

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025**

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**HOUSE BILL 612
Committee Substitute Favorable 4/15/25**

Short Title: Fostering Care in NC Act.

(Public)

Sponsors:

Referred to:

April 1, 2025

A BILL TO BE ENTITLED
AN ACT TO MAKE VARIOUS CHANGES TO THE LAWS AFFECTING JUVENILES AND ASSOCIATED SERVICES, COUNTY SOCIAL SERVICES BOARDS AND DEPARTMENTS, REGIONAL SOCIAL SERVICES BOARDS AND DEPARTMENTS, CONSOLIDATED HUMAN SERVICES BOARDS AND AGENCIES, AND THE NORTH CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES.

The General Assembly of North Carolina enacts:

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

"§ 7B-101. Definitions.

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

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

...

d. Commits, permits, or encourages the commission of a violation of the following laws by, with, or upon the juvenile: ~~first-degree forcible rape, as provided in G.S. 14-27.21; second-degree forcible rape as provided in G.S. 14-27.22; statutory rape of a child by an adult as provided in G.S. 14-27.23; first-degree statutory rape as provided in G.S. 14-27.24; first-degree forcible sex offense as provided in G.S. 14-27.26; second-degree forcible sex offense as provided in G.S. 14-27.27; statutory sexual offense with a child by an adult as provided in G.S. 14-27.28; first-degree statutory sexual offense as provided in G.S. 14-27.29; sexual activity by a substitute parent or eustodian as provided in G.S. 14-27.31; sexual activity with a student as provided in G.S. 14-27.32; unlawful sale, surrender, or purchase of a minor, as provided in G.S. 14-43.14; a sexually violent offense as provided in G.S. 14-208.6(5); crime against nature, as provided in G.S. 14-177; incest, as provided in G.S. 14-178; preparation of obscene photographs, slides, or motion pictures of the juvenile, as provided in G.S. 14-190.5; employing or permitting the juvenile to assist in a violation of the obscenity laws as provided in G.S. 14-190.6; dissemination of obscene material to the juvenile as provided in G.S. 14-190.7 and G.S. 14-190.8; and displaying or disseminating~~



material harmful to the juvenile as provided in G.S. 14-190.14 and G.S. 14-190.15; first and second degree sexual exploitation of the 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.

...

(11a) Division. – The Division of Social Services of the Department of Health and Human Services.

~~(11a)~~(11b) Family assessment response. – A response to selected reports of child neglect and dependency as determined by the Director using a family-centered approach that is protection and prevention oriented and that evaluates the strengths and needs of the juvenile's family, as well as the condition of the juvenile.

~~(11b)~~(11c) Investigative assessment response. – A response to reports of child abuse and selected reports of child neglect and dependency as determined by the Director using a formal information gathering process to determine whether a juvenile is abused, neglected, or dependent.

...

(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.

...

(16a) Post-adoption contact agreement and order. – A voluntary mediated agreement that is approved by a district court judge and incorporated into a district court order under Article 9 of this Subchapter that allows specifically described post-adoption contact with a child, including visitation, sharing of information, and communication such as the exchange of letters, electronic communication, and telephone contact.

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

...."

SECTION 2.(a) G.S. 7B-201(a) reads as rewritten:

"(a) When the court obtains jurisdiction over a juvenile, jurisdiction shall continue until terminated by order of the court or until the juvenile reaches the age of 18 years or is otherwise emancipated, or upon the juvenile's death, whichever occurs first."

SECTION 2.(b) This section is effective when it becomes law and applies to any action pending or filed on or after that date.

SECTION 3.(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.

(a) When a report of abuse, neglect, or dependency is received, the director of the department of social services shall make a prompt and thorough assessment, using either a family assessment response or an investigative assessment response, in order to ascertain the facts of the case, including collecting information concerning the military affiliation of the parent, guardian, custodian, or caretaker of the juvenile alleged to have been abused or neglected, the extent of the abuse or neglect, and the risk of harm to the juvenile, in order to determine whether protective services should be provided or the complaint filed as a petition. When the report alleges abuse, the director shall immediately, but no later than 24 hours after receipt of the report, initiate the assessment. When the report alleges neglect or dependency, the director shall initiate the assessment within 72 hours following receipt of the report. When the report alleges abandonment

1 of a juvenile or unlawful transfer of custody under G.S. 14-321.2, the director shall immediately
2 initiate an assessment. When the report alleges abandonment, the director shall also take
3 appropriate steps to assume temporary custody of the juvenile, and take appropriate steps to
4 secure an order for nonsecure custody of the juvenile. The assessment and evaluation shall
5 include a visit to the place where the juvenile resides, except when the report alleges abuse or
6 neglect in a child care facility as defined in Article 7 of Chapter 110 of the General Statutes.
7 ~~When a report alleges abuse or neglect in a child care facility as defined in Article 7 of Chapter~~
8 ~~110 of the General Statutes, a visit to the place where the juvenile resides is not required.~~ When
9 the report alleges abandonment, the assessment shall include a request from the director to law
10 enforcement officials to investigate through the North Carolina Center for Missing Persons and
11 other national and State resources whether the juvenile is a missing child.

12 ...

13 (c) If the assessment indicates that abuse, neglect, or dependency has occurred, the
14 director shall decide whether immediate removal of the juvenile or any other juveniles in the
15 home is necessary for their protection. If immediate removal does not seem necessary, the
16 director shall immediately provide or arrange for protective services. If the parent, guardian,
17 custodian, or caretaker refuses to accept the protective services provided or arranged by the
18 director, the director shall sign a petition ~~seeking~~ and if the legal counsel for the department has
19 not also signed the petition, the director shall attest that the petition has been reviewed by the
20 legal counsel for the department. The petition shall allege the applicable facts to invoke the
21 jurisdiction of the court for the protection of the juvenile or juveniles.

22 (d) If immediate removal seems necessary for the protection of the juvenile or other
23 juveniles in the home, the director shall sign a petition ~~that alleges~~ and if the legal counsel for the
24 department has not also signed the petition, the director shall attest that the petition has been
25 reviewed by the legal counsel for the department. The petition shall allege the applicable facts to
26 invoke the jurisdiction of the court. Where the assessment shows that it is warranted, a protective
27 services worker may assume temporary custody of the juvenile for the juvenile's protection
28 pursuant to Article 5 of this Chapter.

29 (d1) Whenever a juvenile is removed from the home of a parent, guardian, custodian,
30 stepparent, or adult relative entrusted with the juvenile's care due to physical abuse, the director
31 shall conduct a thorough review of the background of the alleged abuser or abusers. This review
32 shall include a criminal history check and a review of any available mental health records. ~~If the~~
33 ~~review reveals that the alleged abuser or abusers have a history of violent behavior against people,~~
34 ~~the director shall petition the court to order the alleged abuser or abusers to submit to a complete~~
35 ~~mental health evaluation by a licensed psychologist or psychiatrist.~~

36 ...

