



NORTH CAROLINA
ADMINISTRATIVE OFFICE
of the COURTS

BEST PRACTICES FOR NORTH CAROLINA'S JUVENILE ABUSE, NEGLECT, AND DEPENDENCY COURT IMPROVEMENT PROGRAMS

November 2010

Court Programs and Management Services Division



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INTRODUCTION

The federal Omnibus Budget Reconciliation Act of 1993 (OBRA) resulted in the establishment of the North Carolina Juvenile Abuse, Neglect and Dependency (A/N/D) Court Improvement Program (CIP).¹ The OBRA included funding for state court systems to: (1) conduct assessments of state laws governing child protection proceedings and judicial processes; (2) develop a plan for system-wide improvements; and (3) implement improvements according to the plan for achieving improved well-being for vulnerable children and their families. The OBRA also promoted collaboration between North Carolina's courts, the state child welfare agencies, guardians ad litem, attorneys and others to review laws and procedures designed to provide rights and protection to parents, families and children.

In 1997, the federal Adoption and Safe Families Act (ASFA) established the goals of safety, permanence and well-being for children in foster care with an emphasis on achieving "permanence" for children.² This legislation also increased the court's role in overseeing child welfare cases and set time standards for significant hearings in the life of a juvenile case.

In 1999, the North Carolina General Assembly incorporated the ASFA time standards into Chapter 7B of the North Carolina General Statutes. Child welfare agencies and the courts in North Carolina use these laws to improve how the state child welfare system responds to allegations and findings of child abuse, neglect or dependency.

In 1996 and 2001, Juvenile Court Improvement funds were used to conduct studies to identify methods of improving juvenile A/N/D proceedings in North Carolina. The 1996 study, conducted by the Research Triangle Institute, identified a number of barriers to achieving timely permanency for children and their families served by North Carolina's juvenile courts.³ They identified the following barriers to achieving permanency:

- A shortage of adoptive homes for special-needs children
- A shortage of child welfare workers to work with parents and children in care
- Parents non-compliance with case plans
- Frequent court continuances
- Lack of supportive services for parents
- High emphasis on reuniting families that should not be reunited
- Too many court hearings for each case
- Poor court orders

The 2001 evaluation of Juvenile Court Improvement Programs (CIP), conducted by the Jordan Institute for Families at the University of North Carolina-Chapel Hill, measured the effectiveness of implementing new local court rules in two Juvenile CIP districts. The

¹ Major Federal Legislation Concerned With Child Protection, Child Welfare, and Adoption, <http://www.childwelfare.gov/pubs/otherpubs/majorfedlegis.cfm>

² Adoption and Safe Families Act of 1997, http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=105_cong_bills&docid=f:h867enr.txt.pdf

³ Child Protection Proceedings in North Carolina Juvenile Courts, 1996, http://www.nccourts.org/Citizens/CPrograms/Improvement/Documents/ChildProtectionProceedings_July1996.pdf

local rules were intended to improve the manner in which the courts processed juvenile A/N/D cases. Results of the evaluation reflected that the new rules affected both positive and compelling changes in the way juvenile cases were handled. The study identified:

- Reductions in the number of cases heard by multiple judges
- Reductions in the number of continuances granted
- Reductions in time to achieve critical junctures in juvenile cases (e.g. findings, adjudications, dispositions)
- Reductions in the overall duration of cases
- Reductions in the number of out-of-home placements of children
- Accelerated time to permanency

In July 2007, the North Carolina Administrative Office of the Courts selected six judicial districts to implement juvenile case management activities, specialized training and best practices in juvenile court. ⁴ District 1, 15A, 17B, 19A, 21 and 22 each received funding for a CIP Director to assist in these coordination efforts. Lessons learned from these districts have been used to inform this best practices guide.

