

GENERAL ASSEMBLY OF NORTH CAROLINA
1995 SESSION

CHAPTER 328
SENATE BILL 379

AN ACT RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION'S STUDY COMMITTEE ON THE JUVENILE CODE TO ALLOW COURTS TO ORDER PSYCHIATRIC OR PSYCHOLOGICAL TREATMENT OF PARENTS OF JUVENILES ADJUDICATED DELINQUENT, UNDISCIPLINED, ABUSED, NEGLECTED, OR DEPENDENT AT THE DISPOSITIONAL HEARINGS OR SUBSEQUENT HEARINGS AND TO PROVIDE FOR NOTICE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-564 reads as rewritten:

"§ 7A-564. Issuance of summons.

(a) Immediately after a petition has been filed alleging that a juvenile is abused, neglected, dependent, undisciplined, or delinquent, the clerk shall issue a summons to the juvenile, to the parent, and to the guardian, custodian, or caretaker requiring them to appear for a hearing at the time and place stated in the summons. A copy of the petition shall be attached to each summons.

(b) A summons shall be on a printed form supplied by the Administrative Office of the Courts and shall include:

- (1) Notice of the nature of the proceeding;
- (2) Notice of any right to counsel and information about how to seek the appointment of counsel prior to a hearing; ~~and~~
- (3) Notice that, if the court determines at the hearing that the allegations of the petition are true, the court will conduct a dispositional hearing to consider the needs of the juvenile and enter an order designed to meet those needs and the objectives of the ~~State, and that the dispositional order may remove the juvenile from the custody of the parent, guardian, or custodian.~~ State; and
- (4) Notice that the dispositional order or a subsequent order:
 - a. May remove the juvenile from the custody of the parent, guardian, or custodian.
 - b. May require that the juvenile receive medical, psychiatric, psychological, or other treatment and that the parent participate in the treatment.
 - c. May require the parent to undergo psychiatric, psychological, or other treatment or counseling for the purpose of remedying the behaviors or conditions that are alleged in the petition or that

contributed to the removal of the juvenile from the custody of the parent.

d. May order the parent to pay for treatment that is ordered for the juvenile or the parent.

(c) The summons shall advise the parent that upon service, jurisdiction over ~~him~~ the parent is obtained and that failure of the parent to comply with any order of the court pursuant to G.S. 7A-650 may cause the court to issue a show cause order for contempt.

(d) A summons shall be directed to the person summoned to appear and shall be delivered to any person authorized to serve process."

Sec. 2. G.S. 7A-650 reads as rewritten:

"§ 7A-650. Authority over parents of juvenile adjudicated as delinquent, undisciplined, abused, neglected, or dependent.

(a) If the ~~judge~~court orders medical, surgical, psychiatric, psychological, or other treatment pursuant to G.S. 7A-647(3), the ~~judge~~court may order the parent or other responsible parties to pay the cost of the treatment or care ordered.

(b) The ~~judge~~court may order the parent to provide transportation for a juvenile to keep an appointment with a court counselor.

~~(b1) In any case where a juvenile has been adjudicated as delinquent, undisciplined, abused, neglected or dependent, the judge may conduct a special hearing to determine if the court should order the parents to participate in medical, psychiatric, psychological or other treatment and pay the costs thereof. The notice of this hearing shall be by special petition and summons to be filed by the court and served upon the parents at the conclusion of the adjudication hearing. If, at this hearing, the court finds it in the best interest of the juvenile for the parent to be directly involved in treatment, the judge may order the parent to participate in medical, psychiatric, psychological or other treatment.~~

At the dispositional hearing or a subsequent hearing in the case of a juvenile who has been adjudicated delinquent, undisciplined, abused, neglected, or dependent, if the court finds that it is in the best interest of the juvenile for the parent to be directly involved in the juvenile's treatment, the court may order the parent to participate in medical, psychiatric, psychological, or other treatment of the juvenile and to pay the costs thereof. If the court finds that the parent is unable to pay the cost of the treatment, the court may charge the cost to the county of the juvenile's residence.

