

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 669
PROPOSED COMMITTEE SUBSTITUTE H669-PCS40447-TJ-29

Short Title: Juvenile Law Changes/Abuse/Neglect/Dependency.

(Public)

Sponsors:

Referred to:

April 14, 2015

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



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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) When placing a juvenile in nonsecure custody of a county department of social
41 services pursuant to G.S. 7B-502, the court may authorize the director to consent to a Child
42 Medical Evaluation upon written findings that demonstrate the director's compelling interest in
43 having the juvenile evaluated prior to the hearing required by G.S. 7B-506.

44 (c) The director shall obtain consent from the juvenile's parent, guardian, or custodian
45 for all care or treatment not covered by subsection (a) or (b) of this section, except that the
46 court may authorize the director to provide consent after a hearing at which the court finds by
47 clear and convincing evidence that the care, treatment, or evaluation requested is in the
48 juvenile's best interest. Care and treatment covered by this subsection includes:

49 (1) Prescriptions for psychotropic medications.

50 (2) Participation in clinical trials.

- 1 (3) Immunizations when it is known that the parent has a bona fide religious
2 objection to the standard schedule of immunizations.
3 (4) Child Medical Evaluations not governed by subsection (b), comprehensive
4 clinical assessments, or other mental health evaluations.
5 (5) Surgical, medical, or dental procedures or tests that require informed
6 consent.
7 (6) Psychiatric, psychological, or mental health care or treatment that requires
8 informed consent.

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

16 (e) To the extent provided by federal law, the department may disclose confidential
17 information deemed necessary for the juvenile's assessment and treatment to a health care
18 provider serving the juvenile.

19 (f) Unless the court has ordered otherwise, to the extent provided by federal law, a
20 health care provider shall disclose confidential information about a juvenile to a director of a
21 county department of social services with custody of the juvenile and a parent, guardian, or
22 custodian.

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

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

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

31 ...

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

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

45 "**§ 7B-507. Reasonable efforts. Juvenile placed in nonsecure custody of a department of**
46 **social services.**

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

- 1 (1) Shall contain a finding that the juvenile's continuation in or return to the
2 juvenile's own home would be contrary to the juvenile's ~~best interest;~~health
3 and safety.
- 4 (2) Shall contain specific findings as to whether a county department of social
5 services has made reasonable efforts to either prevent the need for placement
6 ~~or eliminate the need for placement of the juvenile, unless the court has~~
7 ~~previously determined under subsection (b) of this section that such efforts~~
8 ~~are not required or shall cease;~~of the juvenile. In determining whether efforts
9 to prevent the placement of the juvenile were reasonable, the juvenile's
10 health and safety shall be the paramount concern. The court may find that
11 efforts to prevent the need for the juvenile's placement were precluded by an
12 immediate threat of harm to the juvenile. A finding that reasonable efforts
13 were not made by a county department of social services shall not preclude
14 the entry of an order authorizing the juvenile's placement when the court
15 finds that placement is necessary for the protection of the juvenile.
- 16 (3) ~~Shall contain findings as to whether a county department of social services~~
17 ~~should continue to make reasonable efforts to prevent or eliminate the need~~
18 ~~for placement of the juvenile, unless the court has previously determined or~~
19 ~~determines under subsection (b) of this section that such efforts are not~~
20 ~~required or shall cease;~~
- 21 (4) Shall specify that the juvenile's placement and care are the responsibility of
22 the county department of social services and that the department is to
23 provide or arrange for the foster care or other placement of the ~~juvenile.~~
24 ~~After juvenile, unless after considering the department's recommendations,~~
25 ~~the court may order orders a specific placement the court finds to be in the~~
26 ~~juvenile's best interest; and interest.~~
- 27 (5) May ~~provide for order~~ services or other efforts aimed at returning the
28 juvenile to a safe ~~home or at achieving another permanent plan for the~~
29 ~~juvenile.~~home.

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

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

- 41 (1) ~~Such efforts clearly would be futile or would be inconsistent with the~~
42 ~~juvenile's health, safety, and need for a safe, permanent home within a~~
43 ~~reasonable period of time;~~
- 44 (2) ~~A court of competent jurisdiction has determined that the parent has~~
45 ~~subjected the child to aggravated circumstances as defined in G.S. 7B-101;~~
- 46 (3) ~~A court of competent jurisdiction has terminated involuntarily the parental~~
47 ~~rights of the parent to another child of the parent; or~~
- 48 (4) ~~A court of competent jurisdiction has determined that: the parent has~~
49 ~~committed murder or voluntary manslaughter of another child of the parent;~~
50 ~~has aided, abetted, attempted, conspired, or solicited to commit murder or~~
51 ~~voluntary manslaughter of the child or another child of the parent; has~~

1 committed a felony assault resulting in serious bodily injury to the child or
2 another child of the parent; has committed sexual abuse against the child or
3 another child of the parent; or has been required to register as a sex offender
4 on any government-administered registry.

