

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 144  
Committee Substitute Favorable 4/18/89

Short Title: Parents Ordered into Treatment.

(Public)

Sponsors:

Referred to:

February 2, 1989

A BILL TO BE ENTITLED

AN ACT TO REQUIRE A PARENT IN A JUVENILE COURT CASE TO PARTICIPATE IN MEDICAL, PSYCHOLOGICAL, OR OTHER TREATMENT AS A CONDITION OF RETURN OF LEGAL OR PHYSICAL CUSTODY OF THE CHILD.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-650 reads as rewritten:

"§ 7A-650. Authority over parents of juvenile adjudicated as delinquent, undisciplined, abused, neglected, or dependent.

(a) If the judge orders medical, surgical, psychiatric, psychological, or other treatment pursuant to G.S. 7A-647(3), the judge may order the parent or other responsible parties to pay the cost of the treatment or care ordered.

(b) The judge may order the parent to provide transportation for a juvenile to keep an appointment with a court counselor.

(b1) In any case where a juvenile has been adjudicated as delinquent, undisciplined, abused, neglected or dependent, the judge may conduct a special hearing to determine if the court should order the parents to participate in medical, psychiatric, psychological or other treatment and pay the costs thereof. The notice of this hearing shall be by special petition and summons to be filed by the court and served upon the parents at the conclusion of the adjudication hearing. If, at this hearing, the court finds it in the best interest of the juvenile for the parent to be directly involved in treatment, the judge may order the parent to participate in medical, psychiatric, psychological or other treatment.

1       (b2) At any hearing conducted pursuant to subsection (b1) of this section or at a  
2 separate hearing set for this purpose, the court may consider whether the best interest of  
3 a juvenile who has been removed from the custody of his parent requires that legal  
4 custody or physical placement of the juvenile with the parent be conditioned upon the  
5 parent undergoing medical, psychiatric, psychological, or other treatment directed  
6 toward remediating or remedying those behaviors or conditions that led to or  
7 contributed to removal of the child, and paying the cost of that treatment. The notice of  
8 hearing in such case shall be by special petition and summons to be filed with the court  
9 and served upon the parent at the conclusion of the adjudication hearing. The notice  
10 may be combined with a notice given under subsection (b1) of this section. If, at the  
11 hearing, the court determines that the best interest of the juvenile requires that the parent  
12 undergo such treatment, it may enter an order conditioning legal custody or physical  
13 placement of the juvenile with the parent upon compliance with a plan of treatment  
14 approved by the court and order the parent to pay the cost of the treatment. If the judge  
15 finds the parent is unable to pay the cost of the treatment, the judge may charge the cost  
16 to the county. The special hearing required by this subsection may be combined with  
17 the dispositional hearing as long as the notice required by this subsection is given.

18       (c) Whenever legal custody of a juvenile is vested in someone other than his  
19 parent, after due notice to the parent and after a hearing, the judge may order that the  
20 parent pay a reasonable sum that will cover in whole or in part the support of the  
21 juvenile after the order is entered. If the judge places a juvenile in the custody of a  
22 county department of social services and if the judge finds that the parent is unable to  
23 pay the cost of the support required by the juvenile, the cost shall be paid by the county  
24 department of social services in whose custody the juvenile is placed, provided the  
25 juvenile is not receiving care in an institution owned or operated by the State or federal  
26 government or any subdivision thereof.

27       (d) Failure of a parent who is personally served to participate in or comply with  
28 subsections (a) through (c) may result in a civil proceeding for contempt."

29       Sec. 2. This act shall become effective October 1, 1989.