

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

H

1

HOUSE BILL 1661

Short Title: Juvenile Jurisdiction/Emancipation.

(Public)

Sponsors: Representatives Luebke; Faison and Hall.

Referred to: Juvenile Justice, if favorable, Judiciary II.

April 19, 2007

A BILL TO BE ENTITLED

AN ACT TO REVISE THE JUVENILE CODE TO ALLOW THE COURT TO
RETAIN JURISDICTION OVER JUVENILES WHO HAVE APPLIED FOR
SPECIAL IMMIGRANT JUVENILE STATUS AND TO REQUIRE THE COURT
TO CONSIDER WHETHER A JUVENILE HAS A RELATIONSHIP WITH A
RESPONSIBLE ADULT BEFORE THE COURT ENTERS A DECREE OF
EMANCIPATION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 7B-201 reads as rewritten:

"§ 7B-201. Retention and termination of jurisdiction.

(a) When the court obtains jurisdiction over a juvenile, jurisdiction shall continue until terminated by order of the court or until the juvenile reaches the age of 18 years or is otherwise emancipated, whichever occurs first.

(a1) Notwithstanding subsection (a) of this section, when the court obtains jurisdiction over a juvenile and a petition for special immigrant juvenile status and application for adjustment of status has been filed with the appropriate federal authority but not yet granted by the time the juvenile reaches the age of 18 years or is otherwise emancipated, the court shall retain jurisdiction over the juvenile until the juvenile reaches the age of 21 years so long as the juvenile consents. The retention of jurisdiction pursuant to this subsection is solely for the purpose of allowing continued consideration by federal authorities of the petition and application, and jurisdiction shall terminate when the federal authorities make a decision on the petition and application or when the juvenile reaches the age of 21 years, whichever occurs earlier.

(b) When the court's jurisdiction terminates, whether automatically or by court order, the court thereafter shall not modify or enforce any order previously entered in the case, including any juvenile court order relating to the custody, placement, or guardianship of the juvenile. The legal status of the juvenile and the custodial rights of the parties shall revert to the status they were before the juvenile petition was filed, unless applicable law or a valid court order in another civil action provides otherwise.

1 Termination of the court's jurisdiction in an abuse, neglect, or dependency proceeding,
2 however, shall not affect any of the following:

- 3 (1) A civil custody order entered pursuant to G.S. 7B-911.
- 4 (2) An order terminating parental rights.
- 5 (3) A pending action to terminate parental rights, unless the court orders
6 otherwise.
- 7 (4) Any proceeding in which the juvenile is alleged to be or has been
8 adjudicated undisciplined or delinquent.
- 9 (5) The court's jurisdiction in relation to any new abuse, neglect, or
10 dependency petition that is filed."

11 **SECTION 2.** G.S. 7B-3504 reads as rewritten:

12 **"§ 7B-3504. Considerations for emancipation.**

13 In determining the best interests of the petitioner and the need for emancipation, the
14 court shall review all of the following considerations:

- 15 (1) The parental need for the earnings of the ~~petitioner;~~ petitioner.
- 16 (2) The petitioner's ability to function as an ~~adult;~~ adult.
- 17 (3) The petitioner's need to contract as an adult or to ~~marry;~~ marry.
- 18 (4) The employment status of the petitioner and the stability of the
19 petitioner's living ~~arrangements;~~ arrangements.
- 20 (5) The extent of family discord which may threaten reconciliation of the
21 petitioner with the petitioner's ~~family;~~ family.
- 22 (6) The petitioner's rejection of parental supervision or ~~support; and~~
23 support.
- 24 (7) The quality of parental supervision or support.
- 25 (8) The quality of the petitioner's relationship with at least one responsible
26 adult."

27 **SECTION 3.** This act becomes effective October 1, 2007.