

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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SENATE BILL 693
Judiciary Committee Substitute Adopted 5/6/21

Short Title: Expedite Child Safety and Permanency.

(Public)

Sponsors:

Referred to:

April 8, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND VARIOUS ABUSE, NEGLECT, AND DEPENDENCY LAWS TO
3 ENSURE THE SAFETY OF CHILDREN IN OUT-OF-HOME PLACEMENTS AND
4 EXPEDITE PERMANENCY PLANNING HEARINGS FOR CHILDREN WHO HAVE
5 BEEN REMOVED FROM THE HOME; TO CLARIFY THE NONCARETAKER
6 DEFINITION FOR THE RESPONSIBLE INDIVIDUALS LIST; TO REQUIRE THE
7 DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF SOCIAL
8 SERVICES, TO DEVELOP A PLAN TO IMPLEMENT A CENTRALIZED HOTLINE
9 FOR CHILD WELFARE INTAKE; TO DEVELOP A PLAN TO INCREASE
10 APPROPRIATE TREATMENT AND RESIDENTIAL SETTINGS; AND TO PROVIDE
11 SAFE AND APPROPRIATE PLACEMENT FOR CHILDREN IN NEED OF
12 BEHAVIORAL AND MENTAL HEALTH SERVICES.

13 The General Assembly of North Carolina enacts:

14
15 **PART I. CHILD WELFARE REFORM**

16 **SECTION 1.(a)** G.S. 7B-101 reads as rewritten:

17 **"§ 7B-101. Definitions.**

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

20 ...

21 (15) Neglected juvenile. – Any juvenile less than 18 years of age (i) who is found
22 to be a minor victim of human trafficking under G.S. 14-43.15 or (ii) whose
23 parent, guardian, custodian, or caretaker does any of the following:

24 a. Does not provide proper care, supervision, or discipline; or who has
25 been abandoned; discipline.

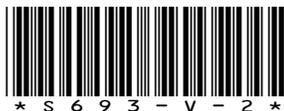
26 b. Has abandoned the juvenile.

27 c. ~~or who is~~ Has not provided or arranged for the provision of necessary
28 medical care; or who is not provided necessary remedial care; care.

29 d. Creates or who lives in an allows to be created a living environment
30 that is injurious to the juvenile's welfare; welfare.

31 e. ~~or Has participated or attempted to participate in the unlawful transfer~~
32 of custody of whom has been unlawfully transferred the juvenile under
33 G.S. 14-321.2; G.S. 14-321.2.

34 f. ~~or who has been~~ Has placed the juvenile for care or adoption in
35 violation of law.



1 In determining whether a juvenile is a neglected juvenile, it is relevant whether
 2 that juvenile lives in a home where another juvenile has died as a result of
 3 suspected abuse or neglect or lives in a home where another juvenile has been
 4 subjected to abuse or neglect by an adult who regularly lives in the home.

5 ...

6 (18a) Relative. – An individual directly related to the juvenile by blood, marriage,
 7 or adoption, including, but not limited to, a grandparent, sibling, aunt, or
 8 uncle.

9 ~~(18a)~~(18b) Responsible individual. – A parent, guardian, custodian, caretaker, or
 10 individual responsible for subjecting a juvenile to human trafficking under
 11 G.S. 14-43.11, 14-43.12, or 14-43.13, who abuses or seriously neglects a
 12 juvenile.

13 ~~(18b)~~(18c) Return home or reunification. – Placement of the juvenile in the home of
 14 either parent or placement of the juvenile in the home of a guardian or
 15 custodian from whose home the child was removed by court order.

16"

17 **SECTION 1.(b)** G.S. 7B-1001(a)(5) reads as rewritten:

18 "(5) An order under G.S. 7B-906.2(b) eliminating reunification, as defined by
 19 ~~G.S. 7B-101(18b)~~, G.S. 7B-101(18c), as a permanent plan by either of the
 20 following:

21 a. A parent who is a party and:

- 22 1. Has preserved the right to appeal the order in writing within 30
- 23 days after entry and service of the order.
- 24 2. A termination of parental rights petition or motion has not been
- 25 filed within 65 days of entry and service of the order.
- 26 3. A notice of appeal of the order eliminating reunification is filed
- 27 within 30 days after the expiration of the 65 days.

28 b. A party who is a guardian or custodian with whom reunification is not
 29 a permanent plan."

