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TWELFTH JUDICIAL DISTRICT

DISTRICT COURT

FAMILY COURT DIVISION

JUVENILE CASE MANAGEMENT PLAN

I. CIVIL CASES

(Revised 1/2026)

RULE 1. GENERAL PROVISIONS

1.1 All filings by attorney and parties shall be in accordance with the Enterprise Justice rules and procedures set out on www.nccourts.org.

1.2 The purpose of these rules is to institute a Case Management Plan that will provide for the orderly, prompt and just disposition of Juvenile Civil matters. These rules are promulgated in compliance with Rule 2(a), General Rules of Practice for Superior and District Courts and are to be administered under the direction of the Court Manager, III.

1.3 These rules shall, at all times, be construed in such manner as to promote justice and avoid delay. Attorneys shall adhere to the Canons of Ethics and the Code of Professional Conduct as promulgated by the North Carolina State Bar Association.

1.4 It is recognized that 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, all parties shall act in accordance with the orders of the Chief District Court Judge, assigned Juvenile Judge or by direction of the Court Manager, III.

1.5 The Court Manager, III shall establish and maintain a case tracking system pursuant to Rule 2(c), General Rules of Practice for Superior and District Courts and in accordance with these Local Rules. This system shall be used to monitor the number, age, type, and procedural

status of all pending cases and to ensure compliance with statutory scheduling requirements for juvenile cases.

1.5 These rules and procedures, and all amendments hereafter, shall be filed with the Clerk of Superior Court for Cumberland County and may be cited accordingly.

1.6 The Court Manager, III shall distribute a copy of these rules and any subsequent amendments hereafter to each member of the Juvenile Bar in Cumberland County. Thereafter, the Court Manager, III shall maintain a supply of printed rules, as well as associated forms, to be provided upon request.

1.7 The Clerk of Superior Court, Juvenile Records Division, for Cumberland County shall provide a case number at the time of filing and place the number upon the petition in accordance with the applicable Rules of Recordkeeping issued by the Administrative Office of the Courts. All subsequent pleadings and papers filed with the Clerk and all subsequent communications to opposing counsel, parties or court personnel shall accurately reflect this case number.

1.8 An attorney who has a conflict in another court shall comply with Rule 3.1 of the General Rules of Practice for Superior and District Court and, when absent from juvenile court because of a conflict, shall keep the court informed of his or her location at all times. When an attorney knows that he/she may not be available for any court session due to peremptorily set cases in other courts and/or counties, the attorney shall notify opposing counsel as well as the presiding judge the week prior to the juvenile court session and file a written motion to continue pursuant to Rule 13 of these rules.

1.9 Pursuant to Rule 2(e), General Rules of Practice for Superior and District Courts, counsel for all parties in an action, when notified to appear for a pretrial conference, hearing of a motion, or for trial must, consistent with ethical requirements, appear or have a partner, associate, or other attorney familiar with the case present.

Pursuant to Rule 3.1, General Rules of Practice for Superior and District Courts, counsel for all parties in an action, when notified to appear for a pretrial conference, hearing of a motion or for trial must notify the Court of any conflicts in scheduling in other courts.

Pursuant to Rule 12, General Rules of Practice for Superior and District Courts, except for some unusual reason connected with the business of the Court, attorneys will not be sent for when their cases are called in their regular order. Counsels are at all times to conduct themselves with dignity and propriety.

RULE 2. DETERMINATION OF COUNSEL

2.1 Upon the filing of a petition alleging abuse, neglect, or dependency, the clerk shall issue a Juvenile Summons and Notice of Hearing form (AOC-J-142) and appoint provisional counsel to represent each parent named in the petition.

(a) The summons shall contain the appointed attorney's name, business address, and telephone number for each respondent and the date of hearing.

(b) A copy of the summons shall be provided to each respondent named in the petition.

(c) A copy of the petition, along with a copy of the Notice of Parent's Right to a Lawyer form (AOC-J-142), shall be provided to each attorney appointed in the action.

