

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL 625
Health Care Committee Substitute Adopted 4/19/23
Judiciary Committee Substitute Adopted 4/25/23

Short Title: Child Welfare, Safety and Permanency Reforms.

(Public)

Sponsors:

Referred to:

April 6, 2023

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE VARIOUS CHANGES TO THE LAWS AFFECTING JUVENILES AND
3 ASSOCIATED SERVICES.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 7B-101 reads as rewritten:

6 "§ 7B-101. Definitions.

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

9 (1) Abused juveniles. – Any juvenile less than 18 years of age (i) who is found to
10 be a minor victim of human trafficking under G.S. 14-43.15 or unlawful sale,
11 surrender, or purchase of a minor under G.S. 14-43.14 or (ii) whose parent,
12 guardian, custodian, or caretaker:

13 ...

14 d. Commits, permits, or encourages the commission of a violation of the
15 following laws by, with, or upon the juvenile: ~~first degree forcible~~
16 ~~rape, as provided in G.S. 14-27.21; second degree forcible rape as~~
17 ~~provided in G.S. 14-27.22; statutory rape of a child by an adult as~~
18 ~~provided in G.S. 14-27.23; first degree statutory rape as provided in~~
19 ~~G.S. 14-27.24; first degree forcible sex offense as provided in~~
20 ~~G.S. 14-27.26; second degree forcible sex offense as provided in~~
21 ~~G.S. 14-27.27; statutory sexual offense with a child by an adult as~~
22 ~~provided in G.S. 14-27.28; first degree statutory sexual offense as~~
23 ~~provided in G.S. 14-27.29; sexual activity by a substitute parent or~~
24 ~~eustodian as provided in G.S. 14-27.31; sexual activity with a student~~
25 ~~as provided in G.S. 14-27.32; unlawful sale, surrender, or purchase of~~
26 ~~a minor, as provided in G.S. 14-43.14; a sexually violent offense as~~
27 ~~defined in G.S. 14-208.6(5); crime against nature, as provided in~~
28 ~~G.S. 14-177; incest, as provided in G.S. 14-178; preparation of~~
29 ~~obscene photographs, slides, or motion pictures of the juvenile, as~~
30 ~~provided in G.S. 14-190.5; employing or permitting the juvenile to~~
31 ~~assist in a violation of the obscenity laws as provided in G.S. 14-190.6;~~
32 ~~dissemination of obscene material to the juvenile as provided in~~
33 ~~G.S. 14-190.7 and G.S. 14-190.8; and displaying or disseminating~~
34 ~~material harmful to the juvenile as provided in G.S. 14-190.14 and~~
35 ~~G.S. 14-190.15; first and second degree sexual exploitation of the~~



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juvenile as provided in G.S. 14-190.16 and G.S. 14-190.17; promoting the prostitution of the juvenile as provided in G.S. 14-205.3(b); and taking indecent liberties with the juvenile, as provided in G.S. 14-202.1; G.S. 14-190.15.

...
(14a) Legal counsel for the department. – An attorney representing the department in proceedings under this Subchapter, regardless of whether the attorney is a county attorney, department attorney, or contract attorney.

...
(17) ~~Prosecutor.~~ The district attorney or assistant district attorney assigned by the district attorney to juvenile proceedings.

...."

SECTION 2.(a) G.S. 7B-302 reads as rewritten:

"§ 7B-302. Assessment by director; military affiliation; access to confidential information; notification of person making the report.

...
(c) If the assessment indicates that abuse, neglect, or dependency has occurred, the director shall decide whether immediate removal of the juvenile or any other juveniles in the home is necessary for their protection. If immediate removal does not seem necessary, the director shall immediately provide or arrange for protective services. If the parent, guardian, custodian, or caretaker refuses to accept the protective services provided or arranged by the director, the director shall sign a petition prepared by the legal counsel for the department seeking to invoke the jurisdiction of the court for the protection of the juvenile or juveniles.

(d) If immediate removal seems necessary for the protection of the juvenile or other juveniles in the home, the director shall sign a petition prepared by the legal counsel for the department that alleges the applicable facts to invoke the jurisdiction of the court. Where the assessment shows that it is warranted, a protective services worker may assume temporary custody of the juvenile for the juvenile's protection pursuant to Article 5 of this Chapter.

...
(g) Within five working days after completion of the protective services assessment, the director shall give subsequent written notice to the person making the report, unless requested by that person not to give notice, as to whether there is a finding of abuse, neglect, or dependency, whether the county department of social services is taking action to protect the juvenile, and what action it is taking, including whether or not a petition was filed. The person making the report shall be informed of procedures necessary to request a review by the ~~prosecutor~~ Department of Health and Human Services of the director's decision not to file a petition. A request for review by the ~~prosecutor~~ Department of Health and Human Services shall be made within five working days of receipt of the second notification. The second notification shall include notice that, if the person making the report is not satisfied with the director's decision, the person may request review of the decision by the ~~prosecutor~~ Department of Health and Human Services within five working days of receipt. The person making the report may waive the person's right to this notification, and no notification is required if the person making the report does not identify himself to the director.

...."

SECTION 2.(b) G.S. 7B-303 reads as rewritten:

"§ 7B-303. Interference with assessment.

(a) If any person obstructs or interferes with an assessment required by G.S. 7B-302, the director may file a petition prepared by the legal counsel for the department naming that person as respondent and requesting an order directing the respondent to cease the obstruction or interference. The petition shall contain the name and date of birth and address of the juvenile who is the subject of the assessment; shall include a concise statement of the basis for initiating

1 the assessment, shall specifically describe the conduct alleged to constitute obstruction of or
2 interference with the assessment; and shall be verified.

3 ...

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

13"

14 **SECTION 2.(c)** G.S. 7B-403 reads as rewritten:

15 "**§ 7B-403. Receipt of reports; filing of petition.**

16 (a) All reports concerning a juvenile alleged to be abused, neglected, or dependent shall
17 be referred to the director of the department of social services for screening. Thereafter, if it is
18 determined by the director that a report should be filed as a petition, the petition shall be ~~drawn~~
19 prepared by the director, legal counsel for the department, signed by the director, and verified
20 before an official authorized to administer oaths, and filed by the clerk, recording the date of
21 filing.

22 (b) A decision of the director of social services not to file a report as a petition shall be
23 reviewed by the ~~prosecutor~~ Department of Health and Human Services if review is requested
24 pursuant to G.S. 7B-305."

25 **SECTION 2.(d)** This section becomes effective on January 1, 2024.

26 **SECTION 3.(a)** Article 3 of Subchapter I of Chapter 7B of the General Statutes is
27 amended by adding a new section to read:

28 "**§ 7B-302.1. Conflicts of interest.**

29 (a) A conflict of interest shall exist when the reported abuse, neglect, or dependency
30 involves any of the following:

31 (1) An employee of the county department of social services.

32 (2) A relative of an employee of the child welfare division of the county
33 department of social services.

34 (3) A relative of an employee of the county department of social services outside
35 of the child welfare division when, in the professional judgment of the
36 director, the county department of social services has a conflict of interest.

37 (4) A foster parent supervised by the county department of social services.

38 (5) The county manager, an assistant county manager, a member of the Board of
39 County Commissioners, or a member of the county's governing board for
40 social services, as defined in G.S. 108A-1.

41 (6) A caretaker in a sole-source contract group home.

42 (7) A juvenile's parent, guardian, custodian, or caretaker who has been
43 determined to be an incompetent adult and subject to guardianship under
44 Chapter 35A of the General Statutes and is a ward, as defined in
45 G.S. 35A-1101, of that county department of social services.

46 (8) A juvenile in the custody of the department who is also a parent or caretaker.

47 (9) A juvenile who is subject to a new report of abuse or neglect arising from
48 events that occurred while in the custody of the department.

49 (10) A perceived conflict of interest that is identified through the professional
50 judgment of the director of the county department of social services.

1 **(b)** The director of the county department of social services that receives the report where
2 the conflict exists shall request that another county department conduct the assessment. The
3 director shall notify the Division of Social Services of the Department of Health and Human
4 Services of the conflict of interest and the county that accepted the report for assessment.

5 **(c)** If the director makes requests of two or more other counties, and if no other county is
6 willing or able to accept the case for assessment, then the county director where the conflict exists
7 shall notify the Division of Social Services of the Department of Health and Human Services.
8 The Division shall evaluate the conflict and make the following determinations:

9 **(1)** Whether the county with the case conflict is able to manage the case by
10 implementing measures to sufficiently obviate the conflict.

11 **(2)** If the Division determines the conflict cannot be managed in the county that
12 receives the report, the Division shall appoint another county department that
13 shall assume management of the case.

14 **(3)** The Division shall determine which county should bear the financial
15 responsibility of the case when another county is appointed to manage the
16 case.

17 **(d)** The county department of social services with the conflict of interest shall inform, in
18 writing, the parent, guardian, custodian, or caretaker of the conflict and the county that assumes
19 the management of the case. The written notice shall include the contact information for the
20 complaint line at the Division of Social Services of the Department of Health and Human
21 Services.

22 **(e)** If the county department of social services has a conflict of interest at the time of the
23 report or any time while managing the case and the county department of social services does not
24 refer the case to another county, a parent, guardian, custodian, caretaker, juvenile, or their
25 representative may seek to have the case transferred to another county by contacting the
26 complaint line at the Division of Social Services of the Department of Health and Human
27 Services, and the Division of Social Services shall apply this section."

28 **SECTION 3.(b)** G.S. 7B-400(c) reads as rewritten:

29 **"(c)** For good cause, the court may grant a motion for a change of venue before
30 adjudication. A pre-adjudication change of venue shall not affect the identity of the
31 petitioner-petitioner, unless a conflict of interest arising under G.S. 7B-302.1 necessitates a
32 substitution of parties."

33 **SECTION 4.** G.S. 7B-401.1 reads as rewritten:

34 **"§ 7B-401.1. Parties.**

35 ...