For more than 20 years, a number of groups and organizations have promoted methods and standards to reduce delays, expedite case processing and improve case management in juvenile A/N/D court, including the following organizations:

- Conference of Chief Justices⁵
- Conference of State Court Administrators⁶
- National Conference of State Trial Judges
- Commission on Trial Court Performance Standards⁷
- American Bar Association⁸
- American Bar Association's Center on Children and the Law⁹
- National Council of Juvenile and Family Court Judges¹⁰
- National Center for State Courts

⁴ Contact information for these six district courts may be found on-line at:

<http://www.nccourts.org/Citizens/CPrograms/Improvement/DContacts.asp>

⁵ Conference of Chief Justices. Resolution 3, 2009,

<http://ccj.ncsc.dni.us/ChildWelfareResolutions/3-Resolution-ChildAbuseandNeglectCases-Jan-09.pdf>

⁶ Conference of State Court Administrators, Resolution 3, 2008,

<http://cosca.ncsc.dni.us/Resolutions/ChildWelfare/Resolution-Child%20AbuseandNeglectCasesDec08.pdf>

⁷ Trial Court Performance Standards with Commentary, prepared by the National Center for State Courts and funded by the Bureau of Justice Assistance, 1997

<http://www.ncjrs.gov/pdffiles1/161570.pdf>

⁸ Defeating Delay: Developing and Implementing a Court Delay Reduction Program, Based on the American Bar Association's Court Delay Reductions Standards, ABA 1986,

http://www.abanet.org/jd/lawyersconf/pdf/Defeating-Delay-1986.pdf?bcsi_scan_4DB8A21B49756928=0&bcsi_scan_filename=Defeating-Delay-1986.pdf

⁹ ABA Center on Children and the Law, <http://new.abanet.org/child/Pages/default.aspx>

¹⁰ Resource Guidelines, 1995; Adoption and Permanency Guidelines, 2000; Back to Basics: Fundamental Application of the Resource Guidelines and the Adoption and Permanency Guidelines, 2006, <http://www.ncjfcj.org/content/blogcategory/369/438/>

This best practices guide contains the key elements that improve court processes for abused, neglected and dependent children in North Carolina. It incorporates research on Juvenile Court Improvement Programs in North Carolina; effective judicial and child welfare agency practices in North Carolina juvenile courts; expertise from the Juvenile Court Improvement and Family Court Advisory Committees; lessons learned from collaboration with court staff, guardians ad litem and attorney advocates, parent attorneys; and guidance from national organizations. The purpose of this guide is to describe these findings which provide a foundation for excellent practice in juvenile courts.

BEST PRACTICES FOR JUVENILE ABUSE, NEGLECT, AND DEPENDENCY COURT IMPROVEMENT PROGRAMS

Juvenile Court Improvement Programs (CIP) are designed to help families understand the court process and when specific events in their case will occur. When CIP principles are implemented, families are more likely to experience a less adversarial and more positive resolution to their cases because of the opportunities for use of out-of-court settlement procedures (e.g., child planning conferences, permanency mediation), more meaningful court events and the courts increased focus on achieving safety, permanence and well-being for children.

The seven best practices for a successful Juvenile Court Improvement Program are:

1. Judicial Leadership
2. One-Judge/One-Case Scheduling
3. Collaborative, Active Steering Committee
4. Comprehensive Local Court Rules for Juvenile Court
5. Active Case Management by the Court
6. Timely Submission of Detailed Court Orders
7. Specialized Training for Judges, Attorneys, Guardians ad Litem and Child Welfare Professionals

BEST PRACTICE 1 **JUDICIAL LEADERSHIP**

Judicial leadership is critical to improving practice in juvenile A/N/D cases. Juvenile court judges hold a unique and important role within the court community and should adopt the vision to timely achieve safe, permanent homes for children. This vision and how it is communicated – by the words and actions of the judge and others who share it – can motivate juvenile A/N/D court stakeholders to work cooperatively to identify resources and services for at-risk children and families. It also encourages interagency cooperation and coordination for those serving children and families. Specifically, juvenile court judges should convene regular meetings of all key juvenile A/N/D court stakeholders to collaboratively identify and resolve systemic problems, plan specialized training events, strategize about new services to fulfill needs, address resource and funding issues, improve service delivery and court processes and share their successes. Judges also should communicate regularly with local and state level lawmakers and the public regarding juvenile A/N/D court issues.

