

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

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HOUSE BILL 669  
Committee Substitute Favorable 4/29/15  
PROPOSED SENATE COMMITTEE SUBSTITUTE H669-PCS20374-TJ-45

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 (2) ~~Aggravated circumstances.—Any circumstance attending to the commission~~  
12 ~~of an act of abuse or neglect which increases its enormity or adds to its~~  
13 ~~injurious consequences, including, but not limited to, abandonment, torture,~~  
14 ~~chronic abuse, or sexual abuse.~~

15 ...

16 (8a) Department. — Each county's child welfare agency. Unless the context  
17 clearly implies otherwise, when used in this Subchapter, "department" or  
18 "department of social services" shall refer to the county agency providing  
19 child welfare services, regardless of the name of the agency or whether the  
20 county has consolidated human services, pursuant to G.S. 153A-77.

21 ...

22 (15a) Nonrelative kin. — An individual having a substantial relationship with the  
23 juvenile. In the case of a juvenile member of a State-recognized tribe as set  
24 forth in G.S. 143B-407(a), nonrelative kin also includes any member of a  
25 State-recognized tribe or a member of a federally recognized tribe, whether  
26 or not there is a substantial relationship with the juvenile.

27 ...."

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

29 "§ 7B-401.1. Parties.

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

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

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



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- 1 (2) The parent has relinquished the juvenile for adoption, unless the court orders  
2 that the parent be made a party.
- 3 (3) The parent has been convicted under G.S. 14-27.2 or G.S. 14-27.3 for an  
4 offense that resulted in the conception of the juvenile.

5 (c) Guardian. – A person who is the child's court-appointed guardian of the person or  
6 general guardian when the petition is filed shall be a party. A person appointed as the child's  
7 guardian pursuant to G.S. 7B-600 shall automatically become a party but only if the court has  
8 found that the guardianship is the permanent plan for the juvenile.

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

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

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

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

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

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

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

32 **"§ 7B-502. Authority to issue custody orders; delegation.**

33 (a) In the case of any juvenile alleged to be within the jurisdiction of the court, the court  
34 may order that the juvenile be placed in nonsecure custody pursuant to criteria set out in  
35 G.S. 7B-503 when custody of the juvenile is necessary. The order for nonsecure custody may  
36 be entered ex parte. Unless the petition is being filed pursuant to G.S. 7B-404, telephonic  
37 communication that the department will be seeking nonsecure custody shall be given to  
38 counsel, or if unavailable, to a partner or employee at the attorney's office when any of the  
39 following occur:

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

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

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

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

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

51 **"§ 7B-505. Placement while in nonsecure custody.**

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

- 4 (1) A licensed foster home or a home otherwise authorized by law to provide  
5 such care; or  
6 (2) A facility operated by the department of social services; or  
7 (3) Any other home or facility, including a relative's home approved by the  
8 court and designated in the order.

9 (b) The court shall order the department to make diligent efforts to notify relatives and  
10 other persons with legal custody of a sibling of the juvenile that the juvenile is in nonsecure  
11 custody and of any hearings scheduled to occur pursuant to G.S. 7B-506, unless the court finds  
12 the notification would be contrary to the best interests of the juvenile. In placing a juvenile in  
13 nonsecure custody under this section, the court shall first consider whether a relative of the  
14 juvenile is willing and able to provide proper care and supervision of the juvenile in a safe  
15 home. If the court finds that the relative is willing and able to provide proper care and  
16 supervision in a safe home, then the court shall order placement of the juvenile with the relative  
17 unless the court finds that placement with the relative would be contrary to the best interests of  
18 the juvenile.

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

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

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

40 **"§ 7B-505.1. Juvenile placed in nonsecure custody of a department of social services.**

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

- 44 (1) Routine medical and dental care or treatment.  
45 (2) Emergency medical, surgical, psychiatric, psychological, or mental health  
46 care or treatment.  
47 (3) Testing and evaluation in exigent circumstances.

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

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

6           (1) Prescriptions for psychotropic medications.

7           (2) Participation in clinical trials.

