

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

H.B. 669  
Apr 13, 2015  
HOUSE PRINCIPAL CLERK

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HOUSE DRH10245-LU-80 (03/10)

Short Title: Juvenile Law Changes/Abuse/Neglect/Dependency. (Public)

Sponsors: Representative Stevens.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO MAKE VARIOUS CHANGES TO THE JUVENILE LAWS PERTAINING TO  
3 ABUSE, NEGLECT, AND DEPENDENCY.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 7B-101 is amended by adding the following new subdivisions to  
6 read:

7 "§ 7B-101. Definitions.

8 As used in this Subchapter, unless the context clearly requires otherwise, the following  
9 words have the listed meanings:

10 ...

11 (8a) Department. – Each county's child welfare agency. Unless the context  
12 clearly implies otherwise, when used in this Subchapter, "department" or  
13 "department of social services" shall refer to the county agency providing  
14 child welfare services, regardless of the name of the agency or whether the  
15 county has consolidated human services, pursuant to G.S. 153A-77.

16 ...

17 (15a) Nonrelative kin. – An individual having a substantial relationship with the  
18 juvenile. In the case of a juvenile member of a State-recognized tribe as set  
19 forth in G.S. 143B-407(a), nonrelative kin also includes any member of a  
20 State-recognized tribe or a member of a federally recognized tribe, whether  
21 or not there is a substantial relationship with the juvenile.

22 ...."

23 SECTION 2. G.S. 7B-401.1 reads as rewritten:

24 "§ 7B-401.1. Parties.

25 (a) Petitioner. – Only a county director of social services or the director's authorized  
26 representative may file a petition alleging that a juvenile is abused, neglected, or dependent.  
27 The petitioner shall remain a party until the court terminates its jurisdiction in the case.

28 (b) Parents. – The juvenile's parent shall be a party unless one of the following applies:

29 (1) The parent's rights have been terminated.

30 (2) The parent has relinquished the juvenile for adoption, unless the court orders  
31 that the parent be made a party.

32 (3) The parent has been convicted under G.S. 14-27.2 or G.S. 14-27.3 for an  
33 offense that resulted in the conception of the juvenile.

34 (c) Guardian. – A person who is the child's court-appointed guardian of the person or  
35 general guardian when the petition is filed shall be a party. A person appointed as the child's



1 guardian pursuant to G.S. 7B-600 shall automatically become a party but only if the court has  
2 found that the guardianship is the permanent plan for the juvenile.

3 (d) Custodian. – A person who is the juvenile's custodian, as defined in G.S. 7B-101(8),  
4 when the petition is filed shall be a party. A person to whom custody of the juvenile is awarded  
5 in the juvenile proceeding shall automatically become a party but only if the court has found  
6 that the custody arrangement is the permanent plan for the juvenile.

7 (e) Caretaker. – A caretaker shall be a party only if (i) the petition includes allegations  
8 relating to the caretaker, (ii) the caretaker has assumed the status and obligation of a parent, or  
9 (iii) the court orders that the caretaker be made a party.

10 (e1) Foster Parent. – A foster parent as defined in G.S. 131D-10.2(9a) providing foster  
11 care for the juvenile is not a party to the case and may be allowed to intervene only if the foster  
12 parent has authority to file a petition to terminate the parental rights of the juvenile's parents  
13 pursuant to G.S. 7B-1103.

14 (f) The Juvenile. – The juvenile shall be a party.

15 (g) Removal of a Party. – If a guardian, custodian, or caretaker is a party, the court may  
16 discharge that person from the proceeding, making the person no longer a party, if the court  
17 finds that the person does not have legal rights that may be affected by the action and that the  
18 person's continuation as a party is not necessary to meet the juvenile's needs.

19 (h) Intervention. – Except as provided in ~~G.S. 7B-1103(b)~~, G.S. 7B-1103(b) and  
20 subsection (e1) of this section, the court shall not allow intervention by a person who is not the  
21 juvenile's parent, guardian, custodian, or caretaker but may allow intervention by another  
22 county department of social services that has an interest in the proceeding. This section shall  
23 not prohibit the court from consolidating a juvenile proceeding with a civil action or claim for  
24 custody pursuant to G.S. 7B-200."

25 **SECTION 3.** G.S. 7B-502 reads as rewritten:

26 "**§ 7B-502. Authority to issue custody orders; delegation.**

27 (a) In the case of any juvenile alleged to be within the jurisdiction of the court, the court  
28 may order that the juvenile be placed in nonsecure custody pursuant to criteria set out in  
29 G.S. 7B-503 when custody of the juvenile is necessary. The order for nonsecure custody may  
30 be entered ex parte. Unless the petition is being filed pursuant to G.S. 7B-404, telephonic  
31 communication of intent to seek nonsecure custody shall be given to counsel, or if unavailable,  
32 to a partner or employee at the attorney's office when any of the following occur:

33 (1) The department has received written notification that a respondent has  
34 counsel for the juvenile matter.

35 (2) The respondent is represented by counsel in a juvenile proceeding within the  
36 same county involving another juvenile of the respondent.

37 Notice is not required to provisional counsel appointed pursuant to G.S. 7B-602.

38 (b) Any district court judge shall have the authority to issue nonsecure custody orders  
39 pursuant to G.S. 7B-503. The chief district court judge may delegate the court's authority to  
40 persons other than district court judges by administrative order which shall be filed in the office  
41 of the clerk of superior court. The administrative order shall specify which persons shall be  
42 contacted for approval of a nonsecure custody order pursuant to G.S. 7B-503."