30 **SECTION 1.(c)** G.S. 7B-302 reads as rewritten:

31 "**§ 7B-302. Assessment by director; military affiliation; access to confidential information;**
 32 **notification of person making the report.**

33 ...

34 (a3) Except where prohibited by federal law and notwithstanding other applicable State
 35 law, any of the following may request access to confidential information and records maintained
 36 pursuant to this Article by the Department or a county department of social services:

37 (1) An individual member of the North Carolina General Assembly.

38 (2) A joint legislative oversight committee of the North Carolina General
 39 Assembly.

40 A request made pursuant to this subsection shall be made to the Department or to the director
 41 of a county department of social services. The request shall be limited to purposes necessary for
 42 oversight of programs related to child protective services. Upon receiving a request pursuant to
 43 this subsection, the Department shall coordinate with the county department of social services to
 44 obtain all necessary information or records responsive to the request. A county department of
 45 social services shall provide the Department with all information and records, or copies of
 46 records, as requested. The Department shall share the confidential information and make the
 47 records concerning the child protective services case available to the requesting member or
 48 committee for review. If the request is made to the director of a county department of social
 49 services, the Department shall assist the director of the county department of social services in
 50 fulfilling the request and providing all necessary information or records in accordance with this
 51 subsection.

1 The confidential information or records shared pursuant to this subsection shall be the
2 minimum necessary to satisfy the request. A member of the North Carolina General Assembly
3 or joint legislative oversight committee shall not retain or receive copies of any part of the
4 information and records or take photographs or create electronic images of any information and
5 records reviewed pursuant to a request under this subsection. All information and records shared
6 pursuant to this subsection shall be withheld from public inspection and maintained in a
7 confidential manner. The following information shall remain confidential and shall not be shared
8 or disclosed in response to a request for information and records made pursuant to this subsection:

9 (1) The identity of a reporter.

10 (2) Juvenile court records as set forth in Article 29 of Subchapter III of this
11 Chapter.

12 (a4) Any violation of subsection (a3) of this section shall be punishable as a Class 1
13 misdemeanor.

14 "

15 **SECTION 1.(d)** G.S. 7B-505(b) reads as rewritten:

16 "(b) The court shall order the department of social services to make diligent efforts to
17 notify relatives and other persons with legal custody of a sibling of the juvenile that the juvenile
18 is in nonsecure custody and of any hearings scheduled to occur pursuant to G.S. 7B-506, unless
19 the court finds the notification would be contrary to the best interests of the juvenile. The
20 department of social services shall use due diligence to identify and notify adult relatives and
21 other persons with legal custody of a sibling of the juvenile within 30 days after the initial order
22 removing custody. The department shall file with the court information regarding attempts made
23 to identify and notify adult relatives of the juvenile and persons with legal custody of a sibling
24 of the juvenile. In placing a juvenile in nonsecure custody under this section, the court shall first
25 consider whether a relative of the juvenile is willing and able to provide proper care and
26 supervision of the juvenile in a safe home. If the court finds that the relative is willing and able
27 to provide proper care and supervision in a safe home, then the court shall order placement of the
28 juvenile with the relative unless the court finds that placement with the relative would be contrary
29 to the best interests of the juvenile."

30 **SECTION 1.(e)** G.S. 7B-903 is amended by adding a new subsection to read:

31 "(a4) If the court does not place the juvenile with a relative, the court may consider whether
32 nonrelative kin or other persons with legal custody of a sibling of the juvenile are willing and
33 able to provide proper care and supervision of the juvenile in a safe home. The court may order
34 the department to notify the juvenile's State-recognized tribe of the need for nonsecure custody
35 for the purpose of locating relatives or nonrelative kin for placement. The court may order
36 placement of the juvenile with nonrelative kin if the court finds the placement is in the juvenile's
37 best interests."

38 **SECTION 1.(f)** G.S. 7B-903.1(c) reads as rewritten:

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

1 observation visits that it conducts to the court for its consideration as to whether unsupervised
2 visits or physical custody should be returned-granted to the parent, guardian, custodian, or
3 caretaker from whom the juvenile was removed."