Judicial officials are expected to be effective administrators of court operations. In the course of presiding in juvenile A/N/D court, this includes instituting standards for court operations such as:

- Have knowledge and understanding of court procedures and events as set out in the [North Carolina Juvenile Code](#).¹¹
- Require punctual commencement of all court proceedings. Judges should develop, implement and maintain methods for ensuring that all necessary persons come to court on time and avoid double-scheduling cases that are ready for trial; in-chamber conferences do not take priority over court hearings.
- Ensure that parties are prepared for court on arrival.
- Maintain control over the courtroom and court process.
- Enforce local rules.
- Enforce one-judge/one-case (or family) scheduling.
- Issue orders within statutory timeframes.
- Make decisions in a prompt and timely manner.
- Develop and enforce a firm continuance policy.
- Participate in specialized training opportunities.
- Treat parties, families and professionals with courtesy and respect.

BEST PRACTICE 2

ONE-JUDGE/ONE-CASE SCHEDULING

Assigning one judge to hear an A/N/D case from start to finish ensures that the procedural and factual history will be familiar and rulings consistent. When multiple judges hear a case, it is more likely that facts will be forgotten; there will be various interpretations of the case at critical points; accountability by all parties will be reduced; delays in decision making will be increased; and judicial decisions concerning placement of children will not be in the child's best interest. Routinely assigning one judge to hear the case from the first non-secure custody hearing through the termination of the court's jurisdiction permits judges to:

- Gain a sense of ownership in each case.
- Develop a long-term perspective of the case that is not overly dependent on the child welfare agency.
- Become thoroughly familiar with the needs of the child and the family so that the child welfare agency's efforts to meet the family's needs are effective.
- Handle family law (e.g., custody) cases that arise out of or are related to the A/N/D case.
- Quickly review files, agency reports and case plan changes before each hearing.
- Be consistent when instructing and ordering parties to complete tasks and provide necessary services to children and their families.

¹¹ Chapter 7B., North Carolina's Juvenile Code, Subchapter I. Abuse, Neglect, Dependency, may be found on line at:

http://www.ncga.state.nc.us/EnactedLegislation/Statutes/RTF/ByChapter/Chapter_7B.rtf

BEST PRACTICE 3

COLLABORATIVE, ACTIVE STEERING COMMITTEE

The courts, the juvenile justice system and child welfare agencies all play a vital role in protecting children and must work together to effect positive change. Children who are at risk or who have suffered harm or danger need help and support from an array of social and health agencies, educational organizations, law enforcement services, neighbors, relatives and citizens. It is important for these groups to work together to achieve needed reforms.

Regular meetings by a collaborative, active steering committee of local representatives will build partnerships and address administrative issues of common interest. This group should include policymakers/leaders in the child welfare agency and other human service agencies, the chief district court judge, the clerk of superior court, guardians ad litem, other judicial officials and the local bar. *See Appendix C for a full list of key players in juvenile A/N/D court.* Periodic meetings between representatives of all participants in the juvenile court process should focus on understanding day-to-day court operational issues, soliciting feedback about how the system is running and assessing the court's faithful adherence to laws, local rules and established policies.

Specific topics the steering committee members might address are enforcement of local rules related to continuances, improving the enforcement, quality and specificity of court orders and other matters of concern to any participant. Based on discussions at steering committee meetings, members can make improvements such as scheduling changes, developing new forms and improving security. These meetings also provide a forum to increase respect and awareness about the important work of juvenile court.

