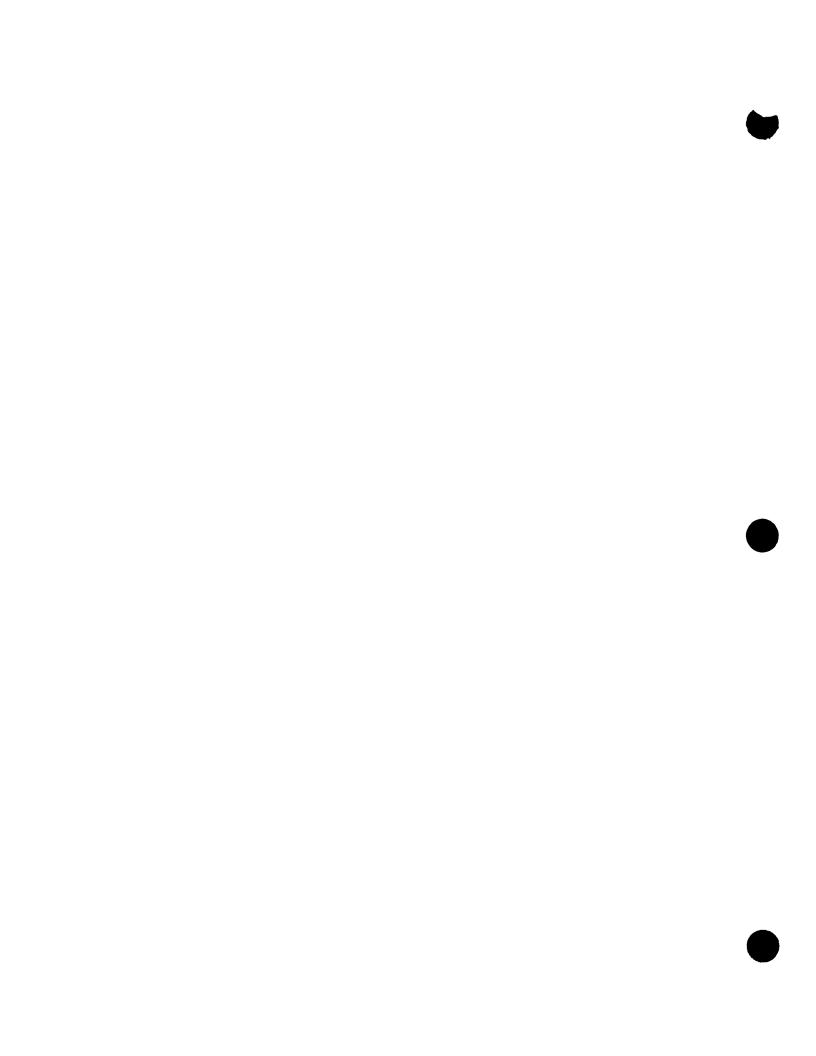
Rep. Paul Stam



Rep. Evelyn Terry



Rep. Sam Watford



# **CHILDREN, YOUTH, AND FAMILIES**

<u>MEMBER</u>	<u>ASSISTANT</u>	<b>PHONE</b>	<u>OFFICE</u>	<u>SEAT</u>
Rep. Jonathan Jordan Co - Chair	Emma Benson	733-7727	420 LOB	42
Rep. Sarah Stevens Co – Chair	Lisa Brown Committee Clerk	715-1883	635 LOB	13
Rep. Tricia Cotham Vice-Chair	Carol Erichsen	715-0706	402 LOB	33
Rep. Jay Adams	Susan Phillips	733-5988	2215 LB	98
Rep. John Ager	Meredith Graf	733-5746	1315 LB	115
Rep. Marilyn Avila	Susan Lewis	733-5530	2217 LB	50
Rep. Carla Cunningham	Sherrie Burnette	733-5807	1109 LB	59
Rep. Rosa Gill	Lisa Ray	733-5880	1303 LB	58
Rep. Craig Horn	Pattie Fleming	733-2406	419A LOB	32
Rep. Charles Jeter	Britt Eller	733-5654	2226 LB	113
Rep. Linda Johnson	Joanna Hogg	733-5861	301D LOB	3
Rep. Garland Pierce	Janice Fenner	733-5803	1204 LB	57
Rep. Dennis Riddell	Polly Riddell	733-5905	533 LOB	64
Rep. Brad Salmon	Katie Stanley	715-3026	1319 LB	107
Rep. Chris Sgro	Mildred Alston	733-5902	1317 LB	116
Rep. Paul Stam	Rita Dory	733-2962	612 LOB	5
Rep. Evelyn Terry	Franklin Terry	733-5777	1015 LB	92
Rep. Sam Watford	Regina Irwin	715-2526	2121 LB	88
Staff:				

733-2578 200 LOB Tawanda Foster 733-2578 200 LOB Jan Paul 733-2578 545 LOB Denise Adams 733-2578 545 LOB James Ritter

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# House Committee on Children, Youth, and Families Thursday, June 9, 2016 at 11:00 AM Room 643 of the Legislative Office Building

#### **MINUTES**

The House Committee on Children, Youth, and Families met at 11:00 AM on June 9, 2016 in Room 643 of the Legislative Office Building. Representatives Jonathan Jordan and Sarah Stevens – Co-Chairs; and Representatives Adams, Avila, Jeter, Salmon, Stam, and Watford were in attendance.

Representative Stevens, Co-Chair, called the meeting to order and introduced the Pages and Sergeant At Arms who would be assisting with the Committee. Copies of the agenda, attendance and visitor registration are attached to these minutes, (Attachment 1-4).

#### Presentation by Marci Roth on NEICE (National Electronic Interstate Compact Enterprise)

Rep. Stevens recognized Marci Roth to present before the Committee, by webinar, information concerning the NEICE program, (Attachment 5-7). Ms. Roth stated that NEICE is operated by the American Public Health Services Association (APHSA) with the Association of Administrators of the Interstate Compact on the Placement of Children (AAICPC) and is made possible by a grant from the Children's Bureau. For a complete copy of this presentation see attachment 5.

Following this presentation Rep. Stevens recognized members for questions and comments.

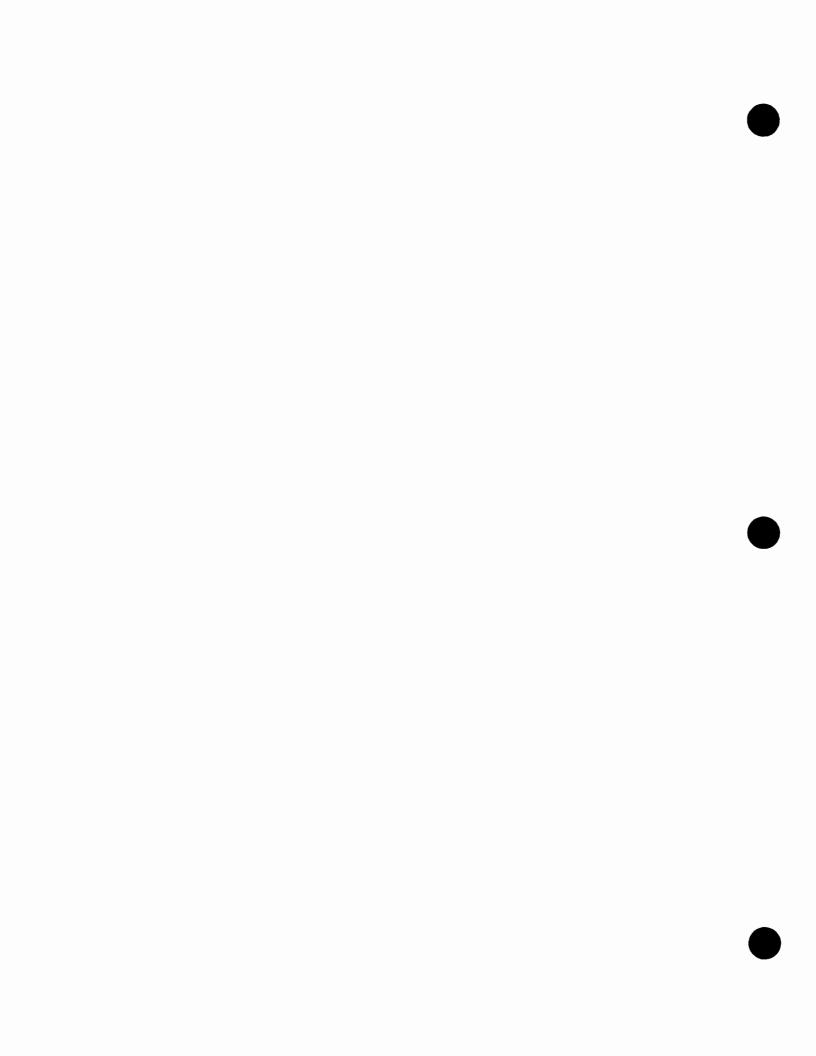
**Rep. Avila** – To what degree has DHHS been looking at this program? **Keven Kelly**, DHHS, Child and Family Services – DHHS has been looking at this program closely in

Marci Roth - At this time she has not spoken with anyone from North Carolina about NEICE.

coordination with the FAST program.

SB 29 - AN ACT ALLOWING COUNTIES TO COMPENSATE PERSONS ASEXUALIZED OR STERILIZED UNDER COUNTY AUTHORITY FOR THE PURPOSES OF EUGENICS, (Attachment 8).

Rep. Stevens stated that Senate Bill 29, "County Eugenics Compensation Authority", was before the Committee for discussion and, without objection from members, PCS S29-CSLR-55 [v.2] be heard before the Committee, (Attachment 9). There being no objections, the PCS for Senate Bill 29 was properly before the Committee for consideration and Rep. Stam was recognized to explain the PCS. Rep. Stam stated that this bill would allow counties with populations over 350,000 to adopt an ordinance to provide compensation to qualified recipients asexualized or sterilized under county authority. The ordinance must provide the Industrial Commission will determine whether a claimant is eligible for compensation as a qualified recipient or provide other provisions to afford claimants due process and prescribe the manner in which claims will be handled by the county. A person must



be alive at the time a claim is made and if a claimant dies during the pendency of a claim, the decedent's estate will receive the compensation payment. See attachment 10 entitled "The Roots of the Eugenics Movement" for information on Eugenics.

Following this explanation, Rep. Stam offered an amendment which would amend the bill on page 1, lines 29-32 and page 2, lines 30-31. See copy of amendment for a complete explanation, (Attachment 11). Following remarks made by Rep. Stam on this amendment, Rep. Stevens recognized Rep. Jeter who moved for its adoption. Rep. Stevens called for a vote and the ayes carried.

Rep. Stevens then recognized members for questions and comments on the bill. Reps. Stevens, Jeter, Jordan, Avila, and Adams asked questions and were answered by Rep. Stam. Rep. Jeter was then recognized and moved that the amendment be rolled into a new PCS for Senate Bill 29 and that the new PCS receive a favorable report, unfavorable as to the original bill. Rep. Stevens called for a vote and the motion carried.

### <u>Presentation by Kevin Kelley on DHHS Child and Family Services Review Program</u> Improvement Plan

Rep. Stevens then recognized Kevin Kelley to present before the Committee information on the Child and Family Services Program Improvement Plan. Mr. Kelley stated that the Child and Family Services Review is a collaborative effort between federal and state governments that promotes continuous quality improvement in child welfare systems nationally. It identifies both strengths and areas needing improvement in state child welfare programs and enables states to utilize the information to create strategic plans for improving its child welfare system. For a complete copy of this presentation see attachment 12.

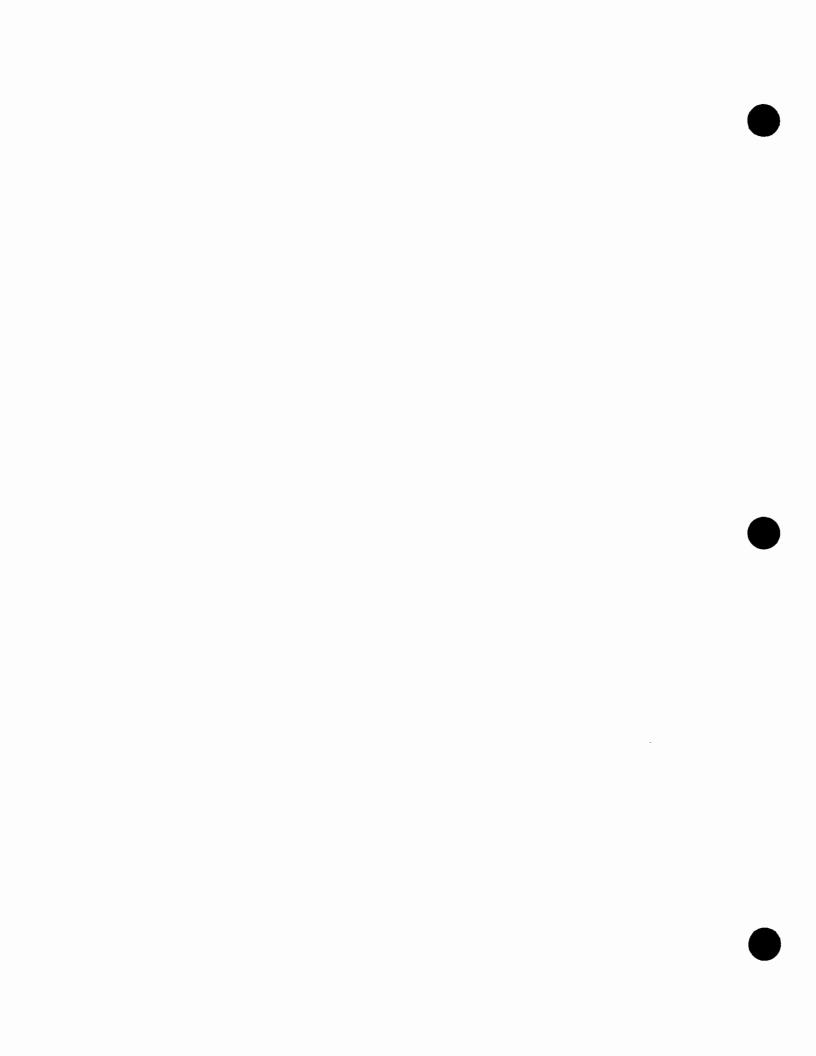
Following this presentation, Rep. Stevens recognized members for questions and comments. Reps. Jordan, Stevens, Avila, and Stam asked questions and were answered by Mr. Kelly and staff.

There being no further business before the Committee, Representative Stevens adjourned the meeting.

