



19A JUDICIAL DISTRICT LOCAL RULES FOR ABUSE/NEGLECT/DEPENDENCY COURT

TABLE OF CONTENTS

RULE 1	SCOPE
RULE 2	PURPOSE
RULE 3	CONSTRUCTION
RULE 4	ASSIGNMENT OF COUNSEL
RULE 5	RESPONSIBILITIES OF PARENT/CARETAKER ATTORNEYS
RULE 6	TRANSLATORS
RULE 7	SERVICE; SUMMONS AND PETITION/NOTICE
RULE 8	NON-SECURE PETITION
RULE 9	CHILD PLANNING CONFERENCE
RULE 10	NON-SECURE HEARINGS
RULE 11	PERMANENCY MEDIATION
RULE 12	PRE ADJUDICATION CONFERENCE
RULE 13	ADJUDICATION
RULE 14	DISPOSITION
RULE 15	DISCOVERY
RULE 16	CALENDAR
RULE 17	REVIEWS
RULE 18	PERMANENCY PLANNING HEARINGS

RULE 19	POST TERMINATION HEARINGS
RULE 20	EXPEDITED HEARINGS
RULE 21	COURT ORDERS
RULE 22	COURT REPORTS
RULE 23	CONTINUANCES
RULE 24	REASONABLE EFFORTS
RULE 25	CONFIDENTIALITY
RULE 26	WEATHER POLICY
RULE 27	ET. SEQ. RESERVED FOR FUTURE RULES

RULE 1. SCOPE.

- A. These rules shall apply to all cases in which a petition is filed alleging that a juvenile is abused, neglected, and/or dependent, petitions and motions to terminate parental rights.
- B. These rules are promulgated in compliance with Rule 40(a) of the North Carolina Rules of Civil Procedure and Rule 2 of the General Rules of Practice for the Superior and District Courts.
- C. A copy of these rules shall be maintained in the Office of the Clerk of Superior Court/Civil Division and the Chief District Court Judge's Office.
- D. In the event that these rules do not cover a specific matter, the Chief District Court Judge shall be consulted.

RULE 2. PURPOSE.

- A. These rules establish procedures for Juvenile Court in cases in which a petition is filed alleging that a juvenile is abused, neglected, and/or dependent, petitions and motions to terminate parental rights.
- B. These rules are designed to fulfill the purposes of and insure compliance with the North Carolina Juvenile Code and related statutes and the Adoption and Safe Families Act.
- C. These rules are designed to help achieve a permanent, stable and safe home for juveniles in a timely manner by
 - (1). providing oversight in case planning;
 - (2). making proceedings accessible and understandable to families and juveniles;
 - (3). encouraging the involvement of families and juveniles in the decision making process;
 - (4). helping parties present issues and evidence to the court in an efficient manner;
 - (5). eliminating unnecessary delays in the court proceedings;
 - (6). promoting the integration of services for the parents/caretakers and children involved in hearings, and to increase their access to community services; and,
 - (7). securing a safe and appropriate placement in the best interest of the child after removal from their home.

RULE 3. CONSTRUCTION.

- A. These rules shall be construed to accomplish the purposes set forth in Rule 2 above.
- B. The court may impose sanctions as hereinafter provided against a party, attorney, agency or other participant under the court's jurisdiction who fails to comply with these rules. However, no rule shall be construed, applied or enforced in a manner that will endanger or harm a juvenile or prejudice the rights of any party.

RULE 4. ASSIGNMENT OF COUNSEL.

- A. At the time of the filing of a petition alleging abuse, neglect and/or dependency, the clerk shall appoint separate counsel to represent each parent/caretaker named in the petition.
- B. The clerk shall prepare a "*Notice of Assignment of Counsel*" to be served on the parent with the petition and summons. The notice shall include the attorney's name, business address and telephone number and shall advise the parent/caretaker to contact the attorney before appearing in court. The notice also shall inform the parent:
 - (1). that the parent/caretaker may retain his/her own counsel;
 - (2). that the court, at the first hearing, will determine whether the parent qualifies for appointed counsel or whether the parent/caretaker waives the right to counsel; and
 - (3). that the court will dismiss the appointed counsel if the parent/caretaker does not qualify for appointed counsel or if the parent waives the right to counsel.
- C. The clerk shall maintain a list of attorneys eligible to be appointed to represent parents/caretakers of juveniles alleged to be abused, neglected and or dependent and parents/caretakers in termination of parental rights petitions. The clerk shall maintain a list of attorneys eligible to be appointed as guardian ad litem of parents/caretakers of juveniles alleged to be abused, neglected and or dependent and parents/caretakers in termination of parental rights petitions. The Chief District Court Judge or the Judge's designee shall approve the addition of any attorney to this list.

