

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

HOUSE BILL 776
RATIFIED BILL

AN ACT TO AMEND VARIOUS PROVISIONS UNDER THE LAWS GOVERNING
ADOPTIONS AND JUVENILES.

The General Assembly of North Carolina enacts:

PART I. AFFIDAVITS AS PROOF OF IDENTITY

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

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

...

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

...

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

PART II. NAME DESIGNATION/NEWBORN PLACEMENT

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

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

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

...

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

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

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

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

...



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

PART III. ACQUISITION OF SOCIAL SECURITY NUMBER

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

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

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

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

PART IV. NOTICE OF SERVICE BY PUBLICATION/PRE-BIRTH DETERMINATIONS

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

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

PART V. PRELIMINARY HEARING/UNKNOWN PARENT

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

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

PART VI. CONSENTING AGENCY/PREPLACEMENT ASSESSMENTS

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

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

...

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

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

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

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

PART VII. PERMANENCY INNOVATION INITIATIVE FUND

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

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

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

PART VIII. VICTIMS OF CERTAIN TRAFFICKING OFFENSES

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

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

- a. Inflicts or allows to be inflicted upon the juvenile a serious physical injury by other than accidental means;
- b. Creates or allows to be created a substantial risk of serious physical injury to the juvenile by other than accidental means;
- c. Uses or allows to be used upon the juvenile cruel or grossly inappropriate procedures or cruel or grossly inappropriate devices to modify behavior;
- d. Commits, permits, or encourages the commission of a violation of the following laws by, with, or upon the juvenile: first-degree forcible rape, as provided in G.S. 14-27.21; second-degree forcible rape as provided in G.S. 14-27.22; statutory rape of a child by an adult as provided in G.S. 14-27.23; first-degree statutory rape as provided in G.S. 14-27.24; first-degree forcible sex offense as provided in G.S. 14-27.26; second-degree forcible sex offense as provided in

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

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

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

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

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

"§ 14-43.15. Minor victims.

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

PART IX. EFFECTIVE DATE

SECTION 9.1. This act becomes effective October 1, 2018.
In the General Assembly read three times and ratified this the 14th day of June, 2018.

s/ Bill Rabon
Presiding Officer of the Senate

s/ Tim Moore
Speaker of the House of Representatives

Roy Cooper
Governor

Approved _____m. this _____ day of _____, 2018