36 **(e1)** ~~Foster Parent.—A foster parent as defined in G.S. 131D-10.2(9a) providing foster~~
37 ~~care for the juvenile is not a party to the case and may be allowed to intervene only if the foster~~
38 ~~parent has authority to file a petition to terminate the parental rights of the juvenile's parents~~
39 ~~pursuant to G.S. 7B-1103.~~

40 ...

41 **(g)** ~~Removal of a Party. — If After an adjudication, if a guardian, custodian, or caretaker~~
42 ~~is a party, the court may discharge that person from the proceeding, making the person no longer~~
43 ~~a party, if the court finds that the person does not have legal rights that may be affected by the~~
44 ~~action and that the person's continuation as a party is not necessary to meet the juvenile's~~
45 ~~needs-needs and is in the best interests of the juvenile.~~

46 **(h)** ~~Intervention. — Except as provided in G.S. 7B-1103(b) and subsection (e1) of this~~
47 ~~section, G.S. 7B-1103(b), the court shall not allow intervention by a person who is not the~~
48 ~~juvenile's parent, guardian, or eustodian, but custodian. The court may allow intervention by (i)~~
49 ~~a current caretaker or current foster parent, as defined in G.S. 131D-10.2(9a), providing care for~~
50 ~~the juvenile only if the current caretaker or current foster parent has authority to file a petition to~~
51 ~~terminate the parental rights of the juvenile's parents under G.S. 7B-1103, or (ii) another county~~

1 department of social services that has an interest in the proceeding. This section shall not prohibit
 2 the court from consolidating a juvenile proceeding with a civil action or claim for custody
 3 pursuant to G.S. 7B-200.

4"

5 **SECTION 5.(a)** G.S. 7B-502 reads as rewritten:

6 "**§ 7B-502. Authority to issue custody orders; delegation.**

7 (a) In the case of any juvenile alleged to be within the jurisdiction of the court, the court
 8 may order that the juvenile be placed in nonsecure custody pursuant to criteria set out in
 9 G.S. 7B-503 when custody of the juvenile is necessary. The order for nonsecure custody may be
 10 entered ex parte. Unless the petition is being filed pursuant to G.S. 7B-404, telephonic
 11 communication that the department will be seeking nonsecure custody shall be given to counsel,
 12 or if unavailable, to a partner or employee at the attorney's office when any of the following
 13 occur:

14 (1) The department has received written notification that a respondent has counsel
 15 for the juvenile matter.

16 (2) The respondent is represented by counsel in a juvenile proceeding within the
 17 same county involving another juvenile of the respondent.

18 Notice is not required to provisional counsel appointed pursuant to G.S. 7B-602.

19 (b) Any district court judge shall have the authority to issue nonsecure custody orders
 20 pursuant to ~~G.S. 7B-503.~~ G.S. 7B-503, once the action is commenced with the filing of a juvenile
 21 petition under G.S. 7B-405. The chief district court judge may delegate the court's authority to
 22 ~~persons other than district court judges any magistrate~~ by administrative order which shall be
 23 filed in the office of the clerk of superior court. ~~The administrative order shall specify which~~
 24 ~~persons shall be contacted for approval of a nonsecure custody order pursuant to~~
 25 G.S. 7B-503. Each county shall have available at all times a judge or delegated magistrate with
 26 whom the department may request nonsecure custody of a juvenile or juveniles."

27 **SECTION 6.** G.S. 7B-506 reads as rewritten:

28 "**§ 7B-506. Hearing to determine need for continued nonsecure custody.**

29 (a) No juvenile shall be held under a nonsecure custody order for more than seven
 30 calendar days without a hearing on the merits or a hearing to determine the need for continued
 31 custody. A hearing on nonsecure custody conducted under this subsection may be continued for
 32 up to 10 business days with the consent of the juvenile's parent, guardian, custodian, or caretaker
 33 and, if appointed, the juvenile's guardian ad litem. In addition, the court may require the consent
 34 of additional parties or may schedule the hearing on custody despite a party's consent to a
 35 continuance. In every case in which an order has been entered by ~~an official a magistrate~~
 36 exercising authority delegated pursuant to G.S. 7B-502, a hearing to determine the need for
 37 continued custody shall be conducted on the day of the next regularly scheduled session of district
 38 court in the city or county where the order was entered if such session precedes the expiration of
 39 the applicable time period set forth in this subsection: Provided, that if such session does not
 40 precede the expiration of the time period, the hearing may be conducted at another regularly
 41 scheduled session of district court in the district where the order was entered.

42"

43 **SECTION 7.** G.S. 7B-508 reads as rewritten:

44 "**§ 7B-508. Telephonic communication authorized.**

45 All communications, notices, orders, authorizations, and requests authorized or required by
 46 G.S. 7B-501, 7B-503, and 7B-504 may be made by telephone when other means of
 47 communication are impractical. A copy of the petition shall be provided to the judge or magistrate
 48 who is delegated authority by G.S. 7B-502 by any appropriate secure method, including hand
 49 delivery, fax, or encrypted electronic means. All written orders pursuant to telephonic
 50 communication shall bear the name and the title of the person ~~communicating by telephone,~~
 51 requesting and receiving telephonic approval, the name and title of the judge or magistrate

1 approving the initial nonsecure custody order, the signature and the title of the official entering
2 the order, clerk or magistrate who accepted the petition for filing, and the hour and the date of
3 the authorization."

4 **SECTION 8.** G.S. 7B-600 reads as rewritten:

5 **"§ 7B-600. Appointment of guardian.**

6 ...

7 (b) In any case where the court has determined that the appointment of a relative or other
8 suitable person as guardian of the person for a juvenile is the permanent plan for the juvenile and
9 appoints a guardian under this section, the guardian becomes a party to the proceeding. The court
10 may appoint co-guardians of the juvenile. The court may terminate the permanent guardianship
11 only if (i) the court finds that the relationship between the guardian and the juvenile is no longer
12 in the juvenile's best interest, (ii) the guardian is unfit, (iii) the guardian has neglected a guardian's
13 duties, ~~or~~ (iv) the guardian is unwilling or unable to continue assuming a guardian's ~~duties.~~ duties,
14 or (v) the circumstances of subsection (b2) of this section apply.

15 ...

16 (b2) When co-guardians have been appointed as the permanent plan for the juvenile and
17 the relationship between the permanent co-guardians dissolves, any party may file a motion under
18 G.S. 7B-906.1. The court shall consider the needs of the juvenile and enter an order addressing
19 the guardianship and whether it is in the best interest of the juvenile. The court may maintain the
20 juvenile's placement under review or order any disposition authorized by G.S. 7B-903. The court
21 may terminate the permanent guardianship of both or one of the co-guardians based on the
22 dissolution of the relationship of the co-guardians and the best interest of the juvenile. The court
23 may maintain the co-guardianship and modify the order to address physical and legal custody of
24 the juvenile, including placement, visitation, and decision making between the co-guardians. The
25 court shall consider whether custody rather than guardianship is in the juvenile's best interests
26 and, if so, enter an order pursuant to G.S. 7B-911.

27"

28 **SECTION 9.(a)** G.S. 7B-602 reads as rewritten:

29 **"§ 7B-602. Parent's right to counsel; guardian ad litem.**

30 (a) In cases where the juvenile petition alleges that a juvenile is abused, neglected, or
31 dependent, the parent has the right to counsel and to appointed counsel in cases of indigency
32 unless that person waives the right. When a petition is filed alleging that a juvenile is abused,
33 neglected, or dependent, the clerk shall appoint provisional counsel for each parent named in the
34 petition in accordance with rules adopted by the Office of Indigent Defense Services, shall
35 indicate the appointment on the juvenile summons or attached notice, and shall provide a copy
36 of the petition and summons or notice to the attorney. At the first hearing, the court shall dismiss
37 the provisional counsel if the respondent parent:

- 38 (1) Does not appear at the hearing;
- 39 (2) Does not qualify for court-appointed counsel;
- 40 (3) Has retained counsel; or
- 41 (4) Waives the right to counsel.

42 The court shall confirm the appointment of counsel if subdivisions (1) through (4) of this
43 subsection are not applicable to the respondent parent.

44 The court may reconsider a parent's eligibility and desire for appointed counsel at any stage
45 of the proceeding.

46 (a1) A parent qualifying for appointed counsel may be permitted to proceed without the
47 assistance of counsel only after the court examines the parent and makes findings of fact
48 sufficient to show that the waiver is knowing and voluntary. The court's examination shall be
49 reported as provided in G.S. 7B-806.

50 (b) ~~In addition to the right to appointed counsel set forth above, The appointment of a~~
51 ~~guardian ad litem shall be appointed in accordance with the provisions of G.S. 1A-1, Rule 17, to~~

1 ~~represent a~~ under this section for any parent who is under the age of 18 years and who is not
 2 ~~married or otherwise emancipated. The appointment of a guardian ad litem under this subsection~~
 3 shall not affect the minor parent's entitlement to a guardian ad litem pursuant to G.S. 7B-601 in
 4 the event that the minor parent is the subject of a separate juvenile petition.

5 (c) On motion of any party or on the court's own motion, the court may appoint a guardian
 6 ad litem for a parent who is incompetent in accordance with G.S. 1A-1, Rule 17. For an
 7 unemancipated minor parent, a G.S. 1A-1, Rule 17, guardian ad litem may be appointed when
 8 the parent is incompetent but shall not be appointed based solely on the parent being under the
 9 age of 18.

10 (d) The parent's counsel shall not be appointed to serve as the guardian ad litem and the
 11 guardian ad litem shall not act as the parent's attorney. Communications between the guardian ad
 12 litem appointed under this section and the parent and between the guardian ad litem and the
 13 parent's counsel shall be privileged and confidential to the same extent that communications
 14 between the parent and the parent's counsel are privileged and confidential.

