

GENERAL ASSEMBLY OF NORTH CAROLINA
1985 SESSION

CHAPTER 784
HOUSE BILL 537

AN ACT TO REDUCE THE LENGTH OF TIME A CHILD MUST REMAIN IN
FOSTER CARE AS GROUNDS FOR TERMINATING PARENTAL RIGHTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-289.32(3) is rewritten to read:

"(3) The parent has willfully left the child in foster care for more than eighteen months without showing to the satisfaction of the court that reasonable progress under the circumstances has been made within eighteen months in correcting those conditions which led to the removal of the child or without showing positive response within eighteen months to the diligent efforts of a county Department of Social Services, a child-caring institution or licensed child-placing agency to encourage the parent to strengthen the parental relationship to the child or to make and follow through with constructive planning for the future of the child. Provided, however, that no parental rights shall be terminated for the sole reason that the parents are unable to care for the child on account of their poverty."; and adding the following subsection:

"(4) The burden in such proceedings shall be upon the petitioner to prove the facts justifying such termination by clear and convincing evidence."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 17th day of July, 1985.