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**SENATE DRS35185-MG-79 (03/08)**

**Short Title:** Amend Child Welfare & Public Health Laws. **(Public)**

(Public)

Sponsors: Senator Hise (Primary Sponsor).

Referred to:

The General Assembly of North Carolina enacts:

## **PART I. CHANGES TO LAWS PERTAINING TO CHILD ABUSE, NEGLECT, AND DEPENDENCY**

**SECTION 1.** G.S. 7B-507 reads as rewritten:

## **"§ 7B-507. Reasonable efforts.**

(a) An order placing or continuing the placement of a juvenile in the custody or placement responsibility of a county department of social services, whether an order for continued nonsecure custody, a dispositional order, or a review order:

- (1) Shall contain a finding that the juvenile's continuation in or return to the juvenile's own home would be contrary to the juvenile's best interest;
  - (2) Shall contain specific findings as to whether a county department of social services has either made reasonable efforts to prevent the need for placement or eliminate eliminated the need for placement of the juvenile, unless the court has previously determined under subsection (b) of this section that such efforts are not required or shall cease;
  - (3) Shall contain findings as to whether a county department of social services should continue to make reasonable efforts to prevent or eliminate the need for placement of the juvenile, unless the court has previously determined or determines under subsection (b) of this section that such efforts are not required or shall cease;
  - (4) Shall specify that the juvenile's placement and care are the responsibility of the county department of social services and that the department is to provide or arrange for the foster care or other placement of the juvenile. After considering the department's recommendations, the court may order a specific placement the court finds to be in the juvenile's best interest; and
  - (5) May provide for services or other efforts aimed at returning the juvenile to a safe home or at achieving another permanent plan for the juvenile.

A finding that reasonable efforts have not been made by a county department of social services shall not preclude the entry of an order authorizing the juvenile's placement when the court finds that placement is necessary for the protection of the juvenile. Where efforts to prevent the need for the juvenile's placement were precluded by an immediate threat of harm to the



1 juvenile, the court may find that the placement of the juvenile in the absence of such efforts  
2 was reasonable.

3 (b) In any order placing a juvenile in the custody or placement responsibility of a  
4 county department of social services, whether an order for continued nonsecure custody, a  
5 dispositional order, or a review order, the court may direct that reasonable efforts to eliminate  
6 the need for placement of the juvenile shall not be required or shall cease if the court makes  
7 written findings of fact that:

- 8 (1) Such efforts clearly would be futile or would be inconsistent with the  
9 juvenile's health, safety, and need for a safe, permanent home within a  
10 reasonable period of time;
- 11 (2) A court of competent jurisdiction has determined that the parent has  
12 subjected the child to aggravated circumstances as defined in G.S. 7B-101;
- 13 (3) A court of competent jurisdiction has terminated involuntarily the parental  
14 rights of the parent to another child of the parent; or
- 15 (4) A court of competent jurisdiction has determined that: the parent has  
16 committed murder or voluntary manslaughter of another child of the parent;  
17 has aided, abetted, attempted, conspired, or solicited to commit murder or  
18 voluntary manslaughter of the child or another child of the parent; ~~or~~ has  
19 committed a felony assault resulting in serious bodily injury to the child or  
20 another child of the parent; ~~has committed sexual abuse against the~~  
21 ~~child or another child of the parent; or has been required to register as a sex~~  
22 ~~offender on any government-administered registry.~~

23 (c) When the court determines that reunification efforts are not required or shall cease,  
24 the court shall order a plan for permanence as soon as possible, after providing each party with  
25 a reasonable opportunity to prepare and present evidence. If the court's determination to cease  
26 reunification efforts is made in a hearing that was duly and timely noticed as a permanency  
27 planning hearing, then the court may immediately proceed to consider all of the criteria  
28 contained in G.S. 7B-907(b), make findings of fact, and set forth the best plan of care to  
29 achieve a safe, permanent home within a reasonable period of time. If the court's decision to  
30 cease reunification efforts arises in any other hearing, the court shall schedule a subsequent  
31 hearing within 30 days to address the permanent plan in accordance with G.S. 7B-907. At any  
32 hearing at which the court orders that reunification efforts shall cease, the affected parent,  
33 guardian, or custodian may give notice to preserve the right to appeal that order in accordance  
34 with G.S. 7B-1001. The party giving notice shall be permitted to make a detailed offer of proof  
35 as to any evidence that party sought to offer in opposition to cessation of reunification that the  
36 court refused to admit.

