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SENATE BILL DRS15030-ND-58

Short Title: Modify Termination of Parental Rights Appeals. (Public)

Sponsors: Senators Britt, Sanderson, and Daniel (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO MODIFY THE RIGHT TO APPEAL IN TERMINATION OF PARENTAL
3 RIGHTS CASES.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 7A-27 reads as rewritten:

6 "§ 7A-27. Appeals of right from the courts of the trial divisions.

7 (a) Appeal lies of right directly to the Supreme Court in any of the following cases:

8 ...

9 (5) ~~Any order that terminates parental rights or denies a petition or motion to~~
10 ~~terminate parental rights.~~

11"

12 SECTION 2. G.S. 7B-1001 reads as rewritten:

13 "§ 7B-1001. Right to appeal.

14 (a) In a juvenile matter under this Subchapter, only the following final orders may be
15 appealed directly to the Court of Appeals:

16 ...

17 (6a) Any order that terminates parental rights or denies a petition or motion to
18 terminate parental rights.

19 (a1) ~~In a juvenile matter under this Subchapter, only the following final orders may be~~
20 ~~appealed directly to the Supreme Court:~~

21 (1) ~~Any order that terminates parental rights or denies a petition or motion to~~
22 ~~terminate parental rights.~~

23 (2) ~~An order eliminating reunification as a permanent plan under~~
24 ~~G.S. 7B-906.2(b), if all of the following conditions are satisfied:~~

25 a. ~~The right to appeal the order eliminating reunification has been~~
26 ~~preserved in writing within 30 days of entry and service of the order.~~

27 b. ~~A motion or petition to terminate the parent's rights is filed within 65~~
28 ~~days of entry and service of the order eliminating reunification and~~
29 ~~both of the following occur:~~

30 1. ~~The motion or petition to terminate rights is heard and granted.~~

31 2. ~~The order terminating parental rights is appealed in a proper~~
32 ~~and timely manner.~~

33 e. ~~A separate notice of appeal of the order eliminating reunification is~~
34 ~~filed within 30 days after entry and service of a termination of parental~~
35 ~~rights order.~~



1 (a2) In an appeal filed pursuant to subdivision ~~(a1)(2)~~(a)(5) of this section, the ~~Supreme~~
2 ~~Court~~Court of Appeals shall review the order eliminating reunification together with an appeal
3 of the order terminating parental rights. If the order eliminating reunification is vacated or
4 reversed, the order terminating parental rights shall be vacated.

5"

6 **SECTION 3.** This act becomes effective October 1, 2021, and applies to appeals
7 filed on or after that date.