15"

16 **SECTION 9.(b)** Article 6 of Subchapter I of Chapter 7B of the General Statutes is
 17 amended by adding a new section to read:

18 **"§ 7B-604. Legal counsel for department.**

19 (a) The county department of social services shall be represented by legal counsel for the
 20 department in proceedings governed by this Subchapter.

21 (b) Prior to representing the county department of social services in proceedings
 22 governed by this Subchapter as legal counsel for the department, an attorney shall complete a
 23 minimum of six hours of training addressing State and federal child welfare law and procedures.
 24 Each of those attorneys shall annually complete a minimum of six hours of continuing legal
 25 education addressing child welfare law."

26 **SECTION 9.(c)** Section 9(b) of this act becomes effective on January 1, 2024.

27 **SECTION 10.** G.S. 7B-903.1 reads as rewritten:

28 **"§ 7B-903.1. Juvenile placed in custody of a department of social services.**

29 ...

30 (c) If a juvenile is removed from the home and placed in the custody or placement
 31 responsibility of a county department of social services, the director shall not allow unsupervised
 32 visitation with or return physical custody of the juvenile to the parent, guardian, custodian, or
 33 caretaker without a hearing at which the court finds that the juvenile will receive proper care and
 34 supervision in a safe home. Before a county department of social services may recommend
 35 unsupervised visits or return of physical custody of the ~~juvenile~~ juvenile, whichever occurs first,
 36 to the parent, guardian, custodian, or caretaker from whom the juvenile was removed, a county
 37 department of social services shall first observe that parent, guardian, custodian, or caretaker with
 38 the juvenile for at least two visits that support the recommendation. Each observation visit shall
 39 consist of an observation of not less than one hour with the juvenile, shall be conducted at least
 40 seven days apart, and shall occur within 30 days of the hearing at which the department of social
 41 services makes the recommendation. A department of social services shall provide
 42 documentation of any observation visits that it conducts to the court for its consideration as to
 43 whether unsupervised visits or physical ~~custody~~ custody, whichever occurs first, should be
 44 granted to the parent, guardian, custodian, or caretaker from whom the juvenile was removed.

45"

46 **SECTION 11.(a)** G.S. 7B-903.2 reads as rewritten:

47 **"§ 7B-903.2. Emergency motion for placement and payment.**

48 (a) If the requirements of G.S. 122C-142.2(b) through ~~(f)~~ (f1) are not satisfied, a party to
 49 the juvenile case, ~~the Department of Health and Human Services,~~ the hospital where the juvenile
 50 is currently located, the local management entity/managed care organization, or the prepaid
 51 health plan may make a limited appearance for the sole purpose of filing a motion in the district

1 court in the county with jurisdiction over the juvenile in the abuse, neglect, and dependency
2 matter regarding the juvenile's continued stay in an emergency department or subsequent
3 admission at the hospital.

4 (b) The motion shall contain a specific description of the requirements of
5 G.S. 122C-142.2(b) through ~~(f)~~(f1) which were not satisfied.

6 (b1) Information regarding any failure of a hospital to cooperate in providing access to the
7 juvenile under G.S. 122C-142.2 may be provided to the court as evidence in a hearing on a
8 motion made under this section of a defense for the alleged violation by the county department
9 or local management entity/managed care organization or prepaid health plan.

10 (c) The motion shall be served on all parties to the juvenile proceeding pursuant to
11 G.S. 1A-1, Rule 5. The motion shall also be served upon the hospital where the juvenile is
12 receiving services, the local management entity/managed care organization or prepaid health plan
13 for the juvenile, and the Department of Health and Human ~~Services.~~ Services, in accordance with
14 G.S. 1A-1, Rule 4. The ~~hospital,~~ hospital and the local management entity/managed care
15 organization or prepaid health plan for the juvenile, and the ~~Department of Health and Human~~
16 Services, upon service of the motion, shall automatically become a party to the juvenile
17 proceeding for the limited purpose of participating in hearings held in relation to and for
18 complying with orders entered by the court pursuant to this section. The Department of Health
19 and Human Services, as supervising principal of the local county department of social services,
20 shall be provided the opportunity to be heard in any hearing on any motion filed under this
21 subsection.

22 ...

23 (e) The Within five business days of when the motion is served or the next scheduled
24 juvenile court session, whichever occurs later, the motion shall be heard in the district court with
25 jurisdiction over the juvenile in the abuse, neglect, and dependency matter. The rules of evidence
26 in civil cases shall apply. Any person or party served with notice of the motion pursuant to
27 subsection (b) of this section may request to be heard by the court and present evidence. The
28 hearing shall be conducted in accordance with G.S. 7B-801.

29 (f) The court shall make written findings of fact and conclusions of law, including
30 whether:

31 (1) The movant established by clear and convincing evidence that ~~there is no~~
32 ~~medical necessity for the juvenile to remain in the hospital.~~ the juvenile met
33 hospital discharge criteria.

34 (2) The responsible party has not satisfied the requirements of
35 G.S. 122C-142.2(b) through ~~(f)~~(f1).

36 (g) When the court finds that there is clear and convincing evidence that ~~there is no~~
37 ~~medical necessity for the juvenile to remain in the hospital.~~ the juvenile has met hospital discharge
38 criteria and that the responsible party has not satisfied the requirements of G.S. 122C-142.2(b)
39 through ~~(f)~~, (f1), the court may order any of the following:

40 (1) That the responsible party pay reasonable hospital charges of the juvenile's
41 continued ~~admission~~ stay at the hospital. The reasonable charges shall be
42 limited to those incurred after the date ~~it was no longer medically necessary~~
43 ~~for the juvenile to remain in the hospital.~~ the juvenile met hospital discharge
44 criteria.

45 (2) That the responsible party pay for any damage to property caused by the
46 juvenile incurred after the date ~~it was no longer medically necessary for the~~
47 ~~juvenile to remain in the hospital.~~ the juvenile met hospital discharge criteria.

48 (3) That the responsible party satisfy the requirements of G.S. 122C-142.2(b)
49 through ~~(f)~~(f1).

50 (4) Any relief the court finds appropriate.

1 (h) The order shall be reduced to writing, signed, and entered no later than 72 hours
2 following the completion of the hearing. The clerk of court for juvenile matters shall schedule a
3 subsequent hearing for review within 30 days of entry of the order.

4 (i) If at any time after the motion is filed, the juvenile is discharged from the hospital and
5 placed by the director, the court shall dismiss the motion. The dismissal shall not preclude a
6 separate cause of action for monetary damages.

7 (j) All parties to the hearing shall bear their own costs."

8 **SECTION 11.(b)** This section is effective when it becomes law.

9 **SECTION 12.(a)** G.S. 7B-906.1 reads as rewritten:

10 **"§ 7B-906.1. Review and permanency planning hearings.**

11 (a) The court shall conduct a review or permanency planning hearing within 90 days from
12 the date of the initial dispositional hearing held pursuant to G.S. 7B-901. Review or permanency
13 planning hearings shall be held at least every six months thereafter. If custody has not been
14 removed from a parent, guardian, ~~caretaker~~, or custodian, the hearing shall be designated as a
15 review hearing. If custody has been removed from a parent, guardian, or custodian, or the juvenile
16 was residing with a caretaker at the time the petition was filed, the hearing shall be designated as
17 a permanency planning hearing.

18 ...

19 (d) At each hearing, the court shall consider the following criteria and make written
20 findings regarding those that are relevant:

21 ...

22 (1a) Reports on the juvenile's continuation in the home of the parent, guardian, or
23 custodian; and the appropriateness of the juvenile's continuation in that home.
24 If the juvenile is removed from the custody of a parent, guardian, or custodian
25 at a review hearing, the court shall schedule a permanency planning hearing
26 within 30 days of the review, ~~unless the hearing was noticed and heard as a~~
27 ~~permanency planning hearing review.~~

28 ...

29 (d1) At any review hearing, the court may maintain the juvenile's placement under review
30 or order a different placement, appoint an individual guardian of the person pursuant to
31 G.S. 7B-600, or order any disposition authorized by G.S. 7B-903, including the authority to place
32 the child in the custody of either parent or any relative found by the court to be suitable and found
33 by the court to be in the best interests of the juvenile. An order that removes the juvenile from a
34 parent, guardian, or custodian shall only be made if the court finds that after the completion of
35 the initial disposition or the prior review hearing:

36 (1) At least one factor under G.S. 7B-503(a)(1) through (a)(4) has occurred, or at
37 least one factor specified in G.S. 7B-901(c) has occurred and the juvenile has
38 experienced or is at substantial risk of experiencing physical or emotional
39 harm as a result; or

40 (2) The parent, guardian, or custodian consents to the order of removal.

41 (d2) Review hearings have the purpose of reviewing the progress of the parent, guardian,
42 or custodian with their court-ordered services. The parent, guardian, or custodian shall complete
43 court-ordered services within 12 months from the date of the filing of the petition, demonstrate
44 that the circumstances precipitating the department's involvement with the family have been
45 resolved to the satisfaction of the court, and provide a safe home for the juvenile. Absent
46 extraordinary circumstances, when the parent, guardian, or custodian has successfully completed
47 the court-ordered services and the juvenile is residing in a safe home, the court may waive further
48 review hearings or shall terminate its jurisdiction in accordance with this subsection or
49 G.S. 7B-911.

50 ...

1 (i) ~~The~~ At any permanency planning hearing, the court may maintain the juvenile's
 2 placement under review or order a different placement, appoint a guardian of the person for the
 3 juvenile pursuant to G.S. 7B-600, or order any disposition authorized by G.S. 7B-903, including
 4 the authority to place the child in the custody of either parent or any relative found by the court
 5 to be suitable and found by the court to be in the best interests of the juvenile.

6 ...