RULE 5. RESPONSIBILITIES OF PARENT/CARETAKER ATTORNEYS.

- A. To be eligible for appointment to represent parents/caretakers, attorneys must satisfy the court:
 - (1). that they have sufficient experience and skills to provide competent representation.
 - (2). that they have a good working knowledge of juvenile law, juvenile court procedures and local rules;
 - (3). that they have a good working knowledge of the Indian Child Welfare Act and the Hague Convention;
 - (4). that they have a good working knowledge of juvenile protective services and the related Federal and State mandates;
 - (5). that they are committed to attending continuing legal education related to the subject matter at least once per year;
 - (6). that they have a commitment to work with parents/caretakers and juveniles;
 - (7). that they have a good working knowledge of Rule 3 of the North Carolina Rules of Appellate Procedure;
 - (8). that they understand that failure to attend court proceedings could jeopardize further appointments.

- B. An attorney shall not accept an appointment unless the attorney can be available for the Child Planning Conference and to the best of the attorney's knowledge, for other stages of the proceedings, including termination of parental rights motions and petitions.

- C. An attorney who has a conflict in another court shall comply with the relevant rules relating to priority, and when absent from juvenile court because of a conflict, shall keep the courtroom clerk informed of his or her whereabouts.

- D. The attorney shall make diligent efforts to maintain sufficient contact with his or her client in order to provide effective representation.

RULE 6. TRANSLATORS.

- A. Any court hearing shall not proceed unless a language translator or translators are present when it is determined that such is needed. The need for translators will be determined by the Court Improvement Project Director or presiding judge having initial contact with the client.

- B. Preference in securing a translator's services for the court process will be given to those translators who are certified by the Administrative Office of the Courts.

RULE 7. SERVICE; SUMMONS AND PETITION; NOTICE.

- A. From the date the petition is filed until the adjudication hearing, the petitioner shall have a continuing duty to attempt to identify, locate and serve any parent or other respondent who has not been served.
- B. Any time a parent or other respondent is served with a copy of a non-secure custody order on the day a juvenile is taken into non-secure custody, the parent or other respondent shall be served with a notice informing him or her of the nature, date, place, time and the day of the first hearing.

RULE 8. NON-SECURE PETITIONS.

- A. Petitions alleging abuse, neglect and/or dependency shall be in a form approved by the Chief District Court Judge.
- B. The information required by N.C.G.S. sec 5A-209 shall be in an affidavit and attached to the petition at the time of filing.
- C. Also attached to the petition shall be a "*Reasonable Efforts Report.*"
- D. Also attached to the petition shall be an "*Affidavit of the Status of the Minor Child*" in compliance with the Uniform Child Custody Jurisdiction and Enforcement Act.

RULE 9. CHILD PLANNING CONFERENCE.

- A. Whenever a juvenile is taken into non-secure custody, a Child Planning Conference shall be held the first Wednesday preceding the initial non-secure custody hearing. The Court Improvement Project Director or the presiding judge will schedule the Child Planning Conference at the conclusion of the initial Non-Secure Custody Hearing. Notice will be sent to all parties, if needed.
- B. The purpose of the Child Planning Conference is to expedite the process of stability for the child by bringing all interested parties and community resources together in a timely manner to begin the planning process for the child's well-being.
- C. The issues to be addressed are placement, visitation, paternity, child support, notice and service of the necessary parties, medical, psychological and developmental needs of the child and/or parties and services to each member of the family.

