

NORTH CAROLINA GENERAL ASSEMBLY
1969 SESSION

CHAPTER 911
HOUSE BILL 627

1 AN ACT TO REVISE AND CLARIFY THE JURISDICTION AND PROCEDURES
2 APPLICABLE TO CHILDREN IN THE DISTRICT COURT.

3
4 The General Assembly of North Carolina do enact:

5
6 Section 1. Except for G.S. 110-25.1 and G.S. 110-39, Article 2 of Chapter 110 of
7 the North Carolina General Statutes is rewritten to read as follows:

8 "ARTICLE 2.

9 Juvenile Services.

10 **G.S. 110-21. Probation.** The county director of social services shall be the chief juvenile
11 probation officer in each county, except that the chief counselor shall be the chief juvenile
12 probation officer in counties where family counselor services are established as provided in
13 G.S. 7A-134. The chief juvenile probation officer shall supervise the work of any persons who
14 provide juvenile probation services.

15 If there are no family counselor services available in a district, the judges exercising
16 juvenile jurisdiction and the directors of the county social services departments in the district
17 may agree in writing that all persons providing juvenile probation services in the district shall
18 be regular employees of the county social services departments in the district who are
19 administratively responsible to the county director of social services as chief juvenile probation
20 officer in each county. Such written agreement shall provide for uniform practices and
21 procedures in juvenile cases in the district. Upon election or appointment of a judge who was
22 not a party to the agreement, the parties may enter a new agreement as herein provided.

23 **G.S. 110-22. Probation conditions; revocation.** When the court places any child on
24 probation, the court order shall specify the conditions of probation and the period of time the
25 child shall remain on probation. The conditions of probation shall be designed by the court to
26 meet the needs of the child and may include any of the following or such other conditions of
27 probation as the court may order in the best interest of the child:

- 28 (1) That the child shall remain on good behavior and not violate any laws;
29 (2) That the child attend school regularly;
30 (3) That the child not associate with specified persons or be in specified places;
31 (4) That the child report to the probation officer as often as required by the
32 probation officer;
33 (5) That the child make specified financial restitution or pay a fine;
34 (6) That the child be employed regularly if not attending school.

35 The court may review the progress of any child on probation at any time during the period
36 of probation. The conditions of probation or the period of time on probation may be modified
37 as may be appropriate in a particular case, provided there is notice and a hearing as provided by
38 Article 23 of Chapter 7A. If a child violates the conditions of his probation, such child may be
39 required to appear before the court after notice, and the court may make any disposition of the
40 matter that it might have made when the child was placed on probation. At the end of a child's
41 period of probation, the child shall appear after notice for a hearing with the juvenile probation
42 officer so that the court may evaluate the child's need for continued supervision, and the judge
43 may terminate the probation, continue the child on probation under the same or modified

conditions for a specified term, or enter such other order as the court may find to be in the best interest of the child.

G.S. 110-23. Duties and powers of juvenile probation officers. All juvenile probation officers or family counselors providing services to judges hearing juvenile cases shall have the following powers and duties, as the court may require:

- (1) To secure or arrange for such information concerning a case as the court may require before, during or after the hearing;
- (2) To prepare written reports for the use of the court;
- (3) To appear and testify at court hearings;
- (4) To assume temporary custody of a child when so directed by court order;
- (5) To furnish each child on probation and his parents with a written statement of his conditions of probation, and to consult with the parents, guardian or custodian so that they may help the child comply with his probation;
- (6) To keep informed concerning the conduct and progress of any child on probation or under court supervision through home visits or conferences with the parents, guardian or custodian, and in other ways;
- (7) To see that the conditions of probation are complied with by the child, or to bring any child who violates his probation to the attention of the court;
- (8) To make periodic reports to the court concerning the adjustment of any child on probation or under court supervision;
- (9) To keep such records of his work as the court may require;
- (10) To account for all funds collected from children;
- (11) To have all the powers of a peace officer in the district;
- (12) To provide supervision for a child transferred to his supervision from another court or another state, and to provide supervision for any child released from an institution operated by the North Carolina Board of Juvenile Correction when requested by such Board to do so;
- (13) To have such other duties as the judge may direct.

G.S. 110-24. Detention homes. It shall be unlawful for any child coming within the provisions of Article 23 of Chapter 7A to be placed in any jail, prison or other penal institution where such child will come into contact with adults charged with or convicted of crimes, except as herein provided.

