

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG
26th JUDICIAL DISTRICT

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

FILED

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MECKLENBURG CO., C.S.C.

ADMINISTRATIVE ORDER

IN RE: LOCAL RULES AND PROCEDURE FOR JUVENILE ABUSE,
NEGLECT AND DEPENDENCY CASES FOR THE 26TH JUDICIAL DISTRICT
FAMILY COURT DIVISION

Pursuant to Rule 40(a) of the North Carolina Rules of Civil Procedure and Rule 2 of the General Rules of Civil Practice for Superior and District Courts, the attached Rules for juvenile abuse, neglect and dependency cases for the 26th Judicial District of North Carolina Family Court Division are hereby amended and adopted effective for all juvenile abuse, neglect and dependency cases presently pending or filed after the issuance of this order.

These rules supersede those promulgated by the Order dated October 27, 2008, and all prior rules for abuse, neglect and dependency cases filed in the 26th Judicial District Family Court Division.

IT IS SO ORDERED, this the 2 day of February, 2016.


Regan A. Miller
Chief District Court Judge

08 R 1835

STATE OF NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE
TWENTY-SIXTH JUDICIAL DISTRICT DISTRICT COURT DIVISION

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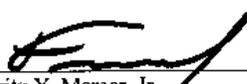
In Re: Local Rules and Procedures for)
Juvenile Abuse, Neglect, and)
Dependency Cases in the 26th)
Judicial District, District/Family)
Court Division)

ADMINISTRATIVE ORDER

Pursuant to Rule 40(a), North Carolina Rules of Civil Procedure and Rule 2 of the General Rules of Practice for the Superior and District Courts, the attached rules for juvenile abuse, neglect, and dependency cases in the Twenty-Sixth Judicial District, District/Family Court Division, are hereby amended and adopted effective for all juvenile abuse, neglect, and dependency cases pending on or filed after September 16, 2008.

These rules supersede all previous abuse, neglect, and dependency rules of the District/Family Court division of the Twenty-Sixth Judicial District.

IT IS SO ORDERED, this the 27 day of Oct., 2008.



Fritz Y. Mercer, Jr.
Chief District Court Judge

**TWENTY SIXTH JUDICIAL DISTRICT
 DISTRICT COURT
 JUVENILE DIVISION
 ABUSE/NEGLECT/DEPENDENCY
 LOCAL RULES**

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**TWENTY-SIXTH JUDICIAL DISTRICT
FAMILY COURT DIVISION
LOCAL RULES FOR DEPENDENCY PROCEEDINGS**

Rule 1. Scope

- a. These rules shall apply to all cases in which a petition is filed alleging that a juvenile is abused, neglected or dependent. They are promulgated in compliance with Rule 40(a) of the North Carolina Rules of Civil Procedure and Rule 2 of the General Rules of Practice for the Superior and District Courts.
- b. These rules supersede all previous local rules concerning Juvenile abuse and neglect proceedings.
- c. These rules and all amendments hereafter shall be filed with the Juvenile Court Clerk and may be cited accordingly as Juvenile Abuse and Neglect Rules.
- d. These rules are not complete in every detail and will not cover every situation that may arise. In the event that these rules do not cover a specific matter, the Family Court administrator is authorized to act in his or her discretion, subject to consultation with the Chief District Court Judge or Assigned Judge.
- e. Where forms are specified to be used, Parties must use that form.
- f. The Family Court Administrator's Office shall maintain and make available to the public copies of these rules and the appendices at www.nccourts.org or upon request.

Rule 2. Purpose

- a. These local rules establish procedures for abuse and neglect proceedings.
- b. They are designed to help achieve a permanent, stable and safe home for juveniles who come under that court's jurisdiction in a timely manner. To that end, they serve the following purpose:
 - i. To provide for oversight in case planning;
 - ii. To encourage the involvement of families and juveniles in the decision making process;
 - iii. To assist parties in presenting issues and evidence to the court in an efficient manner;
 - iv. To eliminate unnecessary delays in court proceedings in order to reach permanence in a timely manner; and,
 - v. To otherwise ensure compliance with Chapter 7B of the North Carolina General Statutes and the Adoption and Safe Families Act ("ASFA").

Rule 3. Construction

These rules shall be liberally construed to accomplish the purposes set forth in Rule 2. The court may impose sanctions as hereinafter provided against a party, attorney or other participant under the court's jurisdiction who fails to comply with these rules.

Rule 4. Definitions

For the purposes of these rules, each term shall be defined consistent with the definitions set out in N.C.G.S. 7B-101. In addition the following terms are defined herein:

Juvenile Court Clerk: the assistant or deputy Clerk of Superior Court for Mecklenburg County who is assigned to the Juvenile Courts.

Family Court: a division of the 26th Judicial District having jurisdiction over all juvenile justice matters and over all claims involving familial rights, relationships and obligations. District Court Judges specializing in such proceedings are assigned to hear these cases, and when possible, to hear all legal issues involving the family.

Family Court Administrator Office: all staff of the Family Court Administrator's Office.

GEO District: A certain geographical location (GEO District) within the county as determined by zip codes and designated within the Courts as Districts 1 through 4 to which each judge is assigned for purposes of hearing juvenile petitions.

Permanency Mediation: A dispute resolution resource for parties to Juvenile Abuse, Neglect, and Dependency cases. Participants may address matters including allegations of abuse, neglect, and dependency, development of individualized case plans for respondents, and the establishment of formal agreements regarding visitation, modification of custody, and permanency planning.

Responsible Individual: An individual identified by the department of social services as having committed abuse or serious neglect, upon a juvenile and whom the Department of Social Services ("DSS") has requested be added to a list maintained by Department of Health & Human Services ("DHHS") known as the responsible individual's list ("RIL").

Guardian Ad Litem Volunteer: A community or (citizen) volunteer appointed by the court in abuse/neglect and dependency cases, to conduct an independent and ongoing investigation of dependency proceedings and submit formal reports advocating for what they believe is in the best interest of the juvenile pursuant to N.C.G.S. 7B-601.

Attorney Advocate: An attorney assigned by the Guardian Ad Litem Program to represent juveniles who are alleged to be abused/neglected or dependent and to advocate for what is in the juvenile's best interest and to protect the juvenile's legal rights.

Rule 17 Guardian: An attorney appointed by the court pursuant to N.C.G.S. 7B-602(b),(c) as a substitute guardian for minor and incompetent parents whose child(ren) is (are) the subject of a dependency proceeding.

Rule 5. (Statutory) Time Standards

These time frames represent maximum time limits. In every case, the child's best interest is the paramount goal. These time frames are intended to be consistent with The Adoption and

Safe Families Act (“ASFA”) and North Carolina statutory provisions. However, to the extent possible Family Court Guidelines as set out below should be the goal in each case.

- a. **Non-Secure Custody Hearing:** A hearing to determine the need for continued nonsecure custody. No juvenile shall be held under a nonsecure custody order for more than seven (7) calendar days without out a hearing on the merits pursuant to N.C.G.S. 7B-506 or a hearing to determine the need for continued custody.
- b. **Adjudication:** The adjudication hearing shall be scheduled for the earliest possible date but in no event shall the hearing be conducted more than sixty (60) days after removal of the juvenile from his or her home. The case may be continued only consistent with N.C.G.S. 7B-803.
- c. **Disposition:** Whenever possible, the disposition hearing shall be conducted immediately at the conclusion of the adjudication. If this is not possible, the disposition shall be conducted at the earliest date possible but in no event more than thirty (30) days after the adjudication.
- d. **Review:** Review hearings shall be conducted as soon as practicable after the disposition, but the first review hearing shall be conducted not later than ninety (90) days after the disposition hearing. Subsequent review hearings shall be conducted not later than six (6) months after the first review hearing.
- e. **Permanency Planning:** A permanency planning hearing shall be conducted as soon as practicable but not later than twelve (12) months after removal of the juvenile from his or her home. This hearing may be combined with a scheduled review hearing. Subsequent permanency planning hearings shall be conducted at least every six (6) months thereafter.

Family Court Guidelines. (Best Practice – Whenever practical and possible Family Court will attempt to meet family court guidelines.)

- i. Non-Secure Custody Order entered: same day as petition filed
- ii. First Non-Secure Custody Hearing: not more than seven (7) days
- iii. Adjudication Hearing: completed within sixty (60) days in 100 % of cases
- iv. Dispositional Hearing: completed within sixty (60) days in 100% of cases
- v. First Placement Review: completed within 150 days
- vi. First Permanency Planning Hearing: completed within 330 days
- vii. Reunification: completed within 330 days in 75% of cases and 510 days in 100% of cases where reunification is the goal
- viii. Implementation of Other Permanent Plan: completed within 330 days in 90% of cases and 365 days in 100% of cases
- ix. Termination of Parental Rights (“TPR”) Petition: filed within 390 days in 100% of cases where TPR is the goal
- x. Termination Hearing: completed within ninety (90) days of filing in 90% of cases or 180 days in 100% of cases
- xi. All orders are to be entered within thirty (30) days following completion of the hearing.

Rule 6. Appointment of Counsel; Responsibilities of Attorneys

- a. When a petition is filed alleging abuse, neglect, or dependency, the clerk shall provisionally assign separate counsel to represent each parent named in the petition in accordance with rules adopted by the Office of Indigent Defense Services and shall indicate the appointment on the juvenile summons or attached notice. The clerk shall personally notify the attorney(s) or agency provisionally appointed of the date and time of the initial court hearing. The attorney shall accept or decline the appointment within twenty-four (24) hours of receiving personal notification by notifying the Clerk of Juvenile Court by telephone or in person. Upon receipt of the acceptance of appointment, the clerk shall place a copy of the summons, petition, and any orders in the attorney's box in the juvenile clerk's office if such box is assigned.
- b. If an attorney provisionally appointed to represent a parent has been unable to establish contact with the parent, and the represented parent has been duly served, the appointed attorney shall be permitted to withdraw from the case at the call of the adjudication hearing.
- c. If an attorney appointed to represent a parent has been unable to maintain contact with a parent subsequent to the adjudication hearing, the appointed attorney, upon motion, shall be permitted to withdraw from the case, at the first review hearing, absent compelling reason.
- d. Further, an attorney appointed to represent a parent may be permitted to withdraw at any time upon motion with good cause shown.
- e. All motions to withdraw from legal representation shall be made in writing, filed with the clerk and accompanied by a certificate verifying service of the motion and notice on the client and opposing counsel.
- f. To be eligible for appointment to represent parents, attorneys must satisfy the court:
 - i. That they have experience and skills to provide competent representation.
 - ii. That they have a good working knowledge of juvenile law, juvenile court procedures, and local rules;
 - iii. That they have a good understanding of juvenile protective services, ASFA, and the related mandates that apply to Department of Social Services, Division of Youth and Family Services ("YFS") and to Guardians Ad Litem ("GAL");
 - iv. That they have satisfactorily completed any initial and follow-up training specified by the chief district court judge, which includes certifying they have read the local rules on abuse and neglect proceedings, attended any orientation provided by the Family Court Administrator's Office and have observed, at a minimum, three (3) of each of the different hearing types conducted in abuse/neglect cases, including initial 7-day hearing, adjudication hearing, disposition hearing, review hearing, permanency planning hearing, at least one contested termination proceeding, and a Permanency Mediation session;
 - v. That they have a commitment to work with parents and juveniles; and,

- vi. That they understand that failure to attend court proceedings, as scheduled, could jeopardize further appointments.
- g. An attorney shall not accept an appointment unless the attorney can be available for the first hearing in the case and, to the best of the attorney's knowledge, for other stages of the proceedings, including Termination of Parental Rights petitions and motions.
- h. All counsel of record shall personally appear at critical stages of the proceedings, including, but not limited to: adjudication, disposition, permanency planning, and termination of parental rights hearings. Substitute counsel cannot appear on behalf of counsel of record for critical stages. Counsel of record who have secured substitute counsel for hearings that are not critical stages shall notify the clerk and opposing counsel not less than twenty-four (24) hours prior to the scheduled hearing. Only attorneys who have satisfied the requirements for appointment pursuant to Rule 6(f) may substitute for counsel of record in non-critical hearings.
- i. An attorney who has a conflict in another court shall comply with the relevant rules relating to priority and, when absent from juvenile court because of a conflict, shall keep the courtroom clerk notified of his or her location at all times by writing on the calendar provided in the courtroom.
- j. An attorney who has been appointed as provisional counsel shall provide to his or her client an Affidavit of Indigency at the time of their first meeting and assist the client in submitting the completed affidavit at the next scheduled hearing.
- k. The attorney shall make diligent efforts to maintain sufficient contact with his or her client in order to provide effective representation.

Rule 7. Appointment of Guardian Ad Litem for Incompetent Parent

- a. When, at any point during the pendency of a proceeding pursuant to N.C.G.S. 7B, Subchapter I, a question of a respondent parent's competency is raised by any party or the court, the presiding judge shall make an initial determination as to whether the information or circumstances raise a substantial question as to the parent's competency.
- b. If the court determines that a substantial question exists as to the respondent's competency, the court shall calendar a formal hearing to determine whether the respondent-parent is incompetent and issue written notice of at least seven days setting forth the date, time and location of the hearing.
- c. Prior to the competency hearing, the court may, pursuant to N.C.G.S. 1A-1, Rule 706, order the respondent-parent whose competency is in question to undergo a forensic evaluation to be performed by a court-appointed expert witness. The competency evaluation shall be executed consistent with the procedures set forth in Appendix 5.
- d. The court appointed expert shall prepare a written report according to the standards set forth in Appendix 5. A sealed copy of the written report shall be sent to the Clerk of

Superior Court, Juvenile Division and remain under seal pending further orders of the court. A copy of the written report shall be delivered to the attorneys of record and the parent whose competency is in question.

