

**Local Court Rules for Juvenile Court  
Judicial District 22  
(Alexander and Iredell Counties Only)  
Effective May 1, 2008**

**Rule 1. Scope, Construction and Enforcement of Rules**

- A. These Rules shall apply to all cases in which a petition is filed alleging that a juvenile is abused, neglected, and/or dependent as well as petitions to terminate parental rights.
- B. These Rules are intended to supplement and compliment the statutory requirements of the Juvenile Code, Chapter 7B of the North Carolina General Statutes.
- C. These Rules shall not be applied or construed so as to restrict or modify the statutory procedures set forth in the North Carolina Juvenile Code.
- D. To the extent these Rules are inconsistent with North Carolina law and cannot be interpreted to be consistent, North Carolina law shall prevail.
- E. These Rules supersede all previous Local Juvenile Rules regarding abuse, neglect, and/or dependency, and/or termination of parental rights.
- F. These Rules shall be liberally construed to accomplish the purposes set forth herein.
- G. All parties, stakeholders, and/or attorneys shall in good faith comply with these rules. The Court may impose sanctions against parties, stakeholders, and/or attorneys who fail to comply with these Rules.
- H. The Juvenile Court Coordinator or Case Manager as well as the Juvenile Clerk's office shall maintain a copy of these Rules and shall make the same available upon request.
- I. No Rules shall be construed, applied or enforced in a manner that will endanger or harm a child or prejudice the rights of a party.
- J. These Rules are effective in currently active cases and cases in which a petition has been filed, pending adoption by the Chief District Court Judge.

**Rule 2. Purpose, Construction, and Enforcement**

- A. These rules are designed to achieve stable, secure, and permanent homes for children who come within the Court's juvenile jurisdiction. These rules shall serve the following purposes:

- (1) Secure for each child under the jurisdiction of the Court the care and guidance, preferably in the child's own home, that will best serve the physical, emotional, spiritual, and mental welfare of the child;
- (2) Provide judicial procedures that protect and promote the safety and welfare of the child;
- (3) Whenever possible and in the best interests of the child, preserve and strengthen the child's family ties, removing the child from the custody of the child's parent or legal custodian only when the child's safety and welfare cannot otherwise be adequately safeguarded;
- (4) Secure for the child a safe and appropriate placement when removal from the child's parent or legal custodian is in the child's best interests;
- (5) Provide a just, thorough, speedy, and efficient determination of each juvenile protection matter before the Court and ensure due process for all persons involved in the proceedings;
- (6) Establish a uniform system of judicial oversight of case planning and reasonable efforts, or active efforts in the case of an Indian child, aimed at preventing or eliminating the need for removal of the child from the care of the child's parent or legal custodian; or when removal is required aimed at the achievement of a permanent plan for the child when return to the home is not possible;
- (7) Ensure a coordinated decision making process;
- (8) Reduce unnecessary delays in court proceedings;
- (9) Encourage the involvement of families and, when appropriate, children in the proceedings;
- (10) To promote the integration of services for families and children and to facilitate access to community services; and
- (11) To promote an atmosphere of mutual respect in the courtroom and to provide for dignified, professional, and respectful interaction between the Court and all parties.

### **Rule 3. Definitions**

The following definitions supplement those found in the North Carolina Juvenile Code and unless the context clearly requires otherwise, the following words have the listed meanings:

- A. **Attorney Advocate:** the court appointed attorney for the Guardian Ad Litem designated by the Guardian Ad Litem administrator to represent the Guardian Ad Litem or an attorney appointed as Guardian Ad Litem when the Guardian Ad Litem program has a conflict.
- B. **Child Planning Conference:** a meeting of the parties involved in each juvenile case in which a non-secure custody order has been filed, facilitated by the Juvenile Court Coordinator or Case Manager, held within 72 hours after a petition has been filed.