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

10          (4) Child Medical Evaluations not governed by subsection (b) of this section,  
11 comprehensive clinical assessments, or other mental health evaluations.

12          (5) Surgical, medical, or dental procedures or tests that require informed  
13 consent.

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

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

23       (e) Except as prohibited by federal law, the department may disclose confidential  
24 information deemed necessary for the juvenile's assessment and treatment to a health care  
25 provider serving the juvenile.

26       (f) Unless the court has ordered otherwise, except as prohibited by federal law, a health  
27 care provider shall disclose confidential information about a juvenile to a director of a county  
28 department of social services with custody of the juvenile and a parent, guardian, or custodian."

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

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

32       ...

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

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

48       "§ 7B-507. Reasonable efforts. Juvenile placed in nonsecure custody of a department of  
49 social services."

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

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

7 (2) Shall contain specific findings as to whether a county department of social  
8 services has made reasonable efforts to ~~either prevent the need for placement~~  
9 ~~or eliminate the need for placement of the juvenile, unless the court has~~  
10 ~~previously determined under subsection (b) of this section that such efforts~~  
11 ~~are not required or shall cease;~~of the juvenile. In determining whether efforts  
12 to prevent the placement of the juvenile were reasonable, the juvenile's  
13 health and safety shall be the paramount concern. The court may find that  
14 efforts to prevent the need for the juvenile's placement were precluded by an  
15 immediate threat of harm to the juvenile. A finding that reasonable efforts  
16 were not made by a county department of social services shall not preclude  
17 the entry of an order authorizing the juvenile's placement when the court  
18 finds that placement is necessary for the protection of the juvenile.

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

24 (4) Shall specify that the juvenile's placement and care are the responsibility of  
25 the county department of social services and that the department is to  
26 provide or arrange for the foster care or other placement of the ~~juvenile.~~  
27 ~~After juvenile, unless after considering the department's recommendations,~~  
28 ~~the court may order orders a specific placement the court finds to be in the~~  
29 ~~juvenile's best interest; and interests.~~

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

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

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

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

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

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

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

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

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

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

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

30           ...

31           (4) Whether ~~relatives~~relatives, parents, or other persons with legal custody of a  
32 sibling of the juvenile have been identified and notified as potential  
33 resources for placement or support."

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

35           "**§ 7B-901. Dispositional-Initial dispositional hearing.**

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

47           (b) At the dispositional hearing, the court shall inquire as to the identity and location of  
48 any missing parent and whether paternity is at issue. The court shall include findings of the  
49 efforts undertaken to locate the missing parent and to serve that parent and efforts undertaken  
50 to establish paternity when paternity is an issue. The order may provide for specific efforts in  
51 determining the identity and location of any missing parent and specific efforts in establishing

1 paternity. The court shall also inquire about efforts made to identify and notify relatives  
2 relatives, parents, or other persons with legal custody of a sibling of the juvenile, as potential  
3 resources for placement or support.

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

8 (1) A court of competent jurisdiction has determined that the parent has  
9 committed or encouraged the commission of, or allowed the continuation of,  
10 any of the following upon the juvenile:

11 a. Sexual abuse.

12 b. Chronic physical or emotional abuse.

13 c. Torture.

14 d. Abandonment.

15 e. Chronic or toxic exposure to alcohol or controlled substances that  
16 causes impairment of or addiction in the juvenile.

17 f. Any other act, practice, or conduct that increased the enormity or  
18 added to the injurious consequences of the abuse or neglect.

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

21 (3) A court of competent jurisdiction has determined that (i) the parent has  
22 committed murder or voluntary manslaughter of another child of the parent;  
23 (ii) has aided, abetted, attempted, conspired, or solicited to commit murder  
24 or voluntary manslaughter of the child or another child of the parent; (iii) has  
25 committed a felony assault resulting in serious bodily injury to the child or  
26 another child of the parent; (iv) has committed sexual abuse against the child  
27 or another child of the parent; or (v) has been required to register as a sex  
28 offender on any government-administered registry.