Arthur Himmelman's theory of collaboration is a framework that organizations can use to determine how they want to share their resources.¹² Himmelman's theory presents four levels of partnerships that differ in their formality by how they share resources. Each of these four strategies can be appropriate for particular circumstances depending on the levels of trust and the degree to which there are common visions, commitments to share power and responsible and accountable actions. The four levels of partnerships are:

1. Networking occurs when organizations *exchange information for mutual benefits*. This informal relationship requires a minimal investment of time. An example of networking is organizations meeting to share information about their missions, goals, major community programs and their respective service areas.
2. Coordination requires organizations to share information and *alter their activities* to provide greater access for the community. In addition to a greater investment of time, this requires collaborating organizations to begin to trust each other. An example of coordination is two agencies sharing information about program activities and then deciding to change their program content and schedules in order to better serve their common client or customer service areas.

¹² Himmelman's Hierarchy of Multi-Organizational Partnerships. Himmelman, A. T. (2002). Collaboration for a change. Definitions, models, roles and a guide for collaborative process. Minneapolis: Hubert Humphrey Institute of Public Affairs, University of Minnesota.

3. Cooperation requires organizations to begin to *share resources* with each other in addition to sharing information and coordinating activities, requiring each organization to invest time, trust each other and share turf. In this case, resources may be shared meeting spaces, staff or even financial resources. An example of cooperating partnership is two agencies sharing information about program activities and needs. Based on that information, the agencies decide to change their program content and schedules in order to better serve their common client or customer service areas by sharing physical space for programs and staff carpooling for client visits.
4. Collaboration is the most formal level of partnership in which organizations share time, turf, and trust, and actively work to *enhance the capacities of other organizations*. An example of collaborating partnership is two agencies sharing information about program activities. Based on that information, the agencies decide to change their program content and schedules in order better serve their common client or customer service areas. They decide to share physical space for programs, encourage staff to carpool for client visits and offer a series of staff in-service training and seminars in areas in which each organization has special expertise related to their common purposes.

One strategy that can be used to capture how a group of people or agencies agree to work together is entering into a memorandum of agreement (MOA). The MOA can be used to document agreements (understandings) among various offices, programs and court officials *within* the court as well as organizations and individuals *outside* the court. The MOA should detail the agreement between individuals, organizations or counties succinctly and in unambiguous terms. MOAs are intended to help the key players in juvenile A/N/D court cases understand and appreciate each other's responsibilities as well as to determine local policies and procedures. Each partner to the agreement needs to sign indicating consensus. A model MOA and how to develop a MOA are included at the end of this document. *See Appendix A and B for MOA information.*

BEST PRACTICE 4

COMPREHENSIVE LOCAL RULES FOR JUVENILE COURT

Juvenile court rules establish uniform practice and procedure for juvenile A/N/D court matters to "achieve stable and secure homes for children who come within the court's jurisdiction." Other objectives for juvenile court rules include:

- 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;
- Provide judicial procedures which protect and promote the safety and welfare of the child;
- 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;
- Secure for the child custody, care and discipline, as closely equivalent to that which should have been given by the child's parent or legal custodian, when removal from the child's parent or legal custodian is necessary and in the child's

- best interests;
- 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;
- Establish a uniform system for 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;
- Ensure a coordinated decision-making process;
- Reduce unnecessary delays in court proceedings; and
- Encourage the involvement of parents and children in the proceedings.¹³

The purpose statement in the local rules should affirm that the overall objective of juvenile A/N/D court is to move cases in a prompt and efficient manner toward a resolution that meets the permanency needs of the child while at the same time ensuring due process for all parties in the case. Hearings should not be subject to unnecessary delays occasioned by continuances granted for trivial reasons; such delays interfere with children achieving timely permanent placement. The purpose statement reflects the policy set forth in the North Carolina General Statutes which emphasize having standards “for ensuring that the best interests of the juvenile are of paramount consideration by the court and that when it is not in the juvenile's best interest to be returned home, the juvenile will be placed in a safe, permanent home within a reasonable amount of time.”¹⁴