37 (f) Within five working days after receipt of the report of abuse, neglect, or dependency,
38 the director shall give written notice to the person making the report, unless requested by that
39 person not to give notice, as to whether the report was accepted for ~~assessment~~ assessment, the
40 basis for that decision, and whether the report was referred to the appropriate State or local law
41 enforcement agency. In the event the director decides not to accept the report for an assessment,
42 the person making the report shall be informed in writing of the procedures necessary to request
43 a review by the Division of the director's decision. A request for review shall be made within five
44 working days of receipt of the written notification. The Division shall review the director's
45 decision within five working days of receiving a request for review and may affirm the decision
46 or direct the department to initiate an assessment of the report. Nothing in this section shall
47 prevent the person making the report from requesting a review by the director of the department
48 and from the director conducting such a review.

49 (g) Within five working days after completion of the protective services assessment, the
50 director shall give subsequent written notice to the person making the report, unless requested by
51 that person not to give notice, as to whether there is a finding of abuse, neglect, or dependency,

1 whether the county department of social services is taking action to protect the juvenile, and what
2 action it is taking, including whether or not a petition was filed. The person making the report
3 shall be informed of procedures necessary to request a review by the ~~prosecutor~~ Division of the
4 director's decision not to file a petition. A request for review by the ~~prosecutor~~ Division shall be
5 made within five working days of receipt of the second notification. The second notification shall
6 include notice that, if the person making the report is not satisfied with the director's decision,
7 the person may request review of the decision by the ~~prosecutor~~ Division within five working
8 days of receipt. The person making the report may waive the person's right to this notification,
9 and no notification is required if the person making the report does not identify himself to the
10 director.

11"

12 **SECTION 3.(b)** G.S. 7B-303 reads as rewritten:

13 **"§ 7B-303. Interference with assessment.**

14 (a) If any person obstructs or interferes with an assessment required by G.S. 7B-302, the
15 director may sign and file a petition naming that person as respondent and requesting an order
16 directing the respondent to cease the obstruction or interference. The petition shall contain the
17 name and date of birth and address of the juvenile who is the subject of the assessment; shall
18 include a concise statement of the basis for initiating the assessment, shall specifically describe
19 the conduct alleged to constitute obstruction of or interference with the assessment; and shall be
20 verified. If the legal counsel for the department has not also signed the petition, the director shall
21 attest that the petition has been reviewed by the legal counsel for the department.

22 ...

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

32"

33 **SECTION 3.(c)** G.S. 7B-403 reads as rewritten:

34 **"§ 7B-403. Receipt of reports; filing of petition.**

35 (a) All reports concerning a juvenile alleged to be abused, neglected, or dependent shall
36 be referred to the director of the department of social services for screening. Thereafter, if it is
37 determined by the director that a report should be filed as a petition, the petition shall be ~~drawn~~
38 drafted or reviewed by the director, legal counsel for the department, signed by the director, and
39 verified before an official authorized to administer oaths, and filed by the clerk, recording the
40 date of filing. If the legal counsel for the department has not also signed the petition, the director
41 shall attest that the petition has been reviewed by the legal counsel for the department.

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

44 **SECTION 3.(d)** G.S. 7B-503(b) reads as rewritten:

45 ~~"(b) Whenever a petition is filed under G.S. 7B-302(d1), the court shall rule on the petition~~
46 ~~prior to returning the child to a home where the alleged abuser or abusers are or have been present.~~
47 ~~If the court finds that the alleged abuser or abusers have a history of violent behavior against~~
48 ~~people, the court shall order the alleged abuser or abusers to submit to a complete mental health~~
49 ~~evaluation by a licensed psychologist or psychiatrist. The court may order the alleged abuser or~~
50 ~~abusers to pay the cost of any mental health evaluation required under this section."~~

1 **SECTION 3.(e)** This section becomes effective April 1, 2026, and applies to any
2 action filed on or after that date.

3 **SECTION 4.(a)** Article 3 of Subchapter I of Chapter 7B of the General Statutes is
4 amended by adding a new section to read:

5 **"§ 7B-302.1. Conflicts of interest.**

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

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

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

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

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

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

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

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

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

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

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

28 (b) The director of the county department of social services that receives the report where
29 the conflict exists shall request that another county department conduct the assessment. The
30 director shall notify the Division of the conflict of interest and the county that accepted the report
31 for assessment.

32 (c) If the director makes requests of two or more other counties, and if no other county is
33 willing or able to accept the case for assessment, then the county director where the conflict exists
34 shall notify the Division. The Division shall evaluate the conflict and make the following
35 determinations:

36 (1) The Division shall evaluate the conflict and determine whether the county
37 with the conflict is able to manage the case by implementing measures to
38 sufficiently obviate the conflict.

39 (2) If the Division determines the conflict cannot be managed in the county that
40 receives the report, the Division shall appoint another county department that
41 shall assume management of the case. The county with the conflict of interest
42 bears the financial responsibility of the case unless otherwise agreed upon by
43 the counties involved in the conflict of interest.

44 (d) The county department of social services with the conflict of interest shall inform, in
45 writing, the parent, guardian, custodian, or caretaker of the conflict and the county that assumes
46 the management of the case. The written notice shall include the contact information for the
47 constituent concern line at the Division.

48 (e) If the county department of social services has a conflict of interest at the time of the
49 report or any time while managing the case and the county department of social services does not
50 refer the case to another county, a parent, guardian, custodian, caretaker, juvenile, or their

1 representative may seek to have the case transferred to another county by contacting the
2 constituent concern line at the Division, and the Division shall apply this section."

3 **SECTION 4.(b)** G.S. 7B-400(c) reads as rewritten:

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

8 **SECTION 5.** G.S. 7B-401.1 reads as rewritten:

9 **"§ 7B-401.1. Parties.**

10 ...

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

15 ...

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

21 (h) Intervention. – Except as provided in G.S. 7B-1103(b) and ~~subsections (e1) and~~
22 ~~subsection (e2) of this section, the court shall not allow intervention by a person who is not the~~
23 ~~juvenile's parent, guardian, or eustodian, but custodian. The court may allow intervention by (i)~~
24 ~~a current caretaker or current foster parent, as defined in G.S. 131D-10.2(9a), providing care for~~
25 ~~the juvenile only if the current caretaker or current foster parent has authority to file a petition to~~
26 ~~terminate the parental rights of the juvenile's parents under G.S. 7B-1103, or (ii) another county~~
27 ~~department of social services that has an interest in the proceeding. This section shall not prohibit~~
28 ~~the court from consolidating a juvenile proceeding with a civil action or claim for custody~~
29 ~~pursuant to G.S. 7B-200.~~

30"

31 **SECTION 6.(a)** G.S. 7B-502 reads as rewritten:

32 **"§ 7B-502. Authority to issue custody orders; delegation.**

33 ...

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

42 **SECTION 6.(b)** G.S. 7B-506 reads as rewritten:

43 **"§ 7B-506. Hearing to determine need for continued nonsecure custody.**

44 (a) No juvenile shall be held under a nonsecure custody order for more than seven
45 calendar days without a hearing on the merits or a hearing to determine the need for continued
46 custody. A hearing on nonsecure custody conducted under this subsection may be continued for
47 up to 10 business days with the consent of the juvenile's parent, guardian, custodian, or caretaker
48 and, if appointed, the juvenile's guardian ad litem. In addition, the court may require the consent
49 of additional parties or may schedule the hearing on custody despite a party's consent to a
50 continuance. In every case in which an order has been entered by ~~an official~~ a magistrate
51 exercising authority delegated pursuant to G.S. 7B-502, a hearing to determine the need for

1 continued custody shall be conducted on the day of the next regularly scheduled session of district
2 court in the city or county where the order was entered if such session precedes the expiration of
3 the applicable time period set forth in this subsection: Provided, that if such session does not
4 precede the expiration of the time period, the hearing may be conducted at another regularly
5 scheduled session of district court in the district where the order was entered.

