

GENERAL ASSEMBLY OF NORTH CAROLINA
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SENATE BILL 693
Judiciary Committee Substitute Adopted 5/6/21
House Committee Substitute Favorable 6/29/21

Short Title: Expedite Child Safety and Permanency.

(Public)

Sponsors:

Referred to:

April 8, 2021

A BILL TO BE ENTITLED

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; TO PROVIDE SAFE AND APPROPRIATE PLACEMENT FOR CHILDREN IN NEED OF BEHAVIORAL AND MENTAL HEALTH SERVICES; AND TO REQUIRE PUBLIC SCHOOLS TO PROVIDE STUDENTS WITH INFORMATION AND RESOURCES ON CHILD ABUSE AND NEGLECT, INCLUDING SEXUAL ABUSE.

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.



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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 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. The Department shall share the confidential information and make the records concerning the child protective services case available to the requesting member or committee for review. 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

1 fulfilling the request and providing all necessary information or records in accordance with this
2 subsection.

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

11 (1) The identity of a reporter.

12 (2) Juvenile court records as set forth in Article 29 of Subchapter III of this
13 Chapter.

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

16"

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

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

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

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

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

41 "(c) If a juvenile is removed from the home and placed in the custody or placement
42 responsibility of a county department of social services, the director shall not allow unsupervised
43 visitation with or return physical custody of the juvenile to the parent, guardian, custodian, or
44 caretaker without a hearing at which the court finds that the juvenile will receive proper care and
45 supervision in a safe home. Before a county department of social services may recommend
46 unsupervised visits or return of physical custody of the juvenile-juvenile, whichever occurs first,
47 to the parent, guardian, custodian, or caretaker from whom the juvenile was removed, a county
48 department of social services shall first observe that parent, guardian, custodian, or caretaker with
49 the juvenile for at least two visits that support a recommendation to return physical custody- the
50 recommendation. Each observation visit shall consist of an observation of not less than one hour
51 with the juvenile, and each observation visit shall be conducted at least seven days apart- apart,

1 and shall occur within 30 days of the hearing at which the department of social services makes
2 the recommendation. A department of social services shall provide documentation of any
3 observation visits that it conducts to the court for its consideration as to whether unsupervised
4 visits or physical custody should be returned—granted to the parent, guardian, custodian, or
5 caretaker from whom the juvenile was removed."

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

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

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

21 "**§ 7B-906.1. Review and permanency planning hearings.**

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

33 ...

34 (c) At each hearing, the court shall consider information from the parents, the juvenile,
35 the guardian, any person providing care for the juvenile, the custodian or agency with custody,
36 the guardian ad litem, and any other person or agency that will aid in the court's review. The
37 court shall provide any person providing care for the juvenile the opportunity to address the court
38 regarding the juvenile's well-being. The court may consider any evidence, including hearsay
39 evidence as defined in G.S. 8C-1, Rule 801, or testimony or evidence from any person that is not
40 a party, that the court finds to be relevant, reliable, and necessary to determine the needs of the
41 juvenile and the most appropriate disposition.

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

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

48 (1a) Reports on the juvenile's continuation in the home of the parent, guardian, or
49 custodian; the appropriateness of the juvenile's continuation in that home; and
50 the goals of the family services plan. If the juvenile is removed from the

1 custody of a parent, guardian, or custodian at a review hearing, the court shall
2 schedule a permanency planning hearing within 30 days of the review hearing.

3 ...

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

5 ...

6 (d1) At any review hearing, an order that removes the juvenile from a parent, guardian, or
7 custodian shall only be made when the court makes a written finding of any of the following:

8 (1) At least one factor set forth in G.S. 7B-503(a)(1) through (4), and the juvenile
9 has experienced or is at substantial risk of experiencing physical or emotional
10 harm as a result.

