

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 864

Short Title: Juv. Placement/Disposition Review.

(Public)

Sponsors: Senator Taft.

Referred to: Judiciary III.

April 12, 1989

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAW REGARDING NOTICE OF PLACEMENT OF CERTAIN JUVENILES AND REVIEW OF DISPOSITIONS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-647 reads as rewritten:

"§ 7A-647. Dispositional alternatives for delinquent, undisciplined, abused, neglected, or dependent juvenile.

The following alternatives for disposition shall be available to any judge exercising jurisdiction, and the judge may combine any of the applicable alternatives when he finds such disposition to be in the best interest of the juvenile:

- (1) The judge may dismiss the case, or continue the case in order to allow the juvenile, parent, or others to take appropriate action.
(2) In the case of any juvenile who needs more adequate care or supervision or who needs placement, the judge may:
a. Require that he be supervised in his own home by the Department of Social Services in his county, a court counselor or other personnel as may be available to the court, subject to conditions applicable to the parent or the juvenile as the judge may specify; or
b. Place him in the custody of a parent, relative, private agency offering placement services, or some other suitable person; or
c. Place him in the custody of the Department of Social Services in the county of his residence, or in the case of a juvenile who has legal residence outside the State, in the physical custody of

1 the Department of Social Services in the county where he is
2 found so that agency may return the juvenile to the responsible
3 authorities in his home state. The Director may, unless
4 otherwise ordered by the judge, arrange for, provide, or consent
5 to, needed routine or emergency medical or surgical care or
6 treatment. In the case where the parent is unknown, unavailable
7 or unable to act on behalf of their child or children, the Director
8 may, unless otherwise ordered by the judge, arrange for,
9 provide or consent to any psychiatric, psychological,
10 educational, or other remedial evaluations or treatment for the
11 juvenile placed by a judge or his designee in the custody or
12 physical custody of a county Department of Social Services
13 under the authority of this or any other Chapter of the General
14 Statutes. Prior to exercising this authority, the Director shall
15 make reasonable efforts to obtain consent from a parent or
16 guardian of the affected child. If the Director can not obtain
17 such consent, the Director shall promptly notify the parent or
18 guardian that care or treatment has been provided and shall give
19 him frequent status reports on the circumstances of the child.
20 Upon request of a parent or guardian of the affected child, the
21 results or records of the aforementioned evaluations, findings or
22 treatment shall be made available to such parent or guardian by
23 the Director unless prohibited by G.S. 122C-53(d).

24 d. If the Department of Social Services is not a party to the
25 proceeding, before placing the juvenile in the Department's custody,
26 the court shall issue an order making the Department a party, and
27 giving the Director or his designee an opportunity to be heard
28 regarding the custody of the juvenile. This hearing shall not be held
29 on less than five days' notice.

- 30 (3) In any case, the judge may order that the juvenile be examined by a
31 physician, psychiatrist, psychologist or other qualified expert as may
32 be needed for the judge to determine the needs of the juvenile. If the
33 judge finds the juvenile to be in need of medical, surgical, psychiatric,
34 psychological or other treatment, he shall allow the parent or other
35 responsible persons to arrange for care. If the parent declines or is
36 unable to make necessary arrangements, the judge may order the
37 needed treatment, surgery or care, and the judge may order the parent
38 to pay the cost of such care pursuant to G.S. 7A-650. If the judge finds
39 the parent is unable to pay the cost of care, the judge may charge the
40 cost to the county. If the judge believes, or if there is evidence
41 presented to the effect that the juvenile is mentally ill or is mentally
42 retarded the judge shall refer him to the area mental health, mental
43 retardation, and substance abuse director for appropriate action. A
44 juvenile shall not be committed directly to a State hospital or mental

1 retardation center; and orders purporting to commit a juvenile directly
2 to a State hospital or mental retardation center except for an
3 examination to determine capacity to proceed shall be void and of no
4 effect. The area mental health, mental retardation, and substance abuse
5 director shall be responsible for arranging an interdisciplinary
6 evaluation of the juvenile and mobilizing resources to meet his needs.
7 If institutionalization is determined to be the best service for the
8 juvenile, admission shall be with the voluntary consent of the parent or
9 guardian. If the parent, guardian, or custodian refuses to consent to a
10 mental hospital or retardation center admission after such
11 institutionalization is recommended by the area mental health, mental
12 retardation, and substance abuse health director, the signature and
13 consent of the judge may be substituted for that purpose. In all cases in
14 which a regional mental hospital refuses admission to a juvenile
15 referred for admission by a judge and an area mental health, mental
16 retardation, and substance abuse director or discharges a juvenile
17 previously admitted on court referral prior to completion of his
18 treatment, the hospital shall submit to the judge a written report setting
19 out the reasons for denial of admission or discharge and setting out the
20 juvenile's diagnosis, indications of mental illness, indications of need
21 for treatment, and a statement as to the location of any facility known
22 to have a treatment program for the juvenile in question."

23 Sec. 2. G.S. 7A-657(d) reads as rewritten:

24 "(d) ~~The~~ At the end of every review hearing, the judge, after making findings of
25 fact, shall enter an order continuing the placement under review or review, providing for
26 a different placement as is deemed to be in the best interest of the juvenile. placement, or
27 making other provisions or dispositions authorized or required by this Article, as the
28 judge finds to be in the juvenile's best interests. Any dispositional alternative that
29 would be available to the judge at a dispositional hearing shall also be available at a
30 review hearing. An action or motion in the cause pursuant to Chapter 50 of the General
31 Statutes need not be commenced in order for the court to change custody of a juvenile at
32 any review hearing. If at any time custody is restored to a parent, the court shall be
33 relieved of the duty to conduct periodic judicial reviews of the placement."

34 Sec. 3. This act shall become effective October 1, 1989, and applies to court
35 placements and reviews on and after that date.