Respectfully submitted:

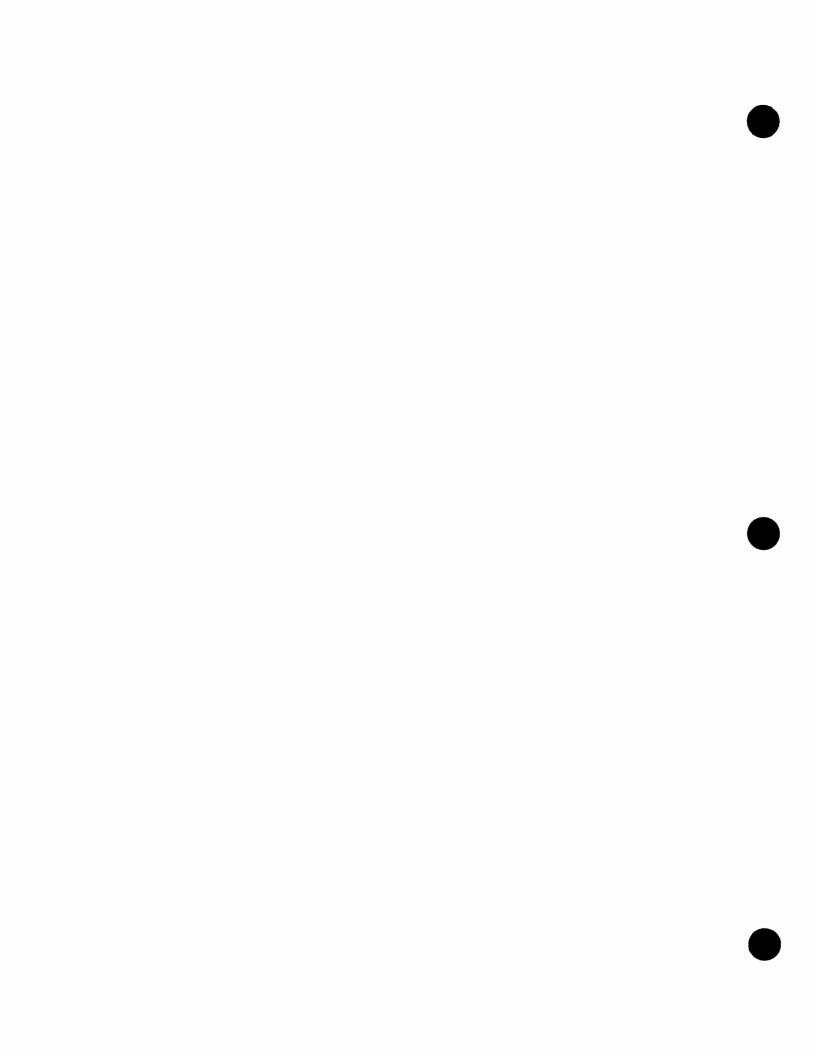
Representative Jonathan Jordan, Co-Chair

Representative Sarah Stevens, Co-Chair



### Attachments:

- 1. Agenda
- 2. Attendance
- 3. Committee Sergeant at Arms
- 4. Visitor Registration
- 5 7. NEICE presentation
- 8. SB 29 and Summary
- 9. PCS for SB 29
- 10. Handout The Roots of the Eugenics Movement
- 11. Amendment Rep. Stam
- 12. DHHS presentation





# House Committee on Children, Youth, and Families Thursday, June 9, 2016, 11:00 AM Meeting will be held in Room 643

### **AGENDA**

Welcome and Opening Remarks

**Introduction of Pages** 

**Bills** 

BILL NO. SHORT TITLE

**SPONSOR** 

**SB 29** 

**PCS-County Eugenics Compensation** 

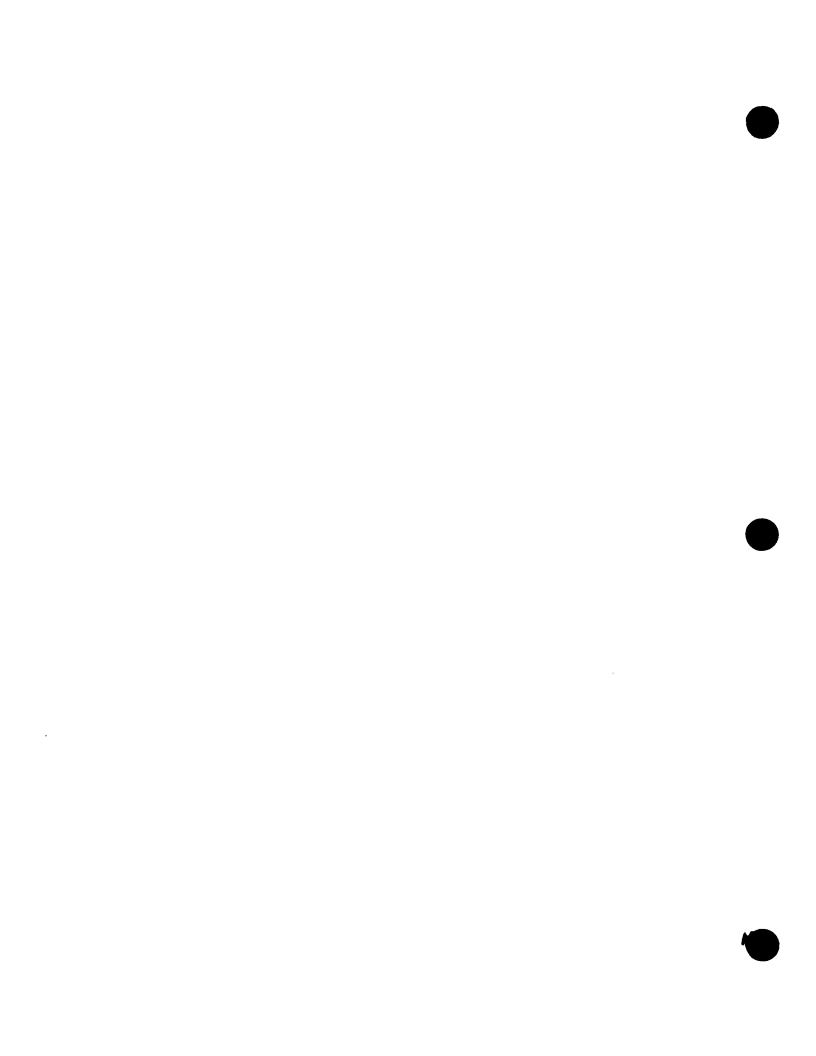
Representative Stam

**Authority** 

### **Presentations**

Webinar on (NEICE) National Electronic Interstate Compact Enterprise and briefing from DHHS - Child & Family Services Review and the Program Improvement Plan required by the ACF.

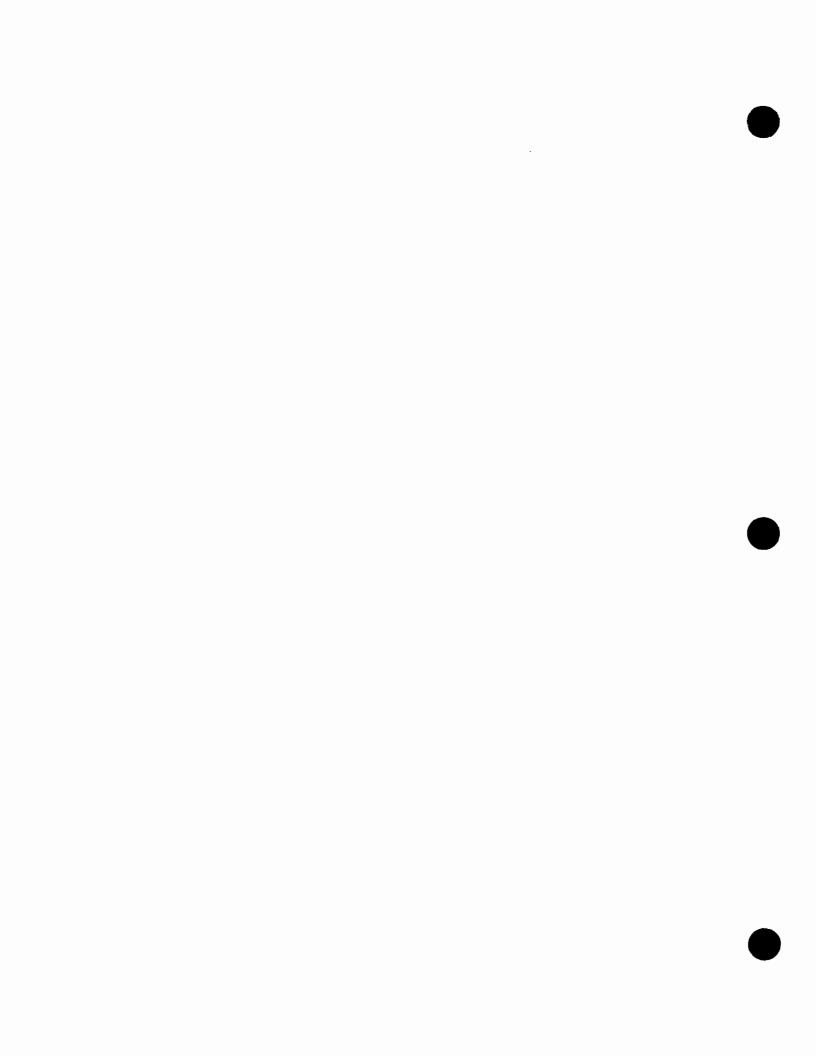
Adjournment



# **ATTENDANCE**

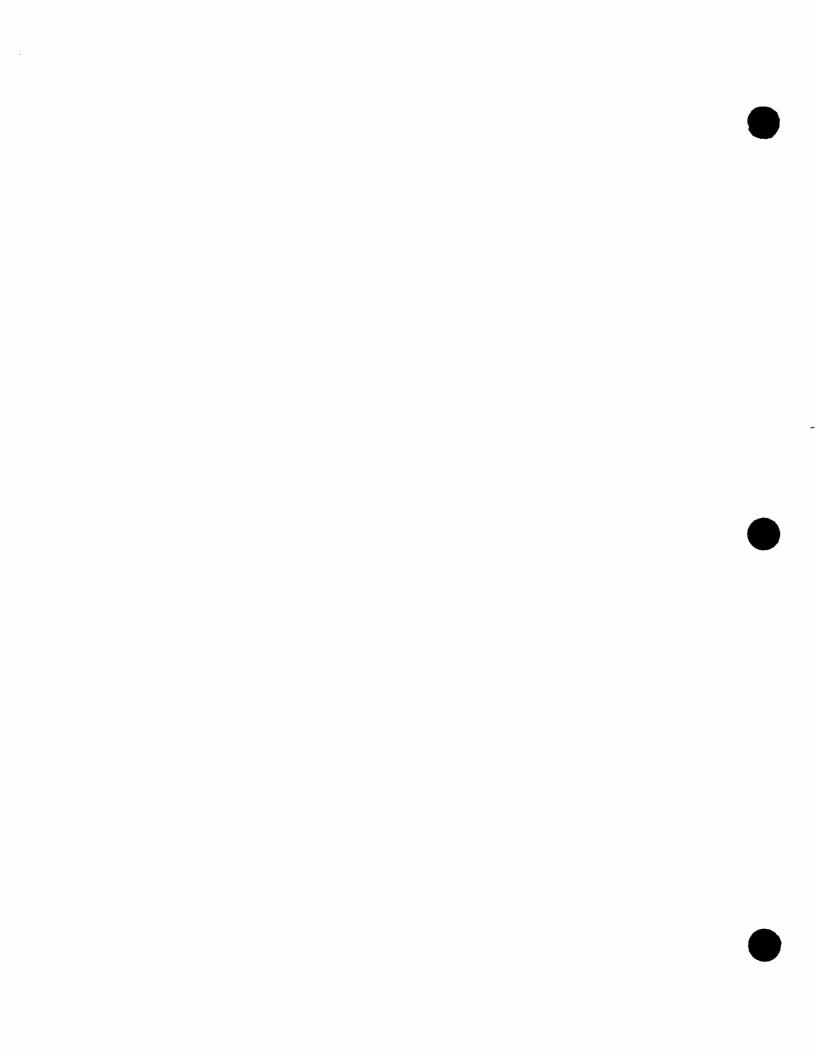
# CHILDREN, YOUTH, and FAMILIES

DATES	6-9-2016							
Rep. Jonathan Jordan – Co-Chair	X							
Rep. Sarah Stevens - Co-Chair	X							
Rep. Tricia Cotham - Vice Chair								
Rep. Jay Adams	X							
Rep. John Ager								
Rep. Marilyn Avila	X							
Rep. Carla Cunningham								
Rep. Rosa Gill								
Rep. Craig Horn								
Rep. Charles Jeter	X							
Rep. Linda Johnson								
Rep. Garland Pierce								
Rep. Dennis Riddell			<u> </u>					
Rep. Brad Salmon	X							
Rep. Chris Sgro								
Rep. Paul Stam	X							
Rep. Evelyn Terry								
Rep. Sam Watford								
STAFF								
Jan Paul - Research	X							
Denise Adams - Research								
Tawanda Foster - Research	X							
James Ritter - Research	X							
Emma Benson – Committee Clerk	X							
Lisa Brown – Committee Clerk	X							



### Committee Sergeants at Arms

NAME OF COMMITTEE Child	, Youth, and Families
DATE: 06-09-2016	Room: <u>643</u>
Ho	tse Sgt-At Arms:
1. Name: Bill Bass	
2. Name: Mark Cone	William William Print V. Serv.
3. Name: Joe Crook	
4. Name: Russell Salisbu	ry
5. Name:	
Sena	te Sgt-At Arms:
, Name:	
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5. Name:	mail and Audition and the Contraction of the Contra
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### VISITOR REGISTRATION SHEET

# CHILDREN, YOUTH, AND FAMILIES

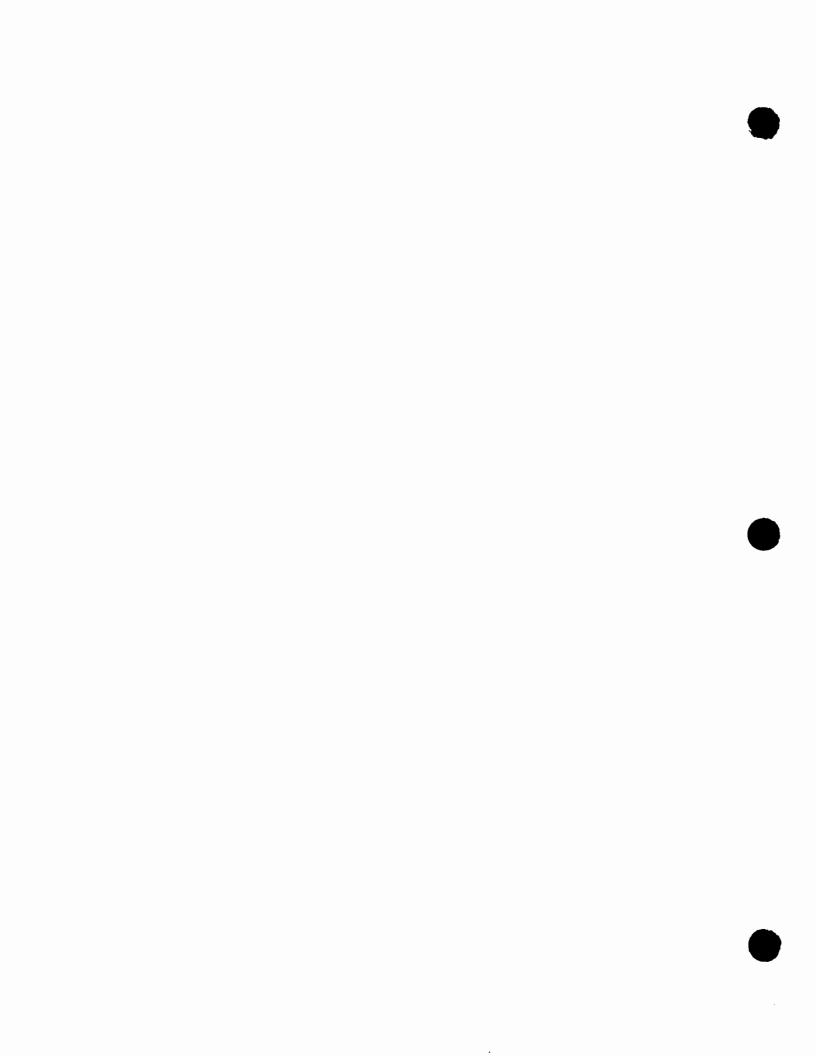
June 9, 2016

Name of Committee

Date

# VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Jamaica Pfiste	r Childrens Home Society
Shown Hirsch	Prevent Child Abuse NC
NITYA GANAPICA	HY NCFAST ST PM. DHHS
Sue Am Forres	NCTCU
DEL MAYIMADO	CHEN > POSE
MUTTINECONE.	A-D
Sarah Poeston	ACLU-NC
Julia Adams Schaure	L Oak Cely Grout Relations
Coryebuna	DRNC



#### VISITOR REGISTRATION SHEET

CHILDREN, YOUTH, AND FAMILIES

June 9, 2016

Name of Committee

Date

#### VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS			
CHRIS PILLON	a AKF			
Andy Chase	KMA			
Fed Donehi	IND, COMM.			
Under Boundon	NCIC			
Matt Gos	NCPC			
Chris Agren	NCD65			



# Presentation to the Committee on Children, Youth and Families, North Carolina State Assembly



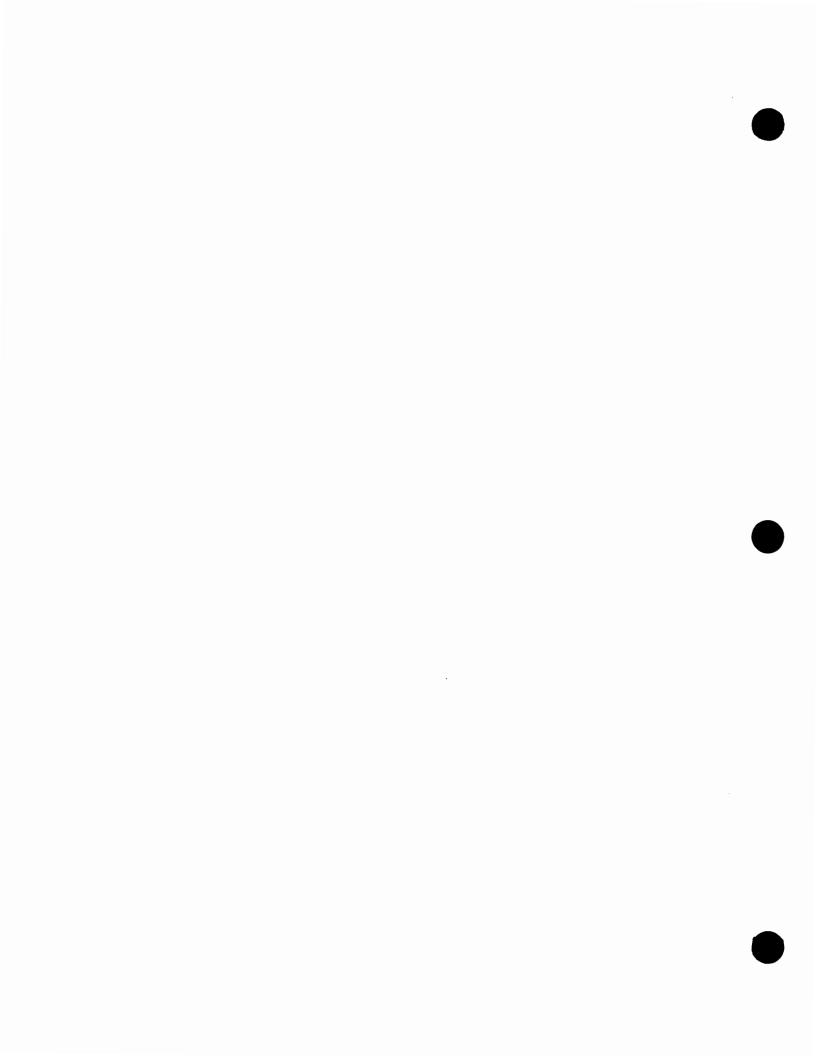
Marci Roth, NEICE Project Director mroth@aphsa.org

June 9, 2016

NEICE is operated by the American Public Health Services Association (APHSA) with the Association of Administrators of the Interstate Compact on the Placement of Children (AAICPC) and is made possible by grant number 90XA0151 from the Children's Bureau. The contents of this presentation do not necessarily reflect the views or policies of the funder, nor does mention of trade names, commercial products or organizations imply endorsement by the U.S. Department of Health and Human Services. This information is in the public domain. Readers are encouraged to copy and share it, but please credit the project.