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

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

35 "**§ 7B-903. Dispositional alternatives for abused, neglected, or dependent juvenile.**

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

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

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

48 a: Require that the juvenile be supervised in the juvenile's own home by  
49 the department of social services in the juvenile's county, or by other  
50 personnel as may be available to the court, subject to conditions

1 applicable to the parent, guardian, custodian, or caretaker as the court  
2 may specify; or

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

5 e. ~~Place the juvenile in the custody of the department of social services~~  
6 ~~in the county of the juvenile's residence, or in the case of a juvenile~~  
7 ~~who has legal residence outside the State, in the physical custody of~~  
8 ~~the department of social services in the county where the juvenile is~~  
9 ~~found so that agency may return the juvenile to the responsible~~  
10 ~~authorities in the juvenile's home state. The director may, unless~~  
11 ~~otherwise ordered by the court, arrange for, provide, or consent to,~~  
12 ~~needed routine or emergency medical or surgical care or treatment.~~  
13 ~~In the case where the parent is unknown, unavailable, or unable to act~~  
14 ~~on behalf of the juvenile, the director may, unless otherwise ordered~~  
15 ~~by the court, arrange for, provide, or consent to any psychiatric,~~  
16 ~~psychological, educational, or other remedial evaluations or~~  
17 ~~treatment for the juvenile placed by a court or the court's designee in~~  
18 ~~the custody or physical custody of a county department of social~~  
19 ~~services under the authority of this or any other Chapter of the~~  
20 ~~General Statutes. Prior to exercising this authority, the director shall~~  
21 ~~make reasonable efforts to obtain consent from a parent or guardian~~  
22 ~~of the affected juvenile. If the director cannot obtain such consent,~~  
23 ~~the director shall promptly notify the parent or guardian that care or~~  
24 ~~treatment has been provided and shall give the parent frequent status~~  
25 ~~reports on the circumstances of the juvenile. Upon request of a parent~~  
26 ~~or guardian of the affected juvenile, the results or records of the~~  
27 ~~aforementioned evaluations, findings, or treatment shall be made~~  
28 ~~available to such parent or guardian by the director unless prohibited~~  
29 ~~by G.S. 122C-53(d). If a juvenile is removed from the home and~~  
30 ~~placed in custody or placement responsibility of a county department~~  
31 ~~of social services, the director shall not allow unsupervised visitation~~  
32 ~~with, or return physical custody of the juvenile to, the parent,~~  
33 ~~guardian, custodian, or caretaker without a hearing at which the court~~  
34 ~~finds that the juvenile will receive proper care and supervision in a~~  
35 ~~safe home.~~

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

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



1 a: Upon completion of the examination, the court shall conduct a  
2 hearing to determine whether the juvenile is in need of medical,  
3 surgical, psychiatric, psychological, or other treatment and who  
4 should pay the cost of the treatment. The county manager, or such  
5 person who shall be designated by the chairman of the county  
6 commissioners, of the juvenile's residence shall be notified of the  
7 hearing, and allowed to be heard. If the court finds the juvenile to be  
8 in need of medical, surgical, psychiatric, psychological, or other  
9 treatment, the court shall permit the parent or other responsible  
10 persons to arrange for treatment. If the parent declines or is unable to  
11 make necessary arrangements, the court may order the needed  
12 treatment, surgery, or care, and the court may order the parent to pay  
13 the cost of the care pursuant to G.S. 7B-904. If the court finds the  
14 parent is unable to pay the cost of treatment, the court shall order the  
15 county to arrange for treatment of the juvenile and to pay for the cost  
16 of the treatment. The county department of social services shall  
17 recommend the facility that will provide the juvenile with treatment.

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

47 (4) Place the juvenile in the custody of a parent, relative, private agency offering  
48 placement services, or some other suitable person. If the court determines  
49 that the juvenile should be placed in the custody of an individual other than a  
50 parent, the court shall verify that the person receiving custody of the juvenile

1 understands the legal significance of the placement and will have adequate  
2 resources to care appropriately for the juvenile.

