

40TH JUDICIAL DISTRICT

JUVENILE COURT

**LOCAL RULES FOR ABUSE,
NEGLECT AND DEPENDENCY
AND
TERMINATION OF PARENTAL RIGHTS**

TABLE OF CONTENTS

Rule 1.	Definitions
Rule 2.	Scope and Construction
Rule 3.	Purpose
Rule 4.	Service
Rule 5.	Judicial Assignment
Rule 6.	Appointment of Counsel
Rule 7.	Responsibilities of Attorney
Rule 8.	Appointment of Guardian Ad Litem
Rule 9.	Continuance
Rule 10.	First Appearance
Rule 11.	TPR: Initial Appearance and Preliminary Hearing
Rule 12.	Pretrial Conference
Rule 13.	Calendar Call
Rule 14.	Discovery
Rule 15.	Time Standards
Rule 16.	Notice of Review Hearing
Rule 17.	Permanency Mediation
Rule 18.	Adoption Ceremony

RULE 1. DEFINITIONS

- A. **CLERK**: The Clerk of Superior Court for the 40th Judicial District, or Assistant or Deputy Clerk.
- B. **COURT**: The District Court or a District Court Judge of the 40th Judicial District.
- C. **DSS**: The Buncombe County Department of Social Services.
- D. **FAMILY COURT ADMINISTRATOR (FCA)**: The Administrator for the Family Court Program of the 40th Judicial District.
- E. **FAMILY COURT CASE COORDINATOR (FCCC)**: A case manager for the Family Court Program of the 40th Judicial District.
- F. **FIRST APPEARANCE**: The initial appearance in Court by a named Respondent after a petition has been filed in Juvenile Court alleging the abuse, neglect or dependency of a minor child.
- G. **GUARDIAN AD LITEM (GAL)**: A volunteer who has been screened and trained by the GAL program and appointed by the Court to advocate for children who come into the court system primarily as a result of alleged abuse or neglect.
- H. **JUDGE**: A District Court Judge of the 40th Judicial District assigned to Juvenile Court.
- I. **PETITION**: A petition filed in Juvenile Court by the Department of Social Services alleging that a child is abused, neglected or dependent.
- J. **PRE-TRIAL CONFERENCE**: A mandatory conference with DSS, GAL, and all named Respondents and all attorneys, which may or may not be presided over by the Judge, and is scheduled prior to any adjudicatory hearing.
- K. **RESPONDENT**: A parent, guardian or caretaker of a child alleged to be abused, neglected or dependent and who is named in the petition.
- L. **TERMINATION OF PARENTAL RIGHTS (TPR)**: The legal proceeding in which a petition is filed to terminate parental rights of a parent to the minor child or children.
- M. **UCCJEA**: The Uniform Child Custody Jurisdiction and Enforcement Act as set forth in Chapter 50A of the North Carolina General Statutes.

RULE 2. SCOPE AND CONSTRUCTION

- 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, dependency and/or termination of parental rights.
- F. These Rules shall be liberally construed to accomplish the purposes set forth below in Rule 3.
- G. The Court may impose sanctions against parties and/or attorneys who fail to comply with these Rules.
- H. The Family Court Administrator as well as the Juvenile Clerk's office shall maintain a copy of these Rules and shall make same available upon request.

RULE 3. PURPOSE

- A. These Rules are intended to achieve protection and permanence for children who come under the jurisdiction of the Juvenile Court.
- B. These Rules shall serve the following purposes:
 - 1. To ensure the safety of children and to give them the best possible opportunity to live in stable, permanent families; and
 - 2. To provide for judicial oversight of case management and planning; and
 - 3. To eliminate unnecessary delays in Court proceedings;
 - 4. To ensure a coordinated decision making process and one in which due process is honored; and
 - 5. To encourage the involvement of families and children in the planning and decision making process; and
 - 6. To promote the integration of services for families and children and to facilitate access to community services.