# What is the Interstate Compact on the Placement of Children?

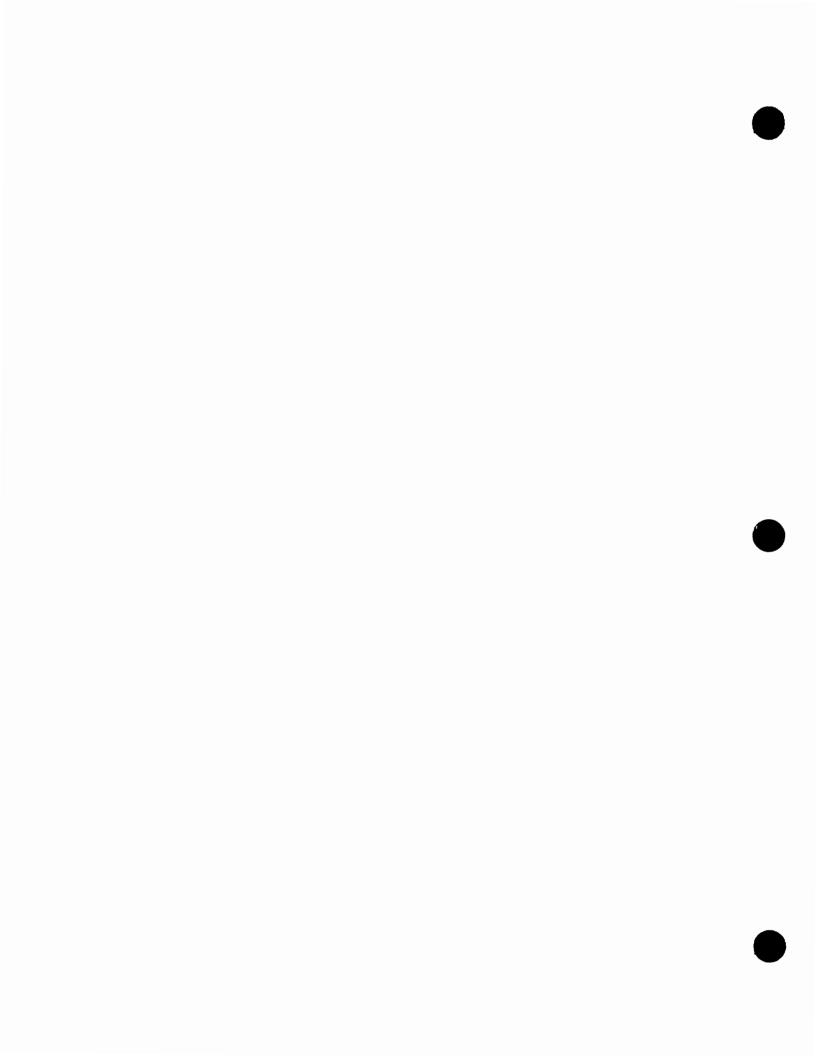
- Establishes uniform legal and administrative procedures governing the interstate placement of children
- Statutory law in all 52 member jurisdictions (all 50 States, the District of Columbia, and the Virgin Islands)
- A binding contract between member jurisdictions

Established in 1974, the Association of Administrators of the Interstate Compact on the Placement of Children AAICPC) has the authority to carry out the rules and terms of the Compact

The Secretariat to AAICPC provides ongoing administrative, legal and technical assistance to individual states that administer the Compact





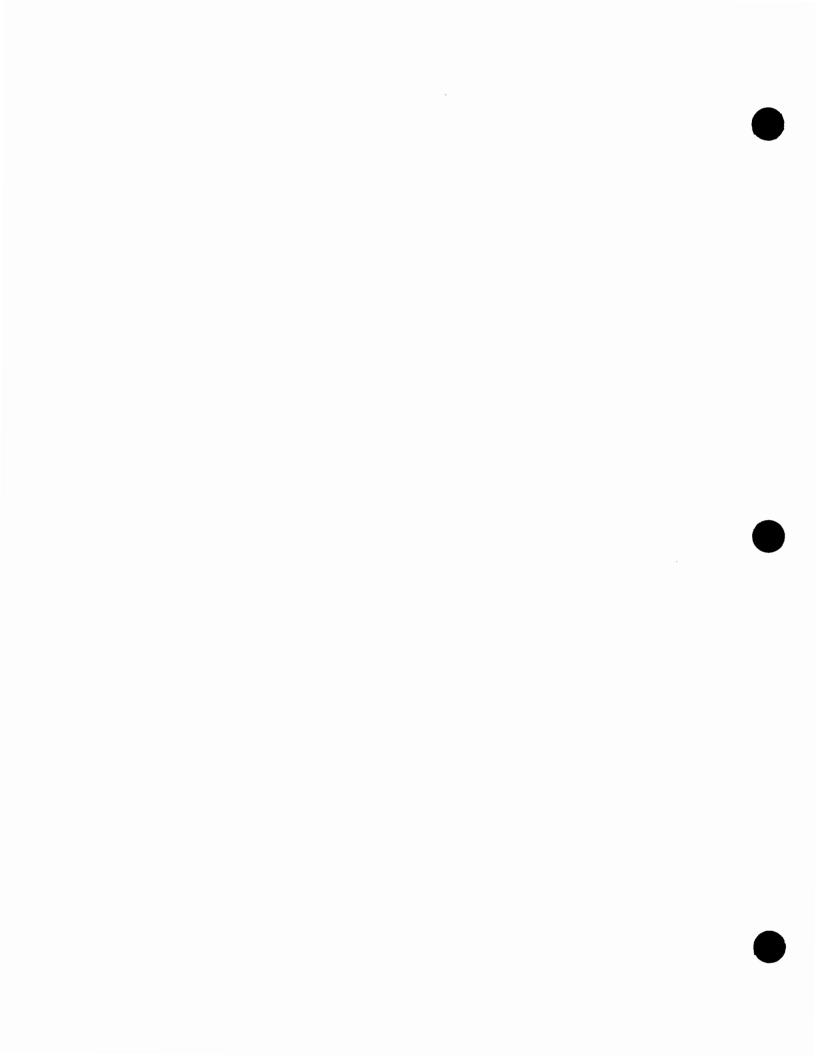


# **Challenges of Existing ICPC**

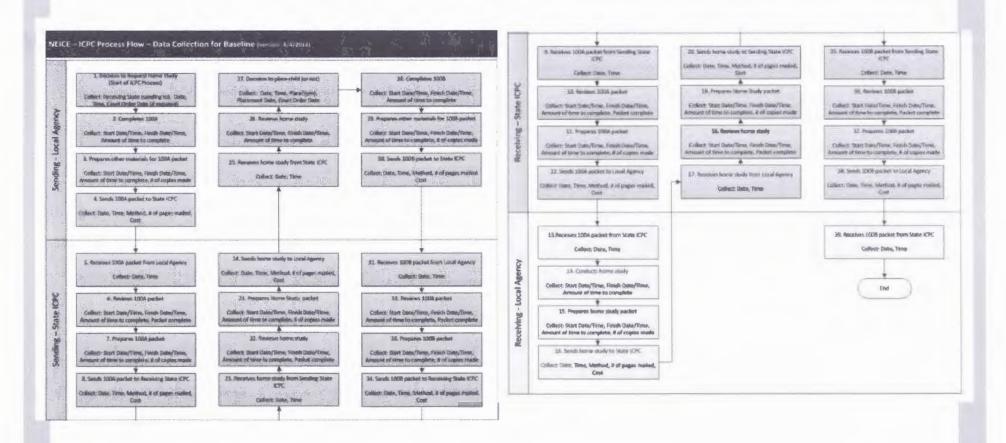
- Compact is antiquated
- Despite national compact, each state does things slightly differently
- States use different systems to track cases (Excel, databases, SACWIS systems)
- No national count of how many ICPC cases and how long they take to complete
- Difficult to ensure accountability for where things are in the process





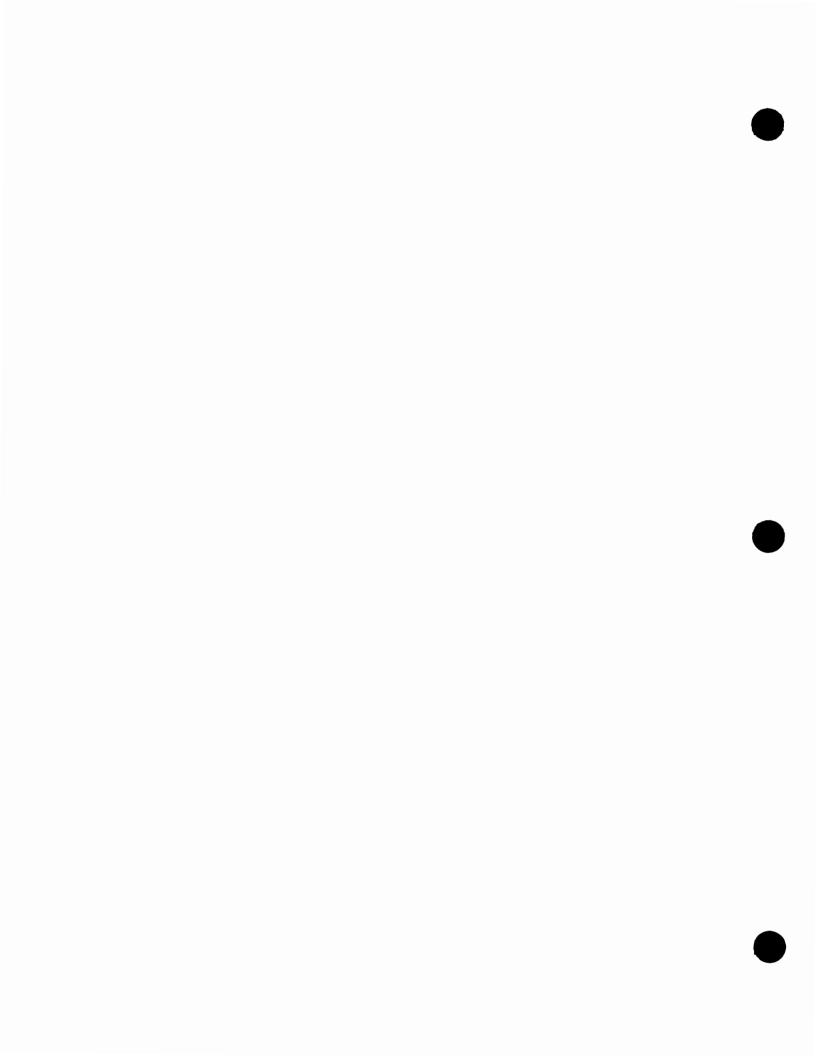


# The ICPC Process: 39 steps



WWW.APHSA.org





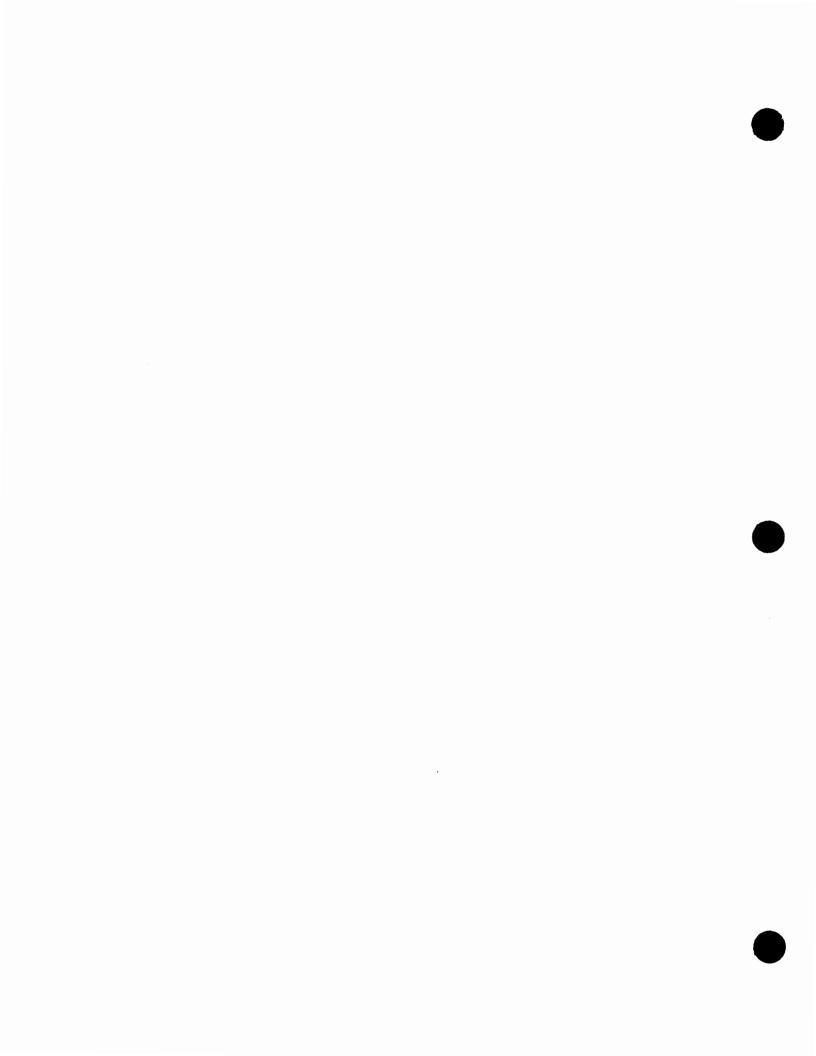
### **The Current State**





www.APHSA.org

APHSA
American Public Human Services Association



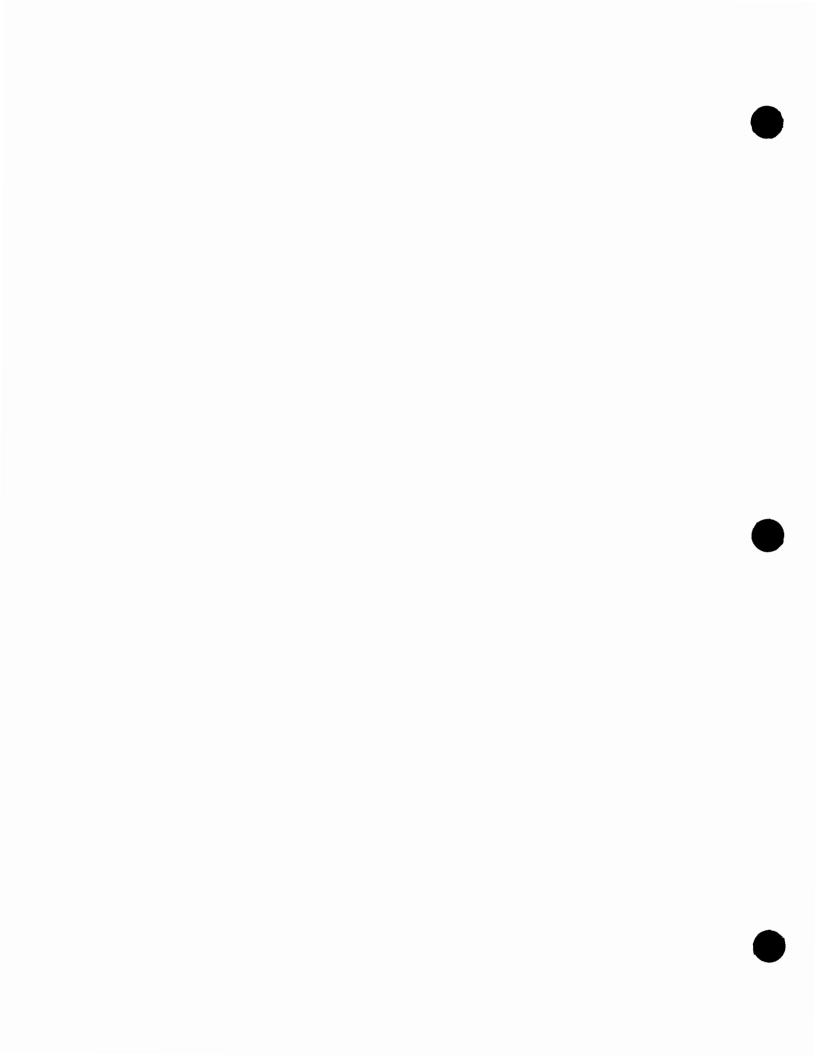
# What is the National Electronic Interstate Compact Enterprise?