43 **SECTION 4.** G.S. 7B-505 reads as rewritten:

44 "**§ 7B-505. Placement while in nonsecure custody.**

45 (a) A juvenile meeting the criteria set out in G.S. 7B-503 may be placed in nonsecure  
46 custody with the department of social services or a person designated in the order for temporary  
47 residential placement in:

48 (1) A licensed foster home or a home otherwise authorized by law to provide  
49 such care; or

50 (2) A facility operated by the department of social services; or

1 (3) Any other home or facility, including a relative's home approved by the  
2 court and designated in the order.

3 (b) The court shall order the department to make diligent efforts to notify relatives and  
4 any custodial parents of the juvenile's siblings that the juvenile is in nonsecure custody and of  
5 any hearings scheduled to occur pursuant to G.S. 7B-506, unless the court finds the notification  
6 would be contrary to the juvenile's best interest. In placing a juvenile in nonsecure custody  
7 under this section, the court shall first consider whether a relative of the juvenile is willing and  
8 able to provide proper care and supervision of the juvenile in a safe home. If the court finds that  
9 the relative is willing and able to provide proper care and supervision in a safe home, then the  
10 court shall order placement of the juvenile with the relative unless the court finds that  
11 placement with the relative would be contrary to the best interests of the juvenile.

12 (c) If the court does not place the juvenile with a relative, the court may consider  
13 whether nonrelative kin or a custodial parent of the juvenile's sibling is willing and able to  
14 provide proper care and supervision of the juvenile in a safe home. ~~Nonrelative kin is an~~  
15 ~~individual having a substantial relationship with the juvenile. In the case of a juvenile member~~  
16 ~~of a State-recognized tribe as set forth in G.S. 143B-407(a), nonrelative kin also includes any~~  
17 ~~member of a State-recognized tribe or a member of a federally recognized tribe, whether or not~~  
18 ~~there is a substantial relationship with the juvenile.~~ The court may order the Department  
19 department to notify the juvenile's State-recognized tribe of the need for nonsecure custody for  
20 the purpose of locating relatives or nonrelative kin for placement. The court may order  
21 placement of the juvenile with nonrelative kin if the court finds the placement is in the  
22 juvenile's best interests.

23 (d) In placing a juvenile in nonsecure custody under this section, the court shall also  
24 consider whether it is in the juvenile's best interest to remain in the juvenile's community of  
25 residence. In placing a juvenile in nonsecure custody under this section, the court shall consider  
26 the Indian Child Welfare Act, Pub. L. No. 95-608, 25 U.S.C. §§ 1901, et seq., as amended, and  
27 the Howard M. Metzenbaum Multiethnic Placement Act of 1994, Pub. L. No. 103-382, 108  
28 Stat. 4056, as amended, as they may apply. Placement of a juvenile with a relative outside of  
29 this State must be in accordance with the Interstate Compact on the Placement of Children,  
30 Article 38 of this Chapter."

31 **SECTION 5.** Article 5 of Chapter 7B of the General Statutes is amended by adding  
32 a new section to read:

33 **"§ 7B-505.1. Juvenile placed in nonsecure custody of a department of social services.**

34 (a) Unless the court orders otherwise, when a juvenile is placed in the nonsecure  
35 custody of a county department of social services, the director may arrange for, provide, or  
36 consent to any of the following:

37 (1) Routine medical and dental care or treatment.

38 (2) Emergency medical, surgical, psychiatric, psychological, or mental health  
39 care or treatment.

40 (b) The director shall obtain consent from the juvenile's parent, guardian, or custodian  
41 for all care or treatment not covered by subsection (a) of this section, including:

42 (1) Prescriptions for psychotropic medications.

43 (2) Participation in clinical trials.

44 (3) Immunizations when it is known that the parent has a bona fide religious  
45 objection to the standard schedule of immunizations.

46 (4) Child Medical Evaluations, comprehensive clinical assessments, or other  
47 mental health evaluations.

48 (5) Surgical, medical, or dental procedures or tests that require informed  
49 consent.

50 (6) Psychiatric, psychological, or mental health care or treatment that requires  
51 informed consent.

1 The court may authorize the director to provide consent after a hearing at which the court finds  
2 by clear and convincing evidence that the specific care, treatment, or evaluation requested is in  
3 the juvenile's best interest.

4 (c) For any care or treatment provided, the director shall make reasonable efforts to  
5 promptly notify the parent, guardian, or custodian that care or treatment will be or has been  
6 provided and give the parent or guardian frequent status reports on the juvenile's treatment and  
7 the care provided. Upon request of the juvenile's parent, guardian, or custodian, the director  
8 shall make available to the parent, guardian, or custodian any results or records of the  
9 mentioned evaluations, except when prohibited by G.S. 122C-53(d). The results of a Child  
10 Medical Evaluation shall only be disclosed according to the provisions of G.S. 7B-700.

11 (d) To the extent provided by federal law, the department may disclose confidential  
12 information deemed necessary for the juvenile's assessment and treatment to a health care  
13 provider serving the juvenile.

14 (e) Unless the court has ordered otherwise, to the extent provided by federal law, a  
15 health care provider shall disclose confidential information about a juvenile to a director of a  
16 county department of social services with custody of the juvenile and a parent, guardian, or  
17 custodian.

18 (f) The director is immune from any civil or criminal liability that might otherwise be  
19 incurred or imposed as a result of any action taken or omission pursuant to the requirements of  
20 this section as long as the director was acting in good faith. The immunity established by this  
21 subsection does not extend to gross negligence, wanton conduct, or intentional wrongdoing that  
22 would otherwise be actionable."

23 **SECTION 6.** G.S. 7B-506(h)(2a) reads as rewritten:

24 "(h) At each hearing to determine the need for continued custody, the court shall  
25 determine the following:

26 ...

