

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 526
HOUSE BILL 751

AN ACT TO CLARIFY CIRCUMSTANCES UNDER WHICH A NONSECURE CUSTODY ORDER MAY BE ENTERED.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-574(a) is rewritten to read:

"(a) When a request is made for nonsecure custody, the judge shall order nonsecure custody only when he finds that there is a reasonable factual basis to believe the matters alleged in the petition are true, and

- (1) the juvenile has been abandoned; or
- (2) the juvenile has suffered physical injury or sexual abuse; or
- (3) the juvenile is exposed to a substantial risk of physical injury or sexual abuse because the parent, guardian, or custodian has created the conditions likely to cause injury or abuse or has failed to provide, or is unable to provide, adequate supervision or protection; or
- (4) the juvenile is in need of medical treatment to cure, alleviate, or prevent suffering serious physical harm which may result in death, disfigurement, or substantial impairment of bodily functions, and his parent, guardian, or custodian is unwilling or unable to provide or consent to the medical treatment; or
- (5) the parent, guardian or custodian consents to the nonsecure custody order.

In no case shall a juvenile alleged to be abused, neglected, or dependent be placed in secure custody."

Sec. 2. This act shall become effective October 1, 1981.

In the General Assembly read three times and ratified, this the 8th day of June, 1981.