7 (k) If at any time a juvenile has been removed from a parent and legal custody is awarded
 8 to either parent or findings are made in accordance with subsection (n) of this section, the court
 9 shall be relieved of the duty to conduct ~~periodic judicial reviews of the placement~~ permanency
 10 planning hearings. The court shall not refuse to conduct a permanency planning hearing if a party
 11 files a motion seeking the hearing.

12 (k1) The court shall not ~~waive or~~ refuse to conduct a review hearing if a party files a motion
 13 seeking the review ~~hearing and alleges a significant fact~~ hearing.

14 (l) If the court orders or continues the juvenile's placement in the custody or placement
 15 responsibility of a county department of social services, the provisions of G.S. 7B-903.1 shall
 16 apply to any order entered under this section.

17 ...

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

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

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

41 (o) Permanency planning hearings under this section shall be replaced by post
 42 termination of parental rights' placement review hearings when required by G.S. 7B-908."

43 **SECTION 12.(b)** G.S. 7B-906.2 reads as rewritten:

44 "**§ 7B-906.2. Permanent plans; concurrent planning.**

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

- 47 (1) Reunification as defined by G.S. 7B-101.
- 48 (2) Adoption under Article 3 of Chapter 48 of the General Statutes.
- 49 (3) Guardianship pursuant to G.S. 7B-600(b).
- 50 (4) Custody to a relative or other suitable person.

1 (5) Another Planned Permanent Living Arrangement (APPLA) pursuant to
2 G.S. 7B-912.

3 (6) Reinstatement of parental rights pursuant to G.S. 7B-1114.

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

5 (b) At any permanency planning hearing, the court shall adopt concurrent permanent
6 plans and shall identify the primary plan and secondary plan. Reunification shall be a primary or
7 secondary plan unless the court made written findings under G.S. 7B-901(c) or
8 G.S. 7B-906.1(d)(3), the permanent plan is or has been achieved in accordance with subsection
9 (a1) of this section, or the court makes written findings that reunification efforts clearly would
10 be unsuccessful or would be inconsistent with the juvenile's health or safety. The finding that
11 reunification efforts clearly would be unsuccessful or inconsistent with the juvenile's health or
12 safety may be made at any permanency planning hearing, and if made, shall eliminate
13 reunification as a plan. Unless permanence has been achieved, the court shall order the county
14 department of social services to make efforts toward finalizing the primary and secondary
15 permanent plans and may specify efforts that are reasonable to timely achieve permanence for
16 the juvenile.

17 (b1) Prior to any change in placement for the juvenile who has been residing with (i) a
18 relative caretaker or (ii) a nonrelative caretaker and there are not relatives who are willing and
19 able to provide proper care and supervision to the juvenile in a safe home when the caretaker
20 objects to the juvenile's removal, the department shall file a motion before the court and request
21 that a hearing be held within 30 days when all of the following criteria exist:

22 (1) The juvenile is in the custody of a county department of social services.

23 (2) The juvenile has resided with the caretaker for the preceding 12 consecutive
24 months.

25 (3) The primary permanent plan is adoption.

26 (4) The current caretaker has notified the department of their desire to adopt the
27 juvenile.

28 The clerk shall give notice of the hearing to the parties, the parties' attorneys, and the
29 caretaker. The department of social services shall either provide to the clerk the name and address
30 of the juvenile's caretaker for notice under this subsection or file written documentation with the
31 clerk that the juvenile's current caretaker was sent notice of hearing. The court shall provide the
32 caretaker the opportunity to address the court, present evidence, cross-examine witnesses, and be
33 represented by an attorney at the caretaker's own expense. Nothing in this subsection shall be
34 construed to make the caretaker a party to the proceeding. The court may consider any evidence,
35 including hearsay evidence as defined in G.S. 8C-1, Rule 801, or testimony or evidence from any
36 person that is not a party, that the court finds to be relevant, reliable, and necessary to determine
37 the needs of the juvenile. At the hearing to review the change of placement, the court shall
38 determine whether it is in the best interests of the juvenile to be removed. This subsection shall
39 not apply to cases when there are allegations of abuse or neglect of the juvenile while under the
40 care and supervision of the caretaker.

41 (c) Unless reunification efforts were previously ceased, at each permanency planning
42 hearing the court shall make a finding about whether the reunification efforts of the county
43 department of social services were reasonable. In every subsequent permanency planning hearing
44 held pursuant to G.S. 7B-906.1, the court shall make written findings about the efforts the county
45 department of social services has made toward the primary permanent plan and any secondary
46 permanent plans in effect prior to the hearing. The court shall make a conclusion about whether
47 efforts to finalize the permanent plan were reasonable to timely achieve permanence for the
48 juvenile.

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

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

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

11 (f) When a permanent plan of guardianship or custody is achieved, the court shall advise
12 the guardian or custodian of the right to seek child support after the order awarding permanent
13 guardianship or custody has been entered."

14 **SECTION 13.(a)** G.S. 7B-904 reads as rewritten:

15 "**§ 7B-904. Authority over parents of juvenile adjudicated as abused, neglected, or**
16 **dependent.**

17 ...

18 (d) At the dispositional hearing or a subsequent hearing, when legal custody of a juvenile
19 is vested in someone other than the juvenile's parent, ~~if the court finds that the parent is able to~~
20 ~~do so, the court may order that the parent pay a reasonable sum that will cover, in whole or in~~
21 ~~part, the support of the juvenile after the order is entered. If the court requires the payment of~~
22 ~~child support, the amount of the payments shall be determined as provided in G.S. 50-13.4(e). If~~
23 ~~the court places a juvenile in the custody of a county department of social services and if the~~
24 ~~court finds that the parent is unable to pay the cost of the support required by the juvenile, the~~
25 ~~cost of the support of the juvenile shall be paid by the county department of social services in~~
26 ~~whose custody the juvenile is placed, provided the juvenile is not receiving care in an institution~~
27 ~~owned or operated by the State or federal government or any subdivision thereof.~~

28 (d1) At the dispositional hearing or a subsequent hearing, the court may order the parent,
29 guardian, custodian, or caretaker served with a copy of the summons pursuant to G.S. 7B-407 to
30 do any of the following:

- 31 (1) Attend and participate in parental responsibility classes if those classes are
32 available in the judicial district in which the parent, guardian, custodian, or
33 caretaker resides.
34 (2) Provide, to the extent that person is able to do so, transportation for the
35 juvenile to keep appointments for medical, psychiatric, psychological, or other
36 treatment ordered by the court if the juvenile remains in or is returned to the
37 home.
38 (3) Take appropriate steps to remedy conditions in the home that led to or
39 contributed to the juvenile's adjudication or to the court's decision to remove
40 custody of the juvenile from the parent, guardian, custodian, or caretaker.

41 (e) Upon motion of a party or upon the court's own motion, the court may issue an order
42 directing the parent, guardian, custodian, or caretaker served with a copy of the summons
43 pursuant to G.S. 7B-407 to appear and show cause why the parent, guardian, custodian, or
44 caretaker should not be found or held in civil or criminal contempt for willfully failing to comply
45 with an order of the court. Chapter 5A of the General Statutes shall govern contempt proceedings
46 initiated pursuant to this section."

47 **SECTION 13.(b)** G.S. 7B-1109 reads as rewritten:

48 "**§ 7B-1109. Adjudicatory hearing on termination.**

49 ...

50 (f) The burden in such proceedings shall be upon the petitioner or movant and all findings
51 of fact shall be based on ~~clear, cogent, clear~~ and convincing evidence. The rules of evidence in

1 civil cases shall apply. No husband-wife or physician-patient privilege shall be grounds for
 2 excluding any evidence regarding the existence or nonexistence of any circumstance authorizing
 3 the termination of parental rights."

4 **SECTION 13.(c)** G.S. 7B-1111 reads as rewritten:

5 **"§ 7B-1111. Grounds for terminating parental rights.**

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

8 (1) The parent has abused or neglected the juvenile. The juvenile shall be deemed
 9 to be abused or neglected if the court finds the juvenile to be an abused
 10 juvenile within the meaning of G.S. 7B-101 or a neglected juvenile within the
 11 meaning of G.S. 7B-101. For purposes of termination of parental rights,
 12 neglect shall include a biological or possible biological father of a child born
 13 out of wedlock who within three months of the child's birth or within 30 days
 14 of the discovery that the mother committed fraud in concealing her pregnancy
 15 or the child's birth, whichever is greater in time, has not made efforts to
 16 acknowledge or establish his paternity of the child and formed or attempted
 17 to form a relationship with the child.

18 ...

19 (3) ~~The juvenile has been placed in the custody of a county department of social~~
 20 ~~services, a licensed child placing agency, a child caring institution, or a foster~~
 21 ~~home, and the parent has for a continuous period of six months immediately~~
 22 ~~preceding the filing of the petition or motion willfully failed to pay a~~
 23 ~~reasonable portion of the cost of care for the juvenile although physically and~~
 24 ~~financially able to do so.~~

25 (4) ~~One parent has been awarded custody of the juvenile by judicial decree or has~~
 26 ~~custody by agreement of the parents, and the other parent whose parental~~
 27 ~~rights are sought to be terminated has for a period of one year or more next~~
 28 ~~preceding the filing of the petition or motion willfully failed without~~
 29 ~~justification to pay for the care, support, and education of the juvenile, as~~
 30 ~~required by the decree or custody agreement.~~

31 (5) ~~The father of a juvenile born out of wedlock has not, prior to the filing of a~~
 32 ~~petition or motion to terminate parental rights, done any of the following:~~

33 a. ~~Filed an affidavit of paternity in a central registry maintained by the~~
 34 ~~Department of Health and Human Services. The petitioner or movant~~
 35 ~~shall inquire of the Department of Health and Human Services as to~~
 36 ~~whether such an affidavit has been so filed and the Department's~~
 37 ~~certified reply shall be submitted to and considered by the court.~~

38 b. ~~Legitimated the juvenile pursuant to provisions of G.S. 49-10,~~
 39 ~~G.S. 49-12.1, or filed a petition for this specific purpose.~~

40 c. ~~Legitimated the juvenile by marriage to the mother of the juvenile.~~

41 d. ~~Provided substantial financial support or consistent care with respect~~
 42 ~~to the juvenile and mother.~~

43 e. ~~Established paternity through G.S. 49-14, 110-132, 130A-101,~~
 44 ~~130A-118, or other judicial proceeding.~~

45"

46 **SECTION 13.(d)** G.S. 7B-1114 reads as rewritten:

47 **"§ 7B-1114. Reinstatement of parental rights.**

48 (a) A juvenile whose parent's rights have been terminated, the guardian ad litem attorney,
 49 the parent whose rights have been terminated, or a county department of social services with
 50 custody of the juvenile may file a motion to reinstate the parent's rights if all of the following
 51 conditions are satisfied:

1 (1) The juvenile is at least 12 years of age or, if the juvenile is younger than 12,
2 the motion alleges extraordinary circumstances requiring consideration of the
3 motion.

