

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 919

Short Title: Child Abuse Changes.

(Public)

Sponsors: Senators Garrou, Gulley, Wellons; Carter, Cooper, Hagan, Harris, Kinnaird, Phillips, and Robinson.

Referred to: Judiciary I.

April 14, 1999

A BILL TO BE ENTITLED  
AN ACT TO MAKE CHANGES TO THE GENERAL STATUTES REGARDING  
ABUSED AND NEGLECTED CHILDREN.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7B-100 reads as rewritten:

"§ 7B-100. Purpose.

This Subchapter shall be interpreted and construed so as to implement the following purposes and policies:

- (1) To provide procedures for the hearing of juvenile-children's cases that assure fairness and equity and that protect the constitutional rights of juveniles-children and parents;
- (2) To develop a disposition in each juvenile-child's case that reflects consideration of the facts, the needs and limitations of the juvenile-child, and the strengths and weaknesses of the family;
- (3) To provide for services for the protection of juveniles-children by means that respect both the right to family autonomy and the juveniles' children's needs for safety, continuity, and permanence; and
- (4) To provide standards for the removal, when necessary, of juveniles children from their homes and for the return of juveniles-children to their

1 homes consistent with preventing the unnecessary or inappropriate  
2 separation of ~~juveniles-children~~ from their parents."

3 Section 2. G.S. 7B-101 reads as rewritten:

4 **"§ 7B-101. (Effective July 1, 1999) Definitions.**

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

7 (1) Abused ~~juveniles-child.~~ – Any juvenile-child less than 18 years of age  
8 whose parent, guardian, custodian, or caretaker:

9 a. Inflicts or allows to be inflicted upon the juvenile-child a serious  
10 physical injury by other than accidental means;

11 b. Creates or allows to be created a substantial risk of serious  
12 physical injury to the juvenile-child by other than accidental  
13 means;

14 c. Uses or allows to be used upon the juvenile-child cruel or grossly  
15 inappropriate procedures or cruel or grossly inappropriate  
16 devices to modify behavior;

17 d. Commits, permits, or encourages the commission of a violation  
18 of the following laws by, with, or upon the juvenile-child: first-  
19 degree rape, as provided in G.S. 14-27.2; second degree rape as  
20 provided in G.S. 14-27.3; first-degree sexual offense, as provided  
21 in G.S. 14-27.4; second degree sexual offense, as provided in  
22 G.S. 14-27.5; sexual act by a custodian, as provided in G.S. 14-  
23 27.7; crime against nature, as provided in G.S. 14-177; incest, as  
24 provided in G.S. 14-178 and G.S. 14-179; preparation of obscene  
25 photographs, slides, or motion pictures of the juvenile-child, as  
26 provided in G.S. 14-190.5; employing or permitting the juvenile  
27 child to assist in a violation of the obscenity laws as provided in  
28 G.S. 14-190.6; dissemination of obscene material to the juvenile  
29 child as provided in G.S. 14-190.7 and G.S. 14-190.8; displaying  
30 or disseminating material harmful to the juvenile-child as  
31 provided in G.S. 14-190.14 and G.S. 14-190.15; first and second  
32 degree sexual exploitation of the juvenile-child as provided in  
33 G.S. 14-190.16 and G.S. 14-190.17; promoting the prostitution of  
34 the juvenile-child as provided in G.S. 14-190.18; and taking  
35 indecent liberties with the juvenile-child, as provided in G.S. 14-  
36 202.1, regardless of the age of the parties;

37 e. Creates or allows to be created serious emotional damage to the  
38 juvenile-child; serious emotional damage is evidenced by a  
39 juvenile's-child's severe anxiety, depression, withdrawal, or  
40 aggressive behavior toward himself or others; or

41 f. Encourages, directs, or approves of delinquent acts involving  
42 moral turpitude committed by the juvenile-child.

- 1 (2) Aggravated circumstances. – Any circumstance attending to the  
2 commission of an act of abuse or neglect which increases its enormity  
3 or adds to its injurious consequences, including, but not limited to,  
4 abandonment, torture, chronic abuse, or sexual abuse.
- 5 (3) Caretaker. – Any person other than a parent, guardian, or custodian who  
6 has responsibility for the health and welfare of a ~~juvenile-child~~ in a  
7 residential setting. A person responsible for a ~~juvenile's-child's~~ health  
8 and welfare means a stepparent, foster parent, an adult member of the  
9 ~~juvenile's-child's~~ household, an adult relative entrusted with the ~~juvenile's~~  
10 ~~child's~~ care, or any person such as a house parent or cottage parent who  
11 has primary responsibility for supervising a ~~juvenile's-child's~~ health and  
12 welfare in a residential child care facility or residential educational  
13 facility. "~~Caretaker~~" ~~also means any person who has the responsibility for the~~  
14 ~~care of a juvenile in a child care facility as defined in Article 7 of Chapter 110~~  
15 ~~of the General Statutes and includes any person who has the approval of the~~  
16 ~~care provider to assume responsibility for the juveniles under the care of the~~  
17 ~~care provider.~~ Nothing in this subdivision shall be construed to impose a  
18 legal duty of support under Chapter 50 or Chapter 110 of the General  
19 Statutes. The duty imposed upon a caretaker as defined in this  
20 subdivision shall be for the purpose of this Subchapter only.
- 21 (3a) Child. – Any person who has not reached his eighteenth birthday and is  
22 not married, emancipated, or a member of the armed services of the  
23 United States. Wherever the term child is used with reference to rights  
24 and privileges, that term encompasses the attorney or guardian ad litem  
25 for the child as well.
- 26 (4) Clerk. – Any clerk of superior court, acting clerk, or assistant or deputy  
27 clerk.
- 28 (5) Community-based program. – A program providing nonresidential or  
29 residential treatment to a ~~juvenile-child~~ in the community where the  
30 ~~juvenile's-child's~~ family lives. A community-based program may include  
31 specialized foster care, family counseling, shelter care, and other  
32 appropriate treatment.
- 33 (6) Court. – The district court division of the General Court of Justice.
- 34 (7) Court of competent jurisdiction. – A court having the power and  
35 authority of law to act at the time of acting over the subject matter of the  
36 cause.
- 37 (8) Custodian. – The person or agency that has been awarded legal custody  
38 of a ~~juvenile-child~~ by a court or a person, other than parents or legal  
39 guardian, who has assumed the status and obligation of a parent without  
40 being awarded the legal custody of a ~~juvenile-child~~ by a court.
- 41 (9) Dependent ~~juvenile-child~~. – A ~~juvenile-child~~ in need of assistance or  
42 placement because the ~~juvenile-child~~ has no parent, guardian, or  
43 custodian responsible for the ~~juvenile's-child's~~ care or supervision or

- 1           whose parent, guardian, or custodian is unable to provide for the care or  
2           supervision and lacks an appropriate alternative child care arrangement.
- 3           (10) Director. – The director of the county department of social services in  
4           the county in which the ~~juvenile-child~~ resides or is found, or the  
5           director's representative as authorized in G.S. 108A-14.
- 6           (11) District. – Any district court district as established by G.S. 7A-133.
- 7           (12) Judge. – Any district court judge.
- 8           (13) Judicial district. – Any district court district as established by G.S. 7A-  
9           133.
- 10          (14) ~~Juvenile. — A person who has not reached the person's eighteenth  
11          birthday and is not married, emancipated, or a member of the armed  
12          forces of the United States.~~
- 13          (15) Neglected ~~juvenile-child~~. – A ~~juvenile-child~~ who does not receive proper  
14          care, supervision, or discipline from the ~~juvenile's-child's~~ parent,  
15          guardian, custodian, or caretaker; or who has been abandoned; or who is  
16          not provided necessary medical care; or who is not provided necessary  
17          remedial care; or who lives in an environment injurious to the ~~juvenile's~~  
18          ~~child's~~ welfare; or who has been placed for care or adoption in violation  
19          of law. In determining whether a ~~juvenile-child~~ is a neglected ~~juvenile-~~  
20          ~~child~~, it is relevant whether that ~~juvenile-child~~ lives in a home where  
21          another ~~juvenile-child~~ has died as a result of suspected abuse or neglect  
22          or lives in a home where another ~~juvenile-child~~ has been subjected to  
23          abuse or neglect by an adult who regularly lives in the home. In  
24          determining whether a newborn is a neglected child, it is relevant  
25          whether the newborn had controlled substances or alcohol present in its  
26          bodily systems at birth.
- 27          (16) Petitioner. – The individual who initiates court action, whether by the  
28          filing of a petition or of a motion for review alleging the matter for  
29          adjudication.
- 30          (17) Prosecutor. – The district attorney or assistant district attorney assigned  
31          by the district attorney to juvenile proceedings.
- 32          (18) Reasonable efforts. – The diligent use of preventive or reunification  
33          services by a department of social services when a ~~juvenile's-child's~~  
34          remaining at home or returning home is consistent with achieving a  
35          safe, permanent home for the ~~juvenile-child~~ within a reasonable period of  
36          time. If a court of competent jurisdiction determines that the ~~juvenile~~  
37          ~~child~~ is not to be returned home, then reasonable efforts means the  
38          diligent and timely use of permanency planning services by a  
39          department of social services to develop and implement a permanent  
40          plan for the ~~juvenile-child~~.
- 41          (19) Safe home. – A home in which the ~~juvenile-child~~ is not at substantial risk  
42          of physical or emotional abuse or neglect.

1 (20) Shelter care. – The temporary care of a ~~juvenile-child~~ in a physically  
2 unrestricting facility pending court disposition.

3 The singular includes the plural, the masculine singular includes the feminine singular  
4 and masculine and feminine plural unless otherwise specified."

5 Section 3. G.S. 7B-200 reads as rewritten:

6 **"§ 7B-200. Jurisdiction.**

7 (a) The court has exclusive, original jurisdiction over any case involving a ~~juvenile~~  
8 child who is alleged to be abused, neglected, or dependent. This jurisdiction does not  
9 extend to cases involving adult defendants alleged to be guilty of abuse or neglect.

10 The court also has exclusive original jurisdiction of the following proceedings:

11 (1) Proceedings under the Interstate Compact on the Placement of Children  
12 set forth in Article 38 of this Chapter;

13 (2) Proceedings involving judicial consent for emergency surgical or  
14 medical treatment for a ~~juvenile-child~~ when the ~~juvenile's-child's~~ parent,  
15 guardian, custodian, or other person who has assumed the status and  
16 obligation of a parent without being awarded legal custody of the  
17 ~~juvenile-child~~ by a court refuses to consent for treatment to be rendered;

18 (3) Proceedings to determine whether a ~~juvenile-child~~ should be  
19 emancipated;

20 (4) Proceedings to terminate parental rights;

21 (5) Proceedings to review the placement of a ~~juvenile-child~~ in foster care  
22 pursuant to an agreement between the ~~juvenile's-child's~~ parents or  
23 guardian and a county department of social services;

24 (6) Proceedings in which a person is alleged to have obstructed or interfered  
25 with an investigation required by G.S. 7B-302; and

26 (7) Proceedings involving consent for an abortion on an unemancipated  
27 minor pursuant to Article 1A, Part 2 of Chapter 90 of the General  
28 Statutes.

29 (b) The court shall have jurisdiction over the ~~parent or guardian-parent, guardian,~~  
30 custodian, or caretaker of a ~~juvenile-child~~ who has been adjudicated abused, neglected, or  
31 dependent, as provided by G.S. 7B-904, provided the ~~parent or guardian-parent, guardian,~~  
32 custodian, or caretaker has been properly served with summons pursuant to G.S. 7B-  
33 406."

34 Section 4. G.S. 7B-201 reads as rewritten:

35 **"§ 7B-201. Retention of jurisdiction.**

36 When the court obtains jurisdiction over a ~~juvenile-child~~, jurisdiction shall continue  
37 until terminated by order of the court or until the ~~juvenile-child~~ reaches the age of 18 years  
38 or is otherwise emancipated, whichever occurs first."

39 Section 5. G.S. 7B-300 reads as rewritten:

40 **"§ 7B-300. Protective services.**

41 The director of the department of social services in each county of the State shall  
42 establish protective services for ~~juveniles-children~~ alleged to be abused, neglected, or  
43 dependent.

1 Protective services shall include the investigation and screening of ~~complaints, reports,~~  
2 casework, or other counseling services to parents, guardians, custodians, or other  
3 caretakers as provided by the director to help the parents, guardians, custodians, or other  
4 caretakers and the court to prevent abuse or neglect, to improve the quality of child care,  
5 to be more adequate parents, guardians, custodians, or caretakers, and to preserve and  
6 stabilize family life.

7 ~~The provisions of this Article shall also apply to child care facilities as defined in G.S.~~  
8 ~~110-86."~~

9 Section 6. G.S. 7B-301 reads as rewritten:

10 "**§ 7B-301. Duty to report abuse, neglect, dependency, or death due to**  
11 **maltreatment.**

12 (a) Any person or institution who has cause to suspect that any ~~juvenile-child~~ is  
13 abused, neglected, or dependent, as defined by G.S. 7B-101, or has died as the result of  
14 maltreatment, shall report the case of that ~~juvenile-child~~ to the director of the department  
15 of social services in the county where the ~~juvenile-child~~ resides or is found.

16 (b) The report may be made orally, by telephone, or in writing. The report shall  
17 include information as is known to the person making it including the name and address  
18 of the ~~juvenile-child~~; the name and address of the ~~juvenile's-child's~~ parent, guardian,  
19 custodian, or caretaker; the age of the ~~juvenile-child~~; the names and ages of other ~~juveniles~~  
20 children in the home; the present whereabouts of the ~~juvenile-child~~ if not at the home  
21 address; the nature and extent of any injury or condition resulting from abuse, neglect, or  
22 dependency; and any other information which the person making the report believes  
23 might be helpful in establishing the need for protective services or court intervention. If  
24 ~~the report is made orally or by telephone, willing~~ the person making the report shall give the  
25 person's name, address, and telephone number. Refusal of the person making the report  
26 to give a ~~name-name, address, or telephone number~~ shall not preclude the department's  
27 investigation of the alleged abuse, neglect, dependency, or death as a result of  
28 maltreatment.

29 ~~Upon receipt of any report of sexual abuse of the juvenile in a child care facility, the~~  
30 ~~director shall notify the State Bureau of Investigation within 24 hours or on the next~~  
31 ~~workday. If sexual abuse in a child care facility is not alleged in the initial report, but~~  
32 ~~during the course of the investigation there is reason to suspect that sexual abuse has~~  
33 ~~occurred, the director shall immediately notify the State Bureau of Investigation. Upon~~  
34 ~~notification that sexual abuse may have occurred in a child care facility, the State Bureau~~  
35 ~~of Investigation may form a task force to investigate the report."~~

36 Section 7. G.S. 7B-302 reads as rewritten:

37 "**§ 7B-302. Investigation by director; access to confidential information; notification**  
38 **of person making the report.**

39 (a) When a report of abuse, neglect, or dependency is received, the director of the  
40 department of social services shall make a prompt and thorough investigation in order to  
41 ascertain the facts of the case, the extent of the abuse or neglect, and the risk of harm to  
42 the ~~juvenile-child~~, in order to determine whether protective services should be provided  
43 or the ~~complaint report~~ filed as a petition. When the report alleges abuse, the director shall

1 immediately, but no later than 24 hours after receipt of the report, initiate the  
2 investigation. When the report alleges neglect or dependency, the director shall initiate  
3 the investigation within 72 hours following receipt of the report. The investigation and  
4 evaluation shall include a visit to the place where the ~~juvenile-child~~ resides. All  
5 information received by the department of social services, including the identity of the  
6 reporter, shall be held in strictest confidence by the department.

7 (b) When a report of a ~~juvenile's-child's~~ death as a result of suspected maltreatment  
8 or a report of suspected abuse, neglect, or dependency of a ~~juvenile-child~~ is received, the  
9 director of the department of social services shall immediately ascertain if other ~~juveniles~~  
10 ~~children~~ remain in the home, and, if so, initiate an investigation in order to determine  
11 whether they require protective services or whether immediate removal of the ~~juveniles~~  
12 ~~children~~ from the home is necessary for their protection.

13 The director shall complete the investigation within 30 days from the receipt of the  
14 report or reasons why the investigation was not completed within 30 days shall be clearly  
15 documented in the department's case record.

16 (c) If the investigation indicates that abuse, neglect, or dependency has occurred,  
17 the director shall decide whether immediate removal of the ~~juvenile-child~~ or any other  
18 ~~juveniles-children~~ in the home is necessary for their protection. If immediate removal does  
19 not seem necessary, the director shall immediately provide or arrange for protective  
20 services. If the parent, guardian, custodian, or caretaker refuses to accept the protective  
21 services provided or arranged by the director, the director shall sign a ~~complaint-petition~~  
22 seeking to invoke the jurisdiction of the court for the protection of the ~~juvenile-child~~ or  
23 ~~juveniles-children~~.

24 (d) If immediate removal seems necessary for the protection of the ~~juvenile-child~~ or  
25 other ~~juveniles-children~~ in the home, the director shall sign a ~~complaint-petition~~ which  
26 alleges the applicable facts to invoke the jurisdiction of the ~~court-court~~ and seek a  
27 nonsecure custody order. Where the investigation shows that it is warranted, a protective  
28 services worker may assume temporary custody of the ~~juvenile-child~~ for the ~~juvenile's~~  
29 ~~child's~~ protection pursuant to Article 5 of this Chapter.

30 (e) In performing any duties related to the investigation of the ~~complaint-report~~ or  
31 the provision or arrangement for protective services, the director may consult with any  
32 public or private agencies or individuals, including the available State or local law  
33 enforcement officers who shall assist in the investigation and evaluation of the  
34 seriousness of any report of abuse, neglect, or dependency when requested by the  
35 director. The director ~~or the director's representative~~ may make a written demand for any  
36 information or ~~reports, records,~~ whether or not confidential, that may in the director's  
37 opinion be relevant to the investigation of or the provision for protective services. Upon  
38 the director's ~~or the director's representative's~~ request and unless protected by the attorney-  
39 client privilege, any public or private agency or individual shall provide access to and  
40 copies of ~~this confidential information and these~~ the requested information or records to the  
41 extent permitted by federal law and regulations. If a custodian of criminal investigative  
42 information or records believes that release of the information will jeopardize the right of  
43 the State to prosecute a defendant or the right of a defendant to receive a fair trial or will

1 undermine an ongoing or future investigation, it may seek an order from a court of  
2 competent jurisdiction to prevent disclosure of the information. In such an action, the  
3 custodian of the records shall have the burden of showing by a preponderance of the  
4 evidence that disclosure of the information in question will jeopardize the right of the  
5 State to prosecute a defendant or the right of a defendant to receive a fair trial or will  
6 undermine an ongoing or future investigation. Actions brought pursuant to this paragraph  
7 shall be set down for immediate hearing, and subsequent proceedings in the actions shall  
8 be accorded priority by the trial and appellate courts.

9 (f) Within five working days after receipt of the report of abuse, neglect, or  
10 dependency, the director shall give written notice to the person making the report, unless  
11 requested by that person not to give notice, as to whether the report was accepted for  
12 investigation and whether the report was referred to the appropriate State or local law  
13 enforcement agency.

14 (g) Within five working days after completion of the protective services  
15 investigation, the director shall give subsequent written notice to the person making the  
16 report, unless requested by that person not to give notice, as to whether there is a finding  
17 of abuse, neglect, or dependency, whether the county department of social services is  
18 taking action to protect the juvenile-child, and what action it is taking, including whether  
19 or not a petition was filed. ~~The~~ The second notification shall inform the person making  
20 the report shall be informed of procedures necessary to request a review by the prosecutor  
21 Community Child Protection Team of the director's decision not to file a petition. A  
22 request for review by the prosecutor shall be made within five working days of receipt of the  
23 second notification. The second notification shall include notice that, if the person making the  
24 report is not satisfied with the director's decision, the person may request review of the decision  
25 by the prosecutor within five working days of receipt. The person making the report may  
26 waive the person's right to this notification, and no notification is required if the person  
27 making the report does not identify himself to the director."

28 Section 8. G.S. 7B-303 reads as rewritten:

29 "**§ 7B-303. Interference with investigation.**

30 (a) If any person obstructs or interferes with an investigation required by G.S. 7B-  
31 302, the director may file a petition naming ~~said~~ that person as respondent and requesting  
32 an order directing the respondent to cease ~~such~~ the obstruction or interference. The  
33 petition shall contain the name and date of birth and address of the juvenile-child who is  
34 the subject of the investigation, shall specifically describe the conduct alleged to  
35 constitute obstruction of or interference with the investigation, and shall be verified.

36 (b) For purposes of this section, obstruction of or interference with an  
37 investigation means refusing to disclose the whereabouts of the juvenile-child, refusing to  
38 allow the director to have personal access to the juvenile-child, refusing to allow the  
39 director to observe or interview the juvenile-child in private, refusing to allow the director  
40 access to confidential information and records upon request pursuant to G.S. 7B-302,  
41 refusing to allow the director to arrange for an evaluation of the juvenile-child by a  
42 physician or other expert, or other conduct that makes it impossible for the director to  
43 carry out the duty to investigate.

1 (c) Upon filing of the petition, the court shall schedule a hearing to be held not less  
2 than five days after service of the petition and summons on the respondent. Service of  
3 the petition and summons and notice of hearing shall be made as provided by the Rules of  
4 Civil Procedure on the respondent; the ~~juvenile's-child's~~ parent, guardian, custodian, or  
5 caretaker; and any other person determined by the court to be a necessary party. If at the  
6 hearing on the petition the court finds by clear, cogent, and convincing evidence that the  
7 respondent, without lawful excuse, has obstructed or interfered with an investigation  
8 required by G.S. 7B-302, the court may order the respondent to cease ~~such~~ the obstruction  
9 or interference. The burden of proof shall be on the petitioner.