RULE 4. SERVICE

- A. From the date of the filing of the petition, DSS has a continuing duty to identify, locate and obtain service of process on each Respondent.
- B. DSS shall monitor and advise the Court of the status of service of process for each Respondent.
- C. The Court shall inquire of each Respondent to ascertain the identity and whereabouts of any other Respondents who have not been identified or served.
- D. Information required by the UCCJEA, specifically by the North Carolina General Statutes, Section 50A-201, shall be included in the petition, provided in an affidavit attached to the petition or provided in an affidavit filed with the Court and served on the parties subsequent to the filing of the petition.

RULE 5. JUDICIAL ASSIGNMENT

- A. Family Court Judges shall preside over Juvenile Court on a schedule determined by the Chief District Court Judge.
- B. Matters pertaining to juvenile cases shall be heard before the Family Court Judge who presided over the adjudication whenever possible. It is a goal of Family Court to have “one family, one judge”.

RULE 6. APPOINTMENT OF COUNSEL

- A. To be eligible to represent indigent Respondents in Juvenile Court, attorneys must:
 - 1. Possess sufficient experience and skill to provide competent legal representation; and
 - 2. Demonstrate reasonable knowledge of juvenile law and local Juvenile Court procedures; and
 - 3. Be diligent in the performance of their duties.
- B. Lawyers shall provide the Clerk with their contact information, including their mailing address, office telephone number, FAX number and e-mail address and shall promptly inform the Clerk of any changes with regard to such information.
- C. The Clerk shall maintain a list of attorneys who meet the qualifications for appointment as counsel.
- D. When the Court appoints an attorney to represent an indigent Respondent, the Clerk shall provide a copy of the juvenile petition to the attorney by placing a copy in the attorney’s Juvenile Court file; the FCCC shall place a copy of the signed First Appearance Order in the attorney’s Juvenile Court file.

RULE 7. RESPONSIBILITIES OF ATTORNEY

- A. Continuing duty of representation:** An attorney who accepts an appointment in a case or enters an appearance shall represent the client through all stages of the proceedings unless relieved of the duty to represent the client by the Court.
- B. Conflicts:** An attorney who has a conflict in another Court shall comply with relevant Rules relating to priority, and it is the attorney's responsibility to keep the Clerk informed of their location when the attorney is unable to be present in Juvenile Court when they have a case scheduled in Juvenile Court. Juvenile Court has priority over the other District Courts for the 40th Judicial District.
- C. Withdrawal of representation:**
1. If an attorney appointed to represent a Respondent has been unable to establish contact with the client prior to the adjudication hearing and the client does not appear in Court for the adjudication, the appointed attorney shall be permitted to withdraw as the attorney of record from the case prior to the commencement of the hearing.
 2. After adjudication, if an attorney has been unable to maintain contact with a client, the attorney shall be permitted to withdraw as attorney of record from the case prior to the commencement of any review or permanency planning hearing if the client does not appear for the hearing.
 3. Motions to withdraw for reasons other than set forth above shall be filed with the Clerk and served on the client and all other parties. The Clerk shall schedule a hearing and the attorney shall serve the Notice of Hearing on the client and all other parties. Motions to Withdraw shall be granted for good cause in the discretion of the Court.
- D. Orders to withdraw:** An attorney allowed to withdraw shall prepare an order to withdraw and submit it to the Court. The order shall contain the last known address and telephone number of the client. The attorney shall mail the order to the last known address of the client after the entry of the order and shall file the certificate of service with the Clerk.
- E. Calendar call:**
1. An attorney who represents a party in a case scheduled for hearing shall appear at the calendar call except as provided in subsection 3 below. Calendar call for each one week term of Court is scheduled at 9:00 a.m. on Wednesday mornings (before the beginning of said one week term) in the Juvenile Court Courtroom on the 4th floor of the Buncombe County Courthouse.
 2. At calendar call, the attorney shall advise the Court and other parties of their availability for the term of court and present a short statement as to the contested issues, the estimated length of time for the hearing, a brief summary of the evidence and the identity of potential witnesses. The failure to advise the Court and the other parties of the intent to offer witnesses in any hearing may result in a continuance or

it may result in proceeding with some evidence but holding the hearing open in order to give other parties the opportunity to respond to evidence offered at the hearing.

