

Proceedings Involving Abuse, Neglect, Dependency and Termination of Parental Rights

Rule 1. Scope

These rules apply to all cases in which a petition is filed alleging that a minor child has been abused, neglected or dependent pursuant to **NCGS 7B-101,(1)(9),(15)**.

Rule 2. Purpose of Rules

These rules are intended to help assure protection and permanence for children who come under the court's juvenile jurisdiction. To that end, these rules shall serve the following purposes:

- (1) To provide for judicial oversight of case management and planning from the earliest stages of all cases;
 - (a) To secure for the child a safe and appropriate placement when removal from the child's parent or legal custodian is necessary and in the child's best interests;
 - (b) To provide a just, thorough, speedy and efficient determination of each juvenile protection matter before the court and ensure due process for all persons involved in the proceedings;
 - (c) To eliminate unnecessary delays in court proceedings;
 - (d) To encourage early involvement of families and children in the planning and decision-making process; and
 - (e) To achieve results which truly reflect the best interests of children.

2.2 Atmosphere of mutual respect

The Court and all parties -- including but not limited to DSS, the GAL, parent(s), juvenile(s), and any service providers -- and their attorneys shall at all times show respect to one another. When the Court, a party or attorney believes in good faith that the child's interests has been adversely affected by the conduct or omission of duty of a party, social worker, mental health professional or attorney the matter should be addressed in a professional, respectful manner with due regard for the legitimate concerns, interests and responsibilities of the person or agency whose conduct is being questioned.

Rule 3. Priority of Juvenile Court

Juvenile cases involving Abuse, Neglect and Dependency will take priority over all cases pursuant to Rule 3.1 of the General Rules of Practice for the Superior and District Courts. As for conflicts between district court cases, Abuse, Neglect and Dependency cases have priority. As for conflicts between Superior Court, only Capital cases designated exceptional civil cases and complex business cases, general civil cases peremptorily set as a first case setting for trial, criminal cases Class A through E expected to last more than one week take priority over Abuse, Neglect Dependency cases. As for conflicts with appellate courts, appellate courts have priority over Abuse, Neglect and Dependency cases.

Rule 4. Construction and Enforcement.

These rules shall be liberally construed to accomplish the purposes set forth in **Rule 2**. The Court may impose sanctions against a party or attorney 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 child.

Rule 5. Appointment of Counsel

(A) General: The Clerk shall maintain a current list of attorneys eligible to be appointed to represent juveniles alleged to be delinquent; a separate list of attorneys eligible to be appointed to represent parents of children alleged to be abused, neglected or dependent; and a separate list of attorneys to be appointed to represent minors requesting judicial waiver of parental consent to abortion. To be included on any list an attorney must have a local working telephone number at which he or she can be contacted, complete any initial or follow-up training specified by any Administrative Order of the Chief District Court Judge, and maintain a mailbox in the Clerk's Office of the Forsyth County Courthouse.

(B) Abuse/Neglect/Dependency: When a petition is filed alleging abuse, neglect or dependency, the Clerk shall appoint separate counsel to represent each respondent named in the petition. The Clerk shall prepare a Notice of Appointment of Counsel to be served on the respondent with the petition and summons. The notice shall include the attorney's name and business address and telephone number and shall direct the respondent to contact the attorney. The notice shall also inform the respondent:

(1) That the respondent may retain counsel of his/her choosing;

- (2) That the court, at the first hearing, will determine whether the respondent qualifies for appointed counsel and, if the respondent does, whether the respondent waives the right to such counsel;
- (3) That the court will dismiss the appointed counsel or if the respondent does not qualify for appointed counsel, if the respondent waives the right to counsel.
- (4) Of the date and time of the Day One Conference and Non-Secure Custody Hearing after the first hearing in a case an attorney appointed to represent a respondent who has not been served or who does not appear at the hearing, may be released in the court's discretion and shall not be responsible for further appearances unless re-appointed by the court.

(C) Before appointing a specific attorney, the clerk shall ensure that the attorney will be available for the Day One Conference and the first hearing in the case and, to the best of the attorney's knowledge, for every stage of the proceeding. It shall be the continuing responsibility of counsel to immediately inform the clerk by the quickest means available of any inability to attend any hearing.