- C. **Expedited Hearing Docket:** twenty (20) minute hearings on a special docket limited in scope to a specific issue.
- D. **Form:** a formally adopted and mandated document contained at the end of the Juvenile Rules.
- E. **Information:** any confidential or non-confidential information, whether or not recorded, including information stored in computer data banks or computer files, that is relevant to (a) a case in which a petition is filed alleging that a juvenile is abused, neglected, and/or dependent; and (b) the protection, treatment of, or educational opportunities of the juvenile in regard to whom the petition is filed or the protection of others.
- F. **Juvenile Court Coordinator or Case Manager:** an employee of the Court Improvement Project or an attorney, mediator, or similarly qualified person designated by the Chief District Court Judge.
- G. **Memorandum of Understanding/Agreement:** an agreement from a Child Planning Conference that clarifies the relationships and responsibilities between two or more agencies and the parent.
- H. **Parties:** the juvenile, a parent, a putative father, an appointed guardian of the person for the juvenile appointed pursuant to North Carolina General Statute, the Department of Social Services, the Guardian Ad Litem Program, and/or a person who has been awarded custody pursuant to court order.
- I. **Pre-Adjudication Conference:** a meeting of the parties involved in each juvenile case, facilitated by the Juvenile Court Coordinator or Case Manager, held prior to Adjudication on an abuse, neglect, and/or dependency petition.
- J. **Pre-Disposition Conference:** a meeting of the parties involved in each juvenile case, facilitated by the Juvenile Court Coordinator, or Case Manager, held prior to the Dispositional Hearing on an abuse, neglect and/or dependency petition.
- K. **Pre-Review /Permanency Planning Hearing Conference:** a meeting of the parties involved in each juvenile case, facilitated by the Juvenile Court Coordinator or Case Manager, held prior to a Review or Permanency Planning Hearing on an abuse, neglect, and/or dependency case, that includes regularly scheduled reviews and Permanency Planning reviews.
- L. **Respondents:** a parent, a putative father, an appointed guardian of the person appointed pursuant to a N.C. General Statute, and/or a person who been awarded custody pursuant to court order.
- M. **Termination of Parental Rights (TPR):** the legal proceeding in which a petition is filed to terminate parental rights of a parent to his or her minor child or children.

**Rule 4. Time Frames**

- A. Hearings in juvenile cases involving allegations of abuse, neglect, and/or dependency shall be scheduled in accordance with the guidelines established in the North Carolina Juvenile Code.

**Rule 5. Service; Summons and Petition**

- A. From the date the petition is filed until the Adjudication Hearing, the petitioner shall have a continuing duty to attempt to identify, locate, and serve any parent or other respondent who has not been served.
- B. When a parent or other respondent is served with a copy of a Non-secure Custody Order on the day a juvenile is taken into non-secure custody, the parent or other respondent also shall be served with a notice informing him/her of the nature, date, place, and time of the Child Planning Conference, Pre-Adjudicatory Conference and/or first hearing.

**Rule 6. Appointment of Counsel**

- A. When a petition is filed alleging abuse, neglect, and/or dependency, the Clerk shall immediately appoint separate counsel to represent each respondent named in the petition against which allegations are made. The Clerk shall prepare a *Notice of Appointment of Counsel* to be served on the respondent with the petition and summons. The notice shall include the attorney's name, business address, and telephone number and shall direct the respondent to contact the attorney. The notice shall also inform the respondent:
  - (1) That the respondent may retain counsel of his/her choosing; and
  - (2) That the Court, at the first hearing, will determine whether the respondent qualifies for appointed counsel, or whether the respondent waives the right to such counsel; and
  - (3) Of the date and time of the Child Planning Conference and Non-Secure Hearing.
- B. After the first hearing in a case, an attorney appointed to represent a respondent who has not been served or who does not appear at the hearing, may be released in the Court's discretion and shall not be responsible for further appearances unless re-appointed by the Court.
- C. **GAL Attorney Advocate:** Appointment of a Guardian Ad Litem attorney advocate shall occur upon the filing of a petition and in accordance with North Carolina General Statute. Any appearance by a GAL attorney at a hearing shall be deemed a limited appearance solely for that hearing.