3. If an attorney is unable to attend the calendar call, on or before 3:00 pm of the preceding Tuesday, he shall deliver (by hand delivery, FAX or e-mail) to the Clerk and all other involved attorneys, a statement of their availability for the term of Court, the cases in which the he is involved and a forecast for each case of the contested issues, together with a witness list and summary statement of the testimony relevant to the contested issues.

RULE 8. APPOINTMENT OF GUARDIAN AD LITEM (GAL)

- A. If a juvenile is alleged to be abused or neglected, the Court shall appoint a GAL on behalf of the juvenile. If the petition alleges a juvenile is dependent, the Court, in its discretion, may appoint a GAL if the Court determines it is in the best interest of the juvenile to do so.
- B. It is the responsibility of the GAL program to present the Court with an order appointing a GAL in each case. If the GAL program cannot accept appointment because of a conflict of interest, the Court shall appoint a qualified attorney as GAL. If an attorney is appointed as the GAL, the Clerk shall place a copy of the appointment order in the attorney's Juvenile Court file.
- C. In any case in which the juvenile petition alleges, or the Court later determines, that a Respondent parent is incapable of providing care for a juvenile and as a result the juvenile is dependent, or if the Court determines that a parent is incompetent due to mental health and/or substance abuse issues and is therefore unable to understand the proceedings or assist counsel, the Court shall appoint a guardian ad litem to advocate for the parent. Any party or attorney of record may make a written or oral motion for appointment of a GAL whenever it is deemed appropriate.

RULE 9. CONTINUANCE

- A. The best interests of the child shall be considered in ruling on motions to continue. Juvenile cases shall be disposed of at the earliest possible time and motions to continue shall only be granted for good cause. Consent or agreement of the parties alone is not good cause.
- B. Motions to continue shall be in writing and filed with the Clerk and served on all parties. The Clerk shall notify the Court of all motions to continue and shall schedule hearings on the motions at the earliest possible date. Oral motions to continue may be made when written notice is not possible.
- C. In the event counsel has a conflict due to another scheduled Court hearing, counsel shall notify the Clerk, all other attorneys and pro se parties at the earliest possible time. When

a conflict arises between cases scheduled in different district Courts for the 40th Judicial District, Juvenile Court shall take precedence over other district Court matters.

- D. Orders granting continuances shall be entered in writing and shall include the name of the moving party, any objections to the motion, the reason for the continuance and the new Court date. Orders shall be prepared by the party making the motion to continue and shall be submitted to the Court for entry no later than the end of the term.

RULE 10. FIRST APPEARANCE

- A. When a petition is filed and a non-secure custody order is entered, the First Appearance shall be scheduled for the next available day of Juvenile Court.
- B. When a petition is filed but a non-secure custody order is not entered, the First Appearance shall be scheduled for the following Tuesday but in no event more than ten (10) days after the filing of the Petition.
- C. At the first scheduled Court hearing for a Respondent, the FCCC shall determine if the Respondent is present in Court and shall:
1. Review the adequacy of notice and service of process; and
 2. Facilitate proper service if the Respondent has not been served; and
 3. Determine if the Respondent wishes to have Court appointed counsel and, if so, have the Respondent complete a Financial Affidavit; and
 4. Determine if the Respondent wishes to waive their right to Court appointed counsel and represent himself or hire an attorney to represent him in Juvenile Court. If the Respondent does not want Court appointed counsel, the FCCC shall have the Respondent sign a waiver of right to Court appointed counsel; and
 5. Obtain or ascertain any other information deemed relevant and necessary by the FCCC; and
 6. Answer any questions of the Respondent concerning the process and proceedings except that the FCCC shall not give legal advice, even if requested; and
 7. Provide educational materials approved by the Chief District Court Judge for the 40th Judicial District; and
 8. Show “The Choice is Yours” video (or any successor equivalent) to the Respondents in the juvenile courtroom, or any other location approved by the Chief District Court Judge.
- D. At the conclusion of the meeting between the Respondents and the FCCC, the FCCC shall advise the Court that the Respondent(s) is/are ready to proceed with the First Appearance.
- E. At the First Appearance, the Court shall advise each Respondent:
1. That a Petition was filed involving the minor child and alleging that the child is abused, neglected and/ or dependent; and
 2. That if the Court finds that the child is abused, neglected and/or dependent, the Court can enter orders pertaining to the custody and placement of the child; and