- D. The social worker, the DSS attorney, the GAL program representative, the respondent(s) and respondent attorney(s) shall attend the conference. Additional attendees may include mental health professionals, school representatives, drug treatment professionals and other relatives.
- E. The Child Planning Conference shall be facilitated by the Court Improvement Project Director, or other designated Clerk or other person if there is not a Court Improvement Project Director.
- F. At the Child Planning Conference, the Court Improvement Project Director shall:
 - (1). introduce himself or herself and the parties.
 - (2). explain the nature of the proceeding and the purpose of the conference.
 - (3). advise all parties that the Child Planning Conference is confidential and that discussions between the participates and statements made by the parties will not be used against them in any adjudication hearing.
 - (4). attempt to ascertain the identity and whereabouts of any parent, guardian or custodian who is not present, whether those persons have been served and the steps to be taken to identify, locate and/or serve any such persons.
- G. Any agreement or stipulations reached by the parties shall be reduced to writing by the Court Improvement Project Director and signed by the parties for presentation to the judge at the adjudication setting.
- H. At the conclusion of the conference, the Court Improvement Project Director shall inform the parties, in writing, of the date of the next hearing.

RULE 10. NON-SECURE HEARINGS.

- A. A non-secure custody hearing required by G.S. 7A-577(a) to determine the need for continued non-secure custody shall be held within seven calendar days after the juvenile was taken into non-secure custody.
- B. Non-secure custody hearings shall be held before a district court judge.
- C. At a non-secure custody hearing, the judge shall:
 - (1). introduce himself or herself and the parties;
 - (2). review the nature of the proceeding and the purposes of the hearing;
 - (3). address any issues relating to adequacy of notice and service of process;
 - (4). follow up on any pending issue regarding the identity or whereabouts of any parent, guardian, or custodian of the juvenile; and

- (5). hear sworn testimony from the parties aimed at determining: whether a condition or risk justifying continued non-secure custody exists under G.S. 7A-574(a), what efforts the petitioner has made to eliminate the need for non-secure custody, what other steps the parties have taken since the Child Planning Conference.
- D. After giving all parties an opportunity to present evidence and to ask questions of other parties, the judge shall make appropriate findings of fact and conclusions of law, indicating:
- (1). whether there is a reasonable factual basis to believe: that the matters alleged in the petition are true, that continued non-secure custody is supported by one or more of the criteria set forth in G.S. 7A-574(a), and that there is no other reasonable means available to protect the juvenile;
 - (2). whether the petitioner has presented clear and convincing evidence that no less intrusive alternative will suffice to protect the juvenile; and
 - (3). whether the petitioner has made reasonable efforts to eliminate the need for the juvenile's placement.
- E. If the judge finds that continued non-secure custody is necessary, the judge shall review or explore with the parties the following:
- (1). the appropriateness of the juvenile's placement and other placement options, including possible relative placements and efforts to place or keep siblings together,
 - (2). any efforts needed to ensure that a school-aged juvenile's school placement and attendance are not disrupted,
 - (3). parental visitation,
 - (4). sibling visitation,
 - (5). service needs and referrals,
 - (6). financial support for the juvenile,
 - (7). whether additional orders are needed to address the juvenile's immediate needs, such as an immediate need for medical treatment or clinical evaluation, and
 - (8). specific steps to be taken by the parties before the next hearing.
- F. If the judge finds that continued non-secure custody is not warranted, the judge shall explore with the parties the following:
- (1). service needs and referrals, and
 - (2). specific steps to be taken by the parties before the next hearing.

- G. Before the conclusion of the non-secure custody hearing, the judge shall:
- (1). summarize what has occurred,
 - (2). give all parties an opportunity to ask questions,
 - (3). set specific dates for a pretrial conference and the adjudicatory hearing or, for good cause, another non-secure custody hearing,
 - (4). explain the purpose of the pretrial conference, if applicable, and of the next hearing,
 - (5). prepare and ensure that all parties have a copy of any order entered as a result of the non-secure custody hearing,
 - (6). in any case in which a parent's identity or whereabouts are unknown or the paternity of the child has not been legally established, specify in the order any steps that are to be taken to identify the parent, locate the parent, or establish paternity, and
 - (7). ensure that all documents introduced for consideration at the hearing become a part of the court file.
- H. At a non-secure custody hearing, the judge may accept stipulations and approve consent orders relating to continued non-secure custody.
- I. Before accepting a stipulation to findings, conclusions, or provision of an order, the judge, in open court, shall determine that the stipulating parties understand the content and consequences of the stipulation and that they voluntarily consent to the stipulation. The judge shall inquire of the parties in order to determine that the stipulation is voluntary and knowing. The judge's findings shall be set forth on the record. The judge shall not be bound by any stipulation to which fewer than all of the parties who have appeared, including the guardian ad litem, have agreed.

