

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

SESSION LAW 2021-132  
SENATE BILL 693

AN ACT TO AMEND VARIOUS ABUSE, NEGLECT, AND DEPENDENCY LAWS TO ENSURE THE SAFETY OF CHILDREN IN OUT-OF-HOME PLACEMENTS AND EXPEDITE PERMANENCY PLANNING HEARINGS FOR CHILDREN WHO HAVE BEEN REMOVED FROM THE HOME; TO CLARIFY THE NONCARETAKER DEFINITION FOR THE RESPONSIBLE INDIVIDUALS LIST; TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF SOCIAL SERVICES, TO DEVELOP A PLAN TO IMPLEMENT A CENTRALIZED HOTLINE FOR CHILD WELFARE INTAKE; TO DEVELOP A PLAN TO INCREASE APPROPRIATE TREATMENT AND RESIDENTIAL SETTINGS; AND TO PROVIDE SAFE AND APPROPRIATE PLACEMENT FOR CHILDREN IN NEED OF MENTAL HEALTH SERVICES.

The General Assembly of North Carolina enacts:

**PART I. CHILD WELFARE REFORM**

**SECTION 1.(a)** G.S. 7B-101 reads as rewritten:

**"§ 7B-101. Definitions.**

As used in this Subchapter, unless the context clearly requires otherwise, the following words have the listed meanings:

...

- (15) Neglected juvenile. – Any juvenile less than 18 years of age (i) who is found to be a minor victim of human trafficking under G.S. 14-43.15 or (ii) whose parent, guardian, custodian, or caretaker does any of the following:
- a. Does not provide proper care, supervision, or discipline; or who has been abandoned; discipline.
  - b. Has abandoned the juvenile.
  - c. ~~or who is~~ Has not provided or arranged for the provision of necessary medical care; or who is not provided necessary remedial care; care.
  - d. ~~Creates or who lives in an~~ allows to be created a living environment that is injurious to the juvenile's welfare; welfare.
  - e. ~~or Has participated or attempted to participate in the unlawful transfer of custody of whom has been unlawfully transferred~~ the juvenile under G.S. 14-321.2; G.S. 14-321.2.
  - f. ~~or who has been~~ Has placed the juvenile for care or adoption in violation of law.

In determining whether a juvenile is a neglected juvenile, it is relevant whether that juvenile lives in a home where another juvenile has died as a result of suspected abuse or neglect or lives in a home where another juvenile has been subjected to abuse or neglect by an adult who regularly lives in the home.

...



(18a) Relative. – An individual directly related to the juvenile by blood, marriage, or adoption, including, but not limited to, a grandparent, sibling, aunt, or uncle.

~~(18a)~~(18b) Responsible individual. – A parent, guardian, custodian, caretaker, or individual responsible for subjecting a juvenile to human trafficking under G.S. 14-43.11, 14-43.12, or 14-43.13, who abuses or seriously neglects a juvenile.

~~(18b)~~(18c) Return home or reunification. – Placement of the juvenile in the home of either parent or placement of the juvenile in the home of a guardian or custodian from whose home the child was removed by court order.

...."

**SECTION 1.(b)** G.S. 7B-1001(a)(5) reads as rewritten:

"(5) An order under G.S. 7B-906.2(b) eliminating reunification, as defined by ~~G.S. 7B-101(18b)~~, G.S. 7B-101(18c), as a permanent plan by either of the following:

- a. A parent who is a party and:
  1. Has preserved the right to appeal the order in writing within 30 days after entry and service of the order.
  2. A termination of parental rights petition or motion has not been filed within 65 days of entry and service of the order.
  3. A notice of appeal of the order eliminating reunification is filed within 30 days after the expiration of the 65 days.
- b. A party who is a guardian or custodian with whom reunification is not a permanent plan."

**SECTION 1.(c)** G.S. 7B-302 reads as rewritten:

**"§ 7B-302. Assessment by director; military affiliation; access to confidential information; notification of person making the report.**

...