4 **SECTION 1.(g)** G.S. 7B-905.1 is amended by adding a new subsection to read:

5 "(b1) When visitation, whether supervised or unsupervised, is ordered between a juvenile
6 who is placed in or continued in the custody or placement responsibility of a county department
7 of social services and a parent, a parent's positive result from a drug screen alone is insufficient
8 to deny the parent court-ordered visitation with the juvenile. For parents with unsupervised
9 visitation that have a positive result from a drug screen, the department of social services shall
10 expeditiously file a motion for review and request that a hearing be scheduled within 30 days for
11 the court to review the visitation plan to ensure the safety of the child. While the motion is
12 pending, the director may temporarily impose supervision requirements to all or part of the
13 visitation plan. The director shall promptly communicate the limited and temporary change in
14 the visitation plan to the affected party. Nothing in this subsection prevents a visit from being
15 cancelled if, at the time that visitation between the parent and the juvenile occurs, a parent is
16 under the influence of drugs or alcohol and exhibits behavior that may create an unsafe
17 environment for a child, or the parent appears to be actively impaired."

18 **SECTION 1.(h)** G.S. 7B-906.1 reads as rewritten:

19 **"§ 7B-906.1. Review and permanency planning hearings.**

20 (a) The court shall conduct a review or permanency planning hearing within 90 days from
21 the date of the initial dispositional hearing held pursuant to G.S. 7B-901. Review or permanency
22 planning hearings shall be held at least every six months thereafter. ~~Within 12 months of the date~~
23 ~~of the initial order removing custody, there shall be a review~~ If custody has not been removed
24 from a parent, guardian, caretaker, or custodian, the hearing shall be designated as a permanency
25 planning-review hearing. Review hearings after the initial permanency planning If custody has
26 been removed from a parent, guardian, or custodian, the hearing shall be designated as
27 permanency planning hearings. Permanency planning hearings shall be held at least every six
28 months thereafter or earlier as set by the court to review the progress made in finalizing the
29 permanent plan for the juvenile, or if necessary, to make a new permanent plan for the
30 juvenile hearing.

31 ...

32 (c) At each hearing, the court shall consider information from the parents, the juvenile,
33 the guardian, any person providing care for the juvenile, the custodian or agency with custody,
34 the guardian ad litem, and any other person or agency that will aid in the court's review. The
35 court shall provide any person providing care for the juvenile the opportunity to address the court
36 regarding the juvenile's well-being. The court may consider any evidence, including hearsay
37 evidence as defined in G.S. 8C-1, Rule 801, or testimony or evidence from any person that is not
38 a party, that the court finds to be relevant, reliable, and necessary to determine the needs of the
39 juvenile and the most appropriate disposition.

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

42 (1) Services which have been offered to prevent the removal or reunite the
43 juvenile with either parent whether or not the juvenile resided with the parent
44 at the time of removal or the guardian or custodian from whom the child was
45 removed.

46 (1a) Reports on the juvenile's continuation in the home of the parent, guardian, or
47 custodian; the appropriateness of the juvenile's continuation in that home; and
48 the goals of the family services plan. If the juvenile is removed from the
49 custody of a parent, guardian, or custodian at a review hearing, the court shall
50 schedule a permanency planning hearing within 30 days of the review hearing.

51 ...

1 ~~(6) When and if termination of parental rights should be considered.~~

2 ...

3 (d1) At any review hearing, an order that removes the juvenile from a parent, guardian, or
4 custodian shall only be made when the court makes a written finding of any of the following:

5 (1) At least one factor set forth in G.S. 7B-503(a)(1) through (4), and the juvenile
6 has experienced or is at substantial risk of experiencing physical or emotional
7 harm as a result.

8 (2) Since the completion of the initial disposition hearing in accordance with
9 G.S. 7B-901, at least one factor specified in G.S. 7B-901(c) has occurred and
10 the juvenile has experienced or is at substantial risk of experiencing physical
11 or emotional harm as a result.

12 (3) The parent, guardian, custodian, or caretaker consents to the order of removal.

13 (d2) Review hearings have the purpose of reviewing the progress of the parent, guardian,
14 or custodian with their court-ordered services. The parent, guardian, or custodian shall complete
15 court-ordered services within 12 months from the date of the filing of the petition, demonstrate
16 that the circumstances precipitating the Department's involvement with the family have been
17 resolved to the satisfaction of the court, and provide a safe home for the juvenile. Absent
18 extraordinary circumstances, when the parent, guardian, or custodian has successfully completed
19 the court-ordered services and the juvenile is residing in a safe home, the court shall terminate
20 its jurisdiction in accordance with this subsection or G.S. 7B-911.