RULE 11. PERMANENCY MEDIATION.

- A. The court may order parties to participate in permanency mediation prior to the adjudicatory hearing or, in exceptional circumstances, at a later stage in the case.
- B. Any party of the case can make a request to the judge to participate in mediation. The presiding judge will review the request for mediation and grant the final approval for a mediation to occur. The judge may deny the request for mediation if: 1) any basis for denying custody mediation is applicable to the case OR 2) if there is any other extraordinary circumstances existing in the case the judge specifically finds is sufficient to deny mediation.

The judge presiding over the hearing or the Court Improvement Project Director (or Juvenile Clerk, if there is no Court Improvement Project Director) shall select the mediation date from a list of appointment times and with input from the parties.

Mediation will normally take place on one specific day each week. The party requesting mediation at the initial hearing shall complete the mediation referral form. Completed referral forms shall be left in the Court Improvement Project Director's (or Juvenile Clerk, if there is no Court Improvement Project Director) mailbox in the clerk's office. The Court Improvement Project Director (or Juvenile Clerk, if there is no Court Improvement Project Director) shall be notified via e-mail once the referral has been completed.

- C. Parties ordered to mediation at the initial hearing shall be scheduled for mediation on a date that is prior to the scheduled adjudication date. Regardless of the mediation outcome, the parties shall report to court on the scheduled adjudication date to proceed with adjudication.
- D. Upon receipt of the referral form, the Court Improvement Project Director (or Juvenile Clerk, if there is no Court Improvement Project Director) shall send out a letter confirming the date and time of the mediation and announcing the location of the session. This notification shall reach the parties no later than fourteen calendar (14) days prior to the scheduled mediation.
- E. Parties and their attorneys shall attend mediation. Other individuals whose input may be helpful may be invited to the mediation session by the parties or attorneys, but are not required to attend. These individuals may participate in the session only if agreed upon by the mediators and the parties. The mediators, with input from the parties shall determine if the mediation can proceed when there are no shows.
- F. Although parties are ordered to attend the mediation session and participate, they are not ordered to reach a resolution. There shall be no punitive measures taken by the Court or service providers if a mediated agreement is not reached. However, punitive measures may be taken for those interfering with the Mediation process.
- G. Parties and attorneys who are ordered to attend the mediation session but do not appear may face court sanctions, including, but not limited to, contempt of court.
- H. If appropriate, children may participate in the mediation. Issues to be considered in determining whether a child may participate in the mediation process include age of child, developmental stage, emotional status of the child, mental health issues, adjustment level, basic understanding of the mediation process and the viewpoint of the parents.
 - (1). The child must be able to express his/her needs and benefit from the process. Reasons for the child's participation may include the child's desire to participate, the relevancy to the child's placement, and any benefits to the child. The child's attorney must agree to the child's participation prior to inclusion in the mediation process and the child's attorney may be present at all meetings with the child throughout the mediation process.

- (2). The child's involvement in mediation shall be conducted in a manner designed to protect the child's interest and emotional well-being. The child's safety and well-being shall be the primary concern during all mediation sessions.
- I. Mediation sessions that occur post adjudication may address the issues of visitation, communication, permanent placement, surrender/post adoption contact, or other issues that may result in faster permanence for a child or children.
 - J. If an agreement is reached, the mediators shall draft the written agreement while all parties are present at the session. All parties shall sign the written agreement and shall receive a copy of the agreement. In cases mediated pre-adjudication, agreements reached and signed shall become an enforceable order of the Court. In cases mediated post adjudication, the Court shall determine whether the mediated agreement will become part of the court record.
 - K. In cases mediated pre-adjudication, the DSS attorney shall be responsible for presenting the mediated agreement to the Court at the adjudication hearing and reading the agreement into the Court record.
 - L. All participants, including the mediators, shall sign the "Confidentiality Policy Statement" and "Agreement to Participate in Mediation Statement" prior to commencing the mediation session.
 - M. All participants, including the mediators, shall honor the confidentiality policy whether a final agreement is reached or not. No report regarding the content of the mediation may be produced by any party or person present at the mediation.
 - N. If paternity is not established or acknowledged prior to the mediation session as to one or more of the fathers named in the petition, and if the father(s) does not intend to acknowledge paternity at the adjudication/disposition, the father(s) and his attorney(s) may not enter a mediated agreement regarding the petition or the case plan.
 - O. If the mediation process takes more than one session, no party shall approach the Court between sessions on any matter referred to mediation, unless an emergency arises regarding the child (ren).
 - P. The Court Improvement Project Director (or Juvenile Clerk, if there is no Court Improvement Project Director) shall screen cases for domestic violence and ensure that appropriate safety measures are taken. The mediators may terminate mediation if it is determined at any point in the process that mediation is not appropriate.

