

**DSS ADMINISTRATIVE LETTER
CHILD WELFARE SERVICES CWS-AL-05-12**

TO: County Directors of Social Services

ATTENTION: Child Welfare Services Program Administrators / Managers
Child Welfare Services Supervisors
Child Welfare Services Social Workers

DATE: August 1, 2012

SUBJECT: CHILD WELFARE LEGISLATIVE CHANGES FOR 2012

EFFECTIVE DATE: As individually signed into law or effective dates

Background

This Administrative Letter is to provide information regarding legislative actions during the 2012 North Carolina General Assembly's short session that may impact Child Welfare Services and Work First Services. Please discuss any new or revised legislation in its entirety with your agency's attorney(s) or legal staff to understand the impact that each law may have within your jurisdiction. These and all other statutes can be accessed through the [North Carolina General Assembly website](http://www.ncleg.net/) (at <http://www.ncleg.net/>).

The Division will continue to evaluate the implications that these legislative changes will have on policy, if any. Should a change to policy be required, the change will be included in the upcoming manual revision.

Legislative Summary:

[Session Law 2012-16 \(HB 637\)](#)

Effective date: October 1, 2012 and applies to actions filed or pending on or after that date.

G.S. § 48-2-302(a) which requires an adoption petition be filed within 30 days after the child's placement with the petitioner or the state's attainment of jurisdiction, whichever is later, has been repealed.

G.S. § 48-2-304(a)(6) amended to provide that an adoption petition must include a description and estimated value of any property belonging to an adoptee if the adoptee is a minor or an adult who has been adjudicated incompetent.

G.S. § 48-2-401(a) amended to provide that the petitioner must initiate service of notice of the adoption petition no later than 30 days after the petition is filed.

G.S. § 48-3-205(d) amended to permit substitution of forms equivalent to those provided by the North Carolina Division of Social Services to collect background information for submission to the prospective adoptive parents.

G.S. § 48-3-303(c)(12) adds that the prospective adoptive parent's social security number and income information may be redacted from the pre-placement assessment provided to a placing parent or guardian.

G.S. § 48-3-602 amended to provide that if the court concludes that proceeding with an adoption is in the best interest of the child, the court is to order the parent's guardian ad litem (for parents who have been adjudicated incompetent) to execute consent or a relinquishment for the parent.

G.S. § 48-3-707(a) adds that a relinquishment may become void after placement with a prospective adoptive parent occurs, but before the entry of the adoption decree, the agency, the person relinquishing the minor, and the prospective adoptive parent agree to rescind the relinquishment.

[Session Law 2012-40 \(H 235\)](#)

Effective date: October 1, 2012 and applies to actions filed or pending on or after that date.

G.S. § 7B-1111(a) adds new grounds for the termination of parental rights. "The parent has been convicted of a sexually related offense under Chapter 14 of the General Statutes that resulted in the conception of the juvenile." The court must determine whether termination is in the best interest of the child before termination of a parent's rights can take place on this basis.

[Session Law 2012-153 \(S 910\)](#) Section 6

Effective date: October 1, 2012 and applies to actions filed or pending on or after that date.

G.S. § 7B-302(a1)(1a) creates an exception to the confidentiality of a reporter's name, requiring a county department of social services to disclose the reporter's identity to any federal, state, or local government entity in the following instances (i) in accordance with a court order (ii) without a court order provided that the entity demonstrates a need for the reporter's information to carry out its mandated responsibilities.

[Session Law 2012-153 \(S 910\)](#) Section 7

Effective date: October 1, 2012 and applies to actions filed or pending on or after that date.

G.S. § 131D-10.6C rewritten to provide for the North Carolina Division of Social Services to maintain a public register of foster homes licensed by the Division; and adds authority for the Division to withhold particular information about a foster parent or parents if the release of such information would pose a threat to the health or safety of the foster parent or foster child. Anyone who is denied access to information about a foster parent based on this provision may seek a court order compelling the release of information pursuant to Public Records law, specifically G.S. § 132-9(a).

[Session Law 2012-153 \(S 910\)](#) Section 1

Effective date: December 1, 2012 and applies to the definition of abused juveniles and is effective on or after that date.

G.S. § 14-43.14 creates a new criminal offense making it a Class F felony to participate in the acceptance, solicitation, offer, payment, or transfer of any form of compensation, in money, property, or other thing of value, at any time, by any person in connection with the unlawful acquisition or transfer of the physical custody of a child. The offense does not apply to actions

that are ordered by a court, authorized by a statute, or are otherwise lawful. An amendment to G.S. § 14-322.3 ensures the new offense is not applicable to a parent who voluntarily surrenders an infant less than seven days old in accordance with G.S. § 7B-500.

A child whose parent, guardian, or custodian who has sold or attempted to sell a child in violation of this section is considered an abused juvenile for the purposes of G.S. § 7B-101(1) and the court may place the child in the custody of a given county department of social services or any person, as the court finds to be in the best interest of the child. The act makes an amendment to the definition of "abused juvenile" within the Juvenile Code G.S. § 7B-101(1).

For more information regarding the changes that were made to juvenile law during this session, Janet Mason with the UNC School of Government has written a summary further detailing the above legislative changes. Her summary can be found at <http://www.sog.unc.edu/sites/www.sog.unc.edu/files/2012%20JUV%20%20Legislation.pdf>.

[Session Law 2012-142](#) (HB 950)

Effective date: July 1, 2012 and applies to modify the current Operations and Capital Improvements Appropriations Act of 2011 and for other purposes.

Session Law 2012-142 (the Appropriations Act) did not include specific Temporary Assistance for Needy Families (TANF) funding, known as TANF-DV, to provide domestic violence services to Work First recipients. All adults seeking Work First Family Assistance are still expected to be given information about family violence and are notified of the potential to request a waiver of some or all of the Work First requirements. All Work First participants including those who have waivers are eligible for supportive services such as counseling or child care assistance that would enable them to meet the requirements of their Mutual Responsibility Agreement.

If you have any questions about the Child Welfare Services section of this letter, please contact your Children's Program Representative or the Child Welfare Section at (919) 733-4622. Refer to the policy on Domestic Violence Assessment in Work First Manual, [Section 104D](#) and/ or contact workfirst.support@dhhs.nc.gov with any questions about the Work First portion of this letter.

Sincerely,



Kevin Kelley, Section Chief
Child Welfare Services

Attachments:

CWS-AL-05-12

cc: Sherry Bradsher
Jack Rodgers
Child Welfare Services Team Leaders