

GENERAL ASSEMBLY OF NORTH CAROLINA
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH30294-CI-9

Short Title: Clarify Nonrelative Placement Timing. (Public)

Sponsors: Representative Stevens.

Referred to:

A BILL TO BE ENTITLED
AN ACT TO CLARIFY THE APPROPRIATE TIMING FOR CONSIDERING
NONRELATIVE PLACEMENT FOR NONSECURE CUSTODY AND DISPOSITION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 7B-903 reads as rewritten:

"§ 7B-903. Dispositional alternatives for abused, neglected, or dependent juvenile.

(a) The following alternatives for disposition shall be available to any court exercising jurisdiction, and the court may combine any of the applicable alternatives when the court finds the disposition to be in the best interests of the juvenile:

- (1) Dismiss the case or continue the case in order to allow the parent, guardian, custodian, caretaker or others to take appropriate action.
- (2) Require that the juvenile be supervised in the juvenile's own home by the department of social services in the juvenile's county or by another individual as may be available to the court, subject to conditions applicable to the parent, guardian, custodian, or caretaker as the court may specify.
- (3) Repealed by Session Laws 2015-136, s. 10, effective October 1, 2015, and applicable to actions filed or pending on or after that date.
- (4) Place the juvenile in the custody of a parent, relative, private agency offering placement services, or some other suitable person. If the court determines that the juvenile should be placed in the custody of an individual other than a parent, the court shall verify that the person receiving custody of the juvenile understands the legal significance of the placement and will have adequate resources to care appropriately for the juvenile. The fact that the prospective custodian has provided a stable placement for the juvenile for at least six consecutive months is evidence that the person has adequate resources.
- (5) Appoint a guardian of the person for the juvenile as provided in G.S. 7B-600.
- (6) Place the juvenile in the custody of the department of social services in the county of the juvenile's residence. In the case of a juvenile who has legal residence outside the State, the court may place the juvenile in the physical custody of the department of social services in the county where the juvenile is found so that agency may return the juvenile to the responsible authorities in the juvenile's home state.

(a1) In placing a juvenile in out-of-home care 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



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juvenile with the relative unless the court finds that the placement is contrary to the best interests of the juvenile. The court shall not consider out-of-home placement with a nonrelative unless the court makes a determination supported by findings of fact that one of the following conditions is met:

- (1) There is no relative willing and able to provide proper care and supervision of the juvenile in a safe home.
- (2) Placement with a relative who is willing and able to provide proper care and supervision of the juvenile in a safe home would be contrary to the juvenile's best interest.

~~In placing a juvenile in out-of-home care under this section, the court shall also consider whether it is in the juvenile's best interest to remain in the juvenile's community of residence. Placement of a juvenile with a relative outside of this State must be in accordance with the Interstate Compact on the Placement of Children.~~

(a2) An order under this section placing or continuing the placement of the juvenile in out-of-home care shall contain a finding that the juvenile's continuation in or return to the juvenile's own home would be contrary to the juvenile's health and safety.

(a3) An order under this section placing the juvenile in out-of-home care shall contain specific findings as to whether the department has made reasonable efforts to prevent the need for placement of the juvenile. In determining whether efforts to prevent the placement of the juvenile were reasonable, the juvenile's health and safety shall be the paramount concern.

The court may find that efforts to prevent the need for the juvenile's placement were precluded by an immediate threat of harm to the juvenile. A finding that reasonable efforts were not made by a county department of social services shall not preclude the entry of an order authorizing the juvenile's placement when the court finds that placement is necessary for the protection of the juvenile.

(a4) If the court does not place the juvenile with a relative, the court may consider whether an appropriate former foster parent, nonrelative kin-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 an appropriate former foster parent, nonrelative kin-kin, or other persons with legal custody of a sibling of the juvenile if the court finds the placement is in the juvenile's best interests.

(a5) In placing a juvenile in out-of-home care under this section, the court shall also consider whether it is in the juvenile's best interest to remain in the juvenile's community of residence. Placement of a juvenile with a relative outside of this State must be in accordance with the Interstate Compact on the Placement of Children.

(b) When the court has found that a juvenile has suffered physical abuse and that the individual responsible for the abuse has a history of violent behavior against people, the court shall consider the opinion of the mental health professional who performed an evaluation under G.S. 7B-503(b) before returning the juvenile to the custody of that individual.

(c) Repealed by Session Laws 2015-136, s. 10, effective October 1, 2015, and applicable to actions filed or pending on or after that date.