RULE 12. PRE-ADJUDICATION CONFERENCE.

- A. The purposes of the pre-adjudication conference shall be to explore the possibility of settlement, to narrow the issues as much as possible, to stipulate those facts for adjudication and disposition not in dispute, to ensure full sharing of information, and to allow the fullest opportunity for negotiation in the interest of the children by all parties.
- B. The Court Improvement Project Director shall assist the parties in 1) sharing witness lists, exhibit lists and exhibits; 2) defining the issues; 3) identifying matters that can be stipulated and making stipulations; 4) considering any proposed consent order; and 5) setting the date of the adjudication hearing. Pre-adjudication conferences will be scheduled for the court session immediately prior to the scheduled court hearing date for adjudication.
- C. The pre-adjudication conference will involve the respondent's attorney(s), the DSS attorney, and the GAL attorney as direct participants. The parties, and the GAL volunteer, to the extent that they are available, should be present to consult on proposed agreements as needed. The parties may, through counsel, reach a consent agreement on adjudication at any time prior to the scheduled court hearing, thereby rendering a pre-adjudication conference unnecessary.
- D. The judge presiding over juvenile court for the period in which the pre-adjudication conference is held will be available to "voir dire" the parties and approved settlements, stipulations, statements of issues in dispute, and discovery agreements resulting from these conferences. Unless a consent is entered, the specific provisions of proposed settlements, stipulations, and statements of issues remaining in dispute will be set out in a written Pre-Adjudication Conference Order for the judge's approval and signature for distribution to the parties at the conclusion of the conference.
- E. Each party shall furnish a written list of prospective witnesses and exhibits. Copies of all available listed exhibits intended for use at trial shall be provided. Any listed exhibit not available for distribution at the pre-adjudication conference shall be distributed as soon as available. Parties are encouraged to share any exhibits intended to be used for hearing on adjudication at the earliest practicable time.

RULE 13. ADJUDICATION.

The adjudication hearing shall be held within forty-five (45) days from the filing of the petition unless the judge for good cause orders that it be held at a different time.

RULE 14. DISPOSITIONAL HEARINGS.

- A. At each dispositional hearing, the following issues shall be brought to the attention of the Court for its consideration:
- (1). Who shall have legal custody of and placement responsibility for (or guardianship of) the child;
 - (2). Any specific placement, which would require a court order or approval;
 - (3). The service goals for the child and family, and the service plan to achieve these goals, or further evaluations needed for responsive service planning;
 - (4). If a child is to be placed or remain in DSS custody, authorization for the DSS to procure, and give consent for, any necessary medical, psychological or psychiatric treatment for the child, or that this authority be granted to any court guardian;
 - (5). Reasonable efforts, requirements and issues toward reunification or another permanent plan;
 - (6). The visitation plan for the child with parents and any siblings, specific conditions or requirements of the visitation plan, which need to be ordered;
 - (7). Any special conditions or provisions which need to be ordered in regard to the child, parents, caretakers or service providers;
 - (8). Child support provisions to be ordered;
 - (9). Date and time of the next court review hearing;
 - (10). Requirements of NCGS 7B-907 in regard to a permanency planning hearing and required criteria, findings and subsequent actions; and
 - (11). Any other issues proposed as necessary for the proper disposition of the juvenile matter.

