

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015**

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**HOUSE BILL 12
Committee Substitute Favorable 3/16/15
Committee Substitute #2 Favorable 3/25/15**

Short Title: Amend Gaston Foster Care Ombudsman Prog.

(Local)

Sponsors:

Referred to:

January 29, 2015

A BILL TO BE ENTITLED
AN ACT TO AMEND THE FOSTER CARE OMBUDSMAN PILOT PROGRAM IN
GASTON COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. Section 1(c) of S.L. 2013-111 reads as rewritten:

"SECTION 1.(c) The foster care ombudsman shall:

- (1) When a juvenile is placed in foster care following a disposition order under G.S. 7B-905, be a party in all actions under ~~G.S. 7B-906 and G.S. 7B-907~~ G.S. 7B-906.1 on behalf of the foster parents and permitted to speak on their behalf. The County ~~shall~~may designate an attorney to assist the ombudsman, if requested by the ombudsman. If requested by the parent or the juvenile, the ombudsman shall be allowed to participate in any meeting or court hearing regarding the juvenile prior to a disposition order.
- (2) Determine the facts, the needs of the juvenile, and the available resources within the family, foster community, and community to meet those needs; to facilitate, when appropriate, the settlement of disputed issues; to explore options with the court at the dispositional hearing; to report to the court when the needs of the juvenile are not being met; and to protect and promote the best interests of the juvenile as seen by the foster family.
- (3) Have the authority to obtain any information or reports, whether or not confidential, that may in the ombudsman's opinion be relevant to ~~the a~~ a case. The ombudsman shall have access to case files regarding any juvenile in the care of the Department if the juvenile is placed with a foster parent at any point. No privilege other than the attorney-client privilege may be invoked to prevent the ombudsman from obtaining such information. The confidentiality of the information or reports shall be respected by the ombudsman, and no disclosure of any information or reports shall be made to anyone except by order of the court or unless otherwise provided by law.
- (4) Refer to the social services director and any appropriate law enforcement any cause of suspect that any juvenile is abused, neglected, or dependent, as defined by G.S. 7B-101.
- (5) Be a resource and advocate for foster parents.
- (6) Provide to the director of social services a periodic report on foster placements within the county, including any recommendations regarding that placement or future placements.



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- 1 (7) Compile and make available to the Board any data the ombudsman has
2 collected in the course of exercising his or her official duties.
- 3 (8) Provide information regarding the role, duties, and functions of foster
4 parents and the ombudsman, and the rights of children in foster care. The
5 ombudsman may assist a pre-adoptive parent or a relative of the juvenile
6 with matters related to that case, if so requested by the pre-adoptive parent or
7 relative.
- 8 (9) Comply with any other duties or responsibilities deemed appropriate by the
9 Board."

10 **SECTION 2.** Sections 2 and 3 of S.L. 2013-111 are repealed.

11 **SECTION 3.** Section 5 of S.L. 2013-111 reads as rewritten:

12 "**SECTION 5.** This act is effective when it becomes law and expires July 1, 2015.~~law.~~"

13 **SECTION 4.** G.S. 7B-906.1 reads as rewritten:

14 "**§ 7B-906.1. Review and permanency planning hearings.**

15 ...

16 (b) The director of social services shall make a timely request to the clerk to calendar
17 each hearing at a session of court scheduled for the hearing of juvenile matters. The clerk shall
18 give 15 days' notice of the hearing and its purpose to (i) the parents, (ii) the juvenile if 12 years
19 of age or more, (iii) the guardian, (iv) the person providing care for the juvenile, (v) the
20 custodian or agency with custody, (vi) the guardian ad litem, (vii) the foster care ombudsman,
21 and (viii) any other person or agency the court may specify. The department of social
22 services shall either provide to the clerk the name and address of the person providing care for
23 the juvenile for notice under this subsection or file written documentation with the clerk that
24 the juvenile's current care provider was sent notice of hearing. Nothing in this subsection shall
25 be construed to make the person providing care for the juvenile a party to the proceeding solely
26 based on receiving notice and the right to be heard.

27 (c) At each hearing, the court shall consider information from the parents, the juvenile,
28 the guardian, any person providing care for the juvenile, the custodian or agency with custody,
29 the guardian ad litem, the foster care ombudsman, and any other person or agency that will aid
30 in the court's review. The court may consider any evidence, including hearsay evidence as
31 defined in G.S. 8C-1, Rule 801, or testimony or evidence from any person that is not a party,
32 that the court finds to be relevant, reliable, and necessary to determine the needs of the juvenile
33 and the most appropriate disposition.

34"

35 **SECTION 5.** This act applies to Gaston County only.

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