21 (e) At any permanency planning hearing where the juvenile is not placed with a parent,
22 the court shall additionally consider the following criteria and make written findings regarding
23 those that are relevant:

24 ...

25 (3) Where the juvenile's placement with a parent is unlikely within six months,
26 whether adoption should be pursued and, if so, any barriers to the juvenile's
27 ~~adoption~~-adoption, including when and if termination of parental rights should
28 be considered.

29 ...

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

35 (k1) The court shall not waive or refuse to conduct a review hearing if a party files a motion
36 seeking the review hearing.

37 ...

38 (n) Notwithstanding other provisions of this Article, the court may waive the holding of
39 hearings required by this section, may require written reports to the court by the agency or person
40 holding custody in lieu of ~~review~~-permanency planning hearings, or order that ~~review~~
41 permanency planning hearings be held less often than every six months if the court finds by clear,
42 cogent, and convincing evidence each of the following:

43 ...

44 (3) Neither the juvenile's best interests nor the rights of any party require that
45 ~~review~~-permanency planning hearings be held every six months.

46 ...

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

1"

2 **SECTION 1.(i)** G.S. 131D-10.6A(a) reads as rewritten:

3 "(a) The Division of Social Services, Department of Health and Human Services, shall
4 require a minimum of 30 hours of preservice training for foster care parents either prior to
5 licensure or within six months from the date a provisional license is issued pursuant to
6 G.S.131D-10.3, and a mandated minimum of 10 hours of continuing education for all foster care
7 parents annually after the year in which a license is obtained. As part of licensure, the training
8 shall include a module that is created and made available by the Department that explains, at a
9 minimum, the roles and obligations of a foster parent in judicial proceedings conducted under
10 Subchapter I of Chapter 7B of the General Statutes."

11 **SECTION 1.(j)** G.S. 7B-905(b) is repealed.

12 **SECTION 1.(k)** G.S. 7B-906.2(b) reads as rewritten:

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

24 **SECTION 1.(l)** G.S. 7B-1103(a) reads as rewritten:

25 "(a) A petition or motion to terminate the parental rights of either or both parents to his,
26 her, or their minor juvenile may only be filed by one or more of the following:

27 ...

28 (5) Any person with whom the juvenile has resided for a continuous period of ~~two~~
29 years-18 months or more next preceding the filing of the petition or motion.

30"

31 **SECTION 1.(m)** This section becomes effective October 1, 2021, and applies to
32 actions filed or pending on or after that date.

33 **PART II. HUMAN TRAFFICKING NOTICE TO NONCARETAKER CLARIFICATION**

34 **SECTION 2.(a)** G.S. 7B-320 reads as rewritten:

35 **"§ 7B-320. Notification to individual determined to be a responsible individual.**

36 (a) After the completion of an investigative assessment response that results in a
37 determination of abuse or serious neglect and the identification of a responsible individual, the
38 director shall personally deliver written notice of the determination to the identified individual in
39 an expeditious manner.

40 (a1) If the director determines that the juvenile is the victim of human trafficking by an
41 individual other than the juvenile's parent, guardian, custodian, or caretaker, the director shall
42 cooperate with the local law enforcement agency and district attorney to determine the safest
43 way, if possible, to provide notification to the identified responsible individual. If the director
44 does not provide notification in accordance with this subsection, the director shall document the
45 reason and basis for not providing the notification.

46 The director shall not provide notification to the responsible individual or proceed further
47 under this Article if notification is likely to cause any of the following to occur:

48 (1) Cause mental or physical harm or danger to the juvenile.

49 (2) Undermine an ongoing or future criminal investigation.

50 (3) Jeopardize the State's ability to prosecute the identified responsible individual.

...."

SECTION 2.(b) This section becomes effective October 1, 2021.

PART III. IMPLEMENTATION OF STATEWIDE CPS HOTLINE

SECTION 3.(a) The Department of Health and Human Services shall develop an operational plan to create and implement a statewide child protective services (CPS) hotline. The Department shall establish a planning and evaluation team consisting of three child welfare staff representing at least three county departments of social services that will provide input on the plan. The plan shall include, at a minimum, all of the following:

- (1) A fiscal analysis on the creation and implementation of a statewide CPS hotline.
- (2) Quantify the total upfront, one-time costs to implement the statewide CPS hotline, including any State or county savings that would be incurred through the full implementation of and transition to a statewide CPS hotline.
- (3) Recommendations on the operational needs for the statewide CPS hotline, including adequate staffing levels to ensure a responsive and timely system.
- (4) Evaluation of whether a county may opt out of the statewide CPS hotline.
- (5) Recommendations of defined measures, goals, and service level agreements to evaluate the performance of the hotline.
- (6) A time line for implementation of the statewide CPS hotline that is aligned and coordinated with the Department of Health and Human Services, Division of Social Services, and local county departments of social services, including the implementation of intake and assessment technology as a precondition to the operation of a statewide CPS hotline.
- (7) An assessment of the feasibility of an integrated statewide CPS hotline for both child protective services and adult protective services.