RULE 15. DISCOVERY.

- A. Except as protected by privilege, all parties shall disclose all relevant material and information to all other parties to the juvenile court action on a timely basis.
- B. The obligation to provide discovery shall be ongoing, pursuant to the Rules of Civil Procedure. Any party may file a motion to compel discovery of specific information or material. Such motions shall be heard not less than ten (10) days prior to the hearing to which the motion pertains. All means of discovery permitted by the Rules of Civil Procedure shall be available, including orders to compel and imposition of sanctions.

RULE 16 CALENDAR.

- A. When possible, each case will be assigned a new court date in open court.
- B. Any request to calendar a case, must be submitted using the appropriate form.
- C. The Department shall keep the clerk of court apprised of any address changes for the parents, child over the age of twelve, and placement provider.

RULE 17. REVIEWS.

- A. When a child remains out of the home following an original dispositional hearing, a review hearing shall be held at a time the judge designates in the disposition order, but in no event more than ninety (90) days from the date of the dispositional hearing.
- B. When a child remains out of the home following the first review hearing, the judge shall determine and specify in the review hearing and order an appropriate date for the next review hearing.
- C. As long as the child remains out of the home, subsequent review hearings will be held at times the judge finds appropriate, but in no event more than six (6) months from the previous review hearing, unless the judge orders otherwise.
- D. In any case where a child is removed from a parent, guardian, or custodial caretaker, the Court shall conduct a review hearing designated as a permanency planning hearing, within twelve (12) months after the date of the original order removing custody, unless a permanent plan for the child has previously been finalized by the Court. A permanency planning hearing shall be combined with any review hearing, at the request of any party, with notice given at the previous hearing or with written notification given at least thirty (30) days prior to the permanency planning and review hearing, and with the approval of the Court. The provisions of NCGS 7B-907 will govern procedure and content of the permanency planning hearing.
- E. The DSS and GAL office shall deliver a written report to all counsel, and to any unrepresented parties, at least five (5) days before any scheduled review hearing. The reports shall, at a minimum, describe the progress in the case since the last hearing, agency concerns, efforts made by the reporting agency/person, and the agency/person's recommendations.
- F. If a parent's identity or whereabouts remain unknown or the paternity of the child has not been legally established, the judge shall specify in the review hearing order any steps to be taken to identify the parent, locate the parent, or establish paternity.

RULE 18. PERMANENCY PLANNING HEARINGS

- A. The Court shall conduct a permanency planning hearing of each case, as provided by statute. The Court may set a permanency planning hearing for any case at any time, on its own motion or upon motion by any party. Notice of the permanency planning hearing may be given in open court at the end of the prior hearing.
- B. Unless previously set in open court, the Clerk of Court shall mail a notice of the hearing at least thirty (30) days prior to the date set for the review hearing, to the following persons as may be involved in the case: parents or their attorney, the child, if he or she will be twelve (12) years of age or more at the time of the review, the child's GAL, the child's attorney, the foster parents or other caretakers, and any other person or agency specified by court order.
- C. In a permanency planning hearing held pursuant to NCGS 7B-907, DSS shall deliver a written court summary to all counsel, unrepresented parties, and the GAL office at least five days prior to their review hearing which summarizes the progress in the case since the last hearing and the recommendations of DSS. If a permanent plan has not been implemented, the case shall be re-calendared for further permanency planning hearings pursuant to statute.

RULE 19. POST TERMINATION REVIEW

- A. A placement review shall be held no later than six (6) months from the date of termination of parental rights. Review hearings shall be held every six (6) months thereafter until the child is placed for adoption and the adoption petition is filed by the adoptive parent.
- B. Notification for post termination of parental rights placement hearing shall be given no more than thirty (30) days and no less than fifteen (15) days prior to the hearing. Notification shall be provided to the child if twelve (12) years of age or more, to the agency with custody, to the person giving care for the child, to the Guardian ad Litem, and to any other person or agency the Court may specify.
- C. At the post termination of parental rights placement hearing, the Court shall allow sufficient time to hear information from the parties and from any other agency, which will aid the Court in its review. Information consistent with the requirements of NCGS 7B-908 shall be submitted in writing to the Court by DSS and GAL.
- D. An order shall be drawn as a result of this hearing and shall include findings and provisions as required by NCGS 7B-908 and shall affirm the agency plan or require specific additional steps which are necessary to accomplish a permanent plan which is in the best interest of the child.

