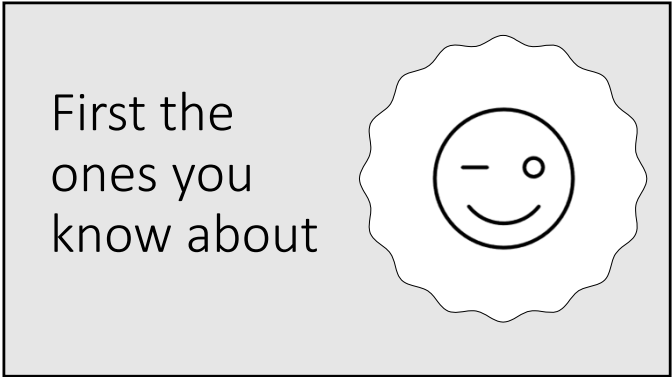
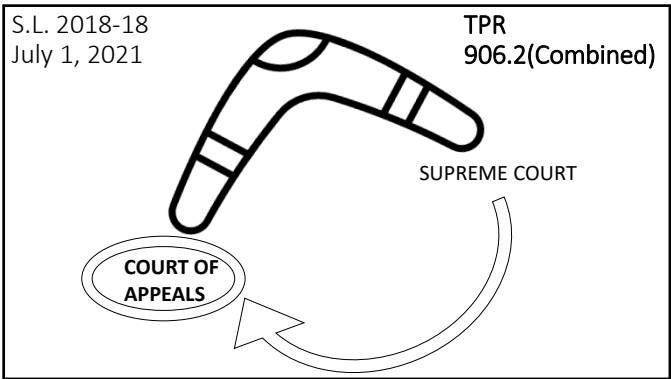


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AUDIO & VIDEO PROCEEDINGS

Open proceedings; facilitate access as practicable

Comply with state & federal law re: confidential information

Comply with recording provisions

9

And Now, The BIG ONES

S.L. 2021-100 (H132)


S.L. 2021-123 (S693)

10

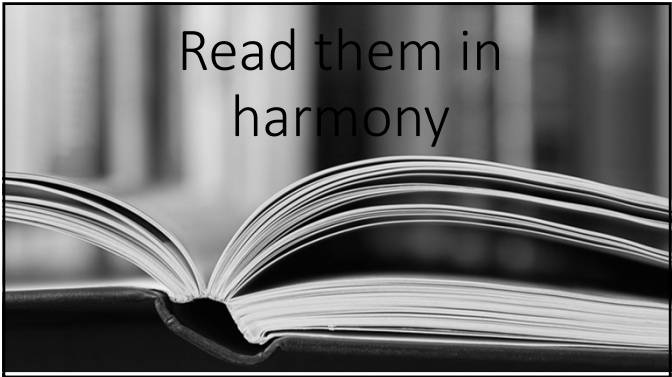
And, a little bit of S.L. 2021-132

•Raise the minimum age of delinquency jurisdiction

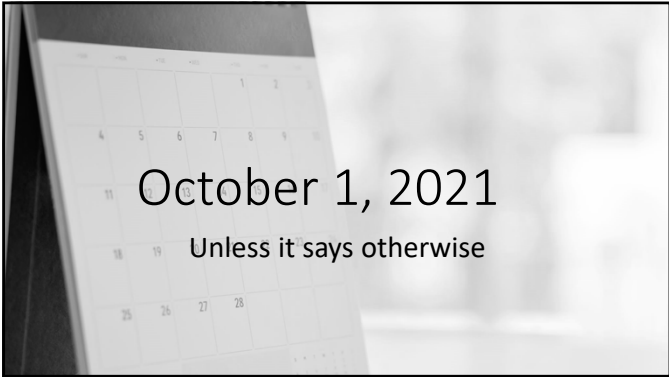
•“Vulnerable Juvenile”