SECTION 3.(b) The Department shall submit the operational plan to the Joint Legislative Oversight Committee on Health and Human Services no later than September 1, 2022.

PART IV. DEVELOP A PLAN TO INCREASE APPROPRIATE TREATMENT AND RESIDENTIAL SETTINGS

SECTION 4.(a) The Department of Health and Human Services shall develop a plan to increase the supply of appropriate treatment and residential settings for minors in need of behavioral and mental health services. The Department shall work in consultation with representatives from the local management entities/managed care organizations (LME/MCOs), the county departments of social services, the Division of Juvenile Justice, the North Carolina Healthcare Association, and other key stakeholders to resolve the barriers to clinical care and identify a process to quickly place children into appropriate treatment and residential settings. The plan shall address minors that are in the custody of a county department of social services and minors who are not, and include, at a minimum, all of the following:

- (1) A description of the need and current adequacy of available resources across North Carolina.
- (2) Specific and measurable action steps for increasing the supply of appropriate and least restrictive services and settings.
- (3) A time line for increasing the supply of appropriate and least restrictive services and settings.
- (4) The estimated costs and staffing to fully implement the plan.

SECTION 4.(b) The Department shall submit the plan to the Joint Legislative Oversight Committee on Health and Human Services no later than October 1, 2021.

SECTION 4.(c) This section is effective when it becomes law.

1
2 **PART V. PROVIDE SAFE AND APPROPRIATE PLACEMENT FOR CHILDREN IN**
3 **NEED OF BEHAVIORAL AND MENTAL HEALTH SERVICES**

4 **SECTION 5.(a)** Article 9 of Chapter 7B of the General Statutes is amended by
5 adding a new section to read:

6 **"§ 7B-903.2. Presentation at a hospital for mental health treatment.**

7 (a) If a juvenile in the custody of a department of social services presents to a hospital
8 emergency department for mental health treatment, the director of the county department of
9 social services (the director) shall contact the appropriate local management entity/managed care
10 organization (LME/MCO). If a determination is made that the juvenile should not remain at the
11 hospital and no appropriate placement is immediately available, the director of the county
12 department of social services should contact the LME/MCO within 24 hours of the admission to
13 request an assessment.

14 (b) The LME/MCO must provide the care coordination and quality management required
15 by G.S. 122C-115.4(b)(5), and arrange for an assessment by the child's clinical provider, a
16 provider with the hospital, or other qualified licensed clinician, within five business days
17 following notification from the director.

18 (c) Based on the findings and recommendations of the assessment, one of the following
19 must occur:

20 (1) If the comprehensive clinical assessment recommends a traditional foster
21 home or a Level I group home, the director shall identify and provide the
22 placement within five business days.

23 (2) If the assessment recommends a level of care which requires prior
24 authorization by the LME/MCO, the LME/MCO shall (i) authorize the level
25 of care and identify appropriate providers within five business days and (ii)
26 assign a care coordinator for the duration that the LME/MCO provides
27 services to the juvenile. The director shall place the juvenile within five
28 business days once an appropriate level of care has been authorized and
29 providers identified.

30 The county department of social services (DSS) is responsible for transporting the juvenile
31 placed pursuant to this subsection within five business days.

32 (d) The hospital and the LME/MCO shall provide DSS access to the juvenile during the
33 juvenile's hospital stay. DSS shall provide ongoing case management, virtually or in person, to
34 address the juvenile's educational and social needs during the hospital stay.

35 (e) If, on completion of the assessment, the director or LME/MCO is unable to identify
36 an appropriate available placement or provider for the juvenile, or if the recommended level of
37 care differs from the authorized level of care, the director shall immediately notify the
38 Department of Health and Human Services' Rapid Response Team. Pursuant to 7B-302(a1)(1),
39 the director is required to disclose confidential information to a State or local government entity
40 in order to protect a juvenile from abuse or neglect. All confidential information disclosed to the
41 Rapid Response Team shall remain confidential and only be redisclosed as authorized by State
42 or federal law. This confidential information is not a public record. Notification to the Rapid
43 Response Team does not relieve the director, LME/MCO, or any other entity from the
44 responsibility to provide care for the juvenile.

