

HALIFAX COUNTY FAMILY COURT RULES FOR JUVENILE COURT

1.0 Scope

These rules apply to all cases in which a petition is filed alleging that a juvenile is delinquent, undisciplined, abused, neglected or dependent.

2.0 Purpose

These local rules establish procedures for Juvenile Court, which are designed to fulfill the purposes of the North Carolina Juvenile Code. To that end, these rules serve the following purposes:

- (a) To help the Court oversee case planning;
- (b) To help eliminate unnecessary delays in Court proceedings; and
- (c) To help the parties present issues and evidence to the Court in an efficient and simple manner.

3.0 Construction and Enforcement

These rules shall be 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 or prejudice the rights of a party.

4.0 Appointment of Counsel and Judge Assignment

- (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 list of attorneys 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 Halifax County Courthouse.

All abuse, neglect, and/or dependency petitions filed will be assigned to a Juvenile Court Judge by the Juvenile Case Coordinator. All matters regarding said petitions will be heard by the assigned Judge.

- (b) Delinquent and Undisciplined Juvenile: The Clerk shall assign an attorney to represent the juvenile as soon as possible after a petition is filed. An attorney shall not accept appointment in a case if he or she knows any reason why he or she may not be available to try the case through the first disposition hearing within thirty days.
- (c) Abuse/Neglect/Dependency: When a petition is filed alleging abuse, neglect, or dependency, the Clerk shall appoint separate counsel to represent each parent named in the petition against whom allegations are made. 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;
 - (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 if the respondent does not qualify for appointed counsel or the respondent waives the right to counsel; and
 - (4) Of the date and time of the Child Planning Conference and non-secure hearing (Reference Rule 29).

After the first hearing in a case, an attorney appointed to represent a respondent who has not been served and who does not appear at the hearing shall not be responsible for further appearances until the Clerk notifies the attorney that the respondent has been served.

- (d) Termination of Parental Rights: In any case in which a petition for termination of parental rights is filed, the Clerk shall appoint the same attorney to represent the parent in the termination proceeding (if the parent whose rights are sought to be terminated has been represented by an appointed attorney in a prior abuse, neglect, or dependency proceeding). The petitioner shall mail the attorney a copy of the summons and petition. If the parent fails to apply or to qualify for court-appointed counsel by the date of the hearing on the petition, or waives court-appointed counsel, the appointment of court-appointed counsel shall not be approved by the Court. In the event the termination of parental rights proceeding is filed as a Motion in the Cause, pursuant to North Carolina General Statute 7B-1102, the current appointed counsel, including the guardian ad litem, shall continue representation, unless that attorney has properly moved the court to withdraw.
- (e) 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.

5.0 Responsibilities of Attorneys

- (a) **Priority:** An attorney who represents a party in a case scheduled for hearing shall appear at calendar call at 9:30 a. m. and at any scheduled Child Planning Conference at 10:00 a.m. unless excused by the Court or by agreement of all other parties. An attorney who has a conflict in another Court shall comply with the relevant rules relating to priority, and it shall be the responsibility of the attorney to keep the Courtroom Clerk informed of his or her location at all times. Juvenile Court shall have priority among the other District Courts for purposes of calendar calls.
- (b) **Continuation of Representation:** After a parent's attorney or juvenile's attorney enters an appearance or accepts an appointment in a case, he or she shall represent his or her client through all stages of the proceedings as long as the child continues within the jurisdiction of the Court. Leave of Court to withdraw from a case shall only be granted for compelling reasons.

6.0 Calendaring

- (a) The juvenile calendar for delinquency and undisciplined court shall be maintained by the Juvenile Clerk and the juvenile calendar for abuse, neglect, and dependency court shall be maintained by the Family Court Juvenile Case Coordinator. No case shall be scheduled on either calendar except as appropriate by said Clerk or Case Coordinator or with the consent of the Presiding Judge.