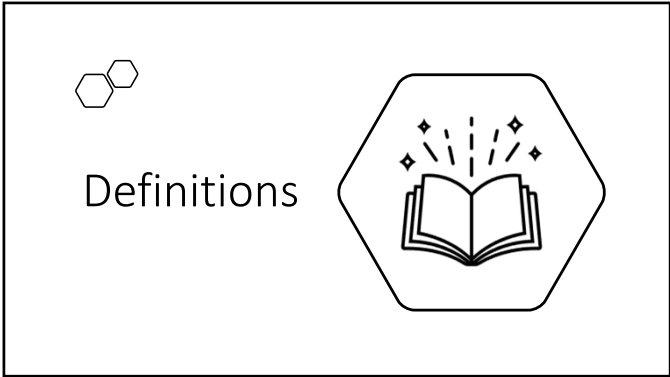
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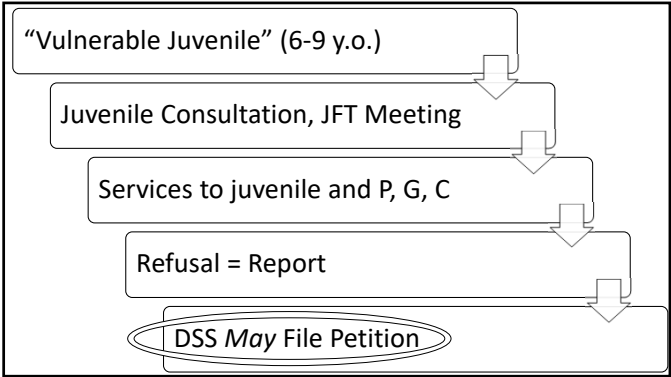
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Neglected Juvenile		
<p>G.S. 7B-101(15)</p> <ul style="list-style-type: none">•Format changes - - - a. through f.•“parent, guardian, custodian, or caretaker does any of the following”		

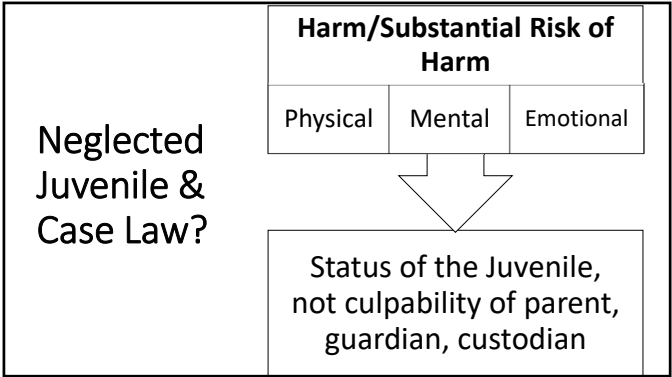
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December 1, 2021 <u>ADDS</u>		
<p>“Parent, guardian, or custodian has refused to follow recommendations of the Juvenile and Family Team made pursuant to Article 27 of this Chapter”</p>		

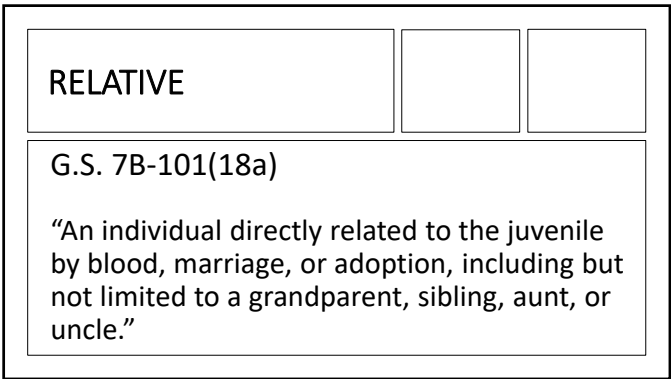
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19



20

Nonsecure Custody		
<p>7B-505(b)</p> <p>DSS shall use due diligence to identify & notify relatives/persons with legal custody of sibling w/in 30 days of initial order</p> <p>File with the court the attempts</p>		

21

Nonsecure Custody		
<p>7B-505(c)</p> <p>If not with relative, court <i>may</i> consider nonrelative kin, persons with legal custody of sibling, <u>appropriate former foster parent</u></p>		

22

Dispositional Alternatives		
<p>7B-903(a4)</p> <p>If not with relative, court <i>may</i> consider nonrelative kin or persons with legal custody of sibling</p>		

23

<h1>SIBLINGS</h1> <p>Nonsecure: 7B-505(a1)</p> <p>Disposition: 7B-903.1(c1)</p> <p>42 USC 671(a)(31)</p>

24

SIBLINGS

- DSS shall make reasonable efforts to place together
- Unless document contrary to safety/well-being of any of the siblings
- If unable, reasonable efforts to provide frequent visitation and ongoing interaction, unless...