Children who are alleged or adjudicated to be delinquent or undisciplined and who require secure custody for the protection of the community or in the best interest of the child may be temporarily detained in a juvenile detention home, which shall be separate from any jail, lockup, prison or other adult penal institution. A juvenile detention home shall be located in a building designed to provide secure custody and shall have such personnel as may be necessary to provide for the supervision and safety of the children being detained. A detention home shall be operated as a family home according to the standards applicable to juvenile detention facilities adopted by the State Board of Social Services under G.S. 153-52 and under the supervision of the judges exercising juvenile jurisdiction in the district. Personnel employed in a detention home may be appointed by the unit of government which operates the program, except that such appointments shall be approved by the State Department of Social Services. The program of a detention home shall be designed as far as possible to provide wholesome activities in the best interest of the children placed therein.

If there is no detention home available, the judge may arrange for the care of a child requiring secure custody in a private home, a foster home or in any other available child-care facility. When the judge finds there is a pressing need that a child be held in secure custody and there is no juvenile detention home available to the judge, the judge may order the temporary detention of such child in any section of a local jail which is so arranged that the child cannot converse with, see or be seen by the adult population of the jail while being detained, provided

that the jailer or other personnel responsible for administration of the jail shall provide close supervision of any child so detained for the protection of the child."

Sec. 2. Article 23 of Chapter 7A of the North Carolina General Statutes (containing one section, G.S. 7A-277) is hereby rewritten to read as follows:

"ARTICLE 23.

Jurisdiction and Procedures Applicable to Children.

G.S. 7A-277. Purpose. The purpose of this article is to provide procedures and resources for children under the age of sixteen years which are different in purpose and philosophy from the procedures applicable to criminal cases involving adults. These procedures are intended to provide a simple judicial process for the exercise of juvenile jurisdiction by the district court in such manner as will assure the protection, treatment, rehabilitation or correction which is appropriate in relation to the needs of the child and the best interest of the State. Therefore, this article should be interpreted as remedial in its purposes to the end that any child subject to the procedures applicable to children in the district court will be benefitted through the exercise of the court's juvenile jurisdiction.

G.S. 7A-278. Definitions. The terms or phrases used in this article shall be defined as follows, unless the context or subject matter otherwise requires:

- (1) 'child' is any person who has not reached his sixteenth birthday.
- (2) 'delinquent child' includes any child who has committed any criminal offense under state law or under an ordinance of local government, including violations of the motor vehicle laws or a child who has violated the conditions of his probation under this article.
- (3) 'undisciplined child' includes any child who is unlawfully absent from school, or who is regularly disobedient to his parents or guardian or custodian and beyond their disciplinary control, or who is regularly found in places where it is unlawful for a child to be, or who has run away from home.
- (4) 'dependent child' is a child who is in need of placement, special care or treatment because such child has no parent, guardian or custodian to be responsible for his supervision or care, or whose parent, guardian or custodian is unable to provide for his supervision or care.
- (5) 'neglected child' is any child who does not receive proper care or supervision or discipline from his parent, guardian, custodian or other person acting as a parent, or who has been abandoned, or who is not provided necessary medical care or other remedial care recognized under state law, or who lives in an environment injurious to his welfare, or who has been placed for care or adoption in violation of law.
- (6) 'custodian' is a person or agency that has been awarded legal custody of a child by a court, or a person other than parents or legal guardian who stands in loco parentis to a child.
- (7) 'court' means the district court division of the General Court of Justice, except as otherwise specified.

G.S. 7A-279. Juvenile jurisdiction. The court shall have exclusive, original jurisdiction over any case involving a child who resides in or is found in the district and who is alleged to be delinquent, undisciplined, dependent or neglected, or who comes within the provisions of the Interstate Compact on Juveniles, except as otherwise provided. This jurisdiction shall be exercised solely by the district judge.

G.S. 7A-280. Felony cases. If a child who has reached his fourteenth birthday is alleged to have committed an offense which constitutes a felony, the judge shall conduct a preliminary hearing to determine probable cause after notice to the parties as provided by this article. Such

1 hearing shall provide due process of law and fair treatment to the child, including the right to
2 counsel, privately retained or at state expense if indigent.

3 If the judge finds probable cause, he may proceed to hear the case under the procedures
4 established by this article, or if the judge finds that the needs of the child or the best interest of
5 the State will be served, the judge may transfer the case to the superior court division for trial
6 as in the case of adults. The child's attorney shall have a right to examine any court or probation
7 records considered by the court in exercising its discretion to transfer the case, and the order of
8 transfer shall specify the reasons for transfer.

