

# CIP 2019 PROPOSED LEGISLATIVE CHANGES

## 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: 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.** G. S. 7B-101(18a) reads as rewritten:

#### § 7B-101. Definitions.

As used in this Subchapter, unless the context clearly requires otherwise, the following words have the listed meanings:

...

- (18a) Responsible individual. - A parent, guardian, custodian, ~~or caretaker~~, or individual responsible for subjecting a juvenile to human trafficking under G.S. 14-43.11, G.S. 14-43.12 or G.S. 14-43.13, who abuses or seriously neglects a juvenile.

...

### PROVIDE NOTICE OF AUTOMATIC STAY IN JUVENILE ACTION

**SECTION 2.** G. S. 7B-200(c) reads as rewritten:

#### § 7B-200. Jurisdiction.

...

(c) When the court obtains jurisdiction over a juvenile as the result of a petition alleging that the juvenile is abused, neglected, or dependent:

- (1) Any other civil action in this State in which the custody of the juvenile is an issue is automatically stayed as to that issue, unless the juvenile proceeding and the civil custody action or claim are consolidated pursuant to subsection (d) of this section or the court in the juvenile proceeding enters an order dissolving the stay. When there is an automatic stay, the court shall ensure that a notice is filed in the stayed action, if the county and case file number is made known to the court. The notice shall be on a printed form created by the North Carolina Administrative Office of the Courts and

shall include notice of the stay and provide the county and case file number for the action under this Article.

- (2) If an order entered in the juvenile proceeding and an order entered in another civil custody action conflict, the order in the juvenile proceeding controls as long as the court continues to exercise jurisdiction in the juvenile proceeding.

...

#### **CLARIFY NOTIFICATION REQUIREMENTS FOR RESPONSIBLE INDIVIDUALS**

**SECTION 3.** G. S. 7B-320(a) reads as rewritten:

**§ 7B-320. Notification to individual determined to be a responsible individual.**

(a) ~~Within five working days after~~ After the completion of an investigative assessment response that results in a determination of abuse or serious neglect and the identification of a responsible individual, the director shall personally deliver written notice of the determination to the identified individual in an expeditious manner.

...

#### **ALLOW PRESENCE OF LAW ENFORCEMENT AND CLARIFY ADMISSIBILITY OF EVIDENCE**

**SECTION 4.** G. S. 7B-323(b) reads as rewritten:

**§ 7B-323. Petition for judicial review; district court.**

...

(b) The clerk of court shall maintain a separate docket for judicial review actions. Upon the filing of a petition for judicial review, the clerk shall calendar the matter for hearing within 45 days from the date the petition is filed at a session of district court hearing juvenile matters or, if there is no such session, at the next session of juvenile court. The clerk shall send notice of the hearing to the petitioner and to the director who determined the abuse or serious neglect and identified the individual as a responsible individual. Upon the request of a party, the court shall close the hearing to all persons, except officers of the court, the parties, and their witnesses and law enforcement investigating the same allegations. At the hearing, the director shall have the burden of proving by a preponderance of the evidence the abuse or serious neglect and the identification of the individual seeking judicial review as a responsible individual. The hearing shall be before a judge without a jury. The rules of evidence applicable in civil cases shall apply. However, the court, in its discretion, may permit the admission of any reliable and relevant evidence, including, but not limited to, Child Medical Evaluation reports and Child and Family Evaluation reports, relied on by the director to make the determination that abuse or serious neglect occurred, if the general purposes of the rules of evidence and the interests of justice will best be served by its admission.

...

#### **CLARIFY ELIGIBILITY FOR JUDICIAL REVIEW**

**SECTION 5.** G. S. 7B-324 reads as rewritten:

**§ 7B-324. Persons ineligible to petition for judicial review.**

(a) An individual who has been identified by a director as a responsible individual ~~may not petition for~~ is not eligible for judicial review if any of the following apply:

- (1) The individual is criminally convicted as a result of the same incident. The district attorney shall inform the director of the result of the criminal proceeding.
- (2) Repealed by Session Laws 2013-129, s. 6, effective October 1, 2013, and applicable to actions filed or pending on or after that date.
- (3) Repealed by Session Laws 2010-90, s. 8, effective July 11, 2010.

- (4) After proper notice, the individual fails to file a petition for judicial review with the district court in a timely manner.
- (5) Repealed by Session Laws 2010-90, s. 8, effective July 11, 2010.