2.2 At the first hearing after service on the respondent, the Court shall review the issue of counsel and dismiss the provisional counsel if the respondent:

(a) Does not appear at the hearing;

(b) Does not qualify for court appointed counsel;

(c) Has retained counsel;

(d) Waives the right to counsel.

2.3 Subsequent to the first hearing after service, counsel will not be allowed to withdraw from a case absent notice of intent to withdraw given to the respondent and a finding by the court of good or justifiable cause. In TPR cases, Counsel shall be allowed to withdraw after providing the court with a notice of diligent efforts to locate.

2.4 If counsel becomes aware of a juvenile or domestic case involving the same children in another court, counsel shall inform the Juvenile Case Coordinator.

RULE 3. JUDGE ASSIGNMENT / SCHEDULING

3.1 All uvenile Civil Cases shall be assigned to a presiding juvenile court judge via Enterprise Justice as follows:

(a) **A/N/D** – When a petition is filed alleging abuse, neglect and/or dependency, the case shall be set for adjudication at a date approximately 60 days from the date of filing.

(b) **Prior Assignment** – When a petition is filed in a case that has been previously assigned to a judge, if that judge still presides in juvenile court, then that judge will continue as the assigned judge and the case shall be set for adjudication at a date approximately 60 days from the date of filing. Otherwise, the case will be reassigned to a judge presiding in juvenile court.

(c) **A/N/D First Appearance / Non-Secure Hearings** – The case shall be set within seven calendar days for a first non-secure hearing or for a first appearance if no non-secure order is issued. Dates shall also be set at filing for a second non-secure hearing and a third non-secure hearing/pre-adjudication conference.

(d) Sibling cases should be assigned to the same judge.

(e) **Termination of Parental Rights** – When a petition or motion is filed in a pending action alleging termination of parental rights, it shall be scheduled for the assigned judge's juvenile session not more than 90 days from the date of filing. When a petition for termination of parental rights is filed in a new action, it shall be scheduled within 90 days and assigned to the assigned juvenile judge scheduled for that session.

3.2 Requests for reassignment shall be directed to the Chief District Court Judge. If a judge recuses him/herself, the case will be reassigned in the courtroom and appropriately rescheduled.

RULE 4. NONSECURE CUSTODY ORDERS

4.1 Requests for ex parte non-secure custody orders should be presented for consideration to the judge in accordance to Rule 1.1.

4.2 The Department of Social Services (DSS) is responsible for providing reasonable notice of hearing to any opposing counsel known to that agency prior to proceeding on ex parte requests before any District Court Judge. Reasonable notice shall be presumed to be oral notice given at least two (2) hours prior to appearance before the Court. DSS is not required to notice provisional counsel. Pursuant to 7B-502, the two-hour notice shall begin once the notice is given to all counsel by phone and/or email.

4.3 Failure to give reasonable notice may result in any order entered being set aside.

RULE 5. HEARING SCHEDULES / REQUESTS FOR EMERGENCY RELIEF

5.1 Juvenile Civil matters involving abused, neglected, or dependent children and requests for termination of parental rights are heard on a schedule promulgated by the Chief District Court Judge.

5.2 The assigned Juvenile Judge shall determine the order of cases. The judge may allocate responsibility for the order of hearings to the Department of Social Services.

5.3 Non-secure Hearings shall be scheduled weekly pursuant to a schedule promulgated by the Chief District Court Judge. Non-secure hearings shall be limited in time to fifteen (15) minutes but the presiding judge may elect to extend the time of the hearing for good cause and compelling reasons.

5.4 Trials, reviews, judicial pretrials, motions for emancipation and first appearances shall be regularly scheduled during juvenile civil sessions pursuant to a schedule promulgated by the Chief District Court Judge.

5.5 Requests for emergency relief should be directed to the assigned Juvenile Court judge. All such motions should be in writing indicating the nature of and basis for requested relief. In all cases wherein the moving party knows the other parties are represented by counsel (other than provisional counsel), reasonable notice shall be given to opposing counsel who

shall be given the opportunity to be present at the time of making the motion before the Court. Reasonable notice shall be presumed to be oral notice given at least two (2) hours prior to appearance before the Court for the purpose of making the motion. At all times practicable, and unless emergency circumstances warrant otherwise, reasonable notice of the motion shall also be given to an opposing party not represented by counsel.