Regarding first appearances in felonies, secure custody, and nonsecure custody hearings, if the need arises for them to be heard at times other than regular juvenile court sessions, these hearings can be scheduled by the Presiding Judge in conjunction with the Family Court Administrator or Juvenile Case Coordinator and the Juvenile Clerk and shall be scheduled on the next available court date.

- (b) Any cases involving a juvenile previously adjudicated delinquent, undisciplined, abused, neglected, or dependent shall be heard by the same Judge or assigned Judge who presided at the adjudication, unless circumstances otherwise require.
- (c) At or before the conclusion of each hearing, the next hearing date shall be set.

- (d) Court calendars shall be provided to the GAL Office, Department of Social Services (hereinafter referred to as DSS), the District Attorney, Office of Juvenile Justice, and any known private treatment provider under the supervision of Five County Mental Health Authority.
- (e) Juvenile Court will be held on specified Thursdays of each month. Delinquency and undisciplined cases, first appearances in felonies, motions for review, and secure custody hearings will be scheduled on the first and third Thursdays of the month. DSS cases including reviews, permanency planning hearings, and nonsecure custody hearings will be scheduled on the second and fourth Thursdays of the month. If additional court sessions are needed, the Presiding Judge will schedule them on chamber days.
- (f) Hearings on judicial waiver of parental consent shall be scheduled for the next business date following the filing of the petition.
- (g) At the conclusion of the calendar call, the District Attorney or the DSS attorney shall announce the order in which cases are to be called and the approximate time required to complete each case. The Court shall to the extent possible, establish a schedule in order to allow attorneys, parties, and witnesses to address business elsewhere while waiting for their cases to be reached. Attorneys who are excused until a certain time shall return at that time and shall keep the Courtroom Clerk informed of their location until that time.
- (h) Pre-hearing Settlement Conferences: The practice in this district prior to the introduction of Family Court was to allow the DSS attorney, the GAL attorney, and the attorney for the parties to discuss reviews, adjudications, and dispositions and to reach agreements where possible. This informal procedure has worked well in this judicial district and will be allowed to continue; however, should any attorney desire a more formal conference, a request can be made to the Family Court Administrator or Juvenile Case Coordinator and a date will be set in conjunction with the assigned Judge.

The purpose of this conference whether formal or informal in nature shall be to explore the possibility of settlement to narrow the issues as much as possible, and to stipulate those factors that are not in dispute. At or before the conference, each party shall provide to all other parties a written list of prospective witnesses and exhibits and copies of all available listed exhibits intended for use at trial. Any listed exhibit not available for distribution at the pre-hearing conference shall be distributed as soon as available.

If a formal pre-hearing conference is requested, attendance by all parties at the hearing is mandatory unless a party is excused by the presiding Judge for good cause.

7.0 Continuances

- (a) No extension of time or continuance beyond the time specified by statute, order, or these Rules shall be granted, except for good cause. The consent of the parties alone is not good cause for an extension or continuance. Absence of reports which are dispositional in nature may be good cause to continue the disposition but not good cause to continue the adjudication. In considering granting a continuance, the Court should consider the availability of the parties and all witnesses, whether such continuance would promote the purposes of these rules, protect the rights of the parties and the best interest of the juvenile, and promote the ends of justice.
- (b) Whenever possible, motions for continuance shall be made in writing and served on all the parties at least one day prior to the scheduled hearing. Service may be affected by hand delivery, mail, or facsimile transmission. All parties shall have an opportunity to be heard on the motion.
- (c) All orders for extension or continuance shall appear on the record, state supporting reasons, and set the next hearing date.

8.0 Notice to Other Agencies

- (a) If subsequent to adjudication, it appears that the best interest of a juvenile or the community may require that the juvenile receive services from a public agency, the Court may schedule a hearing to determine the appropriate level of services that agency should provide. If requested by the Court, the Clerk or a party shall serve the director or other appropriate representative of the agency with a notice of the hearing and of the issues to be addressed. If the notice is served on a county agency, it shall also be served on the county attorney.
- (b) At the disposition or subsequent hearing for which the agency has been served with notice, the Court may hear evidence and enter orders relating to the level and type of services that the agency can and should provide, based on available services, to meet the juvenile's needs.