45 (f) The Rapid Response Team shall be comprised of representatives from the Division
46 of Social Services; the Division of Mental Health, Developmental Disabilities, and Substance
47 Abuse Services; and the Division of Health Benefits. On receipt of a notification from a director,
48 the Rapid Response Team shall evaluate the information provided and coordinate a response to
49 address the immediate needs of the juvenile. The response may include any of the following:

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

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

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

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

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

5 (g) As used in this section, "assessment" means a comprehensive clinical assessment, a
6 psychiatric evaluation, or a substantially similar assessment."

7 **SECTION 5.(b)** Article 9 of Chapter 7B of the General Statutes is amended by
8 adding a new section to read:

9 "**§ 7B-903.3. Emergency motion for placement and payment.**

10 (a) A motion may be filed for a hearing by the court if a juvenile in the custody of a
11 department of social services is admitted to a hospital emergency department for mental health
12 treatment if any of the provisions of G.S. 7B-903.2 subsection (a) through subsection (e) are not
13 met.

14 (b) Any party to the juvenile case, the Department of Health and Human Services, the
15 hospital where the juvenile is currently admitted, or the LME/MCO may make a limited
16 appearance for the sole purpose of filing a motion pursuant to this section in the district court in
17 the county with jurisdiction over the juvenile in the abuse, neglect, and dependency matter,
18 regarding the juvenile's continued stay in an emergency department, or subsequent admission to
19 a hospital.

20 (c) The petitioner shall bear the burden at every stage of the proceedings to provide clear
21 and convincing evidence that the provisions of G.S. 7B-903.2 were not met. The motion shall
22 specifically describe the provisions of G.S. 7B-903.2 which were allegedly not satisfied.

23 (d) The motion shall be served on all parties to the juvenile proceeding pursuant to
24 G.S. 1A-1, Rule 5. The motion shall also be served upon the hospital where the juvenile is
25 receiving services, the LME/MCO for the juvenile, and the Department of Health and Human
26 Services.

27 (e) The motion shall be heard within five business days of the filing of the motion. The
28 court may consider any evidence, including hearsay evidence as defined in G.S. 8C-1, Rule 801,
29 including testimony or evidence from any person who is not a party, that the court finds to be
30 relevant, reliable, and necessary to determine the needs of the juvenile and the most appropriate
31 disposition. The parties have the right to present evidence, and each party may advise the court
32 concerning the disposition they believe to be in the best interests of the juvenile. The hearing
33 shall be conducted in accordance with G.S. 7B-801.

34 (f) At the hearing, the court shall make written findings of fact. The court shall determine
35 if the movant established that a responsible party failed to satisfy the requirements provided in
36 subsections (a) through (e) of G.S. 7B-903.2. The court shall also determine whether or not there
37 was evidence presented that there was no medical reason for the juvenile to remain in the hospital.

38 (g) The court may order any of the following:

39 (1) The party responsible, to act in accordance with G.S. 7B-903.2.

40 (2) The juvenile be placed in accordance with the recommendations of the
41 assessment, if completed.

42 (3) An assessment for the juvenile be completed within five business days, and
43 the juvenile be placed in accordance with the recommendations of that
44 assessment.

45 (4) Any relief the court finds appropriate.

46 (h) The order shall be reduced to writing, signed, and entered no later than 48 hours
47 following the completion of the hearing. The clerk of court for juvenile matters shall schedule a
48 subsequent hearing for review within 30 calendar days of the order.

49 (i) If at any time after the motion is filed, the juvenile is no longer staying at the hospital,
50 the motion shall be dismissed and any related hearing shall be removed from the calendar.

1 (j) As used in this section, "assessment" means a comprehensive clinical assessment, a
2 psychiatric evaluation, or a substantially similar assessment."

3 **SECTION 5.(c)** Subsection (b) of this section becomes effective on January 1, 2022.
4 The remainder of this section is effective when it becomes law.

5
6 **PART VI. EFFECTIVE DATE**

7 **SECTION 6.** Except as otherwise provided, this act is effective when it becomes
8 law.