27 (2a) If the court does not place the juvenile with a relative, the court may  
28 consider whether nonrelative kin is willing and able to provide proper care  
29 and supervision of the juvenile in a safe home. ~~Nonrelative kin is an~~  
30 ~~individual having a substantial relationship with the juvenile. In the case of a~~  
31 ~~juvenile member of a State-recognized tribe as set forth in G.S. 143B-407(a),~~  
32 ~~nonrelative kin also includes any member of a State-recognized tribe or a~~  
33 ~~member of a federally recognized tribe, whether or not there is a substantial~~  
34 ~~relationship with the juvenile. The court may order the Department~~  
35 ~~department to notify the juvenile's State-recognized tribe of the need for~~  
36 ~~nonsecure custody for the purpose of locating relatives or nonrelative kin for~~  
37 ~~placement. The court may order placement of the juvenile with nonrelative~~  
38 ~~kin if the court finds the placement is in the juvenile's best interests."~~

39 **SECTION 7.** G.S. 7B-507 reads as rewritten:

40 "**§ 7B-507. Reasonable efforts. Juvenile placed in nonsecure custody of a department of**  
41 **social services.**

42 (a) An order placing or continuing the placement of a juvenile in the nonsecure custody  
43 or placement responsibility of a county department of social services, ~~whether an order for~~  
44 ~~continued nonsecure custody, a dispositional order, or a review order:~~services:

45 (1) Shall contain a finding that the juvenile's continuation in or return to the  
46 juvenile's own home would be contrary to the juvenile's ~~best interest;~~health  
47 and safety.

48 (2) Shall contain specific findings as to whether a county department of social  
49 services has made reasonable efforts to either prevent the need for placement  
50 ~~or eliminate the need for placement of the juvenile, unless the court has~~  
51 ~~previously determined under subsection (b) of this section that such efforts~~

1 ~~are not required or shall cease;~~of the juvenile. In determining whether efforts  
2 ~~to prevent the placement of the juvenile were reasonable, the juvenile's~~  
3 ~~health and safety shall be the paramount concern. The court may find that~~  
4 ~~efforts to prevent the need for the juvenile's placement were precluded by an~~  
5 ~~immediate threat of harm to the juvenile. A finding that reasonable efforts~~  
6 ~~were not made by a county department of social services shall not preclude~~  
7 ~~the entry of an order authorizing the juvenile's placement when the court~~  
8 ~~finds that placement is necessary for the protection of the juvenile.~~

9 (3) ~~Shall contain findings as to whether a county department of social services~~  
10 ~~should continue to make reasonable efforts to prevent or eliminate the need~~  
11 ~~for placement of the juvenile, unless the court has previously determined or~~  
12 ~~determines under subsection (b) of this section that such efforts are not~~  
13 ~~required or shall cease;~~

14 (4) ~~Shall specify that the juvenile's placement and care are the responsibility of~~  
15 ~~the county department of social services and that the department is to~~  
16 ~~provide or arrange for the foster care or other placement of the juvenile.~~  
17 ~~After juvenile, unless after considering the department's recommendations,~~  
18 ~~the court may order orders a specific placement the court finds to be in the~~  
19 ~~juvenile's best interest; and interest.~~

20 (5) ~~May provide for order services or other efforts aimed at returning the~~  
21 ~~juvenile to a safe home or at achieving another permanent plan for the~~  
22 ~~juvenile home.~~

23 ~~A finding that reasonable efforts have not been made by a county department of social services~~  
24 ~~shall not preclude the entry of an order authorizing the juvenile's placement when the court~~  
25 ~~finds that placement is necessary for the protection of the juvenile. Where efforts to prevent the~~  
26 ~~need for the juvenile's placement were precluded by an immediate threat of harm to the~~  
27 ~~juvenile, the court may find that the placement of the juvenile in the absence of such efforts~~  
28 ~~was reasonable.~~

29 (b) ~~In any order placing a juvenile in the custody or placement responsibility of a~~  
30 ~~county department of social services, whether an order for continued nonsecure custody, a~~  
31 ~~dispositional order, or a review order, the court may direct that reasonable efforts to eliminate~~  
32 ~~the need for placement of the juvenile shall not be required or shall cease if the court makes~~  
33 ~~written findings of fact that:~~

34 (1) ~~Such efforts clearly would be futile or would be inconsistent with the~~  
35 ~~juvenile's health, safety, and need for a safe, permanent home within a~~  
36 ~~reasonable period of time;~~

37 (2) ~~A court of competent jurisdiction has determined that the parent has~~  
38 ~~subjected the child to aggravated circumstances as defined in G.S. 7B-101;~~

39 (3) ~~A court of competent jurisdiction has terminated involuntarily the parental~~  
40 ~~rights of the parent to another child of the parent; or~~

41 (4) ~~A court of competent jurisdiction has determined that: the parent has~~  
42 ~~committed murder or voluntary manslaughter of another child of the parent;~~  
43 ~~has aided, abetted, attempted, conspired, or solicited to commit murder or~~  
44 ~~voluntary manslaughter of the child or another child of the parent; has~~  
45 ~~committed a felony assault resulting in serious bodily injury to the child or~~  
46 ~~another child of the parent; has committed sexual abuse against the child or~~  
47 ~~another child of the parent; or has been required to register as a sex offender~~  
48 ~~on any government administered registry.~~

49 (e) ~~When the court determines that reunification efforts are not required or shall cease,~~  
50 ~~the court shall order a plan for permanence as soon as possible, after providing each party with~~  
51 ~~a reasonable opportunity to prepare and present evidence. If the court's determination to cease~~

1 reunification efforts is made in a hearing that was duly and timely noticed as a permanency  
2 planning hearing, then the court may immediately proceed to consider all of the criteria  
3 contained in G.S. 7B-906.1(e), make findings of fact, and set forth the best plan of care to  
4 achieve a safe, permanent home within a reasonable period of time. If the court's decision to  
5 cease reunification efforts arises in any other hearing, the court shall schedule a subsequent  
6 hearing within 30 days to address the permanent plan in accordance with G.S. 7B-906.1. At any  
7 hearing at which the court orders that reunification efforts shall cease, the affected parent,  
8 guardian, or custodian may give notice to preserve the right to appeal that order in accordance  
9 with G.S. 7B-1001. The party giving notice shall be permitted to make a detailed offer of proof  
10 as to any evidence that party sought to offer in opposition to cessation of reunification that the  
11 court refused to admit.