10 (d) If the director has reason to believe that the ~~juvenile-child~~ is in need of  
11 immediate protection or assistance, the director shall so allege in the petition and may  
12 seek an ex parte order from the court. If the court, from the verified petition and any  
13 inquiry the court makes of the director, finds probable cause to believe both that the  
14 ~~juvenile-child~~ is at risk of immediate harm and that the respondent is obstructing or  
15 interfering with the director's ability to investigate to determine the ~~juvenile's-child's~~  
16 condition, the court may enter an ex parte order directing the respondent to cease such  
17 obstruction or interference. The order shall be limited to provisions necessary to enable  
18 the director to conduct an investigation sufficient to determine whether the ~~juvenile-child~~  
19 is in need of immediate protection or assistance. Within 10 days after the entry of an ex  
20 parte order under this subsection, a hearing shall be held to determine whether there is  
21 good cause for the continuation of the order or the entry of a different order. An order  
22 entered under this subsection shall be served on the respondent along with a copy of the  
23 petition, summons, and notice of hearing.

24 (e) The director may be required at a hearing under this section to reveal the  
25 identity of any person who made a report of suspected abuse, neglect, or dependency as  
26 required by G.S. 7B-301.

27 (f) An order entered pursuant to this section is enforceable by civil or criminal  
28 contempt as provided in Chapter 5A of the General Statutes."

29 Section 9. G.S. 7B-304 is repealed.

30 Section 10. G.S. 7B-305 reads as rewritten:

31 "**§ 7B-305. Request for review by ~~prosecutor~~ the Community Child Protection Team.**

32 The person making the report shall have ~~five working~~ 10 days, from receipt of the  
33 decision of the director of the department of social services not to petition the court, to  
34 notify the ~~prosecutor~~ chair of the Community Child Protection Team that the person is  
35 requesting a review. The ~~prosecutor~~ chair of the Community Child Protection Team shall  
36 notify the person making the report and the director of the time and place for the ~~review,~~  
37 ~~and the director shall immediately transmit to the prosecutor a copy of the investigation report.~~  
38 review. The review shall be pursuant to G.S. 7B-1406."

39 Section 11. G.S. 7B-306 reads as rewritten:

40 "**§ 7B-306. Review by prosecutor.**

41 ~~The prosecutor shall review the director's determination that a petition should not be~~  
42 ~~filed within 20 days after the person making the report is notified. The review shall~~  
43 ~~include conferences with the person making the report, the protective services worker, the~~

1 juvenile, if practicable, and other persons known to have pertinent information about the  
2 juvenile or the juvenile's family. At the conclusion of the conferences, the prosecutor  
3 may affirm the decision made by the director, may request the appropriate local law  
4 enforcement agency to investigate the allegations, or may direct the director to file a  
5 petition. The prosecutor shall review the report and recommendations of the Community  
6 Child Protection Team made pursuant to G.S. 7B-1406. Within five days of receiving the  
7 Team's report and recommendation, the prosecutor shall either affirm the director's  
8 decision not to file a petition, request the appropriate local law enforcement agency to  
9 investigate the allegations, or direct the director to file a petition."

10 Section 12. G.S. 7B-307 reads as rewritten:

11 "**§ 7B-307. Duty of director to report evidence of abuse, neglect; investigation by**  
12 **local law enforcement; notification of Department of Health and Human**  
13 **Services and State Bureau of Investigation. Services.**

14 (a) If the director finds evidence that a ~~juvenile-child~~ may have been abused as  
15 defined by G.S. 7B-101, the director shall make an immediate oral and subsequent  
16 written report of the findings to the district attorney or the district attorney's designee and  
17 the appropriate local law enforcement agency within 48 hours after receipt of the report.  
18 The local law enforcement agency shall immediately, but no later than 48 hours after  
19 receipt of the information, initiate and coordinate a criminal investigation with the  
20 protective services investigation being conducted by the county department of social  
21 services. Upon completion of the investigation, the district attorney shall determine  
22 whether criminal prosecution is appropriate and may request the director or the director's  
23 designee to appear before a magistrate.

24 (a1) If the director receives information that a ~~juvenile-child~~ may have been  
25 physically harmed in violation of any criminal statute by any person other than the  
26 ~~juvenile's-child's~~ parent, guardian, custodian, or caretaker, the director shall make an  
27 immediate oral and subsequent written report of that information to the district attorney  
28 or the district attorney's designee and to the appropriate local law enforcement agency  
29 within 48 hours after receipt of the information. The local law enforcement agency shall  
30 immediately, but no later than 48 hours after receipt of the information, initiate a criminal  
31 investigation. Upon completion of the investigation, the district attorney shall determine  
32 whether criminal prosecution is appropriate.

33 ~~If the report received pursuant to G.S. 7B-301 involves abuse or neglect of a juvenile~~  
34 ~~in child care, the director shall notify the Department of Health and Human Services~~  
35 ~~within 24 hours or on the next working day of receipt of the report.~~

36 (a2) If the director receives information that a child, while at a child care facility as  
37 defined in G.S. 110-86(3), may have been physically harmed in violation of a criminal  
38 statute; may have been placed at a substantial risk of harm; or has received improper care  
39 or supervision, the director shall make an immediate oral and subsequent written report of  
40 that information to the Department of Health and Human Services within 24 hours or on  
41 the next working day of the receipt of the information.

42 (b) ~~If the director finds evidence that a juvenile has been abused or neglected as~~  
43 ~~defined by G.S. 7B-101 in a child care facility, the director shall immediately so notify~~

1 the Department of Health and Human Services and, in the case of sexual abuse, the State  
2 Bureau of Investigation, in such a way as does not violate the law guaranteeing the  
3 confidentiality of the records of the department of social services.

4 (e) Upon completion of the investigation, the director shall give the Department  
5 written notification of the results of the investigation required by G.S. 7B-302. Upon  
6 completion of an investigation of sexual abuse in a child care facility, the director shall  
7 also make written notification of the results of the investigation to the State Bureau of  
8 Investigation.

9 (d) The director of the department of social services shall submit a report of  
10 alleged abuse, neglect, or dependency cases or child fatalities that are the result of alleged  
11 maltreatment to the ~~central registry~~ Central Registry under the policies adopted by the  
12 Social Services Commission."

13 Section 13. G.S. 7B-308 reads as rewritten:

14 **"§ 7B-308. Authority of medical professionals in abuse cases.**

15 (a) Any physician or administrator of a hospital, clinic, or other medical facility to  
16 which a ~~suspected abused juvenile child~~ suspected of being abused or neglected is brought  
17 for medical diagnosis or treatment shall have the right, when authorized by the chief  
18 district court judge of the district or the judge's designee, to retain physical custody of the  
19 juvenile child in the facility when the physician who examines the juvenile child certifies  
20 in writing that the juvenile child who is suspected of being abused or neglected should  
21 remain for medical treatment or that, according to the juvenile's child's medical  
22 evaluation, it is unsafe for the juvenile child to return to the juvenile's child's parent,  
23 guardian, custodian, or caretaker. This written certification must be signed by the  
24 certifying physician and must include the time and date that the judicial authority to  
25 retain custody is given. Copies of the written certification must be appended to the  
26 juvenile's child's medical and judicial records and another copy must be given to the  
27 juvenile's child's parent, guardian, custodian, or caretaker. The right to retain custody in  
28 the facility shall exist for up to 12 hours from the time and date contained in the written  
29 certification.

30 (b) Immediately upon receipt of judicial authority to retain custody, the physician,  
31 the administrator, or that person's designee shall so notify the director of social services  
32 for the county in which the facility is located. The director shall treat this notification as a  
33 report of suspected abuse or neglect and shall immediately begin an investigation of the  
34 case.

- 35 (1) If the investigation reveals (i) that it is the opinion of the certifying  
36 physician that the juvenile child is in need of medical treatment to cure  
37 or alleviate physical distress or to prevent the juvenile child from  
38 suffering serious physical injury, and (ii) that it is the opinion of the  
39 physician that the juvenile child should for these reasons remain in the  
40 custody of the facility for 12 hours, but (iii) that the juvenile's child's  
41 parent, guardian, custodian, or caretaker cannot be reached or, upon  
42 request, will not consent to the treatment within the facility, the director  
43 shall within the initial 12-hour period file a juvenile child petition

1 alleging abuse or neglect and setting forth supporting allegations and  
2 shall seek a nonsecure custody order. A petition filed and a nonsecure  
3 custody order obtained in accordance with this subdivision shall come  
4 on for hearing under the regular provisions of this Subchapter unless the  
5 director and the certifying physician together voluntarily dismiss the  
6 petition.

7 (2) In all cases except those described in subdivision (1) above, the director  
8 shall conduct the investigation and may initiate ~~juvenile~~child  
9 proceedings and take all other steps authorized by the regular provisions  
10 of this Subchapter. If the director decides not to file a petition, the  
11 physician, the administrator, or that person's designee may ask the  
12 ~~prosecutor~~Community Child Protection Team to review this decision  
13 according to the provisions of G.S. ~~7B-305 and G.S. 7B-306~~7B-305.

14 (c) If, upon hearing, the court determines that the ~~juvenile~~child is found in a  
15 county other than the county of legal residence, in ~~accord~~accordance with G.S. 153A-  
16 257, the ~~juvenile~~child may be transferred, in accord with G.S. 7B-903(2), to the custody  
17 of the department of social services in the county of residence.

18 (d) If the court, upon inquiry, determines that the medical treatment rendered was  
19 necessary and appropriate, the cost of that treatment may be charged to the parents,  
20 guardian, custodian, or caretaker, or, if the parents are unable to pay, to the county of  
21 residence in accordance with G.S. 7B-903 and G.S. 7B-904.

22 (e) Except as otherwise provided, a petition begun under this section shall proceed  
23 in like manner with petitions begun under G.S. 7B-302.

24 (f) The procedures in this section are in addition to, and not in derogation of, the  
25 abuse and neglect reporting provisions of G.S. 7B-301 and the temporary custody  
26 provisions of G.S. 7B-500. Nothing in this section shall preclude a physician or  
27 administrator and a director of social services from following the procedures of G.S. 7B-  
28 301 and G.S. 7B-500 whenever these procedures are more appropriate to the ~~juvenile's~~  
29 child's circumstances."

30 Section 14. G.S. 7B-310 reads as rewritten:

31 "**§ 7B-310. Privileges not grounds for failing to report or for excluding evidence.**

32 No privilege shall be grounds for any person or institution failing to report that a  
33 ~~juvenile~~child may have been abused, neglected, or dependent, even if the knowledge or  
34 suspicion is acquired in an official professional capacity, except when the knowledge or  
35 suspicion is gained by an attorney from that attorney's client during representation only in  
36 the abuse, neglect, or dependency case. No privilege, except the attorney-client privilege,  
37 shall be grounds for excluding evidence of abuse, neglect, or dependency in any judicial  
38 proceeding (civil, criminal, or juvenile) in which a ~~juvenile's~~child's abuse, neglect, or  
39 dependency is in issue nor in any judicial proceeding resulting from a report submitted  
40 under this Article, both as this privilege relates to the competency of the witness and to  
41 the exclusion of confidential communications."

42 Section 15. G.S. 7B-311 reads as rewritten:

43 "**§ 7B-311. Central registry.**

1 The Department of Health and Human Services shall maintain a central registry of  
2 abuse, neglect, and dependency cases and child fatalities that are the result of alleged  
3 maltreatment that are reported under this Article in order to compile data for appropriate  
4 study of the extent of abuse and neglect within the State and to identify the repeated  
5 ~~abuses-abuse or neglect of the same juvenile-child or of other juveniles-children~~ in the same  
6 family. This data shall be furnished by county directors of social services to the  
7 Department of Health and Human Services and shall be confidential, subject to policies  
8 adopted by the Social Services Commission providing for its use for study and research  
9 and for other appropriate disclosure. Data shall not be used at any hearing or court  
10 proceeding unless based upon a final judgment of a court of law."

11 Section 16. G.S. 7B-400 reads as rewritten:

12 **"§ 7B-400. Venue; pleading.**

13 A proceeding in which a juvenile-child is alleged to be abused, neglected, or  
14 dependent may be commenced in the district in which the juvenile-child resides or is  
15 present. ~~When a proceeding is commenced in a district other than that of the juvenile's~~  
16 ~~residence, the court, on its own motion or upon motion of any party, may transfer the proceeding~~  
17 ~~to the court in the district where the juvenile resides.~~ If, upon hearing, the court determines  
18 that the proceeding is in a county other than the county of the child's legal residence, in  
19 accordance with G.S. 153A-257, the proceeding may be transferred to the court in the  
20 district where the child resides. A transfer under this section may be made at any time."

21 Section 17. G.S. 7B-401 reads as rewritten:

22 **"§ 7B-401. Pleading and process.**

23 (a) The pleading in an abuse, neglect, or dependency action is the petition. There  
24 shall be no requirement that any party file an answer to a petition alleging abuse, neglect,  
25 or dependency.

26 (b) The process in an abuse, neglect, or dependency action is the summons."

27 Section 18. G.S. 7B-402 reads as rewritten:

28 **"§ 7B-402. Petition.**

29 The petition shall contain the name, date of birth, address of the juvenile-child, the  
30 name and last known address of the juvenile's-child's parent, guardian, ~~or custodian~~  
31 custodian, or caretaker and shall allege the facts which invoke jurisdiction over the  
32 juvenile-child. The petition may contain information on more than one juvenile-child  
33 when the juveniles-children are from the same home and are before the court for the same  
34 reason.

35 Sufficient copies of the petition shall be prepared so that copies will be available for  
36 each parent if living separate and apart, the guardian, custodian, or caretaker, the  
37 guardian ad litem, the social worker, and any person determined by the court to be a  
38 necessary party."

39 Section 19. G.S. 7B-403 reads as rewritten:

40 **"§ 7B-403. Receipt of reports; filing of petition.**

41 (a) All reports concerning a juvenile-child alleged to be abused, neglected, or  
42 dependent shall be referred to the director of the department of social services for  
43 screening. Thereafter, if it is determined by the director that a report should be filed as a

1 petition, the petition shall be drawn by the director, verified before an official authorized  
2 to administer oaths, and filed by the clerk, recording the date of filing.

3 (b) A decision of the director of social services not to file a report as a petition  
4 shall be reviewed ~~by the prosecutor pursuant to G.S. 7B-305 if a review is requested~~  
5 pursuant to G.S. 7B-305.

6 Section 20. G.S. 7B-404 reads as rewritten:

7 **"§ 7B-404. Immediate need for petition when clerk's office is closed.**

8 (a) When the office of the clerk is closed, a magistrate may ~~be authorized by the~~  
9 ~~chief district court judge to draw, verify, verify a petition and issue petitions~~ accept a petition  
10 for filing as follows:

11 (1) When the director of the department of social services ~~requests-seeks to~~  
12 file a petition alleging a ~~juvenile-child~~ to be abused, neglected, or  
13 dependent, or

14 (2) When the director of the department of social services ~~requests-seeks to~~  
15 file a petition alleging the obstruction of or interference with an  
16 investigation required by G.S. 7B-302.

17 (b) The authority of the magistrate under this section is limited to emergency  
18 situations when a petition is required in order to obtain a nonsecure custody order or an  
19 order under G.S. 7B-303. Any petition ~~issued-accepted for filing~~ under this section shall  
20 be delivered to the clerk's office for processing as soon as that office is open for  
21 business."

22 Section 21. G.S. 7B-405 reads as rewritten:

23 **"§ 7B-405. Commencement of action.**

24 (a) An action is commenced by the filing of a petition in the clerk's office when  
25 that office is open or by the ~~issuance-acceptance~~ of a juvenile-child petition by a magistrate  
26 when the clerk's office is closed, which ~~issuance-acceptance~~ shall constitute filing.

27 (b) If any court orders a child into the custody of the department of social services  
28 pursuant to Article 25 of Subchapter II of Chapter 7B of the General Statutes, the court  
29 shall set a disposition hearing pursuant to Article 9 of this Subchapter to commence  
30 within 30 days of the entry of the order placing the child in the department's custody.  
31 The clerk shall open a new file; parents shall be entitled to counsel pursuant to G.S. 7B-  
32 602; and the child shall have a guardian ad litem appointed pursuant to G.S. 7B-602. All  
33 other rights and procedures applicable to this Subchapter shall apply and the case shall  
34 proceed as if it were initiated pursuant to this Subchapter."

35 Section 22. Article 4 of Subchapter I of Chapter 7B of the General Statutes is  
36 amended by adding a new section to read:

37 **"§ 7B-405.1. Concurrent court proceedings.**

38 During the pendency of an action under this Subchapter, no court of this State shall  
39 exercise its jurisdiction regarding the adoption, custody, guardianship, placement, or  
40 visitation of the same child unless the proceeding under this Subchapter is stayed by the  
41 judge because the other court is a more appropriate forum or for other reasons. Upon  
42 termination of the court's jurisdiction under this Subchapter, an abstract of judgment shall

1 be filed in any pending action regarding the adoption, custody, guardianship, placement,  
2 or visitation of the same child."

3 Section 23. G.S. 7B-406 reads as rewritten:

4 **"§ 7B-406. Issuance of summons.**

5 (a) Immediately after a petition has been filed alleging that a juvenile-child is  
6 abused, neglected, or dependent, the clerk shall issue a summons to the parent, guardian,  
7 custodian, or caretaker requiring them to appear for a hearing at the time and place stated  
8 in the summons. A copy of the petition shall be attached to each summons.

9 (b) A summons shall be on a printed form supplied by the Administrative Office  
10 of the Courts and shall include:

- 11 (1) Notice of the nature of the proceeding;
- 12 (2) ~~Notice of any right to counsel and information about how to seek the~~  
13 ~~appointment of counsel prior to a hearing; to any parent the name,~~  
14 address, and phone number of the parent's appointed counsel;
- 15 (3) Notice that, if the court determines at the hearing that the allegations of  
16 the petition are true, the court will conduct a dispositional hearing to  
17 consider the needs of the juvenile-child and enter an order designed to  
18 meet those needs and the objectives of the State; and
- 19 (4) Notice that the dispositional order or a subsequent order:
  - 20 a. May remove the juvenile-child from the custody of the parent,  
21 guardian, or custodian.
  - 22 b. May require that the juvenile-child receive medical, psychiatric,  
23 psychological, or other treatment and that the ~~parent-parent,~~  
24 guardian, custodian, or caretaker participate in the treatment.
  - 25 c. May require the ~~parent-parent, guardian, custodian, or caretaker~~ to  
26 undergo psychiatric, psychological, or other treatment or  
27 counseling ~~for the purpose of remedying the behaviors or conditions~~  
28 ~~that are alleged in the petition or that contributed to the removal to~~  
29 facilitate placement of the juvenile-child from the custody of with  
30 that person.
  - 31 d. May order the parent or other responsible party to pay for  
32 treatment that is ordered for the juvenile or the parent-child.
  - 33 e. May order the parent, guardian, custodian, or caretaker to pay for  
34 that individual's own psychiatric, psychological, or other  
35 treatment or counseling if ordered by the court.

36 (c) The summons shall advise the ~~parent-parent, guardian, custodian, or caretaker~~  
37 that upon service, jurisdiction over that person is obtained and ~~that failure to comply with~~  
38 ~~any order of the court pursuant to G.S. 7B-904 may cause the court to issue a show cause order~~  
39 ~~for contempt that:~~

- 40 (1) Failure to comply with any order of the court pursuant to G.S. 7B-904  
41 may cause the court to issue a show cause order for contempt; and
- 42 (2) The court's jurisdiction includes the authority, upon proper motion,  
43 notice, and hearing to terminate the parent's rights.

1 (d) A summons shall be directed to the person summoned to appear and shall be  
2 delivered to any person authorized to serve process."

3 Section 24. G.S. 7B-407 reads as rewritten:

4 **"§ 7B-407. Service of summons.**

5 ~~The summons shall be personally served upon the parent, guardian, custodian, or~~  
6 ~~caretaker, not less than five days prior to the date of the scheduled hearing. The time for~~  
7 ~~service may be waived in the discretion of the court.~~

8 ~~If the parent, guardian, custodian, or caretaker entitled to receive a summons cannot~~  
9 ~~be found by a diligent effort, the court may authorize service of the summons and petition~~  
10 ~~by mail or by publication. The cost of the service by publication shall be advanced by the~~  
11 ~~petitioner and may be charged as court costs as the court may direct.~~

12 ~~If the parent, guardian, custodian, or caretaker is personally served as herein provided~~  
13 ~~and fails without reasonable cause to appear and to bring the juvenile before the court, the~~  
14 ~~parent, guardian, custodian, or caretaker may be proceeded against as for contempt of~~  
15 ~~court. The summons shall be served upon the parent, guardian, custodian, or caretaker~~  
16 pursuant to G.S. 1A-1, Rule 4(j) not less than five days prior to the date of the  
17 scheduled hearing, except for the first nonsecure custody hearing, if applicable. The time  
18 for service may be waived in the discretion of the judge. Efforts to serve any unserved  
19 parent shall continue after the adjudication."

20 Section 25. G.S. 7B-500 reads as rewritten:

21 **"§ 7B-500. Taking a juvenile child into temporary custody.**

22 Temporary custody means the taking of physical custody and providing personal care  
23 and supervision until a court order for nonsecure custody can be obtained. A juvenile  
24 child may be taken into temporary custody without a court order by a law enforcement  
25 officer or a department of social services worker if there are reasonable grounds to  
26 believe that the juvenile child is abused, neglected, or dependent and that the juvenile child  
27 would be injured or could not be taken into custody if it were first necessary to obtain a  
28 court order. If a department of social services worker takes a juvenile child into  
29 temporary custody under this section, the worker may arrange for the placement, care,  
30 supervision, and transportation of the juvenile child."