- e. The court shall conduct the competency hearing by receiving witnesses, reports, documents and any other evidence that will assist in the determination of the parent's competency.
- f. At the conclusion of the hearing, the court shall clearly state its findings of fact, conclusions of law and state whether the parent is competent. If the parent is found to be incompetent, the court shall appoint a Guardian ad Litem pursuant to N.C.G.S. 7B-602(c) and in accordance with N.C.G.S. 1A-1, Rule 17. The court shall issue a written order setting forth the findings and conclusions and designating the individual appointed as the Rule 17 Guardian ad Litem, including the contact information.

Rule 8. Calendaring and Monitoring of Abuse and Neglect Cases

- a. The calendar for the disposition of Abuse, Neglect, and Dependency cases shall be set by the Juvenile Court Judge and, when necessary, by the Juvenile Court Clerk's Office, and maintained by the Juvenile Clerk's Office in accordance with these rules, the rules of record keeping, and under the supervision of the Chief District Court Judge.
- b. The Juvenile Clerk's Office shall tightly control the distribution of juvenile calendars to insure the confidentiality of the information listed on the calendar.
- c. The Juvenile Clerk's Office shall distribute the calendar to YFS, GAL, ADA, Forensic Evaluations Unit, DACJJ, the Family Court Administrator, and, upon written request, Attorneys for the Respondents and any other participant determined by the presiding judge to be entitled to a copy.
- d. Any party that receives a copy of the calendar shall insure the confidentiality of any information listed on the calendar.
- e. The Presiding Judge shall reschedule all cases "not reached" or continued, and the Juvenile Court Clerk shall document the rescheduled date on the court calendar and send notices to the appropriate parties.

Rule 9. Filing; Service of Petition and Summons

From the date the abuse, neglect or dependency petition is filed until the adjudication hearing, the Petitioner shall have a continuing duty to identify and locate any respondent who has not been served with a copy of the summons and petition and to have the summons and petition served upon any such individual pursuant to N.C.G.S. 7B-407. In addition, after the petition has been filed, the social worker must:

- a. Attach two (2) copies of the summons to each petition for each respondent being served;

- b. Attach an information sheet for each respondent (an information sheet informs the deputies of alternative addresses where the respondent might be located);
- c. Take the summons, petitions and information sheet down to the sheriff's department on the first floor of the Mecklenburg County Courthouse. The petitions and summons are to be served as soon as possible but prior to initial hearing which is typically scheduled between five to seven (5-7) days after the filing of the petition;
- d. A completed summons showing return of service must be returned by Sheriff's Office to Juvenile Court Clerk's Office as soon as possible, and promptly filed in the appropriate juvenile file and, if possible, shall be filed prior to the non-secure hearing; and,
- e. Due to the time constraints and nature of abuse and neglect proceedings, it is recognized that the sheriff's deputies may not be able to serve a parent before the initial hearing; therefore to avoid undue delay in conducting the non-secure hearing.

Rule 10. Service of Notice

- a. Service of Notice as provided for in these rules, N.C.G.S. 7B-1106.1, and pursuant to Rule 5 of the North Carolina Rules of Civil Procedure, may be accomplished by depositing such documents in the attorney boxes located in the office of the Clerk of Court, Juvenile Division, or by hand delivery or mail or fax.
- b. Service on unrepresented parties shall be accomplished by U.S. Mail, to the address of record, or last known address if different, prepaid and first class or as otherwise provided by law.
- c. Providing Notice to the clerk of court does not constitute providing Notice to the parties.

Rule 11. GEO-District Case Assignment

- a. Upon receipt of a new petition, the clerk's office shall enter the case into the JWISE (court reporting) system by Geo-District rather than by judges' names. Each Geo-District will be designated a number. Each judge will be assigned a particular Geo-District.
- b. Private case filings, such as emancipations or private TPR petitions, will be assigned pursuant to the random sequential ordering. They will not be assigned pursuant to Geo-Districts.
- c. All cases will be assigned based upon the permanent residence of the child and/or parent, guardian, custodian at the time the petition is filed. When children reside in out of home placements, such as group homes, residential treatment facilities, relative placements, etc., at the time the petition is originally filed, the case will be assigned based on the parent's, guardian's, or custodian's home address.
- d. When a "permanent address" cannot be located in Mecklenburg County for the child and/or parent, guardian, custodian, the juvenile clerk shall have discretion to assign these cases in a manner that facilitates the timely disposition of all cases.

- e. Cases transferred to the 26th Judicial District from other jurisdictions will be assigned to the Geo-District that contains the new residence of the child and/or parent, guardian, or custodian.
- f. Sibling cases will be assigned to the Geo-District according to the order in which the cases originated. Thus, the first sibling upon whom a petition is filed shall determine the Geo-District for all members of that sibling group. This presumption can be overridden only upon agreement between the respective judges.
- g. Once assigned to a specific Geo-District, cases may only be transferred to another district by the assigned judge and only upon extraordinary circumstances. Thus if a child and/or family move while the case is open, the child's case will remain in its original Geo-District.
- h. In cases involving a minor currently assigned to a Geo-District, who gives birth, the newborn's case shall also be assigned to the same Geo-District as the minor mother's regardless of the permanent address of the parties.
- i. When a case is closed by the court, subsequent petitions will be assigned pursuant to the Geo-District in which the child and parent, guardian or custodian reside at the time of the subsequent filing. Upon motion of the court or any party, a newly assigned judge may transfer the case back to its original Geo-District. (For purposes of these provisions, abuse and neglect cases are closed when YFS custody is divested and no further hearings are scheduled or the child's adoption has been finalized.)
- j. These rules are promulgated with the intent to reinforce the one judge one family model and simultaneously implement Geo-Districting.

Rule 12. Appearance of Children in Court

- a. While it is recognized by these rules that all juveniles subject to these proceedings have a right to attend and participate in these proceedings, it is also recognized that there must be a balance of that right with, among other things, judicial economy, the ability of the juvenile to provide meaningful input, the appropriateness of the juvenile's participation, the juvenile's best interest, as well as the juvenile's desire to attend.
- b. YFS or other legal guardian of any juvenile twelve (12) years of age and over who is the subject of abuse, neglect or dependency proceedings shall ensure the attendance of the child at all hearings scheduled following adjudication and excluding termination of parental rights hearings. If the juvenile is unable or unwilling to attend a hearing or there is reasonable cause to believe that attending a hearing would be contrary to a juvenile's best interest, the guardian shall, as soon as practicable, notify all parties that the juvenile will not be produced at a hearing and state the basis for that determination.
- c. Any party may secure the attendance of a juvenile at a hearing using the subpoena process.

- d. A juvenile shall be permitted to attend and reasonably participate in court hearings of which (s)he is the subject upon his or her request.
- e. A juvenile shall attend a court hearing if ordered to do so by the court.

Rule 13. Temporary Custody

- a. A juvenile may be taken into temporary custody without a court order by a law enforcement officer or Youth and Family Services (“YFS”) social worker if there are reasonable grounds to believe that the juvenile is abused, neglected or dependent and that he or she would be injured or could not be taken into custody if it were first necessary to obtain a court order. N.C.G.S. 7B-500.
- b. Any person taking a juvenile into custody pursuant to N.C.G.S. 7B-500 shall:
 - i. Notify the juvenile’s parent, guardian, custodian, or caretaker that the juvenile has been taken into temporary custody and advise the parent, guardian, custodian, or caretaker of his or her rights pursuant to N.C.G.S. 7B-501(a)(1).
 - ii. Release the juvenile to the juvenile’s parent, guardian, custodian, or caretaker if the person having the juvenile in temporary custody decides that continued custody is not necessary pursuant to N.C.G.S. 7B-501(a)(2).
 - iii. If a law enforcement officer has exercised authority to take temporary custody of a juvenile pursuant to N.C.G.S. 7B-500(a), he shall communicate with and surrender the juvenile to the director of social services if the juvenile has not been released under (i) or (ii) above.
- c. No Juvenile shall be held in temporary custody for more than twelve hours, or for more than twenty-four hours if any of the twelve hours falls on a Saturday, Sunday or legal holiday unless a petition or motion is filed and an order for non-secure custody is entered by the court. N.C.G.S. 7B-501(b).

Rule 14. Abuse, Neglect, & Dependency Petition

- a. In the event a decision is made by YFS to file a petition regarding a juvenile (whether or not that juvenile is in temporary custody) and regardless if a request for the issuance of a non-secure custody order is made, the following shall apply:
 - i. Immediately after a petition has been filed alleging a juvenile is abused, neglected or dependent, the clerk shall issue a summons to the parent, guardian, custodian or caretaker requiring him or her to appear for a hearing at the time and place stated in the summons. A copy of the petition shall be attached to each summons. The summons shall comply with N.C.G.S. 7B-406.
 - ii. The information required by N.C.G.S. 50A-209 [The Uniform Child Custody Jurisdiction Enforcement Act (“UCCJEA”)] shall be included in the petition, in an affidavit attached to and served with the petition, or in a separate affidavit filed with the court and served on the parties as soon as feasible after the petition is filed.
 - iii. Upon the filing of any petition, the court shall appoint an attorney advocate for the juvenile and provisional counsel for each parent named in the petition in

accordance with the rules adopted by the Office of Indigent Defense Services and shall indicate the appointment on the juvenile summons or attached notice pursuant to N.C.G.S. 7B-602(a). The clerk shall also notify the Guardian Ad Litem (“GAL”) Administrator of the filing of the petition. The GAL administrator shall assign a GAL to represent each juvenile alleged to be abused or neglected and shall notify the clerk of that assignment, and that GAL shall be appointed by the court. The court may appoint a GAL to represent any juvenile alleged to be dependent. The court appointed GAL shall have the duties and authority set out in N.C.G.S. 7B-601.

- iv. Upon the filing of any petition, the clerk shall also cause the attorney advocate, the parents’ attorney(s), and the GAL to receive copies of the petition and summons, and any non-secure custody order, the UCCJEA Affidavit and the reasonable efforts report.
- v. The clerk shall assign the case consistent with Rule 11 of these local rules (Geo-District).
- vi. From the date the petition is filed until the adjudicatory hearing, the petitioner shall have a continuing duty to make efforts to identify and locate any parent or respondent who has not been served or whose whereabouts are unknown, and to have a copy of the summons and petition served upon that individual.

Rule 15. Initial Non-Secure Custody Hearing

- a. When a juvenile has been placed in non-secure custody, the court shall conduct a hearing pursuant to N.C.G.S. 7B-506 to determine the need for continued custody. The hearing shall be held within seven (7) days of the date the non-secure order was signed.
- b. Upon the request of the GAL or attorney advocate, YFS shall cause any juveniles to be present or available nearby at the initial hearing unless the juvenile is physically unable to be present. The request shall be made as soon as reasonably possible, but no later than forty-eight (48) hours before the initial hearing.
- c. At the non-secure custody hearing the court shall:
 - i. Introduce itself and the parties;
 - ii. Review the nature of the proceeding and the purposes of the hearing;
 - iii. Address any issues relating to adequacy of notice and service of process;
 - iv. Follow up on any pending issues regarding the identity or whereabouts of any parent, guardian, custodian or caretaker of the juvenile;
 - v. Receive sworn testimony if necessary from the parties to determine:
 - 1. Whether a condition or risk justifying continued non-secure custody exists under N.C.G.S. 7B-503;
 - 2. What efforts the petitioner has made to eliminate the need for non-secure custody;
 - vi. Determine the applicability of the Interstate Compact on Juveniles;
 - vii. Confirm the appointment of the attorney advocate and the guardian ad Litem;
 - viii. Provide the parents with form affidavits of financial standing to be completed by and filed at the end of the initial hearing or a later hearing as permitted by the judge;

- ix. Record the entry of privately retained counsel, confirm the appointment of counsel, deny court appointed counsel, or determine that the parents have freely, voluntarily, and intelligently waived their right to counsel and/or court-appointed counsel with the full knowledge of the consequences, including termination of parental rights; and
 - x. Advise the parents that they may have to reimburse the state for fees of court appointed counsel and/or the attorney advocate.
 - xi. Advise parents of ASFA time constraints
 - xii. Ensure entries are made into J-Wise (court reporting system) as required by AOC
- d. At the conclusion of the non-secure custody hearing, the court shall enter an order which makes specific findings of fact regarding whether there is a reasonable factual basis to believe:
- i. That the matters alleged in the petition are true;
 - ii. That continued non-secure custody is supported by one or more of the criteria set forth in N.C.G.S. 7B-503; and,
 - iii. That there are no other reasonable means available to protect the juvenile.
- e. If the court determines that continued non-secure custody is necessary, the court shall also make appropriate orders regarding the following:
- i. The appropriateness of the juvenile's placement and other placement options, including possible relative placements and efforts to place or keep siblings together;
 - ii. Any efforts needed to ensure that a school-aged juvenile's school placement and attendance are not disrupted;
 - iii. Parental visitation;
 - iv. Sibling visitation;
 - v. Service needs and referrals;
 - vi. Financial support for the juvenile;
 - vii. Whether additional orders are needed to address the juvenile's immediate needs, such as an immediate need for medical treatment or evaluation; and,
 - viii. Specific steps to be taken by the parties before the next hearing.
- f. The date, time and place of the adjudicatory hearing shall be stated in open court by the clerk and noted in the initial non-secure custody hearing order, and no one present will be entitled to any further notice of that hearing. If such hearing is intended to be an adjudicatory hearing, that intent should also be noted. Any party entitled to notice shall be provided a copy of the initial non-secure custody hearing order.
- g. If the petition alleges abuse and/or neglect, the case shall be ordered into mediation, if appropriate. If the petition alleges dependency, the case may be ordered into mediation in the discretion of the court or upon request of any party.