25

Visitation &
Substance
Use
7B-905.1(b1)

DSS custody/placement
responsibility:
Supervised or Unsupervised

Positive drug screen alone
insufficient to deny visits

26

+ Drug Screen
Unsupervised
Visits

7B-905.1(b1)

DSS *shall* expeditiously file
motion for review and
Request hearing w/in 30 days
to ensure child's safety

May temporarily impose
supervision to all or part of
visitation plan

27

Cancellation
at time of
Visit

7B-905.1(b1)

May be cancelled if parent

is under influence and exhibits
behavior that may create unsafe
environment

or

appears to be actively impaired


28

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

unsupervised visits or trial
placement with *removal* P,G, C,C,
whichever occurs 1st

Observe 2 visits w/in 30 days
of hearing where DSS
recommendation being made

29



Recognizes & Defines M.A.T.

7B-904(c1)

30

M.A.T.

- Pharmacological meds Rx in SAMHSA accredited and certified opioid Tx program (OTP) or by certified practitioner licensed in this state to practice medicine
- In combination with counseling and behavioral therapies, providing a whole patient approach to treatment

31

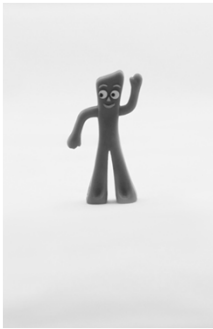
When comply with MAT,
not violating conditions/terms
of court order requiring SUD
treatment

G.S. 7B-904(c1)

32



33




Two Different Tracks

w/in 90 Days
of Initial Disposition


34

REVIEW ONLY



Continue in
Custody of Parent,
Guardian,
Custodian,
Caretaker*

PPH ONLY



Removed from
Custody of Parent,
Guardian, or
Custodian

35

Review Hearing: 7B-906.1(d)(1a), (d1), (d2)

Continuation	Appropriateness of continuation in home of parent, guardian, or custodian (Removal can occur)
--------------	--------------------------------------------------------------------------------------------------------

36

Review Hearing: 7B-906.1(d)(1a), (d1), (d2)	
Completion	Absent extraordinary circumstances, when P, G, or C completes court-ordered services and juvenile in safe home, court may waive further hearings or termination its jurisdiction

37


Shall not waive or refuse to conduct <u>reviews</u> if	
Party files a motion for review <u>and</u>	Alleges a significant fact
7B-906.1(k1)	

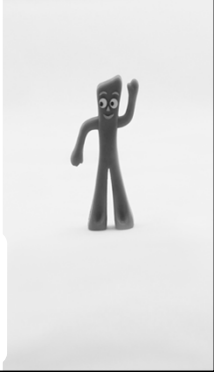
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Switching Tracks

Order different placement or remove custody from P, G, C


PPH within 30 days





39

Back to PPH



40

“The court shall provide any person with whom the child is placed the opportunity to address the court regarding the child’s well-being”

7B-906.1(c)

41

Foster Parents

Will be getting training on roles and obligations of foster parent in judicial proceeding

G.S. 131D-10.6A(a)

42

PPH:
Cease Efforts = Eliminate Reunification

Written finding under G.S. 7B-906.2(b), if made “SHALL eliminate reunification as a plan”

43

Appears to supersede
In re C.P.,
258 N.C. App. 241 (2018)

Bifurcated reunification as PP from reunification efforts at PPH

44

Remember Multiple findings required to eliminate reunification

G.S. 7B-906.1(d), (e)
G.S. 7B-906.2(b), (c), (d)

45

First PPH after 17 and every one after, documents include information about Foster Care 18-21

7B-912

46

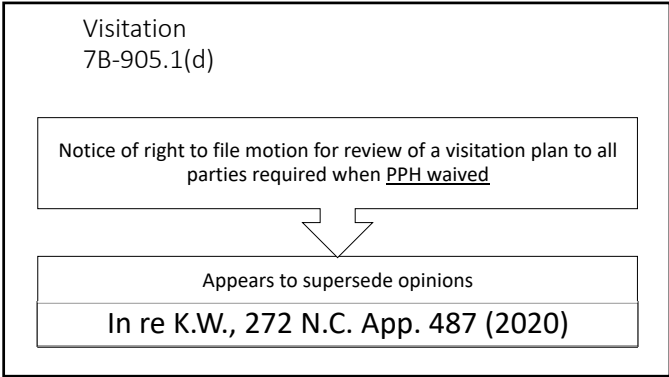
DSS Report 7B-912(b1)

