

§ 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. (2021-132, s. 5(b).)