(a3) Except where prohibited by federal law, including state plan requirements within federal programs, and notwithstanding other applicable State law, any of the following may request access to confidential information and records maintained pursuant to this Article by the Department or a county department of social services:

- (1) An individual member of the North Carolina General Assembly.
- (2) A joint legislative oversight committee of the North Carolina General Assembly.

A request made pursuant to this subsection shall be made to the Department or to the director of a county department of social services. The request shall be limited to purposes necessary for oversight of programs related to child protective services. Upon receiving a request pursuant to this subsection, the Department shall coordinate with the county department of social services to obtain all necessary information or records responsive to the request. A county department of social services shall provide the Department with all information and records, or copies of records, as requested. If the request is made to the director of a county department of social services, the Department shall assist the director of the county department of social services in fulfilling the request and providing all necessary information or records in accordance with this subsection. Upon receipt of a request from an individual member of the North Carolina General Assembly, the Department shall make the confidential information and records available for inspection and examination at the county department of social services. Upon the request of a joint legislative oversight committee, the Department shall assist the director of the county department of social services with sharing the confidential information and records with the requesting committee in a closed session in accordance with G.S. 143-318.11(a)(1).

The confidential information or records shared pursuant to this subsection shall be the minimum necessary to satisfy the request. A member of the North Carolina General Assembly or joint legislative oversight committee shall not retain copies of any part of the information and records or take photographs or create electronic images of any information and records reviewed pursuant to a request under this subsection. All information and records shared pursuant to this subsection shall be withheld from public inspection and maintained in a confidential manner. The following information shall remain confidential and shall not be shared or disclosed in response to a request for information and records made pursuant to this subsection:

- (1) The identity of a reporter.
- (2) Juvenile court records as set forth in Article 29 of Subchapter III of this Chapter and Article 30 of Subchapter III of this Chapter.

(a4) Any violation of subsection (a3) of this section shall be punishable as a Class 1 misdemeanor.

(a5) The disclosure of confidential information pursuant to subsection (a3) of this section may only be requested for information received or created by the agency on or after the effective date of this section.

...."

**SECTION 1.(d)** G.S. 7B-505 reads as rewritten:

**"§ 7B-505. Placement while in nonsecure custody.**

...

(b) The court shall order the department of social services to make diligent efforts to notify relatives and other persons with legal custody of a sibling of the juvenile that the juvenile is in nonsecure custody and of any hearings scheduled to occur pursuant to G.S. 7B-506, unless the court finds the notification would be contrary to the best interests of the juvenile. The department of social services shall use due diligence to identify and notify adult relatives and other persons with legal custody of a sibling of the juvenile within 30 days after the initial order removing custody. The department shall file with the court information regarding attempts made to identify and notify adult relatives of the juvenile and persons with legal custody of a sibling of the juvenile. In placing a juvenile in nonsecure custody under this section, the court shall first consider whether a relative of the juvenile is willing and able to provide proper care and supervision of the juvenile in a safe home. If the court finds that the relative is willing and able to provide proper care and supervision in a safe home, then the court shall order placement of the juvenile with the relative unless the court finds that placement with the relative would be contrary to the best interests of the juvenile.

(c) If the court does not place the juvenile with a relative, the court may consider whether an appropriate former foster parent, nonrelative kin, or other persons with legal custody of a sibling of the juvenile are willing and able to provide proper care and supervision of the juvenile in a safe home. The court may order the department to notify the juvenile's State-recognized tribe of the need for nonsecure custody for the purpose of locating relatives or nonrelative kin for placement. The court may order placement of the juvenile with nonrelative kin if the court finds the placement is in the juvenile's best interests."

**SECTION 1.(e)** G.S. 7B-903 is amended by adding a new subsection to read:

"(a4) If the court does not place the juvenile with a relative, the court may consider whether nonrelative kin or other persons with legal custody of a sibling of the juvenile are willing and able to provide proper care and supervision of the juvenile in a safe home. The court may order the department to notify the juvenile's State-recognized tribe of the need for custodial care for the purpose of locating relatives or nonrelative kin for placement. The court may order placement of the juvenile with nonrelative kin if the court finds the placement is in the juvenile's best interests."