4 (2) The juvenile does not have a legal parent, is not in an adoptive placement, and
5 is not likely to be adopted within a reasonable period of time.

6 (3) The order terminating parental rights was entered at least three years before
7 the filing of the motion, unless the court has found or the juvenile's attorney
8 advocate and the county department of social services with custody of the
9 juvenile stipulate that the juvenile's permanent plan is no longer adoption.

10 (b) If a motion could be filed under subsection (a) of this section and the parent whose
11 rights have been terminated contacts the county department of social services with custody of the
12 juvenile or the juvenile's guardian ad litem regarding reinstatement of the parent's rights, the
13 department or the guardian ad litem shall notify the juvenile that the juvenile has a right to file a
14 motion for reinstatement of parental rights.

15 (c) If a motion to reinstate parental rights is filed and the juvenile does not have a
16 guardian ad litem appointed pursuant to G.S. 7B-601, the court shall appoint a guardian ad litem
17 to represent the best interests of the juvenile. The appointment, duties, and payment of the
18 guardian ad litem and the guardian ad litem attorney shall be the same as in G.S. 7B-601 and
19 G.S. 7B-603.

20 (d) The party filing a motion to reinstate parental rights shall serve the motion on each of
21 the following who is not the movant:

- 22 (1) The juvenile.
- 23 (2) The juvenile's guardian ad litem or the guardian ad litem attorney.
- 24 (3) The county department of social services with custody of the juvenile.
- 25 (4) The former parent whose rights the motion seeks to have reinstated.

26 A former parent ~~who is served under this subsection is not a party to the proceeding and~~ is not
27 entitled to appointed counsel but may retain counsel at the former parent's own expense.

28 (e) The movant shall ask the clerk to calendar the case for a preliminary hearing on the
29 motion for reinstatement of parental rights within 60 days of the filing of the motion at a session
30 of court scheduled for the hearing of juvenile matters. The movant shall give at least 15 days'
31 notice of the hearing and state its purpose to the persons listed in subdivisions (d)(1) through
32 (d)(4) of this section. In addition, the movant shall send a notice of the hearing to the juvenile's
33 placement provider. Nothing in this section shall be construed to make the ~~former parent or the~~
34 juvenile's placement provider a party to the proceeding based solely on being served with the
35 motion or receiving notice and the right to be heard.

36 (f) At least seven days before the preliminary hearing, the department of social services
37 and the juvenile's guardian ad litem shall provide to the ~~court, court and the other parties, and the~~
38 ~~former parent parties~~ reports that address the factors specified in subsection (g) of this section.

39 ...
40 ~~(n) A parent whose rights are reinstated pursuant to this section is not liable for child~~
41 ~~support or the costs of any services provided to the juvenile for the period from the date of the~~
42 ~~order terminating the parent's rights to the date of the order reinstating the parent's rights."~~

43 **SECTION 13.(e)** This section is effective when it becomes law and applies to any
44 action filed or pending on or after that date.

45 **SECTION 14.(a)** G.S. 48-3-601 reads as rewritten:
46 **"§ 48-3-601. Persons whose consent to adoption is required.**

47 Unless consent is not required under G.S. 48-3-603, a petition to adopt a minor may be
48 granted only if consent to the adoption has been executed by:

- 49 (1) The minor to be adopted if 12 or more years of age;
- 50 (2) In a direct placement, by:
 - 51 a. The mother of the ~~minor;~~minor.

- 1 b. Any man who may or may not be the biological father of the minor
2 but ~~who~~who meets one of the following;
- 3 1. Is or was married to the mother of the minor if the minor was
4 born during the marriage or within 280 days after the marriage
5 is terminated or the parties have separated pursuant to a written
6 separation agreement or an order of separation entered under
7 Chapters 50 or 50B of the General Statutes or a similar order
8 of separation entered by a court in another
9 ~~jurisdiction~~jurisdiction.
- 10 2. Attempted to marry the mother of the minor before the minor's
11 birth, by a marriage solemnized in apparent compliance with
12 law, although the attempted marriage is or could be declared
13 invalid, and the minor is born during the attempted marriage,
14 or within 280 days after the attempted marriage is terminated
15 by annulment, declaration of invalidity, divorce, or, in the
16 absence of a judicial proceeding, by the cessation of
17 ~~cohabitation~~cohabitation.
- 18 3. Before the filing of the ~~petition~~petition or within three months
19 of the child's birth, whichever occurs later, has legitimated the
20 minor under the law of any ~~state~~state.
- 21 4. Before the ~~earlier of the~~ filing of the ~~petition~~petition, within
22 three months of the child's birth, within 30 days of the
23 discovery that the mother committed fraud in identifying the
24 father or withholding the known identity of the father, or the
25 date of a hearing under G.S. 48-2-206, whichever occurs later,
26 has acknowledged his paternity of the minor and meets one of
27 the following:
- 28 I. Is obligated to support the minor under written
29 agreement or by court ~~order~~order.
- 30 II. Has ~~provided~~provided or attempted to provide, in
31 accordance with his financial means, reasonable and
32 consistent payments for the support of the biological
33 mother during or after the term of pregnancy, or the
34 support of the minor, or both, which may include the
35 payment of medical expenses, living expenses, or other
36 tangible means of support, and has regularly visited or
37 communicated, or attempted to visit or communicate
38 with the biological mother during or after the term of
39 pregnancy, or with the minor, or with ~~both~~or both.
- 40 III. After the minor's birth but before the minor's placement
41 for adoption or the mother's relinquishment, has
42 married or attempted to marry the mother of the minor
43 by a marriage solemnized in apparent compliance with
44 law, although the attempted marriage is or could be
45 declared ~~invalid~~or invalid.
- 46 5. Before the filing of the ~~petition~~petition or within three months
47 of the child's birth, whichever occurs later, has received the
48 minor into his home and openly held out the minor as his
49 biological ~~child~~or child.
- 50 6. Is the adoptive father of the ~~minor~~and minor.
- 51 c. A guardian of the ~~minor~~and minor.

(3) In an agency placement by:

- a. The agency that placed the minor for adoption; and
- b. Each individual described in subdivision (2) of this section who has not relinquished the minor pursuant to Part 7 of Article 3 of this Chapter."

SECTION 14.(b) This section is effective when it becomes law.

SECTION 15.(a) G.S. 122C-142.2 reads as rewritten:

"§ 122C-142.2. **Presentation at a hospital for mental health ~~treatment~~treatment;
assessment and placement upon discharge.**

(a) Definitions. – The following definitions apply in this section:

- (1) Assessment. – A comprehensive clinical assessment, psychiatric evaluation, or a substantially equivalent assessment.
- (2) Director. – The director of the county department of social services ~~in the county in which the juvenile resides or is found,~~ with custody of the juvenile, or the director's representative as authorized in G.S. 108A-14.
- (3) Reserved for future codification purposes.
- (4) Rapid Response Team. – A Department of Health and Human Services team of representatives from all of the following:
 - a. The Division of Child and Family Well-Being.
 - b. The Division of Health Benefits.
 - c. The Division of Mental Health, Developmental Disabilities, and Substance Abuse Services.
 - d. The Division of Social Services.

(b) If a juvenile in the custody of a department of social services presents to a hospital emergency department for mental health treatment, the hospital shall contact the director to notify the director of the juvenile's presentment to the emergency department. The director shall contact the appropriate LME/MCO or prepaid health plan within as soon as practicable and, in any event, no later than 24 hours of the determination that the juvenile should not remain at the hospital and no appropriate placement is immediately available, start of the juvenile's stay in the hospital to request an assessment.

(c) Consistent with the care coordination responsibilities under G.S. 122C-115.4(b)(5), the LME/MCO or prepaid health plan must, when applicable or required by their contract with the Department, arrange for an assessment to be performed by either the juvenile's clinical home provider; the hospital, if able and willing; or other qualified licensed clinician within five business days-72 hours following notification under subsection (b) of this section from the director. The hospital shall cooperate with the LME/MCO or prepaid health plan to provide access to the juvenile during the juvenile's stay in the hospital.

(d) Based on the findings and recommendations of ~~the assessment,~~ an assessment conducted as required by this section, all of the following must occur:

- (1) If the comprehensive clinical assessment recommends a traditional foster home or a Level I group home, the director shall identify and provide the placement within five business days. The county department of social services shall be responsible for transporting the juvenile to the identified placement ~~within~~ as soon as practicable but no later than five business days.
- (2) If the assessment recommends a level of care requiring prior authorization by the LME/MCO or prepaid health plan, the LME/MCO or prepaid health plan shall authorize an appropriate level of care and identify appropriate providers within five business days and assign a care ~~coordinator~~ manager for the duration that the LME/MCO or prepaid health plan provides services to the juvenile. Once an appropriate level of care has been authorized and providers identified, the director shall place the juvenile in the appropriate placement

1 ~~within~~ as soon as practicable but no later than five business days. The county
2 department of social services shall be responsible for transporting the juvenile
3 to the identified placement.