31 Section 26. G.S. 7B-501 reads as rewritten:

32 **"§ 7B-501. Duties of person taking juvenile child into temporary custody.**

33 (a) A person who takes a juvenile child into custody without a court order under  
34 G.S. 7B-500 shall proceed as follows:

35 (1) Notify the juvenile's child's parent, guardian, custodian, or caretaker that  
36 the juvenile child has been taken into temporary custody and advise the  
37 parent, guardian, custodian, or caretaker of the right to be present with  
38 the juvenile child until a determination is made as to the need for  
39 nonsecure custody. Failure to notify the parent that the juvenile child is  
40 in custody shall not be grounds for release of the juvenile child.

41 (2) Release the juvenile child to the juvenile's child's parent, guardian,  
42 custodian, or caretaker if the person having the juvenile child in  
43 temporary custody decides that continued custody is unnecessary.

1 (3) The person having temporary custody shall communicate with the  
2 director of the department of social ~~services who shall consider prehearing~~  
3 ~~diversion services.~~ If the decision is made to file a petition, petition and  
4 seek nonsecure custody, the director shall contact the judge or person  
5 delegated authority pursuant to G.S. 7B-502 for a determination of the  
6 need for continued custody.

7 (b) A juvenile-child taken into temporary custody under this Article shall not be  
8 held for more than 12 hours, or for more than 24 hours if any of the 12 hours falls on a  
9 Saturday, Sunday, or legal holiday, unless:

10 (1) A petition or motion for review has been filed by the director of the  
11 department of social services, and

12 (2) An order for nonsecure custody has been entered by the court."

13 Section 27. G.S. 7B-502 reads as rewritten:

14 **"§ 7B-502. Authority to issue custody orders; delegation.**

15 In the case of any juvenile-child alleged to be within the jurisdiction of the court, the  
16 court may order that the juvenile-child be placed in nonsecure custody pursuant to criteria  
17 set out in G.S. 7B-503 when custody of the juvenile-child is necessary.

18 Any district court judge shall have the authority to issue nonsecure custody orders  
19 pursuant to G.S. 7B-503. The chief district court judge may delegate the court's authority  
20 to ~~persons other than district court judges~~ the magistrate by administrative order which shall  
21 be filed in the office of the clerk of superior court. The administrative order ~~shall~~ may  
22 specify which persons shall be contacted for approval of a nonsecure custody order  
23 pursuant to G.S. 7B-503."

24 Section 28. G.S. 7B-503 reads as rewritten:

25 **"§ 7B-503. Criteria for nonsecure custody.**

26 When a request is made for nonsecure custody, the court shall first consider release of  
27 the juvenile-child to the juvenile's-child's parent, relative, guardian, custodian, or other  
28 responsible ~~adult.~~ adult if it is safe to do so. An order for nonsecure custody shall be  
29 made only when there is a reasonable factual basis to believe the matters alleged in the  
30 petition are true, and

31 (1) The juvenile-child has been abandoned; or

32 (2) The juvenile-child has suffered physical injury or sexual abuse; or

33 (3) The juvenile-child is exposed to a substantial risk of physical injury or  
34 sexual abuse because the parent, guardian, custodian, or caretaker has  
35 created the conditions likely to cause injury or abuse or has failed to  
36 provide, or is unable to provide, adequate supervision or protection; or

37 (4) The juvenile-child is in need of medical treatment to cure, alleviate, or  
38 prevent suffering serious physical harm which may result in death,  
39 disfigurement, or substantial impairment of bodily functions, and the  
40 juvenile's-child's parent, guardian, custodian, or caretaker is unwilling or  
41 unable to provide or consent to the medical treatment; or

42 (5) The parent, guardian, custodian, or caretaker consents to the nonsecure  
43 custody order; or

1           (6) The ~~juvenile child~~ is a runaway and consents to nonsecure custody.  
2 A ~~juvenile child~~ alleged to be abused, neglected, or dependent shall be placed in  
3 nonsecure custody only when there is a reasonable factual basis to believe that there are  
4 no other reasonable means available to protect the ~~juvenile child~~. In no case shall a  
5 ~~juvenile child~~ alleged to be abused, neglected, or dependent be placed in secure custody."

6           Section 29. G.S. 7B-504 reads as rewritten:

7 **"§ 7B-504. Order for nonsecure custody.**

8           The custody order shall be in writing and shall direct a law enforcement officer or  
9 other authorized person to assume custody of the ~~juvenile child~~ and to make due return on  
10 the order. A copy of the order shall be given to the ~~juvenile's child's~~ parent, guardian,  
11 custodian, or caretaker by the official executing the order.

12           An officer receiving an order for custody which is complete and regular on its face  
13 may execute it in accordance with its terms. The officer is not required to inquire into the  
14 regularity or continued validity of the order and shall not incur criminal or civil liability  
15 for its due service."

16           Section 30. G.S. 7B-505 reads as rewritten:

17 **"§ 7B-505. Place of nonsecure custody.**

18           A ~~juvenile child~~ meeting the criteria set out in G.S. 7B-503 may be placed in  
19 nonsecure custody with the department of social services or a person designated in the  
20 order for temporary residential placement in:

- 21           (1) A licensed foster home or a home otherwise authorized by law to  
22           provide such care; or
- 23           (2) A facility operated by the department of social services; or
- 24           (3) Any other home or facility, including a relative's home approved by the  
25           court and designated in the order.

26           In placing a ~~juvenile child~~ in nonsecure custody under this section, the court shall first  
27 consider whether a relative of the ~~juvenile child~~ is willing and able to provide proper care  
28 and supervision of the ~~juvenile child~~ in a safe home. If the court finds that the relative is  
29 willing and able to provide proper care and supervision in a safe home, then the court  
30 shall order placement of the ~~juvenile child~~ with the relative unless the court finds that  
31 placement with the relative would be contrary to the best interests of the ~~juvenile child~~. In  
32 placing a ~~juvenile child~~ in nonsecure custody under this section, the court shall consider  
33 the Indian Child Welfare Act, Pub. L. No. 95-608, 25 U.S.C. §§ 1901, et seq., as  
34 amended, and the Howard M. Metzenbaum Multiethnic Placement Act of 1994, Pub. L.  
35 No. 103-382, 108 Stat. 4056, as amended, as they may apply. Placement of a ~~juvenile~~  
36 ~~child~~ with a relative outside of this State must be in accordance with the Interstate  
37 Compact on the Placement of Children, Article 38 of this Chapter."

38           Section 31. G.S. 7B-506 reads as rewritten:

39 **"§ 7B-506. Hearing to determine need for continued nonsecure custody.**

40           (a) No ~~juvenile child~~ shall be held under a nonsecure custody order for more than  
41 ~~seven calendar~~ three days without a hearing on the merits or a hearing to determine the  
42 need for continued custody. The last day of the period so computed is to be included,  
43 unless it is a Saturday, Sunday, or a legal holiday, in which event the period runs until the

1 end of the next day which is not a Saturday, Sunday, or a legal holiday. A hearing on  
2 nonsecure custody conducted under this subsection may be continued for up to ~~40~~  
3 ~~business-seven~~ calendar days with the consent of the ~~juvenile's-child's~~ parent, guardian,  
4 custodian, or caretaker and, if appointed, the ~~juvenile's-child's~~ guardian ad litem. In  
5 addition, the court may require the consent of additional parties or may schedule the  
6 hearing on custody despite a party's consent to a continuance. In every case in which an  
7 order has been entered by an official exercising authority delegated pursuant to G.S. 7B-  
8 502, a hearing to determine the need for continued custody shall be conducted on the day  
9 of the next regularly scheduled session of district court in the city or county where the  
10 order was entered if such session precedes the expiration of the applicable time period set  
11 forth in this subsection: Provided, that if such session does not precede the expiration of  
12 the time period, the hearing may be conducted at another regularly scheduled session of  
13 district court in the district where the order was entered.

14 (b) At a hearing to determine the need for continued custody, the court ~~shall~~ shall:

15 (1) Advise the parties of their rights;

16 (2) Explain the nature and purpose of the hearing;

17 (3) Review the adequacy of notice and service of process;

18 (4) Receive testimony aimed at determining:

19 a. What precipitated the nonsecure custody order, including the  
20 results of the petitioner's risk assessment;

21 b. Whether the criteria justifying nonsecure custody under G.S. 7B-  
22 503 exists; and

23 c. What efforts the petitioner has made to prevent or eliminate the  
24 need for nonsecure custody or why efforts were not necessary.

25 The judge receive testimony and shall allow the guardian ad litem, or juvenile, child, and  
26 the juvenile's-child's parent, guardian, custodian, or caretaker an opportunity to introduce  
27 evidence, to be heard in the person's own behalf, and to examine witnesses. The State  
28 shall bear the burden at every stage of the proceedings to provide clear and convincing  
29 evidence that the juvenile's-child's placement in custody is necessary. The court shall not  
30 be bound by the usual rules of evidence at such hearings.

31 (c) The court shall be bound by criteria set forth in G.S. 7B-503 in determining  
32 whether continued custody is warranted.

33 (d) If the court determines that the ~~juvenile-child~~ meets the criteria in G.S. 7B-503  
34 and should continue in nonsecure custody, the court shall issue an order to that effect.  
35 The order shall be in writing with appropriate findings of fact. The findings of fact shall  
36 include ~~the evidence relied upon in reaching the decision and the purposes which continued~~  
37 ~~custody is to achieve.~~ the following:

38 (1) Placement options for the child, including possible relative placements  
39 and efforts to keep siblings together;

40 (2) Efforts needed to ensure that a school-aged child's school placement and  
41 attendance are not disrupted;

42 (3) Parental visitation;

43 (4) Sibling visitation;

- 1           (5) Service needs and referrals;  
2           (6) Financial support for the child; and  
3           (7) The child's immediate needs, such as an immediate need for medical  
4           treatment or evaluation.

5 Any order authorizing the continued nonsecure custody of a child shall also comply with  
6 the requirements of G.S. 7B-507.

7       (e) If the court orders at the hearing required in subsection (a) of this section that  
8 the ~~juvenile-child~~ remain in nonsecure custody, a subsequent hearing on continued  
9 nonsecure custody shall be held within seven ~~business-calendar~~ days of that hearing,  
10 ~~excluding Saturdays, Sundays, and legal holidays,~~ and pending a hearing on the merits,  
11 hearings thereafter shall be held at intervals of no more than 30 calendar days.

12       (f) Hearings conducted under subsection (e) of this section may be waived only  
13 with the consent of the ~~juvenile's-child's~~ parent, guardian, custodian, or caretaker, and, if  
14 appointed, the ~~juvenile's-child's~~ guardian ad litem.

15       The court may require the consent of additional parties or schedule a hearing despite a  
16 party's consent to waiver.

17       (g) Reserved.

18       (h) At each hearing to determine the need for continued custody, the court shall:

- 19       (1) Inquire as to the identity and location of any missing parent. The court  
20 shall include findings as to the efforts undertaken to locate the missing  
21 parent and to serve that parent. The order may provide for specific  
22 efforts aimed at determining the identity and location of any missing  
23 parent;
- 24       (2) Inquire as to whether a relative of the ~~juvenile-child~~ is willing and able to  
25 provide proper care and supervision of the ~~juvenile-child~~ in a safe home.  
26 If the court finds that the relative is willing and able to provide proper  
27 care and supervision in a safe home, then the court shall order  
28 temporary placement of the ~~juvenile-child~~ with the relative unless the  
29 court finds that placement with the relative would be contrary to the best  
30 interests of the ~~juvenile-child~~. In placing a ~~juvenile-child~~ in nonsecure  
31 custody under this section, the court shall consider the Indian Child  
32 Welfare Act, Pub. L. No. 95-608, 25 U.S.C. §§ 1901, et seq., as  
33 amended, and the Howard M. Metzenbaum Multiethnic Placement Act  
34 of 1994, Pub. L. No. 103-382, 108 Stat. 4056, as amended, as they may  
35 apply. Placement of a ~~juvenile-child~~ with a relative outside of this State  
36 must be in accordance with the Interstate Compact on the Placement of  
37 Children set forth in Article 38 of this Chapter; and
- 38       (3) Inquire as to whether there are other ~~juveniles-children~~ remaining in the  
39 home from which the ~~juvenile-child~~ was removed and, if there are,  
40 inquire as to the specific findings of the investigation conducted under  
41 G.S. 7B-302 and any actions taken or services provided by the director  
42 for the protection of the other ~~juveniles-children~~."

43 Section 32. G.S. 7B-507 reads as rewritten:

1 **"§ 7B-507. Reasonable efforts.**

2 (a) An order placing or continuing the placement of a ~~juvenile-child~~ in the custody  
3 or placement responsibility of a county department of social services, whether an order  
4 for continued nonsecure custody, a dispositional order, or a review order:

5 (1) Shall contain a finding that the ~~juvenile's-child's~~ continuation in or return  
6 to the ~~juvenile's-child's~~ own home would be contrary to the ~~juvenile's~~  
7 ~~child's~~ best interest;

8 (2) Shall contain findings as to whether a county department of social  
9 services has made reasonable efforts to prevent or eliminate the need for  
10 placement of the ~~juvenile-child~~, unless the court has previously  
11 determined under subsection (b) of this section that such efforts are not  
12 required or shall cease;

13 (3) Shall contain findings as to whether a county department of social  
14 services should continue to make reasonable efforts to prevent or  
15 eliminate the need for placement of the ~~juvenile-child~~, unless the court  
16 has previously determined or determines under subsection (b) of this  
17 section that such efforts are not required or shall cease;

18 (4) Shall specify that the ~~juvenile's-child's~~ placement and care are the  
19 responsibility of the county department of social services and that the  
20 agency is to provide or arrange for the foster care or other placement of  
21 the ~~juvenile-child~~; and

22 (5) May provide for services or other efforts aimed at returning the ~~juvenile~~  
23 ~~child~~ to a safe home or at achieving another permanent plan for the  
24 ~~juvenile-child~~.

25 A finding that reasonable efforts have not been made by a county department of social  
26 services shall not preclude the entry of an order authorizing the ~~juvenile's-child's~~  
27 placement when the court finds that placement is necessary for the protection of the  
28 ~~juvenile-child~~. Where efforts to prevent the need for the ~~juvenile's-child's~~ placement were  
29 precluded by an immediate threat of harm to the ~~juvenile-child~~, the court may find that  
30 the placement of the ~~juvenile-child~~ in the absence of such efforts was reasonable.

31 (b) In any order placing a ~~juvenile-child~~ in the custody or placement responsibility  
32 of a county department of social services, whether an order for continued nonsecure  
33 custody, a dispositional order, or a review order, the court may direct that reasonable  
34 efforts to eliminate the need for placement of the ~~juvenile-child~~ shall not be required or  
35 shall cease if the court makes written findings of fact that:

36 (1) Such efforts clearly would be futile or would be inconsistent with the  
37 ~~juvenile's-child's~~ health, safety, and need for a safe, permanent home  
38 within a reasonable period of time;

39 (2) A court of competent jurisdiction has determined that the parent has  
40 subjected the child to aggravated circumstances as defined in G.S. 7B-  
41 101;

42 (3) A court of competent jurisdiction has terminated involuntarily the  
43 parental rights of the parent to another child of the parent; or

1 (4) A court of competent jurisdiction has determined that: the parent has  
2 committed murder or voluntary manslaughter of another child of the  
3 parent; has aided, abetted, attempted, conspired, or solicited to commit  
4 murder or voluntarily manslaughter of the child or another child of the  
5 parent; or has committed a felony assault resulting in serious bodily  
6 injury to the child or another child of the parent.

7 (c) At any hearing at which the court finds that reasonable efforts to eliminate the  
8 need for the ~~juvenile's~~ child's placement are not required or shall cease, the court shall  
9 direct that a permanency planning hearing as required by G.S. 7B-907 be held within 30  
10 calendar days after the date of the hearing and, if practicable, shall set the date and time  
11 for the permanency planning hearing.

12 (d) In determining reasonable efforts to be made with respect to a ~~juvenile-child~~  
13 and in making such reasonable efforts, the ~~juvenile's~~ child's health and safety shall be the  
14 paramount concern. Reasonable efforts to preserve or reunify families may be made  
15 concurrently with efforts to plan for the ~~juvenile's~~ child's adoption, to place the ~~juvenile~~  
16 child with a legal guardian, or to place the ~~juvenile-child~~ in another permanent  
17 arrangement."

18 Section 33. G.S. 7B-600 is repealed.

19 Section 34. G.S. 7B-601 reads as rewritten:

20 "**§ 7B-601. Appointment and duties of guardian ad litem.**

21 (a) When ~~in a petition a juvenile is alleged to be abused or neglected, is filed under~~  
22 this Subchapter, the court shall appoint a guardian ad litem to represent the ~~juvenile-~~  
23 child's best interests. ~~When a juvenile is alleged to be dependent, the court may appoint a~~  
24 ~~guardian ad litem to represent the juvenile. The~~ The child is a party and the guardian ad  
25 litem and attorney advocate have standing to represent the juvenile-child's best interests in  
26 all actions under this Subchapter where they have been appointed. The appointment shall  
27 be made pursuant to the program established by Article 12 of this Chapter unless  
28 representation is otherwise provided pursuant to G.S. 7B-1202 or G.S. 7B-1203. The  
29 appointment shall terminate at the end of two years. The court may reappoint the  
30 guardian ad litem pursuant to a showing of good cause upon motion of any party,  
31 including the guardian ad litem, or of the court. In every case where a nonattorney is  
32 appointed as a guardian ad litem, an attorney shall be appointed in the case in order to  
33 assure protection of the ~~juvenile's~~ child's legal rights ~~through the dispositional phase of the~~  
34 ~~proceedings, and after disposition when necessary to further the best interests of the juvenile.~~  
35 The duties of the guardian ad litem program shall be to make an investigation to  
36 determine the facts, the needs of the ~~juvenile-child~~, and the available resources within the  
37 family and community to meet those needs; to facilitate, when appropriate, the settlement  
38 of disputed issues; to offer evidence and examine witnesses at adjudication; to explore  
39 options with the court at the dispositional hearing; to conduct follow-up investigations to  
40 ensure that the orders of the court are being properly executed; to report to the court when  
41 the needs of the child are not being met; and to protect and promote the best interests of  
42 the ~~juvenile-child~~ until formally relieved of the responsibility by the court.

1 (b) ~~The court may order the department of social services or the guardian ad litem~~  
2 ~~to conduct follow-up investigations to ensure that the orders of the court are being~~  
3 ~~properly executed and to report to the court when the needs of the juvenile are not being~~  
4 ~~met.~~ The court may also authorize the guardian ad litem to accompany the juvenile child  
5 to court in any criminal action wherein the juvenile child may be called on to testify in a  
6 matter relating to abuse.

7 (c) ~~The court may grant the guardian ad litem the authority to demand~~ is entitled to  
8 receive any information or reports, whether or not confidential, that may in the guardian  
9 ad litem's opinion be relevant to the case. Neither the physician-patient privilege nor the  
10 husband-wife privilege. No privilege other than the attorney-client privilege may be  
11 invoked to prevent the guardian ad litem and the court from obtaining such information.  
12 The confidentiality of the information or reports shall be respected by the guardian ad  
13 litem, and no disclosure of any information or reports shall be made to anyone except by  
14 order of the court or unless otherwise provided by law.

15 (d) Nothing contained in this Subchapter shall be construed to deny any child  
16 alleged to be under the jurisdiction of the court the opportunity to be represented by  
17 retained counsel in addition to the guardian ad litem."

18 Section 35. G.S. 7B-602 reads as rewritten:

19 "**§ 7B-602. Parent's right to counsel.**

20 (a) In cases where the ~~juvenile~~ petition alleges that a juvenile child is abused,  
21 neglected, or dependent, the parent has the right to counsel and to appointed counsel in  
22 cases of indigency unless that person waives the right. The court shall appoint counsel  
23 immediately upon the receipt of the petition for all parents whose whereabouts are  
24 known. All parents shall be conclusively presumed to be indigent for the purposes of  
25 appointed counsel for the first nonsecure hearing or conference, whichever occurs first.  
26 Following the first nonsecure hearing or conference, the parent shall be screened and if  
27 the parent is indigent, then the appointed counsel shall continue to provide representation  
28 throughout the remainder of the proceedings unless the parent waives counsel or ceases  
29 to be indigent. If the parent is determined not to be indigent after the first hearing or  
30 conference, the appointment shall terminate and the parent may be ordered to reimburse  
31 the State for the cost of counsel pursuant to the provisions of G.S. 7B-603. In no case  
32 may the court appoint a county attorney, prosecutor, or public defender.

33 (b) In cases where the petition alleges that a parent is a minor, or is incapable of  
34 providing for the proper care and supervision of the child due to mental retardation,  
35 mental illness, organic brain syndrome, or any other similar cause or condition, the court  
36 shall appoint a guardian ad litem for the parent immediately upon receipt of the petition.  
37 The parent's guardian ad litem shall not be appointed from the program established by  
38 Article 12 of this Chapter. The guardian ad litem shall be entitled to receive any  
39 information or reports, whether or not confidential, that may in the guardian ad litem's  
40 opinion be relevant to the case. No privilege other than the attorney-client privilege may  
41 be invoked to prevent the guardian ad litem and the court from obtaining such  
42 information. The confidentiality of the information or reports shall be respected by the

1 guardian ad litem, and no disclosure of any information or reports shall be made to  
2 anyone except by order of the court or unless otherwise provided by law."

3 Section 36. G.S. 7B-603 reads as rewritten:

4 **"§ 7B-603. Payment of court-appointed attorney or guardian ad litem.**

5 An attorney or guardian ad litem appointed pursuant to G.S. 7B-601 or G.S. 7B-602  
6 pursuant to any other provision of the Juvenile Code shall be paid a reasonable fee fixed  
7 by the court in the same manner as fees for attorneys appointed in cases of indigency or  
8 by direct engagement for specialized guardian ad litem services through the  
9 Administrative Office of the Courts. The court may require payment of the attorney or  
10 guardian ad litem fee from a person other than the ~~juvenile-child~~ as provided in G.S. 7A-  
11 450.1, 7A-450.2, and 7A-450.3. In no event shall the parent or guardian be required to  
12 pay the fees for a court-appointed attorney or guardian ad litem in an abuse, neglect, or  
13 dependency proceeding unless the ~~juvenile-child~~ has been adjudicated to be abused,  
14 neglected, or dependent, or, in a proceeding to terminate parental rights, unless the  
15 parent's rights have been terminated. A person who does not comply with the court's  
16 order of payment may be punished for contempt as provided in G.S. 5A-21."