(a1) If the individual is criminally convicted as a result of the same incident after the petition for judicial review is filed, the court shall dismiss the petition for judicial review with prejudice.

(b) If an individual seeking judicial review is named as a respondent in a juvenile court case or a defendant in a criminal court case resulting from the same incident, the district court judge may stay the judicial review proceeding.

#### **ADD SERIOUS EMOTIONAL DAMAGE TO NONSECURE CUSTODY CRITERIA**

**SECTION 6.** G. S. 7B-503(a) reads as rewritten:

##### **§ 7B-503. Criteria for nonsecure custody.**

(a) When a request is made for nonsecure custody, the court shall first consider release of the juvenile to the juvenile's parent, relative, guardian, custodian, or other responsible adult. An order for nonsecure custody shall be made only when there is a reasonable factual basis to believe the matters alleged in the petition are true, and any of the following apply:

- (1) The juvenile has been abandoned.
- (2) The juvenile has suffered physical injury, ~~or sexual abuse,~~ or serious emotional damage as defined by G.S. 7B-101(1)(e).
- (3) The juvenile is exposed to a substantial risk of physical injury or sexual abuse because the parent, guardian, custodian, or caretaker has created the conditions likely to cause injury or abuse or has failed to provide, or is unable to provide, adequate supervision or protection.
- (4) The juvenile is in need of medical treatment to cure, alleviate, or prevent suffering serious physical harm which may result in death, disfigurement, or substantial impairment of bodily functions, and the juvenile's parent, guardian, custodian, or caretaker is unwilling or unable to provide or consent to the medical treatment.
- (5) The parent, guardian, custodian, or caretaker consents to the nonsecure custody order.
- (6) The juvenile is a runaway and consents to nonsecure custody.

A juvenile alleged to be abused, neglected, or dependent shall be placed in nonsecure custody only when there is a reasonable factual basis to believe that there are no other reasonable means available to protect the juvenile. In no case shall a juvenile alleged to be abused, neglected, or dependent be placed in secure custody.

...

#### **RECOGNIZE STABLE PLACEMENT AS EVIDENCE OF ADEQUATE RESOURCES**

**SECTION 7.(a)** G. S. 7B-600(c) reads as rewritten:

##### **§ 7B-600. Appointment of guardian.**

...

(c) If the court appoints an individual guardian of the person pursuant to this section, the court shall verify that the person being appointed as guardian of the juvenile understands the legal significance of the appointment and will have adequate resources to care appropriately for the juvenile. The fact that the prospective guardian has provided a stable placement for the juvenile for at least six consecutive months is evidence that the person has adequate resources.

**SECTION 7.(b)** G. S. 7B-903(a) reads as rewritten:

**§ 7B-903. Dispositional alternatives for abused, neglected, or dependent juvenile.**

(a) The following alternatives for disposition shall be available to any court exercising jurisdiction, and the court may combine any of the applicable alternatives when the court finds the disposition to be in the best interests of the juvenile:

...

- (4) Place the juvenile in the custody of a parent, relative, private agency offering placement services, or some other suitable person. If the court determines that the juvenile should be placed in the custody of an individual other than a parent, the court shall verify that the person receiving custody of the juvenile understands the legal significance of the placement and will have adequate resources to care appropriately for the juvenile. The fact that the prospective custodian has provided a stable placement for the juvenile for at least six consecutive month is evidence that the person has adequate resources.

...

**CLARIFY NEED FOR PERMANENCY PLANNING HEARING**

**SECTION 8.** G. S. 7B-901 reads as rewritten:

**§ 7B-901. Initial dispositional hearing.**

...

(c) If the disposition order places a juvenile in the custody of a county department of social services, the court shall direct that reasonable efforts for reunification as defined in G.S. 7B-101 shall not be required if the court makes written findings of fact pertaining to any of the following, unless the court concludes that there is compelling evidence warranting continued reunification efforts:

- (1) A court of competent jurisdiction determines or has determined that aggravated circumstances exist because the parent has committed or encouraged the commission of, or allowed the continuation of, any of the following upon the juvenile:
  - a. Sexual abuse.
  - b. Chronic physical or emotional abuse.
  - c. Torture.
  - d. Abandonment.
  - e. Chronic or toxic exposure to alcohol or controlled substances that causes impairment of or addiction in the juvenile.
  - f. Any other act, practice, or conduct that increased the enormity or added to the injurious consequences of the abuse or neglect.
- (2) A court of competent jurisdiction ~~terminates or~~ has terminated involuntarily the parental rights of the parent to another child of the parent.
- (3) A court of competent jurisdiction determines or has determined that (i) the parent has committed murder or voluntary manslaughter of another child of the parent; (ii) has aided, abetted, attempted, conspired, or solicited to commit murder or voluntary manslaughter of the child or another child of the parent; (iii) has committed a felony assault resulting in serious bodily injury to the child or another child of the parent; (iv) has committed sexual abuse against the child or another child of the parent; or (v) has been required to register as a sex offender on any government-administered registry.