6"

7 **SECTION 6.(c)** G.S. 7B-404 reads as rewritten:

8 "**§ 7B-404. Immediate need for petition when clerk's office is closed.**

9 (a) When the office of the clerk is closed, a magistrate shall accept for filing the
10 following:

11 (1) A petition alleging a juvenile to be abused, neglected, or dependent.

12 (2) A petition alleging the obstruction of or interference with an assessment
13 required by G.S. 7B-302.

14 (b) The authority of the magistrate under this section is limited to emergency situations
15 when a petition must be filed to obtain a nonsecure custody order or an order under G.S. 7B-303.
16 Any nonsecure custody order or order under G.S. 7B-303 that is approved pursuant to
17 G.S. 7B-502 when the office of the clerk is closed shall be effective and enforceable after the
18 order is signed by a judicial official. Any petition accepted for filing under this section shall be
19 delivered to the clerk's office for processing as soon as that office is open for business."

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

21 "**§ 7B-508. Telephonic communication authorized.**

22 All communications, notices, orders, authorizations, and requests authorized or required by
23 G.S. 7B-501, 7B-503, and 7B-504 may be made by telephone when other means of
24 communication are impractical. A copy of the petition shall be provided to the judge or magistrate
25 who is delegated authority by G.S. 7B-502 by any appropriate secure method, including hand
26 delivery, fax, or encrypted electronic means, or through the court's electronic filing system. All
27 written orders pursuant to telephonic communication shall bear the name and the title of the
28 person communicating by telephone, requesting and receiving telephonic approval, the name and
29 title of the judge or magistrate approving the initial nonsecure custody order, the signature and
30 the title of the official entering the order, clerk or magistrate who accepted the petition for filing,
31 and the hour and the date of the authorization."

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

33 "**§ 7B-600. Appointment of guardian.**

34 ...

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

43 ...

44 (b2) When co-guardians have been appointed as the permanent plan for the juvenile and
45 the relationship between the permanent co-guardians dissolves, any party may file a motion under
46 G.S. 7B-906.1. The court shall consider the needs of the juvenile and enter an order addressing
47 the guardianship and whether the guardianship is in the best interest of the juvenile. The court
48 may maintain the juvenile's placement under review or order any disposition authorized by
49 G.S. 7B-903. The court may terminate the permanent guardianship of both or one of the
50 co-guardians based on the dissolution of the relationship of the co-guardians and the best interest
51 of the juvenile. The court may maintain the co-guardianship and modify the order to address

1 physical and legal custody of the juvenile, including placement, visitation, and decision making
2 between the co-guardians. The court shall consider whether custody rather than guardianship is
3 in the juvenile's best interests and, if so, enter an order pursuant to G.S. 7B-911.

4"

5 **SECTION 9.** G.S. 7B-602 reads as rewritten:

6 "**§ 7B-602. Parent's right to counsel; guardian ad litem.**

7 ...

8 (b) ~~In addition to the right to appointed counsel set forth above, The appointment of a~~
9 ~~guardian ad litem shall be appointed in accordance with the provisions of G.S. 1A-1, Rule 17, to~~
10 ~~represent a~~ under this section for any parent who is under the age of 18 years and who is not
11 married or otherwise emancipated. The appointment of a guardian ad litem under this subsection
12 shall not affect the minor parent's entitlement to a guardian ad litem pursuant to G.S. 7B-601 in
13 the event that the minor parent is the subject of a separate juvenile petition.

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

18"

19 **SECTION 10.(a)** Article 6 of Subchapter I of Chapter 7B of the General Statutes is
20 amended by adding a new section to read:

21 "**§ 7B-604. Legal counsel for department.**

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

24 (b) Prior to representing the county department of social services in proceedings
25 governed by this Subchapter, an attorney shall complete a minimum of six hours of training
26 addressing State and federal child welfare law and procedures.

27 (c) The Division in consultation with (i) representatives of county directors and (ii) legal
28 counsel for the department who are department attorneys shall establish ongoing training and
29 practice standards that apply to legal counsel for the department."

30 **SECTION 10.(b)** Section 10(a) of this act becomes effective on April 1, 2026.

31 **SECTION 11.(a)** G.S. 7B-903.1 reads as rewritten:

32 "**§ 7B-903.1. Juvenile placed in custody of a department of social services.**

33 ...

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

50"

51 **SECTION 11.(b)** G.S. 7B-903 reads as rewritten:

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

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

5 ...

6 (6) Place the juvenile in the custody of the department of social services in the
7 county of the juvenile's residence. In the case of a juvenile who has legal
8 residence outside the State, the court may place the juvenile in the physical
9 custody of the department of social services in the county where the juvenile
10 is found so that agency may return the juvenile to the responsible authorities
11 in the juvenile's home state. The department is authorized to place the juvenile
12 in any of the following:

- 13 a. A licensed foster home or home otherwise authorized by law to
14 provide such care.
- 15 b. A facility operated by the department of social services.
- 16 c. A facility licensed to provide care to juveniles.
- 17 d. Any other home approved by the department, including the home of a
18 relative, nonrelative kin, or other person with legal custody of a sibling
19 of the juvenile.

20 The department shall not place a juvenile in any unlicensed facility or any
21 facility that is not licensed to provide care for juveniles without the sanction
22 of the court and so designated in the order prior to such placement being made.

23"

24 **SECTION 11.(c)** G.S. 7B-505 reads as rewritten:

25 **"§ 7B-505. Placement while in nonsecure custody.**

26 (a) A juvenile meeting the criteria set out in G.S. 7B-503 may be placed in nonsecure
27 custody with the department of social services or a person designated in the ~~order~~ order, including
28 the parent from whom the juvenile was not removed. The department with placement
29 responsibility is authorized to place the juvenile for temporary residential placement in any of
30 the following:

- 31 (1) A licensed foster home or a home otherwise authorized by law to provide such
32 care.
- 33 (2) A facility operated by the department of social services.
- 34 (2a) A facility licensed to provide care to juveniles.
- 35 (3) Any other home or facility, including the home of a parent, relative,
36 nonrelative kin, or other person with legal custody of a sibling of the juvenile,
37 approved by the court and designated in the order.

38 The department shall not place a juvenile in any unlicensed facility or any facility that is not
39 licensed to provide care for juveniles without the sanction of the court and so designated in the
40 order prior to such placement being made.

41"

42 **SECTION 11.(d)** This section is effective when it becomes law and applies to any
43 action pending or filed on or after that date.

44 **SECTION 12.(a)** G.S. 7B-903.2 reads as rewritten:

45 **"§ 7B-903.2. Emergency motion for placement and payment.**

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

1 matter regarding the juvenile's continued stay in an emergency department or subsequent
2 admission at the hospital.

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

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

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

20 ...

21 ~~The~~ Within 10 business days of when the motion is served or the next scheduled
22 juvenile court session, whichever occurs later, the motion shall be heard in the district court with
23 jurisdiction over the juvenile in the abuse, neglect, and dependency matter. The rules of evidence
24 in civil cases shall apply. Any person or party served with notice of the motion pursuant to
25 subsection (b) of this section may request to be heard by the court and present evidence. The
26 hearing shall be conducted in accordance with G.S. 7B-801.

