

**Rules for Juvenile Court  
Camden, Chowan, Currituck, Gates, Pasquotank and Perquimans  
Counties**

*(Rule 14 regarding Pre-Adjudication Conferences will be effective June 1, 2010 for Camden, Chowan, Currituck, Gates, Pasquotank and Perquimans beginning June 1, 2010 and become effective for Dare county beginning January 1, 2011).*

**Rule 1. Scope**

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

**Rule 2. Purpose**

These local rules establish procedures for Juvenile Court in cases involving juveniles alleged to be abused, neglected, and/or dependent, and are designed to fulfill the purposes of the Juvenile Code, Chapter 7B of the North Carolina General Statutes. To that end, these rules serve the following purposes:

- (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 reduce unnecessary delays in court proceedings;
- (d) To encourage early involvement of families and, when appropriate, children in the planning and decision-making process;
- (e) To help the parties present issues and evidence to the Court in an efficient and simple manner;
- (f) To promote the integration of services for families and children and to facilitate access to community services.

**Rule 3. 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 an 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.

It is recognized that these rules are not complete in every detail and may not cover every situation that may rise. In the event that these rules do not cover a specific matter, all parties shall act in accordance with the North Carolina Juvenile Code and orders of the Chief District Court Judge or the assigned or presiding Court Judge.

#### **Rule 4. Definitions**

- (a) “Juvenile Case Manager” means any qualified person designated by the Chief District Court Judge who will facilitate Child Planning Conferences.
- (b) “Court” means the district court division of the General Court of Justice.
- (c) “Child Planning Conference” means a meeting of the parties and attorneys involved in the case, with a case manager. This conference is to be scheduled by the case manager after the juvenile is taken into custody and before the Nonsecure Custody hearing.
- (d) “DSS” means the county department of Social Services in the county in which a case is being initiated.
- (e) “Guardian ad Litem” means a volunteer or one representing the volunteer who has been screened and trained by the GAL program and appointed by the Court to advocate for children who come into the court system primarily as a result of a alleged abuse or neglect.

#### **Rule 5. Priority of Juvenile Court**

Juvenile cases involving abuse, neglect and/or dependency shall have priority over all other district court matters.

#### **Rule 6. Petition and Juvenile Summons and Notice of Hearing**

- (a) **Filing the Petition.** The DSS attorney in each county or the Child Protective Services Supervisor within that county’s Social Services Agency shall contact the Juvenile Case Manager when a petition of abuse, neglect, and/or dependency is being filed, if possible.
- (b) **Child Planning Conference.** The Juvenile Case Manager shall provide the DSS Attorney’s Office or the Child Protective Services Supervisor with the date, time and place for the Child Planning Conference which will be scheduled before the seven day Nonsecure Custody Hearing. This date and time shall be placed on the Juvenile Summons and Notice of Hearing by the designated person in each county that is responsible for completing the summons and notices of hearing.
- (c) **Initial Nonsecure Custody Hearing.** The date, time and place of the initial Nonsecure Custody Hearing will be placed on the Juvenile Summons and Notice of Hearing by the designated person in the county of the filing.

#### **Rule 7. Appointment of Counsel**

- (a) When a petition is filed alleging abuse, neglect and/or dependency, the Clerk shall appoint separate counsel to represent each parent/respondent named in the petition prior to the Child Planning Conference.
- (b) Before appointing a specific attorney, the Clerk shall ensure that the attorney will be available for the Child Planning 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 responsibility of counsel to immediately inform the Clerk by the quickest means available of any inability to attend a Child Planning Conference.

- (c) The Juvenile Summons and Notice of Hearing for a petition alleging abuse, neglect, and/or dependency shall include the name, address, business telephone number, and facsimile number of the provisional attorney.

The Juvenile summons shall also inform the parent/respondent:

- (1) That the parent/respondent may retain counsel of his or her own 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 if the respondent does not qualify for appointed counsel, if the respondent waives the right to counsel; or if the respondent does not appear at the first hearing;

### **Rule 8. Responsibilities of Attorneys**

- (a) Before being eligible for appointment to represent parents/respondents, 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; and
  - (3) That they have a good understanding of child protective services and the related mandates that apply to DSS and to guardian ad litem.
- (b) An attorney who has a conflict in another court shall comply with relevant rules relating to priority, and when absent from juvenile court because of a conflict, shall keep the case manager and the courtroom clerk informed of his or her location at all times.
- (c) 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, except when allowed to withdraw by the presiding Judge.
- (d) Leave of court for an attorney to withdraw from a case shall be granted only for compelling reasons.