(d) The court may order that the juvenile be examined by a physician, psychiatrist, psychologist, or other qualified expert as may be needed for the court to determine the needs of the juvenile. Upon completion of the examination, the court shall conduct a hearing to determine whether the juvenile is in need of medical, surgical, psychiatric, psychological, or other treatment and who should pay the cost of the treatment. The county manager, or such person who shall be designated by the chairman of the county commissioners, of the juvenile's residence shall be notified of the hearing and allowed to be heard. Subject to G.S. 7B-903.1, if the court finds the juvenile to be in need of medical, surgical, psychiatric, psychological, or other treatment, the

1 court shall permit the parent or other responsible persons to arrange for treatment. If the parent
2 declines or is unable to make necessary arrangements, the court may order the needed treatment,
3 surgery, or care and the court may order the parent to pay the cost of the care pursuant to
4 G.S. 7B-904. If the court finds the parent is unable to pay the cost of treatment, the court shall
5 order the county to arrange for treatment of the juvenile and to pay for the cost of the treatment.
6 The county department of social services shall recommend the facility that will provide the
7 juvenile with treatment.

8 (e) If the court determines that the juvenile may be mentally ill or developmentally
9 disabled, the court may order the county department of social services to coordinate with the
10 appropriate representative of the area mental health, developmental disabilities, and substance
11 abuse services authority or other managed care organization responsible for managing public
12 funds for mental health and developmental disabilities to develop a treatment plan for the
13 juvenile. The court shall not commit a juvenile directly to a State hospital or developmental center
14 for persons with intellectual and developmental disabilities and orders purporting to commit a
15 juvenile directly to a State hospital or developmental center for persons with intellectual and
16 developmental disabilities shall be void and of no effect. If the court determines that
17 institutionalization is the best service for the juvenile, admission shall be with the voluntary
18 consent of the parent, guardian, or custodian. If the parent, guardian, or custodian refuses to
19 consent to admission to a mental hospital or developmental center for persons with intellectual
20 and developmental disabilities, the signature and consent of the court may be substituted for that
21 purpose. A State hospital or developmental center for persons with intellectual and
22 developmental disabilities that refuses admission to a juvenile referred for admission by a court,
23 or discharges a juvenile previously admitted on court referral prior to completion of treatment,
24 shall submit to the court a written report setting out the reasons for denial of admission or
25 discharge and setting out the juvenile's diagnosis, indications of mental illness or intellectual and
26 developmental disabilities, indications of need for treatment, and a statement as to the location
27 of any facility known to have a treatment program for the juvenile in question."

28 **SECTION 2.** G.S. 7B-505 reads as rewritten:

29 **"§ 7B-505. Placement while in nonsecure custody.**

30 (a) A juvenile meeting the criteria set out in G.S. 7B-503 may be placed in nonsecure
31 custody with the department of social services or a person designated in the order for temporary
32 residential placement in any of the following:

- 33 (1) A licensed foster home or a home otherwise authorized by law to provide such
34 care.
- 35 (2) A facility operated by the department of social services.
- 36 (3) Any other home or facility, including the home of a parent, relative,
37 nonrelative kin, or other person with legal custody of a sibling of the juvenile,
38 approved by the court and designated in the order.

39 (a1) If juvenile siblings are removed from the home and placed in the nonsecure custody
40 of a county department of social services, the director shall make reasonable efforts to place the
41 juvenile siblings in the same home. The director is not required to make reasonable efforts under
42 this subsection if the director documents that placing the juvenile siblings would be contrary to
43 the safety or well-being of any of the juvenile siblings. If, after making reasonable efforts, the
44 director is unable to place the juvenile siblings in the same home, the director shall make
45 reasonable efforts to provide frequent sibling visitation and ongoing interaction between the
46 juvenile siblings, unless the director documents that frequent visitation or other ongoing
47 interaction between the juvenile siblings would be contrary to the safety or well-being of any of
48 the juvenile siblings.

49 (b) The court shall order the department of social services to make diligent efforts to
50 notify relatives and other persons with legal custody of a sibling of the juvenile that the juvenile
51 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. The court shall not consider out-of-home placement with a nonrelative unless the court makes a determination supported by findings of fact that one of the following conditions is met:

(1) There is no relative willing and able to provide proper care and supervision of the juvenile in a safe home.

(2) Placement with a relative who is willing and able to provide proper care and supervision of the juvenile in a safe home would be contrary to the juvenile's best interest.

~~(c) 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 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.~~

~~(c1)~~ 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 an appropriate former foster parent, nonrelative kin, or other persons with legal custody of a sibling of the juvenile if the court finds the placement is in the juvenile's best interests.

(d) In placing a juvenile in nonsecure custody under this section, the court shall also consider whether it is in the juvenile's best interest to remain in the juvenile's community of residence. In placing a juvenile in nonsecure custody under this section, the court shall consider the Indian Child Welfare Act, Pub. L. No. 95-608, 25 U.S.C. §§ 1901, et seq., as amended, and the Howard M. Metzenbaum Multiethnic Placement Act of 1994, Pub. L. No. 103-382, 108 Stat. 4056, as amended, as they may apply. Placement of a juvenile with a relative outside of this State must be in accordance with the Interstate Compact on the Placement of Children, Article 38 of this Chapter."

SECTION 3. This act is effective October 1, 2025, for actions filed on or after that date.