

CIP PROPOSED LEGISLATIVE CHANGES / SUMMARY

2019 Session

NOTE: These proposed statutory changes are recommended by the Juvenile Code Revision Subcommittee of the North Carolina Court Improvement Program (CIP). The mission of the CIP 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.

The subcommittee is an interdisciplinary committee comprised of stakeholders in juvenile court proceedings involving abuse, neglect, dependency, and termination of parental rights. Those stakeholders include attorneys, judges and administrators representing the following groups: Children's Services Division of DHHS, Court Improvement Program, Guardian ad Litem Program, DSS Attorneys Association, child welfare attorneys with the Office of the Attorney General, and the Office of the Parent Defender. The subcommittee members have requested feedback regarding proposed revisions from attorneys working at the trial and appellate levels prior to finalizing the proposed changes.

****OVERVIEW:** This bill proposes various clarifying, technical and substantive changes designed 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.

EXPAND DEFINITION OF RESPONSIBLE INDIVIDUAL

SECTION 1.

This section amends G.S. 7B-101 to expand the definition of responsible individual to include an individual responsible for subjecting a juvenile to human trafficking, sexual servitude, or involuntary servitude.

PROVIDE NOTICE OF AUTOMATIC STAY IN JUVENILE ACTION

SECTION 2.

G.S. 7B-200 provides for the automatic stay of actions relating to the custody of a child when a petition is filed alleging abuse, neglect or dependency. However, no mechanism currently exists for ensuring the parties to the stayed action are aware of the stay. This section adds a requirement for a notice to be placed in the file of the stayed action if information about the stayed action is made known to the court.

NOTIFICATION REQUIREMENTS FOR RESPONSIBLE INDIVIDUALS

SECTION 3.

Article 3A (G.S. 7B-320-324) of the Juvenile Code addresses the judicial review of a director's decision to place an individual on the Responsible Individuals List. The section amends G.S. 7B-320 to make subsection (a) consistent with subsection (b) which allows the agency director up to 15 days to attempt personal delivery before using other delivery methods.

ALLOW PRESENCE OF LAW ENFORCEMENT AND CLARIFY ADMISSIBILITY OF EVIDENCE

SECTION 4.

The section amends G.S. 7B-323 to permit investigating law enforcement officers to attend closed juvenile hearings and clarifies the rules regarding hearsay evidence.

CLARIFY ELIGIBILITY FOR JUDICIAL REVIEW

SECTION 5

This section amends G.S. 7B-324 to clarify that 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.

ADD SERIOUS EMOTIONAL DAMAGE TO NONSECURE CUSTODY CRITERIA

SECTION 6.

This section amends G.S. 7B-503 to add serious emotional damage as an additional grounds for removal from a parent, guardian, custodian or caretaker.

RECOGNIZE STABLE PLACEMENT AS ADEQUATE RESOURCES

SECTION 7.(a)

This section amends G.S. 7B-600 to provide that the ability to provide a stable placement for six consecutive months is evidence of adequate resources.

SECTION 7.(b)

This section amends G.S. 7B-903 to provide that the ability to provide a stable placement for six consecutive months is evidence of adequate resources.

CLARIFY NEED FOR PERMANENCY PLANNING HEARING

SECTION 8.

This section amends G.S. 7B-901 to clarify that a court may not terminate parental rights while simultaneously holding a dispositional hearing for another child and to identify the type of hearing that must occur if reunification efforts are ceased at the dispositional hearing.

CLARIFY AUTHORITY REGARDING VISITATION DETERMINATIONS

SECTION 9.

This section amends G.S. 7B-905.1 to clarify the authority of the director and the court regarding visitation determinations and to establish a procedural timeline for hearing visitation issues.

CLARIFY PROCEDURES FOR REVIEW AND PERMANENCY PLANNING HEARINGS

SECTION 10.

This section amends G.S. 7B-906.1 to clarify procedures for review and permanency planning hearings.

CLARIFY REQUIRMENTS FOR CONCURRENT PLANNING

SECTION 11.

This section amends G.S. 7B-906.2 to clarify procedural requirements regarding concurrent planning.

CLARIFY PROCEDURES IN POST-TERMINATION OF PARENTAL RIGHTS

SECTION 12.

This section amends G.S. 7B-908(b)(1) to clarify procedures in post-termination proceedings.

CLARIFY RELINQUISHMENT PROCEDURES FOR RESPONDENT PARENTS

SECTION 13.

This section adds a new section in Article 9 of Chapter 7B to provide uniformity and clarity regarding the role of a parent's attorney in an abuse, neglect and dependency proceeding when the parent has decided to relinquish parental rights.

MAKE TECHNICAL AND CLARIFYING CHANGES TO APPELLATE PROCEDURE

SECTION 14.(a)

This section makes technical changes to G.S. 7B-1001 to create consistency in subsections (a) and (a1).

SECTION 14.(b)

This section amends G.S. 7B-1003 and to delete references to repealed subsections and makes conforming changes.

PROVIDE COUNSEL FOR RESPONDENT PARENTS

SECTION 15.(a)

This section amends G.S. 7B-2503 to allow an attorney appointed to represent a parent whose child was removed from a parent's custody during a delinquency or undisciplined disposition to be paid for representing a parent in review and permanency planning hearings under §7B-906.1.

SECTION 15.(b)

This section amends G.S. 7B-2506 to allow an attorney appointed to represent a parent whose child was removed from a parent's custody during a delinquency or undisciplined disposition to be paid for representing a parent in review and permanency planning hearings under §7B-906.1.

ALLOW DISCLOSURE OF INFORMATION TO JUVENILE'S ATTORNEY

SECTION 16.

This section amends G.S. 7B-3100 to permit a juvenile's guardian ad litem attorney advocate appointed in an abuse, neglect or dependency matter to share confidential information about the juvenile with the juvenile's attorney in a delinquency proceeding.