17 Section 37. G.S. 7B-700 reads as rewritten:

18 **"§ 7B-700. Regulation of discovery; protective orders.**

19 (a) The chief district court judge in each district shall designate by standing order  
20 what procedure shall be followed and what orders may be entered to allow parties  
21 discovery of records including records of the department of social services and records of  
22 other parties and agencies which may be necessary in the representation of any party to  
23 the petition. The department of social services shall not be required to disclose the  
24 identity of any person or institution making a report pursuant to G.S. 7B-301; provided,  
25 that the presiding judge may compel the disclosure, if in the court's opinion the disclosure  
26 is necessary to a proper administration of justice and such disclosure is not prohibited by  
27 other statute or regulation. Upon written motion of a party and a finding of good cause,  
28 the court may at any time order that discovery be denied, restricted, or deferred.

29 (b) The court may permit a party seeking relief under subsection (a) of this section  
30 to submit supporting affidavits or statements to the court for in camera inspection. If,  
31 thereafter, the court enters an order granting relief under subsection (a) of this section, the  
32 material submitted in camera must be available to the Court of Appeals in the event of an  
33 appeal."

34 Section 38. Subchapter I of Chapter 7B of the General Statutes is amended by  
35 adding a new Article to read:

36 **"ARTICLE 7A.**

37 **"PRE-ADJUDICATION CONFERENCE.**

38 **"§ 7B-701. Purpose.**

39 The purpose of the conference is to explore the possibility of settlement, to narrow the  
40 issues as much as possible, and to stipulate to those facts that are not in dispute.

41 **"§ 7B-702. Time of conference.**

42 The pre-adjudication conference shall be held in the district at such time and place as  
43 the chief district court judge shall designate unless all parties and the court agree there

1 shall be no conference. The pre-adjudication conference shall be conducted pursuant to  
2 G.S. 7B-703 and the General Rules of Practice in the applicable district court, adopted  
3 pursuant to G.S. 7A-34. All parties and their attorneys shall attend the pre-adjudication  
4 conference. Failure to appear may result in sanctions by the court.

5 **"§ 7B-703. Procedures for conference.**

6 (a) At the conference, parties shall do each of the following:

7 (1) Share witness lists, exhibit lists, and exhibits. Any listed exhibit that is  
8 not available for distribution at or before the conference shall be  
9 distributed as soon as it is available.

10 (2) Define the issues.

11 (3) Identify matters that can be stipulated and make stipulations.

12 (4) Consider any proposed consent order.

13 (b) At the conclusion of the conference, a pretrial order shall be prepared  
14 reflecting the outcome of the conference and each party shall be provided a copy of the  
15 order unless the conference immediately precedes the adjudicatory hearing or a consent  
16 judgment is entered.

17 (c) If a parent's identity or whereabouts remain unknown or the paternity of the  
18 child has not been legally established, the order shall specify any steps that are to be  
19 taken to identify the parent, locate the parent, or establish paternity."

20 Section 39. G.S. 7B-800 reads as rewritten:

21 **"§ 7B-800. Amendment of petition.**

22 The court may permit a petition to be amended when the amendment does not change  
23 the nature of the conditions upon which the petition is based. The court may permit a  
24 petition to be amended under the conditions allowing amendment in G.S. 1A-1, Rule 15  
25 of the Rules of Civil Procedure."

26 Section 40. Article 8 of Subchapter I of Chapter 7B of the General Statutes is  
27 amended by adding a new section to read:

28 **"§ 7B-800.1. Consent order or judgment.**

29 Nothing in this Subchapter precludes the court from entering a consent order or  
30 judgment in any hearing under this Subchapter when all parties and their counsel agree to  
31 the entry of and sign a consent order or judgment. Any consent order or judgment shall  
32 comply with the requirements of G.S. 7B-507."

33 Section 41. G.S. 7B-801 reads as rewritten:

34 **"§ 7B-801. Hearing.**

35 (a) At any hearing authorized or required under this Subchapter, the court in its  
36 discretion shall determine whether the hearing or any part of the hearing shall be closed  
37 to the public. In determining whether to close the hearing or any part of the hearing, the  
38 court shall consider the circumstances of the case, including, but not limited to, the  
39 following factors:

40 (1) The nature of the allegations against the  
41 ~~juvenile's~~ child's parent, guardian, custodian or  
42 caretaker;

43 (2) The age and maturity of the ~~juvenile;~~ child;

- 1 (3) The benefit to the ~~juvenile-child~~ of confidentiality;  
2 (4) The benefit to the ~~juvenile-child~~ of an open hearing; and  
3 (5) The extent to which the confidentiality afforded the ~~juvenile's-child's~~  
4 record pursuant to G.S. 132-1.4(l) and G.S. 7B-2901 will be  
5 compromised by an open hearing.

6 (b) No hearing or part of a hearing shall be closed by the court if the ~~juvenile-child~~  
7 requests that it remain open.

8 (c) The adjudicatory hearing shall be held in the district at such time and place as  
9 the chief district court judge shall designate, but no later than 60 days from the filing of  
10 the petition unless the judge pursuant to G.S. 7B-803 orders that it be held at a later time.  
11 Failure to conduct the adjudicatory hearing within 60 days from the filing of the petition  
12 shall not be grounds for an involuntary dismissal of the petition."

13 Section 42. G.S. 7B-802 reads as rewritten:

14 **"§ 7B-802. Conduct of hearing.**

15 The adjudicatory hearing shall be a judicial process designed to adjudicate the  
16 existence or nonexistence of any of the conditions alleged in a petition. In the  
17 adjudicatory hearing, the court shall protect the rights of the ~~juvenile-child~~ and the  
18 ~~juvenile's-child's~~ parent to assure due process of law."

19 Section 43. G.S. 7B-803 reads as rewritten:

20 **"§ 7B-803. Continuances.**

21 (a) Juvenile court has priority over all other district court sessions.

22 (b) The court may, for good cause, continue the hearing for as long as is  
23 reasonably required to receive additional evidence, reports, or assessments that the court  
24 has requested, or other information needed in the best interests of the ~~juvenile-child~~ and to  
25 allow for a reasonable time for the parties to conduct expeditious discovery. Otherwise,  
26 continuances shall be granted only in extraordinary circumstances when necessary for the  
27 proper administration of justice or in the best interests of the ~~juvenile-child~~."

28 Section 44. G.S. 7B-804 reads as rewritten:

29 **"§ 7B-804. Rules of evidence.**

30 Where the ~~juvenile-child~~ is alleged to be abused, neglected, or dependent, the rules of  
31 evidence in civil cases shall apply."

32 Section 45. G.S. 7B-806 reads as rewritten:

33 **"§ 7B-806. Record of proceedings.**

34 All ~~adjudicatory and dispositional~~ hearings under this Subchapter shall be recorded by  
35 stenographic notes or by electronic or mechanical means. Records shall be reduced to a  
36 written transcript only when timely notice of appeal has been given. The court may order  
37 that other hearings be recorded."

38 Section 46. G.S. 7B-807 reads as rewritten:

39 **"§ 7B-807. Adjudication.**

40 If the court finds that the allegations in the petition have been proven by clear and  
41 convincing evidence, the court shall so ~~state-state and~~ adjudicate the child to be abused,  
42 neglected, or dependent. If the court finds that the allegations have not been proven, the  
43 court shall dismiss the petition with prejudice, and if the ~~juvenile-child~~ is in nonsecure

1 custody, the ~~juvenile child~~ shall be ~~released~~ returned to the parent, guardian, custodian, or  
2 caretaker."

3 Section 47. G.S. 7B-808 is repealed.

4 Section 48. G.S. 7B-900 reads as rewritten:

5 "**§ 7B-900. Purpose.**

6 The purpose of dispositions ~~in juvenile actions~~ is to design an appropriate plan to meet  
7 the needs of the ~~juvenile child~~ and to achieve the objectives of the State in exercising  
8 jurisdiction. If ~~possible~~, possible and consistent with protecting the child's safety, the  
9 initial approach should involve working with the ~~juvenile child~~ and the ~~juvenile's child's~~  
10 family in their own home so that the appropriate community resources may be involved  
11 in care, supervision, and treatment according to the needs of the ~~juvenile~~. Thus, child. In  
12 these cases the court should ~~arrange for~~ determine the appropriate community-level  
13 services to be provided to the ~~juvenile child~~ and the ~~juvenile's child's~~ family in order to  
14 strengthen the home situation."

15 Section 49. Article 9 of Subchapter I of Chapter 7B of the General Statutes is  
16 amended by adding a new section to read:

17 "**§ 7B-900.1. Predisposition investigation and reports.**

18 (a) The court shall proceed to the dispositional hearing upon receipt of sufficient  
19 social, medical, psychiatric, psychological, and educational information.

20 (b) Whenever the director files a petition, the department of social services shall  
21 prepare a predisposition report that includes, but is not limited to, the following:

22 (1) A description of the placement plan for the child and how that plan is  
23 appropriate to the child's needs;

24 (2) A description of the plan of services for the child and the child's family,  
25 and how that plan is appropriate to meet the child's needs;

26 (3) A statement of changes in parental behavior that are needed to correct  
27 the conditions that led to the abuse, neglect, or dependency, and the  
28 actions the parents must take;

29 (4) If there is a recommendation that the child be removed from the home:

30 a. A statement of the efforts by the department of social services to  
31 prevent the need for placing the child outside the home or a  
32 statement of why such efforts are not necessary pursuant to  
33 statute;

34 b. A description of the efforts by the department of social services  
35 to reunify the family, including the services that have been  
36 offered, provided, or rejected, or a statement of why such efforts  
37 are not necessary pursuant to statute;

38 c. A statement of why the child cannot be protected from the  
39 identified problems while remaining in the home;

40 d. The identity of all relatives and friends who have been contacted  
41 about providing a placement for the child, and a description and  
42 the nature and results of those contacts;

- 1 e. A summary of visitation that has occurred and a plan for future  
2 visitation with the child;  
3 f. A statement of the child's special needs and how they may be  
4 met;  
5 g. The identity and location of the child's siblings and a statement  
6 of steps required to maintain contact between the siblings if they  
7 are not placed together;  
8 h. If applicable, a description of the child's school or day care  
9 situation and efforts to maintain the same placement; and  
10 i. Whether the parents are able or have contributed financially to  
11 the child's support.

12 (c) The guardian ad litem for the child shall prepare a predisposition report to  
13 assist the court in reaching a disposition that will best serve the child's needs. The report  
14 shall identify the person contacted and provide a factual basis for any recommendations.

15 (d) The department of social services and the child's guardian ad litem shall  
16 provide copies of their predisposition reports to all parties and their counsel before the  
17 pre-adjudication conference, or the adjudication if no conference is held.

18 (e) Predisposition reports shall not be submitted to or considered by the court until  
19 the court has rendered an adjudication order."

20 Section 50. Article 9 of Subchapter I of Chapter 7B of the General Statutes is  
21 amended by adding a new section to read:

22 "**§ 7B-900.2. Predisposition conference.**

23 (a) The purposes of the conference shall be to explore the possibilities of  
24 settlement, to narrow the issues as much as possible, and to stipulate those facts or  
25 provisions of the dispositional order that are not in dispute.

26 (b) The court, at the time of the adjudication, shall set the date for the disposition  
27 and for the predisposition conference, unless all parties and the court agree there shall be  
28 no conference. The predisposition conference shall be conducted pursuant to G.S. 7B-  
29 703 and the General Rules of Practice in the applicable district court, adopted pursuant to  
30 G.S. 7A-34. All parties and their attorneys shall attend the predisposition conference.  
31 Failure to appear may result in sanctions by the court."

32 Section 51. G.S. 7B-901 reads as rewritten:

33 "**§ 7B-901. Dispositional hearing.**

34 The dispositional hearing may be informal and the court may consider written reports  
35 or other evidence concerning the needs of the ~~juvenile-child~~. ~~The juvenile-child and the~~  
36 ~~juvenile's-child's~~ parent, guardian, ~~or custodian-custodian~~, or caretaker shall have an  
37 opportunity to present evidence, and they may advise the court concerning the disposition  
38 they believe to be in the best interests of the ~~juvenile~~. ~~The court may exclude the public from~~  
39 ~~the hearing unless the juvenile moves that the hearing be open, which motion shall be granted.~~  
40 ~~child.~~ The dispositional hearing shall take place immediately after the adjudication  
41 unless for good cause, the court orders that it should be continued."

42 Section 52. G.S. 7B-902 is repealed.

43 Section 53. G.S. 7B-903 reads as rewritten:

1 **"§ 7B-903. Dispositional alternatives for abused, neglected, or dependent juvenile-**  
2 **child.**

3 The following alternatives for disposition shall be available to any court exercising  
4 jurisdiction, and the court may combine any of the applicable alternatives when the court  
5 finds the disposition to be in the best interests of the juvenile-child:

6 (1) ~~The court may dismiss the case or continue the case in order to allow~~  
7 ~~the parent, guardian, custodian, caretaker or others to take appropriate~~  
8 ~~action.~~

9 (2) In the case of any juvenile-child who needs more adequate care or  
10 supervision or who needs placement, the court may:

11 a. Require that the juvenile-child be supervised in the juvenile's  
12 child's own home by the department of social services in the  
13 juvenile's-child's county, or by other personnel as may be  
14 available to the court, subject to conditions applicable to the  
15 parent, guardian, custodian, or caretaker as the court may  
16 specify; or

17 b. Place the juvenile-child in the custody of a parent, relative, ~~private~~  
18 ~~agency offering placement services, or some other suitable person;~~  
19 ~~or however, no child shall be placed in the custody of a relative~~  
20 ~~or other suitable person unless the court finds that:~~

21 1. The child has resided with the relative or other suitable  
22 person for a period of at least six months, or less if the  
23 court finds a compelling reason to shorten the time; and

24 2. The placement is a safe and permanent home and in the  
25 child's best interests; or

26 c. Place the juvenile-child in the custody of the department of social  
27 services in the county of the juvenile's-child's residence, or in the  
28 case of a juvenile-child who has legal residence outside the State,  
29 in the physical custody of the department of social services in the  
30 county where the juvenile-child is found so that agency may  
31 return the juvenile-child to the responsible authorities in the  
32 juvenile's-child's home state. The director may, unless otherwise  
33 ordered by the court, arrange for, provide, or consent to, needed  
34 routine or emergency medical or surgical care or treatment. In the  
35 case where the parent is unknown, unavailable, or unable to act  
36 on behalf of the juvenile-child, the director may, unless otherwise  
37 ordered by the court, arrange for, provide, or consent to any  
38 psychiatric, psychological, educational, or other remedial  
39 evaluations or treatment for the juvenile-child placed by a court or  
40 the court's designee in the custody or physical custody of a  
41 county department of social services under the authority of this  
42 or any other Chapter of the General Statutes. Prior to exercising  
43 this authority, the director shall make reasonable efforts to obtain

1 consent from a parent or guardian of the affected ~~juvenile child~~.  
2 If the director cannot obtain such consent, the director shall  
3 promptly notify the parent or guardian that care or treatment has  
4 been provided and shall give the parent frequent status reports on  
5 the circumstances of the ~~juvenile child~~. Upon request of a parent  
6 or guardian of the affected ~~juvenile child~~, the results or records of  
7 the aforementioned evaluations, findings, or treatment shall be  
8 made available to such parent or guardian by the director unless  
9 prohibited by G.S. 122C-53(d). ~~If a juvenile is removed from the~~  
10 ~~home and placed in custody or placement responsibility of a county~~  
11 ~~department of social services, the director shall not allow unsupervised~~  
12 ~~visitation with, or return physical custody of the juvenile to, the parent,~~  
13 ~~guardian, custodian, or caretaker without a hearing at which the court~~  
14 ~~finds that the juvenile will receive proper care and supervision in a~~  
15 ~~safe home.~~

16 In placing a ~~juvenile child~~ in out-of-home care under this  
17 section, the court shall first consider whether a relative of the  
18 ~~juvenile child~~ is willing and able to provide proper care and  
19 supervision of the ~~juvenile child~~ in a safe home. If the court finds  
20 that the relative is willing and able to provide proper care and  
21 supervision in a safe home, then the court shall order placement  
22 of the ~~juvenile child~~ with the relative unless the court finds that  
23 the placement is contrary to the best interests of the ~~juvenile~~  
24 ~~child~~. Placement of a ~~juvenile child~~ with a relative outside of this  
25 State must be in accordance with the Interstate Compact on the  
26 Placement of ~~Children~~ Children; or

27 d. Appoint a guardian of the person; however, no guardian of the  
28 person shall be appointed unless the court finds that:

- 29 1. The child has resided with the proposed guardian for a  
30 period of at least six months, or less if the court finds a  
31 compelling reason to shorten the time; and
- 32 2. The placement is a safe and permanent home and in the  
33 child's best interests.

34 The guardian shall operate under the supervision of the court  
35 with or without bond and shall file only such reports as the court  
36 shall require. The guardian shall have the care, custody, and  
37 control of the child or may arrange a suitable placement for the  
38 child and may represent the child in legal actions before any  
39 court. The guardian may consent to certain actions on the part of  
40 the child in place of the parent including (i) marriage, (ii)  
41 enlisting in the armed forces, and (iii) enrollment in school. The  
42 guardian may also consent to any necessary remedial,  
43 psychological, medical, or surgical treatment for the child. The

1 authority of the guardian shall continue until the guardianship is  
2 terminated by court order, until the child is emancipated pursuant  
3 to Article 35 of Subchapter IV of this Chapter, or until the child  
4 reaches the age of majority.

5 (3) In any case, the court may order that the ~~juvenile-child~~ be examined by a  
6 physician, psychiatrist, psychologist, or other qualified expert as may be  
7 needed for the court to determine the needs of the ~~juvenile-child~~:

8 a. Upon completion of the examination, the court shall conduct a  
9 hearing to determine whether the ~~juvenile-child~~ is in need of  
10 medical, surgical, psychiatric, psychological, or other treatment  
11 and who should pay the cost of the treatment. The county  
12 manager, or such person who shall be designated by the chairman  
13 of the county commissioners, of the ~~juvenile's-child's~~ residence  
14 shall be notified of the hearing, and allowed to be heard. If the  
15 court finds the ~~juvenile-child~~ to be in need of medical, surgical,  
16 psychiatric, psychological, or other treatment, the court shall  
17 permit the parent or other responsible persons to arrange for  
18 treatment. If the parent declines or is unable to make necessary  
19 arrangements, the court may order the needed treatment, surgery,  
20 or care, and the court may order the parent to pay the cost of the  
21 care pursuant to G.S. 7B-904. If the court finds the parent is  
22 unable to pay the cost of treatment, the court shall order the  
23 county to arrange for treatment of the ~~juvenile-child~~ and to pay for  
24 the cost of the treatment. The county department of social  
25 services shall recommend the facility that will provide the  
26 ~~juvenile-child~~ with treatment.

27 b. If the court believes, or if there is evidence presented to the effect  
28 that the ~~juvenile-child~~ is mentally ~~ill~~, has a serious emotional  
29 disturbance, is a substance abuser, or is developmentally  
30 disabled, the court shall refer the ~~juvenile-child~~ to the area mental  
31 health, developmental disabilities, and substance abuse services  
32 director for appropriate action. A ~~juvenile-child~~ shall not be  
33 committed directly to a State hospital or ~~mental retardation-a~~  
34 developmental disability or substance abuse center; center except  
35 pursuant to Chapter 122C of the General Statutes; and orders  
36 purporting to commit a ~~juvenile-child~~ directly to a State hospital  
37 or ~~mental retardation-a developmental disability or substance~~  
38 abuse center except for an examination to determine capacity to  
39 proceed shall be void and of no effect. The area mental health,  
40 developmental disabilities, and substance abuse director shall be  
41 responsible for arranging an interdisciplinary evaluation of the  
42 ~~juvenile-child~~ and mobilizing resources to meet the ~~juvenile's~~  
43 child's needs. If institutionalization is determined to be the best

1 service for the ~~juvenile-child~~ admission shall be with the  
2 voluntary consent of the ~~parent or guardian~~ parent, guardian, or  
3 custodian. If the parent, guardian, custodian, or caretaker refuses  
4 to consent to a ~~mental-State hospital or retardation~~ a  
5 developmental disability or substance abuse center admission  
6 after such institutionalization is recommended by the area mental  
7 health, developmental disabilities, and substance abuse director,  
8 the signature and consent of the court may be substituted for that  
9 purpose. In all cases in which a ~~regional-mental-State hospital or~~  
10 developmental disability or substance abuse center refuses  
11 admission to a ~~juvenile-child~~ referred for admission by a court  
12 and an area mental health, developmental disabilities, and  
13 substance abuse director or discharges a ~~juvenile-child~~ previously  
14 admitted on court referral prior to completion of treatment, the  
15 State hospital or developmental disability or substance abuse  
16 center shall submit to the court a written report setting out the  
17 reasons for denial of admission or discharge and setting out the  
18 ~~juvenile's~~ child's diagnosis, indications of mental illness,  
19 indications of need for treatment, and a statement as to the  
20 location of any facility known to have a treatment program for  
21 the ~~juvenile-child~~ in question."