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

5 (6) Place the juvenile in the custody of the department of social services in the  
6 county of the juvenile's residence. In the case of a juvenile who has legal  
7 residence outside the State, the court may place the juvenile in the physical  
8 custody of the department of social services in the county where the juvenile  
9 is found so that agency may return the juvenile to the responsible authorities  
10 in the juvenile's home state.

11 (a1) In placing a juvenile in out-of-home care under this section, the court shall first  
12 consider whether a relative of the juvenile is willing and able to provide proper care and  
13 supervision of the juvenile in a safe home. If the court finds that the relative is willing and able  
14 to provide proper care and supervision in a safe home, then the court shall order placement of  
15 the juvenile with the relative unless the court finds that the placement is contrary to the best  
16 interests of the juvenile. In placing a juvenile in out-of-home care under this section, the court  
17 shall also consider whether it is in the juvenile's best interest to remain in the juvenile's  
18 community of residence. Placement of a juvenile with a relative outside of this State must be in  
19 accordance with the Interstate Compact on the Placement of Children.

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

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

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

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

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

40 (d) The court may order that the juvenile be examined by a physician, psychiatrist,  
41 psychologist, or other qualified expert as may be needed for the court to determine the needs of  
42 the juvenile. Upon completion of the examination, the court shall conduct a hearing to  
43 determine whether the juvenile is in need of medical, surgical, psychiatric, psychological, or  
44 other treatment and who should pay the cost of the treatment. The county manager, or such  
45 person who shall be designated by the chairman of the county commissioners, of the juvenile's  
46 residence shall be notified of the hearing and allowed to be heard. Subject to G.S. 7B-903.1, if  
47 the court finds the juvenile to be in need of medical, surgical, psychiatric, psychological, or  
48 other treatment, the court shall permit the parent or other responsible persons to arrange for  
49 treatment. If the parent declines or is unable to make necessary arrangements, the court may  
50 order the needed treatment, surgery, or care and the court may order the parent to pay the cost  
51 of the care pursuant to G.S. 7B-904. If the court finds the parent is unable to pay the cost of

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

4 (e) If the court determines that the juvenile may be mentally ill or developmentally  
5 disabled, the court may order the county department of social services to coordinate with the  
6 appropriate representative of the area mental health, developmental disabilities, and substance  
7 abuse services authority or other managed care organization responsible for managing public  
8 funds for mental health and developmental disabilities to develop a treatment plan for the  
9 juvenile. The court shall not commit a juvenile directly to a State hospital or developmental  
10 center for persons with intellectual and developmental disabilities and orders purporting to  
11 commit a juvenile directly to a State hospital or developmental center for persons with  
12 intellectual and developmental disabilities shall be void and of no effect. If the court determines  
13 that institutionalization is the best service for the juvenile, admission shall be with the  
14 voluntary consent of the parent, guardian, or custodian. If the parent, guardian, or custodian  
15 refuses to consent to admission to a mental hospital or developmental center for persons with  
16 intellectual and developmental disabilities, the signature and consent of the court may be  
17 substituted for that purpose. A State hospital or developmental center for persons with  
18 intellectual and developmental disabilities that refuses admission to a juvenile referred for  
19 admission by a court, or discharges a juvenile previously admitted on court referral prior to  
20 completion of treatment, shall submit to the court a written report setting out the reasons for  
21 denial of admission or discharge and setting out the juvenile's diagnosis, indications of mental  
22 illness or intellectual and developmental disabilities, indications of need for treatment, and a  
23 statement as to the location of any facility known to have a treatment program for the juvenile  
24 in question."

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

27 **"§ 7B-903.1. Juvenile placed in custody of a department of social services.**

28 (a) Except as prohibited by federal law, the director of a county department of social  
29 services with custody of a juvenile shall be authorized to make decisions about matters not  
30 addressed herein that are generally made by a juvenile's custodian, including, but not limited to,  
31 educational decisions and consenting to the sharing of the juvenile's information. The court  
32 may delegate any part of this authority to the juvenile's parent, foster parent, or another  
33 individual.