4 (d1) The hospital shall not release the juvenile unless at least one of the following
5 conditions exists:

6 (1) The juvenile meets hospital discharge criteria.

7 (2) The placement as recommended by the assessment is available.

8 (3) The consent of the individual or director authorized to consent to treatment
9 pursuant to G.S. 7B-505.1.

10 (e) The county department of social services shall provide ongoing case management,
11 virtually or in person, to address the juvenile's educational and social needs during the juvenile's
12 stay in the hospital. The hospital shall cooperate with the county department of social services to
13 provide access to the juvenile during the juvenile's stay in the hospital.

14 (f) ~~If, on~~ The director, an LME/MCO, or a prepaid health plan shall notify the Rapid
15 Response Team of any of the following circumstances:

16 (1) After completion of the assessment, the director under subdivision (d)(1) of
17 this section or the LME/MCO or prepaid health plan under subdivision (d)(2)
18 of this section is anticipates being unable to identify an appropriate available
19 placement or treatment provider for the juvenile, or if the juvenile.

20 (2) The assessment recommendations differ, the director shall immediately notify
21 the Department of Health and Human Services' Rapid Response Team. differ
22 from the preferences of the individual or director authorized to consent to
23 treatment pursuant to G.S. 7B-505.1 or from services readily available.

24 (3) There are delays in accessing needed behavioral health assessments.

25 (4) The juvenile has been released from the hospital in violation of subsection
26 (d1) of this section.

27 (f1) The director, pursuant to G.S. 7B-302(a1)(1), is G.S. 7B-302(a1)(1) and the
28 LME/MCO, or the prepaid health plan, are authorized to disclose confidential information to the
29 Rapid Response Team to ensure the juvenile is protected from abuse or neglect and for the
30 provision of protective services to the juvenile. All confidential information disclosed to the
31 Rapid Response Team shall remain confidential, shall not be further redisclosed unless
32 authorized by State or federal law or regulations, and shall not be considered a public record.
33 Notification to the Rapid Response Team does not relieve the director, LME/MCO, prepaid
34 health plan, or any other entity from carrying out their responsibilities to the juvenile.

35 (g) The Rapid Response Team shall be comprised of representatives of the Department
36 of Health and Human Services from the Division of Social Services; the Division of Mental
37 Health, Developmental Disabilities, and Substance Abuse Services; and the Division of Health
38 Benefits. Upon receipt of a notification from a director, made in accordance with subsection (f)
39 of this section, the Rapid Response Team shall evaluate the information provided and coordinate
40 a response to determine if action from the Rapid Response Team is necessary to address the
41 immediate needs of the juvenile, which may include any of the following: juvenile. If action is
42 necessary, the Rapid Response Team shall develop a plan with the county department of social
43 services, LME/MCO, or prepaid health plan regarding the steps needed to meet the treatment
44 needs of the juvenile. Any plan shall include the means by which to monitor the implementation
45 of the plan.

46 (1) Identifying an appropriate level of care for the juvenile.

47 (2) Identifying appropriate providers or other placement for the juvenile.

48 (3) Making a referral to qualified services providers.

49 (4) Developing an action plan to ensure the needs of the juvenile are met.

50 (5) Developing a plan to ensure that relevant parties carry out any responsibilities
51 to the juvenile.

1 (h) Meetings of the Rapid Response Team convened under this section shall be limited
 2 to members of the Rapid Response Team and individuals from the relevant county department
 3 of social services, LME/MCOs, and prepaid health plans that are invited by the Rapid Response
 4 Team, or other individuals or providers only if invited by the Rapid Response Team. The
 5 meetings of the Rapid Response Team shall not be open to the public. Subsection (f1) of this
 6 section shall apply to any information gathered for the meeting. Information shared at the meeting
 7 or documents created during the course of the meetings or during the course of evaluating and
 8 developing any response in accordance with subsection (g) of this section shall not be public
 9 record and shall not be disclosed or redisclosed unless authorized under State or federal law.

10 (i) The LME/MCO or prepaid health plan shall notify monthly the Division of Social
 11 Services of the Department of Health and Human Services of all of the following information:

12 (1) The number of county department of social services notifications of
 13 assessments.

14 (2) The length of time to find placement for the juvenile.

15 (3) The number of recommendations at each level of care."

16 **SECTION 15.(b)** This section is effective when it becomes law.

17 **SECTION 16.(a)** This section shall be entitled "Christal's Law."

18 **SECTION 16.(b)** G.S. 108A-74 reads as rewritten:

19 **"§ 108A-74. Counties and regional social services departments required to enter into**
 20 **annual written agreement for all social services programs other than medical**
 21 **assistance; local department failure to comply with the written agreement or**
 22 **applicable law; corrective action; State intervention in or control of service**
 23 **delivery.**

24 ...

25 (a5) Except where prohibited by federal law and notwithstanding other applicable State
 26 law, the Secretary shall have access to records and information pertaining to any open or closed
 27 child welfare case of the department of social services, to inquire into and review any county
 28 social work practice, or inquire into and review the legal representation of the county or regional
 29 department of social services as it pertains to the delivery of child welfare services for a particular
 30 child welfare case or all child welfare cases of the department of social services. This authority
 31 may be exercised by the Secretary as part of regular monitoring of the performance of a
 32 department of social services, or in response to complaints received by the Department regarding
 33 either of the following:

34 (1) A juvenile who has been the subject of a report of abuse, neglect, or
 35 dependency pursuant to G.S. 7B-301 within the previous 12 months.

36 (2) A case in which the juvenile or the juvenile's family was a recipient of child
 37 welfare services within the previous 12 months.

38 If the Secretary finds violations of State law or applicable rules occurring in any specific case or
 39 cases, the Secretary shall notify the board of county commissioners, the county manager, and the
 40 board of social services and direct the director of social services to remedy the violation by taking
 41 immediate action in a manner prescribed by the Secretary that is consistent with State law and
 42 applicable rules. Nothing contained herein shall prohibit the Secretary from exercising any other
 43 authority under this section.

44 A director's failure to comply with the directive of the Department of Health and Human
 45 Services made pursuant to this section is contrary to the duties and responsibilities of the director
 46 set forth in G.S. 108A-14(a)(5) and falls outside the scope of the county department's agency
 47 relationship with the Department of Health and Human Services.

48 "

49 **SECTION 16.(c)** This section is effective when it becomes law.

50 **SECTION 17.(a)** Chapter 48 of the General Statutes reads as rewritten:

51 **"Chapter 48.**

1 "Adoptions.

2 "Article 1.

3 "General Provisions.

4 **"§ 48-1-100. Legislative findings and intent; construction of Chapter.**

5 ...

6 **"§ 48-1-101. Definitions.**

7 In this Chapter, the following definitions apply:

8 ...

9 (13a) "Post-adoption contact agreement and order" means a voluntary mediated
10 agreement that is approved by a district court judge and incorporated into a
11 district court order that allows specifically described post-adoption contact
12 including visitation, sharing of information, and communication such as the
13 exchange of letters, electronic communication, and telephone contact.

14 ...

15 **"§ 48-1-106. Legal effect of decree of adoption.**

16 ...

17 (c) A decree of adoption severs the relationship of parent and child between the
18 individual adopted and that individual's biological or previous adoptive parents. After the entry
19 of a decree of adoption, the former parents are relieved of all legal duties and obligations due
20 from them to the adoptee, except that a former parent's duty to make past-due payments for child
21 support is not terminated, and the former parents are divested of all rights with respect to the
22 adoptee. If applicable, a former parent may exercise rights established in a post-adoption contact
23 agreement and order.

24 ...

25 **"§ 48-2-100. Jurisdiction.**

26 (a) Adoption shall be by a special proceeding before the clerk of superior court.

27 (a1) The district court shall have jurisdiction over post-adoption contact agreements and
28 orders.

29 ...

30 **"§ 48-2-305. Petition for adoption; additional documents.**

31 The petitioner shall file or cause to be filed the following documents:

32 ...

33 (2) Any required consent or relinquishment that has been ~~executed~~ executed, and,
34 if applicable, a certified copy of any post-adoption contact agreement and
35 order.

36"

37 **"§ 48-3-702. Procedures for relinquishment.**

38 ...

39 (b1) An individual before whom a relinquishment is signed and acknowledged under
40 subsection (a) of this section shall certify in writing that to the best of the individual's knowledge
41 or belief, the parent, guardian, or minor to be adopted executing the relinquishment has met each
42 of the following:

43 ...

44 (3) Been given an original or copy of his or her fully executed
45 ~~relinquishment~~ relinquishment, and, if applicable, the post-adoption contact
46 agreement and order.

47 ...

48 **"§ 48-3-703. Content of relinquishment; mandatory provisions.**

49 (a) A relinquishment executed by a parent or guardian under G.S. 48-3-701 must be in
50 writing and state the following:

51 ...

- 1 (8) That the individual executing the relinquishment understands that when the
2 adoption is final, all rights and duties of the individual executing the
3 relinquishment with respect to the minor will be extinguished and all other
4 aspects of the legal relationship between the minor child and the parent will
5 be ~~terminated~~terminated, except for rights and duties contained in a
6 post-adoption contact agreement and order entered pursuant to G.S. 48-3-708.
7

8 ...

8 **"§ 48-3-705. Consequences of relinquishment.**

- 9 ...
10 (c) A relinquishment terminates:

- 11 (1) Any right and duty of the individual who executed the relinquishment with
12 respect to the legal and physical custody of the ~~minor~~minor, except those
13 rights and duties contained in a post-adoption contact agreement and order
14 entered pursuant to G.S. 48-3-708.
15

16 ...