3. That the Respondent has a right to counsel and the Court shall determine if each Respondent parent wishes to have Court appointed counsel or chooses to waive that right.
- F. If the Respondent parent requests Court appointed counsel, the Court shall determine if the Respondent is indigent and, if so, shall appoint an attorney to represent the Respondent parent. In that event, the Respondent parent should be advised that he may be responsible to reimburse the State for all or part of their legal fees. The Court shall also advise the Respondent parent that:
 1. It is the responsibility of the Respondent to maintain contact with their attorney and to attend all Court hearings; and
 2. If at any time the Respondent parent fails to maintain contact with their attorney and/or fails to attend scheduled court hearings, the attorney may be permitted to withdraw as the attorney of record for the Respondent parent.
 - G. If the Respondent parent does not want Court appointed counsel, the Court shall obtain a Waiver of Right to Counsel from the Respondent.
 - H. Respondents shall be provided with the name, telephone number and office address of any attorney(s) appointed to represent them in the juvenile case.
 - I. The Court shall schedule the Court term dates for the Pretrial Conference (and the date of the calendar call therefore) and the Adjudication hearing (and the date of the calendar call therefore) and shall notify each Respondent in open court of those dates.
 - J. At the conclusion of the First Appearance, the FCCC shall provide a copy of the signed First Appearance Order to DSS, the GAL and each Respondent present in Court. The order shall be on forms approved by the Chief District Court Judge and shall contain the Court dates and Court terms that have been scheduled, attorney contact information and any other information deemed necessary by the Court. The FCCC shall place copies of the signed First Appearance Order in the designated file of any attorney appointed by the Court to represent a Respondent or other party.
 - K. If the Respondent requests a non-secure hearing, the Court shall schedule the non-secure hearing in accordance with the North Carolina General Statutes, Section 7B-506.

RULE 11. TPR: INITIAL APPEARANCE AND PRELIMINARY HEARING

- A. Initial Appearance: When a Respondent appears in Court after the filing of a petition to terminate parental rights, the Court shall:
 1. Determine if the Respondent parent requests to have an attorney appointed to represent him and if so, obtain an affidavit of indigency; and
 2. Advise the respondent that he may be responsible for reimbursement to the State for attorneys' fees if he has a court appointed attorney; and
 3. Explain the nature of the proceeding; and

4. Review the adequacy of notice and service of process; and
5. Attempt to obtain the identity and whereabouts of any other Respondent parents. When a petitioner does not know the name or identity of any Respondent parent in a termination of parental rights proceeding, the petitioner shall advise the Clerk at the time of the filing of the TPR petition and a preliminary hearing shall be scheduled pursuant to the North Carolina General Statutes, Section 7B-1105.