12 (d) ~~In determining reasonable efforts to be made with respect to a juvenile and in~~  
13 ~~making such reasonable efforts, the juvenile's health and safety shall be the paramount concern.~~  
14 ~~Reasonable efforts to preserve or reunify families may be made concurrently with efforts to~~  
15 ~~plan for the juvenile's adoption, to place the juvenile with a legal guardian, or to place the~~  
16 ~~juvenile in another permanent arrangement."~~

17 **SECTION 8.** G.S. 7B-800.1(a)(4) reads as rewritten:

18 "(a) Prior to the adjudicatory hearing, the court shall consider the following:

19 ...

20 (4) Whether ~~relatives~~relatives, a custodial parent of a sibling of the juvenile, or  
21 nonrelative kin have been identified and notified as potential resources for  
22 placement or support."

23 **SECTION 9.** G.S. 7B-901 reads as rewritten:

24 **"§ 7B-901. Dispositional-Initial dispositional hearing.**

25 (a) The dispositional hearing shall take place immediately following the adjudicatory  
26 hearing and shall be concluded within 30 days of the conclusion of the adjudicatory hearing.  
27 The dispositional hearing may be informal and the court may consider written reports or other  
28 evidence concerning the needs of the juvenile. The juvenile and the juvenile's parent, guardian,  
29 or custodian shall have the right to present evidence, and they may advise the court concerning  
30 the disposition they believe to be in the best interests of the juvenile. The court may consider  
31 any evidence, including hearsay evidence as defined in G.S. 8C-1, Rule 801, including  
32 testimony or evidence from any person who is not a party, that the court finds to be relevant,  
33 reliable, and necessary to determine the needs of the juvenile and the most appropriate  
34 disposition. ~~The court may exclude the public from the hearing unless the juvenile moves that~~  
35 ~~the hearing be open, which motion shall be granted.~~

36 (b) At the dispositional hearing, the court shall inquire as to the identity and location of  
37 any missing parent and whether paternity is at issue. The court shall include findings of the  
38 efforts undertaken to locate the missing parent and to serve that parent and efforts undertaken  
39 to establish paternity when paternity is an issue. The order may provide for specific efforts in  
40 determining the identity and location of any missing parent and specific efforts in establishing  
41 paternity. ~~The~~At the disposition hearing, the court shall ~~also~~ inquire about efforts made to  
42 identify and notify ~~relatives as potential resources for placement or support~~relatives, the  
43 custodial parent of a sibling of the juvenile, or nonrelative kin about the juvenile's placement  
44 and any scheduled hearings.

45 (c) If the disposition order places a juvenile in the custody of a county department of  
46 social services, the court may direct that reasonable efforts for reunification as defined in  
47 G.S. 7B-101 shall not be required if the court makes written findings of fact pertaining to any  
48 of the following:

49 (1) A court of competent jurisdiction has determined that the parent has  
50 subjected the child to aggravated circumstances as defined in G.S. 7B-101.

1           (2)    A court of competent jurisdiction has terminated involuntarily the parental  
2           rights of the parent to another child of the parent.

3           (3)    A court of competent jurisdiction has determined that (i) the parent has  
4           committed murder or voluntary manslaughter of another child of the parent;  
5           (ii) has aided, abetted, attempted, conspired, or solicited to commit murder  
6           or voluntary manslaughter of the child or another child of the parent; (iii) has  
7           committed a felony assault resulting in serious bodily injury to the child or  
8           another child of the parent; (iv) has committed sexual abuse against the child  
9           or another child of the parent; (v) or has been required to register as a sex  
10          offender on any government-administered registry.

11          (d)    When the court determines that reunification efforts are not required, the court shall  
12          order a permanent plan as soon as possible, after providing each party with a reasonable  
13          opportunity to prepare and present evidence. The court shall schedule a subsequent hearing  
14          within 30 days to address the permanent plans in accordance with G.S. 7B-906.1 and  
15          G.S. 7B-906.2."

16          **SECTION 10.** G.S. 7B-903 reads as rewritten:

17          "**§ 7B-903. Dispositional alternatives for abused, neglected, or dependent juvenile.**

18          (a)    The following alternatives for disposition shall be available to any court exercising  
19          jurisdiction, and the court may combine any of the applicable alternatives when the court finds  
20          the disposition to be in the best interests of the juvenile:

21          (1)    ~~The court may dismiss~~Dismiss the case or continue the case in order to allow  
22          the parent, guardian, custodian, caretaker or others to take appropriate  
23          action.

24          (2)    ~~In the case of any juvenile who needs more adequate care or supervision or~~  
25          ~~who needs placement, the court may:~~Require that the juvenile be supervised  
26          in the juvenile's own home by the department of social services in the  
27          juvenile's county, or by another individual as may be available to the court,  
28          subject to conditions applicable to the parent, guardian, custodian, or  
29          caretaker as the court may specify.