(d) When the court determines that reunification efforts are not required, the court shall order a permanent plan as soon as possible, after providing each party with a reasonable opportunity to prepare

and present evidence. The court shall schedule a ~~subsequent permanency planning~~ hearing within 30 days to address the permanent plans in accordance with G.S. 7B-906.1 and G.S. 7B-906.2.

#### **CLARIFY AUTHORITY REGARDING VISITATION DETERMINATIONS**

**SECTION 9.** G. S. 7B-905.1 reads as rewritten:

**§ 7B-905.1. Visitation.**

(a) An order that removes custody of a juvenile from a parent, guardian, or custodian or that continues the juvenile's placement outside the home shall provide for ~~appropriate visitation as may be that is~~ in the best interests of the juvenile consistent with the juvenile's health and safety, including no visitation. The court may specify in the order conditions under which visitation may be suspended.

(b) If the juvenile is placed or continued in the custody or placement responsibility of a county department of social services, the court may order the director to arrange, facilitate, and supervise a visitation plan expressly approved or ordered by the court. The plan shall indicate the minimum frequency and length of visits and whether the visits shall be supervised. Unless the court orders otherwise, the director shall have discretion to determine who will supervise visits when supervision is required, to determine the location of visits, and to change the day and time of visits in response to scheduling conflicts, illness of the child or party, or extraordinary circumstances. The director shall promptly communicate a limited and temporary change in the visitation schedule to the affected party. Any ongoing change in the visitation schedule shall be communicated to the party in writing and state the reason for the change.

If the director makes a good faith determination that the visitation plan is not consistent with the juvenile's health and safety, the director may temporarily suspend all or part of the visitation plan. The director shall not be subject to any motion to show cause for this suspension but shall expeditiously file a motion for review and request a hearing be scheduled within 30 days except no motion or notice of hearing is required if a review or permanency planning hearing is already scheduled to be heard within 30 days of the suspension.

...

#### **CLARIFY PROCEDURES FOR REVIEW AND PERMANENCY PLANNING HEARINGS**

**SECTION 10.** G. S. 7B-906.1 reads as rewritten:

**§ 7B-906.1. Review and permanency planning hearings.**

(a) The court shall conduct a review hearing within 90 days from the date of the initial dispositional hearing held pursuant to G.S. 7B-901 ~~and shall conduct a review hearing within six months thereafter.~~ Review hearings shall be held at least every six months thereafter. Within 12 months of the date of the initial order removing custody, there shall be a review hearing designated as a permanency planning hearing. Review hearings after the initial permanency planning hearing shall be designated as ~~subsequent permanency planning hearings.~~ Subsequent permanency Permanency planning hearings shall be held at least every six months thereafter or earlier as set by the court to review the progress made in finalizing the permanent plan for the juvenile, or if necessary, to make a new permanent plan for the juvenile.

...

(g) At the conclusion of each permanency planning hearing, the ~~judge~~ court shall make specific findings as to the best permanent plans to achieve a safe, permanent home for the juvenile within a reasonable period of time. ~~The judge shall inform the parent, guardian, or custodian that failure or refusal to cooperate with the plan may result in an order of the court in a subsequent permanency planning hearing that reunification efforts may cease.~~

...

(j) If the court determines that the juvenile shall be placed in the custody of an individual other than a parent or appoints an individual guardian of the person pursuant to G.S. 7B-600, the court shall verify that the person receiving custody or being appointed as guardian of the juvenile understands the legal significance of the placement or appointment and will have adequate resources to care appropriately for the juvenile. The fact that the prospective custodian or guardian has provided a stable placement for the juvenile for at least six consecutive months is evidence that the person has adequate resources.

...