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

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

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

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

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

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

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

48 (4) Any relief the court finds appropriate.

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

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

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

5 **SECTION 12.(b)** This section is effective when it becomes law and applies to any
6 action pending or filed on or after that date.

7 **SECTION 13.(a)** G.S. 7B-906.1 reads as rewritten:

8 "**§ 7B-906.1. Review and permanency planning hearings.**

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

16 ...

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

19 ...

20 (1a) Reports on the juvenile's continuation in the home of the parent, guardian, or
21 custodian; and the appropriateness of the juvenile's continuation in that home.
22 If the juvenile is removed from the custody of a parent, guardian, or custodian
23 at a review hearing, the court shall schedule a permanency planning hearing
24 within 30 days of the ~~review, unless the hearing was noticed and heard as a~~
25 ~~permanency planning hearing review.~~

26 ...

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

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

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

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

48 ...

49 (i) ~~The~~ At any permanency planning hearing, the court may maintain the juvenile's
50 placement under review or order a different placement, appoint a guardian of the person for the
51 juvenile pursuant to G.S. 7B-600, or order any disposition authorized by G.S. 7B-903, including

1 the authority to place the child in the custody of either parent or any relative found by the court
2 to be suitable and found by the court to be in the best interests of the juvenile.

3 ...

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

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

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

14 ...

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

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

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

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

40 **SECTION 13.(b)** G.S. 7B-906.2 reads as rewritten:

41 "**§ 7B-906.2. Permanent plans; concurrent planning.**

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

- 44 (1) Reunification as defined by G.S. 7B-101.
- 45 (2) Adoption under Article 3 of Chapter 48 of the General Statutes.
- 46 (3) Guardianship pursuant to G.S. 7B-600(b).
- 47 (4) Custody to a relative or other suitable person.
- 48 (5) Another Planned Permanent Living Arrangement (APPLA) pursuant to
49 G.S. 7B-912.
- 50 (6) Reinstatement of parental rights pursuant to G.S. 7B-1114.

1 (a1) Concurrent planning shall continue until (i) a permanent plan is or has been
2 achieved.achieved or (ii) reunification is not identified as a permanent plan as provided for in
3 subsection (b) of this section.

4 (b) At any permanency planning ~~hearing,~~ hearing where the court is ordering
5 reunification as a permanent plan, the court shall adopt concurrent permanent plans and shall
6 identify the primary plan and secondary plan. Reunification shall be a primary or secondary plan
7 unless the court relieved the department of making reunification efforts at initial disposition
8 under G.S. 7B-901(c), previously made written findings under ~~G.S. 7B-901(e) or~~
9 G.S. 7B-906.1(d)(3), the permanent plan is or has been achieved in accordance with subsection
10 (a1) of this section, achieved, or the court makes written findings that reunification efforts clearly
11 would be unsuccessful or would be inconsistent with the juvenile's health or safety. The finding
12 that reunification efforts clearly would be unsuccessful or inconsistent with the juvenile's health
13 or safety may be made at any permanency planning hearing, and if made, shall eliminate
14 reunification as a plan. When reunification has been eliminated as a permanent plan, concurrent
15 planning is not required. Unless permanence has been achieved, the court shall order the county
16 department of social services to make efforts toward finalizing the primary and secondary
17 permanent plans and may specify efforts that are reasonable to timely achieve permanence for
18 the juvenile.

19 (b1) When a juvenile is not being reunified with a parent, guardian, or custodian, prior to
20 any change in placement for the juvenile, the department shall file a motion before the court and
21 request 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, and the caretaker objects to the removal.

25 (3) The current caretaker is one of the following individuals:

26 a. A relative caretaker.

27 b. A nonrelative caretaker, and there are no relatives who are willing and
28 able to provide proper care and supervision of the juvenile in a safe
29 home.

30 (4) The court-ordered primary permanent plan is adoption.

31 (5) The current caretaker objects to the removal and has notified the department
32 of their desire to adopt the juvenile.

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

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

1 efforts to finalize the permanent plan were reasonable to timely achieve permanence for the
2 juvenile.

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

6 ~~(1) Whether the parent is making adequate progress within a reasonable period of
7 time under the plan.~~

8 ~~(2) Whether the parent is actively participating in or cooperating with the plan,
9 the department, and the guardian ad litem for the juvenile.~~

10 ~~(3) Whether the parent remains available to the court, the department, and the
11 guardian ad litem for the juvenile.~~

12 ~~(4) Whether the parent is acting in a manner inconsistent with the health or safety
13 of the juvenile.~~

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

16 (f) When a permanent plan of guardianship or custody is achieved, the court shall advise
17 the guardian or custodian of the right to seek child support after the order awarding permanent
18 guardianship or custody has been entered. In no event shall the court in the juvenile proceeding
19 order child support."

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

21 **"§ 7B-904. Authority over parents of juvenile adjudicated as abused, neglected, or**
22 **dependent.**

23 ...

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

36 ~~(d1) At the dispositional hearing or a subsequent hearing, the court may order the parent,
37 guardian, custodian, or caretaker served with a copy of the summons pursuant to G.S. 7B-407 to
38 over whom the court has personal jurisdiction do any of the following:~~

39 ~~(1) Attend and participate in parental responsibility classes if those classes are
40 available in the judicial district in which the parent, guardian, custodian, or
41 caretaker resides.~~

42 ~~(2) Provide, to the extent that person is able to do so, transportation for the
43 juvenile to keep appointments for medical, psychiatric, psychological, or other
44 treatment ordered by the court if the juvenile remains in or is returned to the
45 home.~~

46 ~~(3) Take appropriate steps to remedy conditions in the home that led to or
47 contributed to the juvenile's adjudication or to the court's decision to remove
48 custody of the juvenile from the parent, guardian, custodian, or caretaker.~~

49 (e) Upon motion of a party or upon the court's own motion, the court may issue an order
50 directing the parent, guardian, custodian, or caretaker ~~served with a copy of the summons~~
51 ~~pursuant to G.S. 7B-407~~ over whom the court has personal jurisdiction to appear and show cause

1 why the parent, guardian, custodian, or caretaker should not be found or held in civil or criminal
2 contempt for willfully failing to comply with an order of the court. Chapter 5A of the General
3 Statutes shall govern contempt proceedings initiated pursuant to this section."

4 **SECTION 14.(b)** G.S. 7B-1109 reads as rewritten:

5 **"§ 7B-1109. Adjudicatory hearing on termination.**

6 ...

7 (f) The burden in such proceedings shall be upon the petitioner or movant and all findings
8 of fact shall be based on ~~clear, cogent, clear~~ and convincing evidence. The rules of evidence in
9 civil cases shall apply. No husband-wife or physician-patient privilege shall be grounds for
10 excluding any evidence regarding the existence or nonexistence of any circumstance authorizing
11 the termination of parental rights."

12 **SECTION 14.(c)** G.S. 7B-1111 reads as rewritten:

13 **"§ 7B-1111. Grounds for terminating parental rights.**

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

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

26 ...

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

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

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

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

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

48 e. ~~Legitimated the juvenile by marriage to the mother of the juvenile.~~

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

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

...."