30          a.     ~~Require that the juvenile be supervised in the juvenile's own home by~~  
31          ~~the department of social services in the juvenile's county, or by other~~  
32          ~~personnel as may be available to the court, subject to conditions~~  
33          ~~applicable to the parent, guardian, custodian, or caretaker as the court~~  
34          ~~may specify; or~~

35          b.     ~~Place the juvenile in the custody of a parent, relative, private agency~~  
36          ~~offering placement services, or some other suitable person; or~~

37          e.     ~~Place the juvenile in the custody of the department of social services~~  
38          ~~in the county of the juvenile's residence, or in the case of a juvenile~~  
39          ~~who has legal residence outside the State, in the physical custody of~~  
40          ~~the department of social services in the county where the juvenile is~~  
41          ~~found so that agency may return the juvenile to the responsible~~  
42          ~~authorities in the juvenile's home state. The director may, unless~~  
43          ~~otherwise ordered by the court, arrange for, provide, or consent to,~~  
44          ~~needed routine or emergency medical or surgical care or treatment.~~  
45          ~~In the case where the parent is unknown, unavailable, or unable to act~~  
46          ~~on behalf of the juvenile, the director may, unless otherwise ordered~~  
47          ~~by the court, arrange for, provide, or consent to any psychiatric,~~  
48          ~~psychological, educational, or other remedial evaluations or~~  
49          ~~treatment for the juvenile placed by a court or the court's designee in~~  
50          ~~the custody or physical custody of a county department of social~~  
51          ~~services under the authority of this or any other Chapter of the~~

1 General Statutes. Prior to exercising this authority, the director shall  
2 make reasonable efforts to obtain consent from a parent or guardian  
3 of the affected juvenile. If the director cannot obtain such consent,  
4 the director shall promptly notify the parent or guardian that care or  
5 treatment has been provided and shall give the parent frequent status  
6 reports on the circumstances of the juvenile. Upon request of a parent  
7 or guardian of the affected juvenile, the results or records of the  
8 aforementioned evaluations, findings, or treatment shall be made  
9 available to such parent or guardian by the director unless prohibited  
10 by G.S. 122C-53(d). If a juvenile is removed from the home and  
11 placed in custody or placement responsibility of a county department  
12 of social services, the director shall not allow unsupervised visitation  
13 with, or return physical custody of the juvenile to, the parent,  
14 guardian, custodian, or caretaker without a hearing at which the court  
15 finds that the juvenile will receive proper care and supervision in a  
16 safe home.

17 In placing a juvenile in out-of-home care under this section, the  
18 court shall first consider whether a relative of the juvenile is willing  
19 and able to provide proper care and supervision of the juvenile in a  
20 safe home. If the court finds that the relative is willing and able to  
21 provide proper care and supervision in a safe home, then the court  
22 shall order placement of the juvenile with the relative unless the  
23 court finds that the placement is contrary to the best interests of the  
24 juvenile. In placing a juvenile in out-of-home care under this section,  
25 the court shall also consider whether it is in the juvenile's best  
26 interest to remain in the juvenile's community of residence.  
27 Placement of a juvenile with a relative outside of this State must be  
28 in accordance with the Interstate Compact on the Placement of  
29 Children.

- 30 (3) In any case, the court may order that the juvenile be examined by a  
31 physician, psychiatrist, psychologist, or other qualified expert as may be  
32 needed for the court to determine the needs of the juvenile:
- 33 a. Upon completion of the examination, the court shall conduct a  
34 hearing to determine whether the juvenile is in need of medical,  
35 surgical, psychiatric, psychological, or other treatment and who  
36 should pay the cost of the treatment. The county manager, or such  
37 person who shall be designated by the chairman of the county  
38 commissioners, of the juvenile's residence shall be notified of the  
39 hearing, and allowed to be heard. If the court finds the juvenile to be  
40 in need of medical, surgical, psychiatric, psychological, or other  
41 treatment, the court shall permit the parent or other responsible  
42 persons to arrange for treatment. If the parent declines or is unable to  
43 make necessary arrangements, the court may order the needed  
44 treatment, surgery, or care, and the court may order the parent to pay  
45 the cost of the care pursuant to G.S. 7B-904. If the court finds the  
46 parent is unable to pay the cost of treatment, the court shall order the  
47 county to arrange for treatment of the juvenile and to pay for the cost  
48 of the treatment. The county department of social services shall  
49 recommend the facility that will provide the juvenile with treatment.
  - 50 b. If the court believes, or if there is evidence presented to the effect  
51 that the juvenile is mentally ill or is developmentally disabled, the



1 court shall refer the juvenile to the area mental health, developmental  
2 disabilities, and substance abuse services director for appropriate  
3 action. A juvenile shall not be committed directly to a State hospital  
4 or mental retardation center; and orders purporting to commit a  
5 juvenile directly to a State hospital or mental retardation center  
6 except for an examination to determine capacity to proceed shall be  
7 void and of no effect. The area mental health, developmental  
8 disabilities, and substance abuse director shall be responsible for  
9 arranging an interdisciplinary evaluation of the juvenile and  
10 mobilizing resources to meet the juvenile's needs. If  
11 institutionalization is determined to be the best service for the  
12 juvenile, admission shall be with the voluntary consent of the parent  
13 or guardian. If the parent, guardian, custodian, or caretaker refuses to  
14 consent to a mental hospital or retardation center admission after  
15 such institutionalization is recommended by the area mental health,  
16 developmental disabilities, and substance abuse director, the  
17 signature and consent of the court may be substituted for that  
18 purpose. In all cases in which a regional mental hospital refuses  
19 admission to a juvenile referred for admission by a court and an area  
20 mental health, developmental disabilities, and substance abuse  
21 director or discharges a juvenile previously admitted on court referral  
22 prior to completion of treatment, the hospital shall submit to the court  
23 a written report setting out the reasons for denial of admission or  
24 discharge and setting out the juvenile's diagnosis, indications of  
25 mental illness, indications of need for treatment, and a statement as  
26 to the location of any facility known to have a treatment program for  
27 the juvenile in question.

28 (4) Place the juvenile in the custody of a parent, relative, private agency offering  
29 placement services, or some other suitable person. If the court determines  
30 that the juvenile should be placed in the custody of an individual other than a  
31 parent, the court shall verify that the person receiving custody of the juvenile  
32 understands the legal significance of the placement and will have adequate  
33 resources to care appropriately for the juvenile.