37 (d) In determining reasonable efforts to be made with respect to a juvenile and in  
38 making such reasonable efforts, the juvenile's health and safety shall be the paramount concern.  
39 Reasonable efforts to preserve or reunify families may be made concurrently with efforts to  
40 plan for the juvenile's adoption, to place the juvenile with a legal guardian, or to place the  
41 juvenile in another permanent arrangement."

42 **SECTION 2.** G.S. 7B-909 reads as rewritten:

43 **"§ 7B-909. Review of agency's plan for placement."**

44 (a) The director of social services or the director of the licensed private child-placing  
45 agency shall promptly notify the clerk to calendar the case for review of the department's or  
46 agency's plan for the juvenile at a session of court scheduled for the hearing of juvenile ~~matters~~  
47 ~~in any case where:~~~~matters~~. The review shall be held within six months of accepting a  
48 relinquishment of a juvenile for adoption under the provisions of Part 7 of Article 3 of Chapter  
49 48 of the General Statutes unless the juvenile has become the subject of a decree of adoption.

- 50 (1) One parent has surrendered a juvenile for adoption under the provisions of  
51 Part 7 of Article 3 of Chapter 48 of the General Statutes and the termination

1                   of parental rights proceedings have not been instituted against the  
2                   **nonsurrendering parent within six months of the surrender by the other**  
3                   **parent, or**

4                   (2) Both parents have surrendered a juvenile for adoption under the provisions  
5                   of Part 7 of Article 3 of Chapter 48 of the General Statutes and that juvenile  
6                   has not been placed for adoption within six months from the date of the more  
7                   recent parental surrender.

8                   (b) Repealed by 2007-276, s. 6, effective October 1, 2007.

9                   (c) Notification of the court under this section shall be by a petition for review. **The**  
10                  **petition shall set forth the circumstances necessitating the review under subsection (a) of this**  
11                  **section.** The review shall be conducted within 30 days following the filing of the petition for  
12                  review unless the court shall otherwise direct. The court shall conduct reviews every six  
13                  months until the juvenile is the subject of a decree of adoption. The initial review and all  
14                  subsequent reviews shall be conducted pursuant to G.S. 7B-908. Any individual whose parental  
15                  rights have been terminated shall not be considered a party to the review unless an appeal of the  
16                  order terminating parental rights is pending, and a court has stayed the order pending the  
17                  appeal."

## 19                  PART II. CHANGES TO LAWS PERTAINING TO PUBLIC HEALTH

### 20                  SECTION 3. G.S. 130A-22(b3) reads as rewritten:

21                  "(b3) The Secretary may impose an administrative penalty on a person who violates  
22                  Article 19A or 19B of this Chapter or any rules adopted pursuant to Article 19A or 19B of this  
23                  Chapter. Each day of a continuing violation is a separate violation. The penalty shall not exceed  
24                  **one-five thousand dollars (\$1,000)(\$5,000)** for each day the violation continues for Article 19A  
25                  of this Chapter. The penalty shall not exceed **seven hundred fiftyfive thousand** dollars  
26                  **(\$750.00)(\$5,000)** for each day the violation continues for Article 19B of this Chapter. The  
27                  penalty authorized by this section does not apply to a person who is not required to be certified  
28                  under Article 19A or 19B."

### 29                  SECTION 4. G.S. 130A-101(a) reads as rewritten:

30                  "(a) A certificate of birth for each live birth, regardless of the gestation period, which  
31                  occurs in this State shall be filed with the local registrar of the county in which the birth occurs  
32                  within **40-five** days after the birth and shall be registered by the registrar if it has been  
33                  completed and filed in accordance with this Article and the rules."

### 34                  SECTION 5. G.S. 130A-209(a) reads as rewritten:

#### 35                  **§ 130A-209. Incidence reporting of cancer; charge for collection if failure to report.**

36                  (a) **All** **By no later than October 1, 2014, all** health care facilities and health care  
37                  providers that detect, diagnose, or treat cancer or benign brain or central nervous system tumors  
38                  shall **submit by electronic transmission** a report to the central cancer registry each diagnosis of  
39                  cancer or benign brain or central nervous system tumors in any person who is screened,  
40                  diagnosed, or treated by the facility or provider. **The electronic transmission of these reports**  
41                  **shall be in a format prescribed by the United States Department of Health and Human Services,**  
42                  **Centers for Disease Control and Prevention, National Program of Cancer Registries.** The  
43                  reports shall be made within six months **of** **after** diagnosis. Diagnostic, demographic and other  
44                  information as prescribed by the rules of the Commission shall be included in the report."

## 45                  PART III. EFFECTIVE DATE

46                  SECTION 6. This act becomes effective October 1, 2013.