

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
Fourth Edition Engrossed 4/29/15

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

(Public)

Sponsors:

Referred to:

April 15, 2015

A BILL TO BE ENTITLED

AN ACT PROTECTING PARENTS FROM REPORTS OF ABUSE OR NEGLECT BASED SOLELY ON A DECISION TO FOLLOW TREATMENT RECOMMENDED BY A HEALTH CARE PROVIDER OR MENTAL HEALTH CARE PROVIDER AND TO PROVIDE FOR PARENTS' FUNDAMENTAL RIGHTS.

The General Assembly of North Carolina enacts:

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

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

SECTION 2. Chapter 115C of the General Statutes is amended by adding the following new section to read:

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

The liberty of a parent to direct the upbringing, education, and care of his or her child is a fundamental right. Neither the State nor any agency or locality of the State shall infringe on a parent's fundamental rights to the care, custody, and control of his or her child without demonstrating a compelling State interest and use of the least restrictive means of furthering that compelling State interest. This shall not be construed to apply to a parent's action or decision that would end life. Nothing in this section shall be construed to create any additional rights or impose any additional obligations than otherwise exist under federal and State law."

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