SECTION 14.(d) G.S. 7B-1114 reads as rewritten:

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

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

- (1) The juvenile is at least 12 years of age or, if the juvenile is younger than 12, the motion alleges extraordinary circumstances requiring consideration of the motion.
- (2) The juvenile does not have a legal parent, is not in an adoptive placement, and is not likely to be adopted within a reasonable period of time.
- (3) The order terminating parental rights was entered at least three years before the filing of the motion, unless the court has found or the juvenile's attorney advocate and the county department of social services with custody of the juvenile stipulate that the juvenile's permanent plan is no longer adoption.

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

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

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

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

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

(d1) The movant shall ask the clerk to calendar the case for a pretrial hearing within 10 days from the filing of the motion at a session of court scheduled for the hearing of juvenile matters. The court shall consider all of the following:

- (1) The identification of the parties.
- (2) Whether the motion meets the criteria of subsection (a) of this section.
- (3) The appointment of a guardian ad litem in accordance with subsection (c) of this section.
- (4) Discovery and related issues, including what information from the court file and records of the county department of social services and the guardian ad litem the former parent has the right to have access to.
- (5) Any other issue that can be properly addressed as a preliminary matter.

If the court determines the motion does not meet subdivision (2) of this subsection, the court shall dismiss the motion.

(e) The movant shall ask the clerk to calendar the case for a preliminary hearing on the motion for reinstatement of parental rights within 60 days of the filing of the motion at a session

1 of court scheduled for the hearing of juvenile matters. The movant shall give at least 15 days'
 2 notice of the hearing and state its purpose to the persons listed in subdivisions (d)(1) through
 3 (d)(4) of this section. In addition, the movant shall send a notice of the hearing to the juvenile's
 4 placement provider. Nothing in this section shall be construed to make the ~~former parent or the~~
 5 juvenile's placement provider a party to the proceeding based solely on being served with the
 6 motion or receiving notice and the right to be heard.

7 (f) ~~At~~Unless ordered sooner by the court at the pretrial hearing, at least seven days before
 8 the preliminary hearing, the department of social services and the juvenile's guardian ad litem
 9 shall provide to the ~~court, court and the other parties, and the former parent parties~~ reports that
 10 address the factors specified in subsection (g) of this section.

11"

12 **SECTION 14.(e)** Sections 14(a) and (b) of this act are effective when this act
 13 becomes law and apply to any action pending or filed on or after that date. Sections 14(c) and (d)
 14 of this act are effective when this act becomes law and apply to any action filed on or after that
 15 date.

16 **SECTION 15.(a)** G.S. 48-3-601 reads as rewritten:

17 "**§ 48-3-601. Persons whose consent to adoption is required.**

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

20 (1) The minor to be adopted if 12 or more years of ~~age;~~age.

21 (2) In a direct placement, by:

22 a. The mother of the ~~minor;~~minor.

23 b. Any man who may or may not be the biological father of the minor
 24 but ~~who;~~who meets one of the following:

25 1. Is or was married to the mother of the minor if the minor was
 26 born during the marriage or within 280 days after the marriage
 27 is terminated or the parties have separated pursuant to a written
 28 separation agreement or an order of separation entered under
 29 Chapters 50 or 50B of the General Statutes or a similar order
 30 of separation entered by a court in another
 31 ~~jurisdiction;~~jurisdiction.

32 2. Attempted to marry the mother of the minor before the minor's
 33 birth, by a marriage solemnized in apparent compliance with
 34 law, although the attempted marriage is or could be declared
 35 invalid, and the minor is born during the attempted marriage,
 36 or within 280 days after the attempted marriage is terminated
 37 by annulment, declaration of invalidity, divorce, or, in the
 38 absence of a judicial proceeding, by the cessation of
 39 ~~cohabitation;~~cohabitation.

40 3. Before the filing of the ~~petition,~~petition or within three months
 41 of the child's birth, whichever occurs later, has legitimated the
 42 minor under the law of any ~~state;~~state.

43 4. Before the ~~earlier of the~~ filing of the ~~petition~~petition, within
 44 three months of the child's birth, within 30 days of the
 45 discovery that the mother committed fraud in identifying the
 46 father or withholding the known identity of the father, or the
 47 date of a hearing under G.S. 48-2-206, whichever occurs later,
 48 has acknowledged his paternity of the minor and meets one of
 49 the following:

50 I. Is obligated to support the minor under written
 51 agreement or by court ~~order;~~order.

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- II. Has ~~provided,~~ provided or attempted to provide, in accordance with his financial means, reasonable and consistent payments for the support of the biological mother during or after the term of pregnancy, or the support of the minor, or both, which may include the payment of medical expenses, living expenses, or other tangible means of support, and has regularly visited or communicated, or attempted to visit or communicate with the biological mother during or after the term of pregnancy, or with the minor, or with ~~both; or both.~~
 - III. After the minor's birth but before the minor's placement for adoption or the mother's relinquishment, has married or attempted to marry the mother of the minor by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared ~~invalid; or invalid.~~
 - 5. Before the filing of the ~~petition,~~ petition or within three months of the child's birth, whichever occurs later, has received the minor into his home and openly held out the minor as his biological ~~child; or child.~~
 - 6. Is the adoptive father of the ~~minor; and~~ minor.
 - 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 15.(b) This section is effective when it becomes law.

SECTION 16.(a) G.S. 122C-142.2 reads as rewritten:

§ 122C-142.2. Presentation-Presence at a hospital for mental health ~~treatment.~~ treatment; assessment and placement upon discharge of juvenile in department of social services custody.

- (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 Use Services.
 - d. The Division of Social Services.

(b) If a juvenile (i) is in the custody of a department of social services presents to a hospital emergency department for the services, (ii) requires mental health treatment, and (iii) is present in the hospital by any means other than an involuntary commitment or voluntary admission order that is in effect, the hospital shall contact the director to notify the director of the juvenile's presence in the hospital. The director shall contact the appropriate LME/MCO or

1 prepaid health plan ~~within~~ as soon as practicable and, in any event, no later than 24 hours ~~of~~ after
2 the determination that the juvenile should not remain at the hospital and no appropriate placement
3 is immediately available, to request an assessment.

4 (c) Consistent with the care coordination responsibilities under G.S. 122C-115.4(b)(5),
5 the LME/MCO or prepaid health plan must, when applicable or required by their contract with
6 the Department, arrange for an assessment to be performed by either the juvenile's clinical home
7 provider; the hospital, if able and willing; or other qualified licensed clinician within five-three
8 business days following notification under subsection (b) of this section from the director. For
9 purposes of this section, "business days" shall mean Monday through Friday, inclusive of
10 holidays. The hospital shall reasonably cooperate with the LME/MCO or prepaid health plan to
11 provide access to the juvenile during the juvenile's stay in the hospital.

12 (d) Based on the findings and recommendations of ~~the assessment,~~ an assessment
13 conducted pursuant to this section, all of the following must occur:

14 (1) If the comprehensive clinical assessment recommends a traditional foster
15 home or a Level I group home, the director shall identify and provide the
16 placement within five business days. The county department of social services
17 shall be responsible for transporting the juvenile to the identified placement
18 ~~within~~ as soon as practicable but no later than five business days. ~~days~~ after
19 the recommendation is made.