(n) Notwithstanding other provisions of this Article, the court may waive the holding of hearings required by this section, may require written reports to the court by the agency or person holding custody in lieu of review hearings, or order that review hearings be held less often than every six months if the court finds by clear, cogent, and convincing evidence each of the following:

- (1) The juvenile has resided in the placement for a period of at least one ~~year~~ year, or the juvenile has resided in the placement for at least six consecutive months and the court enters a consent order pursuant to G.S. 7B-801(b1).
- (2) The placement is stable and continuation of the placement is in the juvenile's best interests.
- (3) Neither the juvenile's best interests nor the rights of any party require that review hearings be held every six months.
- (4) All parties are aware that the matter may be brought before the court for review at any time by the filing of a motion for review or on the court's own motion.
- (5) The court order has designated the relative or other suitable person as the juvenile's permanent custodian or guardian of the person.

The court may not waive or refuse to conduct a review hearing if a party files a motion seeking the review. However, if a guardian of the person has been appointed for the juvenile and the court has also made findings in accordance with subsection (n) of this section that guardianship is the permanent plan for the juvenile, the court shall proceed in accordance with G.S. 7B-600(b).

(o) This section does not apply to post termination of parental rights' placement reviews.

## **CLARIFY REQUIREMENTS FOR CONCURRENT PLANNING**

**SECTION 11.** G. S. 7B-906.2 reads as rewritten:

### **§ 7B-906.2. Permanent plans; concurrent planning.**

(a) At any permanency planning hearing pursuant to G.S. 7B-906.1, the court shall adopt one or more of the following permanent plans the court finds is in the juvenile's best interest:

- (1) Reunification as defined by G.S. 7B-101.
- (2) Adoption under Article 3 of Chapter 48 of the General Statutes.
- (3) Guardianship pursuant to G.S. 7B-600(b).
- (4) Custody to a relative or other suitable person.
- (5) Another Planned Permanent Living Arrangement (APPLA) pursuant to G.S. 7B-912.
- (6) Reinstatement of parental rights pursuant to G.S. 7B-1114.

(a1) Concurrent planning shall continue until a permanent plan has been achieved.

(b) At any permanency planning hearing, the court shall adopt concurrent permanent plans and shall identify the primary plan and secondary plan. Reunification shall ~~remain be~~ be a primary or secondary plan unless the court made findings under G.S. 7B-901(c) or G.S. 7B-906.1(d)(3) or makes written findings that reunification efforts clearly would be unsuccessful or would be inconsistent with the juvenile's health or safety. This determination may be made at any permanency planning hearing. The court shall order the

county department of social services to make efforts toward finalizing the primary and secondary permanent plans and may specify efforts that are reasonable to timely achieve permanence for the juvenile.

(c) ~~At the first permanency planning hearing held pursuant to G.S. 7B-906.1, the court shall make a finding about whether the efforts of the county department of social services toward reunification were reasonable, unless reunification efforts were ceased in accordance with G.S. 7B-901(c) or this section.~~ Unless reunification efforts were previously ceased, at each permanency planning hearing the court shall make a finding about whether the reunification efforts of the county department of social services were reasonable. In every subsequent permanency planning hearing held pursuant to G.S. 7B-906.1, the court shall make written findings about the efforts the county department of social services has made toward the primary permanent plan and any secondary permanent plans in effect prior to the hearing. The court shall make a conclusion about whether efforts to finalize the permanent plan were reasonable to timely achieve permanence for the juvenile.

(d) At any permanency planning hearing under subsections (b) and (c) of this section, the court shall make written findings as to each of the following, which shall demonstrate ~~lack the degree~~ of success or failure toward reunification:

- (1) Whether the parent is making adequate progress within a reasonable period of time under the plan.
- (2) Whether the parent is actively participating in or cooperating with the plan, the department, and the guardian ad litem for the juvenile.
- (3) Whether the parent remains available to the court, the department, and the guardian ad litem for the juvenile.
- (4) Whether the parent is acting in a manner inconsistent with the health or safety of the juvenile.

(e) If the juvenile is 14 years of age or older, the court shall make written findings in accordance with G.S. 7B-912(a), regardless of the juvenile's permanent plan.

## **CLARIFY PROCEDURES IN POST-TERMINATION OF PARENTAL RIGHTS**

**SECTION 12.** G. S. 7B-908(b) reads as rewritten:

### **§ 7B-908. Post termination of parental rights' placement court review.**

...