34 (5) Appoint a guardian of the person for the juvenile as provided in  
35 G.S. 7B-600.

36 (6) Place the juvenile in the custody of the department of social services in the  
37 county of the juvenile's residence. In the case of a juvenile who has legal  
38 residence outside the State, the court may place the juvenile in the physical  
39 custody of the department of social services in the county where the juvenile  
40 is found so that agency may return the juvenile to the responsible authorities  
41 in the juvenile's home state.

42 (a1) In placing a juvenile in out-of-home care under this section, the court shall first  
43 consider whether a relative of the juvenile is willing and able to provide proper care and  
44 supervision of the juvenile in a safe home. If the court finds that the relative is willing and able  
45 to provide proper care and supervision in a safe home, then the court shall order placement of  
46 the juvenile with the relative unless the court finds that the placement is contrary to the best  
47 interests of the juvenile. In placing a juvenile in out-of-home care under this section, the court  
48 shall also consider whether it is in the juvenile's best interest to remain in the juvenile's  
49 community of residence. Placement of a juvenile with a relative outside of this State must be in  
50 accordance with the Interstate Compact on the Placement of Children.

1        (a2) An order under this section placing or continuing the juvenile in out-of-home care  
2 shall contain a finding that the juvenile's continuation in or return to the juvenile's own home  
3 would be contrary to the juvenile's health and safety.

4        (a3) An order under this section placing the juvenile in out-of-home care shall contain  
5 specific findings as to whether the department has made reasonable efforts to prevent the need  
6 for placement of the juvenile. In determining whether efforts to prevent the placement of the  
7 juvenile were reasonable, the juvenile's health and safety shall be the paramount concern.

8        The court may find that efforts to prevent the need for the juvenile's placement were  
9 precluded by an immediate threat of harm to the juvenile. A finding that reasonable efforts  
10 were not made by a county department of social services shall not preclude the entry of an  
11 order authorizing the juvenile's placement when the court finds that placement is necessary for  
12 the protection of the juvenile.

13        (b) When the court has found that a juvenile has suffered physical abuse and that the  
14 individual responsible for the abuse has a history of violent behavior against people, the court  
15 shall consider the opinion of the mental health professional who performed an evaluation under  
16 G.S. 7B-503(b) before returning the juvenile to the custody of that individual.

17        ~~(e) If the court determines that the juvenile shall be placed in the custody of an~~  
18 ~~individual other than the parents, the court shall verify that the person receiving custody of the~~  
19 ~~juvenile understands the legal significance of the placement and will have adequate resources~~  
20 ~~to care appropriately for the juvenile.~~

21        (d) The court may order that the juvenile be examined by a physician, psychiatrist,  
22 psychologist, or other qualified expert as may be needed for the court to determine the needs of  
23 the juvenile. Upon completion of the examination, the court shall conduct a hearing to  
24 determine whether the juvenile is in need of medical, surgical, psychiatric, psychological, or  
25 other treatment and who should pay the cost of the treatment. The county manager, or such  
26 person who shall be designated by the chairman of the county commissioners, of the juvenile's  
27 residence shall be notified of the hearing, and allowed to be heard. If the court finds the  
28 juvenile to be in need of medical, surgical, psychiatric, psychological, or other treatment and  
29 the juvenile is not in the custody of the department of social services, the court shall permit the  
30 parent or other responsible persons to arrange for treatment. If the parent declines or is unable  
31 to make necessary arrangements, the court may order the needed treatment, surgery, or care,  
32 and the court may order the parent to pay the cost of the care pursuant to G.S. 7B-904. If the  
33 court finds the parent is unable to pay the cost of treatment, the court shall order the county to  
34 arrange for treatment of the juvenile and to pay for the cost of the treatment. The county  
35 department of social services shall recommend the facility that will provide the juvenile with  
36 treatment.

37        (e) If the court determines that the juvenile may be mentally ill or developmentally  
38 disabled, the court may order the county department of social services to coordinate with the  
39 appropriate representative of the area mental health, developmental disabilities, and substance  
40 abuse services authority or other managed care organization responsible for managing public  
41 funds for mental health and developmental disabilities to develop a treatment plan for the  
42 juvenile. The court shall not commit a juvenile directly to a State hospital or developmental  
43 center for persons with intellectual and developmental disabilities; and orders purporting to  
44 commit a juvenile directly to a State hospital or developmental center for persons with  
45 intellectual and developmental disabilities shall be void and of no effect. If the court determines  
46 that institutionalization is the best service for the juvenile, admission shall be with the  
47 voluntary consent of the parent, guardian, or custodian. If the parent, guardian, or custodian  
48 refuses to consent to admission to a mental hospital or developmental center for persons with  
49 intellectual and developmental disabilities, the signature and consent of the court may be  
50 substituted for that purpose. A State hospital or developmental center for persons with  
51 intellectual and developmental disabilities that refuses admission to a juvenile referred for

1 admission by a court, or discharges a juvenile previously admitted on court referral prior to  
2 completion of treatment, shall submit to the court a written report setting out the reasons for  
3 denial of admission or discharge and setting out the juvenile's diagnosis, indications of mental  
4 illness or intellectual and developmental disabilities, indications of need for treatment, and a  
5 statement as to the location of any facility known to have a treatment program for the juvenile  
6 in question."

7 **SECTION 11.** Article 9 of Chapter 7B of the General Statutes is amended by  
8 adding a new section to read:

9 **"§ 7B-903.1. Juvenile placed in custody of a department of social services.**

10 (a) When a juvenile is placed in the custody of a county department of social services,  
11 G.S. 7B-505.1 applies.

