

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H

2

HOUSE BILL 847
Committee Substitute Favorable 4/27/15

Short Title: Parental Rights and Med. Treatment of Minors.

(Public)

Sponsors:

Referred to:

April 15, 2015

1 A BILL TO BE ENTITLED
2 AN ACT PROTECTING PARENTS FROM REPORTS OF ABUSE OR NEGLECT BASED
3 SOLELY ON A DECISION TO FOLLOW TREATMENT RECOMMENDED BY A
4 HEALTH CARE PROVIDER OR MENTAL HEALTH CARE PROVIDER AND TO
5 PROVIDE FOR PARENTS' FUNDAMENTAL RIGHTS.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 7B-301 is amended by adding a new subsection to read:

8 "(d) No person or institution shall file, or be obligated to file, a report of abuse or neglect
9 under this section based solely on the decision of a parent or legal guardian to follow treatment
10 recommended by a licensed health care provider or licensed provider of mental health services.
11 A parent or legal guardian has the right to follow the advice and treatment plan of a licensed
12 health care provider or a licensed provider of mental health services over a contrary opinion or
13 recommended treatment plan of another licensed health care provider or licensed provider of
14 mental health services if the decision does not involve an immediate, life-threatening situation,
15 and a parent's decision to follow a contrary opinion or recommended treatment plan does not
16 give rise to suspected abuse or neglect for which a person or institution is obligated to report
17 under this section. Even in the case of an immediate, life-threatening situation, the decision of
18 the parent or legal guardian to follow the advice or treatment plan of a licensed health care
19 provider or a licensed provider of mental health services shall not give rise to an obligation to
20 report suspected abuse or neglect under this section."

21 **SECTION 2.** Article 1A of Chapter 90 of the General Statutes is amended by
22 adding a Part to read:

23 "Part 3. Parents' Fundamental Rights.

24 "**§ 90-21.10A. Parents' fundamental rights.**

25 The liberty of a parent to direct the upbringing, education, and care of his or her child is a
26 fundamental right. Neither the State nor any agency or locality of the State shall infringe upon a
27 parent's fundamental rights to the care, custody, and control of his or her child without
28 demonstrating a compelling State interest and use of the least restrictive means of furthering
29 that compelling State interest. This section shall not be construed to apply to a parent's action or
30 decision that would end life."

31 **SECTION 3.** This act becomes effective October 1, 2015.



* H 8 4 7 - V - 2 *