**SECTION 1.(f)** G.S. 7B-903.1(c) reads as rewritten:

"(c) If a juvenile is removed from the home and placed in the custody or placement responsibility of a county department of social services, the director shall not allow unsupervised visitation with or return physical custody of the juvenile to the parent, guardian, custodian, or caretaker without a hearing at which the court finds that the juvenile will receive proper care and supervision in a safe home. Before a county department of social services may recommend unsupervised visits or return of physical custody of the juvenile to the parent, guardian, custodian, or caretaker from whom the juvenile was removed, a county department of social services shall first observe that parent, guardian, custodian, or caretaker with the juvenile for at least two visits that support ~~a recommendation to return physical custody.~~ the recommendation. Each observation visit shall consist of an observation of not less than one hour with the juvenile, ~~and each observation visit shall be conducted at least seven days apart.~~ apart, and shall occur within 30 days of the hearing at which the department of social services makes the recommendation. A department of social services shall provide documentation of any observation visits that it conducts to the court for its consideration as to whether unsupervised visits or physical custody should be returned granted to the parent, guardian, custodian, or caretaker from whom the juvenile was removed."

**SECTION 1.(g)** G.S. 7B-905.1 is amended by adding a new subsection to read:

"(b1) When visitation, whether supervised or unsupervised, is ordered between a juvenile who is placed in or continued in the custody or placement responsibility of a county department of social services and a parent, a parent's positive result from a drug screen alone is insufficient to deny the parent court-ordered visitation with the juvenile. For parents with unsupervised visitation that have a positive result from a drug screen, the department of social services shall expeditiously file a motion for review and request that a hearing be scheduled within 30 days for the court to review the visitation plan to ensure the safety of the child. While the motion is pending, the director may temporarily impose supervision requirements to all or part of the visitation plan. The director shall promptly communicate the limited and temporary change in the visitation plan to the affected party. Nothing in this subsection prevents a visit from being cancelled if, at the time that visitation between the parent and the juvenile occurs, a parent is under the influence of drugs or alcohol and exhibits behavior that may create an unsafe environment for a child, or the parent appears to be actively impaired."

**SECTION 1.(h)** G.S. 7B-906.1 reads as rewritten:

**"§ 7B-906.1. Review and permanency planning hearings.**

(a) The court shall conduct a review or permanency planning hearing within 90 days from the date of the initial dispositional hearing held pursuant to G.S. 7B-901. Review or permanency planning hearings shall be held at least every six months thereafter. ~~Within 12 months of the date of the initial order removing custody, there shall be a review.~~ If custody has not been removed from a parent, guardian, caretaker, or custodian, the hearing shall be designated as a permanency planning review hearing. Review hearings after the initial permanency planning. ~~If custody has been removed from a parent, guardian, or custodian, the hearing shall be designated as permanency planning hearings. Permanency planning hearings shall be held at least every six months thereafter or earlier as set by the court to review the progress made in finalizing the permanent plan for the juvenile, or if necessary, to make a new permanent plan for the juvenile hearing.~~

...

(c) At each hearing, the court shall consider information from the parents, the juvenile, the guardian, any person ~~providing care for the juvenile, with whom the juvenile is placed,~~ the custodian or agency with custody, the guardian ad litem, and any other person or agency that will aid in the court's review. The court shall provide any person with whom the child is placed the opportunity to address the court regarding the juvenile's well-being. The court may consider any evidence, including hearsay evidence as defined in G.S. 8C-1, Rule 801, or testimony or evidence

from any person that is not a party, that the court finds to be relevant, reliable, and necessary to determine the needs of the juvenile and the most appropriate disposition.

(d) At each hearing, the court shall consider the following criteria and make written findings regarding those that are relevant:

(1) Services which have been offered to prevent the removal or reunite the juvenile with either parent whether or not the juvenile resided with the parent at the time of removal or the guardian or custodian from whom the child was removed.