12 (b) To the extent authorized by federal law, the director of a county department of  
13 social services with custody of a juvenile shall be authorized to make decisions about matters  
14 not addressed herein that are generally made by a juvenile's custodian, including, but not  
15 limited to, educational decisions and consenting to the sharing of the juvenile's information.  
16 The court may delegate any part of this authority to the juvenile's parent, foster parent, or  
17 another individual.

18 (c) When a juvenile is in the custody or placement responsibility of a county  
19 department of social services, the placement provider may, in accordance with  
20 G.S. 131D-10.2A, provide or withhold permission, without prior approval of the court or  
21 county department of social services, to allow a juvenile to participate in normal childhood  
22 activities. If such authorization is not in the juvenile's best interest, the court shall set out  
23 alternative parameters for approving normal childhood activities.

24 (d) If a juvenile is removed from the home and placed in the custody or placement  
25 responsibility of a county department of social services, the director shall not allow  
26 unsupervised visitation with or return physical custody of the juvenile to the parent, guardian,  
27 custodian, or caretaker without a hearing at which the court finds that the juvenile will receive  
28 proper care and supervision in a safe home.

29 (e) When a county department of social services having custody or placement  
30 responsibility of a juvenile intends to change the juvenile's placement, the department shall give  
31 the guardian ad litem for the juvenile notice of its intention unless precluded by emergency  
32 circumstances from doing so. Where emergency circumstances exist, the department of social  
33 services shall notify the guardian ad litem or the attorney advocate within 72 hours of the  
34 placement change, unless local rules require notification within a shorter time period."

35 **SECTION 12.** G.S. 7B-905 reads as rewritten:

36 **"§ 7B-905. Dispositional order.**

37 (a) The dispositional order shall be in writing, signed, and entered no later than 30 days  
38 from the completion of the hearing, and shall contain appropriate findings of fact and  
39 conclusions of law. The court shall state with particularity, both orally and in the written order  
40 of disposition, the precise terms of the disposition including the kind, duration, and the person  
41 who is responsible for carrying out the disposition and the person or agency in whom custody is  
42 vested. If the order is not entered within 30 days following completion of the hearing, the clerk  
43 of court for juvenile matters shall schedule a subsequent hearing at the first session of court  
44 scheduled for the hearing of juvenile matters following the 30-day period to determine and  
45 explain the reason for the delay and to obtain any needed clarification as to the contents of the  
46 order. The order shall be entered within 10 days of the subsequent hearing required by this  
47 subsection.

48 (b) A dispositional order under which a juvenile is removed from the custody of a  
49 parent, guardian, custodian, or caretaker shall direct that the review hearing required by  
50 G.S. 7B-906.1 be held within 90 days from of the date of the dispositional hearing and, if  
51 practicable, shall set the date and time for the review hearing.

1 (e) ~~Any dispositional order shall comply with the requirements of G.S. 7B-507.~~

2 (d) ~~When a county department of social services having custody or placement~~  
3 ~~responsibility of a juvenile intends to change the juvenile's placement, the department shall give~~  
4 ~~the guardian ad litem for the juvenile notice of its intention unless precluded by emergency~~  
5 ~~circumstances from doing so. Where emergency circumstances exist, the department of social~~  
6 ~~services shall notify the guardian ad litem or the attorney advocate within 72 hours of the~~  
7 ~~placement change, unless local rules require notification within a shorter time period."~~

8 **SECTION 13.** Article 9 of Chapter 7B of the General Statutes is amended by  
9 adding the following new sections to read:

10 **"§ 7B-906.2. Permanent plans; concurrent planning.**

11 (a) At any permanency planning hearing pursuant to G.S. 7B-906.1, the court shall  
12 adopt one or more of the following permanent plans the court finds is in the juvenile's best  
13 interest:

14 (1) Reunification as defined by G.S. 7B-101. Reunification shall remain a  
15 primary or secondary permanent plan unless the court made findings under  
16 G.S. 7B-901(c).

17 (2) Adoption under Article 3 of Chapter 48 of the General Statutes.

18 (3) Guardianship pursuant to G.S. 7B-600(b).

19 (4) Custody to a relative or other suitable person.

20 (5) Another Planned Permanent Living Arrangement (APPLA) pursuant to  
21 G.S. 7B-912.

22 (6) Reinstatement of parental rights pursuant to G.S. 7B-1114.

23 (b) Unless contrary to the juvenile's best interest, the court shall adopt concurrent  
24 permanent plans and shall identify the primary plan and any secondary plans. The court shall  
25 order the county department of social services to make efforts toward finalizing the primary  
26 and secondary permanent plans and may specify efforts that are reasonable to timely achieve  
27 permanence for the juvenile.

28 (c) At the first permanency planning hearing held pursuant to G.S. 7B-906.1, the court  
29 shall make a finding about whether the efforts of the county department of social services  
30 toward reunification were reasonable, unless reunification efforts were ceased in accordance  
31 with G.S. 7B-901(c). In every subsequent permanency planning hearing held pursuant to  
32 G.S. 7B-906.1, the court shall make written findings about the efforts the county department of  
33 social services has made toward the primary permanent plan and any secondary permanent  
34 plans in effect prior to the hearing. The court shall make a conclusion about whether efforts to  
35 finalize the permanent plan were reasonable to timely achieve permanency for the juvenile.

36 (d) If the juvenile is 14 years of age or older, the court shall make written findings in  
37 accordance with G.S. 7B-912(a), regardless of the juvenile's permanent plan.

38 **"§ 7B-912. Juveniles 14 years of age and older; Another Planned Permanent Living**  
39 **Arrangement.**

40 (a) In addition to the permanency planning requirements of G.S. 7B-906.1, at every  
41 permanency planning hearing for a juvenile in the custody of a county department of social  
42 services that is 14 years of age or older, the court shall inquire and make written findings about  
43 each of the following:

44 (1) The services provided to assist the juvenile in making a transition to  
45 adulthood.