(b) The court shall conduct a placement review not later than six months from the date of the termination hearing when parental rights have been terminated by a petition or motion brought by any person or agency designated in G.S. 7B-1103(a)(2) through (6), or one parent's parental rights have been terminated by court order and the other parent's parental rights have been relinquished under Chapter 48 of the General Statutes, and a county director or licensed child-placing agency has custody of the juvenile. The court shall conduct reviews every six months thereafter until the juvenile is the subject of a decree of adoption:

- (1) No more than 30 days and no less than 15 days prior to each review, the clerk shall give notice of the review to the juvenile if the juvenile is at least 12 years of age, the legal custodian or guardian of the juvenile, the person providing care for the juvenile, the guardian ad litem, if any, and any other person or agency the court may specify. The department of social services shall either provide to the clerk the name and address of the person providing care for the child for notice under this subsection or file written documentation with the clerk that the child's current care provider was sent notice of hearing. Only the juvenile, ~~if the juvenile is at least 12 years of age,~~ the legal custodian or guardian of the juvenile, the person providing care for the juvenile,

and the guardian ad litem ~~shall attend~~ may participate in the review hearings, except as otherwise directed by the court. Nothing in this subdivision shall be construed to make the person a party to the proceeding solely based on receiving notice and the right to be heard. Any individual whose parental rights have been terminated shall not be considered a party to the proceeding unless an appeal of the order terminating parental rights is pending, and a court has stayed the order pending the appeal.

- (2) If a guardian ad litem for the juvenile has not been appointed previously by the court in the termination proceeding, the court, at the initial six-month review hearing, may appoint a guardian ad litem to represent the juvenile. The court may continue the case for such time as is necessary for the guardian ad litem to become familiar with the facts of the case.

...

(e1) The order shall be reduced to writing, signed, and entered no later than 30 days following the completion of the hearing. If the order is not entered within 30 days following completion of the hearing, the clerk of court for juvenile matters shall schedule a subsequent hearing at the first session of court scheduled for the hearing of juvenile matters following the 30-day period to determine and explain the reason for the delay and to obtain any needed clarification as to the contents of the order. The order shall be entered within 10 days of the subsequent hearing required by this subsection.

#### **CLARIFY RELINQUISHMENT PROCEDURES FOR RESPONDENT PARENTS**

**SECTION 13.** Article 9 of Chapter 7B is amended by adding new section G.S. 7B-909.1 to read:

##### **§ 7B-909.1 Relinquishment to a department of social services.**

Before the relinquishment of a juvenile to a department of social services for the purpose of adoption may be executed by a parent who is a respondent in an action under this Subchapter and whose retained counsel has entered a notice of appearance or who has an attorney whose provisional appointment has been confirmed by the court, the following shall apply:

- (1) Notice that the department has made arrangements for the parent to execute a relinquishment at a specific date, time, and location shall be given by any reasonable and timely means of communication to the parent's counsel or, if such counsel is unavailable, to a partner or employee at the attorney's office; and
- (2) The parent shall be advised of the right to seek the advice of parent's counsel prior to executing the relinquishment and to have such counsel present while executing the relinquishment.

#### **MAKE TECHNICAL AND CLARIFYING CHANGES TO APPELLATE PROCESS**

**SECTION 14.(a)** G. S. 7B-1001 reads as rewritten:

##### **§ 7B-1001. Right to appeal.**

(a) **(Effective January 1, 2019 - see note)** ~~In a juvenile matter under this Subchapter, appeal of a final order of the court shall be made directly to the Court of Appeals. Only only the following juvenile matters~~ final orders may be appealed directly to the Court of Appeals:

- (1) Any order finding absence of jurisdiction.
- (2) Any order, including the involuntary dismissal of a petition, which in effect determines the action and prevents a judgment from which appeal might be taken.
- (3) Any initial order of disposition and the adjudication order upon which it is based.
- (4) Any order, other than a nonsecure custody order, that changes legal custody of a juvenile.



- (5) An order under G.S. 7B-906.2(b) eliminating reunification, as defined by G.S. 7B-101(18b), as a permanent plan by either of the following:
  - a. A parent who is a party and:
    - 1. Has preserved the right to appeal the order in writing within 30 days after entry and service of the order.
    - 2. A termination of parental rights petition or motion has not been filed within 65 days of entry and service of the order.
    - 3. A notice of appeal of the order eliminating reunification is filed within 30 days after the expiration of the 65 days.
  - b. A party who is a guardian or custodian with whom reunification is not a permanent plan.
- (6) Repealed by Session Laws 2017-41, s. 8(a), and Session Laws 2017-102, s. 40(f), effective January 1, 2019, and applicable to appeals filed on or after that date.