The chief district court judge and/or his/her designee should appoint a committee with representatives of all stakeholders in juvenile court to develop and/or periodically review and revise the local rules. The judge appoints a chairperson of the rules committee, sets deadlines for products and provides for a local vetting process that includes all court partners. Specific procedures should be included in the rules that will ensure that once a petition is filed, the case will move through the court process in a timely and efficient manner. Local rules are the foundation for accountability and should incorporate the time standards mandated by the [North Carolina Juvenile Code](#). They should also include language to ensure one-judge/one-case assignment, encourage scheduling of hearings as soon as possible after a petition is filed and establish a firm limit on continuances. Local rules must be reviewed and amended as needed on a regular basis.

BEST PRACTICE 5

ACTIVE CASE MANAGEMENT BY THE COURT

Under the supervision of the chief district court judge and/or the lead judge for Court Improvement, case coordinators are responsible for overall juvenile case management. These duties include assigning judges to cases, facilitating child planning conferences, communicating with lawyers and other key participants about court calendars and

¹³ Model local rules for juvenile court and how to use the model rules can be found on the NC Courts website at <http://www.nccourts.org/Citizens/CPrograms/Improvement/LRules.asp>

¹⁴ N.C.G.S. 7B-100.

http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_7B/GS_7B-100.html

scheduled cases, keeping all parties informed of how cases are moving through various stages of the court process and documenting case activities in J Wise (automated information system for juvenile court).

Case scheduling and case flow management improves both the timeliness and efficiency of the court docket. Judges can move cases more quickly by using effective case management techniques such as:

- Enforcing strict time standards for the completion of each stage of the case;
- Reviewing reports from J Wise regarding compliance with time standards;
- Limiting continuances;
- Setting specific times for hearings and adhering to the time allotted; and
- Setting the date/time for the next court proceeding at the end of each hearing.

Establishing clear procedures and rules for discovery and related court process matters and the effective use of pre-trial and settlement conferences also helps cases move more quickly toward resolution. Judges should ensure that case management techniques are documented in the district's local rules and in a local memorandum of agreement. Key techniques of case management include:

- 5.1 **EARLY COURT INTERVENTION**: "Front-loaded" court processes begin or are scheduled as soon as possible after a petition has been filed. For example, attorneys are appointed for all parents and the child, preliminary conferences are set and conducted as scheduled and pre-trial settlement conferences are held with or without the judge for the purpose of facilitating settlements and/or narrowing the issues in the case. In many courts, the case coordinator facilitates both the preliminary conferences and settlement conferences.
- 5.2 **CHILD PLANNING CONFERENCE (CPC)**: These preliminary conferences are normally held within the first seven days from the date a petition is filed.¹⁵ These conferences facilitate early resolution of issues such as paternity, notification, service of process and Indian Child Welfare Act (ICWA) determinations. They establish a clear expectation that parties must be ready at each court hearing to discuss what actions they have taken on case-specific issues since the previous hearing. At a CPC, parties are made aware of the issues in the petition and the circumstances surrounding removal of the child, services for the child and parent(s) are identified, referrals to services and assessment dates are made and visitation between the child and parent(s) is arranged. The goal of these conferences is to provide all possible opportunities for family rehabilitation and safe family reunification.¹⁶ Other benefits of CPCs include having more:

¹⁵ Himmelman's Hierarchy of Multi-Organizational Partnerships. Himmelman, A. T. (2002). Collaboration for a change. Definitions, models, roles and a guide for collaborative process. Minneapolis: Hubert Humphrey Institute of Public Affairs, University of Minnesota.

¹⁶ Leonard P. Edwards, Achieving Timely Permanency in Child Protection Courts: The Importance of Frontloading the Court Process, 2007,

- Parents (including fathers) appear in court during early stages of the court process;
- Fathers are identified earlier so they can participate in the case;
- Relatives and extended family members involved; earlier in the court process, which can result in more children placed with relatives; and
- Court orders include specific services early in the life of the juvenile case because more information is made available.