(D) GAL Attorney: Appointment of a Guardian Ad Litem attorney shall occur upon the filing of a petition and in accordance with N.C.G.S. 7B-601 and shall continue through the dispositional hearing. Following the original adjudication and disposition, the GAL attorney shall continue to provide representation to the GAL program. However, any appearance by a GAL attorney at a review hearing shall be deemed a limited appearance solely for that hearing.

(E) If there is a need for a interpreter notification needs to be given to the Trial Court Coordinator within 4 days of any scheduled. The party requesting a interpreter shall notify the District Trial Court Coordinator as soon as the need is determined.

5.1 The Judges, court counselors, attorneys, social workers, guardians ad litem and other professionals who participate on a regular basis in juvenile court matters are encouraged to attend available training and continuing education on abuse, neglect and dependency issues.

Rule 6. Requirements of Appointed /Retained Counsel

- A. Before being eligible for appointment to represent parents, 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 and juvenile court procedures;
 - (3) that they have a good understanding of child protective services and the related mandates that apply to DSS and to guardians ad litem;
 - (4) that they have completed satisfactorily any initial and follow-up training specified by the chief district court judge (said training will be set up to provide appropriate CLE credit whenever possible).
 - (5) that they have a commitment to work with parents and children; and
 - (6) understand that failure to attend court proceedings could jeopardize further appointments.
- B. An attorney who has a conflict in another court shall comply with Local Rule 3 relating to priority and, when absent from juvenile court because of a conflict with another court shall keep the courtroom clerk informed of the status of his or her conflict at all relevant times.

Rule 7. Appointment of Guardian Ad Litem and Attorney Advocate

- A. When a petition alleges a juvenile to be abused or neglected, the court shall appoint a Guardian Ad Litem to represent the juvenile. When the juvenile is alleged to be dependent, the court may appoint a Guardian Ad Litem to represent the juvenile. The Guardian Ad Litem and attorney advocate have standing to represent the juvenile in all actions under this Subchapter where they have been appointed.
(NCGS 7B-601)
- B. Before assigning a Guardian Ad Litem, the Guardian Ad Litem District Administrator shall ensure that a Guardian Ad Litem representative will be available for the initial non-secure hearing in the case and for all stages of the proceeding.

- C. At any point in the proceeding, if the judge determines that a Guardian Ad Litem or attorney advocate is not necessary for a juvenile who is alleged only to be dependent, the judge may dismiss the Guardian Ad Litem attorney advocate or both.

Rule 8. Timing of Hearings: Non-Secure Custody, Adjudication, Disposition and Review

The time frames for scheduling hearings will be as follows:

- A. Non-secure custody hearing - to be held within seven (7) calendar days of entering initial custody orders (**NCGS 7B-506**);
- B. Adjudication hearing - to be set for a date as close as practical to 45 days after the filing of petitions, but within 60 days (**NCGS 7B-901**);
- C. Dispositional hearing – immediately upon completion of the adjudication hearing, with a finding of abuse, neglect or dependency. (**NCGS 7B-900**);
- D. Review hearing - initial review within 90 days of disposition and within each six months thereafter (**NCGS 7B-906**);
- E. Permanency Planning hearing - within twelve months of initial custody order or within 30 days of court finding that reunification or effort shall cease (**NCGS 7B-907**);
- F. Adoption review hearing - within six months of termination of parental rights or relinquishment and within every six months thereafter until final order of adoption is entered (**NCGS 7B-909**);
- G. The social worker assigned to the case shall provide, by means of a docket slip, to the Juvenile Clerk the names and most current address known of the persons required to receive notice of Hearing under **NCGS 7B-906(a)**; this docket slip shall be provided no less than 30 days prior to the scheduled court hearing. The Juvenile Clerk shall be responsible for the timely provision of notice of hearing under this provision.

Rule 9 Non-secure Custody Hearings (NCGS 7B-506)

- A. If a child is placed in non-secure custody of DSS, the first hearing to determine the need for continued non-secure custody shall be held within seven calendar days.

