

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 688
PROPOSED SENATE COMMITTEE SUBSTITUTE H688-PCS30510-TG-45

Short Title: Certain Appeals Allowed/Clarify Disp. Orders.

(Public)

Sponsors:

Referred to:

April 11, 2017

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT AN ORDER OR JUDGMENT PERTAINING TO THE
VALIDITY OF A PREMARITAL AGREEMENT MAY BE IMMEDIATELY APPEALED
AND TO CLARIFY FINDINGS OF FACT REQUIREMENTS MADE IN
DISPOSITIONAL ORDERS WHERE REASONABLE EFFORTS FOR REUNIFICATION
ARE NOT REQUIRED.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 50-19.1 reads as rewritten:

"§ 50-19.1. **Maintenance of certain appeals allowed.**

Notwithstanding any other pending claims filed in the same action, a party may appeal from an order or judgment adjudicating a claim for absolute divorce, divorce from bed and board, the validity of a premarital agreement as defined by G.S. 52B-2(1), child custody, child support, alimony, or equitable distribution if the order or judgment would otherwise be a final order or judgment within the meaning of G.S. 1A-1, Rule 54(b), but for the other pending claims in the same action. A party does not forfeit the right to appeal under this section if the party fails to immediately appeal from an order or judgment described in this section. An appeal from an order or judgment under this section shall not deprive the trial court of jurisdiction over any other claims pending in the same action."

SECTION 2. G.S. 7B-901(c) reads as rewritten:

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

(1) A court of competent jurisdiction determines or has determined that aggravated circumstances exist because the parent has committed or encouraged the commission of, or allowed the continuation of, any of the following upon the juvenile:

- a. Sexual abuse.
- b. Chronic physical or emotional abuse.
- c. Torture.
- d. Abandonment.
- e. Chronic or toxic exposure to alcohol or controlled substances that causes impairment of or addiction in the juvenile.
- f. Any other act, practice, or conduct that increased the enormity or added to the injurious consequences of the abuse or neglect.



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

11 **SECTION 3.** Section 1 of this act is effective when it becomes law and applies to
12 appeals filed on or after that date. Section 2 of this act is effective when it becomes law and
13 applies to disposition orders effective on or after that date.