~~(b2) At any hearing conducted pursuant to subsection (b1) of this section or at a separate hearing set for this purpose, the court may consider whether the best interest of a juvenile who has been removed from the custody of his parent requires that legal custody or physical placement of the juvenile with the parent be conditioned upon the parent undergoing medical, psychiatric, psychological, or other treatment directed toward remediating or remedying those behaviors or conditions that led to or contributed to removal of the child, and paying the cost of that treatment. The notice of hearing in such case shall be by special petition and summons to be filed with the court and served upon the parent at the conclusion of the adjudication hearing. The notice may be combined with a notice given under subsection (b1) of this section. If, at the hearing, the court determines that the best interest of the juvenile requires that the parent~~

~~undergo such treatment, it may enter an order conditioning legal custody or physical placement of the juvenile with the parent upon compliance with a plan of treatment approved by the court and order the parent to pay the cost of the treatment. If the judge finds the parent is unable to pay the cost of the treatment, the judge may charge the cost to the county. The special hearing required by this subsection may be combined with the dispositional hearing as long as the notice required by this subsection is given.~~

At the dispositional hearing or a subsequent hearing in the case of a juvenile who has been adjudicated delinquent, undisciplined, abused, neglected, or dependent, the court may determine whether the best interest of the juvenile requires that the parent undergo psychiatric, psychological, or other treatment or counseling directed toward remediating or remedying behaviors or conditions that led to or contributed to the juvenile's adjudication or to the court's decision to remove custody of the juvenile from the parent. If the court finds that the best interest of the juvenile requires the parent undergo treatment, it may order the parent to comply with a plan of treatment approved by the court or condition legal custody or physical placement of the juvenile with the parent upon the parent's compliance with the plan of treatment. The court may order the parent to pay the cost of treatment ordered pursuant to this subsection. In cases in which the court has conditioned legal custody or physical placement of the juvenile with the parent upon the parent's compliance with a plan of treatment, the court may charge the cost of the treatment to the county of the juvenile's residence if the court finds the parent is unable to pay the cost of the treatment. In all other cases, if the court finds the parent is unable to pay the cost of the treatment ordered pursuant to this subsection, the court may order the parent to receive treatment currently available from the area mental health program that serves the parent's catchment area.

(c) ~~Whenever legal custody of a juvenile is vested in someone other than his the juvenile's parent, after due notice to the parent and after a hearing, the judge-court may order that the parent pay a reasonable sum that will cover in whole or in part the support of the juvenile after the order is entered. If the court requires the payment of child support, the amount of the payments shall be determined as provided in G.S. 50-13.4(c). If the judge-court places a juvenile in the custody of a county department of social services and if the judge-court finds that the parent is unable to pay the cost of the support required by the juvenile, the cost shall be paid by the county department of social services in whose custody the juvenile is placed, provided the juvenile is not receiving care in an institution owned or operated by the State or federal government or any subdivision thereof.~~

(d) Failure of a parent who is personally served to participate in or comply with subsections (a) through (c) may result in a civil proceeding for contempt."

Sec. 3. G.S. 7A-523 reads as rewritten:

"§ 7A-523. Jurisdiction.

(a) The court has exclusive, original jurisdiction over any case involving a juvenile who is alleged to be delinquent, undisciplined, abused, neglected, or dependent. This jurisdiction does not extend to cases involving adult defendants alleged to be guilty of abuse or neglect. For purposes of determining jurisdiction, the age of the juvenile either at the time of the alleged offense or when the conditions causing the juvenile to

be abused, neglected, or dependent arose, governs. There is no minimum age for juveniles alleged to be abused, dependent or neglected. For juveniles alleged to be delinquent or undisciplined, the minimum age is six years of age.

The court also has exclusive original jurisdiction of the following proceedings:

- (1) Proceedings under the Interstate Compact on Juveniles and the Interstate Parole and Probation Hearing Procedures for Juveniles;
- (2) Proceedings to determine whether a juvenile who is on conditional release and under the aftercare supervision of the court counselor has violated the terms of his conditional release established by the Division of Youth Services;
- (3) Proceedings involving judicial consent for emergency surgical or medical treatment for a juvenile when his parent, guardian, legal custodian, or other person standing **in loco parentis** refuses to consent for treatment to be rendered;
- (4) Proceedings to determine whether a juvenile should be emancipated;
- (5) Proceedings to terminate parental rights;
- (6) Proceedings to review the placement of a juvenile in foster care pursuant to an agreement between the juvenile's parents or guardian and a county department of social services;
- (7) Proceedings in which a person is alleged to have obstructed or interfered with an investigation required by G.S. 7A-544.

(b) The court shall have jurisdiction over the parent of a juvenile who has been adjudicated delinquent, undisciplined, abused, neglected or dependent, as provided by ~~the special hearing prescribed by G.S. 7A-650, provided the parent has been properly served with notice of the special hearing.~~ G.S. 7A-564, provided the parent has been properly served with notice pursuant to G.S. 7A-564."

Sec. 4. This act becomes effective October 1, 1995, and applies to petitions filed on or after that date.

In the General Assembly read three times and ratified this the 26th day of June, 1995.

Dennis A. Wicker
President of the Senate

Harold J. Brubaker
Speaker of the House of Representatives