- D. In order to be eligible to represent indigent respondents in Juvenile Court, attorneys must have sufficient skill to provide competent legal representation. Attorneys must demonstrate knowledge of juvenile law and local Juvenile Court procedures. Attorneys appointed to represent respondents shall be diligent in the performance of their duties. Attorneys shall provide the Clerk and the Juvenile Court Coordinator or Case Manager with necessary contact information, including their mailing address, office telephone and facsimile number, and e-mail address. Attorneys shall promptly inform the Clerk and the Juvenile Court Coordinator or Case Manager of any changes with regard to contact information.
- E. The Clerk shall maintain a list of attorneys who meet the qualifications for appointment of counsel for indigent respondents in juvenile cases. When the Court appoints an attorney to represent an indigent respondent, the Clerk shall provide a copy of the Juvenile Petition to the attorney and the Juvenile Court Coordinator or Case Manager.
- F. Before appointing a specific attorney, the Clerk shall ensure that the attorney will be available for the Child Planning Conference and the first hearing in the case and, to the best of the attorney's knowledge, for other stages of the proceeding. The Clerk may make this determination either by talking with the attorney or by pre-arrangement with one or more attorneys on the appointment list to be maintained by the Clerk. It shall be the continuing responsibility of counsel to immediately notify the Clerk by the quickest means possible of any inability to attend a Child Planning Conference.
- G. **Same attorney appointed:** In any case in which a petition for termination of parental rights is filed, the Clerk shall appoint the same attorney, unless said attorney has moved to withdraw or is otherwise unavailable or unable to represent the parent in the termination proceeding, if the parent whose rights are sought to be terminated has been represented by an appointed attorney in a prior abuse, neglect, and/or dependency proceeding. The petitioner shall mail the attorney a copy of the summons and petition. In the event the termination of parental rights proceeding is filed as a motion in the cause, the current appointed counsel, if any, and including the attorney advocate for the GAL, shall continue representation unless the attorney has properly moved the Court to withdraw. In other cases, where a parent has not previously been represented by counsel, counsel shall be appointed at a pretrial hearing when the respondent is indigent. In any case where a GAL has been appointed for a respondent parent, the GAL shall continue in his/her capacity unless he/she has moved the Court to withdraw or is unable or unavailable to serve in that capacity.

## **Rule 7. Calendar**

- A. The juvenile calendar shall be maintained by the Clerk assigned to Juvenile Court. No case shall be scheduled on such calendar except by said Clerk or with the consent of the Presiding Judge.

- B. Any cases involving a juvenile previously adjudicated delinquent, undisciplined, abused, neglected, and/or dependent shall be heard by the same Judge who presided at the Adjudication, unless circumstances otherwise require.
- C. At or before the conclusion of each hearing, the next hearing date shall be set, if applicable.
- D. Notices of hearing shall be provided by the Clerk to the DSS attorney, the GAL Attorney Advocate, the GAL, to all appointed attorney(s) and to all appointed parent GALs for that particular date.
- E. As soon as practical, attorneys withdrawing or discharged from juvenile cases shall notify the new attorney of all pending reviews, motions, pre-trial conferences, and other hearing dates.

**Rule 8. Continuances**

- A. **Policy:** The policy of the 22nd Judicial District is that all juvenile cases are to receive the utmost of care, attention, and priority. A juvenile's concept of time is often far different from that of an adult and the effects of delay on a juvenile must be thoroughly analyzed before any continuance is allowed. It is our commitment that Juvenile Court will be efficient, fair, and ever mindful of the special needs of juveniles.
- B. **Notification:** A party requesting a continuance shall do so by written motion and give notice of the motion to all other parties as soon as possible.
- C. **Right to Hearing:** All parties shall have the right to be heard by the presiding judge on any objection to a motion to continue.
- D. **Evaluation of Motion:** The following are factors to be considered by the judge in deciding whether a case should be continued:
  - (1) Effect on juvenile;
  - (2) Opportunity for effective assistance of counsel;
  - (3) Age of the case;
  - (4) Custody status of the juvenile;
  - (5) Impact of a continuance on the safety of the parties or any other persons;
  - (6) Status of the trial calendar;
  - (7) Number, moving party, and grounds for previous continuances;
  - (8) Due diligence of counsel in promptly making a motion for continuance as soon as practical and notifying opposing counsel and witnesses;
  - (9) Period of delay caused by the continuance requested;
  - (10) Presence of witnesses;
  - (11) Availability of witnesses for the present session or for a future session;