RULE 12. PRETRIAL CONFERENCE

- A. The purpose of the Pretrial Conference is to determine which allegations are contested, which stipulations of fact can be agreed to in advance of the hearing and to explore the possibility of settlement. A Pretrial Conference shall be held in every case unless waived by agreement of the parties and approved by the Court.
- B. The DSS attorney, social worker, GAL for the child/children, GAL attorney, each Respondent, GAL for the parents, if any, and the Respondents' attorneys shall attend the Pretrial Conference unless excused in advance by the Court. If a party fails to attend, the Judge may proceed with the Pretrial Conference in their absence.
- C. A Judge may preside over the Pretrial Conference and facilitate the discussions, however at the attorneys' request, the Conference may be held outside of the presence of the Court in an effort to resolve any or all issues.
- D. DSS will provide all attorneys (or Respondents, if pro se) with copies of documents that are intended to be introduced into evidence, if available, and a witness list if it has not yet been produced.
- E. DSS and the child/children's GAL shall provide all parties with their respective dispositional recommendations for the Respondents and the minor child/children.
- F. All parties present at the Pretrial Conference shall explore any stipulations that can be reached regarding the allegations in the petition and whether a stipulation can be reached as to adjudication of the petition.
- G. If the parties reach an agreement resolving some or all of the contested issues set for trial, the DSS attorney shall prepare a memorandum of judgment outlining the agreement and shall provide copies to each party. The agreement may be announced in open court with all parties present.
- H. If a memorandum of judgment is entered, the DSS attorney shall prepare a written consent order that includes sufficient findings of fact to support the conclusions of law and the order. The proposed consent order shall be distributed to each party or their attorney as soon as possible, but no later than noon the day before the case is scheduled for hearing. Upon review of the proposed consent order, the parties shall communicate with opposing counsel as to whether there are any objections to the order and what, if any, modifications need to be made to properly reflect the agreement of the parties.

- I. If the parties resolve pending issues they may submit a signed consent order to the Court. The Court shall consider the proposed consent order and advise the parties if the Court will accept all or part of the agreement.
- J. If the parties are unable to resolve the issues and the Court does not refer the case to permanency mediation pursuant to Rule 17 herein, the parties shall proceed to trial pursuant to the schedule and the Court may:
 - 1. Require each party to file and exchange a witness list, an exhibit list and photocopies of each exhibit the party intends to offer at hearing;
 - 2. Assist the parties in defining the specific issues for hearing;
 - 3. Identify facts that can be stipulated to by the parties;
 - 4. Determine necessary steps to identify, locate and serve any Respondents who are not before the Court;
 - 5. Determine if paternity is in issue.

RULE 13. CALENDAR CALL

- A. Calendar call shall be held every Wednesday morning at 9:00 a.m. in the Juvenile Court Courtroom on the 4th floor of the Buncombe County Courthouse. Calendar call shall be for the term commencing the following week unless Juvenile Court is not in session the following week; in that event the calendar call shall be the prior Wednesday and sufficient notice shall be given. Representatives of DSS, a representative from the GAL's office, Respondents and/or their attorneys shall be present at calendar call.
- B. Written reports from DSS and the GAL shall be filed with the Court and distributed to the parties at the calendar call. Addendum reports may be filed the following week, if necessary, to supplement additional information that was not available at the time of the calendar call. Any written reports or documents from the Respondents shall be filed with the Court and served on all parties by noon on Friday following the Wednesday calendar call.
- C. Calendar call shall be presided over by a Judge or, in the discretion of the Judge, by the DSS attorney or the FCA. The purpose of the calendar call is to determine what cases are for hearing and to schedule the day and time for each case to be heard.
- D. All attorneys and pro se parties must be present for calendar call or shall submit written notice as set forth in Rule 7E(3). Sanctions for failure to so appear at the calendar call or to submit the required written notice shall include all remedies available to the Court, including but not limited to: monetary sanctions and/or removal from the list of attorneys approved for assignment of juvenile cases.
- E. At the conclusion of the calendar call, the Clerk shall prepare a calendar and distribute the calendar to DSS, GAL office, attorneys and pro se Respondents by Friday following the Wednesday calendar call.