- Efforts to identify/secure viable placement options for when 18
- Adults who can be resources
- Contact info for Foster Care 18-21 contact
- How to maintain contact with family (if appropriate)
- Contact for Medicaid & maintain physical and mental health services
- Info about educational or vocational plans

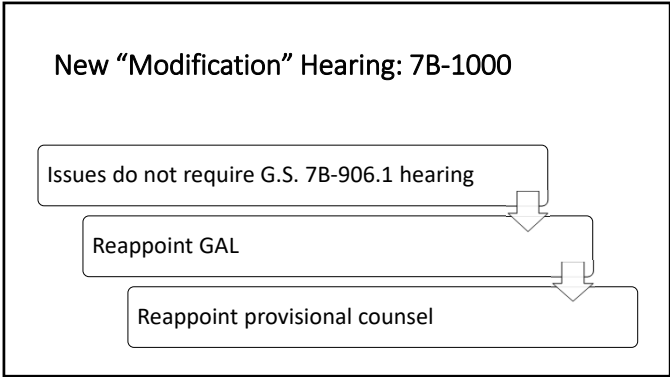
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PPH Replaced by Post-TPR Hearing 7B-906.1(o)

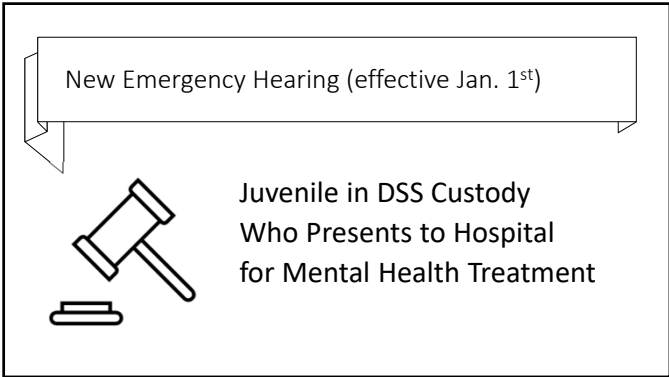
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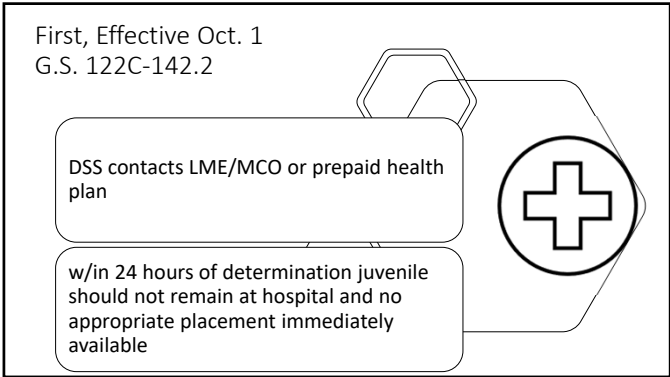
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51



52

G.S. 122C-142.2

LME/MCO or prepaid health plan must arrange for assessment w/in 5 business days of notification




53

G.S. 122C-142.2

Level 1 or traditional foster home identified

DSS identify and provide placement w/in 5 business days



54


G.S. 122C-142.2

Level of care requires prior authorization by LME/MCO or prepaid health plan

Authorize care

Identify appropriate providers w/in 5 business days

Assign care coordinator (for duration of services)




55

G.S. 122C-142.2

When provider identified, DSS place juvenile w/in 5 business days


Transport to placement



56

G.S. 122C-142.2

If unable to identify placement, DSS notify DHHS Rapid Response Team



57

Rapid Response Team

Division of Social Services

Division of Mental Health, Developmental Disabilities, Substance Abuse Services

Division of Health Benefits

58

Rapid Response Team


Evaluate and coordinate response

- Identify level of care
- Identify providers
- Make referral
- Develop action plan

59

G.S. 122C-142.2


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



60

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)

61

New Emergency Hearing

Burden on petitioner

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

Rules of Evidence

62


Findings and Conclusions

Clear and convincing evidence no medical necessity for hospitalization

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

63

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

64

Order

Entered w/in 72 hours

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



65

Other A/N/D Changes

66

RIL: Human Trafficking

Not a parent, guardian, custodian, or caretaker

- DSS cooperate w/ law enforcement & DA to determine safest way if possible to give notice
 - Mental/physical harm or danger to juvenile
 - Undermine criminal investigation
 - Jeopardize state’s ability to prosecute
- Document if not possible, no further action