Web-based case management system to transmit data and process placement decisions for a child who needs a placement across state lines. Made possible by a grant from the Children's Bureau.

Oct 2013 - Pilot began
Aug 2014 - System launched
May 2015 - Pilot ended
June 2015 - National implementation began





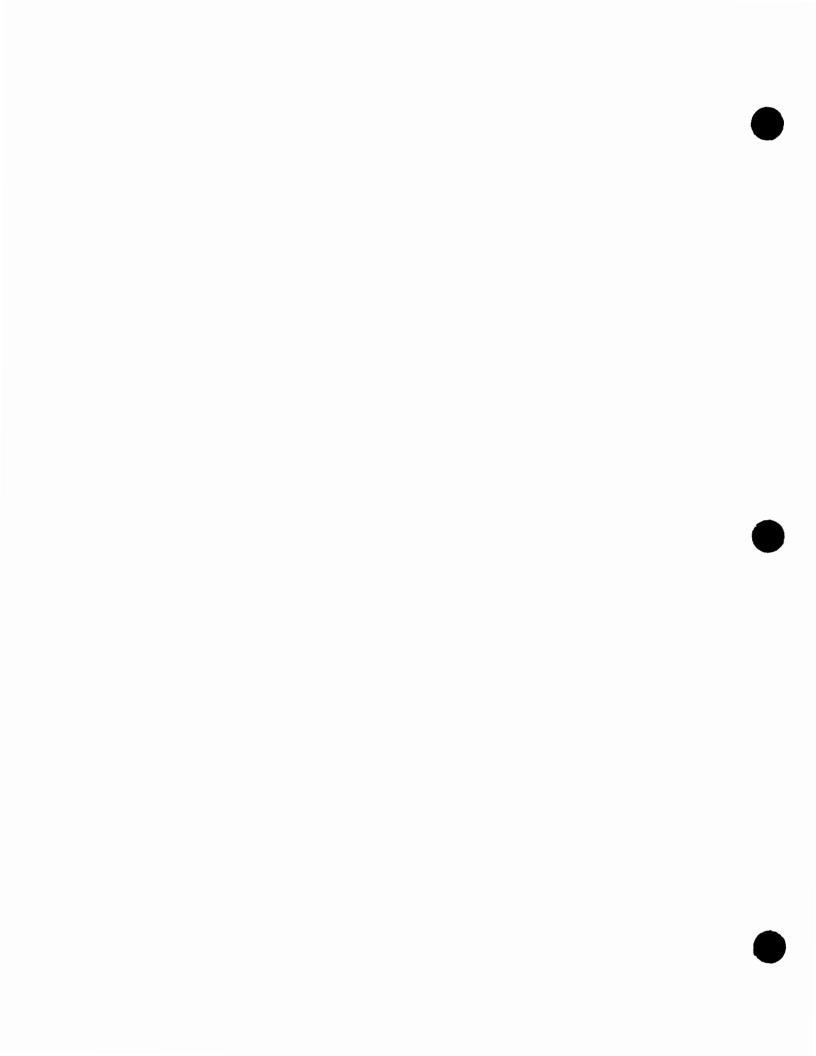


### **NEICE** Benefits to Children, States

- Shorter permanency timelines for children
- Increased accountability of ICPC case processing
- Saves money
- Easier for case workers to submit and process cases
- Allows judicial view-only of cases to monitor progress
- Use of National Information Exchange Model Standards facilitates connections to other data systems
  - The future: connections to child abuse and neglect registries and health care eligibility checks across state lines.

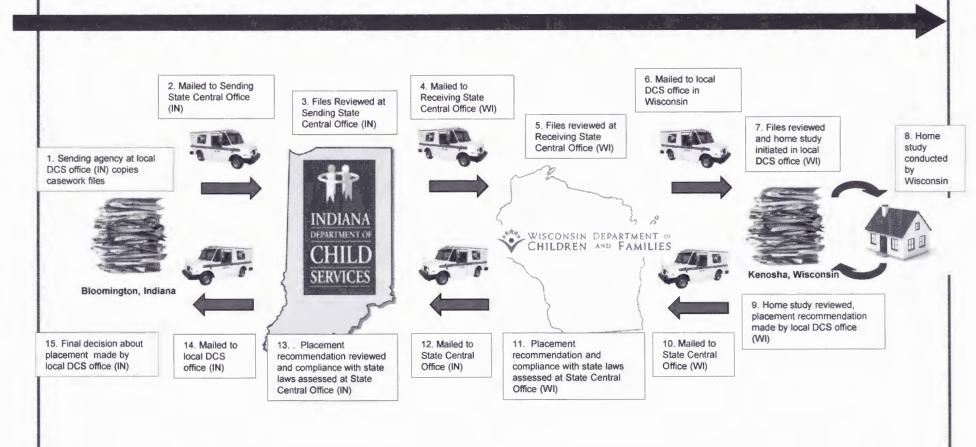






# The Old Way: The Interstate Compact on the Placement of Children Process

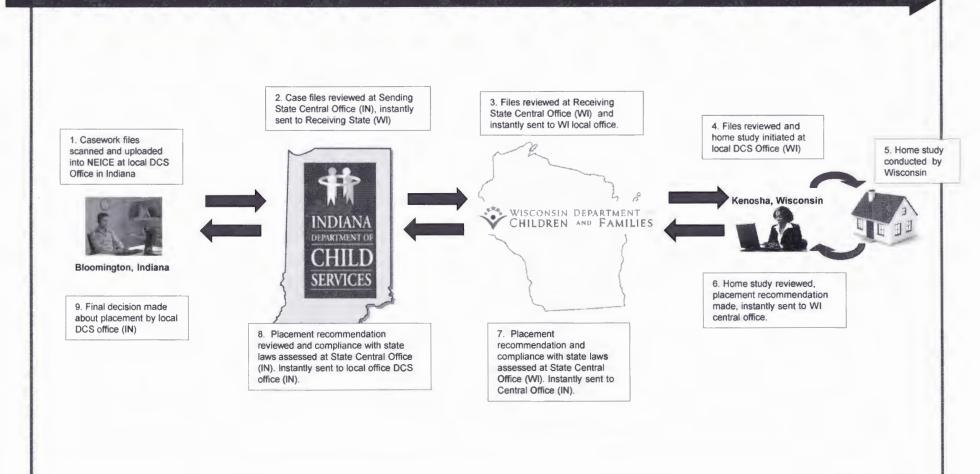
(Priority Placement Decisions in 55 days; Regular Placement Decisions in 81 days)



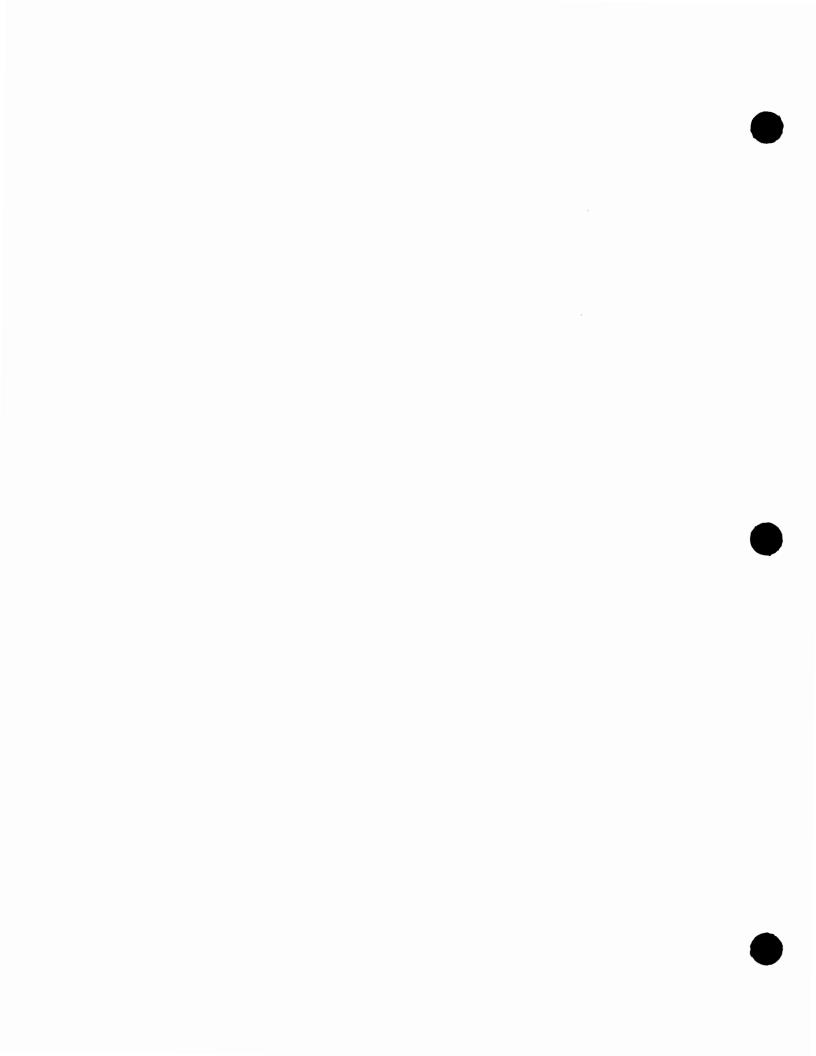


# The New Way: The Interstate Compact on the Placement of Children Process using NEICE

(Priority Placement Decisions in 29 days; Regular Placement Decisions in 55 days)



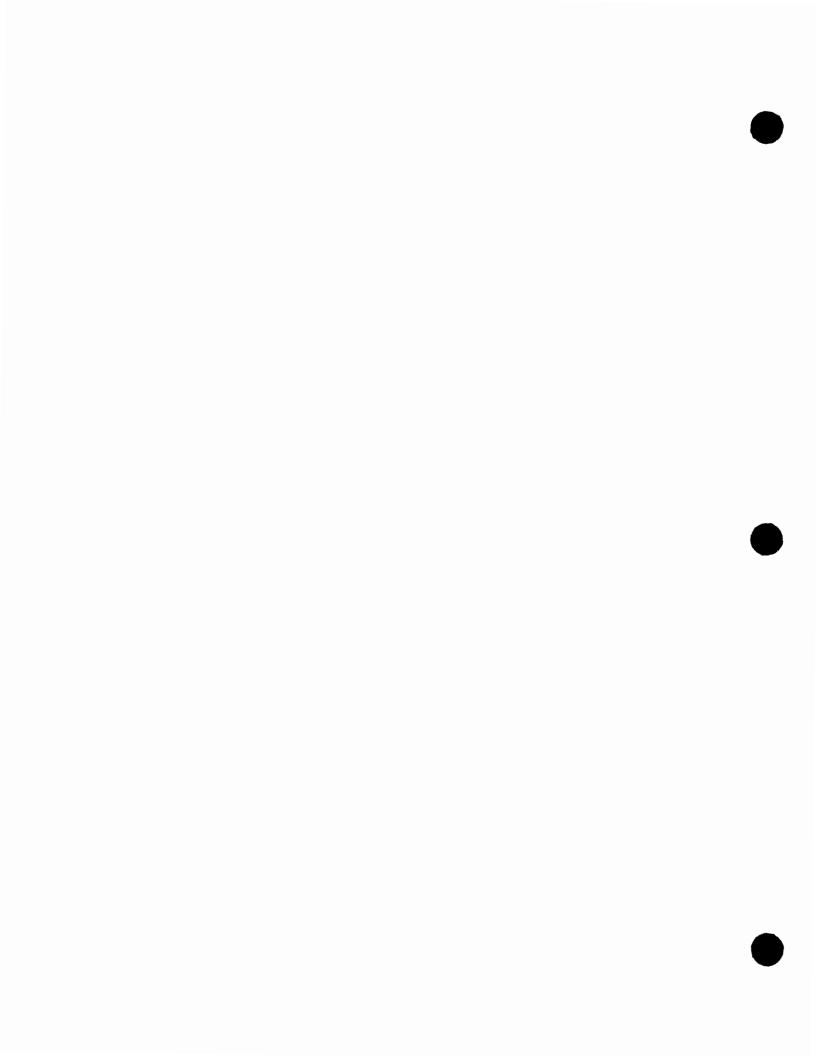




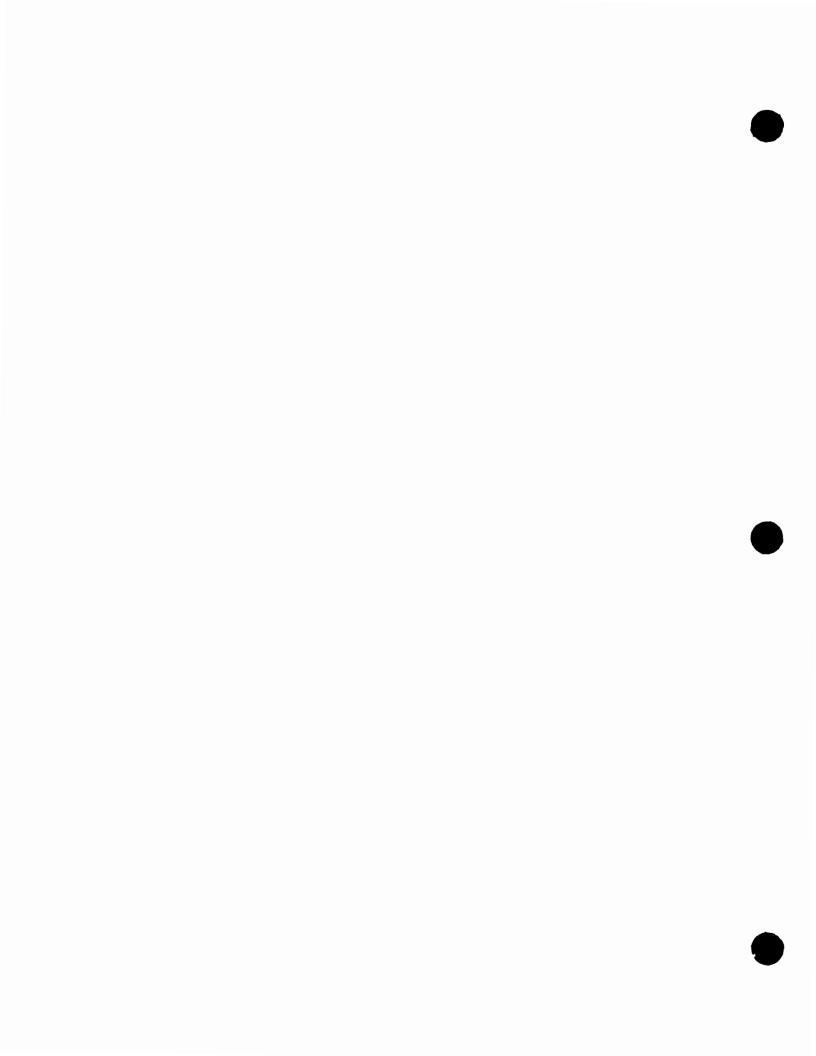
# **States Planning to Join NEICE**

States Planning to Join NEICE	Onboard	Yes	Considering	Unknown	Not at This Time
Total	9	23	11	6	3





**NEICE Implementation Progress** (As of June 9, 2016) WA ME MT ND MN OR ID WI MA NY WY SD PA RI IA OH CA NE IL NV DC \* UT CO KS KY MO NC AZ TN NM OK AR Dark green = Currently using Light green = Planning to join GA Yellow = Considering NEICE TX MS AL Dark Grey = Not interested at this time. LA White = Unknown \* representing original pilot states US Virgin Islands



