

STATE OF NORTH CAROLINA

File No.

In The General Court Of Justice
District Court Division

County

IN THE MATTER OF

Name And Address Of Juvenile

**ORDER FOR
NONSECURE CUSTODY
(ABUSE/NEGLECT/DEPENDENCY)**

Juvenile's Date Of Birth

Age

Race

Sex

G.S. 7B-502 through -505.1, -508

Name And Address Of Parent/Guardian/Custodian/Caretaker

Name And Address Of Parent/Guardian/Custodian/Caretaker

Based upon the verified petition, this Court has jurisdiction over the subject matter of this proceeding and of the person of the juvenile.

1. As grounds for the issuance of this Order, the Court finds that there is a reasonable factual basis to believe that the matters alleged in the petition are true, that there are no other reasonable means available to protect the juvenile, and *(check one or more)*

- ☐ a. the juvenile has been abandoned.
- ☐ b. the juvenile has suffered physical injury, sexual abuse, or serious emotional damage as defined by G.S. 7B-101(1)e.
- ☐ c. the juvenile is exposed to a substantial risk of physical injury or sexual abuse because the parent, guardian, custodian, or caretaker has created conditions likely to cause injury or abuse or has failed to provide, or is unable to provide, adequate supervision or protection.
- ☐ d. the juvenile is in need of medical treatment to cure, alleviate, or prevent suffering serious physical harm which may result in death, disfigurement, or substantial impairment of bodily functions, and the juvenile's parent, guardian, custodian, or caretaker is unwilling or unable to provide or consent to the medical treatment.
- ☐ e. the parent, guardian, custodian, or caretaker consents to the nonsecure custody order.
- ☐ f. the juvenile is a runaway and consents to nonsecure custody.

- ☐ 2. Efforts by DSS to prevent or eliminate the need for the juvenile's placement were reasonable and include: _____

OR

- ☐ 3. Efforts to prevent the need for the juvenile's placement were precluded by an immediate threat of harm to the juvenile, and placement of the juvenile in the absence of such efforts was reasonable. *(Describe immediate threat of harm.)*

4. Based on the above findings, the Court concludes that it is contrary to the juvenile's welfare to remain in the home.

- ☐ 4a. Based on an inquiry of the petitioner, the Court finds that the petitioner ☐ does not know ☐ knows ☐ has reason to know that the juvenile is an Indian Child.

☐ *(if applicable)* Following the inquiry, the Court instructed the petitioner to notify the Court if petitioner subsequently obtains information that provides reason to know that the juvenile is an Indian Child.

- ☐ 4b. *(if applicable)* The juvenile is an Indian Child and a member of or eligible for membership in the _____ tribe.

☐ *(if applicable)* Emergency removal or placement is necessary to prevent imminent physical damage or harm to the Indian Child.

- ☐ 5. Based on the *(check one or both)* ☐ petition and request for nonsecure custody, ☐ testimony of the petitioner, the Court concludes that a less intrusive remedy than entering private property to take physical custody of the juvenile is not available.

- ☐ 6. ☐ A former foster parent of the juvenile, ☐ nonrelative kin of the juvenile, ☐ other person(s) with legal custody of a sibling of the juvenile, _____ *(name person(s))*, is/are willing and able to provide proper care and supervision in a safe home, and placement of the juvenile with this person/these persons ☐ would ☐ would not be in the juvenile's best interests for the following reasons: _____

TO ANY LAW ENFORCEMENT OFFICER OR DIRECTOR OF A COUNTY DEPARTMENT OF SOCIAL SERVICES

YOU ARE ORDERED to take physical custody of the above-named juvenile(s) for placement in nonsecure custody and to make due return on this Order. You are also ordered to give a copy of this Order to the juvenile's parent, guardian, custodian, or caretaker named above.

The juvenile(s) shall be placed in nonsecure custody with:

- ☐ 1. the Department of Social Services of the county named above. The department is authorized to place the juvenile in a licensed foster home, a home otherwise authorized by law to provide temporary residential care, a facility operated by the department, a facility licensed to provide care to juveniles, or the home of a parent, relative, nonrelative kin, or other person with legal custody of a sibling.
- ☐ The Court hereby approves the following placement: _____.
- ☐ The above named placement is an unlicensed facility or a facility that is not licensed to provide care and the Court sanctions and designates the placement.

The department is authorized to arrange for, provide, or consent to routine medical and dental care or treatment including, but not limited to, treatment for common pediatric illnesses and injuries that require prompt intervention; emergency medical, surgical, psychiatric, psychological, or mental health care or treatment; and testing and evaluation in exigent circumstances unless pursuant to G.S. 7B-505.1(a), the Court orders the following exceptions to the department's authorization:

_____ (if blank, the department has no exceptions to the statutory authorization).

- ☐ The department is authorized to consent to treatment the medical provider recommends in order to cure, alleviate, or prevent the juvenile from suffering physical harm, pursuant to 1.d set forth above as a ground for nonsecure custody.
- ☐ The department is authorized to consent to a Child Medical Evaluation. The following findings demonstrate the director's compelling interest in having the juvenile evaluated prior to the hearing on the need for continued nonsecure custody:

- ☐ 2. (designate person, if the Court places the juvenile directly, not through DSS) _____.
- A further hearing to determine the need for continued nonsecure custody, whether with DSS or someone else shall be held:

Date Of Hearing	Time Of Hearing ☐ AM ☐ PM	Place Of Hearing
-----------------	--	------------------

- ☐ 3. The juvenile is a member of a State-recognized tribe. The Department of Social Services shall notify the juvenile's State-recognized tribe of the need for nonsecure custody for the purpose of locating relatives or nonrelative kin for placement.
- ☐ 4. The Department of Social Services shall make diligent efforts to notify relatives and, if applicable, other persons with legal custody of the juvenile's sibling, of nonsecure custody and subsequent hearings.

TO ANY LAW ENFORCEMENT OFFICER

- ☐ (No. 5 on Side One must be checked) YOU ARE AUTHORIZED to enter private property to take custody of the juvenile.
- ☐ and you are authorized to make forcible entry at any hour if that is required by exigent circumstances of the case.

Date	Signature Of Judge/Delegated Magistrate	
Maximum Duration Of Custody	Name Of Judge/Delegated Magistrate (type or print)	☐ Judge ☐ Delegated Magistrate

Complete the following section when seeking an order by telephonic communication pursuant to G.S. 7B-508:

Date Of Authorization	Time Of Authorization ☐ AM ☐ PM	Name And Title Of Person Requesting And Receiving Telephonic Approval
Name Of Judge/Delegated Magistrate Approving The Order ☐ Judge ☐ Delegated Magistrate	Signature And Title Of Clerk/Magistrate Who Accepted The Petition For Filing	

RETURN ON ORDER

Date Order Received	Date Order Returned
---------------------	---------------------

- ☐ 1. The juvenile named in this Order was taken into custody at _____ ☐ AM ☐ PM, on (date) _____, and taken to _____; I gave a copy of this Order to the person named below.
- ☐ 2. Though diligently sought, the juvenile named in this Order could not be found in this county. (Add any comments or information about the juvenile's possible whereabouts.)

Name Of Person Who Has Personally Received A Copy Of This Order (type or print)	Signature And Title Of Person Making Return
Relationship To Juvenile	Department Or Agency