

GENERAL ASSEMBLY OF NORTH CAROLINA
1983 SESSION

CHAPTER 607
HOUSE BILL 758

AN ACT TO PROVIDE FOR COURT REVIEW OF PLACEMENT FOLLOWING
CERTAIN TERMINATIONS OF PARENTAL RIGHTS.

The General Assembly of North Carolina enacts:

Section 1. Article 52 of Chapter 7A of the General Statutes is hereby amended by adding a new section, to follow G.S. 7A-658, and to read as follows:

"§ 7A-659. Post termination of parental rights' placement court review. – (a) The purpose of each placement review is to insure that every reasonable effort is being made to provide for a permanent placement plan for the child who has been placed in the custody of a county director or licensed child-placing agency, which is consistent with the child's best interest. At each review hearing the court may consider information from the Department of Social Services, the licensed child-placing agency, the guardian ad litem, the child, the foster parent, and any other person or agency the court determines is likely to aid in the review.

(b) The court shall conduct a placement review not later than six months from the date of the termination hearing when parental rights have been terminated by a petition brought by any person or agency designated in G.S. 7A-289.24(2) through (5) and a county director or licensed child-placing agency has custody of the child. The court shall conduct reviews every six months until the child is placed for adoption and the adoption petition is filed by the adoptive parents.

- (1) No more than 30 days and no less than 15 days prior to each review, the clerk shall give notice of the review to the child if he is at least 12 years of age, the legal custodian of the child, the foster parent, the guardian ad litem, if any, and any other person the court may specify. Only the child if he is at least 12 years of age, the legal custodian of the child, the foster parent, and the guardian ad litem shall attend the review hearings, except as otherwise directed by the court.
 - (2) If a guardian ad litem for the child has not been appointed previously by the court in the termination proceeding, the court, at the initial six-month review hearing, may appoint a guardian ad litem to represent 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) The court shall consider at least the following in its review:
- (1) The adequacy of the plan developed by the county department of social services or a licensed child- placing agency for a permanent

placement relative to the child's best interest and the efforts of the department or agency to implement such plan;

- (2) Whether the child has been listed for adoptive placement with the North Carolina Adoption Resource Exchange, the North Carolina Photo Adoption Listing Service (PALS), or any other specialized adoption agency; and
- (3) The efforts previously made by the department or agency to find a permanent home for the child.

(d) The court, after making findings of fact, shall affirm the county department's or child-placing agency's plans or require specific additional steps which are necessary to accomplish a permanent placement which is in the best interests of the child.

(e) 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.

(f) The process of selection of specific adoptive parents shall be the responsibility of and within the discretion of the county department of social services or licensed child-placing agency. The guardian ad litem may request information from and consult with the county department or child-placing agency concerning the selection process. Any issue of abuse of discretion by the county department or child-placing agency in the selection process must be raised by the guardian ad litem within 10 days following the date the agency notifies the court and the guardian ad litem in writing of the filing of the adoption petition."

Sec. 2. Article 52 of Chapter 7A of the General Statutes is hereby amended by adding a new section to read as follows:

"§ 7A-660. Review of agency's plan for child placement. – (a) The director of social services or the director of the licensed private child-placing agency shall promptly notify the clerk to calendar the case for review of the department's or agency's plan for the child at a session of court scheduled for the hearing of juvenile matters in any case where:

- (1) One parent has surrendered a child for adoption under the provisions of G.S. 48-9(a)(1) and the termination of parental rights proceedings have not been instituted against the non-surrendering parent within six months of the surrender by the other parent, or
- (2) Both parents have surrendered a child for adoption under the provisions of G.S. 48-9(a)(1) and that child has not been placed for adoption within six months from the date of the more recent parental surrender.

(b) In any case where an adoption is dismissed or withdrawn and the child returns to foster care with a department of social services or a licensed private child-placing agency, then the department of social services or licensed child-placing agency shall notify the clerk within six months from the date the child returns to care to calendar the case for review of the agency's plan for the child at a session of court scheduled for the hearing of juvenile matters.

(c) Notification of the court required under subsections (a) or (b) of this section shall be by a petition for review. The petition shall set forth the circumstances necessitating the review under subsections (a) or (b). The review shall be conducted within 30 days following the filing of the petition for review unless the court shall otherwise direct. The court shall conduct reviews every six months until the child is placed for adoption and the adoption petition is filed by the adoptive parents. The initial review and all subsequent reviews shall be conducted pursuant to G.S. 7A-659."

Sec. 3. G.S. 7A-289.31(c1) is repealed.

Sec. 4. G.S. 7A-289.35 is repealed.

Sec. 5. This act shall become effective October 1, 1983, and shall apply to all children in the custody of a county department of social services or licensed child-placing agency as of that date.

In the General Assembly read three times and ratified, this the 24th day of June, 1983.