22 Section 54. G.S. 7B-904 reads as rewritten:

23 "**§ 7B-904. Authority over ~~parents~~ parent, guardian, custodian, and caretaker of**  
24 **juvenile-child adjudicated as abused, neglected, or dependent.**

25 (a) If the court orders medical, surgical, psychiatric, psychological, or other  
26 treatment pursuant to G.S. 7B-903, the court may order the parent or other responsible  
27 parties to pay the cost of the treatment or care ordered.

28 (b) At the dispositional hearing or a subsequent hearing in the case of a ~~juvenile~~  
29 child who has been adjudicated abused, neglected, or dependent, if the court finds that it  
30 is in the best interests of the ~~juvenile-child~~ for the ~~parent~~ parent, guardian, custodian, or  
31 caretaker to be directly involved in the ~~juvenile's-child's~~ treatment, the court may order the  
32 ~~parent~~ parent, guardian, custodian, or caretaker to participate in medical, psychiatric,  
33 psychological, or other treatment of the ~~juvenile-child~~. The cost of the treatment shall be  
34 paid pursuant to G.S. 7B-903.

35 (c) ~~At the dispositional hearing or a subsequent hearing in the case of a juvenile~~  
36 ~~who has been adjudicated abused, neglected, or dependent, the court may determine~~  
37 ~~whether the best interests of the juvenile require that the parent undergo psychiatric,~~  
38 ~~psychological, or other treatment or counseling directed toward remediating or~~  
39 ~~remedying behaviors or conditions that led to or contributed to the juvenile's adjudication~~  
40 ~~or to the court's decision to remove custody of the juvenile from the parent. If the court~~  
41 ~~finds that the best interests of the juvenile require the parent undergo treatment, it may~~  
42 ~~order the parent to comply with a plan of treatment approved by the court or condition~~  
43 ~~legal custody or physical placement of the juvenile with the parent upon the parent's~~

1 ~~compliance with the plan of treatment. At the dispositional hearing or a subsequent~~  
2 ~~hearing in the case of a child who has been adjudicated abused, neglected, or dependent,~~  
3 ~~the court may determine whether the best interests of the child require that the parent,~~  
4 ~~guardian, custodian, or caretaker undergo psychiatric, psychological, or other treatment~~  
5 ~~or counseling to facilitate placement of the child with that person. If the court finds that~~  
6 ~~the best interests of the child require a parent, guardian, custodian, or caretaker undergo~~  
7 ~~treatment, it may order that person to comply with a plan of treatment approved by the~~  
8 ~~court or condition legal custody or physical placement of the child with that person upon~~  
9 ~~that person's compliance with the plan of treatment.~~

10 (c1) ~~The court shall conduct a hearing to determine who should pay the cost of the~~  
11 ~~treatment ordered pursuant to subsection (c) of this section. The county manager, or such~~  
12 ~~person who shall be designated by the chair of the county commissioners, of the child's~~  
13 ~~residence shall be notified of the hearing and allowed to be heard. The court may order~~  
14 ~~the parent-parent, guardian, custodian, or caretaker to pay the cost of treatment ordered~~  
15 ~~pursuant to this subsection-subsection (c). In cases in which the court has conditioned~~  
16 ~~legal custody or physical placement of the juvenile-child with the parent-parent, guardian,~~  
17 ~~custodian, or caretaker upon the parent's-that person's compliance with a plan of treatment,~~  
18 ~~the court may charge the cost of the treatment to the county of the juvenile's-child's~~  
19 ~~residence if the court finds the parent-parent, guardian, custodian, or caretaker is unable to~~  
20 ~~pay the cost of the treatment-treatment and the treatment is not currently available from~~  
21 ~~the area mental health program that serves the parent, guardian, custodian, or caretaker.~~  
22 ~~In all other cases, if the court finds the parent-parent, guardian, custodian, or caretaker is~~  
23 ~~unable to pay the cost of the treatment ordered pursuant to this subsection-subsection (c),~~  
24 ~~the court may order the parent-parent, guardian, custodian, or caretaker to receive~~  
25 ~~treatment currently available from the-that individual's area mental health program that~~  
26 ~~serves the parent's catchment area-program.~~

27 (d) ~~Whenever legal custody of a juvenile-child is vested in someone other than the~~  
28 ~~juvenile's-child's parent, after due notice to the parent and after a hearing, the court may~~  
29 ~~order that the parent pay a reasonable sum that will cover, in whole or in part, the support~~  
30 ~~of the juvenile-child after the order is entered. If the court requires the payment of child~~  
31 ~~support, the amount of the payments shall be determined as provided in G.S. 50-13.4(c).~~  
32 ~~If the court places a juvenile-child in the custody of a county department of social services~~  
33 ~~and if the court finds that the parent is unable to pay the cost of the support required by~~  
34 ~~the juvenile-child, the cost shall be paid by the county department of social services in~~  
35 ~~whose custody the juvenile-child is placed, provided the juvenile-child is not receiving care~~  
36 ~~in an institution owned or operated by the State or federal government or any subdivision~~  
37 ~~thereof.~~

38 (e) ~~Failure of a parent-parent, guardian, custodian, or caretaker who is personally~~  
39 ~~served to participate in or comply with this section may result in a proceeding for civil~~  
40 ~~contempt."~~

41 Section 55. Article 9 of Subchapter I of Chapter 7B of the General Statutes is  
42 amended by adding a new section to read:

43 **"§ 7B-904.1. Authority over public agencies.**

1        At any time after adjudication, if it appears that the best interest of the child may  
2 require that the child receive services from a public agency, the court may direct the clerk  
3 or a party to serve the director or other appropriate representative of the agency with a  
4 written notice of the hearing and of the issues to be addressed that involve that agency.  
5 At the hearing for which the agency has been served with notice, the agency shall have  
6 the opportunity to be heard. The court may hear evidence relating to the level and type of  
7 services that the agency can provide to meet the child's needs. The court shall have  
8 authority to order the public agency to provide or arrange for the provision of services to  
9 meet the child's needs. The failure of the public agency to comply with such order may  
10 result in contempt proceedings pursuant to Chapter 5A of the General Statutes."

11        Section 56. G.S. 7B-905 reads as rewritten:

12        **"§ 7B-905. Dispositional order.**

13        (a) The dispositional order shall be in writing and shall contain appropriate  
14 findings of fact and conclusions of law. The court shall state with particularity, both  
15 orally and in the written order of disposition, the precise terms of the disposition  
16 including the kind, duration, and the person who is responsible for carrying out the  
17 disposition and the person or agency in whom custody is vested.

18        (b) A dispositional order ~~under which a juvenile is removed from the custody of a~~  
19 ~~parent, guardian, custodian, or caretaker~~ shall direct that the review hearing required by G.S.  
20 7B-906 be held within 90 days from of the date of the dispositional ~~hearing~~ hearing,  
21 unless the court's jurisdiction has terminated, and, if practicable, shall set the date and  
22 time for the review hearing.

23        (c) Any dispositional order shall comply with the requirements of G.S. 7B-507.  
24 Any dispositional order shall provide for appropriate visitation as may be in the best  
25 interests of the ~~juvenile child~~ and consistent with the ~~juvenile's child's~~ health and safety. If  
26 the ~~juvenile child~~ is placed in the custody or placement responsibility of a county  
27 department of social services, the court may order the director to arrange, facilitate, and  
28 supervise a visitation plan expressly approved by the court. The director shall not allow  
29 unsupervised visitation with, or return physical custody of the child, to the parent,  
30 guardian, custodian, or caretaker from whom the child has been removed without an  
31 order in which the court finds that the child will receive proper care and supervision."

32        Section 57. G.S. 7B-906 reads as rewritten:

33        **"§ 7B-906. Review of custody order.**

34        (a) ~~In any case where custody is removed from a parent, guardian, custodian, or caretaker~~  
35 ~~the~~ The court shall conduct a review hearing within 90 days from the date of the  
36 dispositional hearing and shall conduct a review hearing within six months thereafter. ~~The~~  
37 ~~director of social services shall make a timely request to the clerk to calendar each review at a~~  
38 ~~session of court scheduled for the hearing of juvenile matters. The clerk shall give 15 days'~~  
39 ~~notice of the review and its purpose to the parent, the juvenile, if 12 years of age or more, the~~  
40 ~~guardian, any foster parent, relative, or preadoptive parent providing care for the child, the~~  
41 ~~custodian or agency with custody, the guardian ad litem, and any other person or agency the~~  
42 ~~court may specify, indicating the court's impending review. Nothing in this subsection shall be~~

1 ~~construed to make any foster parent, relative, or preadoptive parent a party to the proceeding~~  
2 ~~solely based on receiving notice and an opportunity to be heard.~~

3 (a1) The date and time for the review hearing shall be set at the previous hearing  
4 and included in the order, if practicable. If not set at the previous hearing, the clerk shall  
5 calendar in a timely manner the case at a session of court scheduled for hearing under this  
6 Subchapter. The clerk shall give 15 days' notice of the review to the parent, guardian,  
7 custodian, or agency with custody, the guardian ad litem, and any other person the court  
8 may specify, indicating the court's impending review. The director shall give 10 days'  
9 notice of the review to the child if the child is 12 years of age or more, and any relative,  
10 foster parent, or preadoptive parent providing care for the child. The director shall  
11 document delivery of such notice in the social services case record. Nothing in this  
12 provision shall be construed to make any foster parent, relative, or preadoptive parent  
13 providing care for the child a party to the proceeding solely based on receiving such  
14 notice and an opportunity to be heard.

15 (a2) The director shall file and deliver a written court summary to all counsel,  
16 unrepresented parties, and the Guardian ad Litem Program Administrator before each  
17 review hearing. The summary shall describe the progress in the case since the last  
18 hearing and include current recommendations. The Guardian ad Litem Program  
19 Administrator shall file and deliver a written court summary to the director, all counsel,  
20 and unrepresented parties before the review hearing. The report shall identify the persons  
21 contacted and provide a factual basis for any recommendations. The time frames for  
22 filing and delivering each report and for filing and delivering objections to the reports  
23 shall be set pursuant to the General Rules of Practice in the applicable district court,  
24 adopted pursuant to G.S. 7A-34.

25 (a3) Whenever a party objects to any recommendations made in the reports of the  
26 department of social services or the guardian ad litem, there shall be a prehearing  
27 conference. The prehearing conference shall be conducted pursuant to the General Rules  
28 of Practice in the applicable district court, adopted pursuant to G.S. 7A-34.

29 ~~(b) Notwithstanding other provisions of this Article, the court may waive the~~  
30 ~~holding of review hearings required by subsection (a) of this section, may require written~~  
31 ~~reports to the court by the agency or person holding custody in lieu of review hearings, or~~  
32 ~~order that review hearings be held less often than every six months, if the court finds by~~  
33 ~~clear, cogent, and convincing evidence that:~~

- 34 ~~(1) The juvenile has resided with a relative or has been in the custody of~~  
35 ~~another suitable person for a period of at least one year;~~  
36 ~~(2) The placement is stable and continuation of the placement is in the~~  
37 ~~juvenile's best interests;~~  
38 ~~(3) Neither the juvenile's best interests nor the rights of any party require~~  
39 ~~that review hearings be held every six months;~~  
40 ~~(4) All parties are aware that the matter may be brought before the court for~~  
41 ~~review at any time by the filing of a motion for review or on the court's~~  
42 ~~own motion; and~~

1           ~~(5) The court order has designated the relative or other suitable person as~~  
2           ~~the juvenile's permanent caretaker or guardian of the person.~~  
3     ~~The court may not waive or refuse to conduct a review hearing if a party files a motion~~  
4     ~~seeking the review.~~

5           (c) At every review hearing, the court shall consider information from the parent,  
6     ~~the juvenile,~~ child, the guardian, any foster parent, relative, or preadoptive parent  
7     providing care for the child, the custodian or agency with custody, the guardian ad litem,  
8     and any other person or agency which will aid in its review.

9           In each case the court shall consider the following criteria and make written findings  
10          regarding those that are relevant:

11          ~~(1) Services which have been offered to reunite the family, or whether~~  
12          ~~efforts to reunite the family clearly would be futile or inconsistent with~~  
13          ~~the juvenile's safety and need for a safe, permanent home within a~~  
14          ~~reasonable period of time.~~

15          ~~(2) Where the juvenile's return home is unlikely, the efforts which have~~  
16          ~~been made to evaluate or plan for other methods of care.~~

17          ~~(3) Goals of the foster care placement and the appropriateness of the foster~~  
18          ~~care plan.~~

19          ~~(4) A new foster care plan, if continuation of care is sought, that addresses~~  
20          ~~the role the current foster parent will play in the planning for the~~  
21          ~~juvenile.~~

22          ~~(5) Reports on the placements the juvenile has had and any services offered~~  
23          ~~to the juvenile and the parent, guardian, custodian, or caretaker.~~

24          ~~(6) An appropriate visitation plan.~~

25          ~~(7) If the juvenile is 16 or 17 years of age, a report on an independent living~~  
26          ~~assessment of the juvenile and, if appropriate, an independent living~~  
27          ~~plan developed for the juvenile.~~

28          ~~(8) When and if termination of parental rights should be considered.~~

29          ~~(9) Any other criteria the court deems necessary.~~

30          (10) Whether the agency's efforts to locate, notify, and work with all parties  
31          not currently active in the litigation have been sufficient, and what  
32          further actions are necessary;

33          (11) Whether the parents are able or have contributed financially to the  
34          child's support;

35          (12) A summary of parental visitation that has occurred since the last  
36          hearing;

37          (13) A brief description of the services and assistance that have been offered  
38          or provided to the family since the previous hearing if the previous  
39          hearing found reunification to be the case objective;

40          (14) The extent to which problems necessitating State intervention have been  
41          remedied and, if reunification continues to be the case objective, the  
42          actions that should be taken by the parents to permit the return of the  
43          child;

- 1           (15) Whether efforts to reunite the family clearly would be futile or  
2 inconsistent with the child's safety and need for a safe, permanent home  
3 within a reasonable period of time;  
4           (16) Where efforts to reunite the family have been previously found to be  
5 futile or inconsistent with the child's safety and the need for a safe,  
6 permanent home within a reasonable period of time, the efforts which  
7 have been made to evaluate or plan for other permanent placement;  
8           (17) An assessment of compliance by the agency and parents with the  
9 department of social services case plan and with previous orders and  
10 recommendations of the court;  
11           (18) Reports on the placements the child has had and the appropriateness of  
12 the current placement, and any services offered to the child;  
13           (19) The location of any siblings, and if siblings are separated, a statement of  
14 the reasons for the separation, and whether steps have been and will be  
15 taken to unite them and to maintain regular contact during the  
16 separation;  
17           (20) A proposed timetable for the child's return home or other permanent  
18 placement;  
19           (21) If the child is 16 or 17 years of age, a report on an independent living  
20 assessment of the child, and, if appropriate, an independent living plan  
21 for the child;  
22           (22) Any other criteria the court deems necessary.

23           (d) ~~The court, after making findings of fact, may appoint a guardian of the person~~  
24 ~~for the juvenile pursuant to G.S. 7B-600 or may make any disposition authorized by G.S.~~  
25 ~~7B-903, including the authority to place the juvenile in the custody of either parent or any~~  
26 ~~relative found by the court to be suitable and found by the court to be in the best interests~~  
27 ~~of the juvenile. 7B-903. The court may enter an order continuing the placement under~~  
28 ~~review or providing for a different placement as is deemed to be in the best interests of~~  
29 ~~the juvenile child and consistent with the plan for the child. If at any time custody is~~  
30 ~~restored to placed with a parent, guardian, custodian, or caretaker relative, or other~~  
31 ~~suitable person pursuant to G.S. 7B-903(1)b., or appointed a guardian of the person~~  
32 ~~pursuant to G.S. 7B-903(1)d., the court shall be relieved of the duty to conduct periodic~~  
33 ~~judicial reviews of the placement. further hearings under this Subchapter.~~

34           (e) Reserved.

35           (f) The provisions of G.S. 7B-507 shall apply to any order entered under this  
36 section."

37           Section 58. G.S. 7B-907 reads as rewritten:

38 **"§ 7B-907. Permanency planning hearing.**

39           ~~In any case where custody is removed from a parent, guardian, custodian, or~~  
40 ~~caretaker, the judge shall conduct a review hearing designated as a permanency planning~~  
41 ~~hearing within 12 months after the date of the initial order removing custody, and the~~  
42 ~~hearing may be combined, if appropriate, with a review hearing required by G.S. 7B-906.~~  
43 ~~The purpose of the permanency planning hearing shall be to develop a plan to achieve a~~

1 safe, permanent home for the juvenile within a reasonable period of time. Subsequent  
2 permanency planning hearings shall be held at least every six months thereafter, or earlier  
3 as set by the court, to review the progress made in finalizing the permanent plan for the  
4 juvenile, or if necessary, to make a new permanent plan for the juvenile. The Director of  
5 Social Services shall make a timely request to the clerk to calendar each permanency  
6 planning hearing at a session of court scheduled for the hearing of juvenile matters. The  
7 clerk shall give 15 days' notice of the hearing and its purpose to the parent, the juvenile if  
8 12 years of age or more, the guardian, any foster parent, relative, or preadoptive parent  
9 providing care for the child, the custodian or agency with custody, the guardian ad litem,  
10 and any other person or agency the court may specify, indicating the court's impending  
11 review. Nothing in this provision shall be construed to make any foster parent, relative,  
12 or preadoptive parent a party to the proceeding solely based on receiving notice and an  
13 opportunity to be heard. At a hearing designated by the court, but no more than 12  
14 months after the filing of the petition under this Subchapter, a review designated as a  
15 permanency planning hearing shall be held under this section and may be combined with  
16 a review hearing required under G.S. 7B-906. A second permanency planning hearing  
17 shall be held six months thereafter. Subsequent permanency planning hearings shall be  
18 held at least once every three months thereafter, or earlier as set by the court, to review  
19 the progress made in finalizing the permanent plan for the child, or if necessary, to make  
20 a new permanent plan for the child. At each hearing, the court shall set the date and time  
21 for the next hearing, if practicable. The purpose of the permanency planning hearing  
22 shall be to develop a plan to achieve a safe, permanent home for the child within a  
23 reasonable period of time.

24 (a1) If not set at the previous hearing, the clerk shall calendar in a timely manner  
25 the case at a session of court scheduled for hearing under this Subchapter. The clerk shall  
26 give 15 days' notice of the permanency planning hearing to the parent, guardian,  
27 custodian, or agency with custody, the guardian ad litem, and any other person the court  
28 may specify, indicating the court's impending hearing. The director shall give 10 days'  
29 notice of the hearing to the child if 12 years of age or more, and any relative, foster  
30 parent, or preadoptive parent providing care for the child. The director shall document  
31 delivery of such notice in the social services case record. Nothing in this provision shall  
32 be construed to make any foster parent, relative, or preadoptive parent providing care for  
33 the child a party to the proceeding solely based on receiving such notice and an  
34 opportunity to be heard.

35 (a2) The director shall file and deliver a written court summary to all counsel,  
36 unrepresented parties, and the Guardian ad Litem Program Administrator before the  
37 permanency planning hearing. The summary shall state the permanent plan of care  
38 recommended by the department of social services and the basis for its recommendation.  
39 The Guardian ad Litem Program Administrator shall file and deliver a written court  
40 summary to the director, all counsel, and unrepresented parties before the permanency  
41 planning hearing. The report shall identify the persons contacted and provide a factual  
42 basis for any recommendation. The time frames for filing and delivering each report and  
43 for filing and delivering objections to the reports shall be set pursuant to G.S. 7A-34.

1 (a3) Whenever a party objects to any recommendations made in the reports of the  
2 department of social services or the guardian ad litem, there shall be a prehearing  
3 conference. The prehearing conference shall be conducted pursuant to the General Rules  
4 of Practice in the applicable district court, adopted pursuant to G.S. 7A-34.

5 (b) At any permanency planning review, the court shall consider information from  
6 the parent, the ~~juvenile, child,~~ the guardian, any foster parent, relative or preadoptive  
7 parent providing care for the child, the custodian or agency with custody, the guardian ad  
8 litem, and any other person or agency which will aid it in the court's review. At the  
9 conclusion of the hearing, if the ~~juvenile child~~ is not ~~returned home,~~ placed in the legal  
10 custody of a parent, relative, or other suitable person pursuant to G.S. 7B-903(1)b. or  
11 appointed a guardian of the person pursuant to G.S. 7B-903(1)d., the court shall consider  
12 the following criteria and make written findings regarding those that are relevant:

13 (1) Whether it is possible for the ~~juvenile child~~ to be returned home  
14 immediately or within the next ~~six-three~~ months, and if not, why it is not  
15 in the ~~juvenile's child's~~ best interests to return home;

16 (2) Where the ~~juvenile's child's~~ return home is unlikely within ~~six-three~~  
17 months, whether legal guardianship or custody with a relative or some  
18 other suitable person should be established, and if so, the rights and  
19 responsibilities which should remain with the parents;

20 (3) Where the ~~juvenile's child's~~ return home is unlikely within ~~six-three~~  
21 months, whether adoption should be pursued and if so, any barriers to  
22 the ~~juvenile's child's~~ adoption;

23 (4) Where the ~~juvenile's child's~~ return home is unlikely within ~~six-three~~  
24 months, whether the ~~juvenile child~~ should remain in the current  
25 placement or be placed in another permanent living arrangement and  
26 why;

27 (5) Whether the county department of social services has since the initial  
28 permanency plan hearing made reasonable efforts to implement the  
29 permanent plan for the ~~juvenile, child;~~

30 (6) Any other criteria the court deems necessary.