11 (2) Since the completion of the initial disposition hearing in accordance with
12 G.S. 7B-901, at least one factor specified in G.S. 7B-901(c) has occurred and
13 the juvenile has experienced or is at substantial risk of experiencing physical
14 or emotional harm as a result.

15 (3) The parent, guardian, custodian, or caretaker consents to the order of removal.

16 (d2) Review hearings have the purpose of reviewing the progress of the parent, guardian,
17 or custodian with their court-ordered services. The parent, guardian, or custodian shall complete
18 court-ordered services within 12 months from the date of the filing of the petition, demonstrate
19 that the circumstances precipitating the Department's involvement with the family have been
20 resolved to the satisfaction of the court, and provide a safe home for the juvenile. Absent
21 extraordinary circumstances, when the parent, guardian, or custodian has successfully completed
22 the court-ordered services and the juvenile is residing in a safe home, the court shall terminate
23 its jurisdiction in accordance with this subsection or G.S. 7B-911.

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

27 ...

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

32 ...

33 (k) If at any time a juvenile has been removed from a parent and legal custody is placed
34 with a ~~awarded~~ to either parent or findings are made in accordance with subsection (n) of this
35 section, the court shall be relieved of the duty to conduct periodic judicial reviews of the
36 placement. The court shall not waive or refuse to conduct a permanency planning hearing if a
37 party files a motion seeking the hearing.

38 (k1) The court shall not waive or refuse to conduct a review hearing if a party files a motion
39 seeking the review hearing.

40 ...

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

46 ...

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

49 ...

50 The court may not waive or refuse to conduct a ~~review~~ hearing if a party files a motion
51 seeking the ~~review~~ hearing. However, if a guardian of the person has been appointed for the

1 juvenile and the court has also made findings in accordance with subsection (n) of this section
2 that guardianship is the permanent plan for the juvenile, the court shall proceed in accordance
3 with G.S. 7B-600(b).

4"

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

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

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

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

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

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

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

30 ...

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

33"

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

36 37 **PART II. HUMAN TRAFFICKING NOTICE TO NONCARETAKER CLARIFICATION**

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

39 **"§ 7B-320. Notification to individual determined to be a responsible individual.**

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

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

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

- 1 (1) Cause mental or physical harm or danger to the juvenile.
- 2 (2) Undermine an ongoing or future criminal investigation.
- 3 (3) Jeopardize the State's ability to prosecute the identified responsible individual.
- 4 "

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

6 7 **PART III. IMPLEMENTATION OF STATEWIDE CPS HOTLINE**

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

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

30 **SECTION 3.(b)** The Department shall submit the operational plan to the Joint
31 Legislative Oversight Committee on Health and Human Services no later than September 1,
32 2022.

33 34 **PART IV. DEVELOP A PLAN TO INCREASE APPROPRIATE TREATMENT AND** 35 **RESIDENTIAL SETTINGS**

36 **SECTION 4.(a)** The Department of Health and Human Services shall develop a plan
37 to increase the supply of appropriate treatment and residential settings for minors in need of
38 behavioral and mental health services. The Department shall work in consultation with
39 representatives from the local management entities/managed care organizations (LME/MCOs),
40 the county departments of social services, the Division of Juvenile Justice, the North Carolina
41 Healthcare Association, and other key stakeholders to resolve the barriers to clinical care and
42 identify a process to quickly place children into appropriate treatment and residential settings.
43 The plan shall address minors that are in the custody of a county department of social services
44 and minors who are not, and include, at a minimum, all of the following:

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

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

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

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

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

9 **"§ 7B-903.2. Presentation at a hospital for mental health treatment.**

10 (a) If a juvenile in the custody of a department of social services presents to a hospital
11 emergency department for mental health treatment, the director of the county department of
12 social services (the director) shall contact the appropriate local management entity/managed care
13 organization (LME/MCO). If a determination is made that the juvenile should not remain at the
14 hospital and no appropriate placement is immediately available, the director of the county
15 department of social services should contact the LME/MCO within 24 hours of the admission to
16 request an assessment.

