

April 9, 2009

H 1449. JUVENILE CODE REVISIONS. Filed 4/9/09. *TO MAKE VARIOUS REVISIONS TO THE JUVENILE CODE.*

To be summarized in Monday's *Daily Bulletin*.

Intro. by Weiss, Moore, Goodwin, Glazier. GS 7B

April 13, 2009

H 1449. JUVENILE CODE REVISIONS. Filed 4/9/09. *TO MAKE VARIOUS REVISIONS TO THE JUVENILE CODE.*

Rewrites GS 7B-302 to provide that (1) confidential information relating to a child protective services assessment may be examined by the juvenile's guardian ad litem or the juvenile, even if the juvenile is 18 or older; (2) a NC judge in any civil action to which the Department of Social Services (DSS) is not a party may order DSS to release confidential information after giving DSS notice and a chance to be heard and determining, through in camera inspection if necessary, that the information is relevant and necessary to the action and not available elsewhere; (3) a NC judge in a criminal or delinquency matter must conduct an in camera review before releasing to the defendant or juvenile any confidential DSS records to which that person is not already entitled; and (4) if a DSS director receives a report of abuse, neglect, or dependency regarding a juvenile whose legal residence is in another county, the director must promptly notify the director in the county of the juvenile's residence, and the two directors must coordinate efforts to ensure appropriate action. Makes conforming amendments to GS 7B-2901. Adds new GS 7B-402(d) to require a DSS director who files a petition in a county other than the county of the juvenile's residence to provide a copy of the petition and notices of hearings to the director in the county of the juvenile's residence.

Rewrites GS 7B-400 and adds new GS 7B-900.1, relating to venue, to allow a change of venue only after an adjudication of abuse, neglect, or dependency, and provide standards and procedures for changes of venue after adjudication. Requires the court, before ordering a post-adjudication venue change to (1) determine that the change is in the juvenile's best interest and not prejudicial to the parties; (2) determine that the two DSS directors either are in agreement or have obtained a determination from the state Division of Social Services about the counties' respective responsibilities for financial support and services relating to the juvenile; (3) join or substitute as a party the DSS director in the transferee county and place the juvenile in that county DSS's custody, after giving that director notice and a chance to be heard; (4) communicate with the chief district judge or judge presiding in juvenile court in the transferee county and, if that judge makes a timely objection to the transfer, order the case transferred only after making findings and concluding that the juvenile's best interests required the transfer; and (5) consider eight facts set out in the statute and any other relevant factors. Specifies the duties of the clerk of court in each county when a case is transferred.

Rewrites GS 7B-700, relating to discovery, to (1) authorize DSS to share with other parties confidential information other than the identify of the reporter or any person whose life or safety would be endangered by disclosure; (2) authorize the chief district judge, through local rules or administrative order, to address information sharing among parties and use of discovery; (3) set out criteria for discovery motions and protective orders; and (4) provide that unless local rules provide otherwise, these provisions do not apply to information or reports held by the child's guardian ad litem, except that reports and records must be shared with all parties before being submitted to the court.

Rewrites GS 7B-906, GS 7B-907, and GS 7B-908, relating to review hearings, to require DSS to either provide the clerk with the name and address of any foster parent, relative, or preadoptive parent caring for the child or file written documentation with the clerk that the child's care provider was sent notice of the hearing. Further rewrites GS 7B-908 to require DSS, within 10 days after receiving a copy of an adoption petition, to file notice of the petition with the court and serve it on the child's guardian ad litem, who then has 10 days to file in the adoption proceeding any motion alleging an abuse of discretion. That motion requires the clerk to transfer the adoption proceeding to district court.

Rewrites GS 7B-1101.1 to provide that in actions to terminate parental rights, (1) when a petition is filed provisional counsel must be appointed for any parent who is not already represented by counsel and (2) any guardian ad litem appointed for a parent must be appointed pursuant to GS 1A-1, Rule 17. Rewrites GS 7B-1106(b) to make conforming changes and provide that if termination is initiated by petition, appointed counsel representing the parent in an abuse, neglect, or dependency case must continue to represent the parent in the termination unless the court orders otherwise.

Rewrites GS 7B-1108 to delete provisions relating to a "special hearing" in termination cases and adds new GS 7B-1108.1 requiring the court to conduct a pretrial hearing either before or with the adjudicatory hearing.

Adds new GS 7B-1700.1, providing that a juvenile court counselor or any other person with cause to suspect that a juvenile is abused, neglected, or dependent or has died as a result of maltreatment, must make a report to DSS.

Rewrites GS 7B-2503 and GS 7B-2506 to allow the court, at disposition in the case of a delinquent or undisciplined juvenile, to place the juvenile in the custody of DSS only if the director has received notice and a chance to be heard.

Intro. by Weiss, Moore, Goodwin, Glazier. GS 7B

April 29, 2009

H 1449. JUVENILE CODE REVISIONS. Filed 4/9/09. House committee substitute makes the following changes to 1st edition. Makes technical changes. Changes the effective date to October 1, 2009 (was, effective when the act becomes law).

July 20, 2009

SL 2009-311 (H 1449). JUVENILE CODE REVISIONS. AN ACT TO MAKE VARIOUS REVISIONS TO THE JUVENILE CODE. Summarized in *Daily Bulletin* 4/13/09 and 4/29/09. Enacted July 17, 2009. Effective October 1, 2009.