Rule 16. Pre-Adjudication Hearing

If a petition is filed, and non-secure custody is not sought or is denied, the court shall schedule a Pre-adjudication hearing pursuant to N.C.G.S. 7B-800.1, preferably within fourteen (14) days of

the filing of the petition. The adjudication hearing shall be scheduled within sixty (60) days of the petition.

Rule 17. Adjudication Hearing

- a. The adjudicatory hearing shall be held within sixty (60) days of the of the initial non-secure custody hearing.
- b. The adjudicatory hearing shall be conducted in a manner consistent with N.C.G.S. 7B-807.
- c. Any party may subpoena the juvenile to be present at the hearing.
- d. In cases not set for trial, the court may accept into evidence either, stipulations to the allegations contained in the petition, a mediated agreement, or a combination of both.
- e. Before accepting a stipulation to findings, conclusions, or provisions of the court's adjudicatory order, the judge, in open court, shall determine that the stipulating parties understand the content and consequences of the stipulation, including, if applicable, the possibility that the juvenile may be removed permanently from the home 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 court's findings shall be set forth on the record.
- f. YFS shall file an updated reasonable efforts report at the conclusion of the adjudicatory hearing, and such report shall be available to all attorneys prior to the commencement of the hearing.
- g. If the court adjudicates the juvenile abused, neglected or dependent, the court shall then determine and set forth in an order the following:
 - i. Custody of the juvenile pending the dispositional hearing;
 - ii. Parent and sibling visitation;
 - iii. Child support;
 - iv. Whether there should be a positive finding of reasonable efforts;
 - v. What other efforts are needed to meet the needs of the juvenile;
 - vi. The date of the next scheduled hearing; and,
 - vii. Such further orders as may be indicated.
- h. The date, time and place of the next scheduled hearing shall be stated in open court by the clerk and noted in the adjudicatory order, and no one present will be entitled to any further notice of that hearing. Any party entitled to notice shall be provided a copy of the adjudicatory hearing order.
- i. If a dispositional plan has not been developed, than all necessary parties are encouraged to meet prior to the next scheduled hearing for the purpose of collaborating on the development of a case plan.

Rule 18. Disposition Hearing

- a. The dispositional hearing shall be held immediately following the adjudication or concluded within thirty (30) days thereafter.
- b. The clerk shall notify anyone not present and entitled to notice pursuant to N.C.G.S. 7B-906. Any juvenile in the custody of YFS who will be twelve years of age or older on the date of the dispositional hearing shall attend the hearing, unless upon timely and written motion, with notice to all parties and for good cause shown, he or she is relieved of that obligation by court order. Such court order shall be continuing unless some party shall follow the procedure hereinafter set forth in Rule 16c.
- c. Any local agency where a juvenile is placed is requested to have a representative present at the dispositional hearing.
- d. At least one of the foster parents for any juvenile is requested to be present at that juvenile's dispositional hearing and may submit a written report.
- e. Any agency that is unable to send a representative for the hearing shall provide the court with a written report regarding the juvenile, with such written report to be provided to all parties at least three (3) working days prior to the scheduled hearing.
- f. The social worker shall provide the clerk with the mailing address of the foster parents not less than thirty (30) days prior to the date set for the hearing. The notice of hearing to the foster parents shall be separate from the notice mailed to all other persons and the clerk shall maintain all notices to foster parents in one file and no such notice shall be placed in the file of any juvenile. No one may examine any notice of review to foster parents except by order of the court.
- g. The dispositional hearing shall be conducted in a manner consistent with N.C.G.S. 7B-901.
- h. YFS shall provide to counsel for all parties, the GAL, and the assigned judge an updated reasonable efforts report and the court summary, including the case plan, at least three (3) working days prior to the hearing.
- i. The GAL shall provide to counsel for all parties, the YFS social worker and the assigned judge a written report at least three (3) working days prior to the hearing.
- j. Counsel for all parties shall be prepared to address the reasonable efforts issue.
- k. The dispositional hearing order shall be entered in compliance with the requirements of N.C.G.S. 7B-905.
- l. The date, time and place of the next scheduled hearing shall be stated in open court by the clerk and noted in the dispositional order, and no one present will be entitled to any further notice of that hearing. Any party entitled to notice shall be provided a copy of the

dispositional hearing order. The clerk shall notify anyone not present but entitled to notice pursuant to G.S. 7B-906.

- m. Any juvenile who has been adjudicated delinquent and placed in the custody of the Department of Social Services as a dispositional alternative under N.C.G.S. 7B-2503-(1)C and N.C.G.S. 7B-2506-(1)C shall have the Council for Children's Rights appointed as a GAL if a guardian ad litem has not been previously appointed.

Rule 19. Review Hearing

- a. A Review Hearing shall be held within ninety (90) days of the date of the dispositional hearing.
- b. Any local agency where a juvenile is placed is requested to have a representative present at any review hearing regarding that juvenile.
- c. At least one of the foster parents for any juvenile is requested to be present at the juvenile's review hearing and may submit a written report.
- d. Any agency that is unable to send a representative for the hearing shall provide the court with a written report regarding the juvenile, with such written report to be provided to all parties at least three (3) business days prior to the scheduled hearing.
- e. The social worker shall provide the clerk with the mailing address of the foster parents not less than thirty (30) days prior to the date set for the hearing. The notice of hearing, if required, to the foster parents shall be separate from the notice mailed to all other persons and the clerk shall maintain all notices to foster parents in one file and no such notice shall be placed in the file of any juvenile. No one may examine any notice of review to any foster parents except by order of the court.
- f. The review hearing shall be conducted in a manner consistent with N.C.G.S. 7B-906(c).
- g. YFS shall provide to counsel for all parties, the GAL, and the assigned judge an updated reasonable efforts report and the court summary, including the case plan, at least three (3) working days prior to the hearing.
- h. The GAL shall provide to counsel for all parties, the YFS social worker, and the assigned judge a written report at least three (3) working days prior to the hearing.
- i. Counsel for all parties shall be prepared to address the reasonable efforts issues.
- j. The court shall review the updated Reasonable Efforts report, the GAL report, the court summary including the case plan, and any other timely submitted reports, and shall determine the following:
 - i. The extent of compliance with the case plan;
 - ii. The extent of progress toward alleviating or mitigating the problems that necessitated placement; and,

- iii. Custody and placement.
- k. If the court determines that the juvenile shall be returned to the parents, then the court shall make findings of fact and conclusions of law that the efforts made by YFS to accomplish reunification were reasonable.
- l. If the court determines that the juvenile should remain or be placed outside the custody of the parents, then the court shall find facts to support the conclusion that returning the juvenile home would be contrary to the juvenile's best interest and welfare; and shall consider, where relevant, the criteria set forth in N.C.G.S. 7B-906(c)(1) et.seq.
- m. The court shall also consider the extent to which the parties have complied with prior orders; what, if any, modifications of those orders should be made; what if any, unmet needs the juvenile has and how to meet those needs; and should address the issues of visitation and child support.
- n. If custody is not restored to the parents, the matter shall be redocketed for further review as soon as necessary and in no event more than six (6) months later, unless the provisions of N.C.G.S. 7B-906(b) apply. In no case shall review hearings be waived for more than twelve months. The provisions of this section shall apply to all subsequent review hearings.

Rule 20. Permanency Planning Hearing

- a. In addition to the review hearing required by Rule 17, there shall be a permanency planning hearing for all juveniles placed outside the custody of their parents not later than twelve (12) months from the date of the initial order removing custody. Subsequent permanency planning hearings shall be held at least every six (6) months thereafter or earlier as set by the court, unless the provisions of G.S. 7B-906 apply, to review the progress made in finalizing the permanent plan for the juvenile or, if necessary, to make a new permanent plan for the juvenile. If appropriate, such hearing may be combined with a review hearing required by G.S. 7B-906.
- b. All reasonable efforts reports, court summaries and reports shall be provided by facsimile or by U.S. Postal Service fourteen (14) days prior to the permanency planning hearing. If the court summaries or reports are objected to, then the objecting party may issue subpoenas and may provide an alternative report by facsimile or U.S. Postal Service, postage prepaid, to all parties seven (7) working days prior to the permanency planning hearing.
- c. Additionally, the court shall determine at the permanency planning hearing whether the plan is to proceed toward:
 - i. Reunification;
 - ii. TPR and Adoption;
 - iii. Kinship Care;
 - iv. Other Planned Permanent Living Arrangement ("OPPLA")/Another Planning Permanent Living Arrangement ("APPLA"); or

- v. Independent Living.
If the court determines that none of these alternatives is in the juvenile's best interest, then it may authorize an alternative plan for a specified period of time.

Rule 21. Termination of Parental Rights

- a. The Court, upon adopting Termination of Parental rights as the goal of a case shall schedule a Special Pre-Trial Hearing not sooner than sixty (60) days from the hearing where the termination goal was adopted. The purpose of the hearing shall be, among other things, to determine the issues raised by the petition/motion and any filed answer/response, address any issues regarding appointment of counsel, scheduling the termination hearing or any other matters properly before the court. All appointed counsel of record in the termination action shall attend the hearing. For convenience and judicial economy, this hearing may be scheduled simultaneously as a regularly scheduled review or permanency planning hearing.
- b. At any hearing where the court adopts a goal of termination of parental rights and a petition to terminate shall be file, the court shall, unless requested otherwise by appointed counsel, shall re-appoint the same counsel in the termination action, as represented the parent(s) in the underlying abuse, neglect and neglect action. The petitioner shall mail a copy of the summons and petition to the attorney. If the respondent does not qualify for court appointed counsel, the appointment shall not be approved by the Court. If the termination action is filed as a Motion in the Cause, pursuant to NCGS §7B-1102, the current appointed counsel, shall continue representation, unless that attorney has been allowed by the Court to withdraw. Notice shall be provided to appointed counsel.
- c. Termination petitions/motions shall be filed not more than sixty (60) days following the hearing where termination of parental rights was adopted as the goal of the case.
- d. For any unknown father the court shall conduct a John Doe hearing within ten (10) days following the filing of the petition. The Court shall be guided by N.C.G.S 7B-1105.
- e. The hearing on the termination petition/motion shall be conducted at such time as the court directs, but no later than ninety (90) days from the filing of the petition or motion unless the judge pursuant to Rule 24 orders that the hearing be conducted at a later date and time.
- f. Upon motion, a termination proceeding may be bifurcated. Absent a motion to bifurcate, and for judicial economy, evidence on grounds and best interest shall be received at the same time. The rules of evidence apply.
- g. All Orders terminating parental rights shall be entered within thirty (30) days following the termination hearing.
- h. Post Termination Reviews shall be held at least every six (6) months thereafter until an Adoption Order has been entered.

Rule 22. Post Termination Hearing

- a. A placement review shall be held no later than six (6) months from the date of termination of parental rights. Post termination review hearings shall be conducted pursuant to NCGS 7B-908 every six (6) months thereafter until the juvenile is adopted.
- b. The clerk shall give notice of the post termination hearing no more than thirty (30) and no less than fifteen (15) days prior to the hearing unless the hearing has been previously scheduled by the court. Except as otherwise directed by the court, only the juvenile, if twelve (12) years or older, the agency with custody, the person giving care for the juvenile, the Guardian ad Litem, foster parent, other relative or pre-adoptive parent shall attend. Any parent whose rights have been terminated shall not be considered a party to the proceeding unless an appeal of the order terminating parental rights is pending and a court has stayed the order pending the appeal.
- c. At the post termination review 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 N.C.G.S. 7B-908 shall be submitted in writing to the court by DSS and GAL.
- d. The Court after making findings of fact, shall affirm the county department's or child placing agency plans or require specific additional steps which are necessary to accomplish a permanent placement which is in the best interest of the juvenile.

Rule 23. Placement and Visitation

- a. Except in an emergency, or otherwise authorized by the court, YFS shall not change visitation established by court order without court approval. There shall be written contemporaneous notice to all necessary parties.
- b. Except in an emergency, YFS shall not change any juvenile's placement without giving prior written notice, as far in advance of the change as possible, to the GAL, attorney advocate, parents' attorneys, the court, and any other party involved.
- c. Whenever YFS changes a juvenile's placement because of an emergency it shall immediately notify, in writing, as to the change and the nature of the emergency, the parents or parents' attorneys, the attorney advocate (who shall then notify the GAL) and the court. All parties, except the court, shall also be notified by telephone.
- d. YFS shall immediately notify in writing the parents or parents' attorneys, the attorney advocate (who shall then notify the GAL) and the court whenever it becomes aware that a juvenile in its custody, legal or physical, has run away, and shall immediately seek a secure custody order. All parties, except the court, shall also be notified by telephone.
- e. Whenever a runaway juvenile in YFS custody is apprehended pursuant to a secure custody order, the detention facility shall immediately notify the juvenile court counselor

and the YFS social worker in order that they may facilitate placement without a detention hearing or be present if a detention hearing is necessary.