(1a) Reports on the juvenile's continuation in the home of the parent, guardian, or custodian; and the appropriateness of the juvenile's continuation in that home. If the juvenile is removed from the custody of a parent, guardian, or custodian at a review hearing, the court shall schedule a permanency planning hearing within 30 days of the review, unless the hearing was noticed and heard as a permanency planning hearing.

...

(3) Whether efforts to reunite the juvenile with either parent clearly would be unsuccessful or inconsistent with the juvenile's health or safety and need for a safe, permanent home within a reasonable period of time. The court shall consider efforts to reunite regardless of whether the juvenile resided with the parent, guardian, or custodian at the time of removal. ~~If the court determines efforts would be unsuccessful or inconsistent, the court shall schedule a permanency planning hearing within 30 days to address the permanent plans in accordance with this section and G.S. 7B-906.2, unless the determination is made at a permanency planning hearing.~~

...

(6) ~~When and if termination of parental rights should be considered.~~

...

(d1) At any review hearing, the court may maintain the juvenile's placement under review or order a different placement, appoint an individual guardian of the person pursuant to G.S. 7B-600, or order any disposition authorized by G.S. 7B-903, including the authority to place the child in the custody of either parent or any relative found by the court to be suitable and found by the court to be in the best interests of the juvenile.

(d2) Absent extraordinary circumstances, when the parent, guardian, or custodian has successfully completed the court-ordered services and the juvenile is residing in a safe home, the court may waive further review hearings or terminate its jurisdiction in accordance with this subsection or G.S. 7B-911.

(e) At any permanency planning hearing where the juvenile is not placed with a parent, the court shall additionally consider the following criteria and make written findings regarding those that are relevant:

...

(3) Where the juvenile's placement with a parent is unlikely within six months, whether adoption should be pursued and, if so, any barriers to the juvenile's ~~adoption~~ adoption, including when and if termination of parental rights should be considered.

...

(k) If at any time a juvenile has been removed from a parent and legal custody is placed with a awarded to either parent or findings are made in accordance with subsection (n) of this section, the court shall be relieved of the duty to conduct periodic judicial reviews of the placement.

(k1) The court shall not waive or refuse to conduct a review hearing if a party files a motion seeking the review hearing and alleges a significant fact.

...

(n) Notwithstanding other provisions of this Article, the court may waive the holding of hearings required by this section, may require written reports to the court by the agency or person holding custody in lieu of ~~review-permanency planning~~ hearings, or order that ~~review permanency planning~~ hearings be held less often than every six months if the court finds by clear, cogent, and convincing evidence each of the following:

...

(3) Neither the juvenile's best interests nor the rights of any party require that ~~review-permanency planning~~ hearings be held every six months.

...

The court may not waive or refuse to conduct a ~~review~~-hearing if a party files a motion seeking the ~~review-hearing~~. However, if a guardian of the person has been appointed for the juvenile and the court has also made findings in accordance with subsection (n) of this section that guardianship is the permanent plan for the juvenile, the court shall proceed in accordance with G.S. 7B-600(b).

...."

**SECTION 1.(i)** G.S. 131D-10.6A(a) reads as rewritten:

"(a) The Division of Social Services, Department of Health and Human Services, shall require a minimum of 30 hours of preservice training for foster care parents either prior to licensure or within six months from the date a provisional license is issued pursuant to G.S.131D-10.3, and a mandated minimum of 10 hours of continuing education for all foster care parents annually after the year in which a license is obtained. As part of licensure, the training shall include a module that is created and made available by the Department that explains, at a minimum, the roles and obligations of a foster parent in judicial proceedings conducted under Subchapter I of Chapter 7B of the General Statutes."