- (12) Legitimate conflict with another court;
  - (13) Consideration of the financial consequences to the public, the parties, the attorneys, or witnesses if the case is continued; and
  - (14) Any other factor that promotes the fair administration of justice.
- E. **Court Conflicts:** When an attorney has a conflict between Juvenile Court and engagements in different courts, scheduling conflicts shall be resolved as provided in Rule 3.1 of the General Rules of Practice for the Superior and District Courts. Attorneys shall notify the Court and opposing counsel of any court conflict(s) as they become known and shall keep the Court advised of the resolution of that conflict. All judges shall communicate with other judges to resolve such conflicts, taking into consideration the statutory time frame requirements of the Juvenile Code as well as the policy requirements of this rule.
- If a conflict is not resolved by the day of Juvenile Court, the attorney involved in that conflict shall communicate directly with the presiding Juvenile Court Judge, preferably before the start of Juvenile Court.
- F. **Adjudication Hearings:** When a continuance is requested of an Adjudicatory Hearing, the mandates of the North Carolina General Statutes shall prevail regarding what circumstances by which the Court may continue the case.
- G. **Continuance Orders:** All continuance orders shall be reduced to writing and signed by the judge presiding over the motion to continue.
- H. **Case Rescheduling:** Any case which is continued shall be rescheduled with the new date chosen to be one which will most likely lead to a resolution. All necessary participants shall review their schedules to make sure they will be available and that the date is not one likely to lead to a further continuance.

**Rule 9. Peremptory Setting**

- A. Requests for a peremptory setting for cases involving persons who must travel long distances, cases involving numerous expert witnesses, or cases in which other extraordinary reasons for such request exist must be made to the assigned Juvenile Judge. A peremptory setting shall be granted only for good cause and compelling reasons.
- B. Requests for a peremptory setting must be in motion form, and copy thereof must be served upon all opposing counsel/parties, and presented to the assigned Juvenile Court Judge.
- C. The assigned Juvenile Judge may set a case peremptorily on his/her own motion.
- D. Cases set peremptorily will only be continued by the Court for exigent reasons.

**Rule 10. Special Session**

- A. A party requesting a special session for a case involving a trial length that exceeds one day shall prepare a request for a special session and present the same to the assigned Juvenile Court Judge. Upon a finding by the assigned Juvenile Court Judge that the case should be designated for a special session, the request for special juvenile session shall be presented to the Chief District Court Judge for approval.
- B. The Chief District Court Judge may set a case for a special session on his/her own motion.
- C. The Juvenile Court Coordinator or Case Manager shall notify all counsel/unrepresented parties and the Clerk of Superior Court of the ruling of the Chief District Court Judge on the motion for a special session.
- D. Cases set during special sessions will only be continued by the Court for exigent reasons. The Juvenile Court Coordinator or Case Manager shall notify all counsel/unrepresented parties and the Clerk of Superior Court immediately of the cancellation of any special session.

**Rule 11. Expedited Hearings**

- A. An Expedited Hearing can be held at any time throughout the history of the case. The purpose of the Expedited Hearing is to review the limited issues set forth below.
- B. Expedited Hearings will take place once a month on one day court sessions starting at 2:00 P.M. Based on court availability and the availability of necessary parties, additional Expedited Hearing sessions may be scheduled. An Expedited Hearing shall last no more than twenty minutes. If a matter requires more time, a hearing shall be scheduled during a regular review or trial session. If it is a matter that requires immediate attention, the Juvenile Court Coordinator or Case Manager shall be consulted in regard to case scheduling.
- C. Any party can motion the Court at any time for an Expedited Hearing. Among the matters that may be scheduled for an Expedited Hearing are:
  - (1) A party's failure to abide by a court order;
  - (2) Visitation Review;
  - (3) Placement Review;
  - (4) Paternity Test Results;
  - (5) Review of Service;
  - (6) Home study Request/Review;
  - (7) Review of Relinquishments;
  - (8) Post-Adoption Case Closure;

- (9) Closing Case Review;
- (10) Motion to Publish; or
- (11). Motion for Extension of Time.

D. In order to schedule an Expedited Hearing, a calendar request shall be filed with the Clerk's Office and submitted to the Juvenile Court Coordinator or Case Manager at least 14 days prior to the scheduled court session, unless all parties agree to waive notice.

**Rule 12. Juvenile Right to be Present**

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

**Rule 13. Judicial Assignment**

A. Once a case has been adjudicated by a judge, subsequent hearings shall be heard by that judge unless circumstances require otherwise.

**Rule 14. Child Planning Conferences**

A. Whenever a juvenile is taken into non-secure custody, a Child Planning Conference shall be held on the first scheduled conference day after the juvenile is taken into custody.

B. The Child Planning Conference shall be conducted by the Juvenile Court Coordinator or Case Manager.

C. All parties and their attorneys shall attend the Child Planning Conference. For purposes of attendance, either the GAL, the GAL Attorney Advocate, or GAL staff shall attend. Sanctions may be imposed by the Court for failure to attend.