- f. Whenever YFS becomes aware that any runaway juvenile has been returned to the parents or to the placement from which he or she ran, or can be located elsewhere, it shall immediately:
 - i. Telephone the parents, the parents' attorneys, and the attorney advocate (who shall then notify the GAL) and advise them of the juvenile's condition and whereabouts; and,
 - ii. If a secure custody order is outstanding also telephone the assigned court counselor who shall retrieve that order from the sheriff, unless otherwise instructed by the court.
- g. In any case where a juvenile has been adjudicated abused, neglected or dependent and removed from the custody of the parents by court order, the juvenile shall not be returned to the legal or physical custody of the parents without a hearing at which the court finds sufficient facts to conclude that the juvenile will receive proper supervision and care and that it is in the juvenile's best interests.
- h. Any party may, upon written motion and notice, cause a case to be scheduled to consider a visitation or placement issue.

Rule 24. Court Reports and Summaries

- a. YFS shall provide an updated Reasonable Efforts report in compliance with Rules 14(d), 15(f), 16(i), and 17(i), unless excused by statute or the court.
- b. The GAL shall provide a written report in compliance with Rules 16(j), and 17(j).
- c. YFS shall provide a written court summary in compliance with Rules 16(i) and 17(i) which shall include the following information, obtained since the last submitted court summary:
 - i. Identifying information
 - 1. Current names and complete addresses of the parties or a statement why such information is not provided;
 - 2. Each juvenile's date of birth;
 - 3. Court file numbers;
 - 4. Date of the hearing;
 - 5. Date court summary was prepared; and,
 - 6. Name of the person who prepared the court summary.
 - ii. Procedural History
 - 1. Procedural history of the case, including when the juvenile first came into YFS custody and by what legal process, a summary of the legal changes and events which have transpired since the initial entry into custody, and the reasons why the legal changes and events occurred;

2. Listing of all placements in which the juvenile has been, giving dates of entry and change, reasons for the placement or change, the nature of the placement (foster home, emergency foster home, specialized foster care, institution, etc.) and the relative success or lack of success of each placement;
 3. If parents have not been served or are not currently communicating with the agency, what have been the agency's efforts to locate them, provide them with notice of the proceedings, and involve them in planning for the child;
 4. Family history and whether the juvenile has any siblings, and if so, the age, legal custodian and residence or placement of each sibling;
 5. Information regarding child support issues; and,
 6. Additional information, if appropriate, regarding any changes in social worker assignment for a particular case.
- iii. Services History
1. The needs of the juvenile (emotional, educational, medical, psychological, etc.) and how these needs have been met while in YFS custody;
 2. Extent to which problems causing state intervention have been remedied, the changes which still need to occur, and the specific actions the parents should take to make the changes;
 3. Services and assistance which have been offered or provided to the parents since the previous hearing and the services which are needed in the future;
 4. Compliance by the agency and parents with the case plan, previous court orders and YFS recommendations;
 5. Recommended changes in previous court orders and recommendations;
 6. Whether the current placement is appropriate, including its distance from home and whether or not it is the least restrictive (most family like) placement available;
 7. Parental visits since the previous court hearing, and any suggested changes in the visitation plan;
 8. Information concerning other relatives who may be sources of information for the court or who are potential resources for helping the juvenile; and,
 9. A proposed timetable for return home or other permanent placement.

Rule 25. Preparation and Distribution of Orders

- a. Unless the court directs otherwise, for every hearing, the attorney for YFS shall prepare a written order, reflecting Findings of Fact, Conclusions of Law and the Court's order, which shall be submitted to the court no later than twenty-one (21) days following the conclusion of the hearing or the court's ruling, whichever is later.
- b. At the request of counsel for any party or the court, YFS shall provide the proposed order to counsel for all parties for comment prior to submitting it to the court. All counsel shall respond with comments or objections within three (3) days of the receipt of the order. Any disagreements over the terms of the order which cannot be resolved shall be submitted to the court in writing.

- c. Each order shall contain all appropriate Findings of Fact, Conclusions of Law and Decretal Provisions required by these rules and by statute.
- d. Each order shall state the date and time of the next scheduled hearing, and the type of hearing.
- e. Once the order has been signed and filed, the clerk shall distribute copies to counsel for all parties, the GAL and unrepresented parties.
- f. YFS shall provide a copy of every order to any foster parent or agency in whose care the juvenile is residing and, if appropriate, to the juvenile.

Rule 26. Extension of Time and Continuances

Extensions of time beyond the times specified by statute, court order or these rules shall only be granted for good cause where the court requires additional time to receive evidence, reports or assessments, or other information needed in the best interest of the juvenile; or to allow for a reasonable time for the parties to conduct expeditious discovery.

- a. Continuances shall be granted only in extraordinary circumstances when necessary for the proper administration of justice or in the best interest of the juvenile. Consent of the parties alone or the fact that the case has not been continued previously shall not be considered good cause for an extension or continuance. In ruling on a request for a continuance, the Court shall consider the availability of the parties and all witnesses, and whether such continuance would promote the purposes of these rules, protect the rights of the parties and the best interest of the juvenile. A factor to be considered in granting a continuance shall be when the movant knew or should have known of the conflict which forms the basis for the request.
- b. Whenever possible, motions for extensions or continuances shall be presented or submitted in writing to the assigned District Court Judge at least five (5) calendar days in advance of the scheduled hearing date. All parties shall be served with a copy of the motion and given an opportunity to be heard on the motion. The Motion shall state the reason for the request, efforts made to comply with the rules and whether all other counsel involved in the case consent or object to the extension or continuance. If all counsel consent, the Movant may, simultaneously with the filing of the Motion, attach an order allowing the motion, and in such case shall also provide for a new hearing date and time, and shall state clearly the reasons for the continuance or extension.
- c. In extraordinary circumstance where time does not permit the filing of a Motion five (5) calendar days in advance of the hearing, the court may consider an oral Motion for an extension or continuance. All parties shall be given an opportunity to be heard.
- d. All orders granting a continuance or extension must be in writing, shall be prepared by the moving party and submitted to the court for signature at the conclusion of the hearing on the motion or within seven (7) days thereafter and shall contain the next hearing date.

- e. To avoid undue delays, the movant shall make every effort to secure substitute counsel who shall be ready, willing and able to move forward with the hearing as scheduled. However, where a hearing has begun but not yet concluded, it is expected by the court, absent extraordinary circumstances that counsel will represent respondent parent at each scheduled hearing. Securing substitute counsel at the last minute for contested hearings or hearings not yet concluded shall not be accepted by the court.
- f. The clerk shall distribute copies of the order to counsel for all parties, the GAL and any unrepresented party.
- g. If appropriate, YFS shall provide a copy of the order to any foster parent, the agency in whose care the juvenile is residing and, to the juvenile.

Rule 27. Permanency Mediation

- a. The Court may order parties to participate in permanency mediation prior to the adjudicatory hearing or at a later stage in the case as deemed appropriate.
- b. Although parties are ordered to attend the mediation session, they are not ordered to reach a resolution.
- c. Unless otherwise ordered by the judge, all parties shall participate in the drafting of stipulations to avoid conflicts in stipulated facts. It is the responsibility of the YFS attorney to bring to the attention of the court at the hearing any potentially conflicting stipulations.
- d. In addition to the parties to the case, at the designation of the judge participants may include foster parents, family members, mental health service providers, medical personnel, older children, and any other persons whose input may be helpful.
- e. Parties and stakeholders shall notify the mediation coordinator if language interpreters, additional security, or other special accommodations should be arranged for the mediation session.
- f. All participants, including the mediators, shall sign and honor the confidentiality policy whether or not a final agreement is reached. Signed agreements are the only documents that shall be generated during the mediation session. No other reports regarding the content of the mediation may be produced by any party to the mediation.
- g. To the extent possible, the mediation date shall be selected by consensus of the parties and stakeholders ordered to attend. It is preferred that referrals and scheduling take place in the courtroom; however, out-of-court requests for mediation can be directed to the mediation coordinator for scheduling in accordance with Permanency Mediation Program procedures.

- h. If a scheduling conflict arises, that person shall first notify all opposing counsel and the mediation coordinator, who will in turn contact participants and make efforts to reschedule the session. If the conflict cannot be rescheduled prior to the next scheduled hearing, then the party with the conflict shall notify all opposing counsel and the Court. The Court in its discretion may:
- i. Reschedule the mediation;
 - ii. Rescind the order to attend mediation;
 - iii. Refer the case for post-adjudication mediation; or
 - iv. Continue the case so that mediation can take place before adjudication. Continuances shall only be granted when the mediation and adjudication can be scheduled for a date that is no later than 60 days from the date the juvenile petition was filed.
- i. Parties and attorneys who are ordered to attend the mediation session but fail to appear or to remain until released by the mediator may face court sanctions including, but not limited to, contempt of court. The mediators, with input from the persons present, shall determine if the mediation can proceed when other persons ordered to mediation fail to appear.
- j. Mediation sessions that occur prior to adjudication may address stipulations to the facts alleged in the juvenile petition and the development of a case plan for the parents or caretakers. Agreements may not stipulate to the legal status of a juvenile (i.e., abused, neglected, dependent); only the Court shall determine the legal status.
- k. In cases mediated pre-adjudication, the YFS attorney shall be responsible for taking the mediated agreement to court at the adjudication/disposition hearing. In cases mediated post-adjudication, the mediator shall designate the party responsible for producing the mediated agreement at the next scheduled hearing.
- l. Mediation sessions that occur post-adjudication may address the issues of visitation, communication, modification of custody, permanent placement, surrender/post-adoption contact, or other matters that may facilitate permanence and stability for children.
- m. All parties and counsel ordered to participate in permanency mediation shall comply with the policies and procedures established by the 26th District Permanency Mediation Program, which can be found at <https://sites.google.com/site/mackmediation/>.

Rule 28. Resolving Hearing Conflicts

The following priority should ordinarily control when scheduling cases in which there is a conflict of hearing dates and or times.

- a. Appellate Courts should prevail over trial courts.
- b. Any trial court matter listed in these local rules should prevail over any other trial court matter not listed herein.

- c. Among trial court matters:
 - i. Any trial or hearing in a capital case;
 - ii. The trial in any case designated as a preemptory setting;
 - iii. The trial of a criminal case in superior court when the defendant is in jail and charged with an A-E felony and the trial is reasonably expected to last for more than one (1) week.
 - iv. The trial in an action or proceeding in district court in which any of the following is contested:
 - 1. Termination of parental rights;
 - 2. Adjudication of abuse/neglect/dependency or disposition following such adjudication;
 - 3. Child custody proceeding;
 - 4. Interim or final Equitable Distribution;
 - 5. Alimony or post separation support.
- d. When an attorney learns of a scheduling conflict between matters in the same priority category, the attorney shall promptly give written notice to opposing counsel, the clerk of all courts and the appropriate judges in all cases, stating therein the circumstances relevant to resolution of the conflict under these guidelines.
- e. When an attorney learns of the conflict before the date on which the matters are scheduled to be heard, the appropriate judges are Senior Resident Superior Court Judges for matters pending in the Superior Court Division and Chief District Court Judges for matters pending in the District Court Division; otherwise the appropriate judges are the judges presiding over those matters. The appropriate judges should promptly confer, resolve the conflict, and notify counsel of the resolution.
- f. In resolving scheduling conflicts between court proceedings matters in the same priority category the presiding judges should give consideration to the following:
 - i. The comparative age of the cases;
 - ii. The order in which the trial dates were set by published calendar, order or notice;
 - iii. The complexity of the cases;
 - iv. The estimated trial time;
 - v. The number of attorneys and parties involved;
 - vi. Whether the trial involves a jury;
 - vii. The difficulty or ease of rescheduling;
 - viii. The availability of witnesses, especially a child witness, or an expert.

Rule 29. Discovery

- a. Except as protected by privilege, state or federal law, all parties shall disclose all relevant information, material, and records to all other parties, pursuant to court order.
- b. All parties are under an affirmative duty to provide any and all exculpatory documentation in that party's possession and not protected by privilege or state or federal law, as it may relate to the allegations in the petition.

- c. Any party, including the juvenile, may file a motion to compel discovery of specific information or material pursuant to N.C.G.S. 7B-700. The motion shall be heard within five (5) working days of the date of service.
- d. All means of discovery permitted by the Rules of Civil Procedure shall be available. In order to coordinate the completion of discovery and to avoid unnecessary delay, however, no such discovery may be conducted without approval of the court and the establishment of expedited time lines for its completion.
- e. The court may take any action on motions to compel authorized by N.C.G.S. 1A-1, Rule 37.
- f. Information obtained through discovery or sharing of information under this subsection may not be re-disclosed if the redisclosure is prohibited by State or federal law.
- g. Attorneys are authorized to destroy copies of the records sixty (60) days following a voluntary or involuntary dismissal of the action, a TPR judgment, an order awarding guardianship of the child(ren), an order returning custody to the parents with no further reviews or any other action that finally terminates the case and no appeal has been filed.