5 (c) ~~When the court determines that reunification efforts are not required or shall cease,~~
6 ~~the court shall order a plan for permanency as soon as possible, after providing each party with~~
7 ~~a reasonable opportunity to prepare and present evidence. If the court's determination to cease~~
8 ~~reunification efforts is made in a hearing that was duly and timely noticed as a permanency~~
9 ~~planning hearing, then the court may immediately proceed to consider all of the criteria~~
10 ~~contained in G.S. 7B-906.1(e), make findings of fact, and set forth the best plan of care to~~
11 ~~achieve a safe, permanent home within a reasonable period of time. If the court's decision to~~
12 ~~cease reunification efforts arises in any other hearing, the court shall schedule a subsequent~~
13 ~~hearing within 30 days to address the permanent plan in accordance with G.S. 7B-906.1. At any~~
14 ~~hearing at which the court orders that reunification efforts shall cease, the affected parent,~~
15 ~~guardian, or custodian may give notice to preserve the right to appeal that order in accordance~~
16 ~~with G.S. 7B-1001. The party giving notice shall be permitted to make a detailed offer of proof~~
17 ~~as to any evidence that party sought to offer in opposition to cessation of reunification that the~~
18 ~~court refused to admit.~~

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

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

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

26 ...
27 (4) Whether ~~relatives~~relatives, a custodial parent of a sibling of the juvenile, or
28 nonrelative kin have been identified and notified as potential resources for
29 placement or support."

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

31 "**§ 7B-901. Dispositional-Initial dispositional hearing.**

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

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

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

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

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

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

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

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

23 **"§ 7B-903. Dispositional alternatives for abused, neglected, or dependent juvenile.**

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

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

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

36 a. ~~Require that the juvenile be supervised in the juvenile's own home by~~
37 ~~the department of social services in the juvenile's county, or by other~~
38 ~~personnel as may be available to the court, subject to conditions~~
39 ~~applicable to the parent, guardian, custodian, or caretaker as the court~~
40 ~~may specify; or~~

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

43 e. ~~Place the juvenile in the custody of the department of social services~~
44 ~~in the county of the juvenile's residence, or in the case of a juvenile~~
45 ~~who has legal residence outside the State, in the physical custody of~~
46 ~~the department of social services in the county where the juvenile is~~
47 ~~found so that agency may return the juvenile to the responsible~~
48 ~~authorities in the juvenile's home state. The director may, unless~~
49 ~~otherwise ordered by the court, arrange for, provide, or consent to,~~
50 ~~needed routine or emergency medical or surgical care or treatment.~~
51 ~~In the case where the parent is unknown, unavailable, or unable to act~~

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

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

36 (3) In any case, the court may order that the juvenile be examined by a
37 physician, psychiatrist, psychologist, or other qualified expert as may be
38 needed for the court to determine the needs of the juvenile:

39 a. Upon completion of the examination, the court shall conduct a
40 hearing to determine whether the juvenile is in need of medical,
41 surgical, psychiatric, psychological, or other treatment and who
42 should pay the cost of the treatment. The county manager, or such
43 person who shall be designated by the chairman of the county
44 commissioners, of the juvenile's residence shall be notified of the
45 hearing, and allowed to be heard. If the court finds the juvenile to be
46 in need of medical, surgical, psychiatric, psychological, or other
47 treatment, the court shall permit the parent or other responsible
48 persons to arrange for treatment. If the parent declines or is unable to
49 make necessary arrangements, the court may order the needed
50 treatment, surgery, or care, and the court may order the parent to pay
51 the cost of the care pursuant to G.S. 7B-904. If the court finds the

1 parent is unable to pay the cost of treatment, the court shall order the
2 county to arrange for treatment of the juvenile and to pay for the cost
3 of the treatment. The county department of social services shall
4 recommend the facility that will provide the juvenile with treatment.

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

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

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

42 (6) Place the juvenile in the custody of the department of social services in the
43 county of the juvenile's residence. In the case of a juvenile who has legal
44 residence outside the State, the court may place the juvenile in the physical
45 custody of the department of social services in the county where the juvenile
46 is found so that agency may return the juvenile to the responsible authorities
47 in the juvenile's home state.