**SECTION 1.(j)** G.S. 7B-905(b) is repealed.

**SECTION 1.(k)** G.S. 7B-906.2(b) reads as rewritten:

"(b) At any permanency planning hearing, the court shall adopt concurrent permanent plans and shall identify the primary plan and secondary plan. Reunification shall be a primary or secondary plan unless the court made written findings under G.S. 7B-901(c) or G.S. 7B-906.1(d)(3), the permanent plan is or has been achieved in accordance with subsection (a1) of this section, or the court makes written findings that reunification efforts clearly would be unsuccessful or would be inconsistent with the juvenile's health or safety. The finding that reunification efforts clearly would be unsuccessful or inconsistent with the juvenile's health or safety may be made at any permanency planning hearing. Unless permanence has been achieved, the court shall order the county department of social services to make efforts toward finalizing the primary and secondary permanent plans and may specify efforts that are reasonable to timely achieve permanence for the juvenile."

**SECTION 1.(l)** G.S. 7B-1103(a) reads as rewritten:

"(a) A petition or motion to terminate the parental rights of either or both parents to his, her, or their minor juvenile may only be filed by one or more of the following:

...

(5) Any person with whom the juvenile has resided for a continuous period of ~~two years~~ 18 months or more next preceding the filing of the petition or motion.

...."

**SECTION 1.(m)** This section becomes effective October 1, 2021, and applies to actions filed or pending on or after that date.

## **PART II. HUMAN TRAFFICKING NOTICE TO NONCARETAKER CLARIFICATION**

**SECTION 2.(a)** G.S. 7B-320 reads as rewritten:

**"§ 7B-320. Notification to individual determined to be a responsible individual.**

(a) After the completion of an investigative assessment response that results in a determination of abuse or serious neglect and the identification of a responsible individual, the director shall personally deliver written notice of the determination to the identified individual in an expeditious manner.

(a1) If the director determines that the juvenile is the victim of human trafficking by an individual other than the juvenile's parent, guardian, custodian, or caretaker, the director shall cooperate with the local law enforcement agency and district attorney to determine the safest way, if possible, to provide notification to the identified responsible individual. If the director does not provide notification in accordance with this subsection, the director shall document the reason and basis for not providing the notification.

The director shall not provide notification to the responsible individual or proceed further under this Article if notification is likely to cause any of the following to occur:

- (1) Cause mental or physical harm or danger to the juvenile.
- (2) Undermine an ongoing or future criminal investigation.
- (3) Jeopardize the State's ability to prosecute the identified responsible individual.

...."

**SECTION 2.(b)** This section becomes effective October 1, 2021.

### **PART III. IMPLEMENTATION OF STATEWIDE CPS HOTLINE**

**SECTION 3.(a)** The Department of Health and Human Services shall develop an operational plan to create and implement a statewide child protective services (CPS) hotline. The Department shall establish a planning and evaluation team consisting of three child welfare staff representing at least three county departments of social services that will provide input on the plan. The plan shall include, at a minimum, all of the following:

- (1) A fiscal analysis on the creation and implementation of a statewide CPS hotline.
- (2) Quantify the total up-front, one-time costs to implement the statewide CPS hotline, including any State or county savings that would be incurred through the full implementation of and transition to a statewide CPS hotline.
- (3) Recommendations on the operational needs for the statewide CPS hotline, including adequate staffing levels to ensure a responsive and timely system.
- (4) Evaluation of whether a county may opt out of the statewide CPS hotline.
- (5) Recommendations of defined measures, goals, and service level agreements to evaluate the performance of the hotline.
- (6) A time line for implementation of the statewide CPS hotline that is aligned and coordinated with the Department of Health and Human Services, Division of Social Services, and local county departments of social services, including the implementation of intake and assessment technology as a precondition to the operation of a statewide CPS hotline.
- (7) An assessment of the feasibility of an integrated statewide CPS hotline for both child protective services and adult protective services.

**SECTION 3.(b)** The Department shall submit the operational plan to the Joint Legislative Oversight Committee on Health and Human Services no later than September 1, 2022.