D. At the Child Planning Conference, the Juvenile Court Coordinator or Case Manager shall:

- (1) introduce himself or herself and the parties, inform the parties that participation in the conference is voluntary and confidential, and of the fact that a Non-secure Custody Hearing will be held before a district court judge;
- (2) explain the nature of the proceeding and the purposes of the Conference;
- (3) inquire of the status of notice and service of process;

- (4) attempt to ascertain the identity and whereabouts of any parent or putative parent, guardian, or custodian of the juvenile who is not present; whether that person has been served; and what steps need to be taken to identify, locate, or serve any such person; and
  - (5) hear information from the parties relevant to:
    - (a) the condition(s) that are alleged in the petition;
    - (b) the condition(s) or risk(s) that precipitated the non-secure custody order, including considerations of the conclusions of the petitioner's risk assessment;
    - (c) whether a condition or risk justifying continued non-secure custody under the North Carolina General Statutes exists; and
    - (d) whether the petitioner has eliminated the need for continued non-secure custody.
- E. After giving all parties an opportunity to present information and to ask questions of the other parties, the Juvenile Court Coordinator or Case Manager shall determine whether there is agreement among the parties as to the need for the juvenile to remain in non-secure custody.
- F. If all parties agree that the juvenile does not need to remain in continued non-secure custody, the Juvenile Court Coordinator or Case Manager shall:
  - (1) summarize in writing, in the form of a proposed consent order releasing the juvenile from non-secure custody, the basis for that agreement, including the proposed plan for the child pending a hearing;
  - (2) give all parties an opportunity to review the proposed consent order and to decide whether to sign it; and
  - (3) if all parties voluntarily sign the proposed consent order, present it as soon as possible to a district court judge, who shall determine whether to approve it as an order of the Court. Approval of a proposed consent order may occur by telephone when a district court judge is not otherwise readily available.
- G. If a judge authorizes a consent order dissolving non-secure custody, the Juvenile Court Coordinator or Case Manager shall explore the following with the parties:
  - (1) service needs and referrals; and
  - (2) specific steps the parties agree to take before the first hearing.
- H. If the parties do not agree that non-secure custody should be dissolved, the Juvenile Court Coordinator or Case Manager shall explore the following with the parties:
  - (1) placement options for the juvenile, including possible relative placements, and efforts to keep siblings together;
  - (2) efforts needed to maintain, when possible, a school-aged juvenile's current school placement;

- (3) parental visitation;
  - (4) sibling visitation;
  - (5) service needs and referrals;
  - (6) whether the juvenile has immediate needs, such as a need for medical treatment or evaluation; and
  - (7) specific steps the parties agree to take before the non-secure custody hearing.
- I. Before the conclusion of the Child Planning Conference, the Juvenile Court Coordinator or Case Manager shall:
- (1) summarize what has occurred;
  - (2) give all parties an opportunity to ask questions;
  - (3) confirm the specific date for the first hearing;
  - (4) explain the purpose of the first hearing;
  - (5) ensure that all parties have a copy of any order a judge has signed or any written agreement entered as a result of the Child Planning Conference; and
  - (6) in any case in which a parent's identity or whereabouts are unknown, or the paternity of the child has not been legally established, specify, in writing, any steps that are to be taken to identify the parent, locate the parent, or establish paternity.

**Rule 15. Pre-Adjudication Conference**

- A. A Pre-Adjudication Conference shall be held within thirty days of the filing of the petition unless the Judge, for good cause, orders that it be held at a later date.
- B. All parties and their attorneys shall attend the Pre-Adjudication Conference. For purposes of attendance, either the GAL, the GAL Attorney Advocate, or GAL staff shall attend. Sanctions may be imposed by the Court for failure to attend.
- C. The purposes of the Conference shall be to explore the possibility of settlement, to narrow the issues as much as possible, to stipulate to those facts that are not in dispute and the admissibility of documentary and tangible evidence, to identify any additional necessary parties, and to review the adequacy of notice and service of process.
- D. At or before the Conference, each party shall provide to all other parties a written list of prospective witnesses and exhibits and copies of all available listed exhibits intended for use at the Adjudication Hearing. Any listed exhibit that is not available for distribution at or before the Pre-Adjudication Conference should be distributed as soon as it is available. Subject to the Rules of Evidence, failure to produce or list documents, tangible evidence, or witnesses at the Pre-Adjudicatory Conference should not preclude admissibility of the same at trial.