67

Young Adults: Foster Care 18-21

7B-910.1

Termination of agreement

DSS must go to court if young adult objects



68






Confidentiality of Records

Juvenile/GAL –
copies of records

Legislative
access (not to
court records)

69

On the Civil Side



The Impact of S.L. 2021-132 on the Confidentiality of Child Protective Services Information and Records

This entry was contributed by Sara DePasquale on October 5, 2021 at 9:45 am and is filed under Child Welfare Law.

This post is authored by [Kirsti Nickodem](#), an assistant professor with the School, who specializes in human services law. This post is also cross posted on our Coates Canon blog.

As the 2021 Legislative Session continues, one new session law that addresses child welfare, S.L. 2021-132, has raised a number of questions for county department of social services ("DSS") directors and attorneys. This new session law has many elements related to child welfare court proceedings, which my colleague Sara DePasquale will address in a separate blog post. This blog focuses solely on Section 1. (c) of S.L. 2021-132, which amends G.S. 7B-302 – a law that addresses confidentiality of child protective services ("CPS") records. The amendment allows members of the North Carolina General Assembly to access confidential social services information and records in certain limited instances.

70

Court Appointed Attorney
A/N/D - TPR

Clerk shall provide a copy of petition and
summons or notice


7B-602(a); -1101.1(a)

71

Termination of Parental Rights

72

18



TPR: Standing

Person the juvenile has been continuously residing with for 18 months

73

Post TPR Hearings
7B-908

Clarified when:

Both parents' rights terminated

Court Remedies

- Affirm DSS/agency plan (non-A/N/D case)
- Order different plan under GS 7B-906.2

74

Finally

75

Foster parents' Bill of Rights

131D-10.9C

76

Recognizes role and supports and promotes 14 provisions

77

No private cause of action

Does not override existing law

G.S. 131D-10.9C

78

Highlights

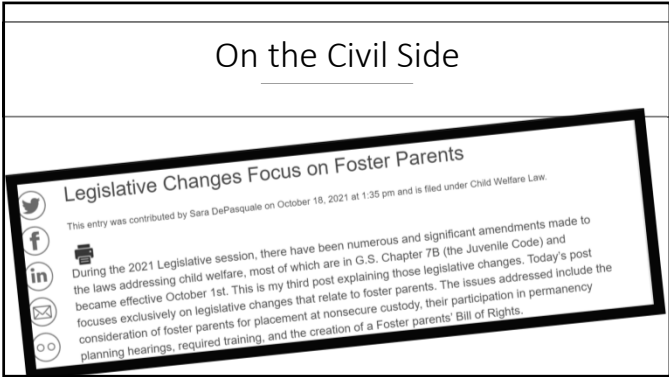
Treat with dignity, respect, trust
Receive information about responsibilities and access to services
Valued member of child's team and participate in court
Reasonable notice re: removal of child and referral to resources re: loss of child when reunify
Request change in licensing workers
Reasonable and prudent parent standard
Clear expectations and boundaries re: shared parenting agreement

79

Highlights

Receive information relevant to care for the child
Notice of court hearings and right to provide input
Advance notice of meetings
Right to seek support from agency including respite
Be consulted about scheduling of home visits, therapies, meetings
Be considered as prospective adoptive parent after TPR or relinquishment
Request contact information be confidential when safety an issue

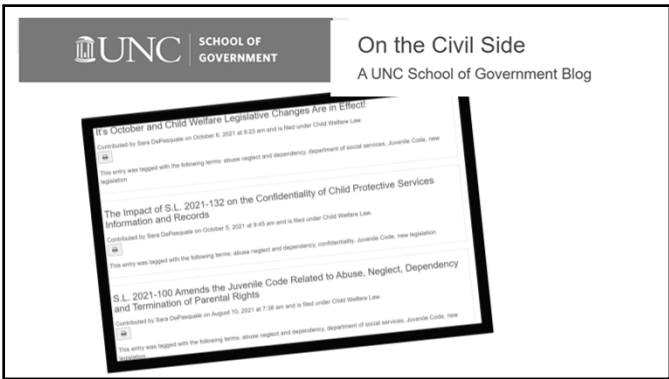
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