9 If the alleged felony constitutes a capital offense and the judge finds probable cause, the
10 judge shall transfer the case to the superior court division for trial as in the case of adults.

11 In case of transfer of any case to the superior court division under this section, the judge
12 may order that the child be detained in a juvenile detention home or separate section of a local
13 jail as provided by G.S. 110-24, pending trial in the superior court division.

14 **G.S. 7A-281. Petition.** Any person having knowledge or information that a case has arisen
15 which invokes the juvenile jurisdiction established by this article may file a verified petition
16 with the clerk of superior court. The petition shall contain the name, age and address of the
17 child, the name and last-known address of his parents or guardian or custodian, and shall allege
18 the facts which invoke the juvenile jurisdiction of the court.

19 After a petition is filed, any judge exercising juvenile jurisdiction may arrange for
20 evaluation of juvenile cases through the county director of social services or the chief family
21 counselor or such other personnel as may be available to the court. The purpose of this
22 procedure is to use available community resources for the diagnosis or treatment or protection
23 of a child in cases where it is in the best interest of the child or the community to adjust the
24 matter without a formal hearing.

25 **G.S. 7A-282. Issuance of summons.** After a petition is filed and when directed by the court,
26 the clerk of superior court shall cause a summons to be issued directed to the parents or
27 guardian or custodian and to the child, requiring them to appear for a hearing at the time and
28 place stated in the summons.

29 **G.S. 7A-283. Service of summons and petition.** The summons and a copy of the petition
30 shall be served upon the parents or either of them or the guardian or custodian, and the child,
31 not less than five (5) days prior to the date scheduled for the hearing, provided that the time
32 provided herein may be waived in the discretion of the judge in the best interest of the child.
33 Service of the summons and petition shall be made personally by leaving a copy of the
34 summons and the petition with the person summoned. If personal service upon a parent is
35 attempted at his last-known address but such parent cannot be located, and there is no parent,
36 guardian or custodian available to appear with the child for the hearing, the court shall appoint
37 a guardian ad litem or a guardian of the person to appear with the child.

38 If the court finds it is impractical to obtain personal service upon the parents, guardian or
39 custodian, the judge may authorize service of summons and petition by mail or by publication,
40 provided that a guardian or custodian shall appear with the child for the hearing if neither
41 parent is present.

42 If the parent, guardian or custodian is personally served as herein provided and fails without
43 reasonable cause to appear and to bring the child, he may be proceeded against as for contempt
44 of court.

45 **G.S. 7A-284. Immediate custody of a child.** If it appears from a petition that a child is in
46 danger, or subject to such serious neglect as may endanger his health or morals, or that the best
47 interest of the child requires that the court assume immediate custody of the child prior to a
48 hearing on the merits of the case, the judge may enter an order directing an officer or other
49 authorized person to assume immediate custody of the child. Such an order shall constitute
50 authority to assume physical custody of the child and to take the child to such place or person
51 as is designated in the order. The court shall conduct a hearing on the merits at the earliest

1 practicable time within five (5) days after assuming custody, and if such a hearing is not held
2 within five (5) days, the child shall be released.

3 **G.S. 7A-285. Juvenile hearing.** Juvenile hearings shall be held in each county in the district at
4 such times and places as the chief district judge shall designate. The general public may be
5 excluded from any juvenile hearing in the discretion of the judge. Reporting of juvenile cases
6 shall be as provided by G.S. 7A-198 for reporting of civil trials.

7 The juvenile hearing shall be a simple judicial process designed to adjudicate the existence
8 or non-existence of any of the conditions defined by G.S. 7A-278 (2) through (5) which have
9 been alleged to exist, and to make an appropriate disposition to achieve the purposes of this
10 article. In the adjudication part of the hearing, the judge shall find the facts and shall protect the
11 rights of the child and his parents in order to assure due process of law, including the right to
12 written notice of the facts alleged in the petition, the right to counsel, the right to confront and
13 cross-examine witnesses, and the privilege against self-incrimination. In cases where the
14 petition alleges that a child is delinquent or undisciplined and where the child may be
15 committed to a state institution, the child shall have a right to assigned counsel as provided by
16 law in cases of indigency.

17 The court may continue any case from time to time to allow additional factual evidence,
18 social information or other information needed in the best interest of the child. If the court finds
19 that the conditions alleged do not exist, or that the child is not in need of the care, protection or
20 discipline of the State, the petition shall be dismissed.