Rule 30. Transfer to Civil; Termination of Juvenile Jurisdiction

- a. At the conclusion of a dispositional hearing or any subsequent hearing, and after making proper findings of fact, the court may, either on its own motion or upon motion of a party may award custody of the juvenile to a parent or other appropriate person pursuant to N.C.G.S. 50-13, 50-13.2, 50-13.5, and 50-13.7 and terminate the juvenile court's jurisdiction pursuant to N.C.G.S. 7B-911.
- b. The court shall either direct that an order be filed in an existing civil action relating to the custody of the juvenile, or, if there is no other civil action, instruct the clerk to treat the juvenile order as the initiation of a civil action for custody.
- c. If the order is filed in an existing civil action and the person to whom the court is awarding custody is not a party to that action, the court shall order that the person be joined as a party and that the caption be changed accordingly. The order shall resolve any pending custody claims or constitute a modification of any custody order previously entered in the action. No other documents from the juvenile file shall be placed in the civil file. DSS shall complete the juvenile court order resulting from the hearing. The court shall direct who must complete the resulting civil order.
- d. If the court's order initiates a civil action, the court shall designate the parties to the action and determine the most appropriate caption for the case. The clerk shall establish a CVD file using the custody order as the initiating document. Unless otherwise ordered the civil filing fee is waived. In this instance the order shall constitute a custody determination and any motion to enforce or modify shall be filed in the newly created civil action in accordance with the provisions of Chapter 50. A copy of the new civil

custody order shall also be placed in the originating juvenile file. DSS shall complete the juvenile court order resulting from the hearing. The court shall direct who must complete the resulting civil order.

Rule 31. Civil Child Custody Actions

- a. When a juvenile proceeding for abuse, neglect, or dependency and a civil custody action are pending at the same time for the same child, the civil action is automatically stayed as to the issue of child custody unless the proceedings are consolidated pursuant to N.C.G.S. 7B-200(d).
- b. Upon recognition that a juvenile and civil proceeding are pending at the same time for the same child, the Family Court Administrator's Office will screen the civil action to determine if consolidation is feasible. Civil cases involving family financial issues will not be considered for consolidation.
- c. If after consultation with the assigned juvenile judge consolidation is determined to be feasible, the Family Court Administrator's Office shall:
 - i. Complete Consolidation Order (Form CCF-59) to consolidate the pending civil custody action under the pending abuse, neglect, or dependency proceeding;
 - ii. File the Consolidation Order under both the Juvenile Court Case File number(s) and the Civil Custody Action Case File number(s); and,
 - iii. Submit copies of the pleadings the Juvenile Clerk's Office to be placed in the Juvenile Court file.

Rule 32. Responsible Individuals

A process has been established by N.C.G.S. 7B-323 and Rule 10A N.C.A.C.70A.0114 allowing an individual to request review of the determination by the Director of the County Department of Social Services of abuse or serious neglect and identification as a responsible individual ("RI"). This request may be made by filing a Petition for Judicial Review (AOC-J-131).

- a. A responsible individual has fifteen (15) calendar days from notification of the Director's determination of abuse or serious neglect and the identification of an individual as a responsible individual to file a petition in District Court for a hearing regarding placement on the Responsible Individual's List ("RIL"). Failure to timely file a petition for judicial review, and absent a showing of extraordinary circumstances or in the interest of justice, constitutes a waiver of the individual's right to a district court hearing and to contest the placement of the individual's name on the responsible individual's list.
- b. The petition, Form AOC-J-131, shall be filed with the District Court, Juvenile Court Clerk's Office in the county where the abuse or serious neglect report was received. The petition for judicial review shall contain the name, date of birth, and address of the individual seeking judicial review, the name of the juvenile who was the subject of the determination of abuse or serious neglect, and facts that invoke the jurisdiction of the court.

- c. A copy of the petition for judicial review shall be delivered in person by certified mail, return receipt requested to the Director who determined the abuse or serious neglect and identified the individual as a responsible individual.
- d. The Clerk of Court will send a notice of hearing to the responsible individual and the Director indicating that a hearing has been scheduled. Upon the filing of a petition for judicial review, the clerk shall calendar the matter for hearing within 45 days from the date the petition is filed at a session of district court hearing juvenile matters or, if there is no such session, at the next session of juvenile court.
- e. Upon request of a party, the hearing may be closed to the general public.
- f. The rights of the responsible individual and the Director shall be preserved. These rights include the right to represent themselves or obtain the services of an attorney at their own expense, present sworn evidence, the right to subpoena witnesses, cross examine witnesses of the other party, and make a closing argument.
- g. The Director has the burden of proving by a preponderance of the evidence that the abuse or serious neglect and the identification of the individual seeking judicial review as a responsible individual.
- h. Rules of evidence in civil cases apply. However, upon judicial determination, other reliable and relevant evidence may be admissible.
- i. This hearing shall be before the court sitting without a jury.
- j. No Guardian Ad Litem will be present.
- k. The resulting Order shall be entered within thirty (30) days of the conclusion of the hearing.
- l. If the court concludes that the Director has not established by a preponderance of the evidence abuse or serious neglect or the identification of the responsible individual, the court shall reverse the Director's determination and order the Director not to place the individual's name on the responsible individuals list. If the court concludes that the Director has established by a preponderance of the evidence abuse or serious neglect and the identification of the individual seeking judicial review as a responsible individual, the court shall order the Director to place the individual's name on the responsible individual's list, consistent with the court's order.
- m. Under the following circumstances a responsible individual is not eligible to petition for judicial review:
 - i. The individual is criminally convicted as a result of the same incident; or
 - ii. The individual fails to make a timely request to the Director or the District Court.

- n. If the director cannot show that the individual has received actual notice, the director shall not place the individual on the responsible individuals list until an ex parte hearing is held at which a district court judge determines that the director made diligent efforts to find the individual. A finding that the individual is evading service is relevant to the determination that the director made diligent efforts.

Rule 33. Forensic Evaluations

When the court orders a Forensic Evaluation to be completed to assist in the decision making process, the following procedures should be followed:

- a. A Forensic Order shall be completed consistent with the procedures set forth by the Forensic Evaluations Unit which are attached and incorporated as Appendix 5.
- b. The court shall designate the individual responsible for drafting the order and gathering records.
- c. The order shall be typed and completed on the Forensic Evaluation template which is attached as Appendix 5a. The proposed order shall be submitted by email to all attorneys of record within five (5) days of being ordered by the court. The attorneys must respond in writing with any objections to the information listed in the proposed order within five (5) days of receiving the proposed order.
- d. Once the five (5) day period for attorney response has elapsed, the individual responsible for drafting the order will submit the finalized draft of the order, including any objections received by the other parties, to the Juvenile Court Liaison for review. Once reviewed, the Juvenile Court Liaison will present the order to the judge for signature. The assigned judge will resolve any contest concerning the substance of the order.
- e. Once the order is signed and directed to be filed by the clerk, it is a final order.

Rule 34. Writs

Whenever a petition is filed which reflects that a respondent is incarcerated, the clerk's office shall inform the appointed attorney at the time of the appointment. The following procedure shall be followed to have an incarcerated respondent brought to a juvenile court hearing.

- a. Mecklenburg County Jail Inmate: If inmate is housed in the Mecklenburg County Jail and under the custody of the Mecklenburg County Sheriff's Office, the following procedure applies.
 - i. As soon as possible, but no later than forty-eight (48) hours before the hearing the inmate's assigned counsel shall follow the specific procedures established by the Mecklenburg County's Sheriff's Office for locating and transporting the inmate to the hearing.
 - ii. The specific procedures for the Mecklenburg County Sheriff's Office are set out in the Appendix.

- b. North Carolina Department of Corrections Inmate: If the inmate is housed in a facility maintained by the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice, the following procedure applies.
 - i. As soon as possible, but no later than ten (10) days before the hearing, the inmate's assigned counsel shall complete Form AOC-G-112 for an Application and Writ of Habeas Corpus Ad Testificandum and follow the specific procedures established by the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice, for transporting the inmate to the hearing.
 - ii. The specific procedures for the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice are set out in the Appendix.
- c. Federal Prisoner/Inmate, "287-G" hold, or Immigration and Customs Enforcement ("ICE") Prisoners:
 - i. If an inmate is under the custody of the U.S. Marshalls, assigned counsel shall, as soon as possible, contact the U.S. Attorney's Office or U.S. Marshall's Office and follow their requirements for transfer to Mecklenburg County jail.
 - ii. If the inmate is under an ICE or "287-G" hold, assigned counsel shall contact the Department of Homeland Security and be guided by their directions. Assigned counsel may also contact the Mecklenburg County Sheriff's Office for further directions.
- d. Other State Inmates: If the inmate is housed in a state county other than Mecklenburg County and under the custody of that county's Sheriff's Office, the following procedure applies.
 - i. As soon as possible, but no later than ten (10) days before the hearing, the inmate's assigned counsel shall complete Form AOC-G-112 for an Application and Writ of Habeas Corpus Ad Testificandum and follow the specific procedures established by the local jurisdiction for transporting the inmate to the hearing.
 - ii. The specific procedures for the local jurisdictions are set out in the Appendix.

Rule 35. Domestic Violence Protocol

In any case where the court finds domestic violence is an issue, the court shall implement the domestic violence protocol established by this court and attached to these local rules by appendix.

Rule 36. Sanctions

If the court finds there has been willful or neglectful failure of any party to comply with any provision of these rules, that party, in the discretion of the presiding judge, shall be subject to sanctions, which may include, but are not limited to, payment of attorney fees incurred in preparing the pretrial memorandum by the complying party, exclusion of certain witnesses or exhibits not timely disclosed pursuant to these rules, striking of documents and/or pleadings, continuance of the trial if the complying party will be unduly prejudiced by noncompliance and no lesser sanctions are sufficient, or any other sanction allowed by law and deemed appropriate at the discretion of the assigned Judge.

Rule 37. Fee Petitions

Effective November 1, 2000, all attorneys submitting fee petitions for all court-appointed cases in juvenile court shall comply with the following provisions:

- a. Fee petitions shall be filled out completely and shall note whether any prior fee petitions(s) have been submitted for the same case(s), and, if so, the amount of the fee awarded.
- b. Fee petitions shall be submitted only at the conclusion of the dispositional hearing and after each subsequent hearing.
- c. Fee petitions shall be submitted only within one hundred and twenty (120) days of the date of the dispositional hearing or any subsequent hearing.

APPENDIX

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STATE OF NORTH CAROLINA
MECKLENBURG COUNTY

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
JUVENILE FILE NO. ____ JA ____

IN THE MATTER OF:

Minor Child(ren).

DISCOVERY ORDER

Name of Respondent Parent: _____

Name of Counsel: _____

This matter coming on to be heard before the undersigned judge presiding over the District Court of [County] County, Juvenile Division upon the motion for discovery made by the above counsel for a respondent parent.

IT APPEARING TO THE COURT that the above counsel needs access to the [County] County Department of Social Services' record concerning the above child.

IT FURTHER APPEARING TO THE COURT that it is in the interests of justice that counsel for the respondent parent be allowed discovery of the Department of Social Services' records for the purpose of representing the respondent parent in the Juvenile Court proceedings and for that purpose only.

IT FURTHER APPEARING TO THE COURT that this information is confidential pursuant to G.S. 7B-2901 and the disclosure of other information in the Department of Social Services file which might be confidential information from another agency or service provider should not be allowed and that any further disclosure except as authorized herein should not be allowed and that any further disclosure is not in the best interests of the child and should subject the disclosing party to the contempt powers of the Court.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

1. The above named counsel for respondent parent is hereby authorized to inspect and request copies of the [County] County Department of Social Services' records as it pertains to the matter set forth herein.
2. The above named counsel shall contact the [County] County Department of Social Services to arrange for a reasonable time to review the record.
3. Pursuant to G.S. 7B-301, the Department of Social Services shall not reveal the names of the persons reporting the alleged neglect and abuse.
4. The release of this information is restricted for the purposes of representation of the respondent parent in Juvenile Court and shall not be further released for any other purpose without further order of this Court. Specifically, psychological/psychiatric/medical reports shall not be shared with the respondent parent without proper interpretation from someone qualified to do so; and no copies of said documents shall be given to anyone without a prior order of this Court.
5. Attorney work product is not subject to this discovery order.
6. Any materials except as specifically excluded herein which the Department of Social Services objects to releasing to the above named counsel, shall be objected to by the Department of Social Services and reviewed in camera by a district court judge to determine whether or not it should be subject to discovery.

This the _____ day of _____, 20____.

Mecklenburg County District Judge Presiding

STATE OF NORTH CAROLINA
MECKLENBURG COUNTY

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
JUVENILE FILE NUMBER ____ JA ____

IN THE MATTER OF:

Minor Child(ren.)

**ORDER TERMININATING JUVENILE
COURT JURISDICTION AND
DIRECTING ENTRY OF CIVIL ORDER**

THIS ORDER IS ENTERED pursuant to G.S. 7B-911, after a hearing before the undersigned District Court Judge on this ____ day of _____, 20__.

