



# SENATE BILL 113: Modify Termination of Parental Rights Appeals.

2021-2022 General Assembly

<b>Committee:</b>	House Judiciary 2. If favorable, re-refer to Families, Children, and Aging Policy. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	March 30, 2021
<b>Introduced by:</b>	Sens. Britt, Sanderson, Daniel	<b>Prepared by:</b>	Robert Ryan
<b>Analysis of:</b>	PCS to Third Edition S113-CSCE-8		Susan Sitze Staff Attorneys

### OVERVIEW: Senate Bill 113 would:

- *Change the direct right of appeal from an order granting or denying a termination of parental rights, or an order eliminating reunification as a permanent plan, from the North Carolina Supreme Court to the Court of Appeals.*
- *Eliminate any appeal by right to the Supreme Court for juvenile matters that are allowed to be directly appealed to the Court of Appeals.*
- *Require the Administrative Office of the Courts (AOC) to prepare an annual report about the amount of time it takes to resolve appeals related to an order granting or denying a termination of parental rights or an order eliminating reunification as a permanent plan.*

**CURRENT LAW AND BACKGROUND:** S.L. 2017-7 and S.L. 2017-41 modified G.S. 7A-27 and G.S. 7B-1001 to change the right of direct appeal of an order that grants or denies a termination of parental rights, or an order eliminating reunification as a permanent plan, from the Court of Appeals to the Supreme Court.

### BILL ANALYSIS:

**Sections 1 and 2** of Senate Bill 113 would modify G.S. 7A-27 and G.S. 7B-1001 by removing a right of direct appeal from the Supreme Court and instead providing a direct right of appeal to the Court of Appeals for the following:

- An order that terminates parental rights or denies a petition or motion to terminate parental rights.
- An order eliminating reunification as a permanent plan.

These changes would make the law the way it was before the 2017 Session Laws discussed above.

### Section 3

Under current law, if a judge on the Court of Appeals dissents from the majority opinion, the case (with certain limited exceptions) would have an automatic appeal by right to the Supreme Court.

Senate Bill 113 would modify G.S. 7A-30 and remove any appeal by right to the Supreme Court for any juvenile matter that has direct right of appeal to the Court of Appeals, including:

- An order that terminates parental rights or denies a petition or motion to terminate parental rights.

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- An order eliminating reunification as a permanent plan.

The Supreme Court would still maintain the right to review these cases by granting a petition for discretionary review pursuant to G.S. 7A-31.

**Section 4** of the bill would require AOC to submit an annual report about termination of parental rights appeals to the Chief Justice of the Supreme Court and the General Assembly. This report must include:

- The number of termination of parental rights cases appealed.
- The average time it takes the courts to resolve these appealed cases.

**EFFECTIVE DATE:** This act becomes effective April 1, 2021, and applies to appeals filed on or after that date.

*Kristen Harris, Staff Attorney, substantially contributed to this summary.*