(a1) **(Effective January 1, 2019 - see note)** In a juvenile matter under this Subchapter, ~~an appeal of a final order of the court shall be made directly to the Supreme Court in the following juvenile matters only~~ the following final orders may be appealed directly to the Supreme Court:

- (1) Any order that terminates parental rights or denies a petition or motion to terminate parental rights.
- (2) An order eliminating reunification as a permanent plan under G.S. 7B-906.2(b), if all of the following conditions are satisfied:
  - a. The right to appeal the order eliminating reunification has been preserved in writing within 30 days of entry and service of the order.
  - b. A motion or petition to terminate the parent's rights is filed within 65 days of entry and service of the order eliminating reunification and both of the following occur:
    - 1. The motion or petition to terminate rights is heard and granted.
    - 2. The order terminating parental rights is appealed in a proper and timely manner.
  - c. A separate notice of appeal of the order eliminating reunification is filed within 30 days after entry and service of a termination of parental rights order.

(a2) **(Effective January 1, 2019 - see note)** In an appeal filed pursuant to subdivision (a1)(2) of this section, the Supreme Court shall review the order eliminating reunification together with an appeal of the order terminating parental rights. If the order eliminating reunification is vacated or reversed, the order terminating parental rights shall be vacated.

**SECTION 14.(b)** G. S. 7B-1003 reads as rewritten:  
**§ 7B-1003. Disposition pending appeal.**

...

(e) The provisions of ~~subsections (b), (c), and (d) of G.S. 7B-905~~ G.S. 7B-903.1 shall apply to any order entered during an appeal that provides for the placement or continued placement of a juvenile in foster care.

**PROVIDE COUNSEL FOR RESPONDENT PARENTS**

**SECTION 15.(a)** G. S. 7B-2503 reads as rewritten:

**§ 7B-2503. Dispositional alternatives for undisciplined juveniles.**

The following alternatives for disposition shall be available to the court exercising jurisdiction over a juvenile who has been adjudicated undisciplined. In placing a juvenile in out-of-home care under this

section, the court shall also consider whether it is in the juvenile's best interest to remain in the juvenile's community of residence. The court may combine any of the applicable alternatives when the court finds it to be in the best interests of the juvenile:

- (1) In the case of any juvenile who needs more adequate care or supervision or who needs placement, the judge may:
  - a. Require that the juvenile be supervised in the juvenile's own home by a department of social services in the juvenile's county of residence, a juvenile court counselor, or other personnel as may be available to the court, subject to conditions applicable to the parent, guardian, or custodian or the juvenile as the judge may specify; or
  - b. Place the juvenile in the custody of a parent, guardian, custodian, relative, private agency offering placement services, or some other suitable person; or
  - c. If the director of the department of social services has received notice and an opportunity to be heard, place the juvenile in the custody of a department of social services in the county of the juvenile's residence, or in the case of a juvenile who has legal residence outside the State, in the physical custody of a department of social services in the county where the juvenile is found so that agency may return the juvenile to the responsible authorities in the juvenile's home state. An order placing a juvenile in the custody or placement responsibility of a county department of social services shall contain a finding that the juvenile's continuation in the juvenile's own home would be contrary to the juvenile's best interest. This placement shall be reviewed in accordance with G.S. 7B-906.1. A parent who is indigent is entitled to court appointed counsel for representation in the hearings held pursuant to G.S. 7B-906.1 unless the parent makes a knowing and voluntary waiver of the right to counsel.

...

**SECTION 15.(b)** G. S. 7B-2506 reads as rewritten:

**§ 7B-2506. Dispositional alternatives for delinquent juveniles.**

The court exercising jurisdiction over a juvenile who has been adjudicated delinquent may use the following alternatives in accordance with the dispositional structure set forth in G.S. 7B-2508:

