

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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SENATE BILL 113
Judiciary Committee Substitute Adopted 3/2/21

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

Sponsors:

Referred to:

February 18, 2021

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 ~~(7) Any order that terminates parental rights or denies a petition or motion to~~
18 ~~terminate parental rights.~~

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

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

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

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

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

29 ~~c. A separate notice of appeal of the order eliminating reunification is~~
30 ~~filed within 30 days after entry and service of a termination of parental~~
31 ~~rights order.~~

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

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



- 1 (2) ~~An order eliminating reunification as a permanent plan under~~
2 ~~G.S. 7B-906.2(b), if all of the following conditions are satisfied:~~
- 3 a. ~~The right to appeal the order eliminating reunification has been~~
4 ~~preserved in writing within 30 days of entry and service of the order.~~
- 5 b. ~~A motion or petition to terminate the parent's rights is filed within 65~~
6 ~~days of entry and service of the order eliminating reunification and~~
7 ~~both of the following occur:~~
- 8 1. ~~The motion or petition to terminate rights is heard and granted.~~
9 2. ~~The order terminating parental rights is appealed in a proper~~
10 ~~and timely manner.~~
- 11 e. ~~A separate notice of appeal of the order eliminating reunification is~~
12 ~~filed within 30 days after entry and service of a termination of parental~~
13 ~~rights order.~~

14 (a2) In an appeal filed pursuant to subdivision ~~(a1)(2)~~ (a)(8) of this section, the ~~Supreme~~
15 ~~Court~~ Court of Appeals shall review the order eliminating reunification together with an appeal
16 of the order terminating parental rights. If the order eliminating reunification is vacated or
17 reversed, the order terminating parental rights shall be vacated.

18 "

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