### **Rule 9. Appointment of Guardian ad Litem and Attorney Advocate**

- (a) When a petition is filed alleging abuse, neglect or dependency, the judge shall appoint a guardian ad litem and, if the guardian ad litem is not an attorney also an attorney advocate to represent the juvenile named in the petition.
- (b) The Guardian ad Litem district administrator shall ensure that the guardian ad litem appointed to a case or a GAL designee will be available for the Child Planning Conference and the first hearing in the case and for other 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 or attorney advocate or both.

## **Rule 10. Service**

- (a) **Identification and location of parents.** From the date of the filing of the petition, DSS has a continuing duty to identify, locate and obtain service of process on each parent/respondent.
- (b) **Petitions and other documents.** All petitions, Juvenile Summons, Notice of Hearings, Notice of the date and time of the Child Planning Conference, Notice of the Nonsecure Custody Hearing and any other documents relevant to the proceedings shall be served in accordance with N.C.G.S. 7B-406 through 7B-413.
- (c) **Notice of Child Planning Conference.** At the time a parent/respondent is served with a petition alleging abuse, neglect or dependency, the respondent shall also be served with a notice informing the respondent of the nature, date, place and time of the Child Planning Conference.
- (d) **Law Enforcement.** The law enforcement agency responsible for serving summons, petitions, notices, subpoenas and other legal documents in juvenile cases shall give priority to the timely service of such documents.

## **Rule 11. Child Planning Conferences**

- (a) **Purpose.** Whenever a petition is filed alleging abuse, neglect or dependency, a Child Planning Conference shall be scheduled before the seven day Nonsecure Custody hearing. 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 in a timely fashion to begin the planning process for the child's well-being.
- (b) **Facilitation and Who Attends the Conference.** A Juvenile Case Manager shall conduct the juvenile planning conference. The conference will be attended by the DSS social worker and any supervisor who wishes to attend, the DSS attorney, the GAL and the GAL attorney, parent(s)/custodian(s), each parent/custodian's attorney, representatives from the local Mental Health agency and the appropriate county school system when the juvenile is a student in a public school in the county in which the petition is heard.
- (c) **Duties of the Case Manager at the Child Planning Conference.** At the Child Planning Conference, the case manager shall:
  - (1) Introduce himself/herself and the parties and have everyone sign a confidentiality statement;
  - (2) Advise the parties that participation in the conference is voluntary and that a nonsecure custody hearing will be held before a district court judge in the event the parties through their attorneys are unable to waive the necessity of the nonsecure custody hearing.

- (3) Explain the nature of the proceeding and the purposes of the conference;
- (4) Review the adequacy of notice and service of process;
- (5) Attempt to ascertain the identity and whereabouts of any parent, guardian, or custodian of the juvenile who is not present, whether that person has been served, and what steps need to be taken to identify, locate or serve any such person;
- (6) Hear information from the parties, aimed at determining:
  - What condition is alleged in the petition, what condition or risk precipitated the nonsecure custody order, including consideration of the results of the petitioner's risk assessment,
  - Whether a condition or risk justifying non-secure custody under G.S. 7B-503 exists,
  - What efforts the petitioner has made to prevent or eliminate the need for nonsecure custody,
  - The identity of possible relative placements,
  - Conditions, if satisfied, which would allow the child(ren) to be placed back with parent(s),
  - Services available immediately to assist the parent(s) and/or child(ren) in addressing the conditions giving rise to the petition,
  - Encourage the parties to engage in a limited discovery of records and documents, which may be relevant to a party's case preparation.
- (7) After giving all parties an opportunity to present information and to ask brief questions of other parties, the case manager shall determine whether there is agreement among the parties as to the need for the juvenile to remain in nonsecure custody.
- (8) If all parties agree that the juvenile **does not need to remain** in nonsecure custody, the case manager shall:
  - Reduce the agreement to written form using a memorandum of order/judgment that releases the juvenile from nonsecure custody, contains the basis for the agreement, and includes the proposed plan for the child, service needs for the child, and specific steps the parties agree to take pending the adjudication hearing;
  - Give all parties an opportunity to review the proposed memorandum of order/judgment and to decide whether to sign it; and
  - If all parties voluntarily sign the proposed memorandum of order/judgment, present it as soon as possible to a district court judge, who shall determine whether to approve it as an order of the Court.
- (9) If a judge signs a consent order releasing the juvenile from nonsecure

custody, the case manager shall explore the following with the parties:

- Service needs and referrals, and
- Specific steps the parties agree to take before the first hearing.