#### **NEICE Stats**

As of June 8, 2016

#### 12,730 Cases in NEICE

Averaging 200 cases/week

#### 14,348 Children in NEICE

# Total 17,384 home studies processed

7,109 approved

4,611 pending

4,647 denied

34 provisionally approved

427 returned

646 withdrawn

#### 1,121 users

894 caseworkers

33 ICPC coordinators

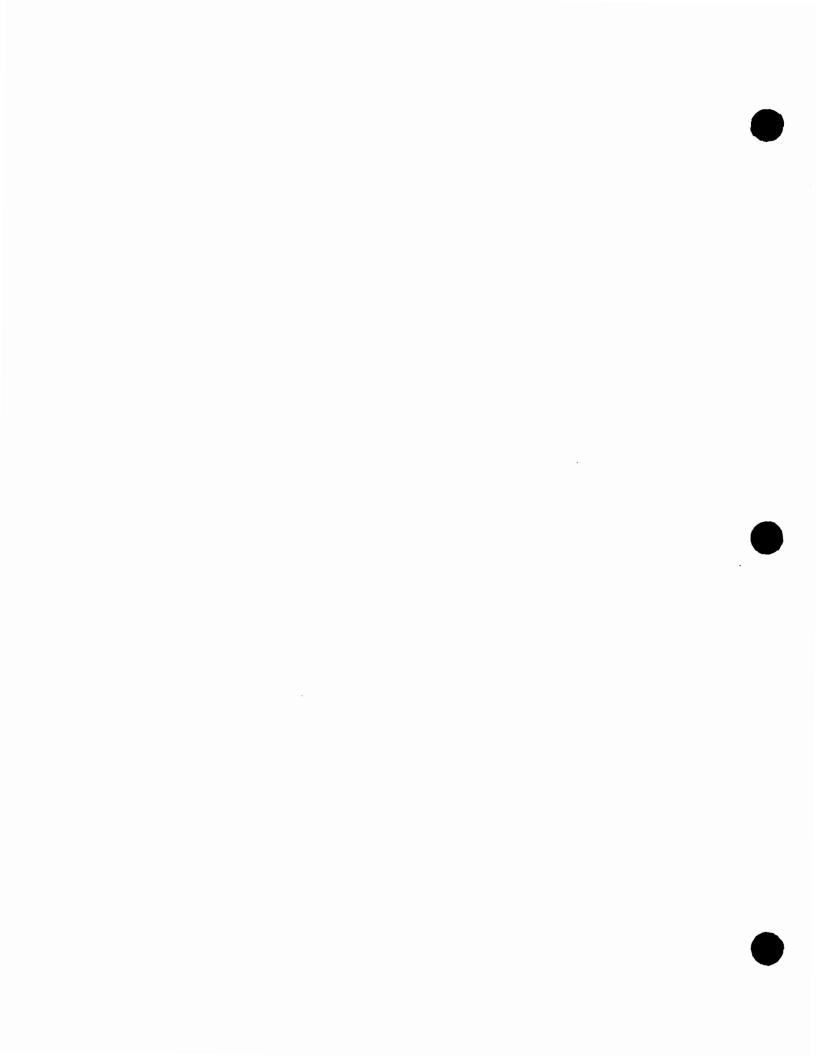
32 ICPC Coordinators w/ deletion authority

3 NEICE administrators (Natl level)

14 state admins

145 View Only





## Three Ways to Join NEICE

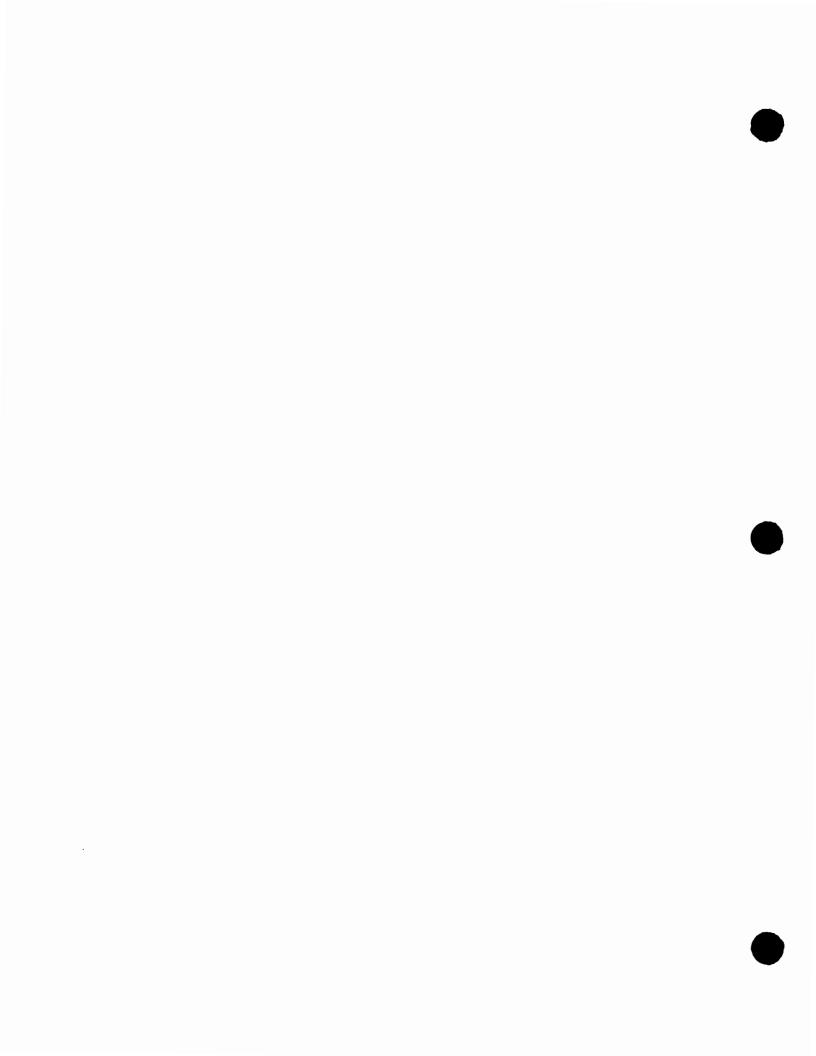


- 1.NEICE Case Management System No Interface
- 2.NEICE Case Management System Interface with state data
- 3.NEICE Clearinghouse Direct connection from state child welfare information system

NOTE: Many states may choose to implement NEICE as a Case Management System right away to improve outcomes for children. States that choose the CMS option initially are welcome to switch to the Clearinghouse when they are ready

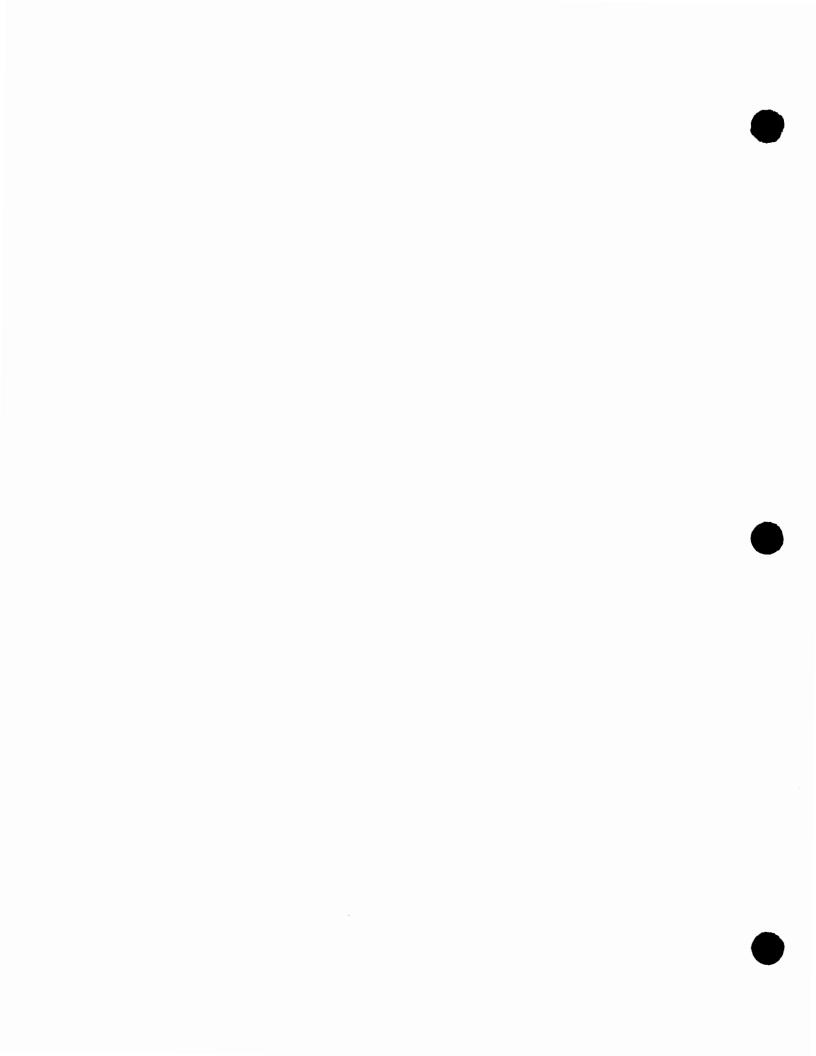
WWW.APHSA.org





# **NEICE Option Features**

Features	1) NEICE Case Management System – No Interface	2) NEICE Case Management System - Interface	3) NEICE Clearinghouse
Electronic transmission of ICPC case information and documents to other states	Yes	Yes	Yes
Cloud-based technology	Yes	Yes	Yes
No need for duplicate data entry		Yes	Yes
NEICE training required	Yes	Yes	
\$25,000 annual service fee	Yes	Yes	Yes
State IT Involvement	Low to None	Medium	High
Case workers use 1 system			Yes
Can be used for private adoptions*	Yes	Yes	
Data security – encrypted at rest and in-transit	Yes	Yes	Yes
HIPAA-Compliant	Yes	Yes	Yes
Uses NIEM Data Standards	Yes	Yes	Yes
Implementation timeframe	3-4 weeks	4-12 weeks	4-12 weeks**
Reports	Yes	Yes	***
Data/document storage	Yes	Yes	

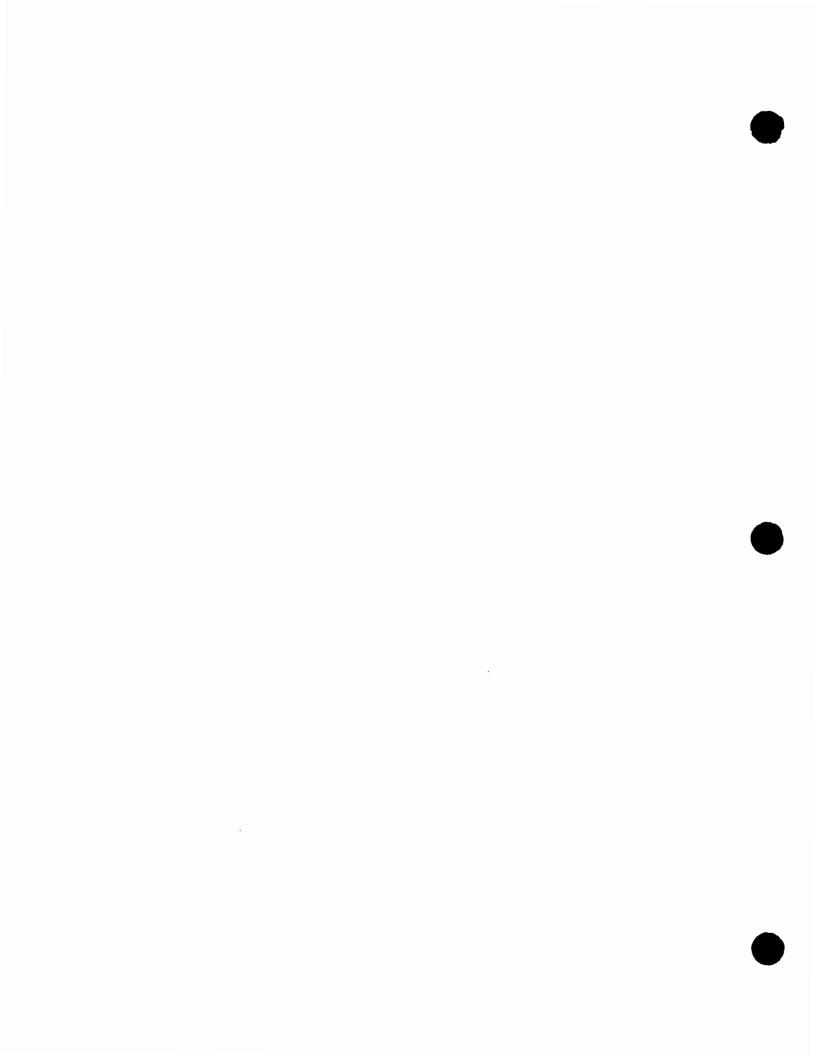


## Key questions we hear from states

- Is data secure and who owns it?
  - Detailed security plan and data breach policy and incident plans
  - Compliant with NIST standards and HIPAA policies
  - Uses Fed-Ramp compliant cloud server (Microsoft Azure government same as Homeland Security)
  - States retain ownership of data, only have access to their own cases
- How much is it going to cost us?
  - \$25,000 annual licensing fee (can be submitted for partial IVE admin reimbursement)
  - IT Develop costs to make changes to state system that allow connection to NEICE (can be submitted for SACWIS reimbursement)
  - IT costs to connect to NEICE (paid for by APHSA under CB grant)
- How does this fit in with CCWIS?







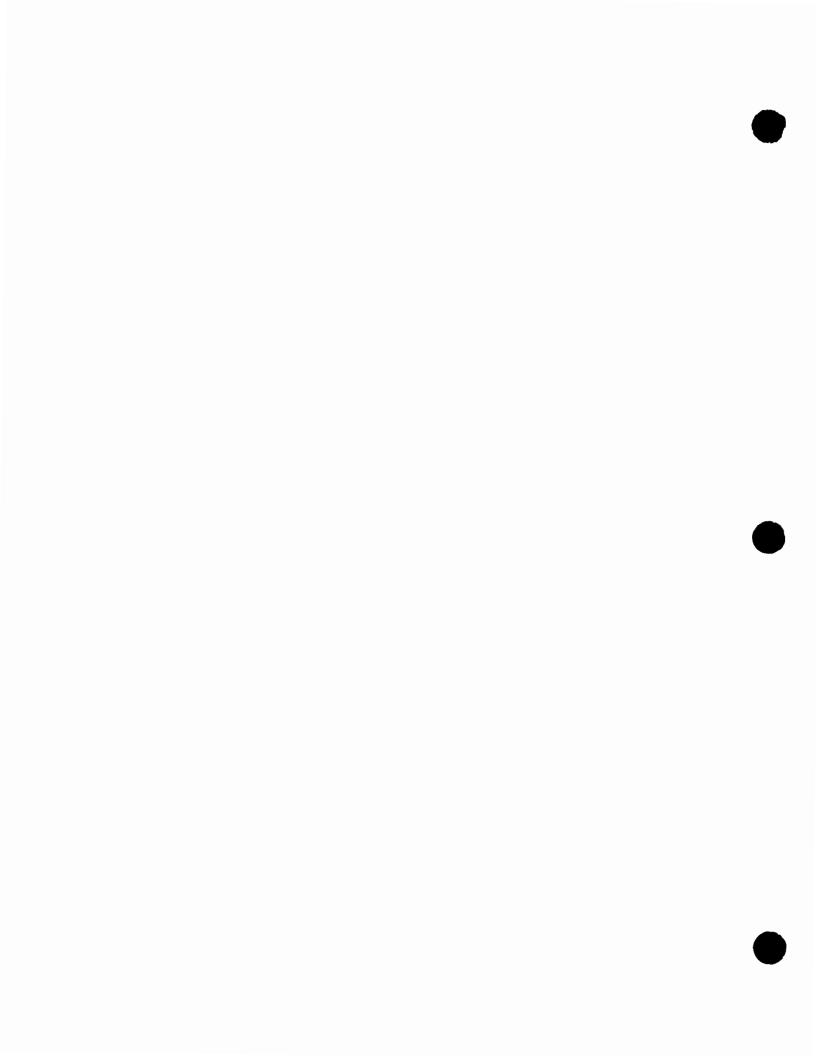
# Federal Legislative Support

# S. 2574 / H.R. 4472 – Modernizing the Interstate Placement of Children in Foster Care Act

- Bipartisan, bicameral with sponsors from key committees with responsibility for foster care:
  - Sen. Grassley (IA-R), Sponsor; Sen. Gillibrand (D-NY), Sen. Jensen (MI), Sen. Franken (MN), Sen. Blumenthal (D-CT), Co-sponsors
  - Rep. Young (IN-R) sponsor; Rep. Davis (IL-D) and Rep. Brooks (IN-R), Co-sponsors
- Invests \$5 million in grants to states to implement IT solutions to connect to NEICE
- Requires all states participate in NEICE by 2022.
- HR 4472 passed House in March 2016.