31 (c) At the conclusion of the hearing, the judge shall make specific findings as to  
32 the best plan of care to achieve a safe, permanent home for the ~~juvenile child~~ within a  
33 reasonable period of time. The judge may ~~appoint a guardian of the person for the juvenile~~  
34 ~~pursuant to G.S. 7B-600 or make any disposition authorized by G.S. 7B-903 including the~~  
35 ~~authority to place the child in the custody of either parent or any relative found by the court to be~~  
36 ~~suitable and found by the court to be in the best interest of the juvenile. 7B-903.~~ If the juvenile  
37 child is not returned home, placed in the legal custody of a parent, relative, or other  
38 suitable person pursuant to G.S. 7B-903(1)b. or appointed a guardian of the person  
39 pursuant to G.S. 7B-903(1)d., the court shall enter an order consistent with its findings  
40 that directs the department of social services to make reasonable efforts to place the  
41 ~~juvenile child~~ in a timely manner in accordance with the permanent plan, to complete  
42 whatever steps are necessary to finalize the permanent placement of the ~~juvenile, child,~~  
43 and to document such steps in the ~~juvenile's child's~~ case plan. If at any time custody is

1 ~~restored to placed with a parent, or other person pursuant to G.S. 7B-903(1)b. or the child~~  
2 ~~is appointed a guardian of the person pursuant to G.S. 7B-903(1)d., or findings are made in~~  
3 ~~accordance with G.S. 7B-906(b), the court shall be relieved of the duty to conduct periodic~~  
4 ~~judicial reviews of the placement. further hearings under this Subchapter.~~

5 If the court continues the ~~juvenile's~~ child's placement in the custody or placement  
6 responsibility of a county department of social services, the provisions of G.S. 7B-507  
7 shall apply to any order entered under this section.

8 (d) In the case of a ~~juvenile-child~~ who is in the custody or placement responsibility  
9 of a county department of social services, and has been in placement outside the home for  
10 15 of the most recent 22 months; or a court of competent jurisdiction has determined that  
11 the parent has abandoned the child; or has committed murder or voluntary manslaughter  
12 of another child of the parent; or has aided, abetted, attempted, conspired, or solicited to  
13 commit murder or voluntary manslaughter of the child or another child of the parent, the  
14 court shall order the director of the department of social services to initiate a proceeding  
15 to terminate the parental rights of the parent unless the court ~~finds:~~ makes specific  
16 findings why the filing of a petition for termination of parental rights is not in the best  
17 interests of the child, which findings may include, but are not limited to, the following:

- 18 (1) The permanent plan for the ~~juvenile-child~~ is guardianship or custody  
19 with a relative or some other suitable ~~person;~~ person.
- 20 (2) ~~The court makes specific findings why the filing of a petition for~~  
21 ~~termination of parental rights is not in the best interests of the child; or~~
- 22 (3) ~~The department of social services has not provided the juvenile's family~~  
23 ~~with such services as the department deems necessary, when reasonable~~  
24 ~~efforts are still required to enable the juvenile's return to a safe home.~~
- 25 (4) Services identified in the case plan have not been provided within the  
26 times specified in the case plan and such services are available and may  
27 make it possible for the child to safely return home within three months.
- 28 (5) The parent has made substantial progress in eliminating the problems  
29 causing the child's continued placement in foster care; it is likely that  
30 the child will be able to safely return home within three months; no  
31 prior extension has been granted; and return home will be in the child's  
32 best interests.
- 33 (6) A parent is terminally ill but in remission and does not wish for parental  
34 rights to be terminated. The parent has designated a permanent  
35 caretaker or standby guardian of the child.
- 36 (7) A child who is in a family placement has complex and expensive  
37 medical or special needs, the State adoption subsidy and other benefits  
38 are insufficient to reliably cover the costs of the child's present or  
39 anticipated care and treatment, and the placement is an otherwise  
40 permanent placement that will continue through the minority of the  
41 child.

42 (e) If a proceeding to terminate the parental rights of the ~~juvenile's~~ child's parents is  
43 necessary in order to perfect the permanent plan for the ~~juvenile,~~ child, the director of the

1 department of social services shall file a petition to terminate parental rights within 60  
2 calendar days from the date of the permanency planning hearing unless the court makes  
3 written findings why the petition cannot be filed within 60 days. If the court makes  
4 findings to the contrary, the court shall specify the time frame in which any needed  
5 petition to terminate parental rights shall be filed."

6 Section 59. G.S. 7B-908 reads as rewritten:

7 **"§ 7B-908. Posttermination of parental rights' placement court review.**

8 (a) The purpose of each placement review is to ensure that every reasonable effort  
9 is being made to provide for a permanent placement plan for the juvenile-child who has  
10 been placed in the custody of a county director or licensed child-placing agency, which is  
11 consistent with the juvenile's-child's best interests. At each review hearing the court may  
12 consider information from the department of social services, the licensed child-placing  
13 agency, the guardian ad litem, the child, any foster parent, relative, or preadoptive parent  
14 providing care for the child, and any other person or agency the court determines is likely  
15 to aid in the review.

16 (b) The court shall conduct a placement review not later than ~~six~~three months  
17 from the date of the termination hearing when parental rights have been terminated by a  
18 petition brought by any person or agency designated in G.S. 7B-1103(2) through (5) and  
19 a county director or licensed child-placing agency has custody of the juvenile-child. The  
20 court shall conduct reviews every ~~six~~three months thereafter until the juvenile-child is  
21 placed for adoption and the adoption petition is filed by the adoptive ~~parents~~parents. At  
22 each hearing, the court shall set the date and time for the next hearing, if practicable:

23 (1) ~~No more than 30 days and no less than 15 days prior to each review, the~~ If not  
24 set at the previous hearing, the clerk shall calendar in a timely manner  
25 the case at a session of court scheduled for hearings under this  
26 Subchapter. The clerk shall give 15 days' notice of the review  
27 posttermination of parental rights placement hearing to the juvenile-child  
28 if the juvenile-child is at least 12 years of age, the legal custodian of the  
29 juvenile-child, any foster parent, relative, or preadoptive parent  
30 providing care for the juvenile-child, the guardian ad litem, if any, and  
31 any other person or agency the court may specify. Only the juvenile, if  
32 the juvenile is at least 12 years of age, the legal custodian of the juvenile, any  
33 foster parent, relative, or preadoptive parent providing care for the juvenile,  
34 and the guardian ad litem shall attend the review hearings, except as otherwise  
35 directed by the court. ~~Nothing in this subdivision shall be construed to~~  
36 ~~make any foster parent, relative, or preadoptive parent a party to the~~  
37 ~~proceeding solely based on receiving notice and an opportunity to be~~  
38 ~~heard.~~

39 (2) ~~If a guardian ad litem for the juvenile has not been appointed~~  
40 ~~previously by the court in the termination proceeding, the court, at the~~  
41 ~~initial six month review hearing, may appoint a guardian ad litem to~~  
42 ~~represent the juvenile. The court may continue the case for such time as~~

1 is necessary for the guardian ad litem to become familiar with the facts  
2 of the case.

3 (3) The department of social services shall file and deliver a written court  
4 summary to all counsel and unrepresented parties and the Guardian ad  
5 Litem Program Administrator prior to the hearing. The summary shall  
6 include, but not be limited to, the following:

7 a. The child's eligibility for adoption subsidy.

8 b. Where adoptive parents have been identified, a schedule and  
9 description of steps to be taken to finalize the adoption.

10 c. Where adoptive parents have not been identified, a discussion of  
11 the department's efforts to locate an adoptive placement.

12 d. What educational and other services the child is receiving; the  
13 child's present behaviors, and any changes in the child's  
14 placement since the last hearing.

15 (4) The Guardian ad Litem Program Administrator shall file and deliver a  
16 written court summary to the director, all counsel, and unrepresented  
17 parties before the hearing. The summary shall identify the person  
18 contacted and provide a factual basis for any recommendations.

19 (5) The time frames for filing and delivering each report and filing and  
20 delivering objections to the reports shall be set pursuant to the General  
21 Rules of Practice in the applicable district court, adopted pursuant to  
22 G.S. 7A-34. Whenever a party objects to any recommendations made in  
23 the reports of the department of social services or the guardian ad litem,  
24 there shall be a prehearing conference. The prehearing conference shall  
25 be conducted pursuant to the General Rules of Practice in the applicable  
26 district court, adopted pursuant to G.S. 7A-34.

27 (c) ~~The court shall consider at least the following in its review:~~ In its review, the court  
28 shall consider the following criteria and make written findings regarding those that are  
29 relevant:

30 (1) The adequacy of the plan developed by the county department of social  
31 services or a licensed child-placing agency for a permanent placement  
32 relative to the ~~juvenile's~~ child's best interests and the efforts of the  
33 department or agency to implement such plan;

34 (2) Whether the ~~juvenile~~ child has been listed for adoptive placement with  
35 the North Carolina Adoption Resource Exchange, the North Carolina  
36 Photo Adoption Listing Service (PALS), or any other specialized  
37 adoption agency; ~~State, regional, or national adoption exchanges~~  
38 including electronic exchange systems; and

39 (3) The efforts previously made by the department or agency to find a  
40 permanent home for the ~~juvenile~~ child.

41 (d) The court, after making findings of fact, shall affirm the county department's or  
42 child-placing agency's plans or require specific additional steps which are necessary to  
43 accomplish a permanent placement which is in the best interests of the ~~juvenile~~ child.

1 (e) ~~If the juvenile has been placed for adoption~~ If an adoption petition has been filed  
2 prior to the date scheduled for the review, written notice of said ~~placement~~ petition shall  
3 be given to the clerk to be placed in the court file, and the review hearing shall be  
4 cancelled with notice of said cancellation given by the clerk to all persons previously  
5 notified.

6 (f) The process of selection of specific adoptive parents shall be the responsibility  
7 of and within the discretion of the county department of social services or licensed child-  
8 placing agency. ~~The guardian ad litem may request information from and consult with the~~  
9 ~~county department or child placing agency concerning the selection process. If the guardian ad~~  
10 ~~litem requests information about the selection process, the county shall provide the information~~  
11 ~~within five days. Any issue of abuse of discretion by the county department or child placing~~  
12 ~~agency in the selection process must be raised by the guardian ad litem within 10 days following~~  
13 ~~the date the agency notifies the court and the guardian ad litem in writing of the filing of the~~  
14 ~~adoption petition. The guardian ad litem shall be given notice of any adoption selection~~  
15 ~~meeting and shall receive any relevant information regarding the selection process from~~  
16 ~~the county department of social services or the child-placing agency at least 10 days prior~~  
17 ~~to the meeting. The guardian ad litem shall be entitled to present any information~~  
18 ~~relevant to the selection process at the adoption selection meeting.~~

19 (g) The county department of social services shall file notice with the court within  
20 10 days of specific adoptive parents being selected. Within 10 days of the filing of the  
21 notice, the guardian ad litem may file a motion seeking review of the selection decision.  
22 A hearing on the motion shall be held within 30 days. The selection of adoptive parents  
23 by the county department of social services shall be upheld unless the court makes  
24 specific findings by clear, cogent, and convincing evidence that the county department's  
25 selection decision is not in the best interests of the child."

26 Section 60. G.S. 7B-909 reads as rewritten:

27 **"§ 7B-909. Review of agency's plan for placement.**

28 (a) The director of social services or the director of the licensed private child-  
29 placing agency shall promptly notify the clerk to calendar the case for review of the  
30 department's or agency's plan for the ~~juvenile-child~~ at a session of court scheduled for the  
31 hearing of juvenile matters in any case where:

32 (1) One parent has surrendered a ~~juvenile-child~~ for adoption under the  
33 provisions of Part 7 of Article 3 of Chapter 48 of the General Statutes  
34 and the termination of parental rights ~~proceedings-pleadings~~ have not  
35 been ~~instituted~~-filed against the nonsurrendering parent within ~~six~~-two  
36 months of the surrender by the other parent, or

37 (2) Both parents have surrendered a ~~juvenile-child~~ for adoption under the  
38 provisions of Part 7 of Article 3 of Chapter 48 of the General Statutes  
39 and that ~~juvenile-child~~ has not been placed for adoption within ~~six~~-three  
40 months from the date of the more recent parental surrender.

41 (b) In any case where an adoption is dismissed or withdrawn and the ~~juvenile-child~~  
42 returns to foster care with a department of social services or a licensed private child-  
43 placing agency, then the department of social services or licensed child-placing agency

1 shall notify the clerk, within 30 days from the date the ~~juvenile-child~~ returns to care, to  
2 calendar the case for review of the agency's plan for the ~~juvenile-child~~ at a session of court  
3 scheduled for the hearing of ~~juvenile matters~~. under this Subchapter.

4 (c) Notification of the court required under subsection (a) or (b) of this section  
5 shall be by a petition for review. The petition shall set forth the circumstances  
6 necessitating the review under subsection (a) or (b) of this section. The review shall be  
7 conducted within 30 days following the filing of the petition for review unless the court  
8 shall otherwise direct. The court shall conduct reviews every six months until the ~~juvenile~~  
9 child is placed for adoption and the adoption petition is filed by the adoptive parents. The  
10 initial review and all subsequent reviews shall be conducted pursuant to G.S. 7B-908."

11 Section 61. G.S. 7B-910 reads as rewritten:

12 "**§ 7B-910. Review of voluntary foster care placements.**

13 (a) ~~The court shall review the placement of any juvenile in foster care made~~  
14 ~~pursuant to a voluntary agreement between the juvenile's parents or guardian and a~~  
15 ~~county department of social services and shall make findings from evidence presented at~~  
16 ~~a review hearing with regard to:~~

- 17 (1) ~~The voluntariness of the placement;~~
- 18 (2) ~~The appropriateness of the placement;~~
- 19 (3) ~~Whether the placement is in the best interests of the juvenile; and~~
- 20 (4) ~~The services that have been or should be provided to the parents,~~  
21 ~~guardian, foster parents, and juvenile, as the case may be, either (i) to~~  
22 ~~improve the placement or (ii) to eliminate the need for the placement.~~

23 (b) ~~The court may approve the continued placement of the juvenile in foster care~~  
24 ~~on a voluntary agreement basis, disapprove the continuation of the voluntary placement,~~  
25 ~~or direct the department of social services to petition the court for legal custody if the~~  
26 ~~placement is to continue.~~

27 (c) ~~An initial review hearing shall be held not more than 180 days after the~~  
28 ~~juvenile's placement and shall be calendared by the clerk for hearing within such period~~  
29 ~~upon timely request by the director of social services. Additional review hearings shall~~  
30 ~~be held at such times as the court shall deem appropriate and shall direct, either upon its~~  
31 ~~own motion or upon written request of the parents, guardian, foster parents, or director of~~  
32 ~~social services. A juvenile placed under a voluntary agreement between the juvenile's~~  
33 ~~parent or guardian and the county department of social services shall not remain in~~  
34 ~~placement more than 12 months without the filing of a petition alleging abuse, neglect, or~~  
35 ~~dependency.~~

36 (d) ~~The clerk shall give at least 15 days' advance written notice of the initial and~~  
37 ~~subsequent review hearings to the parents or guardian of the juvenile, to the juvenile if 12~~  
38 ~~or more years of age, to the director of social services, and to any other persons whom the~~  
39 ~~court may specify.~~ A child placed under a voluntary agreement between the child's parent  
40 or guardian and the county department of social services shall not remain in placement  
41 more than 90 days without the filing of a petition alleging abuse, neglect, or  
42 dependency."

43 Section 62. G.S. 7B-1000 reads as rewritten:

1 **"§ 7B-1000. Authority to modify or vacate.**

2 (a) Upon motion in the cause or petition, and after notice, the court may conduct a  
3 review hearing to determine whether the order of the court is in the best interests of the  
4 ~~juvenile, child,~~ and the court may modify or vacate the order in light of changes in  
5 circumstances or the needs of the ~~juvenile, child.~~

6 (b) In any case where the court finds the ~~juvenile, child~~ to be abused, neglected, or  
7 dependent, the jurisdiction of the court to modify any order or disposition made in the  
8 case shall continue during the minority of the ~~juvenile, child,~~ until terminated by order of  
9 the court, or until the ~~juvenile, child~~ is otherwise emancipated."

10 Section 63. G.S. 7B-1001 reads as rewritten:

11 **"§ 7B-1001. Right to appeal.**

12 Upon motion of a proper party as defined in G.S. 7B-1002, review of any final order  
13 of the court in a ~~juvenile~~-matter under this Article shall be before the Court of Appeals.  
14 Notice of appeal shall be given in open court at the time of the hearing or in writing  
15 within 10 days after entry of the order. ~~However, if no disposition is made within 60 days~~  
16 ~~after entry of the order, written notice of appeal may be given within 70 days after such entry.~~  
17 The order rendered at the conclusion of the hearing shall be signed and entered within 30  
18 days of the conclusion of the hearing. A final order shall include:

19 (1) Any order finding absence of jurisdiction;

20 (2) Any order which in effect determines the action and prevents a  
21 judgment from which appeal might be taken;

22 (3) Any order of disposition after an adjudication that a ~~juvenile, child~~ is  
23 abused, neglected, or dependent; however, if no disposition is made  
24 within 60 days after entry of the order of adjudication, written notice of  
25 appeal may be given within 70 days after such entry; or

26 (4) Any order modifying custodial rights."

27 Section 64. G.S. 7B-1002 reads as rewritten:

28 **"§ 7B-1002. Proper parties for appeal.**

29 An appeal may be taken by the guardian ad litem or ~~juvenile, the child,~~ the ~~juvenile's~~  
30 ~~child's~~ parent, guardian, or custodian, or the State or county agency."

31 Section 65. G.S. 7B-1003 reads as rewritten:

32 **"§ 7B-1003. Disposition pending appeal.**

33 Pending disposition of an appeal, ~~the return of the juvenile to the custody of the parent~~  
34 ~~or guardian of the juvenile, with or without conditions, should issue in every case unless~~  
35 ~~the court orders otherwise. For compelling reasons which must be stated in writing, the~~  
36 ~~court may enter a temporary order affecting the custody or placement of the juvenile as~~  
37 ~~the court finds to be in the best interests of the juvenile or the State. the hearings required~~  
38 by this Subchapter shall be held and the court may enter a temporary order affecting the  
39 custody or placement of the child as the court finds to be in the best interests of the child.  
40 The provisions of subsections (b), (c), and (d) of G.S. 7B-905 shall apply to any order  
41 entered under this section which provides for the placement or continued placement of a  
42 ~~juvenile, child~~ in foster care."

43 Section 66. G.S. 7B-1004 reads as rewritten:

1 **"§ 7B-1004. Disposition after appeal.**

2 Upon the affirmation of the order of adjudication or disposition of the court by the  
3 Court of Appeals or by the Supreme Court in the event of an appeal, the court shall have  
4 authority to modify or alter the original order of adjudication or disposition as the court  
5 finds to be in the best interests of the ~~juvenile to reflect any adjustment made by the juvenile~~  
6 ~~or change in circumstances during the period of time the appeal was pending.~~ child and  
7 consistent with the appellate ruling. If the modifying order is entered ex parte, the court  
8 shall give notice to interested parties to show cause within 10 days thereafter as to why  
9 the modifying order should be vacated or altered."

10 Section 67. G.S. 7B-1100 reads as rewritten:

11 **"§ 7B-1100. Legislative intent; construction of Article.**

12 The General Assembly hereby declares as a matter of legislative policy with respect  
13 to termination of parental rights:

- 14 (1) The general purpose of this Article is to provide judicial procedures for  
15 terminating the legal relationship between a ~~juvenile-child~~ and the  
16 ~~juvenile's-child's~~ biological or legal parents when the parents have  
17 demonstrated that they will not provide the degree of care which  
18 promotes the healthy and orderly physical and emotional well-being of  
19 the ~~juvenile-child~~.
- 20 (2) It is the further purpose of this Article to recognize the necessity for any  
21 ~~juvenile-child~~ to have a permanent plan of care at the earliest possible  
22 age, while at the same time recognizing the need to protect all ~~juveniles~~  
23 ~~children~~ from the unnecessary severance of a relationship with  
24 biological or legal parents.
- 25 (3) Action which is in the best interests of the ~~juvenile-child~~ should be taken  
26 in all cases where the interests of the ~~juvenile-child~~ and those of the  
27 ~~juvenile's-child's~~ parents or other persons are in conflict.
- 28 (4) This Article shall not be used to circumvent the provisions of Chapter  
29 50A of the General Statutes, the Uniform Child Custody Jurisdiction  
30 Act."

31 Section 68. G.S. 7B-1101 reads as rewritten:

32 **"§ 7B-1101. Jurisdiction.**

33 The court shall have exclusive original jurisdiction to hear and determine any petition  
34 relating to termination of parental rights to any ~~juvenile-child~~ who resides in, is found in,  
35 or is in the legal or actual custody of a county department of social services or licensed  
36 child-placing agency in the district at the time of filing of the petition. When the court has  
37 jurisdiction over a child and the child's parent in an abuse, neglect, or dependency  
38 proceeding, the court shall have jurisdiction in that proceeding to terminate the parent's  
39 rights to the child. The court shall have jurisdiction to terminate the parental rights of  
40 any parent irrespective of the age of the parent. ~~The parent has the right to counsel and to~~  
41 ~~appointed counsel in cases of indigency unless the parent waives the right. The fees of appointed~~  
42 ~~counsel shall be borne by the Administrative Office of the Courts. In addition to the right to~~

1 appointed counsel set forth above, a guardian ad litem shall be appointed in accordance with the  
2 provisions of G.S. 1A-1, Rule 17, to represent a parent in the following cases:

3 (1) Where it is alleged that a parent's rights should be terminated pursuant  
4 to G.S. 7B-1110(6); or

5 (2) Where the parent is under the age of 18 years.

6 The fees of the guardian ad litem shall be borne by the Administrative Office of the  
7 Courts when the court finds that the respondent is indigent. In other cases the fees of the  
8 court appointed guardian ad litem shall be a proper charge against the respondent if the  
9 respondent does not secure private legal counsel. Provided, that before exercising  
10 jurisdiction under this Article, the court shall find that it would have jurisdiction to make  
11 a child-custody determination under the provisions of G.S. 50A-3. Provided, further, that  
12 the clerk of superior court shall have jurisdiction for adoptions under the provisions of  
13 G.S. 48-2-100 and Chapter 48 of the General Statutes generally."