(10) If all parties agree that the juvenile **should remain** in nonsecure custody, the case manager shall explore the following with the parties:

- Placement options for the juvenile, including possible relative placements and efforts to keep siblings together,
- Efforts needed to ensure that a school-aged juvenile's school placement and attendance are not disrupted,
- Parental visitation,
- Sibling visitation,
- Service needs and referrals,
- Financial support for the juvenile,
- Whether a court order is needed to address the juvenile's immediate needs such as an immediate need for medical treatment or evaluation or the need to secure items belonging to the juvenile; and
- Specific steps the parties agree to take before the nonsecure custody hearing.

(11) Before the conclusion of the Child Planning Conference, the case manager shall:

- Summarize what has occurred at the conference in a memorandum of agreement,
- Give all parties an opportunity to review the memorandum of agreement and decide whether to sign it;
- Set a specific date for the first hearing,
- Explain the purpose of the hearing,
- Prepare and ensure that all parties have a copy of any order a judge has signed or any other written agreement entered as a result of the Child Planning Conference;
- 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 and locate the parent or establish paternity.

## **Rule 12. Nonsecure Custody Hearing**

- (a) If at the Child Planning Conference, the parties through their attorneys are unable to waive the necessity of the nonsecure custody hearing, and the juvenile remains in nonsecure custody, the hearing required by G.S. 7B-506 to determine the need for continued nonsecure custody shall be held before a district court judge within seven calendar days after the juvenile was taken into custody if the parties are unable to waive the necessity of the nonsecure custody hearing

- (b) At a nonsecure custody hearing, the judge shall:
- (1) review the nature of the proceeding and the purposes of the hearing;
  - (2) address any issues relating to adequacy of notice and service of process;
  - (3) address the requirements set forth in G.S. 7b-506 in determining the need for continued custody;
  - (4) encourage the parties to engage in limited discovery of records that may be necessary in the representation of any party to the proceeding;
  - (5) hear sworn testimony from the parties aimed at determining:
    - whether a condition or risk justifying continued nonsecure custody exists under G.S. 7B-503,
    - what efforts the petitioner has made to eliminate the need for nonsecure custody, and
    - what other steps the parties have taken since the Child Planning Conference.
- (c) 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 whether there is a reasonable factual basis to believe:
- (1) that continued nonsecure custody is supported by one or more of the criteria set forth in G.S. 7B-503, and
  - (2) that there is clear and convincing evidence that the juvenile's placement in custody is necessary. The court shall be bound by the criteria set forth in G.S. 7B-503 in determining whether continued custody is warranted.
- (d) If the judge finds that continued nonsecure 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 evaluation, and
  - (8) specific steps to be taken by the parties before the next hearing.
- (e) If the judge finds that continued nonsecure 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 adjudication hearing.

- (f) Before the conclusion of the nonsecure custody hearing, the judge shall:
  - (1) summarize what has occurred,
  - (2) give all parties an opportunity to ask questions,
  - (3) set specific dates for the next nonsecure custody hearing, if applicable, and for the adjudicatory hearing,
  - (4) explain the purpose of the next hearing,
  - (5) make findings as to whether reasonable efforts have been made by DSS to eliminate the need for placement of the juvenile as required by G.S. 7B-507, and
  - (6) prepare and ensure that all parties have a copy of any order entered as a result of the hearing.
  
- (g) At a nonsecure custody hearing, the judge may accept stipulations and approve consent orders relating to continued nonsecure custody. Before accepting a stipulation to findings, conclusions, or provisions 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.

**Rule 13. Sharing of Information/Discovery**  
*(revised 7/19/10)*

- (a) A DSS agency shall share with any other party information which is relevant to the subject matter of an action pending under Chapter 7B of the North Carolina General Statutes. This sharing of information may be done without a motion and order being filed and shall not include information which could lead to the disclosure of the identity of the reporter or any other identifying information about the reporter.
  
- (b) It shall be the responsibility of the parent's attorney to contact DSS in writing to schedule a time to review the DSS record. At such time that the parent's attorney goes to DSS and reviews the record, DSS shall furnish copies of documents designated by the parental attorney. Attorneys shall be charged for these copies at a rate not to exceed the rate charged in the office of the Clerk of Superior Court; however, if the parent's attorney is providing services through Indigent Defense Services (IDS) than the cost of copies may not exceed the reimbursement rate paid by IDS.
  
