

March 20, 2007

S 1077. REGULATION OF JUVENILE DISCOVERY ORDERS. Filed 3/20/07. *TO REGULATE CERTAIN JUVENILE DISCOVERY ORDERS.*

Enacts new GS 7B-701 allowing parents, custodians, or guardian (or their attorney) to seek discovery of information in "the Department's" possession. Requires a parent, custodian, or guardian seeking discovery of listed information, including statements made by the individual, the juvenile, or potential witness, or physical evidence, to make a written request to the Department before filing a motion with the court. The Department has three business days after receiving the request to make the information available for review and has 10 business days to comply with requests for copies of any reproducible material made after examining the material. If the Department does not respond in three days or the response is a denial or is unsatisfactory, the parent, custodian, or guardian may file a motion for discovery and the court must hear and rule on the motion within seven days after it is filed. Allows the Department to file a motion to deny discovery or permit a limited response. Prohibits the disclosure of the following information without an order: (1) health care information regarding anyone other than the requesting parent, custodian, or guardian, or the subject juvenile; (2) documents containing the names and address of foster parents if not previously disclosed; and (3) the identity of the reporter. The section also applies to a guardian ad litem taking a position aligned with the Department or contrary to the position of the parent, guardian, or custodian. Effective October 1, 2007.

Intro. by Kinnaird.

GS 7B

May 22, 2007

S 1077. REGULATION OF JUVENILE DISCOVERY ORDERS. Filed 3/20/07. Senate committee substitute makes the following changes to 1st edition. Completely rewrites proposed GS 7B-701 so that it now governs access of information in the possession of the director of a county department of social services in a pending petition. The statute sets out the process for a parent or the parent's attorney to seek access to information and the information to which the director may provide access. The director has five business days after receiving the request to make the information available for review and has ten business days to comply with requests made after examining the material for copies of reproducible material. The statute sets out the process for a parent to file a motion to compel discovery or for the director to file a motion to deny or limit access. Provides that if the allegations in the pending case are against a non-parent custodian or guardian, the provisions of the statute apply to that person, except that the director is not required to make available for review any records regarding prior investigations involving the requestor, the juvenile, or the juvenile's siblings. Deletes provisions relating to guardians ad litem.