

April 14, 1999

**S 919. CHILD ABUSE CHANGES. TO MAKE CHANGES TO THE GENERAL STATUTES REGARDING ABUSED AND NEGLECTED CHILDREN.**

Amends various sections of Chapter 7B regarding abused and neglected children. (1) Replaces term "juvenile" with term "child" throughout Chapter. (2) Provides that it is relevant in determining whether a newborn is a neglected child whether the newborn had controlled substances or alcohol present in its bodily systems at the time of birth. (3) Deletes provision requiring DSS to notify the SBI within 24 hours of receiving a report of sexual abuse of a juvenile in a child care facility. (4) Requires DSS to complete investigation of abuse, neglect, or dependency within 30 days from receipt of report or clearly document in the record why the report is not complete within that time. (5) Provides that Community Child Protection Team reviews DSS decision instead of the district attorney, and their report and recommendations go to the district attorney. (6) Requires DSS to notify DHHS if information received that child was physically harmed or has received improper care at child care facility. (7) Allows magistrate to verify petition alleging child to be abused, neglected, or dependent and accept for filing when clerk's office is closed (now, requires authorization of chief district court judge). (8) Requires court to hold dispositional hearing within 30 days of entry of order placing child in DSS custody. (9) Provides that when abuse, neglect, and dependency proceeding is pending, no court may exercise jurisdiction in an adoption, guardianship, custody, or visitation proceeding unless judge in abuse proceeding stays abuse proceeding. (10) Requires Rule 4(j) service rather than personal service on parent, guardian, custodian, or caretaker. (11) Shortens the time for the first nonsecure custody hearing from 7 calendar days to 3 days and specifies duties of court at the hearing. (12) Allows child to be represented by retained counsel in addition to guardian ad litem. (13) Provides for appointment of counsel for parents upon receipt of petition and presumes parents are indigent for first nonsecure custody hearing and provides for appointment of a guardian ad litem for parent who is a minor or is incapable of providing for child because of mental retardation, mental illness, or other condition. (14) Adds procedure for pre-adjudication conference to attempt to settle issues. (15) Allows entry of a consent order. (16) Requires juvenile court to have priority over other district court sessions. (17) Requires DSS and guardian ad litem to prepare predisposition reports (act specifies items report must include) and provides for a predisposition conference to attempt settlement. (18) Before court may place child in the custody of a relative or other suitable person, must find that child has resided with person for at least six months and the placement is a safe and permanent home and in child's best interest. (19) Authorizes judge, as a disposition, to appoint guardian of the person for child. (20) Grants court authority after notice and hearing to order public agency to provide services to meet child's needs. (21) Prohibits DSS from allowing unsupervised visitation between child and parent without court order finding that child will receive proper care and supervision. (22) Requires clerk automatically to calendar review hearings and permanency planning hearings rather than waiting for request of DSS and specifies criteria to be considered at hearings; requires placement review within 3, rather than 6, months after date of termination. (23) Requires post-termination of parental rights' placement court review to be conducted within 3 instead of 6 months. (24) Provides that child placed under a voluntary agreement between parent and DSS cannot remain in placement more than 90 days without the filing of an abuse, neglect, or dependency petition and deletes provisions regarding review of the placement. (25) Provides that district court has authority to enter temporary orders affecting custody or placement of child while case is on appeal to appellate court.

Makes following changes in provisions in Chapter 7B regarding termination of parental rights proceedings: (1) Provides that when court has jurisdiction over parent in abuse, neglect proceeding, court also has jurisdiction to terminate parental rights and person seeking to terminate parental rights may proceed by a motion in the abuse case. (2) Parent has right to counsel if motion to terminate rights filed and to appointment of guardian ad litem if parent is a minor or is alleged to be incapable of providing proper care of child. (3) Specifies procedure to be followed when termination is by motion rather than a petition. (4) Adds as a ground for terminating parental rights that parent is imprisoned and is unlikely to be released for a period of 5 or more years from date petition is filed. Effective July 1, 1999.

**Intro. by Garrou, Gulley, and Wellons.**

Ref. to Judiciary I

GS 7B