### **PART IV. DEVELOP A PLAN TO INCREASE APPROPRIATE TREATMENT AND RESIDENTIAL SETTINGS**

**SECTION 4.(a)** The Department of Health and Human Services shall develop a plan to increase the supply of appropriate treatment and residential settings for minors in need of behavioral and mental health services. The Department shall work in consultation with representatives from the local management entities/managed care organizations (LME/MCOs),

the county departments of social services, the Division of Juvenile Justice, the North Carolina Healthcare Association, and other key stakeholders to resolve the barriers to clinical care and identify a process to quickly place children into appropriate treatment and residential settings. The plan shall address minors that are in the custody of a county department of social services and minors who are not, and include, at a minimum, all of the following:

- (1) A description of the need and current adequacy of available resources across North Carolina.
- (2) Specific and measurable action steps for increasing the supply of appropriate and least restrictive services and settings.
- (3) A time line for increasing the supply of appropriate and least restrictive services and settings.
- (4) The estimated costs and staffing to fully implement the plan.

**SECTION 4.(b)** The Department shall submit the plan to the Joint Legislative Oversight Committee on Health and Human Services no later than October 1, 2021.

**SECTION 4.(c)** This section is effective when it becomes law.

## **PART V. PROVIDE SAFE AND APPROPRIATE PLACEMENT FOR CHILDREN IN NEED OF MENTAL HEALTH SERVICES**

**SECTION 5.(a)** Article 4 of Chapter 122C of the General Statutes is amended by adding a new section to read:

### **"§ 122C-142.2. Presentation at a hospital for mental health treatment.**

(a) Definitions. – The following definitions apply in this section:

- (1) Assessment. – A comprehensive clinical assessment, psychiatric evaluation, or a substantially equivalent assessment.
- (2) Director. – The director of the department of social services in the county in which the juvenile resides or is found, or the director's representative as authorized in G.S. 108A-14.

(b) If a juvenile in the custody of a department of social services presents to a hospital emergency department for mental health treatment, the director shall contact the appropriate LME/MCO or prepaid health plan within 24 hours of the determination that the juvenile should not remain at the hospital and no appropriate placement is immediately available, to request an assessment.

(c) Consistent with the care coordination responsibilities under G.S. 122C-115.4(b)(5), the LME/MCO or prepaid health plan must, when applicable or required by their contract with the Department, arrange for an assessment performed by either the juvenile's clinical home provider; the hospital, if able and willing; or other qualified licensed clinician within five business days following notification from the director.

(d) Based on the findings and recommendations of the assessment, all of the following must occur:

- (1) If the comprehensive clinical assessment recommends a traditional foster home or a Level I group home, the director shall identify and provide the placement within five business days. The county department of social services shall be responsible for transporting the juvenile to the identified placement within five business days.
- (2) If the assessment recommends a level of care requiring prior authorization by the LME/MCO or prepaid health plan, the LME/MCO or prepaid health plan shall authorize an appropriate level of care and identify appropriate providers within five business days and assign a care coordinator for the duration that the LME/MCO or prepaid health plan provides services to the juvenile. Once an appropriate level of care has been authorized and providers identified, the director shall place the juvenile in the appropriate placement within five



business days. The county department of social services shall be responsible for transporting the juvenile to the identified placement.

(e) The county department of social services shall provide ongoing case management, virtually or in person, to address the juvenile's educational and social needs during the juvenile's stay in the hospital. The hospital shall cooperate with the county department of social services to provide access to the juvenile during the juvenile's stay in the hospital.

(f) If, on completion of the assessment, the director under subdivision (d)(1) of this section or LME/MCO or prepaid health plan under subdivision (d)(2) of this section is unable to identify an appropriate available placement or provider for the juvenile, or if the assessment recommendations differ, the director shall immediately notify the Department of Health and Human Services' Rapid Response Team. The director, pursuant to G.S. 7B-302(a1)(1), is authorized to disclose confidential information to the Rapid Response Team to ensure the juvenile is protected from abuse or neglect and for the provision of protective services to the juvenile. All confidential information disclosed to the Rapid Response Team shall remain confidential, shall not be further redisclosed unless authorized by State or federal law or regulations, and shall not be considered a public record. Notification to the Rapid Response Team does not relieve the director, LME/MCO, prepaid health plan, or any other entity from carrying out their responsibilities to the juvenile.