21 At the conclusion of the adjudicatory part of the hearing, the court may proceed to the
22 disposition part of the hearing, or the court may continue the case for disposition after the
23 juvenile probation officer or family counselor or other personnel available to the court has
24 secured such social, medical, psychiatric, psychological or other information as may be needed
25 for the court to develop a disposition related to the needs of the child or in the best interest of
26 the State. The disposition part of the hearing may be informal, and the court may consider
27 written reports or other evidence concerning the needs of the child.

28 The child or his parents, guardian or custodian shall have an opportunity to present
29 evidence if they desire to do so, or they may advise the court concerning the disposition which
30 they believe to be in the best interest of the child.

31 In all cases, the court order shall be in writing and shall contain appropriate findings of fact
32 and conclusions of law.

33 **G.S. 7A-286. Disposition.** The judge shall select the disposition which provides for the
34 protection, treatment, rehabilitation or correction of the child after considering the factual
35 evidence, the needs of the child, and the available resources, as may be appropriate in each
36 case. In cases where the court finds a factual basis for an adjudication that a child is delinquent,
37 undisciplined, dependent or neglected, the court may find it is in the best interest of the child to
38 postpone adjudication or disposition of the case for a specified time or subject to certain
39 conditions.

40 In any case where the court adjudicates the child to be delinquent, undisciplined, dependent
41 or neglected, the jurisdiction of the court to modify any order of disposition made in the case
42 shall continue during the minority of the child or until terminated by order of the court, except
43 as otherwise provided herein, provided that any child subject to the juvenile jurisdiction of the
44 court shall be subject to prosecution in any court for any offense committed after his sixteenth
45 birthday.

46 The court shall have a duty to give each child subject to juvenile jurisdiction such attention
47 and supervision as will achieve the purposes of this article. Upon motion in the cause or
48 petition, and after notice as provided in this article, the court may conduct a review hearing to
49 determine whether the order of the court is in the best interest of the child, and the court may
50 modify or vacate the order in light of changes in circumstances or the needs of the child.

- 1 The following alternatives for disposition shall be available to any judge exercising juvenile
2 jurisdiction:
- 3 (1) The judge may dismiss the case, or continue the case in order to allow the
4 child, parents or others to take appropriate action.
- 5 (2) In the case of any child who needs more adequate care or supervision, or
6 who needs placement, the court may:
- 7 (a) Require that the child be supervised in his own home by the county
8 department of social services, juvenile probation officer, family
9 counselor or such other personnel as may be available to the court,
10 subject to such conditions applicable to the parents or the child as the
11 court may specify; or
- 12 (b) Place the child in the custody of a parent, relative, private agency
13 offering placement services, or some other suitable person; or
- 14 (c) Place the child in the custody of the county department of public
15 welfare in the county of his residence, or in the case of a child who
16 has legal residence outside the State, in the temporary custody of the
17 county department of social services in the county where the child is
18 found so that said agency may return the child to the responsible
19 authorities.
- 20 In any case where the court removes custody from a parent, the court may
21 order any parent who appears in court with such child to pay such support
22 for the child as may be reasonable under the circumstances, or after notice to
23 the parent as provided in this article, the court may hold a hearing and order
24 such parent to pay such support as may be reasonable under the
25 circumstances.
- 26 (3) In the case of any child who is alleged to be delinquent or undisciplined and
27 where the court finds it necessary that such child be detained in secure
28 custody for the protection of the community or in the best interest of the
29 child before or after a hearing on the merits of the case, the court may order
30 that such child be detained in a juvenile detention home as provided in G.S.
31 110-24, or if no juvenile detention home is available, in a separate section of
32 a local jail which meets the requirements of G.S. 110-24, provided the court
33 shall notify the parent, guardian or custodian of the child of such detention.
34 No child shall be held in any juvenile detention home or jail for more than
35 five (5) days without a hearing under the special procedures established by
36 this article. If the judge orders that the child continue in the detention home
37 or jail after such hearing, the court order shall be in writing with appropriate
38 findings of fact.
- 39 (4) In the case of any child who is delinquent or undisciplined, the court may:
- 40 (a) Place the child on probation for whatever period of time the court
41 may specify, and subject to such conditions of probation as the court
42 finds are related to the needs of the child and which the court shall
43 specify, under the supervision of the juvenile probation officer or
44 family counselor; or
- 45 (b) Continue the case in order to allow the family an opportunity to meet
46 the needs of the child through more adequate supervision, or
47 placement in a private or specialized school, or placement with a
48 relative, or through some other plan approved by the court; or if the
49 child is delinquent, the court may
- 50 (c) Commit the child to the care of the North Carolina Board of Juvenile
51 Correction to be assigned to whatever facility operated by such