- B. Non-secure custody hearings shall be held before a district court judge.
- C. At the non-secure custody hearing, the court:
- (1) Shall review the nature of the proceeding and the purposes of the hearing;
 - (2) Shall address any issues relating to adequacy of notice, service of process, and need for a translator for the Respondent(s);
 - (3) Shall inquire as to the identity or whereabouts of any missing parent of the juvenile and on efforts to serve said parent;
 - (4) Shall receive testimony and evidence from the parties for the purpose of the court determining:
 - (a) Whether a condition or risk justifying continued non-secure custody exists under **NCGS 7B-503**,
 - (b) What efforts the petitioner has made to eliminate the need for Non-secure custody pursuant to **NCGS 7B-507**, and
 - (c) What other steps the parties have taken since the filing of the petition to resolve the issues.
 - (5) Shall determine the Respondents need for court-appointed counsel.
- D. After giving all parties an opportunity to present evidence and to ask questions of other parties, the court shall make appropriate findings of fact and conclusions of law, indicating:
- (1) Whether there is a reasonable factual basis to believe:
 - (a) that the matters alleged in the petition are true,
 - (b) that continued non-secure custody is supported by one or more of the criteria set forth in **NCGS 7B-503**, and
 - (c) 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 placement.

- E. If the court finds that continued non-secure custody is necessary, the court 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 evaluation, and,
 - (8) specific steps to be taken by the parties before the next hearing.
- F. If the court finds that continued non-secure custody is not warranted, the court 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. At the conclusion of the non-secure custody hearing, the judge shall:
- (1) inform the parties of the time and date of the adjudication hearing and, if needed, a further non-secure custody hearing,
 - (2) ensure that all parties have a copy of any order entered as a result of the non-secure custody hearing, and
 - (3) identify efforts made by the Department of Social Services to prevent out-of home placement and determine whether those efforts were reasonable or if no such efforts were possible given the circumstances.
- H. At a non-secure custody hearing, the judge may accept stipulations and approve consent orders relating to continued non-secure custody. The

judge's findings shall be set forth on the record.

- I. If an additional non-secure custody hearing is not scheduled pursuant to subsection G. of this rule, any party may request an additional non-secure custody hearing by filing and serving on opposing counsel a written request with the clerk, who shall calendar the hearing within 10 day of said request. The requesting party shall provide at least five days notice of the hearing to all other parties.
- J. All parties are expected to share information relevant to this hearing, including recommendations to be made, as soon as these become available.

Rule 10. Service of Petition and Summons

- A. From the date the petition is filed until the adjudication hearing, the petitioner shall have a continuing duty to identify and locate any parent or other respondent who has not been served with a copy of the summons and a copy of the petition, and to have the summons and petition served on any such parent or other respondent.
- B. Any time a parent or other respondent is served with a copy of a non-secure custody order, the parent also shall be served with a notice informing the parent or other respondent of the nature, date, place, and time of the non-secure custody hearing.
- C. The summons or other appropriate notice shall inform the respondent of potential outcomes of this action, including: return of the child to parent or parents, assigning custody or guardianship to relatives or other court-approved person(s), or termination of parental rights and adoption. Notice shall also include the fact that parents or other respondents can be ordered to participate in treatment pursuant to **NCGS 7B-904**.
- D. Once Department of Social Services has prepared a petition for filing, the petition will be forwarded to the Juvenile Clerk of Court who will expedite service of the summons, notice and petition. The petitioner, the Guardian Ad Litem, and the Respondents' attorney(s) are encouraged to cooperate with law enforcement to expedite the service of petition and summons on the respondents.

Rule 11. Continuances (NCGS 7B-803)

Continuances beyond the time specified by statute, court order, or these rules shall be granted only for good cause, for the purpose of receiving additional evidence, reports or assessments that the court deems necessary or in the best interest of the child, or as a result of extraordinary circumstances upon motion of

a party to the action. Court orders for continuances shall appear in the record and shall state specific supporting reasons for said continuances.

(a) Motions for review in neglect and abuse matters should be disposed of 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 good cause shown.

(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.

(c) 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 other courts pursuant to Rule 3.