14 Section 69. G.S. 7B-1102 reads as rewritten:

15 **"§ 7B-1102. Pending child abuse, neglect, or dependency hearings.**

16 When a juvenile child is currently within the jurisdiction of the district court based  
17 upon an abuse, neglect, or dependency proceeding, ~~a petition~~ a motion for termination of  
18 ~~parental~~ a parent's rights to that juvenile child may be filed as a motion in the cause in the  
19 abuse, neglect, or dependency ~~proceeding~~ proceeding if the parent is a party to that  
20 proceeding. Any parent of that juvenile child who was previously served in the abuse,  
21 neglect, or dependency proceeding in accordance with G.S. 7B-407 shall be served with  
22 the ~~petition~~ motion to terminate parental rights in accordance with G.S. 1A-1, Rule 5.  
23 Any parent of that child who was not previously served in the abuse, neglect, or  
24 dependency proceeding in accordance with G.S. 7B-407 shall be served in accordance  
25 with G.S. 1A-1, Rule 4."

26 Section 70. Article 11 of Subchapter I of Chapter 7B of the General Statutes is  
27 amended by adding a new section to read:

28 **"§ 7B-1102.1. Parent's right to and appointment of counsel.**

29 (a) The parent has the right to counsel and to appointed counsel in cases of  
30 indigence unless the parent waives the right. The fees of appointed counsel shall be  
31 borne by the Administrative Office of the Courts.

32 (b) When a judicial proceeding to terminate parental rights is filed as a motion in a  
33 pending child abuse, neglect, and dependency action, any counsel or guardian ad litem  
34 representing a respondent parent pursuant to G.S. 7B-602 shall continue the  
35 representation through the termination of parental rights proceeding.

36 (c) In addition to the right to appointed counsel pursuant to subsection (a) of this  
37 section, a guardian ad litem shall be appointed in accordance with the provisions of G.S.  
38 1A-1, Rule 17, to represent a parent in the following cases:

39 (1) Where it is alleged that a parent's rights should be terminated because  
40 the parent is incapable of providing for the proper care and supervision  
41 of the child, such that the child is a dependent child within the meaning  
42 of G.S. 7B-101, and that there is a reasonable probability that such  
43 incapability will continue for the foreseeable future. Incapability under

1                    this section may be the result of mental retardation, mental illness,  
2                    organic brain syndrome, or any other similar cause or condition; or

3                    (2) Where the parent is under the age of 18 years.

4 The parent's guardian ad litem shall not be appointed from the program established by  
5 Article 12 of this Chapter. The fees of the guardian ad litem shall be borne by the  
6 Administrative Office of the Courts when the court finds that the respondent is indigent.  
7 In other cases the fees of the court-appointed guardian ad litem shall be a proper charge  
8 against the respondent, if the respondent does not secure private legal counsel."

9                    Section 71. G.S. 7B-1103 reads as rewritten:

10 **"§ 7B-1103. Who may ~~petition.~~ file petition or motion.**

11                    (a) A petition to terminate the parental rights of either or both parents to his, her,  
12 or their minor ~~juvenile-child~~ may only be filed by:

- 13                    (1) Either parent seeking termination of the right of the other parent; or
- 14                    (2) Any person who has been judicially appointed as the guardian of the  
15                    person of the ~~juvenile;~~ child; or
- 16                    (3) Any county department of social services, consolidated county human  
17                    services agency, or licensed child-placing agency to whom custody of  
18                    the ~~juvenile-child~~ has been given by a court of competent jurisdiction; or
- 19                    (4) Any county department of social services, consolidated county human  
20                    services agency, or licensed child-placing agency to which the ~~juvenile~~  
21                    child has been surrendered for adoption by one of the parents or by the  
22                    guardian of the person of the ~~juvenile;~~ child, pursuant to G.S. 48-3-701;  
23                    or
- 24                    (5) Any person with whom the ~~juvenile-child~~ has resided for a continuous  
25                    period of two years or more next preceding the filing of the petition; or
- 26                    (6) Any guardian ad litem appointed to represent the minor ~~juvenile-child~~  
27                    pursuant to G.S. 7B-601 who has not been relieved of this ~~responsibility~~  
28                    and who has served in this capacity for at least one continuous year;  
29                    responsibility; or
- 30                    (7) Any person who has filed a petition for adoption pursuant to Chapter 48  
31                    of the General Statutes.

32                    (b) A motion pursuant to G.S. 7B-1102 to terminate the parental rights of either or  
33 both parents to his, her, or their minor child may only be filed by:

- 34                    (1) Any person who has been appointed in the abuse, neglect, or  
35                    dependency proceeding as the guardian of the person of the child; or
- 36                    (2) Any county department of social services or consolidated county human  
37                    services agency that is a party to the abuse, neglect, or dependency  
38                    proceeding; or
- 39                    (3) Any guardian ad litem appointed to represent the minor child in the  
40                    abuse, neglect, or dependency proceeding who has not been relieved of  
41                    this responsibility."

42                    Section 72. G.S. 7B-1104 reads as rewritten:

43 **"§ 7B-1104. ~~Petition.~~ Petition or motion.**

1 (a) The petition shall be verified by the petitioner and shall be entitled "In Re (last  
2 name of ~~juvenile~~), ~~child~~", a minor ~~juvenile~~; ~~child~~; and shall set forth such of the  
3 following facts as are known; and with respect to the facts which are unknown the  
4 petitioner shall so state:

- 5 (1) The name of the ~~juvenile-child~~ as it appears on the ~~juvenile's-child's~~ birth  
6 certificate, the date and place of birth, and the county where the ~~juvenile~~  
7 ~~child~~ is presently residing.
- 8 (2) The name and address of the petitioner and facts sufficient to identify  
9 the petitioner as one entitled to petition under G.S. ~~7B-1103~~. ~~7B-1103(a)~~.
- 10 (3) The name and address of the parents of the ~~juvenile-child~~. If the name or  
11 address of one or both parents is unknown to the petitioner, the  
12 petitioner shall set forth with particularity the petitioner's efforts to  
13 ascertain the identity or whereabouts of the parent or parents. The  
14 information may be contained in an affidavit attached to the petition and  
15 incorporated therein by reference.
- 16 (4) The name and address of any person appointed as guardian of the  
17 person of the ~~juvenile-child~~ pursuant to the provisions of Chapter 35A of  
18 the General Statutes, or of G.S. ~~7B-600~~. ~~7B-903(1)d~~.
- 19 (5) The name and address of any person or agency to whom custody of the  
20 ~~juvenile-child~~ has been given by a court of this or any other state; and a  
21 copy of the custody order shall be attached to the petition.
- 22 (6) Facts that are sufficient to warrant a determination that one or more of  
23 the grounds for terminating parental rights exist.
- 24 (7) That the petition has not been filed to circumvent the provisions of  
25 Chapter 50A of the General Statutes, the Uniform Child Custody  
26 Jurisdiction Act.

27 (b) The motion shall be verified by the movant and shall set forth such of the  
28 following facts as are known; and with respect to the facts which are unknown the  
29 movant shall so state:

- 30 (1) The name of the child as it appears on the child's birth certificate, the  
31 date and place of birth, and the county where the child is presently  
32 residing.
- 33 (2) The name and address of the movant and facts sufficient to identify the  
34 movant as one entitled to file a motion under G.S. 7B-1102.
- 35 (3) The name and address of the parents of the child. If the name or address  
36 of one or both parents is unknown to the movant, the movant shall set  
37 forth with particularity the movant's efforts to ascertain the identity or  
38 whereabouts of the parent or parents. The information may be  
39 contained in an affidavit attached to the motion and incorporated therein  
40 by reference.
- 41 (4) The name and address of any person appointed as guardian of the  
42 person of the child pursuant to the provisions of Chapter 35A of the  
43 General Statutes, or of G.S. 7B-903(1)d.

- (5) The name and address of any person or agency to whom custody of the child has been given by a court of this or any other state; and a copy of the custody order shall be attached to the motion.
- (6) Facts that are sufficient to warrant a determination that one or more of the grounds for terminating parental rights exist.
- (7) That the motion has not been filed to circumvent the provisions of Chapter 50A of the General Statutes, the Uniform Child Custody Jurisdiction Act."

Section 73. G.S. 7B-1105 reads as rewritten:

**"§ 7B-1105. Preliminary hearing; unknown parent.**

(a) If either the name or identity of any parent whose parental rights the petitioner ~~or movant~~ seeks to terminate is not known to the ~~petitioner, petitioner or movant~~, the court shall, within 10 days from the date of filing of the ~~petition, petition or motion~~, or during the next term of court in the county where the ~~petition or motion~~ is filed if there is no court in the county in that 10-day period, conduct a preliminary hearing to ascertain the name or identity of such parent.

(b) The court may, in its discretion, inquire of any known parent of the ~~juvenile child~~ concerning the identity of the unknown parent and may appoint a guardian ad litem for the unknown parent to conduct a diligent search for the parent. Should the court ascertain the name or identity of the parent, it shall enter a finding to that ~~effect; and the parent shall be summoned to appear in accordance with G.S. 7B-1106.~~ effect and:

- (1) If a petition to terminate parental rights has been filed, the parent shall be summoned to appear in accordance with G.S. 7B-1106; or
- (2) If a motion to terminate parental rights has been filed, the parent shall be served with notice required by G.S. 7B-1106.1.

(c) Notice of the preliminary hearing need be given only to the petitioner ~~or movant~~ who shall appear at the hearing, but the court may cause ~~summons a subpoena~~ to be issued to any person directing the person to appear and testify.

(d) If a petition to terminate parental rights has been filed and the court is unable to ascertain the name or identity of the unknown parent, the court shall order publication of notice of the termination proceeding and shall specifically order the place or places of publication and the contents of the notice which the court concludes is most likely to identify the ~~juvenile child~~ to such unknown parent. The notice shall be published in a newspaper qualified for legal advertising in accordance with G.S. 1-597 and G.S. 1-598 and published in the counties directed by the court, once a week for three successive weeks. Provided, further, the notice shall:

- (1) Designate the court in which the petition is pending;
- (2) Be directed to "the father (mother) (father and mother) of a male (female) ~~juvenile child~~ born on or about .....in  
(date)

.....County, .....  
(city) ..... , respondent";

- 1 (State)
- 2 (3) Designate the docket number and title of the case (the court may direct
- 3 the actual name of the title be eliminated and the words "In Re
- 4 Doe"substituted therefor);
- 5 (4) State that a petition seeking to terminate the parental rights of the
- 6 respondent has been filed;
- 7 (5) Direct the respondent to answer the petition within 30 days after a date
- 8 stated in the notice, exclusive of such date, which date so stated shall be
- 9 the date of first publication of notice and be substantially in the form as
- 10 set forth in G.S. 1A-1, Rule 4(j1); and
- 11 (6) State that the respondent's parental rights to the ~~juvenile~~ child may
- 12 be terminated upon failure to answer the petition within the time
- 13 prescribed.

14 Upon completion of the service, an affidavit of the publisher shall be filed with the  
15 court.

16 (d1) If a motion to terminate parental rights has been filed and the court is unable to  
17 ascertain the name or identity of the unknown parent, the court shall make findings on the  
18 record as to whether that parent was properly served pursuant to G.S. 7B-407 in the  
19 pending abuse, neglect, or dependency proceeding. If the court determines that the parent  
20 was not served pursuant to G.S. 7B-407, the court shall order publication of notice and  
21 shall specifically order the place or places of publication and the contents of the notice  
22 which the court concludes is most likely to identify the child to the unknown parent. The  
23 notice shall be published in a newspaper qualified for legal advertising in accordance  
24 with G.S. 1-597 and G.S. 1-598 and published in the counties directed by the court, once  
25 a week for three successive weeks. Provided, further, the notice shall:

- 26 (1) Designate the court in which the petition is pending;
- 27 (2) Be directed to "the father (mother) (father and mother) of a male
- 28 (female) child born on or about .....in
- 29 (date)
- 30 .....County, .....
- 31 (city)
- 32 ....., respondent";
- 33 (State)

- 34 (3) Designate the docket number and title of the case (the court may direct
- 35 the actual name of the title be eliminated and the words "In Re
- 36 Doe"substituted therefor);
- 37 (4) State that a petition seeking to terminate the parental rights of the
- 38 respondent has been filed;
- 39 (5) Direct the respondent to answer the petition within 30 days after a date
- 40 stated in the notice, exclusive of such date, which date so stated shall be
- 41 the date of first publication of notice and be substantially in the form as
- 42 set forth in G.S. 1A-1, Rule 4(j1); and

1           (6) State that the respondent's parental rights to the child may be terminated  
2           upon failure to answer the petition within the time prescribed.

3           Upon completion of the service, an affidavit of the publisher shall be filed with the  
4 court.

5           (e) The court shall issue the order required by subsections (b) and (d) of this  
6 section within 30 days from the date of the preliminary hearing unless the court shall  
7 determine that additional time for investigation is required.

8           (f) Upon the failure of the parent served by publication pursuant to subsection (d)  
9 of this section to answer the petition within the time prescribed, the court ~~shall~~may issue  
10 an order terminating all parental rights of the unknown parent."

11           Section 74. G.S. 7B-1106 reads as rewritten:

12 **"§ 7B-1106. Issuance of ~~summons~~summons when petition is filed.**

13           (a) Except as provided in G.S. 7B-1105, upon the filing of the petition, the court  
14 shall cause a summons to be issued. The summons shall be directed to the following  
15 persons or agency, not otherwise a party petitioner, who shall be named as respondents:

16           (1) The parents of the ~~juvenile~~child;

17           (2) Any person who has been judicially appointed as guardian of the person  
18 of the ~~juvenile~~child;

19           (3) The custodian of the ~~juvenile~~child appointed by a court of competent  
20 jurisdiction;

21           (4) Any county department of social services or licensed child-placing  
22 agency to whom a ~~juvenile~~child has been released by one parent  
23 pursuant to Part 7 of Article 3 of Chapter 48 of the General Statutes or  
24 any county department of social services to whom placement  
25 responsibility for the child has been given by a court of competent  
26 jurisdiction; and

27           (5) The ~~juvenile~~child if the ~~juvenile~~child is 12 years of age or older at the  
28 time the petition is filed.

29           Provided, no summons need be directed to or served upon any parent who has  
30 previously surrendered the ~~juvenile~~child to a county department of social services or  
31 licensed child-placing agency nor to any parent who has consented to the adoption of the  
32 ~~juvenile~~child by the petitioner. The summons shall notify the respondents to file a written  
33 answer within 30 days after service of the summons and petition. Service of the summons  
34 shall be completed as provided under the procedures established by G.S. 1A-1, Rule 4(j);  
35 but the parent of the ~~juvenile~~child shall not be deemed to be under disability even though  
36 the parent is a minor.

37           (b) The summons shall be issued for the purpose of terminating parental rights  
38 pursuant to the provisions of subsection (a) of this section and shall include:

39           (1) The name of the minor ~~juvenile~~child;

40           (2) Notice that a written answer to the petition must be filed with the clerk  
41 who signed the petition within 30 days after service of the summons and  
42 a copy of the petition, or the parent's rights may be terminated;

- 1 (3) Notice that if they are indigent, the parents are entitled to appointed  
2 counsel; the parents may contact the clerk immediately to request  
3 counsel;
- 4 (4) Notice that this is a new case. Any attorney appointed previously will  
5 not represent the parents in this proceeding unless ordered by the court;
- 6 (5) Notice that the date, time, and place of the hearing will be mailed by the  
7 clerk upon filing of the answer or 30 days from the date of service if no  
8 answer is filed; and
- 9 (6) Notice of the purpose of the hearing and notice that the parents may  
10 attend the termination hearing.

11 (c) If a county department of social services, not otherwise a party petitioner, is  
12 served with a petition alleging that the parental rights of the parent should be terminated  
13 pursuant to G.S. 7B-1111, the department shall file a written answer and shall be deemed  
14 a party to the proceeding."

15 Section 75. Article 11 of Subchapter I of Chapter 7B of the General Statutes is  
16 amended by adding a new section to read:

17 "**§ 7B-1106.1. Notice required when motion is filed.**

18 (a) Except as provided in G.S. 7B-1105, the movant shall prepare and file and  
19 serve with the motion a notice directed to the following persons or agency, not otherwise  
20 a moving party:

- 21 (1) The parents of the child;
- 22 (2) Any person who has been judicially appointed as guardian of the person  
23 of the child;
- 24 (3) The custodian of the child appointed by a court of competent  
25 jurisdiction;
- 26 (4) Any county department of social services or licensed child-placing  
27 agency to whom a child has been released by one parent pursuant to Part  
28 7 of Article 3 of Chapter 48 of the General Statutes or any county  
29 department of social services to whom placement responsibility for the  
30 child has been given by a court of competent jurisdiction;
- 31 (5) The child, if the child is 12 years of age or older at the time the petition  
32 is filed; and
- 33 (6) Any guardian ad litem appointed to represent the minor child in the  
34 abuse, neglect, or dependency proceeding who has not been relieved of  
35 this responsibility.

36 Provided, no notice need be directed to or served upon any parent who has previously  
37 surrendered the child to a county department of social services or licensed child-placing  
38 agency nor to any parent who has consented to the adoption of the child by the movant.  
39 The notice shall notify the person or agency to whom it is directed to file a written  
40 response within 30 days after service of the motion and notice. Service of the motion and  
41 notice shall be completed as provided under the procedure established by G.S. 1A-1, Rule  
42 5; except where G.S. 7B-1102 requires service in accordance with G.S. 1A-1, Rule 4, but

1 the parent of the child shall not be deemed to be under disability even though the parent  
2 is a minor.

3 (b) The notice shall include:

4 (1) The name of the minor child;

5 (2) Notice that a written response to the motion must be filed with the clerk  
6 within 30 days after service of the notice and a copy of the motion, or  
7 the parent's rights may be terminated;

8 (3) Notice that if they are indigent, the parents are entitled to appointed  
9 counsel. The parents may contact the clerk immediately to request  
10 counsel;

11 (4) Notice that this is a motion in the pending abuse, neglect, or dependency  
12 case, and that any attorney appointed previously in the case will  
13 continue to represent the parents in the proceeding unless the court has  
14 ordered or orders otherwise;

15 (5) Notice that the date, time, and place of the hearing will be mailed by the  
16 clerk upon filing of the response or 30 days from the date of service if  
17 no answer is filed; and

18 (6) Notice of the purpose of the hearing and notice that the parents may  
19 attend the termination hearing.

20 (c) If a county department of social services, not otherwise a moving party, is  
21 served with a motion alleging that the parental rights of the parent should be terminated  
22 pursuant to G.S. 7B-1110, the department shall file a written response and shall be  
23 deemed a party to the proceeding."

24 Section 76. G.S. 7B-1107 reads as rewritten:

25 **"§ 7B-1107. Failure of respondents to ~~answer.~~ answer or respond.**

26 Upon the failure of the respondents to file a written answer to the petition or a written  
27 response to the motion with the court within 30 days after service of the summons and  
28 petition, or within the time period established for a defendant's reply by G.S. 1A-1, Rule  
29 4(j1) if service is by publication, court:

30 (1) Within 30 days after service of the summons or petition;

31 (2) Within the time period established for a defendant's reply by G.S. 1A-1,  
32 Rule 4(j1) if service is by publication; or

33 (3) Within 30 days after service of the motion and notice;

34 the court shall ~~may~~ issue an order terminating all parental and custodial rights of the  
35 ~~respondent or respondents~~ parent with respect to the ~~juvenile~~ child; provided the court shall  
36 order a hearing on the petition or motion and may examine the petitioner or movant or  
37 others on the facts alleged in the ~~petition.~~ petition or motion."

38 Section 77. G.S. 7B-1108 reads as rewritten:

39 **"§ 7B-1108. Answer or response of respondents.**

40 (a) Any respondent may file a written answer to the ~~petition.~~ petition or a written  
41 response to the motion. The answer or response shall admit or deny the allegations of the  
42 petition or motion and shall set forth the name and address of the ~~answering~~ respondent or  
43 the respondent's attorney.

1 (b) If an answer or response denies any material allegation of the ~~petition, petition~~  
2 ~~or motion~~ and the child is not already represented by a guardian ad litem, the court shall  
3 appoint a guardian ad litem for the ~~juvenile child~~ to represent the best interests of the  
4 ~~juvenile child~~, unless the petition or motion was filed by the guardian ad litem pursuant to  
5 G.S. 7B-1103. A licensed attorney shall be appointed to assist those guardians ad litem  
6 who are not attorneys licensed to practice in North Carolina. The appointment, duties,  
7 and payment of the guardian ad litem shall be the same as in G.S. 7B-601 and G.S. 7B-  
8 603. ~~The court shall conduct a special hearing after notice of not less than 10 days nor more than~~  
9 ~~30 days to the petitioner, the answering respondent, and the guardian ad litem for the juvenile to~~  
10 ~~determine the issues raised by the petition and answer. Notice of the hearing shall be deemed to~~  
11 ~~have been given upon the depositing thereof in the United States mail, first-class postage~~  
12 ~~prepaid, and addressed to the petitioner, respondent, and guardian ad litem or their counsel of~~  
13 ~~record, at the addresses appearing in the petition and responsive pleading.~~

14 (c) In proceedings under this Article, the appointment of a guardian ad litem shall  
15 not be required except, as provided above, in cases in which an answer or response is  
16 filed denying material allegations, or as required under G.S. ~~7B-1101;~~ 7B-1101 or in cases  
17 where the judicial proceeding to terminate parental rights is a motion in a pending child  
18 abuse, neglect, or dependency proceeding and a guardian ad litem has been appointed  
19 pursuant to G.S. 7B-601; but the court may, in its discretion, appoint a guardian ad litem  
20 for a ~~juvenile child~~, either before or after determining the existence of grounds for  
21 termination of parental rights, in order to assist the court in determining the best interests  
22 of the ~~juvenile child~~.