Board as the Board or its administrative personnel may find to be in the best interest of the child. Said commitment shall be for an indefinite term, not to extend beyond the eighteenth (18th) birthday of the child, as the Board or its administrative personnel may find to be in the best interest of the child, provided that if a child is engaged in a vocational training program when he becomes eighteen (18) years of age, the Board may extend the indefinite term of such child beyond the eighteenth (18th) birthday until the vocational training program is completed. The Board or its administrative personnel shall have final authority to determine when any child who has been admitted to any facility operated by the Board has sufficiently benefitted from the program as to be ready for release. At the end of any term, the Board shall notify the court that the child is ready for release and shall plan for the return of the child to the community in cooperation with the juvenile probation officer or the family counselor or such other appropriate personnel as may be available. If the Board finds that any child committed to its care is not suitable for the program of any facility operated by the Board, or that further court action is needed to protect the best interest of a child at the end of his term, the Board shall make a motion in the cause so that the court may enter an appropriate order.

(5) In any case, the court may order that the child be examined by a physician, psychiatrist, psychologist or other professional person as may be needed for the court to determine the needs of the child. If the court finds the child to be in need of medical, surgical, psychiatric, psychological or other treatment, the court may allow the parents or other responsible persons to arrange for such care. If the parents decline or are unable to make such arrangements, the court may order the needed treatment, surgery or other needed care, and the court may order the parents or other responsible parties to pay the cost of such care, or if the court finds the parents are unable to pay the cost of such care, such cost shall be a charge upon the county when approved by the court. If the court finds the child to be in need of institutional care because of mental illness or mental retardation, the court may commit the child to the appropriate institution operated by the state, provided two (2) physicians certify in writing that such commitment is in the best interest of the child and the State. After such commitment, the child may be released only by the governing board or administrative personnel of such state institution, who shall report to the court from time to time on the progress of such child and who shall return the child to the court upon release during his minority for such further orders as the court finds to be in the best interest of the child.

(6) In any case where there is no parent to appear in a hearing with the child or where the court finds it would be in the best interest of the child, the court may appoint a guardian of the person for the child, who shall operate under the supervision of the court with or without bond, and who shall file only such reports as the court shall require. Such guardian of the person shall have the care, custody and control of the child or may arrange a suitable placement for the child, and may represent the child in legal actions before any court. Such guardian of the person shall also have authority to consent to certain actions on the part of the child in place of the parents, including but not limited to marriage, enlisting in the armed forces, major surgery, or such other actions as the court shall designate where parental consent is required.

The authority of the guardian of the person shall continue for whatever period of time the court shall designate during the minority of the child.

G.S. 7A-287. Juvenile records. The court shall maintain a complete record of all juvenile cases to be known as the juvenile record, which shall be withheld from public inspection and may be examined only by order of the judge, except that the child, his parents, guardian, custodian and attorney, or other authorized representative of the child shall have a right to examine the child's juvenile record.

The juvenile record may be divided into two (2) parts, social and legal:

- (1) The social part of the juvenile record may include family background information or reports of social, medical, psychiatric, psychological or other information concerning a child or his family, or a record of the probation reports of a child or interviews with his family, or other information which the judge finds should be protected from public inspection in the best interest of the child. The social part of the juvenile record may be filed separate from other records of the court under rule of the Administrative Office of the Courts.
- (2) The legal part of the record includes the summons, petition, court order, written motions, the transcript of the hearing and other papers filed in the proceeding.

An adjudication that a child is delinquent or undisciplined shall not disqualify the child for public office nor be considered as conviction of any criminal offense.

G.S. 7A-288. Termination of parental rights. In cases where the court has adjudicated a child to be neglected or dependent, the court shall have authority to enter an order which terminates the parental rights with respect to such child if the court finds any one of the following:

- (1) That the parent has abandoned the child for six (6) consecutive months prior to the special hearing in which termination of parental rights is considered or that a child is an abandoned child as defined by Chapter 48 of the General Statutes entitled "Adoption of Minors."
- (2) That a child born out of wedlock is living under such conditions that the health or general welfare of the child is endangered by the living conditions and environment, pursuant to the procedure established by G.S. 130-58.1 and as specified by G.S. 48-6.1; or
- (3) That the parent has willfully failed to contribute adequate financial support to a child placed in the custody of an agency or child-care institution, or living in a foster home or with a relative, for a period of six (6) months; or
- (4) That the parent has so physically abused or seriously neglected the child that it would be in the best interest of the child that he not be returned to such parent.