Delinquency and Undisciplined Hearings

9.0 Service of Summons and Petition

- (a) When the juvenile and his or her parent(s) or guardian attend the intake meeting and the decision is made to file a petition, a Sheriff's Deputy will serve a summons and a copy of the petition on the parent or guardian and the juvenile before they leave the Intake Meeting. If the juvenile and parent or guardian did not attend the Intake Meeting, the Sheriff's Office will assist in

serving the summons and a copy of the petition in a manner to meet the scheduling guidelines outlined in Rule 12.

- (b) From the date the petition is filed until the adjudication hearing, the petitioner shall have a continuing duty to identify and locate any parent who has not been served with a copy of the summons and petition and to have the summons and petition served on any such parent. Additionally, any motion for service by certified or registered mail shall be liberally granted.

10.0 Duty of Juvenile Court Counselor and DSS in Case of Juvenile Who May Be Abused or Neglected

- (a) Upon approving for filing a petition alleging a juvenile to be delinquent or undisciplined, the Juvenile Court Counselor shall determine whether there is reason to suspect that the juvenile is abused, neglected, or dependent. If the Juvenile Court Counselor determines that there is such reason, he or she shall immediately notify DSS and document said notification in the record. The notification shall include the date of the next hearing, if such is known. If not known at the first notification, DSS shall be notified as soon as the hearing date is determined. Upon receipt of first notification, DSS shall investigate the allegations and report its findings to the Court at the next scheduled hearing, if any, in addition to complying with the requirement of N.C.G.S. 7B-302. If DSS substantiates the allegations, it shall inform the Court whether or not it intends to file a petition.
- (b) If the Juvenile Court Counselor does not approve a petition for filing, he or she shall, nevertheless, determine whether there is reason to suspect that the juvenile is abused, neglected, or dependent. If the Juvenile Court Counselor determines that there is such evidence, he or she shall proceed as in (a) above. Upon receipt of notification, DSS shall investigate the allegations and report its findings as required by law.

11.0 Detention Hearings

- (a) If a juvenile is placed in secure custody pending adjudication, the first detention hearing must be held within five days of the child being placed in custody. This hearing may not be waived.
- (b) Subsequent detention hearings must be held within ten days of the prior detention hearing unless waived by the juvenile through counsel.

12.0 First Appearances

- (a) The First Appearance for juveniles alleged to have committed a felony offense must be held within ten days of the filing of the petition. For juveniles

held in secure custody, the first appearance will be incorporated in the juvenile's first detention hearing.

- (b) In the summons to the parent, the parent shall be informed of the date of the First Appearance and ordered to appear with the juvenile. If the parent fails to appear for the First Appearance, an Order to Show Cause may be issued informing the parent of the consequences of being found in contempt for failure to appear. If the juvenile fails to appear at the first appearance, a pick-up order shall be issued.

13.0 Probable Cause Hearings

- (a) Probable cause hearings shall be scheduled at the First Appearance, and shall be held within 15 days after the First Appearance unless the Court continues the hearing for good cause. Whenever possible the State shall inform the juvenile at the First Appearance of the intention to seek transfer to Superior Court.
- (b) If a motion for transfer to Superior Court is granted, the order shall specify the reasons for transfer. When the case is transferred to Superior Court, the Superior Court has jurisdiction over that felony, any offense based on the same act or transaction, or on a series of acts or transactions connected with or constituting parts of a single scheme or plan of that felony, and any greater or lesser included offenses in that felony.
- (c) If no request for transfer to Superior Court is made, the Court shall either proceed to an adjudicatory hearing or set a date for that hearing.