46 (2) The steps the county department of social services is taking to ensure that  
47 the foster family or other licensed placement provider follows the reasonable  
48 and prudent parent standard as provided in G.S. 131D-10.2A.

49 (3) Whether the juvenile has regular opportunities to engage in age- or  
50 developmentally appropriate activities.

1       **(b)** At or before the last scheduled permanency planning hearing, but at least 90 days  
2 before a juvenile's 18th birthday, the court shall inquire about whether the juvenile has a copy  
3 of the juvenile's birth certificate, Social Security card, health insurance information, drivers  
4 license or other identification card, and any educational or medical records the juvenile  
5 requests, and determine the person or entity that should assist the juvenile in obtaining these  
6 documents before the juvenile's 18th birthday.

7       **(c)** The plan of Another Planned Permanent Living Arrangement (APPLA) is only  
8 available as a juvenile's primary permanent plan when the court concludes each of the  
9 following:

10           **(1)** The juvenile is 16 or 17 years old.

11           **(2)** The county department of social services has made diligent efforts to place  
12 the juvenile permanently with a parent, relative, or in a guardianship or  
13 adoptive placement.

14           **(3)** There are compelling reasons why it is not in the best interest of the juvenile  
15 to be placed permanently with a parent, relative, or in a guardianship or  
16 adoptive placement.

17           **(4)** APPLA is the best permanency plan for the juvenile.

18       **(d)** When APPLA is the juvenile's permanent plan, the court shall, after questioning the  
19 juvenile, make written findings addressing the juvenile's desired permanency outcome."

20       **SECTION 14.** G.S. 7B-1001 reads as rewritten:

21 **"§ 7B-1001. Right to appeal.**

22       **(a)** In a juvenile matter under this Subchapter, appeal of a final order of the court in a  
23 juvenile matter shall be made directly to the Court of Appeals. Only the following juvenile  
24 matters may be appealed:

25           **(1)** Any order finding absence of jurisdiction.

26           **(2)** Any order, including the involuntary dismissal of a petition, which in effect  
27 determines the action and prevents a judgment from which appeal might be  
28 taken.

29           **(3)** Any initial order of disposition and the adjudication order upon which it is  
30 based.

31           **(4)** Any order, other than a nonsecure custody order, that changes legal custody  
32 of a juvenile.

33           **(5)** ~~An order entered under G.S. 7B-507(c) with rights to appeal properly~~  
34 ~~preserved, as follows:~~

35           a. ~~The Court of Appeals shall review the order to cease reunification~~  
36 ~~together with an appeal of the termination of parental rights order if~~  
37 ~~all of the following apply:~~

38                   1. ~~A motion or petition to terminate the parent's rights is heard~~  
39 ~~and granted.~~

40                   2. ~~The order terminating parental rights is appealed in a proper~~  
41 ~~and timely manner.~~

42                   3. ~~The order to cease reunification is identified as an issue in the~~  
43 ~~record on appeal of the termination of parental rights.~~

44           b. ~~A party who is a parent shall have the right to appeal the order if no~~  
45 ~~termination of parental rights petition or motion is filed within 180~~  
46 ~~days of the order.~~

47           c. ~~A party who is a custodian or guardian shall have the right to~~  
48 ~~immediately appeal the order.~~

49           **(6)** Any order that terminates parental rights or denies a petition or motion to  
50 terminate parental rights.

1 (b) Notice of appeal ~~and notice to preserve the right to appeal~~ shall be given in writing  
2 by a proper party as defined in G.S. 7B-1002 and shall be made within 30 days after entry and  
3 service of the order in accordance with G.S. 1A-1, Rule 58.

4 (c) Notice of appeal shall be signed by both the appealing party and counsel for the  
5 appealing party, if any. In the case of an appeal by a juvenile, notice of appeal shall be signed  
6 by the guardian ad litem attorney advocate."

7 **SECTION 15.** Part 1 of Article 1A of Chapter 131D of the General Statutes is  
8 amended by adding a new section to read:

9 "**§ 131D-10.2A. Reasonable and prudent parenting standard.**

10 (a) The reasonable and prudent parenting standard is characterized by careful and  
11 sensible parental decisions that maintain a child's health, safety, and best interests while at the  
12 same time encouraging the child's emotional and developmental growth.

13 (b) Every child care institution shall designate an on-site official authorized to apply the  
14 reasonable and prudent parenting standard.

15 (c) A caregiver, including the child's foster parent or the designated official at a child  
16 care institution where the child is placed, shall use the reasonable and prudent parenting  
17 standard when determining whether to allow a child in foster care to participate in  
18 extracurricular, enrichment, and social activities.

19 (d) Unless otherwise ordered by a court with jurisdiction pursuant to G.S. 7B-200, a  
20 caregiver exercising the reasonable and prudent parenting standard has the authority to provide  
21 or withhold permission, without prior approval of the court or county department of social  
22 services, to allow a child in foster care, in the custody of a county department of social services,  
23 or under the placement authority of a county department of social services through a voluntary  
24 placement agreement, to participate in normal childhood activities. Normal childhood activities  
25 include, but are not limited to, extracurricular, enrichment and social activities, and may  
26 include overnight activities outside the direct supervision of the caregiver for periods of over 24  
27 hours and up to 72 hours.

28 (e) The caregiver or the county department of social services with custody of or  
29 placement authority over the child is immune from any civil or criminal liability as a result of  
30 injuries to the child that might otherwise be incurred or imposed as a result of any omission or  
31 action taken pursuant to this section as long as that individual was acting in good faith. The  
32 immunity established by this subsection does not extend to gross negligence, wanton conduct,  
33 or intentional wrongdoing that would otherwise be actionable."

34 **SECTION 16.** This act becomes effective October 1, 2015, and applies to actions  
35 filed or pending on or after that date.