20 (2) If the assessment recommends a level of care requiring ~~prior~~ authorization by
21 the LME/MCO or prepaid health plan, the LME/MCO or prepaid health plan
22 shall authorize an appropriate level of care and identify appropriate providers
23 within five business days and assign a care ~~coordinator~~ manager for the
24 duration that the LME/MCO or prepaid health plan provides services to the
25 juvenile. Once an appropriate level of care has been authorized and providers
26 identified, the director shall place the juvenile in the appropriate placement
27 ~~within~~ as soon as practicable but no later than five business days. ~~days~~ after
28 the recommendation is made. The county department of social services shall
29 be responsible for transporting the juvenile to the identified placement.

30 (d1) The hospital shall not release the juvenile unless the juvenile meets hospital discharge
31 criteria and at least one of the following conditions exists:

32 (1) The placement as recommended by the assessment is available.

33 (2) The consent of the individual or director authorized to consent to treatment
34 pursuant to G.S. 7B-505.1.

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

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

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

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

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

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

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

9 ~~(g) The Rapid Response Team shall be comprised of representatives of the Department~~
10 ~~of Health and Human Services from the Division of Social Services; the Division of Mental~~
11 ~~Health, Developmental Disabilities, and Substance Use Services; the Division of Child and~~
12 ~~Family Well Being; and the Division of Health Benefits. Upon receipt of a notification from a~~
13 ~~director, made in accordance with subsection (f) of this section, the Rapid Response Team shall~~
14 ~~evaluate the information provided and coordinate a response to determine if action from the~~
15 ~~Rapid Response Team is necessary to address the immediate needs of the juvenile, which may~~
16 ~~include any of the following: juvenile. If action is necessary, the Rapid Response Team shall~~
17 ~~develop a plan with the county department of social services, LME/MCO or prepaid health plan,~~
18 ~~and hospital regarding the steps needed to meet the treatment needs of the juvenile. Any plan~~
19 ~~shall include the means by which to monitor the implementation of the plan.~~

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

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

22 ~~(3) Making a referral to qualified services providers.~~

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

24 ~~(5) Developing a plan to ensure that relevant parties carry out any responsibilities~~
25 ~~to the juvenile.~~

26 (h) Meetings of the Rapid Response Team convened under this section shall be limited
27 to members of the Rapid Response Team and individuals from the relevant county department
28 of social services, LME/MCOs, prepaid health plans, and the hospital that are invited by the
29 Rapid Response Team, or other individuals or providers only if invited by the Rapid Response
30 Team. The meetings of the Rapid Response Team shall not be open to the public. Subsection (f1)
31 of this section shall apply to any information gathered for the meeting. Information shared at the
32 meeting or documents created during the course of the meetings or during the course of
33 evaluating and developing any response in accordance with subsection (g) of this section shall
34 not be public record and shall not be disclosed or redisclosed unless authorized under State or
35 federal law.

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

38 (1) The number of county department of social services notifications of
39 assessments.

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

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

42 **SECTION 16.(b)** By April 1, 2026, the Department of Health and Human Services
43 shall consult with hospitals, prepaid health plans, and county departments of social services to
44 develop and distribute uniform guidance on the roles and responsibilities of each entity involved
45 in the delivery of case management services during a juvenile's stay in a hospital. This guidance
46 shall apply to any juvenile receiving protective services from a county department of social
47 services regardless of the juvenile's custody status. The guidance shall address, at a minimum,
48 the following:

49 (1) The nature, frequency, type, and duration of services offered, visitation, and
50 other contact with the juvenile while staying in the hospital.

(2) The nature, frequency, and type of communication among each entity involved in providing services regarding ongoing treatment, referrals to potential placements, and any additional information relevant to the juvenile's services. There must be at least five days' notice of court hearings and appearances related to the juvenile.

SECTION 16.(c) Section 16(a) of this act is effective when this act becomes law and applies to any action pending or filed on or after that date. The remainder of this section is effective when it becomes law.

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

SECTION 17.(b) G.S. 108A-74 reads as rewritten:

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

...

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

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

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

If the Secretary finds violations of State law or applicable rules occurring in any specific case or cases, the Secretary shall notify the county director in writing. If the identified concerns are not remedied by the county director within the time frame specified by the Secretary, the Secretary shall notify the board of county commissioners, the county manager, and the board of social services and direct the director of social services to remedy the violation by taking immediate action in a manner prescribed by the Secretary that is consistent with State law and applicable rules. Nothing contained herein shall prohibit the Secretary from exercising any other authority under this section.

A director's failure to comply with the directive of the Secretary made pursuant to this section falls outside the scope of the county department's agency relationship with the Department of Health and Human Services. The Department of Health and Human Services shall not be liable for any claim that may arise from the director's failure to comply with any law or rule identified by the Secretary pursuant to this section. This subsection shall not be construed to waive, modify, or eliminate any immunity or other legal defenses that would otherwise be available to the county, director, or any other county official or employee.

...."

SECTION 17.(c) This section is effective when it becomes law.

SECTION 18.(a) Article 9A of Subchapter I of Chapter 7B of the General Statutes is amended by adding a new section to read:

"§ 7B-909.2. Post-adoption contact agreements; orders from minors in department of social services custody.

1 (a) Prior to executing a relinquishment, the parent or parents of a minor adoptee who is
2 in the custody of a county department of social services pursuant to an order entered under this
3 Subchapter and the prospective adoptive parent or parents may voluntarily participate in a
4 court-approved mediation program to reach a voluntarily mediated post-adoption contact
5 agreement. The court with jurisdiction over the proceeding involving the minor under this
6 Subchapter may make the referral to mediation when the county department notifies the court it
7 would accept a relinquishment that specifies the prospective adoptive parent or parents. A
8 biological parent who has not reached 18 years of age shall have legal capacity to enter a
9 post-adoption contact agreement and shall be as fully bound by the agreement and order as if the
10 biological parent had attained 18 years of age.

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

13 (c) Jurisdiction and venue for approval of such agreement shall be before the district court
14 with jurisdiction over the proceeding involving the minor under this Subchapter.

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

19 (e) Mediation proceedings and information relating to those proceedings under this
20 section shall be confidential. Information or the statements of any person participating in the
21 mediation shall not be disclosed or used in any subsequent proceeding. Regardless, evidence that
22 would otherwise be admissible at trial shall not be rendered inadmissible as a result of its use in
23 a mediation proceeding. Except for the voluntary mediated agreement, there shall be no record
24 made of any mediation proceedings under this section and the mediator shall destroy all of his or
25 her notes immediately after the mediation.

26 (f) The voluntarily mediated agreement shall be reviewed by the court having jurisdiction
27 of the minor under this Subchapter within two business days of when the agreement is signed to
28 determine whether the agreement should be incorporated into a court order.

29 (g) To be approved by the court, a voluntarily mediated agreement shall be signed under
30 oath by the parties or accompanied by an affidavit made under oath that affirmatively states that
31 the agreement was entered into knowingly and voluntarily and is not the product of coercion,
32 fraud, or duress. The affidavit may be executed jointly or separately. The agreement shall contain
33 the following statements:

34 (1) This agreement is entered into pursuant to this section.

35 (2) Any breach, modification, invalidation, or termination of the agreement, or
36 any part of it, shall not affect the validity of the relinquishment or the final
37 decree of adoption.

