OPD OFFICE OF THE PARENT DEFENDER

TUESDAY'S TIP # 19 – RYLAN'S LAW

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Situation: At your hearing, you ask for your client's visits to be unsupervised. DSS and GAL object citing the need to hold Rylan's Law visits before the court can award unsupervised visits.

The Problem: Rylan's Law requires the DSS to observe two visits, of no less than one hour, at least 7 days apart. These are supposed to occur within 30 days from when DSS recommends unsupervised visits. These are delays that stop your client from spending quality, unsupervised time with their child(ren).

Law: Rylan's Law observation requirements are found at N.C.G.S. § 7B-903.1(c). Rylan's Law only applies when **DSS** makes the recommendation for unsupervised visits, not when the GAL or parent requests, or the court orders that visits become unsupervised. Rylan's Law only applies when DSS is asking for unsupervised visits or physical custody to be returned to the parent, guardian, custodian, or caretaker from whom the juvenile was removed. The requirements of Rylan's Law do not apply to any hearing held prior to initial disposition.

Action Steps:

1. Document your client's progress to show the trial court why unsupervised visits would not expose the child(ren) to any safety concerns.

2. Bring a copy of the statute with you to show when Rylan's Law applies. Due to its location in the Juvenile Code, the law only applies to the disposition and subsequent hearings. (For comparison, N.C.G.S. § 7B-905.1 regarding visitation is referenced in N.C.G.S. § 7B-506(g1) which applies to hearings on continued non-secure custody.)

3. Cite to the NC DHHS Manual (p. 80-85), for the importance of family time for the multiple reasons cited in the Manual, such as: maintain and improving relationships; improved parenting skills; mitigate grief; etc. The Manual includes suggestions for Creative Family Time (p. 84).

4. If your client was the non-removal parent, argue that Rylan's Law does not apply to them even if DSS is the one asking for unsupervised visits or placement.

Conclusion: Don't let the wrong interpretation of the law prevent your client from enjoying unsupervised visits, placement, or a return home. The sooner there is unsupervised contact, the sooner kids get to reunify with their parents and go home!

Is this something that you can implement? Feel free to email us directly with requests/suggestions for future Tuesday's Tip!