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

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

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

1 (e) When a juvenile is placed in the custody of a county department of social services,  
2 the provisions of G.S. 7B-505.1 apply."

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

4 "**§ 7B-905. Dispositional order.**

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

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

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

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

27 **SECTION 13.** G.S. 7B-906.1(g) reads as rewritten:

28 "(g) At the conclusion of each permanency planning hearing, the judge shall make  
29 specific findings as to the best plan of care to achieve a safe, permanent home for the juvenile  
30 within a reasonable period of time. The judge shall inform the parent, guardian, or custodian  
31 that failure or refusal to cooperate with the plan may result in an order of the court in a  
32 subsequent permanency planning hearing that reunification efforts may cease."

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

35 "**§ 7B-906.2. Permanent plans; concurrent planning.**

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

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

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

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

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

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

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

46 (b) At any permanency planning hearing, the court shall adopt concurrent permanent  
47 plans and shall identify the primary plan and secondary plan. Reunification shall remain a  
48 primary or secondary plan unless the court made findings under G.S. 7B-901(c) or makes  
49 written findings that reunification efforts clearly would be unsuccessful or would be  
50 inconsistent with the juvenile's health or safety. The court shall order the county department of

1 social services to make efforts toward finalizing the primary and secondary permanent plans  
2 and may specify efforts that are reasonable to timely achieve permanence for the juvenile.

3 (c) At the first permanency planning hearing held pursuant to G.S. 7B-906.1, the court  
4 shall make a finding about whether the efforts of the county department of social services  
5 toward reunification were reasonable, unless reunification efforts were ceased in accordance  
6 with G.S. 7B-901(c) or this section. In every subsequent permanency planning hearing held  
7 pursuant to G.S. 7B-906.1, the court shall make written findings about the efforts the county  
8 department of social services has made toward the primary permanent plan and any secondary  
9 permanent plans in effect prior to the hearing. The court shall make a conclusion about whether  
10 efforts to finalize the permanent plan were reasonable to timely achieve permanence for the  
11 juvenile.

12 (d) At any permanency planning hearing under subsections (b) and (c) of this section,  
13 the court shall make written findings as to each of the following, which shall demonstrate lack  
14 of success:

- 15 (1) Whether the parent is making adequate progress within a reasonable period  
16 of time under the plan.
- 17 (2) Whether the parent is actively participating in or cooperating with the plan,  
18 the department, and the guardian ad litem for the juvenile.
- 19 (3) Whether the parent remains available to the court, the department, and the  
20 guardian ad litem for the juvenile.
- 21 (4) Whether the parent is acting in a manner inconsistent with the health or  
22 safety of the juvenile.

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

25 **SECTION 15.** Article 9 of Chapter 7B of the General Statutes is amended by  
26 adding a new section to read:

27 **"§ 7B-912. Juveniles 14 years of age and older; Another Planned Permanent Living**  
28 **Arrangement.**

29 (a) In addition to the permanency planning requirements under G.S. 7B-906.1, at every  
30 permanency planning hearing for a juvenile in the custody of a county department of social  
31 services who has attained the age of 14 years, the court shall inquire and make written findings  
32 regarding each of the following:

- 33 (1) The services provided to assist the juvenile in making a transition to  
34 adulthood.
- 35 (2) The steps the county department of social services is taking to ensure that  
36 the foster family or other licensed placement provider follows the reasonable  
37 and prudent parent standard as provided in G.S. 131D-10.2A.
- 38 (3) Whether the juvenile has regular opportunities to engage in age-appropriate  
39 or developmentally appropriate activities.

40 (b) At or before the last scheduled permanency planning hearing, but at least 90 days  
41 before a juvenile attains 18 years of age, the court shall (i) inquire as to whether the juvenile  
42 has a copy of the juvenile's birth certificate, Social Security card, health insurance information,  
43 drivers license or other identification card, and any educational or medical records the juvenile  
44 requests and (ii) determine the person or entity that should assist the juvenile in obtaining these  
45 documents before the juvenile attains the age of 18 years.