38 (3) The parties acknowledge that either the parent or prospective adoptive parents
39 who have entered into the agreement have the right to seek enforcement as set
40 forth in G.S. 7B-909.3.

41 (4) The parties have not relied on any representations other than those contained
42 in the agreement.

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

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

48 (2) The court shall designate the caption of the action and the parties to the action.
49 The civil filing fee is waived unless the court orders one or more of the parties
50 to pay the filing fee for a civil action into the office of the clerk of superior
51 court.

1 (3) The post-adoption contact agreement and order shall constitute a custody
 2 determination, and any motion to enforce, modify, or terminate the order shall
 3 be filed in the newly created civil action and is governed by G.S. 7B-909.3.
 4 The Administrative Office of the Courts may adopt rules and shall develop
 5 and make available appropriate forms for establishing a civil file to implement
 6 this section and G.S. 7B-909.3.

7 (4) The record of the civil action shall be withheld from public inspection and
 8 may only be examined by the parties to the civil action and their attorneys, the
 9 minor adoptee, or by order of the court.

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

12 **SECTION 18.(b)** Article 9A of Subchapter I of Chapter 7B of the General Statutes
 13 is amended by adding a new section to read:

14 "**§ 7B-909.3. Modification, enforcement, and termination of a post-adoption contact**
 15 **agreement and order; no right to appeal; rights of adoptive parents.**

16 (a) A party to a court-approved post-adoption contact agreement and order may seek to
 17 modify, enforce, or terminate the agreement by filing a motion in the civil action created pursuant
 18 to G.S. 7B-909.2(h). Issues set forth in the motion shall be set for mediation unless the court
 19 waives mediation for good cause. A court order for modification, enforcement, or termination of
 20 the terms of the voluntarily mediated agreement shall be the sole remedies for breach of the
 21 agreement.

22 (b) In a proceeding under this section, the persons who executed the post-adoption
 23 contact agreement are the sole parties to the action. The court shall not allow intervention by any
 24 other person or agency. The parties shall not be entitled to the appointment of counsel but may
 25 retain counsel at their own expense.

26 (c) The court may modify the terms of the post-adoption contact agreement and order if
 27 the court finds by a preponderance of the evidence that there has been a material and substantial
 28 change in the circumstances and that the modification is in the best interests of the child. A
 29 court-imposed modification of a previously approved agreement may limit, restrict, condition,
 30 decrease, or terminate the sharing of information and contact between the former parent or
 31 parents and the child, but in no event shall a court-imposed modification serve to expand, enlarge,
 32 or increase the amount of contact between the former parent or parents and the child. The court
 33 also may impose appropriate sanctions consistent with its equitable powers but not inconsistent
 34 with this section, including the power to issue restraining orders.

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

38 (e) A party subject to an order under this section has no right to appeal the order.

39 (f) Nothing contained in this section or G.S. 7B-909.2 shall be construed to abrogate the
 40 rights of the adoptive parent or parents to make decisions on behalf of the child, except as
 41 provided in the court-approved post-adoption contact agreement and order."

42 **SECTION 18.(c)** Article 1 of Chapter 50 of the General Statutes is amended by
 43 adding a new section to read:

44 "**§ 50-13.2B. Modification or enforcement of post-adoption contact agreement and order.**

45 A former parent or adoptive parent who is party to a post-adoption contact agreement and
 46 order entered pursuant to G.S. 7B-909.2 shall be governed by G.S. 7B-909.3."

47 **SECTION 18.(d)** Chapter 48 of the General Statutes reads as rewritten:

48 **"Chapter 48.**

49 **"Adoptions.**

50 "Article 1.

51 "General Provisions.

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

2 ...

3 **"§ 48-1-101. Definitions.**

4 In this Chapter, the following definitions apply:

5 ...

6 (13a) "Post-adoption contact agreement and order" means a voluntary mediated
7 agreement that is approved by a district court judge and incorporated into a
8 district court order under Article 9A of Chapter 7B of the General Statutes
9 that allows specifically described post-adoption contact, including visitation,
10 sharing of information, and communication such as the exchange of letters,
11 electronic communication, and telephone contact.

12 ...

13 **"§ 48-1-106. Legal effect of decree of adoption.**

14 ...

15 (c) Subject to subsection (d) of this section, a decree of adoption severs the relationship
16 of parent and child between the individual adopted and that individual's biological or previous
17 adoptive parents. After the entry of a decree of adoption, the former parents are relieved of all
18 legal duties and obligations due from them to the adoptee, except that a former parent's duty to
19 make past-due payments for child support is not terminated, and the former parents are divested
20 of all rights with respect to the adoptee. If applicable, a former parent may exercise rights
21 established in a post-adoption contact agreement and order pursuant to Article 9A of Chapter 7B
22 of the General Statutes.

23 ...

24 **"§ 48-2-100. Jurisdiction.**

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

26 (a1) The district court shall have jurisdiction over post-adoption contact agreements and
27 orders pursuant to Article 9A of Chapter 7B of the General Statutes.

28 ...

29 **"§ 48-2-305. Petition for adoption; additional documents.**

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

31 ...

32 (2) Any required consent or relinquishment that has been ~~executed~~executed and,
33 if applicable, a certified copy of any post-adoption contact agreement and
34 order pursuant to G.S. 7B-909.2.

35 ...

36 **"§ 48-3-610. Collateral agreements.**

37 If a person executing a consent and the prospective adoptive parent or parents enter into an
38 agreement regarding visitation, communication, support, and any other rights and duties with
39 respect to the minor, this agreement shall not be a condition precedent to the consent itself, failure
40 to perform shall not invalidate a consent already given, and the agreement itself shall not be
41 enforceable. This section shall not apply to a post-adoption contact agreement and order governed
42 by G.S. 7B-909.2 and G.S. 7B-909.3.

43 ...

44 **"§ 48-3-702. Procedures for relinquishment.**

45 ...

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

50 ...

- 1 (3) Been given an original or copy of his or her fully executed
2 ~~relinquishment~~relinquishment and, if applicable, the post-adoption contact
3 agreement and order entered pursuant to G.S. 7B-909.2.
4 ...

5 **"§ 48-3-703. Content of relinquishment; mandatory provisions.**

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

- 8 ...
9 (8) That the individual executing the relinquishment understands that when the
10 adoption is final, all rights and duties of the individual executing the
11 relinquishment with respect to the minor will be extinguished and all other
12 aspects of the legal relationship between the minor child and the parent will
13 be ~~terminated~~terminated, except for rights and duties contained in a
14 post-adoption contact agreement and order entered pursuant to G.S. 7B-909.2.
15 ...

16 **"§ 48-3-705. Consequences of relinquishment.**

17 ...
18 (c) A relinquishment terminates:

- 19 (1) Any right and duty of the individual who executed the relinquishment with
20 respect to the legal and physical custody of the ~~minor~~minor, except those
21 rights and duties contained in a post-adoption contact agreement and order
22 entered pursuant to G.S. 7B-909.2.
23 ...