RULE 14. DISCOVERY

- A. Except as protected by privilege, all parties and/or their attorneys shall disclose all relevant material and information to all other parties as early as possible. Formal discovery shall be allowed as permitted by the Rules of Civil Procedure and may be enforced by orders compelling discovery or imposing sanctions as permitted by the Rules of Civil Procedure. Motions to compel discovery pursuant to this Rule shall be given priority by the Court.
- B. Each party shall distribute to every other party or their attorney within the time specified a complete list of witnesses expected to be called at the hearing, copies of all exhibits that will be offered at the next hearing, and a copy of any written report the party intends to offer at disposition or review. Dispositional reports shall not be filed with the Court until the adjudication is concluded but dispositional reports should be exchanged between the parties in order to facilitate communication concerning case plans and recommended services for Respondents.
- C. Each attorney who appears in Juvenile Court shall have a file folder in a secure location in the Clerk's office. The FCCC, DSS and/or the Clerk shall place reports, court calendars, court orders and other confidential information that needs to be provided to counsel in the attorney's folder. DSS and the GAL reports may be served on attorneys by delivering the reports to the Clerk to be filed in the attorney folders. Attorneys appearing in Juvenile Court shall be responsible for routinely checking their respective file folders to pick up information. Each attorneys shall also provide the Clerk with a general information sheet that contains their office address, telephone and FAX numbers and directions to their office. The Clerk shall provide Respondents with a copy of this information sheet when counsel is appointed.
- D. DSS records of a client may be examined by a party's attorney of record under the following terms and conditions:
1. The Director of the Department of Social Services consents; and
 2. Counsel makes a request to the DSS Court Coordinator. The Court Coordinator and the attorney shall arrange a mutually agreeable time when the records may be examined.
 3. Records shall be examined in the location and under the procedures set forth by the DSS Court Coordinator.
 4. DSS shall delete all information in the record that relates to the identity of the reporter of any abuse, neglect or dependency;
 5. Counsel shall not copy, photograph, or otherwise record any of the data, reports or dictation contained in the DSS file without permission of DSS.
 6. Counsel shall not disclose to anyone, absent a Court order authorizing the disclosure of information, any information obtained from the review of the DSS file, except that the attorney may question witnesses in the juvenile proceedings about information obtained from the DSS record.

- E. Any request to review DSS records must be made no later than seven business days prior to the date scheduled for adjudication or hearing on a petition or motion. Failure to make a timely request may constitute a waiver of the opportunity to examine the records. Court hearings shall not be delayed because counsel failed to make a timely request to examine the records.
- F. This provision does not relieve DSS of the responsibility to provide parties with copies of all documents they intend to offer into evidence at trial.
- G. Nothing herein shall grant pro se litigants the right to examine confidential DSS records. In the event a pro se litigant requests to examine a DSS file, counsel may be appointed for the purpose of reviewing the records for an indigent pro se litigant. In the event a pro se litigant is not indigent, an in camera judicial review is required and the Court shall determine what records, if any, shall be released.
- H. Nothing herein shall prevent any party from utilizing discovery practices otherwise allowed by law.

RULE 15. TIME STANDARDS

- A. Adjudication of abuse, neglect and dependency cases should be within 60 days after the filing of the petition absent a Court order to the contrary.
- B. In any case where custody has been removed from the parent, guardian, custodian or caretaker, the first review hearing shall be held no more than 90 days after the initial dispositional hearing. After the first review hearing, further review hearings shall be held at least every six months. All Court orders shall specify the date of the next scheduled Court review.
- C. The goal of every review hearing shall be to develop and implement a permanent plan for the juvenile. The second and every subsequent review hearing shall be designated as permanency planning hearings pursuant to the North Carolina General Statutes, Section 7B-907. Court orders shall contain all necessary findings of fact and conclusions of law required in a permanency planning hearing.

RULE 16. NOTICE OF REVIEW HEARING

- A. Pursuant to the North Carolina General Statutes, Section 7B-906, the Clerk shall give fifteen days notice of a review hearing to the parent, the juvenile if age twelve years or more, the Guardian Ad Litem, any person who is providing care for the child (foster parent, relative or pre-adoptive parent for the child), the custodian or agency with custody and any other person or agency the Court may specify. The notice shall state the purpose of the hearing.

- B. DSS shall provide the Clerk with the names and addresses of any persons entitled to notice if they have such information.