RULE 6. HEARINGS

6.1 At the first non-secure hearing or first appearance in an abuse, neglect, and/or dependency action, the court shall review the case to determine:

(a) verification of the petition

(b) service on all parties

(c) status of counsel

(d) paternity issues, acquiring birth certificate, default judgement, etc.

(e) placement of the children

(f) status of other relatives

(g) visitation by the respondents

(h) status of case plan

(i) review of subsequent court dates

6.2 At the second non-secure hearing, the Court shall review items (a) through (i) above, as necessary. DSS shall provide to the respondent or counsel and GAL attorney proposed written stipulations of fact for review. In those cases where no non-secure order is entered, proposed stipulated facts shall be submitted to respondent or counsel and GAL attorney at least two weeks prior to the pre-adjudication hearing.

6.3 At the third non-secure hearing, the assigned judge shall conduct a pre-adjudication conference. A pre-adjudication conference shall be scheduled for cases without a non-secure order at the time for a third nonsecure hearing. At the pre-adjudication conference:

(a) All attorneys and a Guardian ad Litem (GAL) representative shall be present.

(b) All parties in the action shall be present; clients living out of state may be available by phone or other electronic means.

(c) The judge shall resolve all pretrial motions or requests, including discovery requests.

(d) All counsel shall review the petition and determine which specific allegations of the petition are at issue; and which stipulations shall be tendered to the court. The respondent counsel shall have discussed the DSS's proposed stipulations with their clients and have prepared written responses including proposed counter stipulations, if any, and provide those to DSS and GAL prior to the court conducting the pre-adjudication hearing.

(e) Requests for peremptory/special settings shall be made to the court.

6.4 In TPR cases, at the first appearance/preliminary hearing, the court shall review the case to determine:

(a) Verification of petition

(b) Service on all parties

(c) Status of Counsel

(d) Paternity issues

(e) Review of court dates

6.5 Each TPR case shall be scheduled for a pre-trial conference four weeks prior to the scheduled adjudication date. At the pre-trial conference:

(a) All attorneys and a Guardian ad Litem (GAL) representative shall be present.

(b) All parties in the action shall be present; clients living out of state may be available by telephone or other electronic means.

(c) The judge shall resolve all pretrial motions or requests, including discovery requests.

(d) All counsel shall review the petition and determine which specific allegations of the petition are at issue; and which stipulations of fact shall be tendered to the court; and whether the respondents have considered relinquishment.

(e) Requests for peremptory/special settings shall be made to the court.

RULE 7. PRE-ADJUDICATION ADMISSIONS

7.1 The purpose of this rule is to facilitate appropriate treatment and services for respondents and to enable the Court to move forward to permanence. It is a priority of family court to reunify families, whenever possible, and it is in the best interests of children and respondents that respondents be involved in pre-adjudication treatment or services or both.

7.2 Any treatment or services or portion thereof provided to a respondent after the filing of a juvenile petition alleging abuse, neglect and/or dependence shall be considered inadmissible evidence during the adjudication portion of the juvenile proceeding except for assessments and evaluations ordered by the court for the purpose of admission during the disposition hearing.

7.3 Statements made by respondents after the filing of the petition about or during treatment or services are inadmissible during the disposition hearing except those made during court ordered assessments and evaluations.

7.4 Information obtained during pre-adjudication treatment or services may be admissible during pre-adjudication hearings related to placement as it relates to a child's safety and potential placement of the child or visitation with the child.

7.5 Failure to take advantage of available assessment, treatment and services is admissible at any hearing.

7.6 All relevant, reliable and necessary information is admissible at disposition or other post adjudication hearings.

7.7 This rule does not limit admission of statements, treatment, or services occurring prior to the filing and service of a petition.

