

April 7, 2005

**H 1150. EXPEDITE JUV. PROCEEDINGS/GUARDIANS AD LITEM. TO AMEND THE JUVENILE CODE TO EXPEDITE OUTCOMES FOR CHILDREN AND FAMILIES INVOLVED IN WELFARE CASES AND APPEALS AND TO LIMIT THE APPOINTMENT OF GUARDIANS AD LITEM FOR PARENTS IN ABUSE, NEGLECT, AND DEPENDENCY PROCEEDINGS, AS RECOMMENDED BY THE COURT IMPROVEMENT PROJECT.** Makes following changes to Chapter 7B of the General Statutes regarding abuse, neglect, and dependency cases: (1) Provides that parent is permitted to appeal court's findings and order ceasing reasonable efforts to reunify a family, specifies time by which parent to make detailed offer of proof, and specifies circumstances under which Court of Appeals is to review the order to cease unification. (2) Requires clerk to appoint provisional counsel for parent named in petition alleging abuse, neglect, or dependency of a child and requires court to dismiss counsel at first hearing if parent does not appear, does not qualify for court-appointed counsel, has retained counsel, or waives the right to counsel. (3) Clarifies that Rule 17 guardian ad litem is to be appointed for parent who is a minor and not emancipated and if there is reason to believe the parent is incompetent or cannot act in his or her own interest. Prohibits parent's counsel from being appointed as guardian ad litem and specifies duties of guardian ad litem. (4) Amends various sections requiring orders to be entered within a certain period of time, to require specified official to seek calendaring of hearing when order not entered within the statutory time. (5) Requires dispositional hearing in abuse and neglect case to take place immediately following adjudicatory hearing and to be concluded within 30 days after adjudicatory hearing. (6) Requires county department of social services to notify guardian ad litem for juvenile before changing juvenile's placement or in an emergency situation within 72 hours after placement change. (7) Provides that individual whose parental rights have been terminated is not a party to a placement review hearing unless an appeal of the order of termination of parental rights is pending and a court has stayed the order pending the appeal. (8) Clarifies the juvenile matters that may be appealed and adds to matters an order that terminates parental rights or denies a petition to terminate parental rights and in conjunction with appeal of order terminating parental rights, objection to determination that reunification efforts cease. (9) Requires notice of appeal to be given within 30 days (was, 10 days) after entry and specifies who may appeal. (10) Allows orders to be enforced while on appeal unless the trial or appellate court orders a stay, and directs trial court to continue to exercise jurisdiction and enter orders unless otherwise directed by an appellate court.

With regard to cases to terminate parental rights, clarifies what parents are entitled to court-appointed, state-paid counsel and under what circumstances parent is also entitled to a guardian ad litem under Rule 17. Requires clerk or case manager to schedule hearing if order terminating or not terminating parental rights or order determining the best interest of the juvenile is not entered within the statutory time, and requires court to consider following factors in determining whether terminating parental rights is in the best interest of the juvenile: age of juvenile, likelihood of adoption, whether termination will aid in accomplishment of the permanent plan for the juvenile, bond between the juvenile and parent, and quality of the relationship between the juvenile and proposed adoptive parent or other permanent placement. Repeals GS 7B-1113, dealing with appeals. Effective for petitions filed on or after October 1, 2005.

**Intro. by Goodwin, Glazier, Ross.**

Ref. to Judiciary I

GS 7B

May 4, 2005

**H 1150. EXPEDITE JUV. PROCEEDINGS/GUARDIANS AD LITEM.** Intro. 4/7/05. House committee substitute makes the following changes to 1st edition. Moves provisions from proposed new GS 7B-507(e) to revised GS 7B-507(c) 7B-1001. Rewrites GS 7B-1001 to provide that when that right to appeal is properly preserved, the order ceasing reunification efforts may be appealed to the court of appeals as follows: (1) by a parent, along with a proper and timely appeal of an order terminating parental rights, if the order to cease reunification is assigned as error in the record on appeal of the termination order; (2) by a parent, if no petition or motion to terminate parental rights is filed within 180 days of the order ceasing reunification; and (3) by a guardian or custodian, immediately after entry of the order ceasing reunification. Deletes proposed provision

in GS 7B-807(b) that would have authorized case managers to schedule hearings regarding orders that are not entered within the required 30 days. Further rewrites GS 7B-1001 to remove language in original bill requiring the appealing party to sign the notice of appeal and, instead, provide that a party's attorney may give notice of appeal only following direct instruction of the appealing party at the conclusion of the proceeding. Rewrites GS 7B-1002 to require the court to appoint a guardian ad litem pursuant to GS 1A-1, Rule 17, for a juvenile who appeals and for whom no guardian ad litem has been appointed under GS 7B-601. Rewrites GS 7B-1003 to (1) exempt termination of parental rights proceedings from the provision authorizing the trial court to continue exercising jurisdiction and conducting hearings during an appeal unless the appellate court orders otherwise, and (2) provide that if a termination of parental rights proceeding is initiated by petition, not a motion, the trial court may enter temporary orders affecting the custody or placement of the juvenile during an appeal. Rewrites proposed new GS 7B-1101.1 to provide that in termination of parental rights proceedings when a parent for whom the court appoints a guardian ad litem is not indigent and does not secure private legal counsel, the fees of the guardian ad litem are a proper charge against the parent. Clarifies that the act applies to actions as well as petitions filed on or after October 1, 2005.

August 12, 2005

**H 1150. EXPEDITE JUV. PROCEEDINGS/GUARDIAN AD LITEM.** Intro. 4/7/05. Senate committee substitute makes the following changes to 2nd edition. Makes technical changes only.

September 21, 2005

**SL 2005-398 (H 1150). EXPEDITE JUVENILE PROCEEDINGS/GUARDIANS AD LITEM.**  
*AN ACT TO AMEND THE JUVENILE CODE TO EXPEDITE OUTCOMES FOR CHILDREN AND FAMILIES INVOLVED IN WELFARE CASES AND APPEALS AND TO LIMIT THE APPOINTMENT OF GUARDIANS AD LITEM FOR PARENTS IN ABUSE, NEGLECT, AND DEPENDENCY PROCEEDINGS.* Summarized in *Daily Bulletin* 4/7/05, 5/4/05, and 8/12/05. Enacted September 14, 2005. Effective October 1, 2005.