RULE 17. PERMANENCY MEDIATION

- A. Upon motion of any party or upon the Court's own motion, the Court may order parties in any case to participate in mediation at any stage of the proceedings.
- B. If mediation is ordered by the Court, mediations shall be scheduled by the FCCC/FCA. Notice shall include the time, date and place of the mediation and shall be provided to the parties and/or the attorneys at the earliest possible date but no less than seven calendar days prior to the scheduled mediation.
- C. All parties and their attorneys shall attend the mediation. If the Court determines there are other individuals whose input may be helpful in the mediation process, the Court may order that others be included in the mediation sessions. The mediator, with input from the parties or their attorneys, shall determine if the mediation can proceed if a person who has been allowed to attend mediation does not appear.
- D. Although parties may be ordered to attend mediation, there shall not be any negative consequence for the failure to reach a mediated agreement.
- E. Parties and attorneys who are ordered to attend mediation but fail to appear are subject to sanctions imposed by the Court, including but not limited to contempt of Court.
- F. Mediation sessions that occur prior to the adjudication may address stipulations to the facts alleged in the petition and the development of a case plan for the parents and/or caretakers. Complete or partial agreements as to the petition and/or the case plan may be reached as a result of a pre-adjudication mediation.
- G. Mediation sessions that occur post-adjudication may address the issues of visitation, communication, services, permanent placement, surrender or other issues that may facilitate permanence for a child.
- H. If an agreement is reached at the mediation, the mediator shall draft the written agreement while all parties are present, prior to the conclusion of the mediation session. If all parties sign the written agreement, each shall receive a copy of the agreement prior to the conclusion of the session. In cases successfully mediated prior to the adjudication, agreements signed by all parties shall be delivered by DSS to the Court at the scheduled Court hearing or at an earlier date if all parties consent. The mediated agreement shall be read into the record. The Court may accept or reject the mediated agreement. If the Court accepts the mediated agreement and signs an order approving the agreement, the agreement is an enforceable order of the Court. In cases mediated after adjudication, the Court shall determine whether the mediated agreement will become a part of the Court record.

- I. In all mediation proceedings, the mediators and each person present shall sign a confidentiality agreement prior to commencement of the mediation session.
- J. All participants, including mediators, shall honor the confidentiality agreement regardless of the outcome of the mediation. No reports or recordings regarding the content of the mediation may be produced by any participant to the mediation. EXCEPTION: Nothing herein shall waive the statutory obligation of any person to report suspected abuse or neglect of a child pursuant to the North Carolina General Statutes, Section 7B-301.
- K. The FCCC shall screen cases involving issues of domestic violence and suggest, with the advice and consent of the mediators, that appropriate safety measures be taken. The mediators may terminate mediation at any time they determine mediation is not appropriate.
- L. The FCA shall maintain a list of approved permanency mediators. The parties and their attorneys may make recommendations to the Court regarding potential mediators.

RULE 18: ADOPTION CEREMONY

- A. In any case involving the adoption of a juvenile, the adoptive family may request an adoption ceremony in open Court to celebrate the finalization of the adoption. The social worker for Department of Social Services or the adoptive family shall notify the GAL if an adoption ceremony is requested. The GAL shall schedule the ceremony with the approval of the Court.
- B. An adoption ceremony is not a judicial proceeding and has no legal significance on the adoption. However, it is recognition by the Family Court Judge of the new adoptive family as a family unit and a celebration in honor of the juvenile. If at all possible, the Family Court Judge assigned to the juvenile shall preside over the ceremony.
- C. The adoptive family and the juvenile may invite family and friends to the ceremony. The ceremony shall be scheduled when other Juvenile Court hearings are concluded. At the adoption ceremony the Court may introduce the family, present the juvenile and announce their name. In addition, ceremonial adoption certificates may be signed by the family and the Judge.
- D. Family members and the juvenile will be permitted to make statements, read from relevant materials and express their appreciation to any individuals as they deem appropriate.
- E. An informal gathering shall be permitted at the conclusion of the Adoption Ceremony. Photographs will be permitted at that time.