17 (b) The LME/MCO must provide the care coordination and quality management required
18 by G.S. 122C-115.4(b)(5), and arrange for an assessment by the child's clinical provider, a
19 provider with the hospital, or other qualified licensed clinician, within five business days
20 following notification from the director.

21 (c) Based on the findings and recommendations of the assessment, one of the following
22 must occur:

23 (1) If the comprehensive clinical assessment recommends a traditional foster
24 home or a Level I group home, the director shall identify and provide the
25 placement within five business days.

26 (2) If the assessment recommends a level of care which requires prior
27 authorization by the LME/MCO, the LME/MCO shall (i) authorize the level
28 of care and identify appropriate providers within five business days and (ii)
29 assign a care coordinator for the duration that the LME/MCO provides
30 services to the juvenile. The director shall place the juvenile within five
31 business days once an appropriate level of care has been authorized and
32 providers identified.

33 The county department of social services (DSS) is responsible for transporting the juvenile
34 placed pursuant to this subsection within five business days.

35 (d) The hospital and the LME/MCO shall provide DSS access to the juvenile during the
36 juvenile's hospital stay. DSS shall provide ongoing case management, virtually or in person, to
37 address the juvenile's educational and social needs during the hospital stay.

38 (e) If, on completion of the assessment, the director or LME/MCO is unable to identify
39 an appropriate available placement or provider for the juvenile, or if the recommended level of
40 care differs from the authorized level of care, the director shall immediately notify the
41 Department of Health and Human Services' Rapid Response Team. Pursuant to 7B-302(a1)(1),
42 the director is required to disclose confidential information to a State or local government entity
43 in order to protect a juvenile from abuse or neglect. All confidential information disclosed to the
44 Rapid Response Team shall remain confidential and only be redisclosed as authorized by State
45 or federal law. This confidential information is not a public record. Notification to the Rapid
46 Response Team does not relieve the director, LME/MCO, or any other entity from the
47 responsibility to provide care for the juvenile.

48 (f) The Rapid Response Team shall be comprised of representatives from the Division
49 of Social Services; the Division of Mental Health, Developmental Disabilities, and Substance
50 Abuse Services; and the Division of Health Benefits. On receipt of a notification from a director,

1 the Rapid Response Team shall evaluate the information provided and coordinate a response to
2 address the immediate needs of the juvenile. The response may include any of the following:

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

9 (g) As used in this section, "assessment" means a comprehensive clinical assessment, a
10 psychiatric evaluation, or a substantially similar assessment."

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

13 **"§ 7B-903.3. Emergency motion for placement and payment.**

14 (a) A motion may be filed for a hearing by the court if a juvenile in the custody of a
15 department of social services is admitted to a hospital emergency department for mental health
16 treatment if any of the provisions of G.S. 7B-903.2 subsection (a) through subsection (e) are not
17 met.

18 (b) Any party to the juvenile case, the Department of Health and Human Services, the
19 hospital where the juvenile is currently admitted, or the LME/MCO may make a limited
20 appearance for the sole purpose of filing a motion pursuant to this section in the district court in
21 the county with jurisdiction over the juvenile in the abuse, neglect, and dependency matter,
22 regarding the juvenile's continued stay in an emergency department, or subsequent admission to
23 a hospital.

24 (c) The petitioner shall bear the burden at every stage of the proceedings to provide clear
25 and convincing evidence that the provisions of G.S. 7B-903.2 were not met. The motion shall
26 specifically describe the provisions of G.S. 7B-903.2 which were allegedly not satisfied.

27 (d) The motion shall be served on all parties to the juvenile proceeding pursuant to
28 G.S. 1A-1, Rule 5. The motion shall also be served upon the hospital where the juvenile is
29 receiving services, the LME/MCO for the juvenile, and the Department of Health and Human
30 Services.