14.0 Admissions in Undisciplined and Delinquency Cases

- (a) Undisciplined: Whether a juvenile alleged to be undisciplined admits or denies the allegations in the petition, the State shall present sufficient evidence for the Court to determine the facts and to adjudicate whether or not the juvenile is in fact undisciplined as alleged in the petition.
- (b) Delinquency: When a juvenile alleged to be delinquent desires to admit the allegations of the petition, or, with the consent of the State, desires to admit the allegations of a lesser offense, the juvenile's attorney shall prepare a Transcript of Admission on a form to be supplied by the Clerk. The attorney shall review the Transcript with the juvenile and determine that the juvenile's admission is the product of his or her informed choice and that it is voluntary. The juvenile and his or her attorney shall then sign the form and present it to the Court at the time of the admission. The Court shall then review the form with the juvenile prior to accepting the juvenile's admission, in order to determine the informed and voluntary nature of the admission.

- (c) Time for Disposition Hearing: Whenever possible, the disposition shall take place immediately after adjudication. The disposition will otherwise be set before the same Judge as soon as practicable. In cases involving a juvenile held in secure custody pending disposition, the juvenile will automatically have a hearing every 30 days before the same Judge who had presided in the adjudication hearing.

15.0 Predisposition Reports - Delinquency/Undisciplined

- (a) The Juvenile Court Counselor shall conduct an investigation of the juvenile and his or her family prior to the disposition hearing unless excused by the Court. If the juvenile and the juvenile's parent(s), guardian(s), or custodian(s) consent(s), the investigation shall be conducted prior to the adjudication hearing. The investigation shall include a home study of the juvenile's residence and any anticipated future residence if ordered by the Court or deemed appropriate by the Juvenile Court Counselor. The Juvenile Court Counselor shall prepare a written predispositional report to be presented to the Court if the juvenile is adjudicated to be delinquent or undisciplined. The report shall include the following information when available:
 - a. The results of any home study;
 - b. Information concerning both parents, including their location, their contact with the juvenile, any mental health or substance abuse history, and any other relevant information;
 - c. A summary of the juvenile's Court history;
 - d. A summary of services previously provided the juvenile;
 - e. The juvenile's educational history and present school placement;
 - f. A summary of evaluations completed;
 - g. A statement of evaluations needed;
 - h. A summary of appropriate community resources needed by the juvenile and their availability;
 - i. An opinion whether there is reason to suspect the juvenile is abused, neglected or dependent;
 - j. A risk and needs assessment; and
 - k. The level of sanctions according to the dispositional grid as set forth in N.C.G.S. 7B-2507.
- (b) The report shall remain sealed until the juvenile has been adjudicated. If the juvenile is adjudicated delinquent or undisciplined, the Juvenile Court Counselor shall provide a copy of the predispositional report to the attorney for the juvenile. If the report contains information that, in the Juvenile Court Counselor's opinion, should not be disclosed to the juvenile, or the juvenile's parents, the counselor shall so inform the Court, and the defense attorney.

The attorney shall not disclose any such information to the juvenile or the juvenile's parents without the Court's permission.

16.0 Placement of Delinquent or Undisciplined Juvenile in Custody of DSS

- (a) If a party or the Court determines (at any stage in a proceeding) that the best interest of the juvenile or the community may require that the juvenile be placed in the custody of the DSS; that party or a person designated by the Court shall notify the DSS Child Protective Services intake worker in writing of the date of the next scheduled hearing and of the issue to be considered. Upon receipt of the notice, DSS shall acquire the right to receive notice of and to participate in all future hearings until it may be determined that placement of the juvenile with DSS is not an appropriate option. If a juvenile is placed in its custody, DSS shall receive notice of and participate in all future disposition or review hearings.
- (b) If circumstances require that a juvenile adjudicated delinquent or undisciplined be placed in the custody of DSS before notice has been given, the Court shall designate a person to notify the DSS Child Protective Services intake worker immediately. DSS shall thereafter have the right to receive notice of and participate in all future disposition or review hearings.