RULE 8. NOTICE OF CALENDARING

8.1 The Clerk of Superior Court shall place those cases determined to be ready for hearing on the calendar pursuant to Local Rules 3, 5, and 6 above.

8.2 Calendars will be updated in accordance to Rule 1.1. All parties are to access calendars through their portal. The clerk will provide a printed copy of the calendar to the judge.

RULE 9. TIME STANDARDS

All juvenile civil cases should be adjudicated within sixty (60) days of the filing of the petition and all TPRs should be adjudicated within 90 days of the filing of the petition, except for good cause shown.

RULE 10. MOTIONS / DISCOVERY PRACTICE

10.1 Except as set out herein, all motions and discovery shall be made as set forth in NCGS 7B-700. If gaps exist in the juvenile code or these rules, then the North Carolina Rules of Civil Procedure shall control.

10.2 DSS Records

(a) Within fifteen (15) working days after a petition is filed alleging abuse and/or neglect, DSS shall provide a draft copy of any Child Protective Service (CPS) dictation up to the date of filing, a copy of the safety assessment and any CPS case plans during the previous twelve (12) months to the GAL and the respondent counsel. Records in dependency only cases and termination of parental rights (TPR) cases will be provided only upon request. Counsel may request dictation for periods after the filing of the petition.

(b) DSS will redact the name and identifying information as to the reporter of the abuse and neglect.

(c) Whenever feasible, discovery shall be provided digitally rather than paper.

(d) Respondent attorneys or GAL attorneys shall not provide copies of the dictation to their clients or other parties without the Court's permission.

(e) If a respondent attorney is released from representation prior to the completion of the case, any copies of DSS records shall be returned to DSS.

(f) 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 children, 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.

10.3 Medical Records

DSS regularly obtains copies of the medical records of the parents and children in cases alleging abuse and/or neglect pursuant to statutes or court orders allowing them access to said records.

(a) DSS shall provide copies of relevant medical records obtained to respondent attorneys and GAL attorneys upon request. Copies should be provided digitally whenever possible.

(b) Attorneys may review any other medical records obtained in the DSS office and may make copies of the records. Attorneys may provide copies of their client's records to that client.

(c) At the pretrial conference, attorneys should raise issues related to the admission of such records.

(d) GAL and DSS may apply to the Court at any time, with notice to all parties, to destroy non-relevant records.

(e) 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 children, 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.

(f) Any medical records under seal or affidavit which are received by the Clerk of Superior Court in a juvenile case shall be delivered to DSS and DSS shall be authorized to distribute those records as provided by these Rules.

10.4 Mental Health and Substance Abuse Records

DSS regularly obtains copies of the mental health records and substance abuse records of the parents and children in cases alleging abuse and/or neglect pursuant to statutes or court orders allowing them access to said records.

(a) Upon request, DSS shall provide copies of relevant records obtained to the GAL and respondent attorneys. Records shall be provided digitally whenever possible. Attorneys may review any other mental health records obtained at the DSS office and may make copies of the records.

(b) The attorney for each adult shall initially review their own client's records and may object to review by other parties within ten (10) working days of the notice of availability. After ten (10) working days of the notice, if no objection is filed, all attorneys may review the records. The GAL attorney may object to review of the child's record by the other parties and attorneys. The GAL attorney shall have 5 working days from the notice, unless the time is waived by the GAL attorney, to file a notice of objection.

(c) Attorneys may only provide copies to their clients of their own records. Permission of the court must be requested to provide copies of the child's mental health records to any party. If DSS or the GAL determines that records include information about more than one person (for example, family therapy records), the DSS or GAL attorney will request that the court determine if copies may be distributed.

(d) At the pretrial conference, attorneys should raise issues related to the admission of such records.

(e) GAL or DSS may apply to the court at any time, with notice to all parties, to destroy non-relevant records.

(f) 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 children, an order returning custody to the parents with no further reviews, or any other action that finally terminates the case and no appeal is filed.

(g) Any mental health records under seal or affidavit which are received by the Clerk of Superior Court in a juvenile case shall be delivered to DSS and DSS shall be authorized to distribute those records as provided by these Rules.

