

CIP Juvenile Code Recommendations for 2019 Long Session

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Court Improvement Program

Mission: *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*

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Handouts

- Proposed Juvenile Code Revisions (DRAFT)
- Summary of Proposed Juvenile Code Revisions (DRAFT)

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Responsible Individuals List G.S. § 7B-101, 320-324

- Expand Definition
- Notification
- Clarify Eligibility
- Allow Law Enforcement
- Clarify Admissible Evidence

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Automatic Stay of Custody
7B-200

- Provides notice requirement so that parties to the stayed action are aware of the stay
- Clarifies what should be included to avoid confidentiality concerns

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New Criteria for NSC
G.S. § 7B-503

- Proposes "serious emotional damage" as new criteria for Nonsecure Custody

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Guardians and Custodians
G.S. § 7B-600, 903

- Recognizes that the ability to provide a stable placement for six consecutive months is evidence of adequate resources.

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When Reunification Efforts Not Required at Disposition
G.S. § 7B-901

- TPR must have been prior to disposition (not simultaneous)
- PPH required after efforts not required at Disposition

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Visitation G.S. § 7B-905.1

- Clarifies the authority of the Director and Court regarding visitation determinations
- Establishes procedural timeline for hearing visitation issues

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Review and Permanency Planning Hearings G.S. § 7B-906.1

- Review hearings shall be every 6 months
- Remove language that could be read as separating reunification PP from reunification efforts
- Still requires default reunification as primary or secondary
- Allows for waiving hearings after 6 mos. in placement by consent

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Concurrent Planning G.S. § 7B-906.2

- Clarifies language around reunification as PP
- Clarifies language around reunification efforts prior to PP
- "lack of success" changed to "degree of success or failure toward reunification"

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Post-TPR G.S. § 7B-908

- Guardian receives notice
- Child does not have to be 12 to participate
- Order entered within 30 days

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Other Provisions

- New Section, G.S. § 7B-909.1, codifies In re Maynard
- Clarifies which cases go to Court of Appeals and which go to Supreme Court in accordance with new rules, G.S. § 7B-1001, 1003
- Parents receive IDS counsel for review and PP hearings when juvenile removed through delinquency and undisciplined proceedings, G.S. § 7B-2503, 2506
- Clarifies GAL Attorney Advocate may disclose information to Juvenile's attorney in delinquency proceeding, G.S. § 7B-3100

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Questions?

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