24 **"§ 48-3-706. Revocation of relinquishments.**

25 ...
26 (c1) Any post-adoption contact agreement and order entered pursuant to G.S. 7B-909.2 is
27 void if any relinquishment is revoked as provided for in G.S. 48-3-704 or G.S. 48-3-706 or
28 rescinded, set aside, or voided pursuant to G.S. 48-3-707 or G.S. 7B-909(b1).
29"

30 **SECTION 19.(a)** G.S. 7B-323(e) reads as rewritten:

31 "(e) Notwithstanding any time limitations contained in this section or the provisions of
32 G.S. 7B-324(a)(4), upon the filing of a petition for judicial review by an individual identified by
33 a director as a responsible individual, the district court of the county in which the abuse or neglect
34 report arose may review a director's determination of abuse or serious neglect ~~at any time if less~~
35 than one year has passed since the person's placement on the responsible individuals list and if
36 the review serves the interests of justice or for extraordinary circumstances--good cause. If the
37 district court undertakes such a review, a hearing shall be held pursuant to this section at which
38 the director shall have the burden of establishing by a preponderance of the evidence abuse or
39 serious neglect and the identification of the individual seeking judicial review as a responsible
40 individual. If the court concludes that the director has not established by a preponderance of the
41 evidence abuse or serious neglect or the identification of the responsible individual, the court
42 shall reverse the director's determination and order the director to expunge the individual's name
43 from the responsible individuals list."

44 **SECTION 19.(b)** Article 3A of Subchapter I of Chapter 7B of the General Statutes
45 is amended by adding a new section to read:

46 **"§ 7B-325. Petition for expungement.**

47 (a) A person whose name has been placed on the responsible individuals list may file a
48 petition for expungement of the individual's name from the responsible individuals list if at least
49 one of the following conditions is satisfied:

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

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

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

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

17 (c) The clerk of court shall maintain a separate docket for expungement actions. Upon
18 the filing of a petition for expungement, the clerk shall calendar the matter for hearing within 45
19 days from the date the petition is filed at a session of district court hearing juvenile matters or, if
20 there is no such session, at the next session of juvenile court. The clerk shall send notice of the
21 hearing to the petitioner and to the director of the county department of social services that
22 determined the abuse or serious neglect and identified the individual as a responsible individual.
23 Upon the request of a party, the court shall close the hearing to all persons, except officers of the
24 court, the parties, and their witnesses. The hearing shall be before a judge without a jury. The
25 burden shall be upon the petitioner and all findings of fact shall be based on a preponderance of
26 the evidence. The court may consider any evidence, including hearsay evidence as defined in
27 G.S. 8C-1, Rule 801, or testimony or evidence from any person that is not a party that the court
28 finds to be relevant, reliable, and necessary.

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

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

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

33 (3) The right to subpoena witnesses, cross-examine witnesses of the other party,
34 and make a closing argument summarizing the party's view of the case and
35 the law. The juvenile who was the subject of the abuse or serious neglect shall
36 not be required to participate in the proceeding.

37 (e) In considering whether to grant a petition filed under this section, the court shall
38 consider all of the following:

39 (1) The nature of the abuse or serious neglect based on documentation maintained
40 by the county department of social services.

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

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

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

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

48 (g) Within 30 days after completion of the hearing, the court shall enter an order
49 containing findings of fact and conclusions of law. The clerk shall serve a copy of the order on
50 each party or the party's attorney of record. If the court concludes that the petition should be

1 granted, the court shall order the director to expunge the individual's name from the responsible
2 individuals list.

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

4 **SECTION 20.(a)** G.S. 7B-305 reads as rewritten:

5 "**§ 7B-305. Request for review by ~~prosecutor~~Division.**

6 The person making the report shall have five working days, from receipt of the decision of
7 the director of the department of social services not to petition the court, to notify the ~~prosecutor~~
8 constituent concern line at the Division that the person is requesting a review. The ~~prosecutor~~
9 Division shall notify the person making the report and the director of the time and place for the
10 review, and the director shall immediately transmit to the ~~prosecutor~~Division a copy of a
11 summary of the assessment."

12 **SECTION 20.(b)** G.S. 7B-306 reads as rewritten:

13 "**§ 7B-306. Review by ~~prosecutor~~Division.**

14 (a) The ~~prosecutor~~ Division shall review the director's determination that a petition
15 should not be filed within 20 days after the person making the report is notified. receipt of a
16 request for review is made in accordance with G.S. 7B-305. The review shall include conferences
17 with the person making the report, the protective services worker, the juvenile, if practicable, and
18 other persons known to have pertinent information about the juvenile or the juvenile's family.

19 (b) At the conclusion of the conferences, review the ~~prosecutor~~ Division may affirm take
20 any of the following actions:

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

22 (2) Request the appropriate local law enforcement agency to investigate the
23 allegations, or may direct allegations.

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

26 **SECTION 20.(c)** G.S. 7B-308(b) reads as rewritten:

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

31 (1) If the assessment reveals (i) that it is the opinion of the certifying physician
32 that the juvenile is in need of medical treatment to cure or alleviate physical
33 distress or to prevent the juvenile from suffering serious physical injury, and
34 (ii) that it is the opinion of the physician that the juvenile should for these
35 reasons remain in the custody of the facility for 12 hours, but (iii) that the
36 juvenile's parent, guardian, custodian, or caretaker cannot be reached or, upon
37 request, will not consent to the treatment within the facility, the director shall
38 within the initial 12-hour period file a juvenile petition alleging abuse and
39 setting forth supporting allegations and shall seek a nonsecure custody order.
40 A petition filed and a nonsecure custody order obtained in accordance with
41 this subdivision shall come on for hearing under the regular provisions of this
42 Subchapter unless the director and the certifying physician together
43 voluntarily dismiss the petition.

44 (2) In all cases except those described in subdivision (1) above, the director shall
45 conduct the assessment and may initiate juvenile proceedings and take all
46 other steps authorized by the regular provisions of this Subchapter. If the
47 director decides not to file a petition, the physician, the administrator, or that
48 person's designee may ask the ~~prosecutor~~Division to review this decision
49 according to the provisions of G.S. 7B-305 and G.S. 7B-306."

50 **SECTION 21.(a)** G.S. 50-13.10 reads as rewritten:

1 **"§ 50-13.10. Past due child support vested; not subject to retroactive modification; entitled**
 2 **to full faith and credit.**

3 ...

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

- 6 (1) From and after the date of the death of the minor child for whose support the
 7 payment, or relevant portion, is ~~made~~made.
 8 (2) From and after the date of the death of the supporting ~~party~~party.
 9 (3) During any period when the child is living with the supporting party pursuant
 10 to a valid court order or to an express or implied written or oral agreement
 11 transferring primary custody to the supporting ~~party~~party.
 12 (4) During any period when the supporting party is incarcerated, is not on work
 13 release, and has no resources with which to make the payment.
 14 (5) For foster care assistance owed to the State by the supporting party during any
 15 period when the child is placed in the custody of a department of social
 16 services.

17"

18 **SECTION 21.(b)** Article 9 of Chapter 110 of the General Statutes is amended by
 19 adding a new section to read:

20 **"§ 110-135.1. Foster care assistance payments.**

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

- 23 (1) The obligor's child support obligation, if owed to the State, shall be suspended
 24 during any period when the child is placed in the custody of a county
 25 department of social services.
 26 (2) Any foster care assistance arrears owed to the State for past paid foster care
 27 assistance shall be reduced to zero under G.S. 50-13.10.

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

29 **SECTION 22.** Except as otherwise provided, this act becomes effective October 1,
 30 2025, and applies to all actions pending or filed on or after that date.