

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 1131
HOUSE BILL 1317

AN ACT TO MAKE CERTAIN ADDITIONS TO THE TERMINATION OF PARENTAL
RIGHTS STATUTE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-289.31 is amended by redesignating the present subsections and inserting after subsection (c) a new subsection (d) to read as follows:

"(d) Should the court issue an order terminating the parental rights of a parent, the court shall schedule a review hearing to be conducted within six months after the entry of the order terminating parental rights. The purpose of the review is to ensure that every reasonable effort is being made to provide for a permanent plan for the child which is in the best interest of the child. The clerk shall give a 15-day notice of the review to the child if 12 years of age or over, the legal custodian of the child, the foster parent, the guardian ad litem, and any other person the court may specify. If the child has been placed for adoption prior to the date scheduled for the review, written notice of said placement shall be given to the clerk to be placed in the court file and the review hearing shall be cancelled, with notice of said cancellation given by the clerk to all persons previously notified."

Sec. 2. G.S. 7A-289.35 is added to the General Statutes to read:

"(a) In any case where parental rights have been terminated as a result of a petition brought by a county department of social services or by a licensed child placing agency, and custody of the child has been placed in the county department of social services or a licensed child placing agency, and the child has not been placed for adoption within six months from the date of the termination order or affirmation of the order by the Court of Appeals or by the Supreme Court, whichever is later, the judge shall conduct a review of the case within six months of the date the order was entered and shall conduct subsequent reviews at least every six months thereafter until the child has been placed for adoption.

(b) If, at the time of review, there is a guardian ad litem available who has previously been appointed to represent the child, the judge shall continue the appointment of this person if appropriate. If, at the time of the review, there is not a guardian ad litem available who has previously been appointed to represent the child, the judge may appoint a person to serve as guardian ad litem for the child. The court may continue the case for such time as is necessary for the guardian ad litem to become familiar with the facts of the case.

(c) At the hearing, the court may consider information from the department of social services, the licensed child placing agency, the juvenile court counselor, the guardian ad litem, the present and previous foster parents, the child and any public or private agency which will aid in its review. The purpose of the review is to ensure that every reasonable effort is being made to provide for a permanent plan for the child which is in the best interest of the child.

(d) In each case, the court shall consider criteria which include the following:

- (1) The adequacy of the plan which has been developed by the county department of social services or the licensed child placing agency to provide a permanent placement which is in the best interest of the child.
- (2) Whether the child has been listed with the North Carolina Adoption Resources Exchange and the North Carolina Photo Adoption Listing

Services (PALS) with the North Carolina Division of Social Services in the Department of Human Resources.

(3) The efforts that have been made by the county department of social services or the licensed child placing agency to find a permanent placement which is in the best interest of the child.

(e) The judge, after making findings of fact, shall enter an order either affirming the adequacy of the steps taken by the county department of social services or the licensed child placing agency or requiring specific additional steps which are necessary to make a reasonable effort to provide the child with a permanent placement which is in the best interest of the child. At the conclusion of the hearing, the judge shall schedule the next review hearing to be conducted within six months of the date of the first review hearing. Thereafter, the judge shall schedule a subsequent review hearing to be conducted within six months of the last review hearing conducted pursuant to this section. Notice and the conduct of the subsequent review hearings shall be governed by G.S. 7A-289.31(d) and G.S. 7A-289.35."

Sec. 3. G.S. 7A-289.29 is hereby amended in subsection (b) by deleting the first sentence and substituting the following:

"If an answer denies any material allegation of the petition, the court shall appoint a guardian ad litem for the child to represent the best interests of the child. The appointment, duties and payment of the guardian ad litem shall be the same as in G.S. 7A-586 and G.S. 7A-588."

Sec. 4. This act is effective upon ratification and applies to actions commencing on or after the effective date.

In the General Assembly read three times and ratified, this the 11th day of June, 1982.