

§ 7B-903.1. Juvenile placed in custody of a department of social services.

(a) Except as prohibited by federal law, the director of a county department of social services with custody of a juvenile shall be authorized to make decisions about matters not addressed herein that are generally made by a juvenile's custodian, including, but not limited to, educational decisions and consenting to the sharing of the juvenile's information. The court may delegate any part of this authority to the juvenile's parent, foster parent, or another individual.

(b) When a juvenile is in the custody or placement responsibility of a county department of social services, the placement provider may, in accordance with G.S. 131D-10.2A, provide or withhold permission, without prior approval of the court or county department of social services, to allow a juvenile to participate in normal childhood activities. If such authorization is not in the juvenile's best interest, the court shall set out alternative parameters for approving normal childhood activities.

(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 the recommendation. Each observation visit shall consist of an observation of not less than one hour with the juvenile, shall be conducted at least seven days 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 granted to the parent, guardian, custodian, or caretaker from whom the juvenile was removed.

(c1) If juvenile siblings are removed from the home and placed in the nonsecure custody of a county department of social services, the director shall make reasonable efforts to place the juvenile siblings in the same home. The director is not required to make reasonable efforts under this subsection if the director documents that placing the juvenile siblings would be contrary to the safety or well-being of any of the juvenile siblings. If, after making reasonable efforts, the director is unable to place the juvenile siblings in the same home, the director shall make reasonable efforts to provide frequent sibling visitation and ongoing interaction between the juvenile siblings, unless the director documents that frequent visitation or other ongoing interaction between the juvenile siblings would be contrary to the safety or well-being of any of the juvenile siblings.

(d) When a county department of social services having custody or placement responsibility of a juvenile intends to change the juvenile's placement, the department shall give the guardian ad litem for the juvenile notice of its intention unless precluded by emergency circumstances from doing so. Where emergency circumstances exist, the department of social services shall notify the guardian ad litem or the attorney advocate within 72 hours of the placement change, unless local rules require notification within a shorter time period.

(e) When a juvenile is placed in the custody of a county department of social services, the provisions of G.S. 7B-505.1 apply. (2015-135, s. 2.5; 2015-136, s. 11; 2017-41, s. 10; 2021-100, s. 6; 2021-132, s. 1(f).)