(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 motions 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 presiding judge when deciding whether to grant or deny a motion for continuance should include: but not be limited to:

- (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 effect on children and spouses if the issue is continued and not resolved;
- (5) the impact of a continuance on the safety of the parties or any other persons;
- (6) the status of the trial calendar for the session;
- (7) the number, moving party, and grounds for previous continuances;
- (8) the due diligence of counsel in promptly making a motion for continuance as soon as practicable and notifying opposing counsel and witnesses;
- (9) the period of delay caused by the continuance requested;
- (10) the presence of witnesses, including the juvenile;
- (11) the availability of witnesses for the present session, or for a future session;
- (12) whether the basis of the motion is the existence of a legitimate conflict with another court setting;
- (13) the availability of counsel;

- (14) consideration of the financial consequences to the public, the parties, the attorneys, or witnesses if the case is continued; and
 - (15) 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.

Rule 12. Discovery

- A. All means of discovery permitted by the Rules of Civil Procedure and protective orders shall be available, including orders to compel imposition of sanctions and protective orders. (7B-700)
- B. All parties should be mindful of statutory timelines and proceed with discovery request expeditiously.
- C. The Court should encourage the parties to engage in discovery which may be necessary in the representation of any party to the petition proceeding, and shall rule on any written motions filed pursuant to **NCGS 7B-700** to deny, restrict, or defer discovery.

Rule 13 Child Planning Conferences

(1) Whenever a juvenile is taken into non-secure custody, a Child Planning Conference shall be held on the first Tuesday at 2:00pm after the juvenile is taken into custody. The purpose of the Child Planning Conference is to expedite the process of establishing stability for the child by bringing all the interested parties and community resources together at an early stage to begin the planning process for the child's well-being.

(2) The Juvenile Clerk will schedule the time for the Child Planning Conference and will note it on the juvenile summons that is served on the parents. The Juvenile Clerk will also notify the Child Planning Conference Facilitator of the date and time of the Conference and will notify the DSS Attorney at the time of the filing of the petition.

(3) The Child Planning Conference will be conducted by the Child Planning Conference Facilitator. The conference will be attended by the DSS Social Worker and any Supervisor who wishes to attend, the Guardian Ad Litem and the GAL Attorney, the Parent/Custodian, each Parent's/Custodian's Attorney, the DSS Attorney, representatives from Mental Health, Youth Services and the Forsyth County School System when the juvenile is a student in a public school in Forsyth County.

(4) It should be understood by all parties participating in the Child Planning Conference that it is non-prejudicial to the parents/custodians in terms of the adjudication. Any agreements reached arising from the Child Planning Conference are confidential and not subject to discovery or other disclosures unless agreed upon by all parties.

- (5) The following issues are to be covered at the Child Planning Conference:
- (a) Placement
 - (b) Visitation
 - (c) Paternity
 - (d) Child Support
 - (e) Services
 - (f) Risk Assessment
- (6) At the Child Planning Conference, the conference facilitator shall:
- (a) Explain the nature of the proceeding and the purposes of the conference and advise the parties of the nature and extent of confidentiality for the meeting;
 - (b) Introduce all parties at the conference;
 - (c) Require all parties to sign a confidentiality agreement;
 - (d) Review the adequacy of notice and service of process;
 - (e) Attempt to ascertain the identity and whereabouts of any parent, guardian or custodian of the juvenile who is not present, whether those persons have been served, and the steps to be taken to identify, locate, or serve any such person;
 - (f) Hear information from the parties, regarding:
 - (1) The conditions alleged in the petition
 - (2) The conditions or risks that precipitated the non-secure custody order, including consideration of the results of the petitioner's risk assessment;
 - (3) The conditions or risks justifying non-secure custody under N.C.G.S. 7B-503;
 - (4) The efforts made by the petitioner to prevent or eliminate the need for non-secure custody and whether the conditions established at the time of the petition continue.
- (7) All parties will be given an opportunity to present information and to ask questions of the other parties.
- (8) The conference facilitator shall determine whether there is agreement or disagreement among the parties as to the need for the juvenile to remain in non-secure custody.
- (9) If all parties agree that the juvenile **does not** need to remain in non-secure custody, the conference facilitator shall explore the following issues with the parties:
- (a) Service needs and referrals;
 - (b) Specific steps the parties will take before the first hearing;
 - (c) Give all parties an opportunity to ask questions;
 - (d) Set a specific date for the first non-secure custody hearing and explain the purpose of the hearing;

(e) 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 writing any steps that are to be taken to identify the parent, locate the parent or establish paternity.