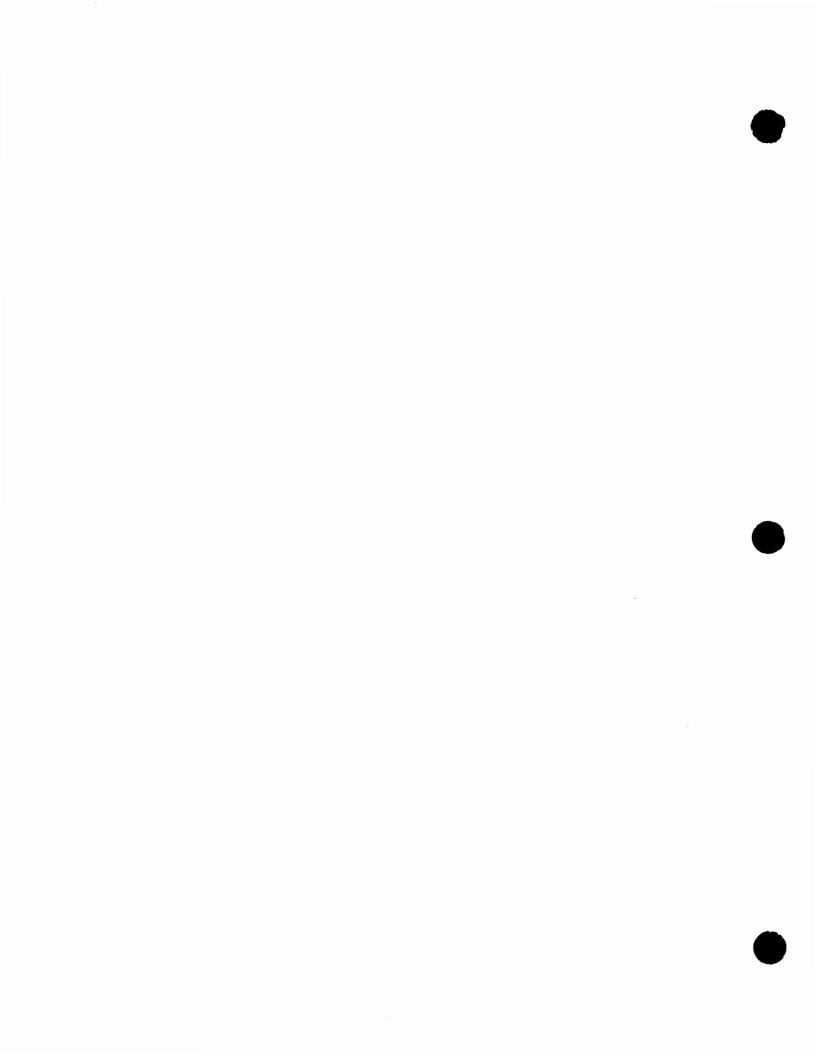


### Conclusion

- 1. NEICE is reducing time children wait to be placed across state lines.
- 2. NEICE is saving states money and staff time.
- NEICE is laying groundwork for future interoperability connections by using NIEM standards.
  - Child Abuse Registries
  - NCIC background checks
  - North Carolina FAST positions NC for an easy connection to NEICE.







## Contact us

Marci Roth | Project Director, National Electronic Interstate Compact Enterprise, APHSA

267.456.3594 | Mroth@aphsa.org

Anita B. Light, CAE, Director, National Collaborative for Integration of Health and Human Services, American Public Human Services Association 202.682.0100, Ext. 272 | alight@aphsa.org

Carla Fults, Division Director, American Public Human Services Association 202.682.0100 Ext. 242 | cfults@aphsa.org

Mical Anne Peterson, AAICPC President, Minnesota Department of Human Services, Supervisor, Adoptions
651.431.4728 | mical.peterson@state.mn.us

www.APHSA.org



### Three Ways to Join NEICE



#### 1. NEICE Case Management System - No Interface

The fastest and easiest way to begin using NEICE to manage your ICPC cases is through the web application. After your state information has been added, your staff will go to a secure web URL, and quickly and easily enter child and placement information and manage ICPC cases directly in NEICE.

#### 2. NEICE Case Management System - Interface

By adding an electronic interface between NEICE Case Management System and a state's child welfare information, states can eliminate duplicate data entry (so that case workers don't have to enter the same information both in your child welfare information system and again in NEICE). Our technical vendor will provide the detailed information you need to build a web-based interface that lets your IT department export and import child welfare and placement resource information (and additional ICPC case information if available) to and from an FTP folder as a CSV file or using XML. This allows your case worker to search a copy of your state child records and pull a child's case information directly into a new case, reducing potential errors. Data imports and exports can occur once a day or in real time as your state decides.

#### 3. NEICE Clearinghouse

Your state may choose to connect your child welfare information system DIRECTLY to NEICE which will then act as a clearinghouse. This will allow your case workers to create and process ICPC cases from your state child welfare system. When the case worker submits the ICPC placement request from within your system, the case and placement request are transmitted securely through NEICE as a clearinghouse directly to the receiving state.

The ultimate goal for NEICE is for all states to be able to enter and process ICPC cases from within your state child welfare information system, so that workers do not need to access two different systems to process child information.

IMPORTANT NOTE: Many states may choose to implement NEICE as a Case Management System right away to improve outcomes for children. States that choose the CMS option initially are welcome to switch to the Clearinghouse when they are ready.



### **NEICE Option Features**

Features	NEICE Case     Management System –     no Interface	2) NEICE Case Management System - Interface	3) NEICE Clearinghous e
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Uses NIEM Data Standards	Yes	Yes	Yes
Implementation timeframe	3-4 weeks	4-12 weeks	4-12 weeks * *
Reports	Yes	Yes	***
Data/document storage	Yes	Yes	

takes for state IT to develop screens needed to process ICPC cases. \*\*\* SACWIS system would need to build and generate state reports.



<sup>\*</sup> SACWIS regulations prohibit storing private adoption information in state child welfare information systems. As a result, states should plan to use NEICE

CMS to process private adoptions.

\* \* If state already has ability to create ICPC cases (including 100A and 100B forms in state child welfare information system.) If not, will depend on time it

#### GENERAL ASSEMBLY OF NORTH CAROLINA **SESSION 2015**

2

**SENATE BILL 29** 

Judiciary II Committee Substitute Adopted 3/23/15

Short Title:	DOB Redaction Requests For Public Documents.	(Public)
Sponsors:		
Referred to:		

February 5, 2015

A BILL TO BE ENTITLED

AN ACT TO ALLOW REGISTERS OF DEEDS AND CLERKS OF COURT TO REDACT CERTAIN IDENTIFYING INFORMATION FROM CERTAIN PUBLIC RECORDS TO PROTECT THE PUBLIC FROM IDENTITY THEFT.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 132-1.10(f) reads as rewritten:

"§ 132-1.10. Social security numbers and other personal identifying information.

(f) Any person has the right to request that a register of deeds or clerk of court remove, from an image or copy of an official record placed on a register of deeds' or court's Internet Website available to the general public or an Internet Web site available to the general public used by a register of deeds or court to display public records by the register of deeds or clerk of court, the person's social security, employer taxpayer identification, drivers license, state identification, passport, checking account, savings account, credit card, or debit card number, or personal identification (PIN) code or passwords contained in that official record, personal identifying information as described in this subsection. The request must be made in writing, legibly signed by the requester, and delivered by mail, facsimile, or electronic transmission, or delivered in person to the register of deeds or clerk of court. The request must specify the personal information to be redacted, information that identifies the document that contains the personal information and unique information that identifies the location within the document that contains the social security, employer taxpayer identification, drivers license, state identification, passport, checking account, savings account, credit card, or debit card number, or personal identification (PIN) code or passwords personal identifying information, as described in this subsection, to be redacted. The request for redaction shall be considered a public record with access restricted to the register of deeds, the clerk of court, their staff, or upon order of the court. The register of deeds or clerk of court shall have no duty to inquire beyond the written request to verify the identity of a person requesting redaction and shall have no duty to remove redaction for any reason upon subsequent request by an individual or by order of the court, if impossible to do so. No fee will be charged for the redaction pursuant to such request. Any person who requests a redaction without proper authority to do so shall be guilty of an infraction, punishable by a fine not to exceed five hundred dollars (\$500.00) for each violation. Except as prohibited by some other provision of law:

> The register of deeds or clerk of court shall, upon receipt of a request made pursuant to this subsection, comply with the request for redaction for the following personal information displayed in a manner described in this subsection:



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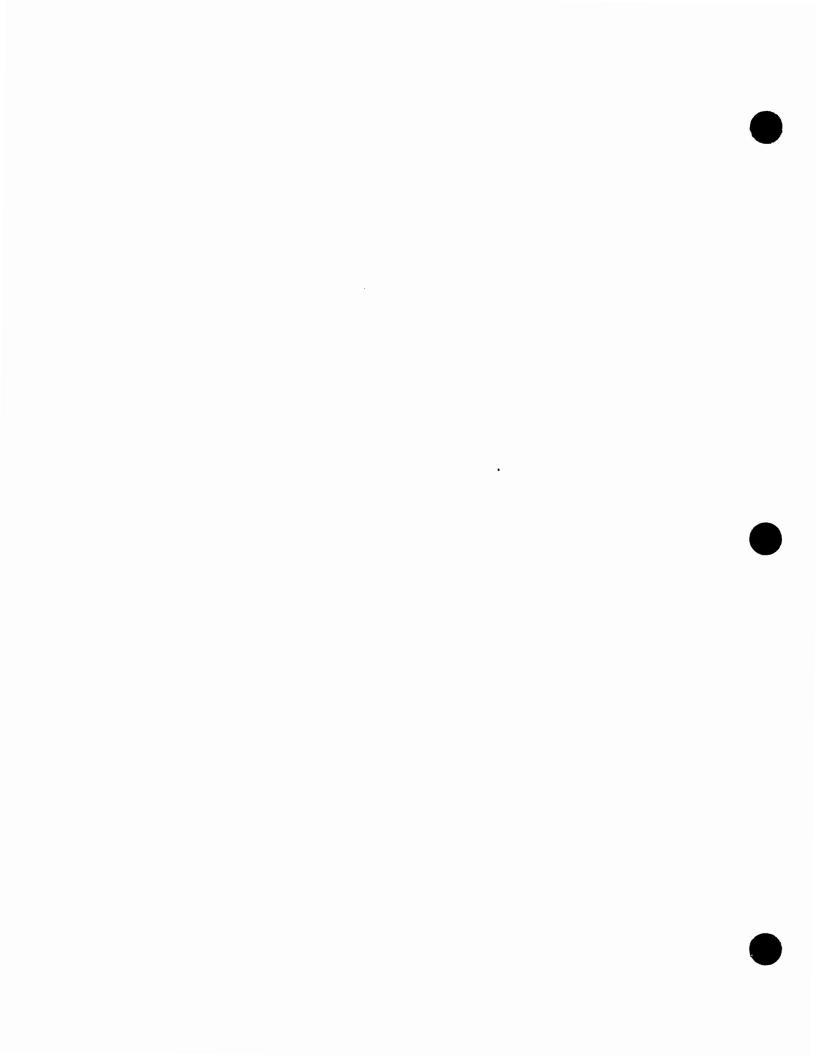
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Ger	neral Assem	bly Of	North Carolina	Session 2015
1		<u>a.</u>	Social Security number.	
2		<u>b.</u>	Employer taxpayer identification number.	
3		c.	Drivers license number.	
4		<u>d.</u>	State identification number.	
5		<u>e.</u>	Passport number.	
6		<u>f.</u>	Checking or savings account number.	
7		g.	Credit or debit card number.	
8		<u>h.</u>	Personal identification (PIN) code or passwords.	
9	(2)	Upor	receipt of a request made pursuant to this subsection	on, the register of
10		deed:	s may comply with the request for redaction of all, o	r a portion of, the
11		reque	estor's date of birth from any land records displa	yed in a manner
12		descr	ribed in this subsection."	
13	SEC	TION 2	This act is effective when it becomes law	

		_



### SENATE BILL 29:

### **County Eugenics Compensation Authority.**

#### 2016-2017 General Assembly

**Committee:** House Children, Youth, and Families

**Introduced by:** Sen. Curtis

**Analysis of:** PCS to Second Edition

S29-CSLR-55

**Date:** June 8, 2016

**Prepared by:** Tawanda N. Foster

Committee Co-Counsel

SUMMARY: The PCS to Senate Bill 29 would allow counties to compensate persons asexualized or sterilized under county authority for the purposes of eugenics.

**CURRENT LAW:** S.L. 2013-360, Sec. 6.18, as amended by S.L. 2013-363, Sec. 1.1 and S.L. 2013-410, Sec. 40 created the Eugenics Asexualization and Sterilization Compensation Program and the Eugenics Sterilization Compensation Fund. This program and fund provided for the compensation of persons who were asexualized or sterilized involuntarily under the authority of the Eugenics Board of North Carolina. This section became effective on July 1, 2013 and expired on June 30, 2015. This section did not apply to persons who were asexualized or sterilized involuntarily under the authority of county programs.

BILL ANALYSIS: The bill would allow counties with populations over 350,000 to adopt an ordinance to provide compensation to qualified recipients asexualized or sterilized under county authority. The ordinance must provide the Industrial Commission will determine whether a claimant is eligible for compensation as a qualified recipient or provide other provisions to afford claimants due process and prescribe the manner in which claims will be handled by the county. An ordinance adopted under this section must become effective on or before July 1, 2018. All claims for compensation under the ordinance must be made no later than December 31, 2019.

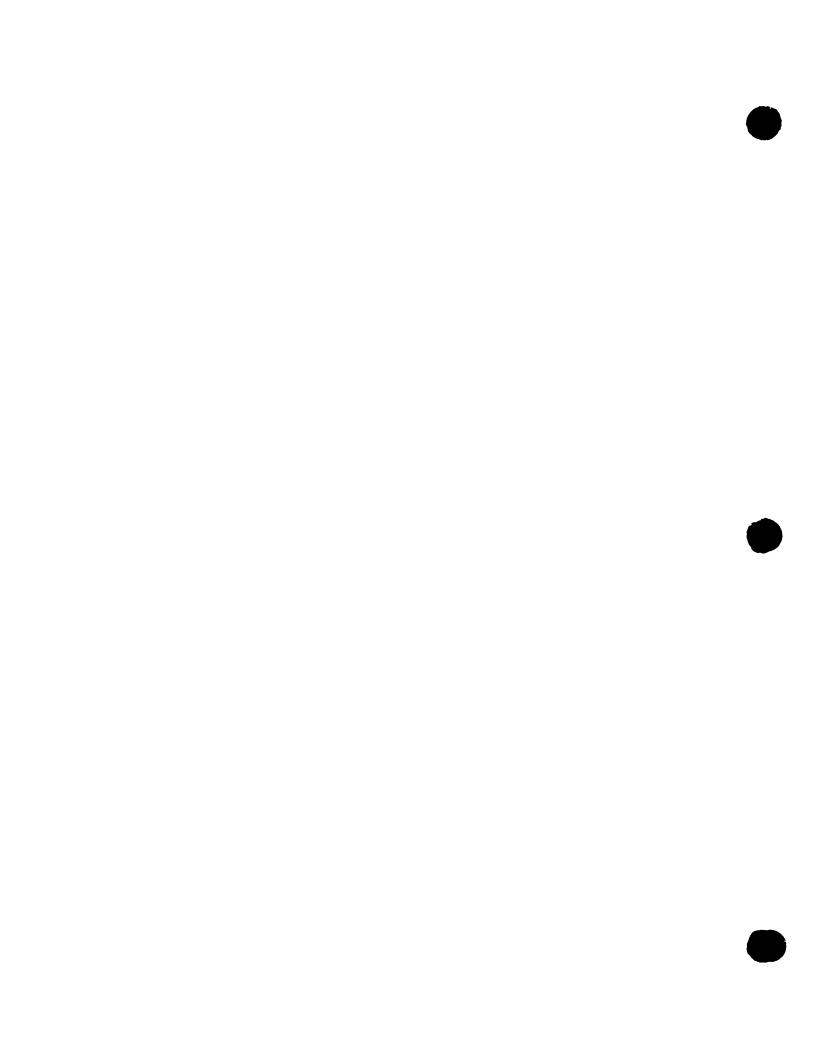
A person must be alive at the time a claim is made under this section. If a claimant dies during the pendency of a claim, the decedent's estate will receive the compensation payment. Compensation may also be deposited into a trust established for the benefit of the qualified recipient. Payments made under this section may not be considered income or assets for the purposes of determining eligibility for public benefits or assistance and may not be used for attorneys' fees arising from the representation at the county determination level or on appeal.