Present for the hearing were the following:

From the evidence presented, including the juvenile case file, the court makes the following FINDINGS OF FACT:

1. The court has entered a civil custody order at or subsequent to a dispositional hearing granting custody of the juvenile to a parent or other appropriate person pursuant to G.S. 50-13.1, 50-13.2, 50-13.5, and 50-13.7.
2. The parties have been informed that:
 - a. any motion to enforce or modify the terms of the civil custody order must be filed in civil, not juvenile, court and may be referred to mediation;
 - b. no party is entitled to court-appointed counsel in that action;
 - c. the Guardian Ad Litem and Attorney Advocate have no responsibilities in that action;
 - d. the juvenile court will have jurisdiction to consider matters relating to the child only if a new petition is filed; and,
 - e. the Mecklenburg County Department of Social Services has no custodial or other rights or responsibilities with respect to the child(ren).

3. There is no a need for continued State intervention on behalf of the Juvenile(s) through a juvenile court proceeding.
4. At least six months have passed since the Court made a determination that the Juvenile's placement with the person to whom the court is awarding custody is the permanent plan for the juvenile (unless custody is being awarded to a parent or the person with whom the child was living when the petition was filed).
5. Other:

Based on the foregoing findings of fact, the court makes the following CONCLUSIONS OF LAW:

1. The Court has exclusive, continuing jurisdiction under G.S. 50A-202 and has jurisdiction over the parties.
2. Other: _____

It is therefore ORDERED, ADJUDGED, AND DECREED THAT:

1. All previously appointed counsel are relieved of responsibility in this matter.
2. The jurisdiction of this Court is hereby terminated and the legal status of the Juvenile and the Custodial rights of the parties shall be governed by a civil custody order entered pursuant to G.S. 7B-911:
 - The domestic file already exists, the Civil Custody Order shall be entered in the existing civil domestic file number ____ CVD ____.
 - The domestic file already exists and the court awards custody to a person(s) not listed as a party to the action, then the Civil Custody Order shall be entered in the existing civil domestic file number ____ CVD ____ and the following individuals shall be joined as parties to that action and be denominated interveners:

The Civil Custody order shall be entered in a new civil domestic file and the Clerk is hereby directed to treat the Order as the initiation of a civil action for custody, captioned as set out below, and to establish a civil file and assign a CVD file number for this matter. The filing fee for this civil action is waived.

3. Other:

IT IS SO ORDERED, THIS THE ____ DAY OF _____, 20__.

Mecklenburg County District Court Judge

**JUVENILE ABUSE, NEGLECT, & DEPENDENCY COURT
PARENT ATTORNEY
TRAINING CURRICULUM**

Documentation Review of the following reference materials:	Date Completed
1. North Carolina General Statute 7B: Juvenile Code	
2. Mecklenburg County Abuse and Neglect Local Rules	
3. "The Clock is Ticking" Video	
4. "Becoming Whole Again" F.I.R.S.T. Video	

Target Completion Date of Training Module:

Attendance, Observation, and Participation in the following Events	Date Completed
1. Observed a minimum of three Non-Secured Custody Hearings	
2. Observed a minimum of one Permanency Mediation Session <i>Mediator Signature:</i> _____	
3. Observed a minimum of three Adjudication Hearings	
4. Observed a minimum of three Dispositional Hearings	
5. Observed a minimum of three Review Hearings or Permanency Planning Review Hearings or Combination Thereof	
6. Observed a minimum of three Permanency Planning Hearings	
7. Observed a minimum of one Contested Termination of Parental Rights (TPR) Hearing	
8. Participated in Parent Attorney Orientation or comparable training provided by the Family Court Administrator's Office	

Target Completion Date of Training Module:

I hereby certify by my signature below that the *Juvenile Abuse, Neglect, & Dependency Court Parent Attorney Curriculum* accurately reflects the completion of the listed items except as otherwise noted.

Date

Print Name

Attorney's Signature

**DOMESTIC VIOLENCE (“DV”) PROTOCOL, JUVENILE COURT
MECKLENBURG COUNTY, CHARLOTTE, NC**

A. SECURITY AND COURTROOM ORGANIZATION:

1. COURTROOM:

- a. Subject to personnel availability, there will be an additional deputy available to be present in a juvenile courtroom when domestic violence is an issue for the case.
- b. There will always be at least one deputy in the courtroom, even if the judge is temporarily off the bench.
- c. Deputies will be trained to follow parties out of the courtroom at the conclusion of cases that are potentially explosive. Training will include how to identify cases in which this action should be taken.
- d. When two different parents’ attorneys are sitting at the same table, the parents’ attorneys shall sit next to each other at the parents’ table, with the parents on each side, to provide the maximum distance possible between the parents.
- e. The Model Court’s DV protocol sub-committee shall continue to explore other methods of making the courtroom safer without increasing tension among the parties involved. This committee shall consult with other DV advocates and committees in making amendments to this protocol.

2. WAITING AREA:

- a. Subject to personnel availability, the Mecklenburg County Sheriff’s Office has committed to provide a deputy to patrol the waiting area for Juvenile Court. The deputy assigned to patrol the waiting area will begin his/her patrol of the waiting area at or around 8:15am. The deputy will be trained to present an orientation prior to court to those in the waiting area to inform them of behavioral expectations. He will repeat this message as necessary throughout the day.
- b. Any party, including Attorneys and agency representatives, shall notify the court and deputies of any potential domestic violence issues at the earliest possible date of any cases in which DV or other security issues are known to exist so that the court can determine whether the docket should be flagged.

3. PRE-HEARING PROCEDURES

- a. All cases involving DV or other security issues shall be demarcated on the Juvenile Court File by the judge. This shall be done either manually at the present or through JWISE once it is implemented. It will be the judge’s determination as to whether or not a case is flagged.
- b. A pre-hearing conference shall occur for all such cases involving DV or other security issues so that the court can confer with the parties’ attorneys and make any necessary provisions to minimize security risks and/or the impact of DV.
- c. Any party, including Attorneys and agency representatives, shall notify the court and deputies of any potential domestic violence issues at the earliest possible date of any cases in which DV or other security issues are known to exist so that the court can determine whether the docket should be flagged.

B. COURT PERSONNEL:

1. JUDGES:

- a. Judges assigned to Juvenile Court shall be mindful of DV issues and consequences thereof given its prevalence in juvenile cases. They shall be knowledgeable about its dynamics and local resources related to domestic violence. They should be required to avail themselves of continuing education about domestic violence, including annual training events presented by the Family Court Administrator's Office.
 - b. Juvenile Court judges shall attend the Family Court Administrator's training presentation on DV basics. All new Juvenile Court judges shall view the video of this presentation at the commencement of their employment.
 - c. Judges will flag any case in which DV is known to exist by marking the court file.
2. CLERKS:
- a. Courtroom clerks assigned to Juvenile Court shall be mindful of DV issues and consequences thereof and be willing to avail themselves of continuing education on domestic violence, including annual training events presented by the Family Court Administrator's Office
 - b. The Clerk's office shall be responsible for making sure that all of its Juvenile Court Clerks attend the Family Court Administrator's Office training presentation on DV basics, and for making sure that all new Juvenile Court Clerks view the video of this presentation at the commencement of their employment.
3. DISTRICT ATTORNEYS:
- a. District attorneys assigned to Juvenile Court shall be mindful of DV issues and consequences thereof given its prevalence in juvenile cases. They shall be knowledgeable about its dynamics and local resources related to domestic violence. They should be required to avail themselves of continuing education about domestic violence, including annual training events presented by the Family Court Administrator's Office.
 - b. The District Attorney's Office shall be responsible for making sure that all of its Juvenile Court attorneys attend the Family Court Administrator's Office training presentation on DV basics, and for making sure that all new Juvenile Court attorneys view the video of this presentation at the commencement of their employment.
 - c. Attorneys shall notify the court and deputies at the earliest possible date of any cases in which DV or other security issues are known to exist so that the court can determine whether the docket should be flagged.
4. PARENTS' ATTORNEYS:
- a. Parents' attorneys assigned to Juvenile Court shall be mindful of DV issues and consequences thereof given its prevalence in juvenile cases. They shall be knowledgeable about its dynamics and local resources related to domestic violence. They should be required to avail themselves of continuing education about domestic violence, including annual training events presented by the Family Court Administrator's Office.
 - b. Juvenile Court parents' attorneys shall attend the Family Court Administrator's training presentation on DV basics. All new Juvenile Court parents' attorneys shall view the video of this presentation at the commencement of their Juvenile Court practice.

- c. Attorneys shall notify the court and deputies at the earliest possible date of any cases in which DV or other security issues are known to exist so that the court can determine whether the docket should be flagged.

5. COUNTY ATTORNEYS

- a. County attorneys assigned to Juvenile Court shall be mindful of DV issues and consequences thereof given its prevalence in juvenile cases. They shall be knowledgeable about its dynamics and local resources related to domestic violence. They should be required to avail themselves of continuing education about domestic violence, including annual training events presented by the Family Court Administrator's Office.
- b. The Mecklenburg County Department of Social Services ("DSS") shall be responsible for making sure that all of its Juvenile Court attorneys attend the DV Judges' Committee's training presentation on DV basics, and for making sure that all new Juvenile Court attorneys view the video of this presentation at the commencement of their employment.
- c. Attorneys shall notify the court and deputies at the earliest possible date of any cases in which DV or other security issues are known to exist so that the court can determine whether the docket should be flagged.
- d. DSS will be responsible in making sure that a copy of a related Civil Domestic Violence Order between the parties in a DSS case is placed in the juvenile court file at the same time or soon after the petition is filed.

6. JUVENILE COURT COUNSELORS:

- a. Juvenile court counselors assigned to Juvenile Court shall be mindful of DV issues and consequences thereof given its prevalence in juvenile cases. They shall be knowledgeable about its dynamics and local resources related to domestic violence. They should be required to avail themselves of continuing education about domestic violence, including annual training events presented by the Family Court Administrator's Office.
- b. The North Carolina Department of Public Safety, Division of Juvenile Justice for the 26th Judicial District shall be responsible for making sure that all of its Juvenile court counselors attend the Family Court Administrator's training presentation on DV basics, and for making sure that all new Juvenile court counselors view the video of this presentation at the commencement of their employment.
- c. Juvenile court counselors shall notify the court and deputies at the earliest possible date of any cases in which DV or other security issues are known to exist so that the court can determine whether the docket should be flagged.

7. COUNCIL FOR CHILDREN'S RIGHTS

- a. Council for Children's Rights ("CFCR") representatives assigned to Juvenile Court shall be mindful of DV issues and consequences thereof given its prevalence in juvenile cases. They shall be knowledgeable about its dynamics and local resources related to domestic violence. They should be required to avail themselves of continuing education about domestic violence, including annual training events presented by the Family Court Administrator's Office.
- b. The CFR shall be responsible for making sure that all of its Juvenile court representatives attend the Family Court Administrator's Office training presentation on DV basics, and for making sure that all new Juvenile court

representatives view the video of this presentation at the commencement of their employment.

- c. CFCR representatives shall notify the court and deputies at the earliest possible date of any cases in which DV or other security issues are known to exist so that the court can determine whether the docket should be flagged.

8. DEPUTIES

- a. Mecklenburg County Sheriff's Office deputies assigned to Juvenile Court shall be mindful of DV issues and consequences thereof given its prevalence in juvenile cases. They shall be knowledgeable about its dynamics and local resource related to domestic violence. They should be required to avail themselves of continuing education about domestic violence, including annual training events presented by the Family Court Administrator's Office.
- b. The Mecklenburg County Sheriff's Office shall be responsible for making sure that all of its Juvenile Court deputies attend the Family Court Administrator's Office training presentation on DV basics, and for making sure that all new Juvenile Court deputies view the video of this presentation at the commencement of their employment.
- c. Subject to personnel availability, there shall be a minimum of two deputies present in a courtroom when a case that has been flagged for DV or other security issues is being heard.
- d. Subject to personnel availability, a deputy will patrol the waiting room area outside the Juvenile Courtrooms starting at or around 8:15am.

1. FAMILY COURT ADMINISTRATOR'S OFFICE

- a. The Family Court Administrator's Office will coordinate the planning and presentation of an annual Domestic Violence training for all Juvenile Court Stakeholders.

2. ADDITIONAL COURT AGENCIES

- a. Agency workers assigned to Juvenile Court from all other court agencies, including the Department of Social Services ("DSS"), Guardian Ad Litem's ("GAL") Office, Permanency Mediation, and mental health providers, shall be mindful of DV issues and consequences thereof given its prevalence in juvenile cases. They shall be knowledgeable about its dynamics and local resource related to domestic violence. They should be required to avail themselves of continuing education about domestic violence, including annual training events presented by the Family Court Administrator's Office.
- b. All other court agencies, including DSS, GAL, and mental health providers, shall be responsible for making sure that all of its Juvenile Court employees attend the Family Court Administrators' Office training presentation on DV basics, and for making sure that all new Juvenile Court employees view the video of this presentation at the commencement of their employment.
- c. Agency representatives shall notify the court at the earliest possible date of any cases in which DV or other security issues are known to exist so that the court can determine whether the docket should be flagged.

