

GENERAL ASSEMBLY OF NORTH CAROLINA  
1987 SESSION

CHAPTER 810  
HOUSE BILL 639

AN ACT TO AMEND G.S. 7A-657 TO ALLOW WAIVER OF PERIODIC REVIEW  
HEARINGS OF CUSTODY ORDERS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-657 is rewritten to read:

"(a) In any case where the judge removes custody from a parent or person standing **in loco parentis** because of dependency, neglect or abuse, the juvenile shall not be returned to the parent or person standing **in loco parentis** unless the judge finds sufficient facts to show that the juvenile will receive proper care and supervision.

In any case where custody is removed from a parent, the judge shall conduct a review within six months of the date the order was entered, and shall conduct subsequent reviews at least every year thereafter. The Director of Social Services shall make timely requests to the clerk to calendar the case at a session of court scheduled for the hearing of juvenile matters within six months of the date the order was entered. The Director shall make timely requests for calendaring of the yearly reviews thereafter. The clerk shall give 15 days' notice of the review to the parent or the person standing **in loco parentis**, the juvenile if 12 years of age or more, the guardian, foster parent, custodian or agency with custody, the guardian **ad litem**, and any other person the court may specify, indicating the court's impending review.

(b) Notwithstanding other provisions of this Article, the court may waive the holding of review hearings required by subsection (a), may require written reports to the court by the agency or person holding custody in lieu of review hearings, or order that review hearings be held less often than every 12 months, if the court finds by clear, cogent and convincing evidence that:

- (1) The juvenile has been placed with a relative for a continuous period of at least one year; and
- (2) The placement is stable and continuation of the placement is in the juvenile's best interest; and
- (3) Neither the juvenile's best interests nor the rights of any party require that review hearings be held every 12 months; and
- (4) All parties are aware that the matter may be brought before the court for review at any time by the filing of a motion for review or on the court's own motion; and
- (5) The court order has designated the relative as the juvenile's permanent caretaker at the review at which these findings are made.

The court may not waive or refuse to conduct a review hearing if a party files a motion seeking the review.

(c) At every review hearing, the court shall consider information from the Department of Social Services, the court counselor, the juvenile, the parent or person standing **in loco parentis**, the custodian, the foster parent, the guardian **ad litem**, and any public or private agency which will aid it in its review.

In each case the court shall consider the following criteria:

- (1) Services which have been offered to reunite the family;
- (2) Where the juvenile's return home is unlikely, the efforts which have been made to evaluate or plan for other methods of care;
- (3) Goals of the foster care placement and the appropriateness of the foster care plan;
- (4) A new foster care plan, if continuation of care is sought, that addresses the role the current foster parent will play in the planning for the juvenile;
- (5) Reports on the placements the juvenile has had and any services offered to the juvenile and the parent;
- (6) When and if termination of parental rights should be considered;
- (7) Any other criteria the court deems necessary.

(d) The judge, after making findings of fact, shall enter an order continuing the placement under review or providing for a different placement as is deemed to be in the best interest of the juvenile. If at any time custody is restored to a parent, the court shall be relieved of the duty to conduct periodic judicial reviews of the placement."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 13th of August, 1987.