16 **"§ 48-3-706. Revocation of relinquishments.**

- 17 ...
18 (c1) The post-adoption contact agreement and order are void if any relinquishment is
19 revoked as provided for in G.S. 48-3-704 or G.S. 48-3-706 or rescinded, set aside, or voided
20 pursuant to G.S. 48-3-707 or G.S. 7B-909(b1).
21

22 ...

22 **"§ 48-3-708. Post-adoption contact agreements and orders for minors in the custody of a**
23 **department of social services.**

24 (a) Prior to executing a relinquishment, the parent or parents of a minor adoptee who is
25 in the custody of a county department of social services pursuant to an order entered under
26 Subchapter I of Chapter 7B of the General Statutes and the prospective adoptive parent or parents
27 may voluntarily participate in a court-approved mediation program to reach a voluntarily
28 mediated post-adoption contact agreement. The court with jurisdiction over the proceeding
29 involving the minor under Subchapter I of Chapter 7B of the General Statutes may make the
30 referral to mediation. A biological parent who has not reached 18 years of age shall have legal
31 capacity to enter a post-adoption contact agreement and shall be as fully bound by the agreement
32 as if the biological parent had attained 18 years of age.

33 (b) The Administrative Office of the Courts shall develop and make available appropriate
34 forms for implementation of this section.

35 (c) Jurisdiction and venue for approval of such agreement shall be before the district court
36 with jurisdiction over the proceeding involving the minor under Subchapter I of Chapter 7B of
37 the General Statutes.

38 (d) Other people may be invited to participate in the mediation by mutual consent of the
39 parent(s) executing a relinquishment and the prospective adoptive parent or parents. However,
40 these invitees shall not be parties to any agreement reached during that mediation and shall not
41 receive copies of any agreement.

42 (e) Mediation proceedings and information relating to those proceedings under this
43 section shall be confidential. Information or the statements of any person participating in the
44 mediation shall not be disclosed or used in any subsequent proceeding. Regardless, evidence that
45 would otherwise be admissible at trial shall not be rendered inadmissible as a result of its use in
46 a mediation proceeding. There shall be no record made of any mediation proceedings under this
47 section, and the mediator shall destroy all of his or her notes immediately after the mediation.

48 (f) The voluntarily mediated agreement shall be reviewed by the court having jurisdiction
49 of the minor under Subchapter I of Chapter 7B of the General Statutes within 48 hours of signing
50 the agreement to determine whether the agreement should be incorporated into a court order.

1 (g) To be approved by the court, a voluntarily mediated agreement shall contain the
2 following statements:

3 (1) This agreement is entered into pursuant to the provisions of this section. The
4 agreement shall be signed under oath by the parties or accompanied by an
5 affidavit made under oath that affirmatively states that the agreement was
6 entered into knowingly and voluntarily and is not the product of coercion,
7 fraud, or duress. The affidavit may be executed jointly or separately.

8 (2) This agreement is entered into pursuant to the provisions of G.S. 48-3-708.

9 (3) Any breach, modification, invalidation, or termination of the agreement, or
10 any part of it, shall not affect the validity of the relinquishment or the final
11 decree of adoption.

12 (4) The parties acknowledge that either the parent or prospective adoptive parents
13 who have entered into the agreement have the right to seek enforcement as set
14 forth in G.S. 48-3-709.

15 (5) The parties have not relied on any representations other than those contained
16 in the agreement.

17 (h) The court shall not enter an order to approve the post-adoption contact agreement
18 unless the agreement is in writing and executed prior to or as part of the relinquishment. When
19 the court approves the post-adoption contact agreement:

20 (1) The court shall enter a post-adoption contact agreement and order and instruct
21 the clerk to treat the order as an initiation of a civil action for custody.

22 (2) The court shall designate the caption of the action and the parties to the action.
23 The civil filing fee is waived unless the court orders one or more of the parties
24 to the agreement and order to pay the filing fee for a civil action into the office
25 of the clerk of superior court.

26 (3) The order shall constitute a custody determination, and any motion to enforce,
27 modify, or terminate the order shall be filed in the newly created civil action
28 and is governed by G.S. 48-3-709. The Administrative Office of the Courts
29 may adopt rules and shall develop and make available appropriate forms for
30 establishing a civil file to implement this section and G.S. 48-3-709.

31 (4) The record of the civil action shall be withheld from public inspection and
32 may only be examined by the parties to the civil proceeding and their
33 attorneys, the minor, or by order of the court.

34 (i) A post-adoption contact agreement and order shall automatically terminate on the date
35 the child turns 18 years of age or is otherwise emancipated.

36 **"§ 48-3-709. Modification, enforcement, and termination of post-adoption contact**
37 **agreement and order; no right to appeal; rights of adoptive parents.**

38 (a) A party to a court-approved post-adoption contact agreement and order may seek to
39 modify, enforce, or terminate the agreement by filing a motion in the civil action created pursuant
40 to G.S. 48-3-708(h). Issues set forth in the motion shall be set for mediation unless the court
41 waives mediation for good cause. A court order for modification, enforcement, or termination of
42 the terms of the voluntarily mediated agreement shall be the sole remedies for breach of the
43 agreement.

44 (b) In a proceeding under this section, the persons who executed the post-adoption
45 contact agreement are the sole parties to the action. The court shall not allow intervention by any
46 other person. The parties shall not be entitled to the appointment of counsel.

47 (c) The court may modify the terms of the post-adoption contact agreement and order if
48 the court finds by a preponderance of the evidence that there has been a material and substantial
49 change in the circumstances and that the modification is in the best interests of the child. A
50 court-imposed modification of a previously approved agreement may limit, restrict, condition,
51 decrease, or terminate the sharing of information and contact between the former parent or

1 parents and the child, but in no event shall a court-imposed modification serve to expand, enlarge,
2 or increase the amount of contact between the former parent or parents and the child or place
3 new obligations on the parties to the agreement. The court also may impose appropriate sanctions
4 consistent with its equitable powers but not inconsistent with this section, including the power to
5 issue restraining orders.

6 (d) If the court finds that an action brought under this section was wholly insubstantial,
7 frivolous, and not advanced in good faith, the court may award attorneys' fees and costs to the
8 prevailing parties.

9 (e) There is no right to appeal an order entered under this section.

10 (f) Nothing contained in this section or G.S. 48-3-708 shall be construed to abrogate the
11 rights of the adoptive parent or parents to make decisions on behalf of the child, except as
12 provided in the court-approved post-adoption contact agreement and order."

13 **SECTION 18.(a)** G.S. 7B-323(e) reads as rewritten:

14 "(e) Notwithstanding any time limitations contained in this section or the provisions of
15 G.S. 7B-324(a)(4), upon the filing of a petition for judicial review by an individual identified by
16 a director as a responsible individual, the district court of the county in which the abuse or neglect
17 report arose may review a director's determination of abuse or serious neglect ~~at any time if less~~
18 than one year has passed since the person's placement on the responsible individuals list and if
19 the review serves the interests of justice or for extraordinary circumstances, other good cause. If
20 the district court undertakes such a review, a hearing shall be held pursuant to this section at
21 which the director shall have the burden of establishing by a preponderance of the evidence abuse
22 or serious neglect and the identification of the individual seeking judicial review as a responsible
23 individual. If the court concludes that the director has not established by a preponderance of the
24 evidence abuse or serious neglect or the identification of the responsible individual, the court
25 shall reverse the director's determination and order the director to expunge the individual's name
26 from the responsible individuals list."

27 **SECTION 18.(b)** Chapter 7B of the General Statutes is amended by adding a new
28 section to read:

29 **"§ 7B-325. Petition for expungement.**

30 (a) A person whose name has been placed on the responsible individuals list may file a
31 petition for expungement of the individual's name from the responsible individuals list if the
32 following conditions are satisfied:

33 (1) At least one year has passed since the person was placed on the responsible
34 individuals list without judicial review, though eligible for review.

35 (2) At least three years have passed since the person was placed on the responsible
36 individuals list after judicial review.

37 (3) At least five years have passed since the person, who was criminally convicted
38 as a result of the same incident that placed the person on the responsible
39 individuals list completed their sentence, complied with all post-release
40 conditions and has not subsequently been convicted of any felony or
41 misdemeanor other than a traffic violation under the laws of the United States
42 or the laws of this State or any other state. No person is eligible to petition for
43 expungement under this subsection if the conviction is related to sexual abuse
44 of a child, human trafficking, or a child fatality related to abuse or neglect.

45 (b) The petition for expungement shall be filed with the district court of the county in
46 which the abuse or serious neglect report arose. A copy shall be delivered in person or by certified
47 mail, return receipt requested, to the director of the county department of social services of that
48 county. The petition for expungement shall contain the name, date of birth, and address of the
49 individual seeking expungement, the name of the juvenile who was the subject of the
50 determination of abuse or serious neglect, and facts that invoke the jurisdiction of the court.

1 (c) The clerk of court shall maintain a separate docket for expungement actions. Upon
2 the filing of a petition for expungement, the clerk shall calendar the matter for hearing within 45
3 days from the date the petition is filed at a session of district court hearing juvenile matters or, if
4 there is no such session, at the next session of juvenile court. The clerk shall send notice of the
5 hearing to the petitioner and to the director of the county department of social services that
6 determined the abuse or serious neglect and identified the individual as a responsible individual.
7 Upon the request of a party, the court shall close the hearing to all persons, except officers of the
8 court, the parties, and their witnesses. The hearing shall be before a judge without a jury. The
9 burden shall be upon the petitioner and all findings of fact shall be based on clear and convincing
10 evidence. The rules of evidence applicable in civil cases shall apply. However, the court, in its
11 discretion, may permit the admission of any reliable and relevant evidence if the general purposes
12 of the rules of evidence and the interests of justice will best be served by its admission.

13 (d) At the hearing, the following rights of the parties shall be preserved:

14 (1) The right to present sworn evidence, law, or rules that bear upon the case.

15 (2) The right to represent themselves or obtain the services of an attorney at their
16 own expense.

