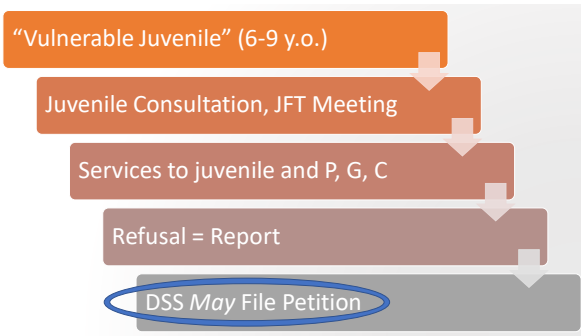


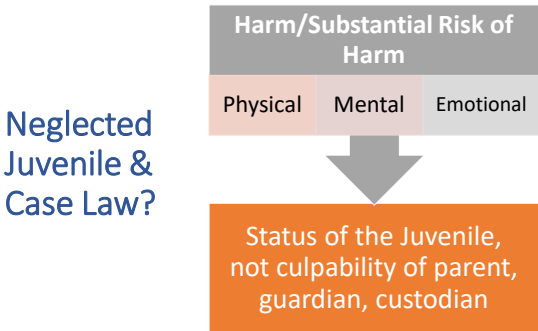
Selected
Legislative
Update:
Child Welfare

By Sara DePasquale
UNC School of Government

1

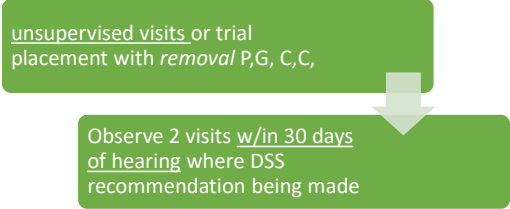


2



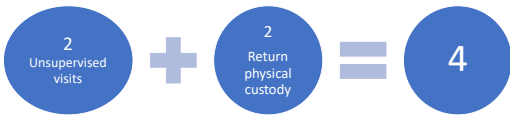
3

7B-903.1(b1) (Rylan's Law)
Before DSS recommends ...



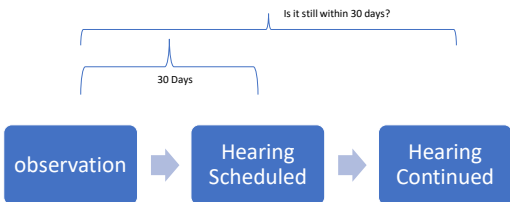
4

Possible Total Observations



5

Consider this



6

New Emergency Hearing (effective Jan. 1st)



Juvenile in DSS Custody
Who Presents to Hospital
for Mental Health Treatment

7

First, Effective Oct. 1
G.S. 122C-142.2

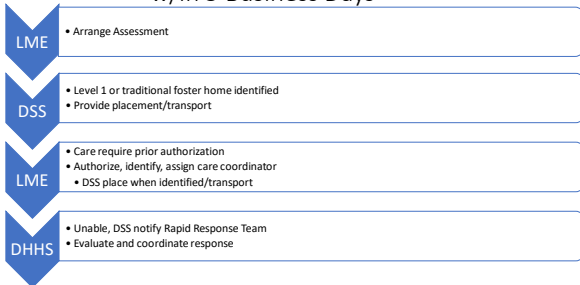
DSS contacts LME/MCO or prepaid health plan

w/in 24 hours of determination juvenile should not remain at hospital and no appropriate placement immediately available



8

w/in 5 Business Days



9

Rapid Response Team

Division of Social Services

Division of Mental Health, Developmental Disabilities, Substance Abuse Services

Division of Health Benefits

10

G.S. 122C-142.2

DSS provide ongoing case management re: educational and social needs during hospital stay



11

New Emergency Hearing (effective Jan. 1st)
G.S. 7B-903.2

If provisions of G.S. 122C-142.2 not met



- Any party, DHHS, hospital, LME/MCO, PHP, standing to file re: continued stay at hospital
- Rule 5 service (automatically a party)
- Limited appearance/purpose (hearings/comply with orders)

12

New Emergency Hearing

Burden on petitioner

Clear and convincing evidence G.S. 122C provisions not met

Rules of Evidence

13

Findings and Conclusions

Clear and convincing evidence no medical necessity for hospitalization

Responsible party not satisfied G.S. 122C-142.2(b)-(f)

14

Relief



May order

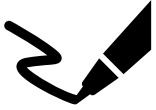
- Responsible party to comply with 122C-142.2
- Pay reasonable hospital charges (after no longer medically necessary)
- Pay property damage (after no longer medically necessary)
- Any appropriate relief
- Parties bear own costs

15

Order

Entered w/in 72 hours

Another hearing w/in 30 days (unless juvenile is discharged)



16



On the Civil Side
A UNC School of Government Blog



17
