



HOUSE BILL 301: CIP Revisions/Juvenile Code.

2019-2020 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	Date:	March 25, 2019
Introduced by:	Reps. Stevens, Morey	Prepared by:	Jeremy Ray* Staff Attorney
Analysis of:	Second Edition		

OVERVIEW: House Bill 301 makes revisions to the Juvenile Code as recommended by Juvenile Code Revision Subcommittee of the North Carolina Court Improvement Program (CIP).

CURRENT LAW:

Chapter 7B of the General Statutes, known as the Juvenile Code, does the following:

- Provides procedures for hearing juvenile cases to ensure fairness and equity and protect the constitutional rights of juveniles and parents.
- Develops dispositions in juvenile cases that reflect the facts, needs and limitations of the juvenile, and the strengths and weaknesses of the family.
- Provides services to protect juveniles by means that respect the right to family autonomy and the juveniles' needs for safety, continuity, and permanence.
- Provides standards for removal of juveniles from their homes and return of juveniles to their homes when necessary.
- Provides standards consistent with the Adoption and Safe Families Act of 1997, P.L. 105-89, for ensuring that the best interests of the juvenile are of paramount consideration by the court and that when it is not in the juvenile's best interest to be returned home, the juvenile will be placed in a safe, permanent home within a reasonable amount of time.

BILL ANALYSIS:

Section 1 expands the definition of a responsible individual to include anyone responsible for subjecting a juvenile to human trafficking, involuntary servitude, or sexual servitude.

Section 2 provides procedures to be followed when there is an automatic stay of actions relating to the custody of a child when a petition alleging abuse, neglect, or dependency is filed. It also, requires the court to file a notice in the stayed action on an Administrative Office of the Courts (AOC) form and provide the county and case file number of the action.

Section 3 modifies the notice requirements when a responsible individual is identified to allow the agency director up to 15 days to attempt personal delivery before using other methods.

Section 4 adds investigating law enforcement officers to the persons who may attend closed juvenile hearings and clarifies the rules regarding the admission of hearsay as evidence.

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Section 5 clarifies a person identified by the director as a responsible individual is not eligible for judicial review if the individual is criminally convicted of an offense related to the determination or if the person does not file a petition for judicial review with the district court in a timely manner. Also, clarifies if the individual is convicted as a result of the same incident after the petition for judicial review is filed, the court must dismiss the petition with prejudice.

Section 6 adds serious emotional damage as a ground for removal of a child from a parent, guardian, custodian or caretaker.

Section 7 amends the law on appointment of guardians and dispositional alternatives to provide a stable placement for six consecutive months is evidence of adequate resources to care appropriately for a juvenile.

Section 8 clarifies a court may not terminate parental rights while simultaneously holding a dispositional hearing for another child and that a permanency planning hearing must be held if reunification efforts are ceased at the dispositional hearing.

Section 9 clarifies the director's authority regarding visitation determinations and requires a motion for review and request for hearing be filed within 30 days if the director suspends all or part of the visitation plan.

Section 10 clarifies the procedures for review and permanency planning hearings.

Section 11 clarifies procedural requirements regarding concurrent planning.

Section 12 clarifies who may attend post-termination of parental rights placement review hearings. Also, this section requires orders be reduced to writing, signed, and entered no later than 30 days following completion of the hearing. If the order is not entered within 30 days, the clerk must schedule a subsequent hearing to determine and explain the reason for the delay and obtain any needed clarification.

Section 13 adds a new section to the article governing dispositions to clarify the role of a parent's attorney in an abuse, neglect, and dependency proceeding when there is a relinquishment of parental rights.

Section 14 makes technical and conforming changes to clarify the route of child welfare appeals.

Section 15 allows an attorney appointed to represent a parent whose child was removed from the parent's custody pursuant to a delinquency or undisciplined disposition to also represent the parent in review and planning hearings.

Section 16 allows a juvenile's guardian ad litem attorney advocate appointed in a child welfare case to share confidential information about the juvenile with the juvenile's attorney in a delinquency proceeding.

EFFECTIVE DATE: This act becomes effective October 1, 2019.

BACKGROUND: The Court Improvement Program (CIP) is a federally funded program to improve court practice in child abuse, neglect, and dependency cases. The mission of the program is to improve the performance of North Carolina's juvenile courts in abuse and neglect cases so that safety, permanence, and well-being for each child are achieved in a fair and timely manner.

**Tawanda N. Foster, Staff Attorney for the Legislative Analysis Division, contributed to this summary.*