RULE 20. EXPEDITED HEARINGS

- A. An Expedited Hearing can be held at any time during the court process. The purpose of the Expedited Hearing is to review and explore issues affecting a child's permanent plan.
- B. Expedited Hearings will take place on one day court sessions starting at 2:00 P.M. Based on court availability, additional Expedited Hearing sessions may be scheduled. An Expedited Hearing will last no more than twenty minutes. If a matter requires more time, a hearing should be scheduled during a regular review or trial session. If it is a matter that requires immediate attention, the CIP Director should be consulted in regards to case scheduling.
- C. Any party can motion the court at any time for an Expedited Hearing. Among the matters that can be scheduled for an Expedited Hearing are:
 - (1). A party's failure to abide by a court order
 - (2). Visitation Review
 - (3). Placement Review
 - (4). Paternity Test Results
 - (5). Review of Service
 - (6). Home study Request/Review
 - (7). Review of Relinquishments
 - (8). Finalized Adoptions
 - (9). Closing Case Review
 - (10). Motion to Publish
- D. In order to schedule an Expedited Hearing, a calendar request shall be submitted to the Clerk's Office at least 14 days prior to the scheduled court session, unless if all parties agree to waive notice.

RULE 21 COURT ORDERS

- A. Court orders issued as a outcome of a required hearing review shall contain, at a minimum, those findings required by NCGS 7B-906 and, if applicable, those findings required by NCGS 7B-907 and 7B-908.
- B. All court orders in juvenile proceedings involving child abuse/neglect/dependency (either entered by consent or as the result of judicial determination), shall state with specificity all pertinent findings of fact and all appropriate conclusions of law.

- C. All court orders in juvenile proceedings involving child abuse/neglect/dependency (either entered by consent or as the result of judicial determination) shall state with specificity all applicable dispositional provisions.
- D. If requested by counsel, drafts of such orders shall be circulated among counsel for all parties to the proceeding reasonably in advance of the submission of the original order to the Court for entry. Drafts are to be circulated within fifteen (15) days after the hearing and any additions or changes must be submitted within five additional days. All orders are to be submitted to the judge presiding for signature within twenty-one (21) days after the hearing.
- E. The district court judge presiding in any hearing may dictate his or her own order.

RULE 22. COURT REPORTS

- A. Court reports shall be prepared for the following hearings: dispositions, reviews, permanency planning hearings, post termination hearings. The templates for these reports are located in the Appendix following these rules. Said reports shall be sent to the attorneys and guardian ad litem at least seven (7) days prior to the scheduled hearing. They shall be delivered to the presiding judge by 12:00 noon on the Monday before the hearing.
- B. Other court reports may be prepared for expedited hearings with no particular format. However, said reports must include the juvenile's name, date of birth, placement information.

RULE 23. CONTINUANCES

- A. Juvenile cases, including motions for review in neglect and abuse matters should be disposed at the earliest opportunity, including the first setting for hearing. Requests for continuances that are made after the first setting for hearing on the merits of the case shall only be granted for extraordinary cause.
- B. All applications for continuance shall be made to the District Court Judge presiding over the session of court for which the case is calendared. If the trial judge is not known or is unavailable at the time the request is made, the application should be addressed to the presiding Judge.
- C. Various levels of court should work together to try to move cases as expeditiously as possible. Age of case, subject matter, and priority of setting should be given as much primacy as the level of court when resolving court conflicts.
- D. Attorneys shall notify the court and opposing counsel of any other court conflict(s) as they become known and shall keep the court advised of the resolution of that

conflict. All judges shall communicate with other judges to resolve such conflicts. In resolving court conflicts juvenile cases shall take precedence over all other district court matters.