17.0 Review of Cases

- (a) If a delinquent or undisciplined juvenile has been placed in the custody of DSS and DSS has not filed a petition alleging abuse, neglect, or dependency, DSS shall schedule reviews of the placement pursuant to statute until the juvenile is removed from the custody of DSS. Any party may request an earlier review. The juvenile's parents shall receive notice. Any such custody order may extend beyond the term of any probation or commitment. DSS shall determine whether a petition should be filed. The Juvenile Court Counselor shall notify DSS of termination of probation.
- (b) In all other cases, the Juvenile Court Counselor or the juvenile may request the Court to review its disposition at any time by filing a Motion for Review with notice to parents and DSS if appropriate. The Motion for Review shall include a statement of what community resources have been used or attempted and an explanation of why any appropriate, available resources have not been used.

Abuse/Neglect/Dependency & Termination of Parental Rights Hearings

18.0 Timeliness Requirements

- (a) If a child is placed in nonsecure custody, a hearing to determine the need for continued nonsecure custody and a Child Planning Conference shall be held within seven days, unless an earlier hearing is required by N.C.G.S. 7B-506. Subsequent review of nonsecure custody shall be held as required by N.C.G.S. 7B-506.
- (b) If a child is placed in nonsecure custody, the adjudication hearing shall be scheduled for the earliest possible date and in no event more than 40 days after removal of the child from his or her home.
- (c) In all other cases, the adjudication hearing shall be scheduled for no more than 40 days after the filing of the petition.
- (d) Whenever possible, the disposition shall take place immediately following adjudication. The disposition will otherwise be set before the assigned Judge as soon as practicable.

18.1 ASFA Time Line (Adoption and Safe Families Act)

The time frames cited in the below table are intended to be consistent with the Federal Adoption and Safe Families Act provisions and North Carolina Statutory provisions. These time frames represent **maximum** time limits that are “goals.” In every case, the child’s best interest is paramount. Unless otherwise noted, “Days” are calendar days and are counted from the date the petition is filed. Not all stages listed below will occur in every case; e.g., the child may not be taken into nonsecure custody or the petition may be dismissed. All orders should be filed within 15 days following the conclusion of a hearing. A Judge may allow additional time to file an order in complex cases, but all orders must be filed within 30 days following the hearing.

EVENT	TIME FROM FILING OF PETITION
Nonsecure Custody Order Entered	Same day petition is filed
First Nonsecure Custody Hearing	Seven (7) days (second nonsecure custody hearing no more than seven days after first; subsequent nonsecure custody hearings at intervals of no more than 30 days)
Child Planning Conference	Seven (7) days (held prior to the first nonsecure custody hearing)
Adjudication Hearing Completed in 100% of cases	60 days

EVENT	TIME FROM FILING OF PETITION
Disposition Hearing Completed in 100% of cases	90 days
First Placement Review Hearing Completed	150 days
First Permanency Planning Hearing Completed	330 days
Reunification (1) in 75% of cases (2) in 100 of cases	330 days 510 days
Implementation of Other Permanent Plan (1) in 90% of cases (2) in 100% of cases	330 days 365 days
Termination of Parental Rights (TPR) in 100% of cases	TPR petition/motion filed within 390 days
TPR Hearing Completed (1) in 90% of cases (2) in 100% of cases	90 days from filing of TPR petition 180 days from filing of TPR petition

19.0 Service of Summons and Petition

From the date the petition is filed until the adjudication hearing, the petitioner shall have a continuing duty to identify and locate any parent who has not been served with a copy of the summons and petition and to have the summons and petition served on any such parent. A parent's request for counsel shall be deemed a general appearance for purposes of service of the summons and petition. Additionally, any motion for service by certified or registered mail shall be liberally granted.

20.0 Preadjudication, Predisposition, and Prereview Conferences

(Refer back to Rule 6(h) for procedure to be followed.)

21.0 Discovery

- (a) Orders: Discovery of the Department of Social Services records is available by the use of a discovery order. The discovery order, which is Form #9 in Section I-A, Domestic Forms, of these Rules, shall be signed ex parte upon appointment or retention of counsel. A copy of the discovery order shall be served on the attorney for the Department of Social Services and mailed to the social worker if known prior to any initiation of discovery.