31 (e) The motion shall be heard within five business days of the filing of the motion. The
32 court may consider any evidence, including hearsay evidence as defined in G.S. 8C-1, Rule 801,
33 including testimony or evidence from any person who is not a party, that the court finds to be
34 relevant, reliable, and necessary to determine the needs of the juvenile and the most appropriate
35 disposition. The parties have the right to present evidence, and each party may advise the court
36 concerning the disposition they believe to be in the best interests of the juvenile. The hearing
37 shall be conducted in accordance with G.S. 7B-801.

38 (f) At the hearing, the court shall make written findings of fact. The court shall determine
39 if the movant established that a responsible party failed to satisfy the requirements provided in
40 subsections (a) through (e) of G.S. 7B-903.2. The court shall also determine whether or not there
41 was evidence presented that there was no medical reason for the juvenile to remain in the hospital.

42 (g) The court may order any of the following:

- 43 (1) The party responsible, to act in accordance with G.S. 7B-903.2.
- 44 (2) The juvenile be placed in accordance with the recommendations of the
45 assessment, if completed.
- 46 (3) An assessment for the juvenile be completed within five business days, and
47 the juvenile be placed in accordance with the recommendations of that
48 assessment.
- 49 (4) Any relief the court finds appropriate.

1 (h) The order shall be reduced to writing, signed, and entered no later than 48 hours
2 following the completion of the hearing. The clerk of court for juvenile matters shall schedule a
3 subsequent hearing for review within 30 calendar days of the order.

4 (i) If at any time after the motion is filed, the juvenile is no longer staying at the hospital,
5 the motion shall be dismissed and any related hearing shall be removed from the calendar.

6 (j) As used in this section, "assessment" means a comprehensive clinical assessment, a
7 psychiatric evaluation, or a substantially similar assessment."

8 **SECTION 5.(c)** Subsection (b) of this section becomes effective on January 1, 2022.
9 The remainder of this section is effective when it becomes law.

10
11 **PART VI. REQUIRE PUBLIC SCHOOLS TO PROVIDE STUDENTS WITH**
12 **INFORMATION AND RESOURCES ON CHILD ABUSE AND NEGLECT,**
13 **INCLUDING SEXUAL ABUSE**

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

15 "(47) Duty regarding child abuse and neglect. – The State Board of Education, in
16 consultation with the Superintendent of Public Instruction, shall adopt a rule
17 requiring information on child abuse and neglect, including age-appropriate
18 information on sexual abuse, to be provided by public school units to students
19 in grades six through 12. This rule shall also apply to high schools under the
20 control of The University of North Carolina. Information shall be provided in
21 the form of (i) a document provided to all students at the beginning of each
22 school year and (ii) a display posted in visible, high-traffic areas throughout
23 each public secondary school. The document and display shall include, at a
24 minimum, the following information:

25 a. Likely warning signs indicating that a child may be a victim of abuse
26 or neglect, including age-appropriate information on sexual abuse.

27 b. The telephone number used for reporting abuse and neglect to the
28 department of social services in the county in which the school is
29 located, in accordance with G.S. 7B-301.

30 c. A statement that information reported pursuant to sub-subdivision b.
31 of this subdivision shall be held in the strictest confidence, to the extent
32 permitted by law, pursuant to G.S. 7B-302(a1).

33 d. Available resources developed pursuant to G.S. 115C-105.51,
34 including the anonymous safety tip line application."

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

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

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

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

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

45 "(7f) Information about child abuse and neglect. – A regional school shall
46 implement the rule addressing student awareness of child abuse and neglect,
47 including sexual abuse, adopted by the State Board of Education under
48 G.S. 115C-12(47)."

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

51 "**§ 116-69.2. Information about child abuse and neglect.**"

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

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

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

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

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

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

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

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

16
17 **PART VII. EFFECTIVE DATE**

18 **SECTION 7.** Except as otherwise provided, this act is effective when it becomes
19 law.