Forensic Evaluations

When a judge orders that a Forensic Evaluation be conducted in order to assist in the legal decision making process, the following procedures should be followed:

1. Completing the Court Order

- a. The court will assign an individual/agency that will be responsible for completing the Forensic Evaluation Court Order (Forensic Form 1).
- b. The Court Order shall be completed within five (5) business days of the judge ordering the evaluation in court.
- c. The Court Order template must be completed electronically by the individual/agency identified by the court. Attachment A of the Court Order shall be submitted via email to the attorneys of record for review. Attorneys will have five (5) business days to note any objections to the information listed in Attachment A, indicate these objections in writing and return via email to all parties in the case, including the party responsible for completing the Court Order.
- d. Following the five (5) day period of review by all parties, if concerns are received by the party responsible for completing the Court Order, these concerns will be compiled and attached to the Court Order. The completed Court Order, including Attachments A and objections (if appropriate), will be submitted via email to the Juvenile Court Liaison for review. Any changes that are found to be necessary will be reviewed with the individual/agency submitting the Court Order prior to submitting the Order to the judge for signature.

2. Obtaining judge's signature and file stamp:

- a. The Juvenile Court Liaison will make three (3) copies of the completed Court Order and one (1) copy of Attachment A and objections (if appropriate), and submit them to the court for signature.
- b. If the Court Order does not have any objections, it will be submitted to the assigned Judge for his/her signature if available, or to another juvenile Judge for signature, if the assigned Judge is unavailable.
- c. If objections are indicated, the Court Order will be submitted only to the assigned Judge for his/her signature and decision(s) as to whether to Accept or Deny the objection(s) as written.
- d. The Juvenile Court Liaison will incorporate the Judge's decision(s) regarding the accepted objection(s) as submitted into Attachment A, and resubmit the revised copy of Attachment A, along with the original versions of Attachment A and the objection(s) for the assigned Judge's approval, as indicating by initialing the revised copy of Attachment A.
- e. Once signed, the Juvenile Court Liaison will have the order file stamped by the Clerk's Office. The clerk will keep one copy of the order and place it in the legal file. The Juvenile Court Liaison will keep one copy and the remaining copy will be sent to the identified individual/agency responsible for gathering the records.
- f. The Juvenile Court Liaison will electronically send Attachment A and objections, if applicable, to all attorneys of record.
- g. Once an order has been signed and file stamped, it is a legal document and it **cannot be altered.**

- h. If substantial changes need to be made, the Juvenile Court Liaison will be notified to discuss the proposed changes. If necessary, an “AMENDED” order will be completed and the Juvenile Court Liaison will resubmit the revised order for signature and file stamp.

3. **Gathering Records**

- a. The order is authorization for outside agencies and professionals to release their records.
- b. It is suggested that the three (3) pages of the Court Order be faxed to the listed agencies accompanied by the Forensics Fax Coversheet (Forensic Form 2).
- c. If difficulties are encountered following reasonable efforts to obtain records within a fourteen (14) day period, notify the Court in an effort to assist in this process.
- d. Once all records have been gathered, the order and the records should be brought to the Juvenile Court Liaison’s office. The office is located in the courthouse, Suite # 8129, Telephone (980) 314-5969.

4. **Evaluation Process**

- a. The Forensic Coordinator will assign the case to an available evaluator and generate an Assignment Letter for all parties outlining his/her contact information.
- b. If all evaluators are at capacity, the Forensic Coordinator will generate a letter to all parties outlining the same.
- c. Upon assignment, the assigned evaluator will forward a letter to all parties regarding case assignment and anticipated timeframe for completion.
- d. After the case has been assigned, parties should contact the evaluator directly regarding case status.
- e. Evaluators have specific timeframes by which to complete the evaluation and submit the report to all parties, including the court (Timeframes for evaluations are listed in Forensic Index A). Timeframes per evaluation do not begin until the case has been accepted for assignment by an available evaluator.
- f. The completion date for a report may be modified for various reasons, including noncompliance with appointments and last-minute cancelations. If all individuals cooperate with the evaluation, a copy of the report is due to all parties seven (7) days prior to the listed completion date.
- g. Reports will be submitted to the attorneys of record directly and the court via the Juvenile Clerk’s office. Reports submitted to the court must be in an enclosed envelope that contains the assigned Judge’s name and the Juvenile Court file number(s) on the outside. Attached to the envelope will be a cover letter addressed to the Clerk of Juvenile Court indicating the case name(s), file number(s) and a statement indicating whether or not the evaluation was completed and the date the report was completed.

5. **Evaluations conducted through the Forensic Evaluation Unit include, but are not limited to, the following:**

- a. **Comprehensive Clinical Assessment**
- b. **Guardianship**
 - i. Rule 17 Evaluation
 - ii. Multidisciplinary Evaluation

c. Parenting Related Evaluations:

- i. Parenting Capacity Evaluation
- ii. Custody Evaluation – YFS cases

d. Criminal/Delinquency Evaluations:

- i. Capacity to Proceed
- ii. Juvenile Transfer to Adult Court
- iii. Mental Status at Time of Offense
- iv. Competency to Waive Miranda Rights
- v. Risk Assessment for Future Violence
- vi. Sexual Offender & Risk for Recidivism Evaluation

Forensic Index A

When issues arise during the course of a legal case that cause serious concerns regarding an individual's emotional, behavioral and/or cognitive status, such that these concerns must be professionally evaluated in order to allow the case to continue and justice to be properly administered, the court may order the following types of mental health related evaluations:

Types of Forensic Evaluations for Adults

Comprehensive Clinical Assessment (14 days): This assessment attempts to describe an individual's general and behavioral health history, biological, psychological, social and developmental dimensions and identifies strengths and weaknesses in those areas. It describes presenting problems while considering previous services received and outcomes, involvement with community agencies, past and present social situations, prominence of antisocial behavior, and history of trauma. The report will likely include a tentative diagnosis, suggestions for additional evaluations (if necessary), and treatment/services recommendations.

*Administration of Psychological Testing is not generally part of this screening.
A tentative diagnosis will be established through this screening.*

Rule 17 Guardianship (21 days): Pursuant to N.C.G.S. 1A-1, Rule 17 whenever a question of competency of a parent to proceed in legal matters in a dependency case exists, the Court shall order a Rule 17 Guardianship Evaluation to determine whether or not the parent in question requires the appointment of a guardian ad litem in a substitution role for all matters related to the dependency case. This evaluation will assess specific aspects of the respondent parent's cognitive and emotional functioning through observation, interview, review of recent/relevant records, and targeted psychological testing. This information, along with a competency-based forensic interview will be used to determine whether or not the respondent has the capacity to proceed in matters related to the dependency case, or if a substitutive guardian needs to be appointed.

*Administration of Psychological Testing is generally part of this evaluation.
A tentative diagnosis may be established through this evaluation.*

Multidisciplinary Evaluation (30 days): Pursuant to N.C.G.S. 35A-1111, in cases in which an individual's competency is called into question, a Multidisciplinary Evaluation can be ordered to assist in determining the nature and extent of a respondent's disability, or to assist in developing an appropriate guardianship plan. This evaluation will assess specific aspects of the respondent's cognitive and functional skills, as well as broad emotional functioning through observation, direct interview, collateral interview(s), review of recent/relevant records, and targeted psychological testing. This information will be used to determine whether or not the respondent meets the criteria for an incompetent adult as defined by N.C.G.S. 35A-1101 (7) and requires the appointment of a guardian.

*Administration of Psychological Testing is generally part of this evaluation.
A tentative diagnosis may be established through this evaluation.*

Parenting Capacity Evaluation (90 days): This evaluation identifies the psychological functioning and emotional stability of a single potential caregiver and any number of individual children. Additionally, the parenting abilities and knowledge of said potential caregiver are evaluated, as well as the ability of said caregiver to meet the specific developmental, psychological, and safety needs of the child/children. Attachment / bonding

aspects of the caregiver's relationship with each child is also assessed. If parental weaknesses are found, appropriate prognosis, treatment, and recommendations are offered. This evaluation may include assessment of intellectual functioning, academic skills, memory, language, executive function skills, personality/emotional functioning, and adaptive functioning of the caregiver and of the named child/children. The evaluation will include an interview with the caregiver, family/collaterals, and a review of records. The evaluation will also include observations of interaction(s) between the caregiver and the child/children. If parental weaknesses are found, appropriate treatment, prognosis, and recommendations will be offered.

Administration of psychological testing is generally part of this evaluation.

*A diagnosis **may** be established through this evaluation.*

*Termination of parental rights **will** be considered as part of this evaluation.*

Custody Evaluation – Mecklenburg County YFS cases (90 days): This evaluation is performed when custody is an issue among several (individual) caregivers of a child or children in Mecklenburg County YFS custody. This evaluation identifies the psychological functioning and emotional stability of all potential caregivers, the parenting abilities of said potential caregivers, and the ability of said caregivers to meet the specific developmental, psychological, and safety needs of the child/children, and attachment / bonding aspects of the caregiver-child relationship(s). This evaluation may include but is not limited to assessment of intellectual functioning, academic skills, memory, language, executive function skills, personality/emotional functioning and adaptive functioning of the potential caregiver and of the named child/children. The evaluation will include an interview with the potential caregiver, family/collaterals, and a review of records. The evaluation will also include observations of interactions(s) between each potential caregiver and the child/children. If parental weaknesses are found, appropriate treatment, prognosis, and recommendations will be offered. The report will also outline the observed fit between the caregivers' abilities and the child(ren)'s needs and make recommendations regarding custody and visitation. The Court determines the ultimate disposition.

Administration of psychological testing is generally part of this evaluation.

*A diagnosis **may** be established through this evaluation.*

*Termination of parental rights **will** be considered as part of this evaluation.*

List of Records Needed for Adult Evaluations

CCA/Rule 17 Guardianship/Multidisciplinary Evaluation

DSS/YFS Records

Records available in current YFS working file including CPS investigation records documenting recent allegations and investigation that resulted in current involvement with YFS, relevant past involvement with YFS documented in current records, court summary reports, available medical/mental health records of adult and available court records regarding arrests, petitions, etc..

All Other Adult Evaluations

All CPS Records

All past referrals – substantiated and unsubstantiated, investigative summaries/interviews and any other related records. CPS records from any other states if history of CPS involvement is known.

All YFS Records

Permanency Planning contact sheets, reasonable efforts, team decision making minutes, court summaries and visitation narratives.

All Court Records

Arrest records, petitions, social history information, court summary.

All records from parenting programs

Records from YFS and/or community-based parenting classes, child discipline programs, developmental educational programs, etc.

Substance Abuse

Service records for the past five (5) years. (CASCADE, Anuvia, McLeod, Black Mountain). This includes assessments, attendance, UA results, progress notes, discharge information, recommendations.

North Carolina Criminal Background Check

...and any other applicable states where there is known criminal history.

All Mental Health Treatment

Records for the past five (5) years. (Broughton, CMC-Randolph, psychotherapy notes from private therapist, pastoral counseling, marital therapy and community provider services).

All Domestic Violence

Treatment records for the past five (5) years. (Women's commission, NOVA, residential programs).

Parents' Medical Records

If medical condition is thought to relate to parenting deficits.

Types of Forensic Evaluations for Juveniles

Capacity to Proceed (60 days): This evaluation assesses a juvenile in respect to N.C.G.S. 15A-1001. Specifically it evaluates a juvenile defendant's ability to 1) understand the nature and object of the proceedings against him/her, 2) to rationally comprehend his/her own situation in reference to the proceedings, and 3) to assist in his/her defense in a rational or reasonable manner. In addition, whether the evaluatee likely has a mental disease or defect will also be investigated. If applicable, recommendations will be made to enhance the meaningful participation in trial. If an opinion is offered that a juvenile does not have the capacity to proceed, a prognosis and recommendation will be made about competency restoration. This evaluation entails a review of records, interview with the juvenile and collaterals, and administration of psychological testing.

Administration of psychological testing is generally part of this evaluation.

*A tentative diagnosis **may** be established through this screening.*

Transfer to Adult Court (90 days): This evaluation assesses a juvenile in respect to 1) their risk of committing future violence, 2) their level of sophistication/maturity, and 3) their treatment amenability or likelihood of rehabilitation within the Juvenile Justice System. This evaluation entails a review of records, interview with the juvenile and collaterals, and administration of psychological testing. Recommendations will include recommendations regarding whether the child would benefit from treatment and what type would best meet the child's needs given the issues presented.

Administration of psychological testing is generally part of this evaluation.

*A tentative diagnosis **may** be established through this screening.*

Mental Status at the Time of Offense (60 days): (e.g., insanity defense or diminished capacity). This evaluation assesses a juvenile in respect to: 1) Did the defendant suffer from mental disease or defect at the time of the alleged offense? 2) What was the defendant's ability to know the nature of his/her actions at the time of the alleged offense? 3) Was the defendant able to distinguish right from wrong at the time of the alleged offense? And 4) were there any mental health factors that contributed toward the defendant's actions at the time of the alleged offense that may reduce culpability? This evaluation entails a review of records, interview with the juvenile and collaterals, and administration of psychological testing. Results will be presented in the form of a written report and will include recommendations regarding whether the child would benefit from treatment and what type would best meet the child's needs given the issues presented.

Administration of Psychological Testing is generally part of this screening.

*A tentative diagnosis **may** be established through this screening.*

Competency to Waive Miranda Rights (60 days): This evaluation assesses whether a defendant's waiver of Miranda Rights was made knowingly, voluntarily and intelligently; that is whether the individual is developmentally or cognitively mature enough to understand and waive his/her rights. This evaluation entails a review of records, interview with the juvenile and collaterals, and administration of psychological testing. Recommendations will include recommendations regarding whether the child would benefit from treatment and what type would best meet the child's needs given the issues presented.