(9.1) Before the conclusion of the Child Planning Conference, the facilitator shall:

- (a) Summarize in writing, in the form of a proposed consent order releasing the juvenile from non-secure custody, the basis for that agreement, including the proposed plan for the child pending a hearing;
- (b) Give all parties an opportunity to review the proposed consent order and to decide whether to sign it;

- (c) If all parties voluntarily sign the proposed consent order, present it as soon as possible to a district court judge, who shall conduct a hearing and shall make findings of fact to support the order of the court.

(10) If the parties do not agree that a juvenile should be released from non-secure custody, the conference facilitator shall explore the following issues with the parties:

- (a) Placement options for the juvenile, including possible relative placements and efforts to keep siblings together;
- (b) Efforts needed to ensure that a school-aged juvenile's school placement and attendance are not disrupted;
- (c) Parental visitation;
- (d) Sibling visitation;
- (e) Service needs and referrals;
- (f) Financial support for the juvenile;
- (g) Service needs and referrals, including medical psychological and developmental;
- (h) Specific steps to be taken by the parties before the next hearing

(10.1) Before the conclusion of the Child Planning Conference, the facilitator shall:

- (a) Construct a memorandum of agreement if the parties can agree on specific steps to take or services to provide before the non-secure hearing;
- (b) Give all parties an opportunity to review the memorandum of agreement and decide whether to sign it;
- (c) Ensure that all parties will receive a copy of an order signed by a judge or any written agreement entered as a result of a Child Planning Conference.

Rule 14. Predisposition Report

(A) Prior to disposition, DSS shall prepare a predisposition report that shall include at least the following:

- (1) A description of the placement plan for the child and how that plan is appropriate to the needs of the child;
- (2) A description of the plan of services for the child and their family, and how that plan is appropriate to the needs of the child;
- (3) A statement of changes in parental behavior which are needed to correct the conditions that led to the neglect, dependency or abuse and the actions the parents must take; and
- (4) If there is a recommendation that the child be removed from the home, the report shall also include:
 - (a) a statement of the efforts by DSS to prevent the need for placing the child outside the home;
 - (b) a description of the efforts by DSS to reunify the family, including services which have been offered, provided or rejected;
 - (c) a statement of why the child cannot be reasonably protected from the identified problems while remaining in the child's home;
 - (d) the identity of all relatives and friends who have been contacted about providing a placement for the child;
 - (e) a suggested visitation plan for the child;
 - (f) a statement of the child's special needs and how they may be met; and
 - (g) the identity and location of the child's siblings and statement of steps required to maintain contact between the siblings and reunify the family.
- (5) If reunification efforts are not to continue, reasons shall be specifically given in the report.
- (6) The GAL for the child may also prepare a dispositional report to assist the Court in reaching for a disposition that will best serve the needs of the child. Copies of the recommendations of the GAL shall be provided to all parties and pro se parties and their counsel by 7 days preceding the disposition.
- (7) The Court will not review the dispositional report prior to the adjudication hearing unless the parties have settled all adjudication issues or unless the parties otherwise agree.

Rule 15. Review of Cases

(A) Scheduling of Reviews: The Court shall conduct an intensive review of each case, as provided by statute. The Court may set a review hearing for any case at any time, on its own motion, or upon motion of any party. When possible, notice of the review hearing shall be given in open Court at the end of the prior hearing.

(B) Notice: Unless previously set in open Court, the Clerk shall mail a notice of hearing at least seven (7) days prior to the date set for the review hearing to such of the following persons as may be involved in the case: the parents or their respective attorneys, the child, if he/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 the Court Order in pursuant to Rule 9(g)

(C) Court Summary and Objections: The DSS Attorney shall deliver a written Court Summary to all counsel, unrepresented parties, and the GAL office at least seven (7) days prior to the review hearing which summarizes the progress in the case since the last hearing and DSS's recommendations. Each party shall deliver in writing to the DSS Attorney and all other parties' any and all objections or additions to the DSS Summary by 1:00 PM on the Friday preceding review hearing.