46 (c) If the court finds each of the following conditions applies, the court shall approve  
47 Another Planned Permanent Living Arrangement (APPLA) as defined by P.L. 113-183, as the  
48 juvenile's primary permanent plan:

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

- 1           (2)    The county department of social services has made diligent efforts to place  
2           the juvenile permanently with a parent or relative or in a guardianship or  
3           adoptive placement.
- 4           (3)    Compelling reasons exist that it is not in the best interest of the juvenile to  
5           be placed permanently with a parent or relative or in a guardianship or  
6           adoptive placement.
- 7           (4)    APPLA is the best permanency plan for the juvenile.
- 8           (d)    If the court approves APPLA as the juvenile's permanent plan, the court shall, after  
9           questioning the juvenile, make written findings addressing the juvenile's desired permanency  
10          outcome."

11           **SECTION 16.** G.S. 7B-1001 reads as rewritten:

12           "**§ 7B-1001. Right to appeal.**

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

- 16           (1)    Any order finding absence of jurisdiction.
- 17           (2)    Any order, including the involuntary dismissal of a petition, which in effect  
18           determines the action and prevents a judgment from which appeal might be  
19           taken.
- 20           (3)    Any initial order of disposition and the adjudication order upon which it is  
21           based.
- 22           (4)    Any order, other than a nonsecure custody order, that changes legal custody  
23           of a juvenile.
- 24           (5)    An order entered under ~~G.S. 7B-507(e)~~ G.S. 7B-906.2(b) with rights to  
25           appeal properly preserved, as follows:
- 26           a.    The Court of Appeals shall review the order ~~to cease reunification~~  
27           eliminating reunification as a permanent plan together with an appeal  
28           of the termination of parental rights order if all of the following  
29           apply:
- 30           1.    A motion or petition to terminate the parent's rights is heard  
31           and granted.
- 32           2.    The order terminating parental rights is appealed in a proper  
33           and timely manner.
- 34           3.    The order ~~to cease reunification~~ eliminating reunification as a  
35           permanent plan is identified as an issue in the record on  
36           appeal of the termination of parental rights.
- 37           b.    A party who is a parent shall have the right to appeal the order if no  
38           termination of parental rights petition or motion is filed within 180  
39           days of the order.
- 40           c.    A party who is a custodian or guardian shall have the right to  
41           immediately appeal the order.
- 42           (6)    Any order that terminates parental rights or denies a petition or motion to  
43           terminate parental rights.
- 44           (b)    Notice of appeal and notice to preserve the right to appeal shall be given in writing  
45           by a proper party as defined in G.S. 7B-1002 and shall be made within 30 days after entry and  
46           service of the order in accordance with G.S. 1A-1, Rule 58.
- 47           (c)    Notice of appeal shall be signed by both the appealing party and counsel for the  
48           appealing party, if any. In the case of an appeal by a juvenile, notice of appeal shall be signed  
49           by the guardian ad litem attorney advocate."

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

51           "**§ 7B-906.1. Review and permanency planning hearings.**

1 ...  
2 (f) In the case of a juvenile who is in the custody or placement responsibility of a  
3 county department of social services and has been in placement outside the home for 12 of the  
4 most recent 22 months, or a court of competent jurisdiction has determined that the parent (i)  
5 has abandoned the child, (ii) has committed murder or voluntary manslaughter of another child  
6 of the parent, or (iii) has aided, abetted, attempted, conspired, or solicited to commit murder or  
7 voluntary manslaughter of the child or another child of the parent, the director of the  
8 department of social services shall initiate a proceeding to terminate the parental rights of the  
9 parent unless the court finds any of the following:

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

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

20 ...  
21 (l) If the court continues the juvenile's placement in the custody or placement  
22 responsibility of a county department of social services, the provisions of ~~G.S. 7B-507~~  
23 G.S. 7B-903.1 shall apply to any order entered under this section.

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

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

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

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

1           **SECTION 18.** Section 3 of this act is effective when it becomes law. The  
2 remainder of this act becomes effective October 1, 2015, and applies to actions filed or pending  
3 on or after that date.