



HOUSE BILL 847: Parental Rights and Med. Treatment of Minors

2015-2016 General Assembly

Committee: House Judiciary II
Introduced by: Rep. Jordan
Analysis of: PCS to Second Edition
H847-CSRU-6

Date: April 28, 2015
Prepared by: Walker Reagan
Staff Attorney
Tawanda Foster
Committee Counsel

SUMMARY: *The Proposed Committee Substitute for House Bill 847 would except from the mandatory reporting requirements for suspected child abuse and neglect, the mere failure of a parent to follow a certain recommended treatment plan suggested by a health care provider. The PCS also sets out the fundamental right of parents to direct the upbringing, education and care of their child.*

CURRENT LAW: G.S. 7B-301 requires any person or institution who suspects a juvenile is abused, neglected or dependent to report the case of that juvenile to the department of social services. Persons required to report include health care providers. The penalty for failure to report suspected abuse, neglect, or dependency is a Class 1 misdemeanor.

Chapter 115C governs Elementary and Secondary Education. Article 1 of this chapter provides definitions and preliminary provisions.

BILL ANALYSIS:

Section 1 of the proposed committee substitute provides an exception to the duty to report abuse, neglect, and dependency in situations where the action or inaction is the decision of the parent to follow treatment recommended by a health care provider. This section provides that a parent has the right to follow the advice and treatment plan of a health care or mental health services provider over a contrary opinion or recommended treatment plan of another provider if the decision does not involve an "immediate, life threatening situation." If the decision involves an "immediate, life threatening situation," the decision of the parent shall not give rise to an obligation to report suspected abuse or neglect.

Section 2 adds a new section to Article 1 of Chapter 115C stating parents have a fundamental liberty right to direct the upbringing, education and care of their child. It also provides the State shall not infringe upon this fundamental right unless there is a compelling State interest and the least restrictive means in furthering that compelling State interest is used. This section shall not apply to a parent's action or decision that would end life.

EFFECTIVE DATE: The act becomes effective October 1, 2015.

O. Walker Reagan
Director



Research Division
(919) 733-2578