**EFFECTIVE DATE:** This act would become effective when it becomes law.





Legislative Analysis
Division
919-733-2578



#### GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2015

S

#### **SENATE BILL 29**

### Judiciary II Committee Substitute Adopted 3/23/15 PROPOSED HOUSE COMMITTEE SUBSTITUTE S29-CSLR-55 [v.2]

Short Title: County Eugenics Compensation Authority.	(Public)
Sponsors:	
Referred to:	
February 5, 2015	
A BILL TO BE ENTITLED  AN ACT ALLOWING COUNTIES TO COMPENSATE PERSONS ASSETERILIZED UNDER COUNTY AUTHORITY FOR THE PURPOSES OF The General Assembly of North Carolina enacts:  SECTION 1. Article 13 of Chapter 153B of the General Statute is a a new section to read:	F EUGENICS.
"§ 153A-248.1. Authority for county eugenics compensation ordinance.	
(a) A county may adopt an ordinance to provide for the compens recipients asexualized or sterilized under county authority. An ordinance a section shall become effective on or before July 1, 2018.  (b) A "qualified recipient" under this section is any individual for example and or sterilized by the county without the individual's informed conse	adopted under this
asexualized or sterilized by the county without the individual's informed conseconsent of the individual's parent or guardian. A claim for compensation under	
only be made by an individual who is alive at the time the individual makes the	
ordinance. All claims for compensation under the ordinance must be made	
December 31, 2019.	
(c) The ordinance authorized by this section shall either:	
(1) Provide that the Industrial Commission determines whet eligible for compensation as a qualified recipient under the In the case where the Industrial Commission will have all powers and authority granted us. Chapter 143 of the General Statutes and the county shades.	county ordinance. andle claims, the nder Article 31 of
Industrial Commission for its actual expenses; or,	
(2) Provide other provisions to afford claimants with due proprescribe the manner in which claims will be handled by the case, any determination by the county favorable to a claim.  Any unfavorable final decision as to a person's eligibility for	the county. In this nant shall be final. , or the amount of,
compensation is subject to appeal to the superior court of that	•
(d) If any claimant dies during the pendency of a claim, or after being	
qualified recipient, compensation payment will be made to the estate	
Compensation received under this section may be deposited into a trust establis of the qualified recipient.	ned for the benefit
(e) Any payment made under this section shall not be considered inc	come or assets for



purposes of determining the eligibility for, or the amount of, any benefits or assistance under any

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- State or local program financed in whole or in part with State funds. Pursuant to G.S. 108A-26.1, the Department of Health and Human Services shall do the following:
  - (1) Provide income, resource, and asset disregard to an applicant for, or recipient of, public assistance who receives compensation under this section equal to the total compensation paid to the individual.
  - (2) Provide resource protection by reducing any subsequent recovery by the State under G.S. 108A-70.5 from a deceased recipient's estate for payment of Medicaid paid services by the amount of resource disregard given under subdivision (1) of this subsection.
  - (3) Adopt rules to implement the provisions of subdivisions (1) and (2) of this subsection.
- (f) It is the public policy of this State that funds awarded for the compensation of sterilization victims under this section may be used only for the purpose of benefiting victims and shall not be used to pay attorneys' fees arising from representation at the county determination level or on appeal. The General Assembly finds that qualified recipients have suffered a unique harm that calls for a unique remedy and that there are sufficient sources of assistance and pro bono legal representation available to protect their interests. Therefore, any agreement for the acceptance of attorneys' fees is null and void unless counsel has sought and received an opinion from the North Carolina State Bar that the fee arrangement is reasonable under the Rules of Professional Conduct.
- (g) The Industrial Commission may adopt rules necessary to carry out its duties under this section.
- (h) The Industrial Commission, the Department of Administration, the Department of Health and Human Services, and all other State agencies, departments, and institutions shall collaborate with the county to facilitate the administration of this section so as to effectuate the compensation of qualified recipients fairly and as soon as practicable.
- (i) Records of all inquiries of eligibility, claims, and payments under this section shall be confidential and not public records under Chapter 132 of the General Statutes.
- (j) A county may appropriate funds for eugenics compensation as provided by this section, under G.S. 153A-248(a), if the funds are not otherwise limited as to use by law."
- **SECTION 2.** This act applies only to counties having a population over 350,000, according to the most recent federal decennial census.
  - **SECTION 3.** This act is effective when it becomes law.

### Office of the Speaker Pro Tem North Carolina House of Representatives

300 N. Salisbury St., Room 612, Raleigh, NC 27603 (919) 733-2962 – Paul.Stam@ncleg.net

Representative Paul Stam



#### Eugenics in North Carolina January 28, 2014

#### The Roots of the Eugenics Movement

Today the thought of sterilizing someone against his or her will seems preposterous. How then was such a practice endorsed in the early 20<sup>th</sup> century by so many well-known and well-respected philanthropists like the Rockefellers, the Carnegies, the Kelloggs, and the Harrimans?<sup>1</sup>

The answer: the eugenics movement. In the 1880s Sir Francis Galton, a British polymath, coined the term "eugenics" which literally means "well-born." Eugenics became a "science" that cited genetics as the main reason for promiscuity, criminal behavior, destitution, feeble-mindedness, and more. Two solutions became popular for ridding society of such behaviors: positive and negative eugenics.<sup>2</sup> Positive eugenics encouraged the healthiest, ablest, and fit to have more children. Negative eugenics discouraged the weakest, least able, and unfit of the population from having children—even if discouraging was accomplished through coercion or manipulation.

Negative eugenics was the catalyst behind the forced sterilization laws in the United States. One of its main proponents was Margaret Sanger, who said:

"On its [eugenics'] negative side it shows us that we are paying for and even submitting to the dictates of an ever increasing, unceasingly spawning class of human beings who never should have been born at all -- that the wealth of individuals and of the state is being diverted from the development and the progress of human expression and civilization."

Margaret Sanger believed and promoted the idea that the poor, feeble-minded, physically disabled, and "unfit" were multiplying in such a way that if allowed to continue would destroy civilization.

<sup>&</sup>lt;sup>1</sup> Mary Summa, "Poisonous Fruit: Abortion's Dark Beginnings in Eugenics," Family North Carolina (Winter 2012): 8.

<sup>&</sup>lt;sup>2</sup> Elof Carlson, "Scientific Origins of Eugenics," *Dolan DNA Learning Center*, <a href="http://eugenicsarchive.org/html/eugenics/essay">http://eugenicsarchive.org/html/eugenics/essay</a> 2 fs.html.

<sup>&</sup>lt;sup>3</sup> Margaret Sanger, *The Pivot of Civilization* (New York: Brentanto's Publishing Company, 1922), 187.

In Woman and the New Race, Sanger responded to a letter complaining about a woman in town who would go "insane" after giving birth—she had six children. According to the letter the woman admitted if she never gave birth again, she could be "free from these insane spells." But the doctors would not do anything for her. Sanger responds:

"Not even the blindest of all dogmatists can ignore the danger to the community of to-day and the race of to-morrow in permitting an insane woman to go on bearing children. Here is a letter which tells a two-sided story—how mother instinct, even when clouded by periodic insanity, seeks to protect itself and society, and how society prevents her from attaining that end."

While Sanger emphasizes the harm done to the community, she does not believe in charities to help them. Sanger actually believed that charities only perpetuated the "constantly increasing numbers of defectives, delinquents, and dependents." Thus, something needed to be done—a "process of weeding out the unfit" through birth control and sterilization.

The United States Supreme Court also endorsed the main premises of the eugenics movement in *Buck v. Bell.* The Court agreed that if feebleminded Cary Buck, who had a feebleminded daughter and was the daughter of a feebleminded woman, was allowed to continue reproducing she would become a menace to society. The Court said:

"It is better for all the world if, instead of waiting to execute degenerate offspring for crime or to let them starve for their imbecility, society can prevent those who are manifestly unfit from continuing their kind. The principle that sustains compulsory vaccination is broad enough to cover cutting the Fallopian tubes."

Once the Supreme Court made this decision forced sterilizations laws popped up all around the country. Thirty-one states enacted such laws, many of which remained in effect until the 1960's or later. Over 60,000 people in the United States were mutilated at the hands of their state governments—all in an effort to rid society of those deemed unfit by others.

#### North Carolina's Experience

North Carolina's eugenics program was unlike most in the nation: sterilizing approximately 7,600 people over 45 years. Eighty-five percent (85%) of those sterilized were women, 11 2,000 individuals sterilized were under 18, 12 and 65 men were castrated. 13 Overall,

<sup>&</sup>lt;sup>4</sup> Margaret Sanger, Woman and the New Race (New York: Truth Publishing Company, 1922), 80.

<sup>&</sup>lt;sup>5</sup> Margaret Sanger, Woman and the New Race, 108.

<sup>6</sup> Margaret Sanger, Woman and the New Race, 299.

<sup>&</sup>lt;sup>7</sup>Angela Franks, Margaret Sanger, June 30, 2006, http://angelafranks.com/margaret/index.htm.

<sup>&</sup>lt;sup>8</sup> Buck v. Bell, 274 U.S. 200 (1927).

<sup>9</sup> Buck v. Bell, 274 U.S. 200 at 207.

Lutz Kaelber, "Eugenics: Compulsory Sterilization in 50 American States,"

http://www.uvm.edu/~lkaelber/eugenics/.

<sup>11</sup> Lutz Kaelber, "Eugenics/Sexual Sterilizations in North Carolina," December 28, 2011, http://www.uvm.edu/~lkaelber/eugenics/NC/NC.html.

<sup>&</sup>lt;sup>12</sup> Kevin Begos, "Lifting the Curtain on a Shameful Era," *Against Their Will: North Carolina's Sterilization Program*, http://againsttheirwill.journalnow.com/.

<sup>&</sup>lt;sup>13</sup> Kevin Begos, "Castration: Files suggest that punishment was often the aim," *Against Their Will: North Carolina's Sterilization Program*, http://againsttheirwill.journalnow.com/.

North Carolina ranked third in the United States for the total number of those sterilized trailing only California (21,000) and Virginia (8,000). 14

The first sterilization law in North Carolina passed in 1919, but there were no documented sterilizations under that law. Scholars suggest that the state hesitated to put it into practice because there was uncertainty concerning the law's constitutionality. The state tried again in 1929 and passed its second sterilization law. Forty-nine people were sterilized under this law. However, the North Carolina Supreme Court struck down the 1929 law due to lack of two things: notice of hearing and the right to appeal. Then, in 1933, North Carolina passed its third sterilization law. This law included notice of hearing, right to appeal, and the creation of the Eugenics Board. The courts could review the cases, but new evidence could not be admitted. The decisions were really made by the Executive Branch.

The North Carolina Eugenics Board was comprised of five members: the commissioner of the Board of Charities and Public Welfare, the secretary of the State Board of Health, the chief medical officer of a state institution for the "feebleminded or insane," the chief medical officer of the State Hospital at Raleigh, and the Attorney General. <sup>16</sup> These members determined the outcome of all sterilization cases of those who were claimed to be mentally diseased, feebleminded, or epileptic. During hearings on each case, the board was to consider factors including, "whether the operation seemed to be in the best interest of the individual's mental, moral, or physical health; whether it would be for the public good; and whether it was likely that the individual might produce children with serious mental or physical problems." <sup>17</sup>

While the board was only to order sterilizations for the reasons listed above, its interpretation of those factors later expanded to include homosexuality, promiscuity, and pauperism. In some cases, the board approved sterilizations using these words, "She seems lazy and unconcerned," or "while in school attempted to write love letters to boys she imagined were interested in her." Nonetheless, board members continued to justify their decisions, even against the pleas of parents and relatives. It is estimated that the eugenics board ordered sterilization in 90% of all cases. One scholar found just 468 cases where the patient clearly wanted the operation—barely 6% of all cases.

What makes North Carolina's experience unique is that most states stopped performing involuntary sterilizations after World War II. North Carolina expanded its effort. Seventy-nine percent (79%) of sterilizations performed occurred after 1945.<sup>21</sup> At the beginning sterilization

<sup>14</sup> Kevin Begos, "Lifting the Curtain on a Shameful Era."

<sup>15</sup> Kaelber, "Eugenics/Sexual Sterilizations in North Carolina."

<sup>&</sup>lt;sup>16</sup> "Eugenics in North Carolina," *North Carolina Division of Archives and History*, 2005, <a href="http://www.learnnc.org/lp/editions/nchist-worldwar/6164">http://www.learnnc.org/lp/editions/nchist-worldwar/6164</a>.

<sup>&</sup>lt;sup>17</sup> "Agency History," Human Resources, Department of Eugenics Commission.

http://www.sterilizationvictims.nc.gov/documents/DCR\_Presentation\_Handout\_A\_%20Finding\_Aid.pdf.

<sup>&</sup>lt;sup>18</sup> Excerpts from Eugenics Board's minutes in 1960 and 1962 respectively. Kevin Begos, "Lifting the Curtain on a Shameful Era."

<sup>&</sup>lt;sup>19</sup> John Railey and Kevin Begos, "Board did its duty, quietly," *Against Their Will: North Carolina's Sterilization Program*, <a href="http://againsttheirwill.journalnow.com/">http://againsttheirwill.journalnow.com/</a>.

<sup>&</sup>lt;sup>20</sup>Johanna Schoen, "A Great Thing for Poor Folks: Birth Control, Sterilization and Abortion in Public Health and Welfare in the 20<sup>th</sup> Century," *Ph.D. Dissertations, University of North Carolina*, (1996).

<sup>&</sup>lt;sup>21</sup> "Sterilizations in North Carolina," *Against Their Will: North Carolina's Sterilization Program*, <a href="http://extras.journalnow.com/againsttheirwill/graphics/partone">http://extras.journalnow.com/againsttheirwill/graphics/partone</a> astateapart.html.

numbers had been racially balanced, but during the 1950's the program became more racially oriented. By the late 1960's, sixty percent (60%) of those sterilized were black, even though they only made up a quarter of the population.<sup>22</sup> Around this time, the Human Betterment League, formed in 1947, launched a large media campaign promoting sterilization as a way to save taxpayers' dollars.<sup>23</sup> The case was made that sterilization would reduce the amount of welfare the state would provide. No matter what the reasons for expanding sterilizations after WWII, it was an anomaly.

The Eugenics Board was not officially abolished by the General Assembly until 1977, even though the General Assembly handed over the responsibility of presiding over sterilization hearings to the judicial system in 1974. A formal apology to the victims was not issued for another twenty-five years (December 2002). In 2003, the General Assembly repealed the involuntary sterilization laws.<sup>24</sup>

#### North Carolina's Journey to Compensation

North Carolina leaders realized that, through its Eugenics Board, the state invaded the lives and bodies of thousands of its citizens and forcibly took away their choice whether to have children. Since then, commissions and task forces debated whether to compensate the victims. Many in the General Assembly, including the Speaker of the House Thom Tillis and House Majority Leader Paul Stam, hoped to accomplish this through the Eugenics Compensation Program (HB 947) during the 2012 Short Session. They wished "to make restitution for injustices suffered and unreasonable hardships endured by the asexualization or sterilizations of individuals at the direction of the State between 1933 and 1974." The act would have offered \$50,000 in compensation to those who were sterilized under the N.C. Eugenics Board, but not to the families of victims who died before May 16, 2012. While HB 947 passed the House by a vote of 86 to 31 and funds were appropriated in the House and Governor's budget, the act never made it to the Senate floor.

Even though the General Assembly did not pass the Eugenics Compensation Program (HB 947) in 2012, legislators made considerable progress in their efforts to compensate sterilization victims. While Democrats had talked about compensating victims for almost 10 years, it was during the first Republican majority in over 100 years that such a bill made it to the House or Senate floor. Compensation gained widespread bipartisan support. When HB 947 was before the House, a majority of Republicans and all Democrats voted to pass the bill.

Still, some questioned why compensation is necessary. Some worry that it will set a precedent for reparations for slavery. Others have said that it is not our problem to fix—it happened in the past, taxpayers of today should not have to pay for it, and compensation would not change what happened to sterilized victims. Consequently, between 1,347 and 1,796 living victims continue to remain uncompensated.<sup>25</sup> Let's address some of the opponents' concerns.

<sup>25</sup> Don Akin, Statistician at the State Center for Health Statistics.

<sup>&</sup>lt;sup>22</sup> Kaelber, "Eugenics/Sexual Sterilizations in North Carolina."

<sup>&</sup>lt;sup>23</sup> Kevin Begos, "Lifting the Curtain on a Shameful Era."

<sup>&</sup>lt;sup>24</sup> "Repeal Involuntary Sterilization," Session Law 2003-13. http://www.ncleg.net/Sessions/2003/Bills/House/PDF/H36v4.pdf.

The argument that eugenics compensation would pave the way for slavery reparations fails to recognize a key difference between the two situations. If government were to provide reparations for slavery, none of the compensation would go to living victims. Instead, the compensation would go to those, "who were not the subject of any clear and direct harm... any harm suffered would be vague and not individual in nature, but instead a generalized societal harm." On the other hand, thousands of living victims of forced sterilizations are still living.

