



HOUSE BILL 669: Juvenile Law Changes/Abuse/Neglect/Dependency

2015-2016 General Assembly

Committee:

Introduced by:

Analysis of: S.L. 2015-136

Date:

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SUMMARY: *S.L. 2015-135, as amended by Sec. 34 of S.L. 2015-264, makes various changes to the juvenile laws pertaining to abuse, neglect, and dependency. Among other provisions, the act addresses a foster parent's standing to intervene in certain proceedings, authorizes a nonsecure custody order to be entered ex parte, requires certain notifications to persons with legal custody of a juvenile's siblings, specifies under what circumstances a county department of social services need not make reasonable efforts for reunification, and adds new provisions relating to the court's adoption of a permanent plan for the juvenile.*

The provisions of this act pertaining to ex parte nonsecure custody orders became effective July 2, 2015. The remainder of this act became effective October 1, 2015, and applies to actions filed or pending on or after that date.

CURRENT LAW: The provisions of the North Carolina Juvenile Code pertaining to abuse, neglect and dependency are contained in Subchapter I of Chapter 7B of the General Statutes.

BACKGROUND: Session Law 2015-135 was recommended by the Juvenile Code Revision Subcommittee of the North Carolina Court Improvement Project.

BILL ANALYSIS:

Section 1 of the act adds definitions of "Department" and "Nonrelative kin" to G.S. 7B-101. This act and deletes the definition of "aggravated circumstances," which are described in Section 9 of the act.

Section 2 addresses the standing of a foster parent to intervene in certain juvenile proceedings.

Section 3 authorizes a nonsecure custody order to be entered *ex parte*, and sets out certain notice provisions. This section became effective when the bill was signed into law.

Section 4 of the act requires each county's child welfare agency ("department") to make diligent efforts to notify relatives and custodial parents of the juvenile's siblings that the juvenile is in nonsecure custody, unless not in the juvenile's best interest.

Section 5 creates a new G.S. 7B-505.1, that clarifies the authority the department has to authorize specified medical and dental care when a juvenile is placed in nonsecure custody, and addresses notice and consent requirements.

Section 6 adds provisions to G.S. 7B-506(h)(2a) to require notification to persons with legal custody of a juvenile's sibling when a juvenile is not placed with a relative.

Section 7 addresses the required contents of a court order placing or continuing the placement of a juvenile in the nonsecure custody of the department.

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Section 8 adds provisions to G.S. 7B-800.1(a)(4) to require the court to consider whether certain other persons have been considered for purposes of placement or support.

Section 9 amends G.S. 7B-901 relating to the initial dispositional hearing. It specifies the circumstances under which the department is not required to make reasonable efforts for reunification, deletes the "open courts" provision that is also contained in current G.S. 7B-801, and lists the circumstances the court must consider if the court directs the department not to make reasonable efforts for reunification. S.L. 2015-264 (Technical Corrections) rewrote G.S. 7B-901(c), as enacted by this act, to include the term, "aggravated circumstances."

Section 10 modifies G.S. 7B-903, relating to dispositional alternatives available to the court.

Section 11 adds a new section to Article 9 of Chapter 7B of the General Statutes that cross-references new G.S. 7B-505.1 (*see Section 5 of the act*), and allows a placement provider to provide or withhold permission to allow a juvenile to participate in normal childhood activities as specified.

Section 12 makes conforming changes relating to the contents of the dispositional order.

Section 13 requires the court to inform the parent, guardian or custodian that failure or refusal to cooperate with the plan may result in an order to cease reunification efforts.

Sections 14 and 15 add new sections to the Juvenile Code, requiring the court to adopt one or more of the specified concurrent permanent plans that the court finds to be in the best interest of the juvenile, and to make certain findings. This section also directs the court to make specified written findings relating to juveniles who are 14 years of age and older concerning transition-to-adulthood planning, as required by federal law.

Section 16 makes conforming changes in G.S. 7B-1001 pertaining to appeal rights.

Section 17 makes conforming changes pertaining to review and permanency planning hearings.

EFFECTIVE DATE: *Section 3 of this act became effective when the Governor signed it into law on July 2, 2015. The remainder of this act became effective October 1, 2015, and applies to actions filed or pending on or after that date.*