48 (a1) In placing a juvenile in out-of-home care under this section, the court shall first
49 consider whether a relative of the juvenile is willing and able to provide proper care and
50 supervision of the juvenile in a safe home. If the court finds that the relative is willing and able
51 to provide proper care and supervision in a safe home, then the court shall order placement of

1 the juvenile with the relative unless the court finds that the placement is contrary to the best
2 interests of the juvenile. In placing a juvenile in out-of-home care under this section, the court
3 shall also consider whether it is in the juvenile's best interest to remain in the juvenile's
4 community of residence. Placement of a juvenile with a relative outside of this State must be in
5 accordance with the Interstate Compact on the Placement of Children.

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

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

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

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

22 ~~(c) If the court determines that the juvenile shall be placed in the custody of an~~
23 ~~individual other than the parents, the court shall verify that the person receiving custody of the~~
24 ~~juvenile understands the legal significance of the placement and will have adequate resources~~
25 ~~to care appropriately for the juvenile.~~

26 (d) The court may order that the juvenile be examined by a physician, psychiatrist,
27 psychologist, or other qualified expert as may be needed for the court to determine the needs of
28 the juvenile. Upon completion of the examination, the court shall conduct a hearing to
29 determine whether the juvenile is in need of medical, surgical, psychiatric, psychological, or
30 other treatment and who should pay the cost of the treatment. The county manager, or such
31 person who shall be designated by the chairman of the county commissioners, of the juvenile's
32 residence shall be notified of the hearing, and allowed to be heard. Subject to G.S. 7B-903.1, if
33 the court finds the juvenile to be in need of medical, surgical, psychiatric, psychological, or
34 other treatment, the court shall permit the parent or other responsible persons to arrange for
35 treatment. If the parent declines or is unable to make necessary arrangements, the court may
36 order the needed treatment, surgery, or care and the court may order the parent to pay the cost
37 of the care pursuant to G.S. 7B-904. If the court finds the parent is unable to pay the cost of
38 treatment, the court shall order the county to arrange for treatment of the juvenile and to pay for
39 the cost of the treatment. The county department of social services shall recommend the facility
40 that will provide the juvenile with treatment.

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

1 refuses to consent to admission to a mental hospital or developmental center for persons with
2 intellectual and developmental disabilities, the signature and consent of the court may be
3 substituted for that purpose. A State hospital or developmental center for persons with
4 intellectual and developmental disabilities that refuses admission to a juvenile referred for
5 admission by a court, or discharges a juvenile previously admitted on court referral prior to
6 completion of treatment, shall submit to the court a written report setting out the reasons for
7 denial of admission or discharge and setting out the juvenile's diagnosis, indications of mental
8 illness or intellectual and developmental disabilities, indications of need for treatment, and a
9 statement as to the location of any facility known to have a treatment program for the juvenile
10 in question."

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

13 **"§ 7B-903.1. Juvenile placed in custody of a department of social services.**

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

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

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

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

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

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

40 **"§ 7B-905. Dispositional order.**

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

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

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

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

12 **SECTION 13.** Article 9 of Chapter 7B of the General Statutes is amended by
13 adding a new section to read:

14 **"§ 7B-906.2. Permanent plans; concurrent planning.**

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

18 (1) Reunification as defined by G.S. 7B-101.

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

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

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

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

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

25 (b) At any permanency planning hearing, the court shall adopt concurrent permanent
26 plans and shall identify the primary plan and secondary plan. Reunification shall remain a
27 primary or secondary plan unless the court made findings under G.S. 7B-901(c) or makes
28 written findings that reunification efforts clearly would be futile or would be inconsistent with
29 the juvenile's health or safety. The court shall order the county department of social services to
30 make efforts toward finalizing the primary and secondary permanent plans and may specify
31 efforts that are reasonable to timely achieve permanence for the juvenile.

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

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

42 **SECTION 14.** Article 9 of Chapter 7B of the General Statutes is amended by
43 adding a new section to read:

44 **"§ 7B-912. Juveniles 14 years of age and older; Another Planned Permanent Living**
45 **Arrangement.**

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

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

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

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

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

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

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

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

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

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

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

25 **SECTION 15.** G.S. 7B-1001 reads as rewritten:

26 **"§ 7B-1001. Right to appeal.**

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

30 (1) Any order finding absence of jurisdiction.

31 (2) Any order, including the involuntary dismissal of a petition, which in effect
32 determines the action and prevents a judgment from which appeal might be
33 taken.