Some legislators claimed they could not support compensation at this time because of the poor economy. But, as Representative Justice said on the House Floor:

"We all know that this should have been done in a year where we were flush with money. We're not flush with money right now, and this is a bad time to be spending \$50,000 on each of these [claims]. We also know that there is a time when you just have to do what is right. And this is one of those times."<sup>27</sup>

Opportunities to rectify wrongs do not always come when it is convenient. In total, the cost of compensating 1,500 victims would be \$75 million. But, this cost would be spread over several years. To put this in perspective, HB 947 proposed \$11 million in funding for the first year—only 1/20 of one percent of the entire 2012-2013 general fund. Each year the General Assembly would have to appropriate money for the program to continue, and the state would not accept compensation claims indefinitely. Under HB 947, December 31, 2015 would have been the last day to file a claim. Making the decision to have .05 percent of the budget dedicated to righting past wrongs is not financially irresponsible. And "as conservatives," my view is that the government should protect "God-given inherent rights..." and "treat all citizens impartially." 29

If you were to scour the comment sections of online news articles concerning North Carolina's attempt at eugenics compensation you would find many citizens employing the final argument: that it was past legislators and past taxpayers, not current ones, who were responsible for what happened; we should not have to pay for their mistakes. However, sterilizations occurred into the 1970's. According to the 2010 U.S. Census, 46% of North Carolinians were born before 1970. Speaker Tillis said on the House floor:

"As a conservative; as somebody who has sat in this chamber and actually heard people talk about the wrongness of annexations, the wrongness of other government takings, the wrongness of eminent domain and how bad that is, how we need to correct it, and how

<sup>&</sup>lt;sup>26</sup> Daren Baskt, "North Carolina's Forced-Sterilization Program: A Case for Compensating Living Victims," *John Locke Foundation* (2011): 12.

<sup>&</sup>lt;sup>27</sup> Representative Carolyn Justice, *Second Reading of 11B 947 "Eugenics Compensation Program*," June 5, 2012. Audio for June 5, 2012 is available at <a href="http://ncleg.net/DocumentSites/HouseDocuments/2011-2012%20Session/Audio%20Archives/06-05-2012.mp3">http://ncleg.net/DocumentSites/HouseDocuments/2011-2012%20Session/Audio%20Archives/06-05-2012.mp3</a>.

<sup>&</sup>lt;sup>28</sup> Mark Bondo, Chloe Gossage, Rodney Bizzell, and Kristin Walker, "Legislative Fiscal Note: House Bill 947," *NCGA Fiscal Research Division*, May 29, 2012,

http://www.ncieg\_net/Sessions/2011/FiscalNotes/House/PDF/HFN0947v2.pdf. (The cost would be \$100 million to compensate 2.000 victims).

<sup>&</sup>lt;sup>29</sup> "Article III: Individual Liberty." Report of the Platform Committee: North Carolina Republican Party 2012.

<sup>30 &</sup>quot;Age Groups and Sex: 2010," 2010 Census Summary File 1: North Carolina, http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=DEC\_10\_SF1\_QTP1&prodType=table.

sometimes we even need to go back and reverse past decisions of other elected officials; I look at this and I think this is probably the most egregious example of that."<sup>31</sup>

Ronald Reagan did this when he signed the Civil Liberties Act of 1988. The Civil Liberties Act provided \$20,000 in compensation to living people detained in Japanese internment camps during WWII. He was not the President when internment camps were authorized. The legislators who passed the Civil Liberties Act were not in office at that time, but they still wanted to "discourage the occurrence of similar injustices and violations of civil liberties in the future." North Carolina's forced sterilization program was such an injustice and violation of civil liberties. It is now our responsibility to look on the past, say "that was wrong," and make restitution for it. An apology without restitution is empty. 33

Forced sterilizations were not voluntary. There was no practical means of appeal once the Eugenics Board made its decision. The State irrevocably changed lives because it abused its power in an effort to eliminate a class of people.

#### The Creation of the Eugenics Compensation Program

2013 was a new year. While bills creating the Eugenics Compensation Program were introduced in the House and Senate Floor,<sup>34</sup> the funding for the program was ultimately included in the budget.<sup>35</sup> The General Assembly appropriated \$10 million to be divided between the total number of qualified recipients. To qualify for compensation sterilization victims must have been alive on June 30, 2013, have adequate documentation of being involuntarily sterilized, and submit the appropriate form by June 30, 2014. The Industrial Commission will make the final eligibility determinations and a lump-sum payment will be made on June 30, 2015. In addition, as a part of the recent tax reforms a new deduction has been added for private contributions to the Eugenics Sterilization Compensation Fund.

Since then the Office of Justice for Sterilization Victims has worked hard updating its website (<a href="http://www.sterilizationvictims.nc.gov/Default.aspx">http://www.sterilizationvictims.nc.gov/Default.aspx</a>) and providing information to potential claimants. As part of its outreach program, in November, 2013, claim packets were mailed to potential claimants sterilized under the eugenics program.

Although no apology or amount of money could truly make amends, compensation serves a symbolic commitment by North Carolina to respect human life and liberty. It also sends a clear message to future legislators who want to take liberty with the sanctity of life: wrongs eventually will be recognized, they will be viewed as unacceptable, and they must be paid for in some way.

<sup>&</sup>lt;sup>31</sup> House Speaker Thom Tillis, *Second Reading of HB 947 "Eugenics Compensation Program*," June 5, 2012. Audio for June 5, 2012 is available at <a href="http://ncleg.net/DocumentSites/HouseDocuments/2011-2012%20Session/Audio%20Archives/06-05-2012.mp3">http://ncleg.net/DocumentSites/HouseDocuments/2011-2012%20Session/Audio%20Archives/06-05-2012.mp3</a>.

<sup>&</sup>lt;sup>32</sup> Civil Liberties Act of 1988, Pub. L. No. 100-383 (1988).

<sup>&</sup>lt;sup>33</sup> This Biblical principle of repentance and restitution is found in several passages. *See* Luke 19:1-10 and Numbers 5:7.

<sup>&</sup>lt;sup>34</sup> H.B. 7 and S.B. 464, 2013 Gen. Assemb., Reg. Sess. (N.C. 2013), available at <a href="http://www.ncleg.net/gascripts/BillLookUp/BillLookUp.pl?Session=2013&BillID=h7&submitButton=Go">http://www.ncleg.net/gascripts/BillLookUp/BillLookUp/BillLookUp.pl?Session=2013&BillID=h7&submitButton=Go</a>.

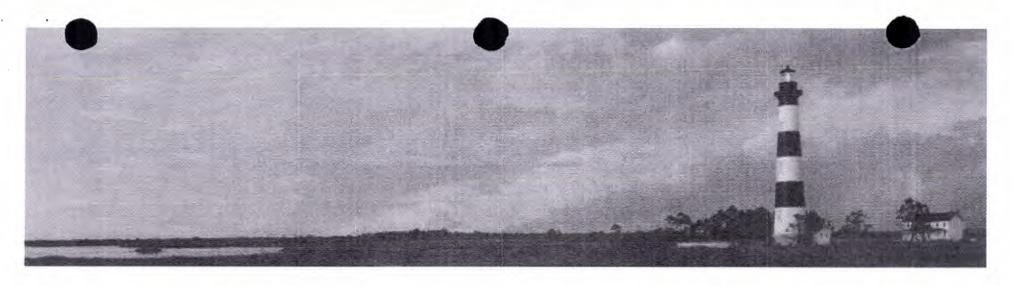
<sup>&</sup>lt;sup>35</sup>Appropriations Act of 2013, North Carolina Session Law 2013-306, Section 6.18, available at http://www.ncleg.net/Sessions/2013/Bills/Senate/PDF/S402v7.pdf.

#### NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

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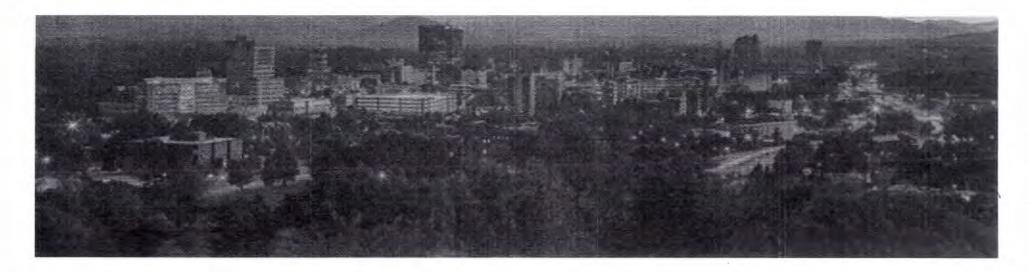
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C	OMMITTEE SUBSTITUTE CSUR-55 [V2]  Principal Clerk)
	Rep.) Stam
	Sen.)
1 m	noves to amend the bill on page, lines 29-32
2 (	) WHICH CHANGES THE TITLE
3 b	y rewriting these lines to read:
4 _	"(d1) If any claimant dies during the pendency of a claim,
5 _	or after being determined to be a qualified recipient,
6 _	compensation payment will be made to the estate of the
7 _	decedent.
	(d2) Compensation recieved under this section may be
9 _	deposited into an intervives trust established for the benefit
10 _	of the qualified recipient.";
11 _	
12 _	and by inserting between lines 30-31;
13 _	"(x) Nothing in this section shall revive or extend any
14 _	Statute of limitations that may otherwise have expired
15 _	prior to July 1,2013. The country's liability arising from
	any cause a action related to any asexualization or
17 _	closis 1: 0 1 1 to an added a devel
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PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)





House Standing Committee
Children, Youth and Families
June 9th, 2016
Department of Health and Human Services
Child and Family Services Review
Program Improvement Plan



# Child and Family Services Review (CSFR)

- Collaborative effort between federal and state governments
- Promotes continuous quality improvement in child welfare systems nationally
- Identifies both strengths and areas needing improvement in state child welfare programs
- Enables states to utilize the information to create strategic plans for improving its child welfare system



## **Child and Family Services Review cont.**

- N.C.'s last review was conducted in 2007
- The Children's Bureau made several changes to the CFSR process and items and indicators relevant for performance based on lessons learned during the second round of reviews, and in response to feedback from the child welfare field
- As such, a state's performance in the third round of the CFSRs is not directly comparable to its performance in the second round



## **Child and Family Services Review cont.**

- The third round of the CFSR assesses state performance in regard to seven child and family outcomes, and seven systemic factors
- For a state to be in substantial conformity with the seven child and family outcomes, both the national standards for each relevant statewide aggregate data indicator must be met <u>and</u> 95 percent of the cases reviewed must be rated as having been substantially achieved for each outcome



# **Child Welfare Outcomes (7)**

- Safety 1: Children are, first and foremost, protected from abuse and neglect
- Safety 2: Children are safely maintained in their homes whenever possible and appropriate
- Permanency 1: Children have permanency and stability in their living situations
- Permanency 2: The continuity of family relationships and connections is preserved for children



### Child Welfare Outcomes (7) cont.

- Well-Being 1: Families have enhanced capacity to provide for their children's needs
- Well-Being 2: Children receive appropriate services to meet their educational needs
- Well-Being 3: Children receive adequate services to meet their physical and mental health needs



## **County Case Reviews**

 105 case (59 foster care and 46 in-home cases) reviews were conducted via a State Case Review process in Buncombe, Craven, Cumberland, Durham, Hoke, Jackson, Mecklenburg, Pitt, Scotland, Swain, Wake, and Wilson counties between April 1, 2015 and Sept. 30, 2015



# **Systemic Factors (7)**

- Statewide information system
- Case review system to ensure the agency and courts achieve permanency in a timely manner, and families are engaged in the process
- Quality assurance system statewide to ensure children are provided quality services that protect their health and safety
- Staff and provider training ensures that staff statewide are properly trained to assess cases, and deliver services



# **Systemic Factors (7) cont.**

- Service array and resource development that is accessible, and appropriate to meet individualized child and family needs
- Agency responsiveness to the community through ongoing consultation with service providers, foster care providers, the juvenile court, and other public and private child and family serving agencies
- Foster and adoptive parent licensing, recruitment, and retention



### **CFSR - Program Improvement Plan (PIP)**

- Development of the plan began prior to the receipt of the final report
- January 11<sup>th</sup> and 12<sup>th</sup> 270+ stakeholders and partners
  - -Review the report
  - -Share observations and thoughts that contributed to the functioning of the system
  - -Explore "root causes"
  - Identify opportunities for further exploration of the opportunities and challenges



## **Program Improvement Plan cont.**

- Five themes were identified and workgroups met March
   7th 17th:
  - Court Collaboration
    - Issues to timeliness for hearings, including Termination of Parental Rights
  - County Practice
    - Helping front-line social workers identify needs and arrange appropriate services
  - -System Infrastructure
    - Quality Assurance and management oversight
  - Stakeholder Engagement
    - Community responsiveness and special populations
  - Service Collaboration
    - Access and effectiveness of behavioral health services, domestic violence services, and parenting supports



### **Program Improvement Plan cont.**

- Goals Broad areas that address the findings in the report, as guided by input from federal staff
- Strategies Components that will have a positive impact on the goal area
- Activities specific actions with timelines



# **Program Improvement Plan cont.**

### Goal 1:

Improve the outcomes of safety, permanency and well-being through the establishment of <u>clear performance</u>

<u>expectations</u> for practice in CPS Assessments, In-Home services and Foster Care services



## **Goal 1: Clear performance expectations**

Strengthen the policies and other written guidance materials provided to county agencies in regards to the initial and ongoing assessment of risk and safety and making appropriate decisions based on thorough assessments

Supported in the budget request for additional funds for contractual resources to assist in developing training materials



# **Goal 1: Clear performance expectations cont**

Enhance the training system to support the performance expectations for initial and ongoing risk and safety assessments and appropriate case decision making

County agencies are challenged to get staff to the trainings that are provided by the state. Additional staff will assist the state in providing training in additional locations



# **Goal 1: Clear performance expectations cont**

Develop a "supervisor academy" with content developed aimed at ensuring the consistent application of practices of assessing risk and safety and case decisions are made and implemented.

 Collaborating with public and private universities, this will begin to develop capacity at the local level to ensure the clarified practice instructions are adhered to consistently



# **Goal 1: Clear performance expectations cont**

Strengthen the capacity of NC DSS to provide technical assistance to local agencies to address areas of need in support of the consistent application of policies and practices

Supporting counties to implement identified system improvements, support for additional staff (4) will increase the state capacity to support county improvement plans



#### Goal 2:

Improve the statewide quality assurance system and a functioning technical assistance support model

 Beginning to develop a data driven system in a complex environment such as Child Welfare requires staff who understand how to transform raw data into actionable information reflective of practice performance



#### Goal 3:

Improve the permanency outcomes for children through collaboration with the judicial system

 Data analytical capacity will be key to identifying counties and judicial district specific issues needing improvement



#### Goal 4:

Improve cross-system service provision to improve safety, permanency and well-being outcomes for children and families

- Establish performance expectations for serving children and families who are engaged with the Child Welfare system and the LME/MCO behavioral health system
- Strengthen the foster and adoptive parent recruitment and retention plan to increase the capacity of the substitute care system



#### Goal 5:

Enhance the statewide data quality, collection and dissemination of information regarding services provided (Statewide Information System Systemic Factor)

- Continue the development of the NC FAST, Project 4 in support of Child Welfare for effective and efficient delivery of programs and services
- Develop and Implement the CPS Pilot project identified in SL 2014-100 Section 12C.1.(e) "...to enhance coordination of services and information among county departments of social services, local law enforcement agencies, the court system, guardian ad litem programs, and other agencies..."

# **Enhanced Oversight & Accountability of County Child Welfare Services**

- Improve program performance through data quality and analytical capacity
   (3 new state positions = \$169,554)
- Strengthen the Child Welfare Workforce using competency and performance based training and implement a supervisory academy (\$1,737,902)



# **Enhanced Oversight & Accountability of County Child Welfare Services cont**

- Intensive Family Preservation Services to maintain children in their own homes (\$5,187,544)
- Triple P Proven intervention to strengthen parental skills (\$1,505,000)



#### **State Infrastructure for Enhancing Practice**

- Family Foster Home Licensure (4 new state positions = \$55,365)
- County Technical Assistance (4 new state positions = \$271,146)
- Enhance Training Delivery(7 new state positions = \$377,068)



## **Intensive Child Fatality Review**

- Mandated in § 143B-150.20 to review child deaths meeting specific situations
- Identified need to review cases more timely and enhance ability to ensure recommendations are enacted (5 new state positions = \$103,198)



#### **Measurement Plan cont**

Federal expectations center on the use of the case review instrument and protocol known as the On Site Review Instrument (OSRI) to measure the impact of the program improvement plan on the outcomes



#### **Measurement Plan cont.**

OSRI to be used in 10 counties who have built the capacity to review cases in accordance with the federal expectations

State staff will randomly sample 100 additional cases from the remaining 90 counties each year



LNIO

# Questions