

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

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HOUSE BILL 847  
Committee Substitute Favorable 4/27/15  
Committee Substitute #2 Favorable 4/28/15

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.** Chapter 115C of the General Statutes is amended by adding the  
22 following new section to read:

23 **"§ 115C-6. Parents' fundamental rights.**

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

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



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