- E. At the Pre-Adjudication Conference, the Juvenile Court Coordinator or Case Manager shall assist the parties in:
  - (1) sharing witness lists, exhibit lists, and exhibits;
  - (2) defining the issues;
  - (3) identifying matters that can be the subject of a stipulation;
  - (4) assisting in the development of any proposed consent order; and
  - (5) estimating time required for the Adjudicatory Hearing.
- F. In any case in which a parent's identity or whereabouts are unknown, or the paternity of the child has not been legally established, specify, in writing, any steps that are to be taken to identify the parent, locate the parent, or establish paternity.
- G. At the conclusion of the Pre-Adjudication Conference, the Juvenile Court Coordinator or Case Manager shall prepare a summary reflecting the outcome of the Conference and each party is to be provided a copy of the summary.

**Rule 16. Discovery**

- A. **DSS Records:** Discovery of the Department of Social Services records is available by the use of a Discovery Order. The Discovery Order, which is in the *Forms Section* to these rules, shall be submitted by any party seeking discovery and shall be signed *ex parte* at the request of appointed or retained counsel. A copy of the Discovery Order shall be served on all parties.
- B. In general, all means of discovery permitted by the Rules of Civil Procedure shall be available. Requests for discovery shall be made in a manner not to delay scheduled hearings and shall not serve as a ground for continuance for other than good cause found by the Court.
- C. Respondent attorneys or GAL attorneys shall not disclose confidential information or records received regarding other parties except the information of the attorney's client or the minor child without the Court's permission.
- D. The following information is not discoverable:
  - (1) Attorney work product;
  - (2) The name of any reporter or information which would identify the reporter;
  - (3) Privileged communications; and
  - (4) Information in the DSS file relating to collateral cases where the DSS has initiated either an assessment or an investigation.

**Rule 17. Adjudication**

- A. The Adjudication Hearing for petitions alleging abuse, neglect, and/or dependency shall be held in accordance with statute.
- B. Before accepting a stipulation to findings, conclusions, or provisions of the proposed 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 the parties 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.
- C. At the conclusion of the Adjudication Hearing, every party shall be provided a Summary Adjudication Order entered by the Court, or, in the event that the Adjudication was by stipulation, a copy of the written Memorandum of Judgment signed by the Court. The Court shall designate the person or agency responsible for the preparation of the Summary Adjudication Order.

**Rule 18. Pre-Disposition Conference**

- A. If settlement is reached at the Pre-Adjudication Conference, a Pre-Disposition Conference shall be held immediately following the Pre-Adjudication Conference. If Disposition occurs on a date after the Adjudication, a Pre-Disposition Conference shall be held not more than two weeks before the Dispositional Hearing.
- B. All parties and their attorneys shall attend the Pre-Disposition Conference. For purposes of attendance, either the GAL, the GAL Attorney Advocate, or GAL staff shall attend. Sanctions may be imposed by the Court for failure to attend.
- C. The purposes of the Conference shall be to explore the possibility of settlement, to narrow the issues as much as possible, to stipulate to those facts that are not in dispute and the admissibility of documentary and tangible evidence, and to identify any additional necessary parties.
- D. At or before the Conference, each party shall provide to all other parties a written list of prospective witnesses and exhibits and copies of all available listed exhibits intended for use at the Dispositional Hearing. Any listed exhibit that is not available for distribution at or before the Pre-Disposition Conference should be distributed as soon as it is available. Subject to the Rules of Evidence, failure to produce or list documents, tangible evidence, or witnesses at the Pre-Disposition Conference should not preclude admissibility of the same at trial,
- E. At the Pre-Disposition Conference, the Juvenile Court Coordinator or Case Manager shall assist the parties in:

- (1) sharing witness lists, exhibit lists, and exhibits;
  - (2) defining the issues;
  - (3) identifying matters that can be the subject of a stipulation;
  - (4) assisting in the development of any proposed consent order; and
  - (5) estimating time required for the Disposition Hearing.
- F. In any case in which a parent's identity or whereabouts are unknown, or the paternity of the child has not been legally established, specify, in writing, any steps that are to be taken to identify the parent, locate the parent, or establish paternity.
- G. At the conclusion of the Pre-Disposition Conference, the Juvenile Court Coordinator or Case Manager shall prepare a summary reflecting the outcome of the Conference and each party is to be provided a copy of the summary.