(g) The Rapid Response Team shall be comprised of representatives of the Department of Health and Human Services from the Division of Social Services; the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services; and the Division of Health Benefits. Upon receipt of a notification from a director, the Rapid Response Team shall evaluate the information provided and coordinate a response to address the immediate needs of the juvenile, which may include any of the following:

- (1) Identifying an appropriate level of care for the juvenile.
- (2) Identifying appropriate providers or other placement for the juvenile.
- (3) Making a referral to qualified services providers.
- (4) Developing an action plan to ensure the needs of the juvenile are met.
- (5) Developing a plan to ensure that relevant parties carry out any responsibilities to the juvenile."

**SECTION 5.(b)** Article 9 of Chapter 7B of the General Statutes is amended by adding a new section to read:

**"§ 7B-903.2. Emergency motion for placement and payment.**

(a) If the requirements of G.S. 122C-142.2(b) through (f) are not satisfied, a party to the juvenile case, the Department of Health and Human Services, the hospital where the juvenile is currently located, the local management entity/managed care organization, or the prepaid health plan may make a limited appearance for the sole purpose of filing a motion in the district court in the county with jurisdiction over the juvenile in the abuse, neglect, and dependency matter regarding the juvenile's continued stay in an emergency department or subsequent admission at the hospital.

(b) The motion shall contain a specific description of the requirements of G.S. 122C-142.2(b) through (f) which were not satisfied.

(c) The motion shall be served on all parties to the juvenile proceeding pursuant to G.S. 1A-1, Rule 5. The motion shall also be served upon the hospital where the juvenile is receiving services, the local management entity/managed care organization or prepaid health plan for the juvenile, and the Department of Health and Human Services. The hospital, the local management entity/managed care organization or prepaid health plan for the juvenile, and the Department of Health and Human Services, upon service of the motion, shall automatically become a party to the juvenile proceeding for the limited purpose of participating in hearings held in relation to and for complying with orders entered by the court pursuant to this section.

(d) Upon request of the movant, the department of social services shall provide the movant with the case file number, the juvenile's name, and the addresses of all parties and attorneys in the juvenile matter, to the extent necessary to effectuate service pursuant to subsection (c) of this section. Nothing in this section shall require the department of social services to provide the name and address of the juvenile who is a party to the action.

(e) The motion shall be heard in the district court with jurisdiction over the juvenile in the abuse, neglect, and dependency matter. The rules of evidence in civil cases shall apply. Any person or party served with notice of the motion pursuant to subsection (b) of this section may request to be heard by the court and present evidence. The hearing shall be conducted in accordance with G.S. 7B-801.

(f) The court shall make written findings of fact and conclusions of law, including whether:

- (1) The movant established by clear and convincing evidence that there is no medical necessity for the juvenile to remain in the hospital.
- (2) The responsible party has not satisfied the requirements of G.S. 122C-142.2(b) through (f).

(g) When the court finds that there is clear and convincing evidence that there is no medical necessity for the juvenile to remain in the hospital and that the responsible party has not satisfied the requirements of G.S. 122C-142.2(b) through (f), the court may order any of the following:

- (1) That the responsible party pay reasonable hospital charges of the juvenile's continued admission at the hospital. The reasonable charges shall be limited to those incurred after the date it was no longer medically necessary for the juvenile to remain in the hospital.
- (2) That the responsible party pay for any damage to property caused by the juvenile incurred after the date it was no longer medically necessary for the juvenile to remain in the hospital.
- (3) That the responsible party satisfy the requirements of G.S. 122C-142.2(b) through (f).
- (4) Any relief the court finds appropriate.

(h) The order shall be reduced to writing, signed, and entered no later than 72 hours following the completion of the hearing. The clerk of court for juvenile matters shall schedule a subsequent hearing for review within 30 days of entry of the order.

(i) If at any time after the motion is filed, the juvenile is discharged from the hospital and placed by the director, the court shall dismiss the motion.

(j) All parties to the hearing shall bear their own costs."

**SECTION 5.(c)** Subsection (a) of this section is effective 30 days after this act becomes law. Subsection (b) of this section becomes effective on January 1, 2022. The remainder of this section is effective when it becomes law.