17 (3) The right to subpoena witnesses, cross-examine witnesses of the other party,
18 and make a closing argument summarizing the party's view of the case and
19 the law.

20 (e) In considering whether to grant a petition filed under this section, the court shall
21 consider:

22 (1) The nature of the abuse or serious neglect.

23 (2) The amount of time since the placement on the responsible individuals list.

24 (3) Any activities that would reflect upon the person's changed behavior or
25 circumstances, such as therapy, employment, or education.

26 (4) Any other circumstances relevant to whether the petition should be granted.

27 (f) The court may grant the petition if the court finds, by clear and convincing evidence,
28 that there is little likelihood that the petitioner will be a future perpetrator of child abuse or
29 neglect.

30 (g) Within 30 days after completion of the hearing, the court shall enter an order
31 containing findings of fact and conclusions of law. The clerk shall serve a copy of the order on
32 each party or the party's attorney of record. If the court concludes that the petition should be
33 granted, the court shall order the director to expunge the individual's name from the responsible
34 individuals list.

35 (h) A party may appeal the district court's decision under G.S. 7A-27(b)(2)."

36 **SECTION 19.(a)** G.S. 7B-305 reads as rewritten:

37 **"§ 7B-305. Request for review by ~~prosecutor~~Department of Health and Human Services.**

38 The person making the report shall have five working days, from receipt of the decision of
39 the director of the department of social services not to petition the court, to notify the ~~prosecutor~~
40 complaint line at the Department of Health and Human Services that the person is requesting a
41 review. The ~~prosecutor~~ Department of Health and Human Services shall notify the person making
42 the report and the director of the time and place for the review, and the director shall immediately
43 transmit to the ~~prosecutor~~ Department of Health and Human Services a copy of a summary of
44 the assessment."

45 **SECTION 19.(b)** G.S. 7B-306 reads as rewritten:

46 **"§ 7B-306. Review by ~~prosecutor~~Department of Health and Human Services.**

47 (a) The ~~prosecutor~~ Department of Health and Human Services shall review the director's
48 determination that a petition should not be filed within 20 days after ~~the person making the report~~
49 ~~is notified.~~ receipt of a request for review is made in accordance with G.S. 7B-305. The review
50 shall 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 juvenile
2 or the juvenile's family.

3 (b) At the conclusion of the ~~conferences, review, the prosecutor~~ Department of Health
4 and Human Services may ~~affirm~~ take any of the following actions:

5 (1) Affirm the decision made by the ~~director, may request~~ director.

6 (2) Request the appropriate local law enforcement agency to investigate the
7 ~~allegations, or may direct~~ allegations.

8 (3) Direct the director to take a specific action to provide protective services or
9 file a petition."

10 **SECTION 19.(c)** G.S. 7B-308 reads as rewritten:

11 "**§ 7B-308. Authority of medical professionals in abuse cases.**

12 ...

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

17 (1) If the assessment reveals (i) that it is the opinion of the certifying physician
18 that the juvenile is in need of medical treatment to cure or alleviate physical
19 distress or to prevent the juvenile from suffering serious physical injury, and
20 (ii) that it is the opinion of the physician that the juvenile should for these
21 reasons remain in the custody of the facility for 12 hours, but (iii) that the
22 juvenile's parent, guardian, custodian, or caretaker cannot be reached or, upon
23 request, will not consent to the treatment within the facility, the director shall
24 within the initial 12-hour period file a juvenile petition alleging abuse and
25 setting forth supporting allegations and shall seek a nonsecure custody order.
26 A petition filed and a nonsecure custody order obtained in accordance with
27 this subdivision shall come on for hearing under the regular provisions of this
28 Subchapter unless the director and the certifying physician together
29 voluntarily dismiss the petition.

30 (2) In all cases except those described in subdivision (1) above, the director shall
31 conduct the assessment and may initiate juvenile proceedings and take all
32 other steps authorized by the regular provisions of this Subchapter. If the
33 director decides not to file a petition, the physician, the administrator, or that
34 person's designee may ask the ~~prosecutor~~ Department of Health and Human
35 Services to review this decision according to the provisions of G.S. 7B-305
36 and G.S. 7B-306.

37"

38 **SECTION 20.(a)** G.S. 50-13.10 reads as rewritten:

39 "**§ 50-13.10. Past due child support vested; not subject to retroactive modification; entitled**
40 **to full faith and credit.**

41 ...

42 (d) For purposes of this section, a child support payment or the relevant portion thereof,
43 is not past due, and no arrearage ~~accrues~~ accrues during the following:

44 (1) From and after the date of the death of the minor child for whose support the
45 payment, or relevant portion, is ~~made~~ made.

46 (2) From and after the date of the death of the supporting ~~party~~ party.

47 (3) During any period when the child is living with the supporting party pursuant
48 to a valid court order or to an express or implied written or oral agreement
49 transferring primary custody to the supporting ~~party~~ party.

50 (4) During any period when the supporting party is incarcerated, is not on work
51 release, and has no resources with which to make the payment.

(5) For foster care assistance owed to the State by the supporting party during any period when the child is placed in the custody of a department of social services.

...."

SECTION 20.(b) Article 9 of Chapter 110 of the General Statutes is amended by adding a new section to read:

"§ 110-135.1. Foster care assistance payments.

(a) Upon motion in the cause by either party and a showing that the child has been placed in the custody of a department of social services, all of the following shall occur:

(1) The obligor's child support obligation, if owed to the State, shall be suspended during any period when the child is placed in the custody of a county department of social services.

(2) Any foster care assistance arrears owed to the State for past paid foster care assistance shall be reduced to zero under G.S. 50-13.10.

(b) Nothing in this section shall be construed to create a debt owed to the obligor."

SECTION 20.(c) This section applies to any action filed or pending on or after that date.

SECTION 21.(a) Section 9A of S.L. 2015-245, as amended by Section 2(e1) of S.L. 2016-121, Section 9D.14 of S.L. 2021-180, and Section 9D.14(d) of S.L. 2022-74, reads as rewritten:

"SECTION 9A. Eligibility for Parents or Caretaker Relatives of Children in Foster Care. – DHHS is directed to seek approval from CMS through either the 1115 waiver required by subdivision (1) of Section 5 of this act or another federal authority to allow a parent or caretaker relative, as defined in 42 C.F.R. § 435.4, to retain Medicaid eligibility when (i) the department of social services has been granted custody of a child formerly in the care of a parent or caretaker relative ~~has lost custody of a child~~ pursuant to Subchapter I of Chapter 7B of the General Statutes, Statutes or comparable federally recognized tribal code, (ii) the child is being served temporarily by the foster care system, regardless of the type of out-of-home placement, and (iii) a court of competent jurisdiction has ~~neither not found that~~ any of the following:

(1) That aggravated circumstances exist in accordance with G.S. 7B-901(c) ~~or found that~~ or comparable federally recognized tribal code.

(2) That a plan of reunification would be unsuccessful nor inconsistent with the child's health or safety in accordance with ~~G.S. 7B-906.1(d).~~ G.S. 7B-906.1(d) or comparable federally recognized tribal code.

(3) That custody or guardianship with the caretaker relative is an inappropriate permanent plan for the juvenile under G.S. 7B-906.2(a)(3) or (a)(4) or comparable federally recognized tribal code."

SECTION 21.(b) G.S. 108A-54.3A(2a) reads as rewritten:

"(2a) A parent or caretaker relative, as defined in 42 C.F.R. § 435.4, who has qualified under subdivisions (1) and (2) of this section shall retain eligibility for Medicaid under this section so long as all of the following criteria are met:

a. The parent or caretaker relative has lost legal custody of a child pursuant to Subchapter I of Chapter 7B of the General ~~Statutes.~~ Statutes, or comparable federally recognized tribal code.

b. A child ~~of the~~ in the care of the parent or caretaker relative is temporarily in the legal custody of State-sponsored foster ~~care~~ care, or comparable federally recognized tribal public health and human services foster care, or temporarily receiving foster care assistance under Title IV-E of the Social Security Act.

c. A court of competent jurisdiction has ~~neither found that~~ aggravated not found the following:

- 1 1. Aggravated circumstances exist in accordance with
- 2 ~~G.S. 7B-901(e) nor found that G.S. 7B-901(c), or comparable~~
- 3 federally recognized tribal code.
- 4 2. That a plan of reunification would be unsuccessful or
- 5 inconsistent with the child's health or safety in accordance with
- 6 ~~G.S. 7B-906.1(d)-G.S. 7B-906.1(d), or comparable federally~~
- 7 recognized tribal code.
- 8 3. Custody or guardianship with the caretaker relative is an
- 9 inappropriate permanent plan for the juvenile under
- 10 ~~G.S. 7B-906.2(a)(3) or (a)(4), or comparable federally~~
- 11 recognized tribal code.

...."

SECTION 21.(c) Section 9D.14(c) of S.L. 2021-180 reads as rewritten:

"**SECTION 9D.14.(c)** Subsection (b) of this section is effective upon the approval by the Centers for Medicare and Medicaid Services (CMS) of the request submitted in accordance with Section 9A of S.L. 2015-245, as amended by Section 2(e1) of S.L. 2016-121 and subsection (a) of this section, and on the effective date of the coverage allowed by CMS. The Secretary of the Department of Health and Human Services shall notify the Revisor of Statutes of the effective date allowed by CMS upon receipt of this approval. If the approval is not granted by CMS ~~prior to June 30, 2023, then this section shall expire on that date.~~ within 90 days of enactment of a joint resolution adjourning the 2023 Regular Session of the General Assembly sine die, this section shall expire."

SECTION 22. Sections 1, 3, 4, 5, 6, 7, 8, 10, 12, and 19 of this act become effective October 1, 2023, and apply to all actions filed or pending on or after that date. Sections 17 and 18 of this act become effective July 1, 2024, and apply to all actions filed and pending on or after that date. Except as otherwise provided, this act is effective when it becomes law.