- E. All orders for continuance should be documented in writing, and shall include the name of the moving party, any objections to the continuance, and the basis for the continuance.
- F. All applications for continuance shall be made as soon as a conflict is identified, and all impacted – opposing counsel, unrepresented parties, subpoenaed witnesses, or court staff charged with subpoenaing witnesses- shall be notified as soon as possible by the moving party.
- G. All parties should have an opportunity to be heard on a motion to continue.
- H. Factors to be considered by the appropriate court official when deciding whether to grant or deny a motion for continuance should include:
 - (1). the best interests of the child;
 - (2). the opportunity to exercise the right to effective assistance of counsel;
 - (3). the age of the case and the seriousness of the charge;
 - (4). the incarceration status of the juvenile;
 - (5). the effect on children and spouses if the issue is continued and not resolved;
 - (6). the impact of a continuance on the safety of the parties or any other persons;
 - (7). the status of the trial calendar for the session;
 - (8). the number, moving party, and grounds for previous continuances;
 - (9). the due diligence of counsel in promptly making a motion for continuance as soon as practicable and notifying opposing counsel and witnesses;
 - (10). the period of delay caused by the continuance requested;
 - (11). the presence of witnesses, including the juvenile;
 - (12). the availability of witnesses for the present session, or for a future session;
 - (13). whether the basis of the motion is the existence of a legitimate conflict with another court setting;
 - (14). the availability of counsel;
 - (15). consideration of the financial consequences to the public, the parties, the attorneys, or witnesses if the case is continued; and
 - (16). any other factor that promotes the fair administration of justice.

- I. Upon granting a motion for continuance, the judge shall reschedule the case for a specified date, taking into consideration the availability of counsel, parties and witnesses.
- J. All court orders shall contain findings of fact sufficient to establish that the matter was continued for good cause shown.
- K. All adjudication of neglect and abuse cases should be within 60 days of service of the petition. All termination of parental rights (TPRs) should be disposed within 120 days after service of the petition.

RULE 24. REASONABLE EFFORTS

- A. At every disposition or required hearing, in order to assist the Court in determining whether reasonable efforts were used to prevent or eliminate the need for foster care, DSS shall present evidence as to the need for services in the following areas, the efforts made to provide those services and the reason that services in a particular area were not provided, including, but no limited to:
 - (1). General public assistance programs;
 - (2). Health services;
 - (3). Crisis counseling;
 - (4). Emergency caretaker or homemaker services;
 - (5). Emergency shelter;
 - (6). Cash assistance or goods to provide for the essential needs of the child on a temporary basis;
 - (7). Counseling services;
 - (8). Homemaker/chore services;
 - (9). Daycare;
 - (10). Parent training;
 - (11). Transportation;
 - (12). Visitation between parents or caretakers and child as frequently as possible;
 - (13). Employment and training support services;
 - (14). Housing and home improvement services;
 - (15). Education services;
 - (16). Permanency Planning Services;
 - (17). Any additional service ordered by the Court.

- B. Reasonable efforts shall be reported with specificity as to type of service and date of delivery.

RULE 25. CONFIDENTIALITY

- A. Juvenile files are to be maintained by the clerk of court. All individuals wishing to access juvenile files must comply with Administrative Order 00-2.
- B. Confidentiality of all juvenile records are to be maintain pursuant to NCGS 7B-2901 and 3100.

RULE 26. WEATHER POLICY

- A. Court cancellations during inclement weather will be determined by the Chief District Court Judge.
- B. Any court cancellation will be promptly conveyed to the Clerk of Court, the presiding judge, the Director of the Department of Social Services, the District Administrator of the Guardian ad Litem Program, the Attorney for the Department of Social Services, the Guardian ad Litem Attorney Advocate, and parent/caretaker attorneys, either by personal contact or by public broadcast by any reasonable means (for example, radio, television, e-mail, robo-call, or contact chain, or other reasonable means).

RULE 27 ET. SEQ. RESERVED FOR FUTURE RULES

Effective Date: These Rules shall apply to all petitions filed on or after March 1, 2008, and shall apply to all pending matters as of April 1, 2008.

FORMS

Petition Related Forms

Petition Alleging Abuse, Neglect and/or Dependency Request
Reasonable Efforts Form
Petition
Non-Secure Custody Order
Affidavit As To Status Of Minor Child

Calendar Requests

Review or Permanency Planning Hearing Request
Expedited Hearing Request
Termination Hearing Request

Docket Request

Court Report Templates

Non-Secure

Pre-Disposition

Review/Permanency Planning

Post Termination Review

Expedited