Administration of Psychological Testing is generally part of this screening.

*A tentative diagnosis **may** be established through this screening.*

Risk Assessment for Future Violence (60 days): This evaluation evaluates for the presence risk factors/predictors of future violence as well as for the presence of protective factors

identified by research to be indicative of less likelihood of future violence. This evaluation can also answer specific questions presented in the court order and may make recommendations related to disposition of the case. This evaluation entails a review of records, interview with the juvenile and collaterals, and administration of psychological testing. Recommendations will include whether the child would benefit from treatment and what type would best meet the child's needs given the issues presented.

Administration of Psychological Testing is generally part of this screening.

*A tentative diagnosis **may** be established through this screening.*

Sexual Offender and Risk of Recidivism (90 days): Also referred to as a Juvenile Sex Offender Evaluation or a Sex-Offender Specific Evaluation. This evaluation attempts to evaluate the referred individual's prognosis in regards to treatment and offers an opinion on what type of placement might be appropriate for the evaluatee. Additionally a clinician may provide a statement of risk of recidivism based on consideration of empirically derived risk and protective factors. It also identifies the psychological and social adjustment of the individual. This evaluation entails a review of records, interview with the juvenile and collaterals, and administration of psychological testing.

Administration of Psychological Testing is generally part of this screening.

*A tentative diagnosis **may** be established through this screening.*

List of Records Needed for Juvenile Evaluations

All CPS Records

All past referrals – substantiated and unsubstantiated, investigative summaries/interviews and any other related records. CPS records from any other states if history of CPS involvement is known.

All YFS Records

Permanency Planning contact sheets, reasonable efforts, team decision making minutes, court summaries and visitation narratives.

All Court Records

Arrest records, petitions, social history information, court summary.

Substance Abuse

Service records for the past five (5) years. (CASCADE, Anuvia, McLeod, Black Mountain). This includes assessments, attendance, UA results, progress notes, discharge information, recommendations.

School Records

Report cards, IEPs, 504 Plans, attendance, discipline records, end of grade testing, psycho-educational testing.

All Mental Health Treatment/Agency Records

Records from prior outpatient, partial or inpatient treatment. (Broughton, CMC-Randolph, psychotherapy notes from private therapist, pastoral counseling, and community provider services).

Juvenile's Medical Records

Especially if a documented or suspected medical condition is thought to relate to juvenile's functioning.



STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

IN THE MATTER OF

ORDER FOR FORENSIC EVALUATION

Is the child currently in detention? Yes No

Is the family able to speak & understand English? Yes No, if not, which language? _____

JUVENILE	ADULT
<input type="checkbox"/> Comprehensive Clinical Assessment Delinquency/Dependency Evaluation Subtypes: <input type="checkbox"/> Capacity to Proceed <input type="checkbox"/> Transfer to Adult Court <input type="checkbox"/> Mental Status at Time of Alleged Offense <input type="checkbox"/> Competency to Waive Miranda Rights <input type="checkbox"/> Risk Assessment for Future Violence <input type="checkbox"/> Sexual Offender and Risk of Recidivism <input type="checkbox"/> Other _____	<input type="checkbox"/> Comprehensive Clinical Assessment Delinquency/Dependency Evaluation Subtypes: <input type="checkbox"/> PCE <input type="checkbox"/> Custody <input type="checkbox"/> Rule 17 <input type="checkbox"/> Other _____

The above referenced matter is properly before the Court and the child and/or his/her family is involved in proceedings with the jurisdiction of this Court. Mecklenburg County’s Criminal Justice Services and its contracted providers, is hereby **APPOINTED** to serve as Forensic Evaluator and is **ORDERED** to complete the above referenced evaluation/assessment on the following adults and/or child(ren):

	<u>NAME</u>	<u>DOB</u>
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____

Assigned Judge: Initials of Case Name: File Number(s):

The Court has identified concerns regarding the individual/family. (Please see Attachment-A incorporated herein by reference.) The Court will review this matter at a hearing scheduled on (date), at (time). The evaluator shall comply with the outlined time frames given the nature of the evaluation. If the Forensic Evaluator fails to comply with the time frames of this order, and fails to provide written notice to the court, the Forensic Evaluator shall be present in Court at the date and time listed above to explain said non-compliance. The Forensic Evaluator shall provide copies of the evaluation upon completion to the following persons and/or agencies and to the Forensic Evaluations Unit:

<u>AGENCY</u>	<u>NAME & EMAIL ADDRESS</u>	<u>PHONE #</u>	<u>FAX #</u>
ADA	<input type="text"/>	<input type="text"/>	<input type="text"/>
CFCR	<input type="text"/>	<input type="text"/>	<input type="text"/>
DACJJ	<input type="text"/>	<input type="text"/>	<input type="text"/>
GAL Atty.	<input type="text"/>	<input type="text"/>	<input type="text"/>
YFS SW	<input type="text"/>	<input type="text"/>	<input type="text"/>
YFS Atty.	<input type="text"/>	<input type="text"/>	<input type="text"/>
Parent Atty.	<input type="text"/>	<input type="text"/>	<input type="text"/>
Parent Atty.	<input type="text"/>	<input type="text"/>	<input type="text"/>
Other	<input type="text"/>	<input type="text"/>	<input type="text"/>

The Court **ORDERS** that unless otherwise noted, (Name, Agency) (hereinafter the “Record Gatherer”) gather and deliver within **14 DAYS** of the date of receipt of this Court Order all necessary documents, background histories and supporting information available to Mecklenburg County’s Forensic Evaluations Unit in order to assist the Forensic Evaluator in completing the evaluation/assessment.

The Court **ORDERS** that the following individuals/agencies release all written materials, records, or information regarding the person(s) being evaluated/assessed to the Record Gatherer within **5 business days** of receipt of this Court Order. Failure to comply with this Court Order could result in legal sanctions, including **CONTEMPT OF COURT**:

<u>INDIVIDUAL/AGENCY</u>	<u>PHONE #</u>	<u>FAX#</u>
1. <input type="text"/>	<input type="text"/>	<input type="text"/>
2. <input type="text"/>	<input type="text"/>	<input type="text"/>
3. <input type="text"/>	<input type="text"/>	<input type="text"/>
4. <input type="text"/>	<input type="text"/>	<input type="text"/>
5. <input type="text"/>	<input type="text"/>	<input type="text"/>
6. <input type="text"/>	<input type="text"/>	<input type="text"/>
7. <input type="text"/>	<input type="text"/>	<input type="text"/>
8. <input type="text"/>	<input type="text"/>	<input type="text"/>

Assigned Judge: _____
Initials of Case Name: _____
File Number(s): _____

The parent, legal custodian, and/or child(ren) (if necessary) are hereby **ORDERED** to execute and deliver all releases of information, including releases of mental health records and substance abuse records, as requested so as to give full force and effect to the terms of this Order.

If the parent, legal custodian, and/or child(ren) or other person **ORDERED** to undergo an evaluation willfully fails or refuses to comply with this Order, or the recommendations thereof, he/she will be subject to the contempt powers of the **COURT**. If issues of non-compliance occur from the parent, legal custodian, and/or child/adolescent or other person **ORDERED** to undergo an evaluation, the Forensic Evaluator is **ORDERED** to notify the Court and all parties that have an interest in this proceeding as soon as possible.

The Record Gatherer will be responsible for bringing the issues of non-compliance to the **COURT'S** attention as soon as possible.

This the _____ day of _____, 20____.

Signature of District Court Judge Presiding

Printed Name of District Court Judge Presiding

Assigned Judge: _____
 Initials of Case Name: _____
 File Number(s): _____

Referral for Evaluation and/or Assessment

Name of Person to be Evaluated: First: _____ Mi.: _____ Last: _____

Relationship of this person to Court Case: _____

Parent Juvenile Defendant Caretaker Child

Street Address: _____ City: _____ State: _____ Zip: _____

Home Phone: _____ Cell: _____ Work: _____

Date of Birth: _____ SSN: _____

Sex: _____ Race: _____

If Juvenile, live with family? Y N If not, Where? _____

School: _____ Last Grade Completed: _____

Legal Guardian: _____ Telephone: _____

Siblings or Other Family Members/Relation

Name	Age
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Parent/Caretaker/Client's Place of Employment

Name	Phone
_____	_____
_____	_____

Other Professionals Involved

Name	Agency	Street Address	Phone
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Name/Agency Completing this form: _____
 Point of Contact for Evaluation: _____
 Address: _____
 Telephone and email address: _____

Assigned Judge: [redacted]

Initials of Case Name: [redacted]

File Number(s): [redacted]

Attachment A

The Court has the following concerns that led to this referral:

[redacted]

Forensic Form 2**MECKLENBURG COUNTY**

DATE:

TO: (Individual/Agency)

PHONE #:

FAX #:

FROM: (Record Gatherer's Name)

PHONE #:

FAX #:

Attached is a copy of the Mecklenburg County Court Order directing you and/or your agency to release all written materials, records, or information regarding the person(s) being evaluated/assessed that are listed on page 1 of the Court Order. The Court requires these records to be sent within **five (5)** business days of receipt of this Order. Failure to send records and materials as requested could result in possible legal sanctions, including Contempt of Court.

Requested materials can be faxed to:

Record Gatherer's Fax Number

or

Mailed to me at:

Record Gatherer's Name
Record Gatherer's Agency
Record Gatherer's Address

If you are unable to comply with the demands of this Court Order, please notify me in writing immediately and your concerns will be brought to the attention of the Court.

PEOPLE •PRIDE •PROGRESS •PARTNERSHIPS
www.MecklenburgCountyNC.gov

Writs

Whenever a petition is filed which reflects that a respondent is incarcerated, the clerk's office shall inform the appointed attorney at the time of the appointment. The following procedure shall be followed to have an incarcerated respondent brought to a juvenile court hearing.

A. Mecklenburg County Jail Inmate

If inmate is housed in the Mecklenburg County Jail and under the custody of the Mecklenburg County Sheriff's Office, the following procedure applies.

1. As soon as possible, but no later than twenty four (24) hours before the hearing, the inmate's assigned counsel shall complete an ADD ON slip and present to the Mecklenburg County Sheriff's deputy assigned to the particular courtroom, or any deputy stationed in juvenile court or the sergeant on duty.
2. The ADD ON slip shall indicate the date, time, and place where the inmate is to be brought. The juvenile file "J" number, the inmate's date of birth, PID number and any other information necessary to assist the Sheriff's Department in locating the inmate shall also be included. Assigned counsel may also contact the Sheriff's Department at (704) 507-8898.

B. North Carolina Department of Corrections Inmate

If the inmate is housed in a facility maintained by the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice, the following procedure applies.

1. As soon as possible, but no later than ten (10) days before the hearing, the inmate's assigned counsel shall complete Form AOC-G-112 for an Application and Writ of Habeas Corpus Ad Testificandum. The Writ must be signed by the Court and file stamped.
2. The Writ shall indicate the date, time, and place where the inmate is to be brought. Access the NC DPS website at www.ncdps.gov and obtain the inmate's offender number. Include the offender number, along with the juvenile "J" number, the inmate's date of birth and as much identifying information as possible on the Writ.
3. Assigned counsel shall send the signed and file stamped Writ to Prison Population Management to make the request. Writs can be sent by fax request to the Prison Population Management at (919) 733-0772. Assigned counsel may also contact Prison Population Management by telephone at (919) 838-4000.
4. The Division of Adult Correction will transport the inmate to the Mecklenburg County jail. Assigned counsel shall inform the Mecklenburg County Sheriff's Office, who will then bring the inmate to court proceeding.
5. At the conclusion of hearing, execute necessary disposition paperwork for the inmate to be returned to the appropriate facility.

C. Federal Prisoner/Inmate, "287 G" hold, or I.C.E. Prisoners

1. If inmate is under the custody of the U.S. Marshalls, counsel shall, as soon as possible, contact the U.S. Attorney's Office (704) 344-7200, (704) 344-6222 or U.S. Marshall's Office (704) 350-7200. Follow their requirements for transfer to Mecklenburg County jail.
2. If the inmate is under an I.C.E. or 287G hold, contact I.C.E.-P Homeland Security Division, at the federal building and be guided by their directions. Also contact Mecklenburg County Sheriff's Office federal billing coordinator (704) 336-8150 for further directions.
3. At the conclusion of hearing, execute necessary disposition paperwork for inmate to be returned to appropriate facility.

D. Other State Inmates

If the inmate is housed in a state county other than Mecklenburg County and under the custody of that county's Sheriff's Office, the following procedure applies.

1. As soon as possible, but no later than ten (10) days before the hearing, the inmate's assigned counsel shall complete Form AOC-G-112 for an Application and Writ of Habeas Corpus Ad Testificandum. The Writ must be signed by the Court and file stamped.
2. The Writ shall indicate the date, time, and place where the inmate is to be brought. Include the county that has custody of the inmate, along with the juvenile "J" number, the inmate's date of birth and as much identifying information as possible on the Writ.
3. Assigned counsel shall send the signed and file stamped Writ to the Mecklenburg County Sheriff's Office, Transportation Division to make the request. Writs can be sent to Carolyn Norman, Transport Officer at the Mecklenburg County Sheriff's Office, at Carolyn.Norman@mecklenburgcountync.gov. Assigned counsel may also contact the Transportation Division by telephone at (704) 336-8100.