- (c) A parent, guardian or caretaker who is a party shall share information with any other party information which is relevant to the subject matter of an action pending under Chapter 7B of the North Carolina General Statutes. The sharing of information may be done without a motion and order being filed and shall not include information which is covered by the attorney/client privilege or constitutes attorney work product.

- (d) It shall be the responsibility of the DSS attorney to contact the parent's attorney in writing to schedule a time to review the parent attorney's record. At such time that the DSS attorney goes to the parent attorney's office and reviews the record, the parental attorney shall furnish copies of documents designated by the DSS attorney. The DSS attorney shall be charged for these copies at a rate not to exceed the rate charged in the office of the Clerk of Superior Court.
  - (e) Any party, including the child, may file a motion for discovery of specific information or material. This motion shall contain a specific description of the information sought and a statement that the requesting party has made a reasonable effort to obtain the information or that the information cannot be otherwise obtained.
  - (f) Any motion for discovery shall be served upon all parties and heard and ruled upon within 10 business days of the filing of the motion. The court may grant, restrict, defer or deny the relief request.
  - (g) Any party served with a motion for discovery may request that the discovery be denied, restricted, or deferred and shall submit, for in camera inspection, the document, information, or materials the party seeks to protect. If the court enters any order granting relief, copies of the documents, information, or materials submitted in camera shall be preserved for appellate review in the event of an appeal.
  - (h) Information obtained through discovery or sharing of information under 7B-700 may not be redisclosed if the redisclosure is prohibited by State or federal law.
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#### **Rule 14. Pre-Adjudication/Disposition Conference**

*(This rule applies only to Camden, Chowan, Currituck, Gates, Pasquotank and Perquimans beginning June 1, 2010 and will become effective in Dare County January 1, 2011).*

There shall be a Pre-Adjudication/Disposition Conference held in all cases where a petition has been filed alleging abuse, neglect and dependency prior to the adjudication hearing.

##### **(a) Purposes**

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 to those facts that are 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) Scheduling**

The pre-adjudication conference shall be scheduled at:

- 1) the Child Planning Conference or,
- 2) the Nonsecure Custody hearing, if necessary

This conference shall be no less than 7 days prior to the adjudication hearing and may not be waived unless counsel for all parties so stipulate in writing, and the court approves the stipulation.

**(c) Attendance**

It is recommended that the conference will be attended by the DSS social worker and any supervisor who wishes to attend, the DSS attorney, the GAL District Administrator and the attorney advocate and the parent(s) and their attorneys. At a minimum, the conference shall include the parents' attorneys, the DSS attorney, and the Attorney Advocate. The judge shall not be a party to this conference. 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) Facilitation**

The conference will be facilitated by the Court Improvement Project Director. The CIP Director shall assist the parties in:

- a. sharing witness lists, exhibit lists and exhibits
- b. defining the issues
- c. identifying matters that can be stipulated and making stipulations
- d. estimating the time required for the Adjudicatory Hearing
- e. considering any proposed consent order

**(e) Lists of Witnesses and Exhibits**

At the conference 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 unless they are subpoenaed and required to go directly to the court for an in camera review. Any listed exhibits 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.

**(d) Location/Identification of Parent**

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.

**(e) Pre-Adjudication Order**

At the conclusion of the conference, the facilitator shall prepare an agreement in the form of a “Pre-Adjudication Order” reflecting the outcome of the conference. All parties will be given the opportunity to review and sign the agreement prior to the adjudication hearing.

This agreement will be presented to the judge on the date of the hearing.

**Rule 14. 1 - Adjudicatory Stipulations before Judge**

Before accepting a stipulation from any party the judge, in open court, shall determine that the stipulating parties understand the content and consequences of the stipulation. The judge shall determine that the stipulation is voluntary and knowing. The court’s findings shall be set forth on the record.

**Rule 15. Adjudication**

The adjudication hearing shall be held within sixty days from the filing of the petition, unless the judge, for good cause, orders that it be held at a later date. The adjudication hearing shall take place at the earliest possible date thereafter.

