

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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SENATE BILL 113

Short Title: Modify Termination of Parental Rights Appeals. (Public)

Sponsors: Senators Britt, Sanderson, and Daniel (Primary Sponsors).

Referred to: Rules and Operations of the Senate

February 18, 2021

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE RIGHT TO APPEAL IN TERMINATION OF PARENTAL RIGHTS CASES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 7A-27 reads as rewritten:

"§ 7A-27. Appeals of right from the courts of the trial divisions.

(a) Appeal lies of right directly to the Supreme Court in any of the following cases:

...

~~(5) Any order that terminates parental rights or denies a petition or motion to terminate parental rights.~~

...."

SECTION 2. G.S. 7B-1001 reads as rewritten:

"§ 7B-1001. Right to appeal.

(a) In a juvenile matter under this Subchapter, only the following final orders may be appealed directly to the Court of Appeals:

...

~~(6a) Any order that terminates parental rights or denies a petition or motion to terminate parental rights.~~

~~(a1) In a juvenile matter under this Subchapter, only the following final orders may be appealed directly to the Supreme Court:~~

~~(1) Any order that terminates parental rights or denies a petition or motion to terminate parental rights.~~

~~(2) An order eliminating reunification as a permanent plan under G.S. 7B-906.2(b), if all of the following conditions are satisfied:~~

~~a. The right to appeal the order eliminating reunification has been preserved in writing within 30 days of entry and service of the order.~~

~~b. A motion or petition to terminate the parent's rights is filed within 65 days of entry and service of the order eliminating reunification and both of the following occur:~~

~~1. The motion or petition to terminate rights is heard and granted.~~

~~2. The order terminating parental rights is appealed in a proper and timely manner.~~

~~e. A separate notice of appeal of the order eliminating reunification is filed within 30 days after entry and service of a termination of parental rights order.~~



1 (a2) In an appeal filed pursuant to subdivision ~~(a1)(2)~~(a)(5) of this section, the ~~Supreme~~
2 ~~Court~~Court of Appeals shall review the order eliminating reunification together with an appeal
3 of the order terminating parental rights. If the order eliminating reunification is vacated or
4 reversed, the order terminating parental rights shall be vacated.

5"

6 **SECTION 3.** This act becomes effective October 1, 2021, and applies to appeals
7 filed on or after that date.