10.5 Reciprocal Discovery

(a) Respondent attorneys and GAL attorneys must provide information to DSS of any medical or mental health providers from which the DSS counsel did not request medical or mental health records.

(b) Respondent attorneys and GAL attorneys must provide copies of records or reports they receive from any agency not available or known to DSS that they intend to use at trial or any subsequent hearing. Records and reports may be provided digitally.

(c) DSS attorneys, GAL attorneys, and Respondent attorneys must provide copies of any documents, photographs or information that they intend to present at any adjudication trial or other hearing to all parties prior to the hearing and consistent with G.S. 7B-700 and Rule 10.6 below. Disposition reports or other evidence do not need to be presented prior to completion of the adjudication hearing.

10.6 Court Reports

Court reports prepared by DSS, GAL or Respondents for presentation to the court in review hearings, permanency planning hearings, and post termination hearings shall be filed with the Clerk of Superior Court by 2:00 pm on the Wednesday prior to the scheduled court week. Copies shall be provided by the filing party to the appropriate opposing counsel's (i.e. respondent attorneys, DSS attorneys, and GAL attorneys) courthouse juvenile box and to the Juvenile Court Manager for the presiding judge. Late reports should be provided directly to the presiding judge and to opposing counsel.

10.7 Notice of Hearing for all motions filed shall be completed by moving party to include motion for continuance for said motion date. (This includes Pro Se parties.)

RULE 11. PEREMPTORY SETTING

11.1 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.

11.2 Requests for a peremptory setting must be in motion form, and copy thereof must be served upon all opposing counsel/party, and presented to the assigned juvenile court judge no later than the time period established in Rule 6 above.

11.3 The assigned juvenile judge may set a case peremptorily on his/her own motion.

11.4 Cases set peremptorily will only be continued by the court for good cause shown.

RULE 12. SPECIAL SESSION

12.1 Requests for a special session for cases involving trial lengths that exceed one day, shall be prepared on the Request for Special Juvenile Session form and presented to the assigned juvenile court judge no later than the time period established in Rule 6 above. Upon a finding by the assigned Juvenile Court Judge that the case should be designated for special setting, the Request for Special Juvenile Session form shall be presented to the Chief District Court Judge for approval by uploading Local Rule form CCLF-J-002 to the Juvenile's Clerk in accordance with Rule 1.1.

12.2 The Chief District Court Judge may set a case for a special session on his/her own motion.

12.3 The Juvenile Court 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. Except in exceptional circumstances, at least four weeks' notice should be given of all cases scheduled for a special session date.

12.4 Cases set during special sessions will only be continued by the court for exigent reasons. The Juvenile Court Manager shall notify all counsel/unrepresented parties and the Clerk of Superior Court immediately of the cancellation of any special session.

12.5 Cases designated for special session shall be immediately scheduled for permanency mediation or judicial settlement conference (except for TPRs, unless contested) prior to being scheduled for hearing. Judicial settlement conferences shall not be scheduled before the assigned judge. All counsel and parties shall be present for said conference or mediation. Respondents living out of state may be present by telephone or other electronic means.

RULE 13. CONTINUANCES

13.1 All requests for continuance shall be made by written motion on a Motion for Continuance form and shall set forth with particularity the reason for the continuance, consent if given by opposing party(ies), and a requested reschedule date. [The Motion and Order for Continuance shall be on AOC form AOC-J-255 as prepared and distributed by the Chief District Court Judges' office, or in letter form which essentially provides the same information]. Motions shall be presented as follows:

(a) **Regular Session.**

(1) Prior to the first day of the court session, the motion shall be presented to the assigned Juvenile Court Judge or the Chief District Court Judge for ruling.

(2) In open court at calendar call, the motion shall be presented to the assigned Juvenile Court Judge presiding.

(3) Motions shall be presented as soon as counsel/unrepresented parties become aware of the reason for the continuance.

(b) **Special Session.**

(1) All motions shall be presented for decision by the Chief District Court Judge.

(2) Motions for Continuance shall be presented no later than fourteen (14) days after receipt of notice of the Special Session Designation.