## **PART VI. REQUIRE PUBLIC SCHOOLS TO PROVIDE STUDENTS WITH INFORMATION AND RESOURCES ON CHILD ABUSE AND NEGLECT, INCLUDING SEXUAL ABUSE**

**SECTION 6.(a)** G.S. 115C-12 is amended by adding a new subdivision to read:

"(47) Duty Regarding Child Abuse and Neglect. – The State Board of Education, in consultation with the Superintendent of Public Instruction, shall adopt a rule requiring information on child abuse and neglect, including age-appropriate information on sexual abuse, to be provided by public school units to students in grades six through 12. This rule shall also apply to high schools under the control of The University of North Carolina. Information shall be provided in the form of (i) a document provided to all students at the beginning of each

school year and (ii) a display posted in visible, high-traffic areas throughout each public secondary school. The document and display shall include, at a minimum, the following information:

- a. Likely warning signs indicating that a child may be a victim of abuse or neglect, including age-appropriate information on sexual abuse.
- b. The telephone number used for reporting abuse and neglect to the department of social services in the county in which the school is located, in accordance with G.S. 7B-301.
- c. A statement that information reported pursuant to sub-subdivision b. of this subdivision shall be held in the strictest confidence, to the extent permitted by law, pursuant to G.S. 7B-302(a1).
- d. Available resources developed pursuant to G.S. 115C-105.51, including the anonymous safety tip line application."

**SECTION 6.(b)** G.S. 115C-47 is amended by adding a new subdivision to read:

"(65) To Provide Information About Child Abuse and Neglect. – Local boards of education shall implement the rule addressing student awareness of child abuse and neglect, including sexual abuse, adopted by the State Board of Education under G.S. 115C-12(47)."

**SECTION 6.(c)** G.S. 115C-218.75 is amended by adding a new subsection to read:

"(e2) Information About Child Abuse and Neglect. – A charter school shall implement the rule addressing student awareness of child abuse and neglect, including sexual abuse, adopted by the State Board of Education under G.S. 115C-12(47)."

**SECTION 6.(d)** G.S. 115C-238.66 is amended by adding a new subdivision to read:

"(7f) Information about child abuse and neglect. – A regional school shall implement the rule addressing student awareness of child abuse and neglect, including sexual abuse, adopted by the State Board of Education under G.S. 115C-12(47)."

**SECTION 6.(e)** Article 4 of Chapter 116 of the General Statutes is amended by adding a new section to read:

**"§ 116-69.2. Information about child abuse and neglect.**

The school shall implement the rule addressing student awareness of child abuse and neglect, including sexual abuse, adopted by the State Board of Education under G.S. 115C-12(47)."

**SECTION 6.(f)** G.S. 116-235 is amended by adding a new subsection to read:

"(j) Information About Child Abuse and Neglect. – The School shall implement the rule addressing student awareness of child abuse and neglect, including sexual abuse, adopted by the State Board of Education under G.S. 115C-12(47)."

**SECTION 6.(g)** G.S. 116-239.8(b) is amended by adding a new subdivision to read:

"(19) A laboratory school shall implement the rule addressing student awareness of child abuse and neglect, including sexual abuse, adopted by the State Board of Education under G.S. 115C-12(47)."

**SECTION 6.(h)** Section 6(d)(2) of S.L. 2018-32 is amended by adding a new sub-subdivision to read:

"p. (65) [To Provide Information About Child Abuse and Neglect]."

**SECTION 6.(i)** This section is effective when it becomes law and applies beginning with the 2021-2022 school year.

**PART VII. EFFECTIVE DATE**

**SECTION 7.** Except as otherwise provided, this act is effective when it becomes law.  
In the General Assembly read three times and ratified this the 25<sup>th</sup> day of August, 2021.

s/ Phil Berger  
President Pro Tempore of the Senate

s/ Tim Moore  
Speaker of the House of Representatives

s/ Roy Cooper  
Governor

Approved 4:11 p.m. this 1<sup>st</sup> day of September, 2021