

GENERAL ASSEMBLY OF NORTH CAROLINA



Session 2009

Legislative Fiscal Note

BILL NUMBER: Senate Bill 969 (Second Edition)

SHORT TITLE: Amend Purpose/Child Placing/Child Care Laws.

SPONSOR(S): Senator Queen

FISCAL IMPACT

Yes () No (X) No Estimate Available ()

FY 2009-10 FY 2010-11 FY 2011-12 FY 2012-13 FY 2013-14

REVENUES

EXPENDITURES

POSITIONS (cumulative):

PRINCIPAL DEPARTMENT(S) &

PROGRAM(S) AFFECTED: Department of Health and Human Services, Division of Social Services; County Departments of Social Services.

EFFECTIVE DATE: When it becomes law.

BILL SUMMARY:

S.B. 969 amends G.S. 131D-10.1, which states the policy of the state regarding child placement, to specify that at times a child's welfare may outweigh reunifying the family unit; and, that placement in a residential care facility that provides high quality services, including meeting the child's educational needs, satisfies the standard of protecting a child's welfare, regardless of the child's age, and especially when siblings can be kept together.

S.B. 969 also requires the Division of Social Services to revise its rules in accordance with this policy change.

Source: Bill Digest S.B. 969 (03/26/0200).

ASSUMPTIONS AND METHODOLOGY:

Current Practice:

County departments of social services are responsible for placing children in their custody in the least restrictive, most family-like settings possible. Although placement in close proximity to a child's parents is a priority, a child's safety, bests interests, and special needs principally govern the placement decision.

In accordance with Federal law, North Carolina law and policy require that when a minor is removed from his home, the County Department of Social Services (DSS) Director responsible for placement shall give preference to an adult relative or other kin, if 1) such placement is in the best interests of the child regarding safety and nurture; and 2) careful assessment reveals that the prospective caregiver and living situation meet relevant standards. This placement preference corresponds with the Federal priorities outlined by 42 USC 671, which states that "...the child's health and safety shall be the paramount concern...", and that "...reasonable efforts shall be made to preserve and reunify families..." However, when placement with a relative is inappropriate, the County DSS is authorized to place the child in another setting, including a family foster home, child-caring institution, foster care facility, residential treatment facility, and/or therapeutic foster home.

Proposed Change:

S.B. 969 clarifies that while reunification of the family unit is a priority, protecting a child's welfare may necessitate residential placement. This clarification of State policy is consistent with current Federal law, North Carolina law, policy, and practice regarding foster care placement. Therefore, the proposed clarification is not expected to alter placement determinations. Likewise, the Division of Social Services does not anticipate conforming administrative code or policy changes. Accordingly, Fiscal Research anticipates no associated fiscal impact.

SOURCES OF DATA: Department of Health and Human Services, Division of Social Services.

TECHNICAL CONSIDERATIONS: None

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