**Rule 16. Services from other Public Agencies**

If at any time after adjudication, it appears that the best interest of the juvenile may require, or that a party is recommending, that the juvenile, parent or legal custodian receive services from a public agency, the court may direct the clerk to serve the director or other appropriate representative of the agency with a notice of the dispositional hearing or a subsequent hearing and of the issues to be addressed that involved that agency. If the notice is served on a county agency, it also shall be served on the county attorney.

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.

**Rule 17. Continuances**

- (a) The best interest of the child shall be considered in ruling on motions to continue. Juvenile cases shall be disposed of at the earliest possible time and motions to continue shall only be granted for good cause. Consent or agreement of the parties alone is not good cause.
  
- (b) All motions 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 Chief District Court Judge, the Honorable C. Christopher Bean.

- (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 all other district court matters.
- (d) In the event any attorney knows that he/she is unable to attend a scheduled session of Court, he/she will advise and give 21 days notice to the Chief District Court Judge's office that he/she will be unavailable. If the attorney fails to so advise, the case will not be continued.
- (e) All orders for continuance shall be prepared by the moving party, 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 should 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 interest 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(s);
  - (4) the incarceration status of the juvenile;
  - (5) the effect on children and spouses if the issue is continued and not resolved;
  - (6) the status of the trial calendar for the session;
  - (7) the number, moving party, and grounds for previous continuances;
  - (8) the impact of a continuance on the safety of the parties or any other persons;
  - (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.

### **Rule 18. Adjudication, Disposition and Review Reports**

- (a) **Contents of DSS reports.** In each case, DSS shall prepare a report that includes at least the following:
- (1) A description of the placement plan for the child and how that plan is appropriate to the child's needs;
  - (2) A description of the plan of services for the child and the child's family and how that plan is appropriate to meet the child's needs;
  - (3) A statement of changes in parental behavior that are needed to correct the conditions that led to the abuse, neglect or dependency, and the actions the parents must take;
  - (4) If there is a recommendation that the child be removed from the home, a statement of the efforts by DSS to prevent the need for placing the child outside the home;
  - (5) A description of the efforts by DSS to reunify the family, including services that have been offered, provided or rejected;
  - (6) A statement of why the child cannot be protected from the identified problems while remaining in the home;
  - (7) The identity of all relatives and friends who have been contacted about providing a placement for the child, and a description of the nature and results of those contacts;
  - (8) A suggested visitation plan for the child;
  - (9) A statement of the child's special needs and how they may be met;
  - (10) 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;
  - (11) If applicable, a description of the child's school or day-care situation and any proposed changes related to it; and
  - (12) The status of any treatment previously ordered.
- (b) **GAL reports.** The guardian ad litem for the child shall prepare a report to assist the court in reaching a decision that will best serve the child's needs.
- (c) **When reports are provided.** All parties with written disposition/review reports shall provide copies of their reports to all other parties and their counsel no later than 12:00 noon on the 3<sup>rd</sup> business day preceding the adjudication, disposition or review hearings.

If court is on:

- Monday - reports need to be sent out the prior Wednesday
- Tuesday - reports need to be sent out the prior Thursday
- Wednesday - reports need to be sent out the prior Friday
- Thursday - reports need to be sent out by the prior Monday of the same week
- Friday - reports need to be sent out by the prior Tuesday of the same week

Failure to do so may result in sanctions to be imposed by the Court.

### **Rule 19. Disposition**

- (a) The dispositional hearing shall be held immediately following the adjudication or within thirty days thereafter.
- (b) If the juvenile remains out of the home at the conclusion of the dispositional hearing, the judge shall specify in the order a specific time for a review hearing.
- (c) At the conclusion of the dispositional hearing, the judge shall determine whether any person or agency not present or represented at the dispositional hearing needs information about the disposition in order to help meet the child's needs. The judge may order that a summary of appropriate portions of the order be provided to any such person or agency. The court also may order the parties to share specific types of information on an ongoing basis with designated persons or agencies.
- (d) 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 order any steps that are to be taken to identify the parent, locate the parent, or establish paternity.

### **Rule 20. Review Hearings**

- (a) When a juvenile remains out of the home following a dispositional hearing, a review hearing shall be held at a time the judge designates in the dispositional order, but in no event more than ninety days from the date of the dispositional hearing.
- (b) When a juvenile remains out of the home following the first review hearing, the judge shall determine and specify at the review hearing an appropriate date for the next review hearing. In no event shall the second review hearing be held more than six months from the date of the first review hearing.
- (c) As long as the juvenile remains out of the home, subsequent review hearings shall be held at times the judge finds appropriate, but in no event more than six months from the date of the previous review hearing, unless the judge orders otherwise pursuant to G.S. 7B-906.
- (d) 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 that are to be taken to identify the parent, locate the parent, or establish paternity.