5.3 **PRE-HEARING CONFERENCES**: Conducting pre-adjudication and pre-review hearing conferences throughout the court process serve to narrow issues to be presented before the court. The potential participants in these conferences (e.g., counsel, parents, children, social workers, service providers or relatives) vary according to the purpose of the conference (placement or reunification) and the hearing it precedes.

5.4 **CONTINUOUS SCHEDULING**: Continuous court calendaring is scheduling the next court event at or immediately following any given court event, which helps to ensure that no case will be delayed or lost in the system.

5.5 **LIMIT CONTINUANCES**: Enforce written policies (or local rules) that limit unreasonable or unnecessary interruptions in the case. While hearing juvenile cases requires flexibility, court hearings should never be subject to unnecessary delay due to continuances granted for trivial reasons. Court delays are a major barrier to children achieving timely, permanent placement. Researchers conducted a study in 2001 in Washington State on how continuances affect the time children spend in foster care and the length of juvenile A/N/D and termination of parental rights cases (TPR).¹⁷ Researchers found:

- A/N/D cases were lengthened by more than 30 days per continuance and TPR cases were lengthened by 26 days per continuance.
- Continuances in A/N/D cases increased the time children spend in foster care and that children remained an additional 11.9 days in foster care per continuance.
- Cases averaged 2.7 continuances per case which translated to an additional 32.1 days in foster care due to continuances; the cost per day of foster care associated with continuances equaled to an additional \$772 per foster care case.
- Continuances early in the case accounted for most of the negative effects of continuances on foster care including additional days

http://www.nccourts.org/Citizens/CPrograms/Improvement/Documents/frontloadingSpring07_Edwards.pdf

¹⁷ How Do Court Continuances Influence the Time Children Spend in Foster Care? Washington State Institute for Public Policy, 2004, <http://www.wsipp.wa.gov/rptfiles/04-03-3901.pdf>

spent in foster care and increased foster care costs due to additional days in foster care.

North Carolina's Guardian ad Litem (GAL) program collected data on the number of continuances in cases scheduled during FY2007-2008 in all 100 counties. An analysis of this information indicated that juvenile A/N/D and TPR cases were continued more than 40 percent of the time in 22 of the 100 counties. The Office of Indigent Defense Services (IDS) developed a survey for key stakeholders in these hearings (e.g., district court judges, juvenile clerks, attorneys for all parties, child advocates and child welfare staff) to identify barriers or practices causing continuances as well as to learn what approaches could be used to reduce continuances. Survey responders offered a number of ideas for improvement, which included implementing and enforcing local rules.¹⁸ See Appendix D for a more complete list of suggestions.

- 5.6 **CREATING PRODUCTIVE CALENDARS:** Case coordinators and judges are tasked with creating full and productive calendars in juvenile A/N/D court, with a minimum of “non-events.” When cases are continued “as a matter of practice”, usually upon request and agreement of all parties and their counsel, valuable court time is lost. Adhering to a written continuance policy assures that requests are based upon the same objective standards that apply to all parties. Therefore, the judge should grant continuances only for specific, valid reasons such as illness. All judges should have a discussion with their court community about the enforcement of North Carolina Supreme Court Rule 3.1¹⁹ and N.C.G.S. 7B-803,²⁰ for resolving scheduling conflicts in these court proceedings.
- 5.7 **DATE/TIME CERTAIN SCHEDULING:** Scheduling cases on the calendar for a specific date and time ensures that cases are reached when scheduled. The expectation is that 100 percent of calendared cases will be heard on the day scheduled. Judges should establish specific days/times for CPCs and non-secure custody hearings so that counsel for parent(s) and children, GAL and others can be “on call” to attend. For example, a non-secure custody hearing, CPC or pre-adjudication conference might be scheduled at 11 a.m., 1 p.m., 2 p.m., etc. on a given day(s) of the week. Such scheduling requires significant dialogue and coordination between judges, case coordinators, attorneys, guardians ad litem and service providers in order to learn how many events can be managed on any given day. Courts can adjust court processes and improve the ability to hear cases when scheduled by evaluating the

