

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE BILL 126
Committee Substitute Favorable 3/10/03

Short Title: Evidence in Juvenile Hearings.

(Public)

Sponsors:

Referred to:

February 27, 2003

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY THE LAW GOVERNING EVIDENCE ADMISSIBLE IN
3 CERTAIN JUVENILE HEARINGS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 7B-901 reads as rewritten:

6 "**§ 7B-901. Dispositional hearing.**

7 The dispositional hearing may be informal and the court may consider written
8 reports or other evidence concerning the needs of the juvenile. The juvenile and the
9 juvenile's parent, guardian, or custodian shall have an opportunity to present evidence,
10 and they may advise the court concerning the disposition they believe to be in the best
11 interests of the juvenile. The court may consider any evidence, including hearsay
12 evidence as defined in G.S. 8C-1, Rule 801, that the court finds to be relevant, reliable,
13 and necessary to determine the needs of the juvenile and the most appropriate
14 disposition. The court may exclude the public from the hearing unless the juvenile
15 moves that the hearing be open, which motion shall be granted."

16 **SECTION 2.** G.S. 7B-906(c) reads as rewritten:

17 "(c) At every review hearing, the court shall consider information from the parent,
18 the juvenile, the guardian, any foster parent, relative, or preadoptive parent providing
19 care for the child, the custodian or agency with custody, the guardian ad litem, and any
20 other person or agency which will aid in its review. The court may consider any
21 evidence, including hearsay evidence as defined in G.S. 8C-1, Rule 801, that the court
22 finds to be relevant, reliable, and necessary to determine the needs of the juvenile and
23 the most appropriate disposition.

24 In each case the court shall consider the following criteria and make written findings
25 regarding those that are relevant:

- 26 (1) Services which have been offered to reunite the family, or whether
27 efforts to reunite the family clearly would be futile or inconsistent with
28 the juvenile's safety and need for a safe, permanent home within a
29 reasonable period of time.

- 1 (2) Where the juvenile's return home is unlikely, the efforts which have
2 been made to evaluate or plan for other methods of care.
- 3 (3) Goals of the foster care placement and the appropriateness of the foster
4 care plan.
- 5 (4) A new foster care plan, if continuation of care is sought, that addresses
6 the role the current foster parent will play in the planning for the
7 juvenile.
- 8 (5) Reports on the placements the juvenile has had and any services
9 offered to the juvenile and the parent, guardian, custodian, or
10 caretaker.
- 11 (6) An appropriate visitation plan.
- 12 (7) If the juvenile is 16 or 17 years of age, a report on an independent
13 living assessment of the juvenile and, if appropriate, an independent
14 living plan developed for the juvenile.
- 15 (8) When and if termination of parental rights should be considered.
- 16 (9) Any other criteria the court deems necessary."

17 **SECTION 3.** G.S. 7B-907(b) reads as rewritten:

18 "(b) At any permanency planning review, the court shall consider information
19 from the parent, the juvenile, the guardian, any foster parent, relative or preadoptive
20 parent providing care for the child, the custodian or agency with custody, the guardian
21 ad litem, and any other person or agency which will aid it in the court's review. The
22 court may consider any evidence, including hearsay evidence as defined in G.S. 8C-1,
23 Rule 801, that the court finds to be relevant, reliable, and necessary to determine the
24 needs of the juvenile and the most appropriate disposition. At the conclusion of the
25 hearing, if the juvenile is not returned home, the court shall consider the following
26 criteria and make written findings regarding those that are relevant:

- 27 (1) Whether it is possible for the juvenile to be returned home
28 immediately or within the next six months, and if not, why it is not in
29 the juvenile's best interests to return home;
- 30 (2) Where the juvenile's return home is unlikely within six months,
31 whether legal guardianship or custody with a relative or some other
32 suitable person should be established, and if so, the rights and
33 responsibilities which should remain with the parents;
- 34 (3) Where the juvenile's return home is unlikely within six months,
35 whether adoption should be pursued and if so, any barriers to the
36 juvenile's adoption;
- 37 (4) Where the juvenile's return home is unlikely within six months,
38 whether the juvenile should remain in the current placement or be
39 placed in another permanent living arrangement and why;
- 40 (5) Whether the county department of social services has since the initial
41 permanency plan hearing made reasonable efforts to implement the
42 permanent plan for the juvenile;
- 43 (6) Any other criteria the court deems necessary."

44 **SECTION 4.** G.S. 7B-908(a) reads as rewritten:

1 (a) The purpose of each placement review is to ensure that every reasonable
2 effort is being made to provide for a permanent placement plan for the juvenile who has
3 been placed in the custody of a county director or licensed child-placing agency, which
4 is consistent with the juvenile's best interests. At each review hearing the court may
5 consider information from the department of social services, the licensed child-placing
6 agency, the guardian ad litem, the child, any foster parent, relative, or preadoptive
7 parent providing care for the child, and any other person or agency the court determines
8 is likely to aid in the review. The court may consider any evidence, including hearsay
9 evidence as defined in G.S. 8C-1, Rule 801, that the court finds to be relevant, reliable,
10 and necessary to determine the needs of the juvenile and the most appropriate
11 disposition."

12 **SECTION 5.** G.S. 7B-2501(a) reads as rewritten:

13 (a) The dispositional hearing may be informal, and the court may consider
14 written reports or other evidence concerning the needs of the juvenile. The court may
15 consider any evidence, including hearsay evidence as defined in G.S. 8C-1, Rule 801,
16 that the court finds to be relevant, reliable, and necessary to determine the needs of the
17 juvenile and the most appropriate disposition."

18 **SECTION 6.** This act is effective when it becomes law.