- (1) **(Effective until December 1, 2019)** In the case of any juvenile who needs more adequate care or supervision or who needs placement, the judge may:
  - a. Require that a juvenile be supervised in the juvenile's own home by the department of social services in the juvenile's county, a juvenile court counselor, or other personnel as may be available to the court, subject to conditions applicable to the parent, guardian, or custodian or the juvenile as the judge may specify; or
  - b. Place the juvenile in the custody of a parent, guardian, custodian, relative, private agency offering placement services, or some other suitable person; or
  - c. If the director of the county department of social services has received notice and an opportunity to be heard, place the juvenile in the custody of the department of social services in the county of the juvenile's residence, or in the case of a juvenile who has legal residence outside the State, in the physical custody of a department of social services in the county where the juvenile is found so that agency may return the juvenile to the responsible authorities in the juvenile's home state. An order placing a juvenile in the

custody or placement responsibility of a county department of social services shall contain a finding that the juvenile's continuation in the juvenile's own home would be contrary to the juvenile's best interest. This placement shall be reviewed in accordance with G.S. 7B-906.1. A parent who is indigent is entitled to court appointed counsel for representation in the hearings held pursuant to G.S. 7B-906.1 unless the parent makes a knowing and voluntary waiver of the right to counsel.

- (1) **(Effective December 1, 2019)** In the case of any juvenile under the age of 18 years who needs more adequate care or supervision or who needs placement, the judge may:
- a. Require that a juvenile be supervised in the juvenile's own home by the department of social services in the juvenile's county, a juvenile court counselor, or other personnel as may be available to the court, subject to conditions applicable to the parent, guardian, or custodian or the juvenile as the judge may specify; or
  - b. Place the juvenile in the custody of a parent, guardian, custodian, relative, private agency offering placement services, or some other suitable person; or
  - c. If the director of the county department of social services has received notice and an opportunity to be heard, place the juvenile in the custody of the department of social services in the county of the juvenile's residence, or in the case of a juvenile who has legal residence outside the State, in the physical custody of a department of social services in the county where the juvenile is found so that agency may return the juvenile to the responsible authorities in the juvenile's home state. An order placing a juvenile in the custody or placement responsibility of a county department of social services shall contain a finding that the juvenile's continuation in the juvenile's own home would be contrary to the juvenile's best interest. This placement shall be reviewed in accordance with G.S. 7B-906.1. A parent who is indigent is entitled to court appointed counsel for representation in the hearings held pursuant to G.S. 7B-906.1 unless the parent makes a knowing and voluntary waiver of the right to counsel.

## **ALLOW DISCLOSURE OF INFORMATION TO JUVENILE'S ATTORNEY**

**SECTION 16.** G. S. 7B-3100 reads as rewritten:

### **§ 7B-3100. Disclosure of information about juveniles.**

(a) The Division, after consultation with the Conference of Chief District Court Judges, shall adopt rules designating certain local agencies that are authorized to share information concerning juveniles in accordance with the provisions of this section. Agencies so designated shall share with one another, upon request and to the extent permitted by federal law and regulations, information that is in their possession that is relevant to any assessment of a report of child abuse, neglect, or dependency or the provision or arrangement of protective services in a child abuse, neglect, or dependency case by a local department of social services pursuant to the authority granted under Chapter 7B of the General Statutes or to any case in which a petition is filed alleging that a juvenile is abused, neglected, dependent, undisciplined, or delinquent and shall continue to do so until the protective services case is closed by the local department of social services, or if a petition is filed when the juvenile is no longer subject to the jurisdiction of juvenile court. Agencies that may be designated as "agencies authorized to share information" include local mental health facilities, local health departments, local departments of social services, local law enforcement agencies, local school administrative units, the district's district attorney's office, the Juvenile Justice

Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, and the Office of Guardian ad Litem Services of the Administrative Office of the Courts, and, pursuant to the provisions of G.S. 7B-3000(e1), the Section of Community Corrections of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety. Any information shared among agencies pursuant to this section shall remain confidential, shall be withheld from public inspection, and shall be used only for the protection of the juvenile and others or to improve the educational opportunities of the juvenile, and shall be released in accordance with the provisions of the Family Educational and Privacy Rights Act as set forth in 20 U.S.C. § 1232g. Nothing in this section or any other provision of law shall preclude any other necessary sharing of information among agencies. Nothing herein shall be deemed to require the disclosure or release of any information in the possession of a district attorney.

(b) Disclosure of information concerning any juvenile under investigation or alleged to be within the jurisdiction of the court that would reveal the identity of that juvenile is prohibited except that publication of pictures of runaways is permitted with the permission of the parents and except as provided in G.S. 7B-3102.

(c) The juvenile's guardian ad litem attorney advocate appointed pursuant to G.S. 7B-601 may share confidential information about the juvenile with the juvenile's attorney appointed or retained pursuant to G.S. 7B-2000.