### **Rule 21. Permanency Planning Hearings**

- (a) The Court may set a permanency planning hearing for any case at any time, on its own motion or upon motion by any party, but this hearing shall be held no later than twelve (12) months of the filing of the petition and order for nonsecure custody pursuant to N.C.G.S. 7B-907(a).
- (b) If the Court orders to cease reunification efforts, then the permanency planning hearing shall be held within 30 calendar days pursuant to N.C.G.S. 7B-507(c).
- (c) Subsequent permanency planning hearings shall be held at least every six months thereafter, or earlier as set by the court, to review the progress made in finalizing the permanent plan for the juvenile.

### **Rule 22. Termination of Parental Rights**

- (a) A Petition or Motion to terminate parental rights shall be filed within sixty (60) days of the Court ordering to cease reunification if other permanent plans of guardianship or custody to a court approved caretaker are not finalized.
- (b) A preliminary hearing shall be scheduled in such matters within ten (10) days of the filing of the Petition/Motion to determine:
  - whether a respondent desires and/or is eligible for a court appointed attorney;
  - the identity of all parents, if possible, or conduct or schedule a hearing to make such determination;
  - whether all appropriate service of process and notice requirements have been met;
  - the date of the adjudication hearing
- (c) The adjudication hearing for Petitions and Motions to terminate parental rights shall be held within ninety (90) days from the filing of the Petition/Motion, unless the judge, for good cause, orders that it be held at later time.
- (c) Post TPR Reviews will be scheduled no later than six (6) months after the TPR adjudication hearing and every six months thereafter until a permanent plan of adoption or guardianship or custody to a court approved caretaker is complete.

### **Rule 23. Notice of Review Hearings**

**Notice of Review hearings.** Unless a person or his/her attorney was present and was given notice at a prior hearing, written notice shall be given by the Clerk or the DSS attorney of all review hearings to persons designated below. The notice shall be at least **15 days prior to the hearing**.

**Persons entitled to notice of hearings.** The persons entitled to notice are:

- Parent(s);
- Juvenile, if twelve (12) years of age or older;
- Guardian(s) of juvenile;
- Foster parent(s);

Relative(s) or preadoptive parent(s) providing care for the juvenile;  
Custodian(s) or agency with custody;  
GAL;  
Attorney(s) for any of these designated persons;  
Any other person or agency specified by the Court.

**No post-TPR notice to parents.** Notwithstanding the other provisions of this rule, notice to biological parent(s) and their attorneys shall not be given for post TPR reviews unless the Court specifically orders such notice to be given.

**Juvenile's right to be present.** Juveniles entitled to notice must be given an opportunity to be present by the custodian, guardian, parent or person having the juvenile in care. Any other juvenile requesting an opportunity to be present and heard shall be given such opportunity unless the court for good cause orders otherwise. At any hearing wherein a juvenile is present, the juvenile shall be given an opportunity to be heard. The court may sequester the juvenile from parts of a hearing if the court finds that this would be in the best interests of the juvenile or in the interests of justice.

**Sequestering witnesses.** The court may sequester any person other than a party from parts of a hearing if the court finds that this would be in the best interests of the juvenile, necessary to protect legitimate confidentiality concerns or in the interests of justice.

#### **Rule 24. Maintaining Case on Court Calendar**

Each case shall be maintained on the court calendar at all times as long as juvenile court jurisdiction in the case continues unless the court orders that no further reviews are required. At or before the conclusion of each hearing, a subsequent hearing date shall be set.

#### **Rule 25. Judicial Assignment**

Once a case has been adjudicated by a Judge, subsequent hearings regarding the case shall be heard by the same judge, unless circumstances require otherwise. This includes TPR hearings involving the same children.

#### **Rule 26. Preparation and Entry of Orders**

**Preparation.** In cases involving DSS, the DSS attorney or designated person shall prepare all orders, unless otherwise provided herein or instructed by the presiding judge.

**Time Standards for Entry of Order.** All orders must be filed within 30 days following the conclusion of a hearing. A draft of all orders shall be circulated among the attorneys involved in the proceeding prior to the submission of the original order to the Court for signature. In no event, shall an order be entered later than 30 days following the hearing.