(D) Preparations of Order: The DSS Attorney must prepare a proposed order conforming with N.C.G.S. 7B-906.

Rule 16 Permanency Planning Hearings

(A) Calendaring: The Court shall conduct an intensive 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) Notice: Unless previously set in open court, the Clerk shall mail a notice of the hearing immediately or at least thirty (30) days prior to the date set for the review hearing, to such of the following persons as may be involved in the case: the parents or their respective attorneys, the child, if he/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. 7B-906

(C) Timeliness: In a permanency planning hearing held pursuant to N.C.G.S. 7B-907, the hearing shall be timely if held at the Judge's next session after a cease reunification order has been entered in open Court. The Court summaries and objections previously filed shall remain in effect for the pre-hearing conference. Nothing in this section shall prohibit the holding of joint review and permanency planning hearings. However, a permanency planning hearing shall be designated either in the Court's previous order or by notice to all counsel and/or pro se parties, unless notice is waived by the parties.

(D) Court Summaries: In a permanency planning hearing held pursuant to N.C.G.S. 7B-907, the DSS Attorney shall deliver a written Court Summary to all counsel, unrepresented parties and the GAL Office at least seven (7) days prior to the review hearing which summarizes the progress in the case since the last hearing and DSS's recommendations. Each party shall deliver in writing to the DSS Attorney and all other parties any and all objections or additions to the DSS Summary by 1:00 PM on the Friday preceding the hearing date.

(E) Rescheduling: If the permanent plan has not been implemented, the case shall be re-docketed for further permanency planning hearing pursuant to statute.

(F) Preparation of Order: The DSS Attorney must prepare a proposed order conforming to N.C.G.S. 7B-907.

Rule 17. Reasonable Efforts

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 which may include but not be limited to the efforts made to provide those services and the reason that services in a particular area were not provided:

- (a) General public assistance programs;
- (b) Health services;
- (c) Crisis counseling;
- (d) Emergency caretaker or homemaker services;
- (e) Emergency shelter;
- (f) Cash assistance or goods to provide for the essential needs of the child on a temporary basis;
- (g) Counseling services;
- (h) Homemaker/chore services;
- (i) Daycare;
- (j) Parent training;
- (k) Transportation;
- (l) Visitation between parents or caretakers and child as frequently as possible;
- (m) Employment and training support services;
- (n) Housing and home improvement services;
- (o) Nutrition services;
- (p) Education services; and
- (q) Permanency Planning.

A. 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 18. Distribution of DSS Orders

The Department of Social Services Attorney shall mail to each parent's attorney a copy of the disposition order and any review orders entered thereafter until the case is closed in accordance with Rule 21.

Rule 19. Pre-Hearing Conferences

A. The purposes of the pre-adjudication or pre-disposition conferences 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. If any party wishes to have a pre-hearing conference, they shall file a written notice to that effect should be filed and served on each party at least ten (10) days prior to a scheduled hearing date or the request for a pre-hearing conference may also be made upon oral motion in open court.

C. The specific provisions of proposed settlements, stipulations, and statements of issues remaining in dispute will be set out in a written memorandum of judgment.

A. 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. 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
- C. 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 20. Services by Other Public Agencies

- A. At any time after adjudication, if it appears that the best interest of the juvenile may require, or that a party is recommending, that the juvenile receive services from a public agency or a community agency which are outside the scope of the usual services of that agency, or from a private provider, the court may direct any party seeking such services to serve the appropriate representative of the agency or provider with a notice of the (hearings) or any subsequent hearing(s). Prior to actual service of said notice, that agency or provider should be contacted by the person making the recommendation, or other person designated by the court, to discuss the matter in detail and to determine who will be the agency or provider representative appearing in court.
- B. At the hearing(s) for which the agency or provider has been served with notice, the court may hear evidence and enter orders relating to the level and type of services that the agency or provider can and should provide to meet the child's needs.
- C. After proper notice, the court shall have jurisdiction to order the agency or provider to provide specific services to the child.