¹⁸ Office of Indigent Defense Services, Parent Representation, 2010 Continuance Summary, <http://www.aoc.state.nc.us/www/ids/Parent%20Representation/ParentRepHomePage.htm>

¹⁹ North Carolina General Rules of Practice for Superior and District Courts, Rule 3.1 Guidelines for Resolving Scheduling Conflicts, <http://www.aoc.state.nc.us/www/public/aoc/rule-3.1-4march04.htm>

²⁰ N.C.G.S., 7B-803.

http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_7B/GS_7B-803.html

frequency in which cases are heard as scheduled and the reasons why scheduled cases are not heard.

- 5.8 **SUBMITTING COURT REPORTS EARLY:** Early submission of court reports assists the parties in analyzing the case and helps the judge reach a decision. It is important that reports be distributed to the parties well in advance of the court proceeding. The Model Local Rules for Juvenile Court recommend that child welfare agency court summaries be distributed to all counsel, unrepresented parties and the guardian ad litem office at least 21 days before each review hearing.²¹ The report should include information about progress in the case since the last court hearing and future recommendations. Also, the model rules recommend that all other parties submit in writing to the child welfare agency attorney and all parties any disagreements, objections or recommendations for the Department of Social Services (DSS) summary . This allows time for the parties to consider agency proposals and allows the parties reasonable time to prepare for the hearing.
- 5.9 **PREPARING AND DISTRIBUTING TIMELY COURT ORDERS:** Orders should be created and distributed at the end of each court hearing and should include the date and time of the next court date. An example is the use of form orders in juvenile court that can be filled in quickly at the conclusion of the court hearing and distributed before the parties leave the courtroom. This practice enables all parties present to be provided immediate written notice of the next court event.
- 5.10 **CONDUCTING EXPEDITED, ISSUE SPECIFIC HEARINGS:** Some courts conduct expedited hearings, or “rocket dockets.” An expedited hearing allows a single issue or issues that require minimal court time to be heard earlier than the statutory time standard set by the North Carolina Juvenile Code. The purpose of an expedited hearing is to review and explore issues that may arise in a case in a timely manner without having to wait for the next court event to take place. Examples of issues that are brought before the court at an expedited hearing are:
- A party’s failure to abide by a court order
 - Review of visitation plan
 - Review of placement
 - Review of services
 - Request/review for home study
 - Review of relinquishments
 - Hearing to finalize an adoption
 - Review to determine waiver of future review hearings
 - Motions to publish

²¹ Model Local Rules For Juvenile Court, Rule 20. Review Hearings, on page 9, <http://www.nccourts.org/Citizens/CPrograms/Improvement/Documents/08242000-Rules.pdf>

Expedited hearings are beneficial for cases that may stall because of one or two issues that could be easily addressed. Often the issues that could be addressed at an expedited hearing are not heard until the standard three or six month review; this delay can impede the reunification process.

BEST PRACTICE 6
TIMELY SUBMISSION OF DETAILED COURT ORDERS

Timely submission of detailed court orders is critical to achieving safety, well-being and permanence for children in A/N/D court. Judges should establish timeframes for submitting court orders and a uniform method of capturing information to include in the court order, including expectations regarding next steps for parties and the status of the case from one hearing to the next. It is important to produce written orders that promote permanency, comply with state and federal laws and are easily understood by all parties. *See Appendix E for tips on writing good court orders and model "Same Day" court orders.*