34 (3) Any initial order of disposition and the adjudication order upon which it is
35 based.

36 (4) Any order, other than a nonsecure custody order, that changes legal custody
37 of a juvenile.

38 (5) An order entered under ~~G.S. 7B-507(e)~~ G.S. 7B-906.2(b) with rights to
39 appeal properly preserved, as follows:

40 a. The Court of Appeals shall review the order to cease reunification
41 eliminating reunification as a permanent plan together with an appeal
42 of the termination of parental rights order if all of the following
43 apply:

44 1. A motion or petition to terminate the parent's rights is heard
45 and granted.

46 2. The order terminating parental rights is appealed in a proper
47 and timely manner.

48 3. The order to cease reunification eliminating reunification as a
49 permanent plan is identified as an issue in the record on
50 appeal of the termination of parental rights.

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

4 c. A party who is a custodian or guardian shall have the right to
5 immediately appeal the order.

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

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

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

14 **SECTION 16.** Part 1 of Article 1A of Chapter 131D of the General Statutes is
15 amended by adding a new section to read:

16 "**§ 131D-10.2A. Reasonable and prudent parenting standard.**

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

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

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

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

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

41 **SECTION 17.** G.S. 7B-906.1 reads as rewritten:

42 "**§ 7B-906.1. Review and permanency planning hearings.**

43 ...

44 (f) In the case of a juvenile who is in the custody or placement responsibility of a
45 county department of social services and has been in placement outside the home for 12 of the
46 most recent 22 months, or a court of competent jurisdiction has determined that the parent (i)
47 has abandoned the child, (ii) has committed murder or voluntary manslaughter of another child
48 of the parent, or (iii) has aided, abetted, attempted, conspired, or solicited to commit murder or
49 voluntary manslaughter of the child or another child of the parent, the director of the
50 department of social services shall initiate a proceeding to terminate the parental rights of the
51 parent unless the court finds any of the following:

- 1 (1) The primary permanent plan for the juvenile is guardianship or custody with
2 a relative or some other suitable person.
- 3 (2) The court makes specific findings as to why the filing of a petition for
4 termination of parental rights is not in the best interests of the child.
- 5 (3) The department of social services has not provided the juvenile's family with
6 services the department deems necessary when reasonable efforts are still
7 required to enable the juvenile's return to a safe home.

8 (g) At the conclusion of each permanency planning hearing, the judge shall make
9 specific findings as to the best ~~plan of care~~ permanent plans to achieve a safe, permanent home
10 for the juvenile within a reasonable period of time.

11 ...

12 (l) If the court continues the juvenile's placement in the custody or placement
13 responsibility of a county department of social services, the provisions of ~~G.S. 7B-507~~
14 G.S. 7B-903.1 shall apply to any order entered under this section.

15 (m) If the court finds that a proceeding to terminate the parental rights of the juvenile's
16 parents is necessary in order to perfect the primary permanent plan for the juvenile, the director
17 of the department of social services shall file a petition to terminate parental rights within 60
18 calendar days from the date of the entry of the order unless the court makes written findings
19 regarding why the petition cannot be filed within 60 days. If the court makes findings to the
20 contrary, the court shall specify the time frame in which any needed petition to terminate
21 parental rights shall be filed.

22 (n) Notwithstanding other provisions of this Article, the court may waive the holding of
23 hearings required by this section, may require written reports to the court by the agency or
24 person holding custody in lieu of review hearings, or order that review hearings be held less
25 often than every six months if the court finds by clear, cogent, and convincing evidence each of
26 the following:

- 27 (1) The juvenile has resided in the placement for a period of at least one year.
- 28 (2) The placement is stable and continuation of the placement is in the juvenile's
29 best interests.
- 30 (3) Neither the juvenile's best interests nor the rights of any party require that
31 review hearings be held every six months.
- 32 (4) All parties are aware that the matter may be brought before the court for
33 review at any time by the filing of a motion for review or on the court's own
34 motion.
- 35 (5) The court order has designated the relative or other suitable person as the
36 juvenile's permanent custodian or guardian of the person.

37 The court may not waive or refuse to conduct a review hearing if a party files a motion
38 seeking the review. However, if a guardian of the person has been appointed for the juvenile
39 and the court has also made findings in accordance with subsection (n) of this section that
40 guardianship is the permanent plan for the juvenile, the court shall proceed in accordance with
41 G.S. 7B-600(b)."

42 **SECTION 18.** This act becomes effective October 1, 2015, and applies to actions
43 filed or pending on or after that date.