Rule 21. Court Orders and Memoranda of Order

- A. All court orders in juvenile proceedings involving child abuse/neglect/dependency (entered either by consent or as the result of judicial determination) shall state with specificity all pertinent findings of fact (including all findings required by **NCGS 7B-506, 7B-507, 7B-905, 7B-906, 7B-907**) and all appropriate conclusions of law.
- B. All court orders in juvenile proceedings involving child abuse/neglect/dependency (entered either by consent or as a result of judicial determination) shall state with specificity all applicable dispositional provisions (including all provisions consistent with the requirements of **NCGS 7B-506, 7B-507, 7B-905, 7B-906, and 7B-907**).
- C. Drafts of such orders shall, upon request of counsel, 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 20 days after the Hearing, and any additions or changes must be submitted within 3 additional days. All orders are to be submitted to the Judge presiding for signature within 30 days after the Hearing pursuant to **7B-807, 7B-907(c), 7B-908**.
- D. DSS shall retrieve the orders after signed for their copies and shall return to the Juvenile Clerks of Courts by 5pm or the next business day.
- E. At the conclusion of each court hearing there shall be issued a written Summary of Services, which shall, at a minimum, state with specificity the provisions set out in open court at the hearing, so that all parties may leave the hearing with a specific and common understanding of the court's expectations as to what actions are to be undertaken by the parties and what other specific dispositional provisions will apply. The form approved for this purpose will be used.

Proceedings Involving Delinquency and Undisciplined Behavior

Rule 1. Scope

These rules apply to all cases in which a petition is filed alleging that a juvenile has committed a delinquent or undisciplined offense pursuant to **NCGS 7B, 14, 18B, 20 and 90**.

Rule 2. Purpose

These rules are intended to help ensure a more efficient court process. To that end, these rules shall serve the following purpose:

- (1) To provide for judicial oversight of case management and planning from the earliest stages in all cases;
- (2) To ensure a coordinated decision making process and timely dissemination of information; and
- (3) To promote efficiency and to eliminate unnecessary delays in juvenile court proceedings.

Rule 3. Appointment of Counsel

- A. General: The Clerk shall maintain a current list of attorneys eligible to be appointed to represent juveniles in delinquency and undisciplined matters; the list shall include the current telephone number and address for each attorney.
- B. Delinquency and Undisciplined: The Clerk shall assign an attorney to represent the juvenile as soon as possible after the Petition is filed. The next court appointed attorney on the list shall be assigned unless another attorney has previously been appointed to represent said juvenile.
- C. Any court hearing shall not proceed unless an interpreter/translator is present when it is determined that such is needed' the need for an interpreter/translator will be determined by the agency or attorney having initial contact with the client(s); preference in securing an interpreter/translator's services for the court process will be given to those translator(s) who have been working with the family prior to the court process.
- D. If the attorney is retained then he/she shall continue as attorney of record and shall receive notice of all subsequent proceedings until such time as he/she is allowed to withdraw.

Rule 4. Calendaring

- A. The Juvenile Calendar shall be maintained by the clerk assigned to Juvenile Court. No case shall be scheduled on such calendar except by said Clerk or with the consent of the presiding judge.
- B. So long as the juvenile remains in secure custody, all of the hearings shall be scheduled at the earliest practical date within statutory requirements.
- C. No extension of time or continuance beyond the time specified by statute, or by order, or by these rules shall be granted, except for good cause shown. A continuance agreed to by all attorney(s) and for good cause shown may be prepared and presented to the judge for consideration in advance of the hearing date. Copy of the executed continuance order shall be provided to all appropriate parties.
- D. At or before the conclusion of each hearing, the next hearing, if one is necessary, shall be scheduled.
- E. When setting special hearing dates and times, due consideration shall be given to the following factors:
 - (1) Calendar Call procedures;
 - (2) Any requirements for attendance of parties or the need for recording devices or property reflection of the record as required to comply with both statute and local rules;
 - (3) Work schedules of court counselors, bailiffs, or other support personnel and availability of court facilities; and
 - (4) The specific court days set aside for delinquency/undisciplined and abuse/neglect/dependency matters.
- F. Department of Juvenile Justice and Delinquency Prevention (**DJJDP**) cases should not be heard on court days assigned to the Department of Social Services and vice versa except for statutory exceptions set out for detention and non-secure custody hearings. In cases where a juvenile has matters arising in both delinquency/undisciplined and use/neglect/dependency jurisdictions the specific matter to be heard shall dictate the court date on which the case shall be set. All necessary parties, DSS attorney and/or DJJDP shall be given proper notice of the hearing.