The court shall conduct a special hearing to consider any case involving termination of parental rights. There shall be a petition requesting such termination and alleging facts which would justify termination as herein provided. The parent shall be notified in advance of such special hearing by personal service of the summons and petition as provided in this article or under the procedures established by Rule 4 of the Rules of Civil Procedure of Chapter 1A of the North Carolina General Statutes. Before entering an order of termination of parental rights, the court shall consider all available facts and social information concerning the child to evaluate whether the parent may re-establish a suitable home for the child, for the policy of law is to preserve natural family ties where possible in the best interest of the child.

Such an order terminates all rights and obligations of the parent to the child and of the child to the parent, arising from the parental relationship. Such a parent is not thereafter entitled to

notice of proceedings for the adoption of the child and has no right to object thereto or otherwise participate therein.

In such cases, the court shall place the child by written order in the custody of the county department of social services or a licensed child-placing agency, and such custodian shall have the right to make such placement plans for the child as it finds to be in his best interest. Such county department of social services or licensed child-placing agency shall further have the authority to consent to the adoption of the child, to its marriage, to its enlistment in the armed forces of the United States, and to surgical and other medical treatment of the child.

G.S. 7A-289. Appeals. Any child, parent, guardian, custodian or agency who is a party to a proceeding under this article may appeal from an adjudication or any order of disposition to the Court of Appeals, provided that notice of appeal is given in open court at the time of the hearing or in writing within ten (10) days after the hearing. Pending disposition of an appeal, the court may enter such temporary order affecting the custody or placement of the child as the court finds to be in the best interest of the child or the best interest of the State."

Sec. 3. G.S. 110-25.1 is amended as follows: in line 26, the phrase "subdivision (2) of G.S. 110-21" is rewritten to read "subdivision (5) of G.S. 7A-278"; in line 40, the phrase "G.S. 110-25" is rewritten to read "G.S. 7A-281"; in lines 42-43, the phrase "G.S. 110-26, 110-27, and 110-28" is rewritten to read "G.S. 7A-282, 7A-283, and 7A-284"; in line 44, the phrase "G.S. 110-26" is rewritten to read "G.S. 7A-283"; in line 45, the phrase "G.S. 110-29" is rewritten to read "G.S. 7A-285"; in lines 49-50, the phrase "G.S. 110-29, subdivisions (2), (3), (4) or (5)" is rewritten to read "G.S. 7A-286". As so amended, G.S. 110-25.1 is transferred to Article 7 of Chapter 130 and renumbered G.S. 130-58.1.

Sec. 4. G.S. 110-39 is transferred to Article 39 of Chapter 14 and renumbered G.S. 14-316.1.

Sec. 5. G.S. 7A-195 is repealed, and G.S. 7A-288 is renumbered 7A-290.

Sec. 6. G.S. 48-7 is amended by deleting the following phrase from line 2, "G.S. 48-5, and G.S. 48-6," and inserting in lieu thereof in said line the following: "G.S. 48-5, G.S. 48-6 or G.S. 7A-288".

Sec. 7. G.S. 48-9(a) is amended by adding a new subsection 3 at the end thereof as follows: "(3) When a district court has entered an order terminating parental rights as provided by G.S. 7A-288, and when the court has placed such child in the custody of the county department of social services or a licensed child-placing agency, then the director of such county department of social services or the executive director of such licensed child-placing agency shall have the right to give writ- ten consent to the adoption of such child without being appointed as next friend of the child."

Sec. 8. G.S. 48-6.1 is amended by deleting the phrase "G.S. 110-25.1" in line 2 and inserting in lieu thereof in said line the following: "G.S. 130-58.1".

Sec. 9. G.S. 48-9.1(2) is amended by deleting the phrase "G.S. 110-29(3)" in lines 18 and 21, and inserting in lieu thereof in said lines the following: "G.S. 7A-286(2)(c)".

Sec. 10. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 11. This Act shall be effective January 1, 1970, provided that in those districts where the district court is not yet established, the courts exercising juvenile jurisdiction on the effective date shall continue to exercise juvenile jurisdiction until the district court is established.

In the General Assembly read three times and ratified, this the 19th day of June, 1969.