- (b) Access: The GAL attorney, the DSS attorney, and any party with a discovery order may have access to any records subpoenaed (including videotapes) intended to be used as an exhibit when received by the Court.

22.0 Stipulations in Abuse, Neglect and Dependency Cases/Adjudication

If the parties agree to stipulate to certain findings and/or conclusions and/or provisions of the Court's decree, the Court shall determine, before accepting the stipulation in open Court, that the parties understand the content and consequences of the stipulation, including the possibility that the child may be removed permanently from the home or that their parental rights may ultimately be terminated, and that they voluntarily consent to the stipulation. The Court's findings shall be set forth on the record. In lieu of stipulations, in order to protect the parent's constitutional rights or for any other reason, a parent may choose not to resist the entry into evidence of the petition, court summary, medical reports or other documents forming the basis of an adjudication. A statement that a party does not resist the findings/stipulations shall be a sufficient finding of fact. Further, a parent may choose not to resist a determination by the Court that a juvenile is abused, neglected, and/or dependent.

23.0 Predisposition Report

Prior to predisposition/settlement, DSS shall prepare a predisposition report that shall include at least the following:

- (a) A description of the placement plan for the child and how that plan is appropriate to the needs of the child;
- (b) A description of the plan of services for the child and his or her family, and how that plan is appropriate to meet the needs of the child;
- (c) 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
- (d) If there is a recommendation that the child be removed from the home, the report shall also include:
 - i. A statement of the efforts by DSS to prevent the need for placing the child outside the home;
 - ii. A description of the efforts by DSS to reunify the family, including services which have been offered, provided or rejected;
 - iii. A statement of why the child cannot be reasonably protected from the identified problems while remaining in the child's home;
 - iv. The identity of all relatives and friends who have been contacted about providing a placement for the child.
 - v. A suggested visitation plan for the child;
 - vi. A statement of the child's special needs and how they may be met; and

- vii. The identity and location of the child's siblings and a statement of steps required to maintain contact between the siblings and reunify the family.
- (e) If reunification efforts are not to continue, reasons shall be specifically given in the report.

The GAL for the child may also prepare a dispositional report to assist the Court in reaching a disposition that will best serve the needs of the child.

Copies of the recommendations of the GAL shall be provided to all parties, pro se parties and their counsel, and the Juvenile Case Coordinator on behalf of the Judge by 1:00 p. m. on the Friday preceding the Thursday adjudication.

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.

24.0 Stipulated Dispositions

Before accepting a stipulated disposition, the Court shall inquire of the parties in open Court to determine that they understand the contents of the stipulation and its consequences; and that they voluntarily consent to its terms. The Court's findings shall be set forth in the record. A party's nonresistance to entry shall be acceptable in the Court's discretion.

25.0 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 DSS attorney shall mail a notice of the hearing at least 15 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 attorney, the child, if he or she will be 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.
- (c) Court Summary and Objections: The DSS attorney shall deliver a written Court summary to all counsel, unrepresented parties, the GAL office, and the Juvenile Case Coordinator at least 14 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, all

other parties, and the Juvenile Case Coordinator any and all objections or additions to the DSS Summary by 1:00 p. m. on the Friday preceding review hearing.

- (d) Burden: The party who files any additions and/or objections bears the burden of producing evidence at the subsequent review hearing.
- (e) Service: Any objections or additions shall be served upon all parties either by hand delivery, mail, delivery to DSS, GAL and Family Court mailboxes or intake basket in the Office of the Clerk of Superior Court and, facsimile, or by placement in counsel's mailbox housed in the vault of the Office of the Clerk of Superior Court. If service is rendered by mail, then an additional three days shall be added in order to perfect timely service.
- (f) Periodic Reviews: If DSS is not relieved of court-ordered responsibility, the case shall be re-docketed for further review pursuant to statute.
- (g) Preparations of Order: The DSS Attorney must prepare a proposed order conforming with N.C.G.S. 7B-906.