23 (d) If a guardian ad litem has previously been appointed for the ~~juvenile child~~  
24 under G.S. 7B-601, and ~~the appointment of a guardian ad litem could also be made under this~~  
25 ~~section,~~ the guardian ad litem appointed under G.S. 7B-601, and any attorney appointed  
26 to assist that guardian, shall also represent the ~~juvenile child~~ in all proceedings under this  
27 Article and shall have the duties and payment of a guardian ad litem appointed under this  
28 section, unless the court determines that the best interests of the ~~juvenile child~~ require  
29 otherwise."

30 Section 78. Article 11 of Subchapter I of Chapter 7B of the General Statutes is  
31 amended by adding a new section to read:

32 "**§ 7B-1108.1. Pretrial hearing.**

33 (a) The court shall convene a pretrial hearing no more than 30 days after the date  
34 the answer or response is due as set forth in G.S. 7B-1107.

35 (b) At the hearing:

- 36 (1) The court shall review the adequacy of notice and service of process;  
37 (2) Unrepresented parties shall be advised of their right to counsel and to  
38 appointment of counsel. If counsel is requested, the conference may be  
39 reconvened at a later date;  
40 (3) A discovery plan and timetable shall be established;  
41 (4) Pretrial motions shall be heard, if reasonable advance notice has been  
42 given to the parties and the court; and

1           (5)    The length of the hearing shall be estimated and the date for the hearing  
2                   shall be set. The hearing date shall be within 60 days of the pretrial  
3                   hearing unless the court makes specific findings as to why the hearing  
4                   cannot be held within 60 days."

5           Section 79. G.S. 7B-1109 reads as rewritten:

6   **"§ 7B-1109. Adjudicatory hearing on termination.**

7           (a)    The hearing on the termination of parental rights shall be conducted by the  
8           court sitting without a jury. Reporting of the hearing shall be as provided by G.S. 7A-  
9           198 for reporting civil trials.

10          (b)    The court shall inquire whether the ~~juvenile's~~child's parents are present at the  
11          hearing and, if so, whether they are represented by counsel. If the parents are not  
12          represented by counsel, the court shall inquire whether the parents desire counsel but are  
13          indigent. In the event that the parents desire counsel but are indigent as defined in G.S.  
14          7A-450(a) and are unable to obtain counsel to represent them, the court shall appoint  
15          counsel to represent them. The court shall grant the parents such an extension of time as  
16          is reasonable to permit their appointed counsel to prepare their defense to the termination  
17          ~~petition.~~petition or motion. In the event that the parents do not desire counsel and are  
18          present at the hearing, the court shall examine each parent and make findings of fact  
19          sufficient to show that the waivers were knowing and voluntary. This examination shall  
20          be reported as provided in G.S. 7A-198.

21          (c)    The court may, upon finding that reasonable cause exists, order the ~~juvenile~~  
22          child to be examined by a psychiatrist, a licensed clinical psychologist, a physician, a  
23          public or private agency, or any other expert in order that the ~~juvenile's~~child's  
24          psychological or physical condition or needs may be ascertained or, in the case of a  
25          parent whose ability to care for the ~~juvenile~~child is at issue, the court may order a similar  
26          examination of any parent of the ~~juvenile~~child.

27          (d)    The court may for good cause shown continue the hearing for such time as is  
28          required for receiving additional evidence, any reports or assessments which the court has  
29          requested, or any other information needed in the best interests of the ~~juvenile~~child.

30          (e)    The court shall take evidence, find the facts, and shall adjudicate the existence  
31          or nonexistence of any of the circumstances set forth in G.S. 7B-1111 which authorize  
32          the termination of parental rights of the respondent.

33          (f)    The burden in such proceedings shall be upon the petitioner or movant and all  
34          findings of fact shall be based on clear, cogent, and convincing evidence. No ~~husband-~~  
35          ~~wife or physician-patient privilege~~privilege, except the attorney-client privilege, shall be  
36          grounds for excluding any evidence regarding the existence or nonexistence of any  
37          circumstance authorizing the termination of parental ~~rights.~~rights, both as the privilege  
38          relates to the competency of the witness and to the exclusion of confidential  
39          communications."

40          Section 80. G.S. 7B-1110 reads as rewritten:

41   **"§ 7B-1110. Disposition.**

42          (a)    Should the court determine that any one or more of the conditions authorizing  
43          a termination of the parental rights of a parent exist, the court shall issue an order

1 terminating the parental rights of such parent with respect to the ~~juvenile-child~~ unless the  
2 court shall further determine that the best interests of the ~~juvenile-child~~ require that the  
3 parental rights of the parent not be terminated.

4 (b) Should the court conclude that, irrespective of the existence of one or more  
5 circumstances authorizing termination of parental rights, the best interests of the ~~juvenile~~  
6 ~~child~~ require that rights should not be terminated, the court shall dismiss the ~~petition,~~  
7 ~~petition or deny the motion,~~ but only after setting forth the facts and conclusions upon  
8 which the dismissal or denial is based.

9 (c) Should the court determine that circumstances authorizing termination of  
10 parental rights do not exist, the court shall dismiss the ~~petition,~~ petition or deny the  
11 motion, making appropriate findings of fact and conclusions.

12 (d) Counsel for the petitioner or movant shall serve a copy of the termination of  
13 parental rights order upon the guardian ad litem for the ~~juvenile,~~ child, if any, and upon  
14 the ~~juvenile-child~~ if the ~~juvenile-child~~ is 12 years of age or older.

15 (e) The court may tax the cost of the proceeding to any party.

16 (f) The court shall not be bound by the usual rules of evidence at disposition."

17 Section 81. G.S. 7B-1111 reads as rewritten:

18 **"§ 7B-1111. Grounds for terminating parental rights.**

19 (a) The court may terminate the parental rights upon a finding of one or more of  
20 the following:

21 (1) The parent has abused or neglected the ~~juvenile-child~~. The ~~juvenile-child~~  
22 shall be deemed to be abused or neglected if the court finds the ~~juvenile~~  
23 child to be an abused ~~juvenile-child~~ within the meaning of G.S. 7B-101  
24 or a neglected ~~juvenile-child~~ within the meaning of G.S. 7B-101.

25 (2) The parent has willfully left the ~~juvenile-child~~ in foster care or placement  
26 outside the home for more than 12 months without showing to the  
27 satisfaction of the court that reasonable progress under the  
28 circumstances has been made within 12 months in correcting those  
29 conditions which led to the removal of the ~~juvenile-child~~. Provided,  
30 however, that no parental rights shall be terminated for the sole reason  
31 that the parents are unable to care for the ~~juvenile-child~~ on account of  
32 their poverty.

33 (3) The ~~juvenile-child~~ has been placed in the custody of a county department  
34 of social services, a licensed child-placing agency, a child-caring  
35 institution, or a foster home, and the parent, for a continuous period of  
36 six months next preceding the filing of the ~~petition,~~ petition or motion,  
37 has willfully failed for such period to pay a reasonable portion of the  
38 cost of care for the ~~juvenile-child~~ although physically and financially  
39 able to do so.

40 (4) One parent has been awarded custody of the ~~juvenile-child~~ by judicial  
41 decree or has custody by agreement of the parents, and the other parent  
42 whose parental rights are sought to be terminated has for a period of one  
43 year or more next preceding the filing of the petition or motion willfully

- 1 failed without justification to pay for the care, support, and education of  
2 the ~~juvenile child~~, as required by said decree or custody agreement.
- 3 (5) The father of a ~~juvenile child~~ born out of wedlock has not, prior to the  
4 filing of a petition or motion to terminate parental rights:
- 5 a. Established paternity judicially or by affidavit which has been  
6 filed in a central registry maintained by the Department of Health  
7 and Human Services; provided, the court shall inquire of the  
8 Department of Health and Human Services as to whether such an  
9 affidavit has been so filed and shall incorporate into the case  
10 record the Department's certified reply; or
- 11 b. Legitimated the ~~juvenile child~~ pursuant to provisions of G.S. 49-  
12 10 or filed a petition for this specific purpose; or
- 13 c. Legitimated the ~~juvenile child~~ by marriage to the mother of the  
14 ~~juvenile child~~; or
- 15 d. Provided substantial financial support or consistent care with  
16 respect to the ~~juvenile and mother child~~.
- 17 (6) That the parent is incapable of providing for the proper care and  
18 supervision of the ~~juvenile child~~, such that the ~~juvenile child~~ is a  
19 dependent ~~juvenile child~~ within the meaning of G.S. 7B-101, and that  
20 there is a reasonable probability that such incapability will continue for  
21 the foreseeable future. Incapability under this subdivision may be the  
22 result of substance abuse, mental retardation, mental illness, organic  
23 brain syndrome, or any other similar cause or condition.
- 24 (7) The parent has willfully abandoned the ~~juvenile child~~ for at least six  
25 consecutive months immediately preceding the filing of the ~~petition~~  
26 petition or motion.
- 27 (8) The parent has committed murder or voluntary manslaughter of another  
28 child of the parent or other child residing in the home; has aided,  
29 abetted, attempted, conspired, or solicited to commit murder or  
30 voluntary manslaughter of the child, another child of the parent, or other  
31 child residing in the home; or has committed a felony assault that results  
32 in serious bodily injury to the child, another child of the parent, or other  
33 child residing in the home.
- 34 (9) The parental rights of the parent with respect to another child of the  
35 parent have been terminated involuntarily by a court of competent  
36 jurisdiction and the parent lacks the ability or willingness to establish a  
37 safe home.
- 38 (10) The parent is imprisoned when the petition is filed and is unlikely to be  
39 released for a period of five or more years from the date the petition is  
40 filed.
- 41 (b) The burden in such proceedings shall be upon the petitioner or movant to prove  
42 the facts justifying such termination by clear and convincing evidence."  
43 Section 82. G.S. 7B-1112 reads as rewritten:

1 **"§ 7B-1112. Effects of termination order.**

2 An order terminating the parental rights completely and permanently terminates all  
3 rights and obligations of the parent to the juvenile-child and of the juvenile-child to the  
4 parent arising from the parental relationship, except that the juvenile's-child's right of  
5 inheritance from the juvenile's-child's parent shall not terminate until a final order of  
6 adoption is issued. The parent is not thereafter entitled to notice of proceedings to adopt  
7 the juvenile-child and may not object thereto or otherwise participate therein:

8 (1) If the juvenile-child had been placed in the custody of or released for  
9 adoption by one parent to a county department of social services or  
10 licensed child-placing agency and is in the custody of the agency at the  
11 time of the filing of the petition, petition or motion, including a petition  
12 or motion filed pursuant to G.S. ~~7B-1103(6)~~, 7B-1103, that agency shall,  
13 upon entry of the order terminating parental rights, acquire all of the  
14 rights for placement of the juvenile-child as the agency would have  
15 acquired had the parent whose rights are terminated released the juvenile  
16 child to that agency pursuant to the provisions of Part 7 of Article 3 of  
17 Chapter 48 of the General Statutes, including the right to consent to the  
18 adoption of the juvenile-child.

19 (2) Except as provided in subdivision (1) above, upon entering an order  
20 terminating the parental rights of one or both parents, the court may  
21 place the juvenile-child in the custody of the petitioner, petitioner or  
22 movant, or some other suitable person, or in the custody of the  
23 department of social services or licensed child-placing agency, as may  
24 appear to be in the best interests of the juvenile-child."

25 Section 83. G.S. 7B-1113 reads as rewritten:

26 **"§ 7B-1113. Appeals; modification of order after affirmation.**

27 Any juvenile-child, parent, guardian, custodian, or agency who is a party to a  
28 proceeding under this Article may appeal from an adjudication or any order of disposition  
29 to the Court of Appeals, provided that notice of appeal is given in open court at the time  
30 of the hearing or in writing within 10 days after the hearing. ~~Pending disposition of an~~  
31 ~~appeal, the court may enter a temporary order affecting the custody or placement of the juvenile~~  
32 ~~as the court finds to be in the best interests of the juvenile or the best interests of the State.~~  
33 Pending disposition of an appeal, the hearings required by G.S. 7B-908 shall be held and  
34 the court may enter a temporary order affecting the custody or placement of the child as  
35 the court finds to be in the best interests of the child. Upon the affirmation of the order of  
36 adjudication or disposition of the court in a juvenile-case under this Article by the Court  
37 of Appeals, or by the Supreme Court in the event of an appeal, the court shall have  
38 authority to modify or alter its original order of adjudication or disposition as the court  
39 finds to be in the best interests of the juvenile to reflect any adjustment made by the juvenile  
40 or change in circumstances during the period of time the case on appeal was pending, provided  
41 that if child and consistent with the appellate ruling. If the modifying order ~~be~~ is entered  
42 ex parte, the court shall give notice to interested parties to show cause, if any there be,  
43 within 10 days thereafter, as to why the modifying order should be vacated or altered."

1 Section 84. G.S. 7B-1200 reads as rewritten:

2 **"§ 7B-1200. Office of Guardian ad Litem Services established.**

3 There is established within the Administrative Office of the Courts an Office of  
4 Guardian ad Litem Services to provide services in accordance with G.S. 7B-601 to  
5 abused, neglected, or dependent ~~juveniles-children~~ involved in judicial proceedings and to  
6 assure that all participants in these proceedings are adequately trained to carry out their  
7 responsibilities. Each local program shall consist of volunteer guardians ad litem, at least  
8 one program attorney, a program coordinator who is a paid State employee, and any  
9 clerical staff as the Administrative Office of the Courts in consultation with the local  
10 program deems necessary. The Administrative Office of the Courts shall adopt rules and  
11 regulations necessary and appropriate for the administration of the program."

12 Section 85. G.S. 7B-1202 reads as rewritten:

13 **"§ 7B-1202. Conflict of interest or impracticality of implementation.**

14 If a conflict of interest prohibits a local program from providing representation to an  
15 abused, neglected, or dependent ~~juvenile, child,~~ the court may appoint any member of the  
16 district bar to represent the ~~juvenile-child's best interests.~~ If the Administrative Office of  
17 the Courts determines that within a particular district court district the implementation of  
18 a local program is impractical, or that an alternative plan meets the conditions of G.S. 7B-  
19 1203, the Administrative Office of the Courts shall waive the establishment of the  
20 program within the district."

21 Section 86. G.S. 7B-1203 reads as rewritten:

22 **"§ 7B-1203. Alternative plans.**

23 A district court district shall be granted a waiver from the implementation of a local  
24 program if the Administrative Office of the Courts determines that the following  
25 conditions are met:

- 26 (1) An alternative plan has been developed to provide adequate guardian ad  
27 litem services for every ~~juvenile-child~~ consistent with the duties stated  
28 in G.S. 7B-601; and
- 29 (2) The proposed alternative plan will require no greater proportion of State  
30 funds than the district court district's abuse and neglect caseload  
31 represents to the State's abuse and neglect caseload. Computation of  
32 abuse and neglect caseloads shall include such factors as the ~~juvenile~~  
33 child population, number of substantiated abuse and neglect reports,  
34 number of abuse and neglect petitions, number of abused and neglected  
35 ~~juveniles-children~~ in care to be reviewed pursuant to G.S. 7B-906, nature  
36 of the district's district court caseload, and number of petitions to  
37 terminate parental rights.

38 When an alternative plan is approved pursuant to this section, the Administrative  
39 Office of the Courts shall retain authority to monitor implementation of the said plan in  
40 order to assure compliance with the requirements of this Article and G.S. 7B-601. In any  
41 district court district where the Administrative Office of the Courts determines that  
42 implementation of an alternative plan is not in compliance with the requirements of this

1 section, the Administrative Office of the Courts may implement and administer a  
2 program authorized by this Article."

3 Section 87. G.S. 7B-1406 reads as rewritten:

4 **"§ 7B-1406. Community Child Protection Teams; Child Fatality Prevention Teams;  
5 creation and duties.**

6 (a) Community Child Protection Teams are established in every county of the  
7 State. Each Community Child Protection Team shall:

8 (1) Review, in accordance with the procedures established by the director of  
9 the county department of social services under G.S. 7B-1409:

10 a. Selected active cases in which children are being served by child  
11 protective services; ~~and~~

12 b. Cases in which a child died as a result of suspected abuse or  
13 neglect, and

14 1. A report of abuse or neglect has been made about the child  
15 or the child's family to the county department of social  
16 services within the previous 12 months, or

17 2. The child or the child's family was a recipient of child  
18 protective services within the previous 12 ~~months~~ months;

19 c. Cases in which the director has decided not to file a petition and  
20 the person making the report has appealed the director's decision  
21 in accordance with G.S. 7B-305. The Team shall review the case  
22 and submit a report and recommendations to the district attorney  
23 within 20 days of the appeal by the reporter. The Team may  
24 recommend that the district attorney:

25 1. Affirm the case decision of the director not to file a  
26 petition;

27 2. Request the appropriate law enforcement agency to  
28 investigate the allegations; or

29 3. Direct the director to file a petition;

30 d. Selected cases whereupon the second or subsequent substantiated  
31 report of abuse, neglect, or dependency occurs without the filing  
32 of a court petition by the director;

33 e. Selected cases where the department of social services has  
34 substantiated a report of abuse, neglect, or dependency and has  
35 provided services for a period of longer than 12 months from the  
36 time the investigative assessment was completed, without the  
37 filing of a court petition by the director;

38 f. Selected cases whereupon the investigative assessment has not  
39 been completed by the local department of social services within  
40 30 days, as required by G.S. 7B-302; and

41 g. Selected cases where the department of social services has, prior  
42 to adjudication, voluntarily dismissed a petition alleging abuse,  
43 neglect, or dependency under this Subchapter.

1           (2) Submit annually to the board of county commissioners  
2           recommendations, if any, and advocate for system improvements and  
3           needed resources where gaps and deficiencies may exist.

4 In addition, each Community Child Protection Team may review the records of all  
5 additional child fatalities and report findings in connection with these reviews to the  
6 Team Coordinator.

7           (b) Any Community Child Protection Team that determines it will not review  
8 additional child fatalities shall notify the Team Coordinator. In accordance with the plan  
9 established under G.S. 7B-1408(1), a separate Child Fatality Prevention Team shall be  
10 established in that county to conduct these reviews. Each Child Fatality Prevention Team  
11 shall:

12           (1) Review the records of all cases of additional child fatalities.

13           (2) Submit annually to the board of county commissioners  
14           recommendations, if any, and advocate for system improvements and  
15           needed resources where gaps and deficiencies may exist.

16           (3) Report findings in connection with these reviews to the Team  
17           Coordinator.

18           (c) All reports to the Team Coordinator under this section shall include:

19           (1) A listing of the system problems identified through the review process  
20           and recommendations for preventive actions;

21           (2) Any changes that resulted from the recommendations made by the Local  
22           Team;

23           (3) Information about each death reviewed; and

24           (4) Any additional information requested by the Team Coordinator."

25           Section 88. G.S. 7B-1407 reads as rewritten:

26 **"§ 7B-1407. Local Teams; composition.**

27           (a) Each Local Team shall consist of representatives of public and nonpublic  
28 agencies in the community that provide services to children and their families and other  
29 individuals who represent the community. No single team shall encompass a geographic  
30 or governmental area larger than one county.

31           (b) Each Local Team shall consist of the following persons:

32           (1) The director of the county department of social services and a member  
33           of the director's staff;

34           (2) A local law enforcement officer, appointed by the board of county  
35           commissioners;

36           (3) An attorney from the district attorney's office, appointed by the district  
37           attorney;

38           (4) The executive director of the local community action agency, as defined  
39           by the Department of Health and Human Services, or the executive  
40           director's designee;

41           (5) The superintendent of each local school administrative unit located in  
42           the county, or the superintendent's designee;

- 1 (6) A member of the county board of social services, appointed by the chair  
2 of that board;
- 3 (7) A local mental health professional, appointed by the director of the area  
4 authority established under Chapter 122C of the General Statutes;
- 5 (8) The local guardian ad litem coordinator, or the coordinator's designee;
- 6 (9) The director of the local department of public health; and
- 7 (10) A local health care provider, appointed by the local board of health.
- 8 (c) In addition, a Local Team that reviews the records of additional child fatalities  
9 shall include the following five additional members:
- 10 (1) An emergency medical services provider or firefighter, appointed by the  
11 board of county commissioners;
- 12 (2) A district court judge, appointed by the chief district court judge in that  
13 district;
- 14 (3) A county medical examiner, appointed by the Chief Medical Examiner;
- 15 (4) A representative of a local child care facility or Head Start program,  
16 appointed by the director of the county department of social services;  
17 and
- 18 (5) A parent of a child who died before reaching the child's eighteenth  
19 birthday, to be appointed by the board of county commissioners.
- 20 (d) The Team Coordinator shall serve as an ex officio member of each Local Team  
21 that reviews the records of additional child fatalities. The board of county commissioners  
22 may appoint a maximum of five additional members to represent county agencies or the  
23 community at large to serve on any Local Team. Vacancies on a Local Team shall be  
24 filled by the original appointing authority.
- 25 (e) Each Local Team shall elect a member to serve as chair at the Team's pleasure.  
26 Neither the director nor any member of the director's staff shall serve as the chair of the  
27 Team.
- 28 (f) Each Local Team shall meet at least ~~four~~ six times each year.
- 29 (g) The director of the local department of social services shall call the first  
30 meeting of the Community Child Protection Team. The director of the local department  
31 of health, upon consultation with the Team Coordinator, shall call the first meeting of the  
32 Child Fatality Prevention Team. Thereafter, the chair of each Local Team shall schedule  
33 the time and place of meetings, in consultation with these directors, and shall prepare the  
34 agenda. The chair shall schedule Team meetings no less often than once ~~per quarter~~ every  
35 two months and often enough to allow adequate review of the cases selected for review.  
36 Within three months of election, the chair shall participate in the appropriate training  
37 developed under this Article."
- 38 Section 89. This act becomes effective July 1, 1999.