### **Rule 19. Disposition Reports**

- A. The DSS shall prepare a disposition report that includes at least the following:
- (1) A description of the recommended placement plan for the child and how that plan is appropriate to the child's needs;
  - (2) A description of the plan of services for the child and the child's family, and how that plan is appropriate to meet the child's needs;
  - (3) A statement of changes in parental behavior that are needed to correct the conditions that led to the abuse, neglect, and/or dependency, and the actions the parents must take in order to effectuate those changes;
  - (4) If there is a recommendation that the child be removed from the home:
    - (a) A statement of the efforts by DSS to prevent the need for placing the child outside the home;
    - (b) A description of the efforts by DSS to reunify the family, including services that have been offered, provided, or rejected. If reunification efforts are not recommended, reasons shall specifically be given;
    - (c) A statement of why the child cannot be protected from the identified problems while remaining in the home;
    - (d) The identify of all relatives and friends who have been contacted about providing a placement for the child, and a description of the nature and results of those contacts;
    - (e) A suggested visitation plan for the child, the identity and location of the child's siblings, and a statement of steps required to maintain contact between the siblings and reunify the family;
    - (f) A statement of the child's special needs and how they may be met;
    - (g) If applicable, a description of the child's school or day-care situation and any proposed changes related to it; and
    - (h) The status of any treatment previously ordered.

- B. The Guardian Ad Litem for the child shall prepare disposition reports to assist the Court in reaching a disposition that will best serve the child's needs.
- C. Except for good cause shown, all dispositional reports prepared for submission to the Court shall be available to all other parties two days prior to the Pre-Adjudication Conference. Any addendums to the Dispositional Reports, except for good cause shown, shall be delivered five days prior to a scheduled court hearing. The party or person preparing the report may accomplish this by leaving a copy of such report or reports in a "mailbox" for attorneys and others who maintain a "mailbox" in the office of the Clerk of Court unless that attorney or party does not maintain an office in the same county where the "mailbox" is located. In such circumstances, the party or person preparing the report shall accomplish service of the report by sending the report by facsimile or serving by hand delivery. In computing the two (2) or five (5) day provision, the first day shall include the day the report is delivered during office hours. Saturdays, Sundays, and Holidays shall be included in the count.
- D. Disposition reports shall not be submitted to or considered by the Court until the Adjudication is completed or the parties have settled all adjudication issues.
- E. Respondent parents or their attorneys are encouraged to submit written reports setting forth information regarding the matters listed above.

**Rule 20. Disposition**

- A. **When Disposition hearing scheduled:** The Disposition Hearing following an Adjudication of abuse, neglect, and/or dependency shall be held in accordance with statute.
- B. Before accepting a stipulation to findings, conclusions, or provisions of a proposed dispositional 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 the parties 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.
- C. **Copies of orders, memos distributed:** At the conclusion of the Disposition Hearing, every party shall be provided a Summary Disposition Order, or, Memorandum of Judgment/Order, entered by the Court. The Court shall designate the person or agency responsible for the preparation of the Summary Disposition Order. The Judge may order that a summary of appropriate portions of the order be provided to any person or agency to help meet the child's needs.
- D. The Dispositional Order shall be entered in compliance with statute.