26.0 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 DSS Attorney shall mail a notice of the hearing at least 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 attorney, the child, if he or she will be 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) 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 the cease reunification order has been entered in open Court. The Court summaries and objections previously filed shall remain in effect for the prehearing 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 25 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 p. m. on the Friday one week 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.

27.0 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, 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.

28.0 Distribution of DSS Orders

The Clerk of Superior Court shall mail to the parent's attorney a copy of the disposition order and any review orders entered thereafter until the case is closed.

29.0 CHILD PLANNING CONFERENCE

In order to provide more expedient services to families whose children have been placed in foster care, the Court has initiated a procedure involving a Child Planning Conference. A Child Planning Conference will be held on every Monday morning following the issuance of a petition for abuse, neglect or dependency.

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 Family Court Juvenile Case Coordinator of the date and time of the Child Planning Conference and will notify the DSS social worker who files the petition at the time of the filing of the petition.

The Child Planning Conference will be conducted by the Juvenile Case Coordinator or Family Court Administrator. The conference will be attended by the DSS social worker and any supervisor in that department who wishes to attend; the Guardian ad Litem; the parents; the parents' attorneys; the DSS Attorney; a representative from a private provider under the supervision of Five County Mental Health Authority who is currently providing services to any juvenile or parent listed on the petition; the social work supervisor or director of nursing from the local health department; and school social workers when a juvenile taken into DSS custody is also a student in a public school in Halifax County. At the Child Planning Conference, the facilitator will endeavor to determine if there are relatives of the child or children living in the vicinity of Halifax County who may be an appropriate placement for the child or children and what services, if any, can be provided to the family prior to adjudication, such services being those including private providers under the supervision of Five County Mental Health Authority. The facilitator will determine whether or not paternity has been established, try to determine addresses for parties not served, and complete the Memorandum of Agreement among the social workers, the parents, and the parents' attorneys. Each person attending the Child Planning Conference shall execute the Confidentiality Agreement which will require that no one discuss any information obtained outside of that conference setting.

It should also be understood by all parties that the Child Planning Conference is non-prejudicial to the parents in terms of the adjudication. The facilitator will also attempt to determine whether or not additional non-secure custody hearings will be necessary or if the parties through their attorneys can waive the necessity for a further non-secure hearing.

On each Monday following the Child Planning Conference or in the afternoon if multiple conferences have been held, Non-secure Custody Orders or Stipulations as to Non-secure Custody Orders will be heard before the assigned Juvenile Family Court Judge. In order to utilize time wisely, only one or two Child Planning Conferences are held on a Monday morning, the Court and the Juvenile Clerk will be available to go forward with non-secure custody hearings on Monday mornings to avoid the necessity of attorneys appearing again in the afternoon.

30.0 FAMILY DRUG TREATMENT COURT

Family Drug Treatment Court (FDTC) is a service provided by the Halifax County Family Court specifically to parents involved in abuse, neglect, and dependency cases. The Court is designed to assist parents in these sensitive cases “get clean and stay clean” with the aim being to better position the parent for the possible return of their child to their custody. At no time is the parent promised that success in FDTC guarantees the return of their child to their custody. This Court operates separately from abuse, neglect, and dependency Court though carefully designated information is reported between the two Courts. The FDTC stresses judicial intervention, close monitoring by FDTC staff, frequent drug screens, both in-patient and out-patient treatment, and participation in AA and NA and utilizes appropriate incentives and sanctions.

The Child Planning Conference is an appropriate forum for discussing parent entry into the Halifax County Family Drug Treatment Court (FDTC) when substance abuse by a parent has been alleged or is discovered as a secondary factor. The Juvenile Case Coordinator also serves as the Family Drug Treatment Case Coordinator and in that role may explain the FDTC process to the parent and attorney and initiate the in-take process if agreed by both the parent and parent’s attorney. Parents who refuse participation in FDTC may later be ordered to participate at the time of disposition.