Rule 5. Calendar Call

- A. On days assigned for delinquency and undisciplined matters, there shall be a Calendar Call at 9:00 AM by the Assistant District Attorney (or his/her designated representative) for Juvenile Court. The purpose of the Calendar Call is to determine the status and priority of all cases set for that particular day so that all parties will have a better idea as to when each case will be heard; each attorney with a case on the calendar for that day is responsible for being at Calendar Call or otherwise having the status of his/her case properly represented. Once court is in session, cases will be called in the following order:
- (1) continuances;
 - (2) first appearances;
 - (3) probable cause hearings; and
 - (4) denials/adjudications and dispositions.
- B. Detention hearings will be heard as the calendar permits.
- C. In setting the order in which matters are to be heard, additional consideration shall be given to the needs of attorneys with cases in Superior Court or those already involved in hearings elsewhere, law enforcement coming off third shift and transportation of juveniles in custody. Furthermore, attorneys are expected to return at the appropriate time for their particular case as indicated during the Calendar Call.

Rule 6. Detention Hearings

- A. The following parties shall be present: juvenile, parent/guardian/custodian, district attorney, defense attorney and a court counselor. The investigating officer shall be present, particularly at the initial detention hearing, for the purpose of providing insight as to the reason(s) for requesting secure custody and whether continued secure custody is necessary.
- B. In the event that the juvenile ordered to detention is in need of or was ordered to have specific local services (*i.e.*, psychological evaluation, health exams, counseling/treatment, screening for placement, *etc.*), those factors shall be considered by the Court to determine if that juvenile's assignment to the local detention center shall take priority over a juvenile then housed in local detention when there is no available space for the juvenile needing the local services.

Rule 7. Scheduling of Adjudicatory and Dispositional Hearings

- A. Adjudicatory and dispositional hearings shall be bifurcated. However, when possible, both hearings may be held on the same date. In the event that it is not possible to hold both hearings on the same date, the dispositional hearing shall be calendared at least three (3) weeks after the adjudicatory hearing, unless circumstances dictate otherwise and all parties consent to a lesser period of time between the two hearings.
- B. At the time of the adjudication, the Court Counselor shall inform defense attorney(s) as to the juvenile's delinquency history (low, medium or high).
- C. If the juvenile is in secure custody at the time of adjudication there shall immediately be a hearing to determine the possible release of said juvenile pending disposition.
- D. Subject to the provisions of Rule 7(A) hereinabove, the court counselor shall provide the juvenile's attorney, the District Attorney's Office and the Judge scheduled to preside over the dispositional hearing with all documents related to recommendations, social history, *etc.*, five (5) days prior to the hearing date. All recommendations shall be stamped "proposed." The "report" shall comply with all appropriate statutory requirements. (This may be subject to change when additional DJJDP policies are established.)

Rule 8. Law Enforcement Reports

The Law Enforcement Report shall be provided to DJJDP within three (3) working days of the filing of the petition/secure custody order. The report shall be made available to the defense attorney(s) upon their request. Defense attorney(s) practicing regularly in juvenile court may make a standing request in writing to DJJDP for such reports.

Rule 9. Alternatives to Adjudication

The parties are to discuss the possibility of alternative means to adjudication. The filing of a Petition does not preclude the subsequent dismissal of the Petition if alternatives such as Teen Court or mediation are appropriate and can be utilized. If either adjudication or disposition are to be continued, it shall be continued to a set time for review [up to six (6) months].

Rule 10. Court Orders

The Clerk shall provide attorney(s) for the juvenile with a copy of all orders after the Judge signs them.