## **Rule 21. Review and Permanency Planning Hearing**

- A. **When Reviews or Permanency Planning Hearings are scheduled:** The Review or Permanency Planning Hearing following an Adjudication of abuse, neglect, and/or dependency shall be held in accordance with statute. The Court may set a review hearing for any case at any time, on its own motion, or upon motion of any party. Notice of the review hearing may be given in open court at the end of the prior hearing.
- B. **Reports due:** The DSS and GAL shall deliver a written court summary to all parties and their counsel no less than *ten days* before the Review or Permanency Planning Hearing and at least two days prior to any pre-trial conference. The summary shall describe the progress in the case since the last hearing and include the recommendations of the DSS and the GAL. Respondent parents or their attorneys are encouraged to submit written reports.
- C. Pre-hearing Conferences for Review Hearings may be scheduled upon the request of any party.
- D. Pre-Hearing Conferences for Permanency Planning Hearings shall be held and scheduled as follows:
- (1) A Pre- Permanency Planning Hearing Conference shall be held not more than *one week* before the first Permanency Planning Hearing. Only one Pre-Permanency Planning Hearing Conference is required.
  - (2) All parties and their attorneys shall attend the Pre- Permanency Planning Hearing Conference. For purposes of attendance, either the GAL, the GAL Attorney Advocate, or GAL staff shall attend and a party's attorney may attend in lieu of the party provided that the attorney has proper authority and direction from the party. Sanctions may be imposed by the Court for failure to attend.
  - (3) The purposes of the Conference shall be to explore the possibility of settlement, to narrow the issues as much as possible, to stipulate to those facts that are not in dispute and the admissibility of documentary and tangible evidence, and to identify any additional necessary parties.
  - (4) At the Pre- Permanency Planning Hearing Conference, the Juvenile Court Coordinator or Case Manager shall assist the parties in:
    - (a) defining the issues;
    - (b) identifying matters that can be the subject of a stipulation;
    - (c) assisting in the development of any proposed consent order;
    - (d) estimating time required for the Permanency Planning Hearing.
  - (5) In any case in which a parent's identity or whereabouts are unknown, or the paternity of the child has not been legally established, specify, in writing, any steps that are to be taken to identify the parent, locate the parent, or establish paternity.

- (6) At the conclusion of the Pre- Permanency Planning Hearing Conference, the Juvenile Court Coordinator or Case Manager shall prepare a summary reflecting the outcome of the Conference and each party is to be provided a copy of the summary.
- E. Before accepting a stipulation to findings, conclusions, or provisions of a proposed 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 the parties 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. **Copies of orders, memos distributed:** At the conclusion of the Review or Permanency Planning Hearing, every party shall be provided a Summary Review or Permanency Planning Hearing Order, or, Memorandum of Judgment/Order, entered by the Court. The Court shall designate the person or agency responsible for the preparation of the Summary Review or Permanency Planning Hearing Order. The Judge may order that a summary of appropriate portions of the Order be provided to any person or agency to help meet the child's needs.
- G. The Review and Permanency Planning Hearing Order shall be entered in compliance with statute.
- H. The Permanency Planning Hearing may be combined with any Review Hearing.

## **Rule 22. Adoption Ceremony**

- A. In any case before the Juvenile Court where adoption was the permanent plan for the juvenile, the adoptive family and the juvenile may request an adoption ceremony to celebrate the finalization of the adoption. The Juvenile Court Coordinator or Case Manager shall notify the Clerk of Superior Court if an adoption ceremony is requested. The Clerk may schedule the ceremony and may request the assistance of the District Court Judge.
- B. An adoption ceremony is not a judicial proceeding and has no legal significance on the adoption. However, it is a recognition of the new adoptive family as a family unit and a celebration in honor of the juvenile. If at all possible, the District Court Judge assigned to the juvenile shall participate in the ceremony.
- C. The adoptive family and the juvenile may invite family and friends to the ceremony. At the adoption ceremony the Clerk may introduce the family and present the juvenile and announce his/ her name. The Clerk may present the final decree of adoption to the family. In addition, ceremonial adoption certificates may be signed by the family, the Clerk, and the District Court Judge.

- D. Family members and the juvenile may be permitted to make brief statements, read from relevant materials, and express their appreciation to any individuals as they deem appropriate.
- E. The juvenile may be allowed to assist the Clerk in placing the official seal on the final decree of adoption and be permitted to meet the Judge.
- F. An informal gathering may be permitted at the conclusion of the Adoption Ceremony. Photographs may be permitted at any time.

**Rule 23. Training Encouraged.**

- A. The Chief District Court Judge shall, from time to time, arrange for and schedule training sessions for judges, attorneys, social workers, guardians ad litem, and other professionals who participate on a regular basis in juvenile court matters. Judges, court counselors, attorneys, social workers, guardians ad litem, and other professionals who participate on a regular basis in juvenile court matters are encouraged to attend the training sessions offered by their respective professions or disciplines, as well as the sessions scheduled in accordance with this rule above, as may be necessary to achieve and maintain a working knowledge of the relevant issues of juvenile proceedings, as well as the practices and procedures in effect in the 22-A Judicial District.

**Rule 24. Forms**

- A. Discovery
- B. Summary Order
- C. Memorandum of Agreement/Understanding