13.2 Opposing counsel/unrepresented parties must be notified of the motion for continuance prior to the delivery of the request to the assigned Juvenile Case Coordinator. The manner and date of notice to opposing counsel/unrepresented parties shall be indicated

on the motion. Notice of request for a continuance shall be attached to the request for continuance.

13.3 Opposing counsel/unrepresented parties shall thereafter have three (3) working days to file an objection to the motion for continuance with the assigned Juvenile Court Judge. All objections shall be made by written motion on the Objection to Motion for Continuance form setting forth the particular reasons for objection and served on opposing counsel/unrepresented parties.

13.4 Requests for continuance for cases set in accordance with Rule 6 or Rule 11 above, shall be ruled upon by the assigned Juvenile Court Judge within five (5) working days.

13.5 Requests for continuance for cases set in accordance with Rule 12 above, shall be ruled upon by the Chief District Court Judge within five (5) working days.

13.6 Requests for continuance will only be for good cause shown in the best interest of justice. Continuances will not be granted based on consent of the parties, or the fact that the case has not been continued previously.

13.7 Request for continuance beyond the time specified in Rule 9 will only be granted for extraordinary circumstances that could not have been foreseen.

13.8 Should an objection arise, any failure on the part of the moving party to comply with the rules concerning written motion and notice to opposing counsel/unrepresented parties shall result in the voiding of any continuance granted.

RULE 14. SERVICE OF NOTICE

14.1 Service as provided for in these rules, and pursuant to Rule 5, North Carolina Rules of Civil Procedure, may be accomplished by emailing such documents to the attorney.

14.2 Service on unrepresented parties shall be accomplished by U.S. Mail, postage prepaid and first class or as otherwise provided by law.

14.3 Service to opposing counsel shall be defined as service to all attorneys of record as well as unrepresented parties proceeding pro se.

14.4 Providing Notice to the Clerk of Superior Court does not constitute providing notice to the Family Court Administrator's Office.

RULE 15. DELINQUENT ORDERS OR JUDGMENTS

15.1 The court shall assign a responsible party to prepare each order or judgment. The responsible party shall present such order/judgment to opposing counsel within fifteen (15) business days for review. The opposing counsel shall have ten (10) business days to review the order prior to its submission to the judge. Any order or judgment shall be considered delinquent if the order or judgment has not been presented to the court for signature and filed with the Clerk of Superior Court within thirty (30) days after the court directed that the order or judgment be prepared.

15.2 The Clerk of Superior Court shall identify those cases that are delinquent, pursuant to Rule 15.1 above. Any orders not entered within 30 days shall be scheduled for an order's due hearing.

15.3 Failure to complete an order within the required time standards may result in the imposition of appropriate sanctions.

RULE 16. SANCTIONS

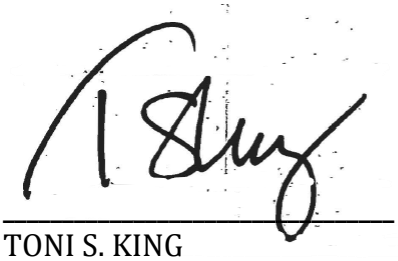
The willful failure to comply with any section of these rules shall subject the party or parties so failing to comply to all sanctions allowed by law as deemed appropriate in the discretion of the assigned Juvenile Court Judge or Chief District Court Judge.

RULE 17. FORMS

Local forms for use by counsel/unrepresented parties in accordance with these rules are available from the Juvenile Court Manager or on the web at www.nccourts.org and are subject to change as legislation and/or policy dictates.

THESE RULES SUPERSEDE ALL PREVIOUS JUVENILE CIVIL RULES IN THE DISTRICT COURT OF THE TWELFTH JUDICIAL DISTRICT. THEY SHALL BECOME EFFECTIVE FROM AND AFTER SEPTEMBER 1, 2025.

THIS THE_____DAY OF_____, 2025



TONI S. KING
CHIEF DISTRICT COURT JUDGE
Fourteenth Judicial District