

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

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SENATE BILL 1077  
Judiciary I (Civil) Committee Substitute Adopted 5/22/07

Short Title: Regulation of Juvenile Discovery Orders.

(Public)

Sponsors:

Referred to:

March 22, 2007

A BILL TO BE ENTITLED

AN ACT TO REGULATE CERTAIN JUVENILE DISCOVERY ORDERS WITH  
RESPECT TO ABUSE, NEGLECT, AND DEPENDENCY PETITIONS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 7 of Chapter 7B of the General Statutes is amended by  
adding a new section to read:

**"§ 7B-701. Access of information in the director's possession in a pending petition.**

(a) A parent seeking access to information in the department's possession in a  
pending petition must, before filing any motion before a judge, make a written request  
to the director to examine the documents, information, and material set forth in  
subsection (c) of this section.

(b) To the extent that disclosure of information in the director's possession  
authorized in this Article is voluntarily made in response to a written request to examine  
by a parent, the disclosure is deemed to have been made under an order of the court.

(c) Within five business days of the receipt of a written request to examine, or  
when otherwise agreed upon by the requestor and the director, the director shall make  
available for review by the parent's attorney or the parent, if not represented by an  
attorney, the following documents, material, and information within the director's  
possession:

(1) The record regarding the pending petition, including any information  
or reports received from experts who have personally examined the  
requesting parent or the juvenile and any physical evidence together  
with the results of physical examinations, scientific tests, experiments,  
or comparisons.

(2) Records regarding prior investigations involving the requesting parent,  
the juvenile, or siblings of the juvenile, if any.

(d) The parent's attorney or the parent, if not represented by an attorney, may  
request a copy of any documents and any reasonably reproducible material after

1 examination of the documents, material, and information provided by the director. The  
2 director must comply with the request within 10 business days.

3 (e) Except upon order of the court, none of the following may be disclosed:

4 (1) Health care information, including chemical dependency information,  
5 and drug testing regarding anyone other than the requesting parent or  
6 the juvenile.

7 (2) Documents containing the names and addresses of foster parents, not  
8 previously disclosed to the parent by the director.

9 (3) The identity of the person or institution making the report under  
10 G.S. 7B-301.

11 (f) A parent whose request to examine or request for copies is not satisfactorily  
12 complied with by the director may file a motion for an order compelling discovery. A  
13 motion for an order to compel discovery shall set forth how the director was not in  
14 compliance with the request to examine, the request for copies, or why information  
15 protected by section (e) of this section should be disclosed.

16 (g) The director may file a motion to deny access or permit a limited response to  
17 the request to examine or request to reproduce documents, materials, or information.  
18 The motion shall set forth the reasons why discovery should be denied or restricted. The  
19 director shall submit, for in camera inspection, the documents, information, and  
20 materials the director seeks to protect. If, thereafter, the court enters an order granting  
21 relief under subdivision (h)(3) of this section, the material submitted in camera must be  
22 available for appellate review in the event of an appeal.

23 (h) The court shall hear and rule on an access motion within seven days after it is  
24 filed. Among other relief, the court may:

25 (1) Grant the requested access and specify the time within which it must  
26 be provided.

27 (2) Order appropriate sanctions for any clear misuse of access or arbitrary  
28 delay or refusal to comply with an access request.

29 (3) Deny, restrict, or set conditions on the requested access.

30 (i) A motion under subsection (h) of this section shall stay the response times  
31 under subsections (c) and (d) of this section until the court grants relief on the motion.

32 (j) Any request to examine not made by a parent at least 30 days prior to a  
33 scheduled court hearing shall not be the basis for a continuance of the hearing, absent a  
34 compelling reason.

35 (k) In the event the allegations in the pending case are against a nonparent  
36 custodian or guardian, the provisions of this Article shall apply, except subdivision  
37 (c)(2) of this section."

38 **SECTION 2.** This act becomes effective October 1, 2007.