BEST PRACTICE 7
SPECIALIZED TRAINING FOR JUDGES, ATTORNEYS, GUARDIANS AD LITEM AND CHILD WELFARE WORKERS

Delivery of specialized trainings for key participants in juvenile A/N/D court is essential to achieving timely permanency for children. Juvenile A/N/D court hearings are complex, usually involve serious and complicated family issues and involve a series of unique and specific hearings mandated by the North Carolina Juvenile Code. These hearings may include non-secure custody, adjudication, disposition, review, permanency planning, termination of parental rights and adoption. Each hearing has a distinct purpose with procedural requirements for conducting the hearing. It takes time, effort and experience for judges, attorneys, child welfare professionals and advocates to develop an understanding and expertise in how each of these hearings should work to achieve the intended outcomes for abused, neglected and dependent children.

Training events should be developed and presented to all juvenile A/N/D court representatives to improve knowledge of the legal issues; local court and court community practices and procedures; services available to implement the court's orders; federal, state and local laws; social and behavioral child development; family dynamics; and referral to services.

Other systems, agencies and organizations are typically involved in these cases in addition to the child welfare agency. These include local law enforcement, state correction officers, substance abuse/mental health providers, housing and public health agencies. It is important that judges, attorneys, advocates and child welfare professionals learn how these agencies function and interface with each other. Specialized cross-training events serve this purpose and support court partners to improve their understanding and expertise of all available resources.

Specialized training events ensure that there is a cadre of skilled attorneys and advocates who are able to effectively represent parties in the case at all stages in the court process. These attorneys and advocates present evidence, provide important case information and present arguments to the court. Training also serves as a vehicle to develop partnerships for the purpose of improving the way juvenile A/N/D courts do business. Cross-training helps participants to learn and understand the roles, responsibilities and limitations of other players involved in the court process.

A survey and assessment of the training needs of key participants in court proceedings (judges, parties, attorneys, agencies and other service providers, foster parents, children, etc.) should be conducted as the first step in planning and presenting any training. The information collected should be used by the steering committee and discussed in meetings in which training topics can be prioritized. A training plan with specific goals for training outcomes should be developed; the judge and his/her designee must take steps to implement the plan. Some examples of specific training topics include providing better representation for parents and reducing court delays.

An example of an outline of a training plan for “Court Appointed Counsel” may be found in Rule 5 of the 10th Judicial District (Wake County) Family Court Local Rules for Juvenile A/N/D court.²² Objectives of this training include:

- *Better parent representation:* When parents have better representation, the number of reunifications and dismissals of cases tends to increase. Specific activities to achieve this objective could include attorneys communicating regularly with their clients and working with their client to understand the court process, court hearing timelines, the reality of their case and what they need to do to complete their case plan. Communication opportunities include participation in child planning conferences, pre-adjudication and other settlement conferences and child and family team decision meetings. When attorneys regularly communicate with their clients, they are better prepared for court hearings and other court events.
- *Better parent access to services:* Attorneys increase their knowledge of services in the community and how to access them.
- *Fewer court delays:* As a result of regular and more frequent communication with their clients, attorneys’ caseloads become more manageable due to better scheduling of cases. In turn, these attorneys request fewer continuances, due to their increased availability for court hearings and decreased over scheduling of cases.

Training seminars should include handouts and materials that court partners can take away from the training and use in their practice. See *Appendix F* for an example of a training handout (a checklist of items and tasks for juvenile A/N/D court hearings).

CONCLUSION

²² Tenth Judicial District Family Court Local Rules for Juvenile Abuse/Neglect/Dependency Court, Rule 5, page 2 <http://www.nccourts.org/Courts/CRS/Policies/LocalRules/Documents/782.pdf>

The role and responsibility of judicial monitoring of child welfare cases has expanded greatly over the past 30 years and this trend is likely to continue. In a challenging and complex juvenile court system with many different court partners, families need assistance in navigating the court process and resolving their issues. The best practices in this document are a compilation from jurisdictions across the country and in North Carolina. Court communities have identified these best practices as fundamental guides to ensure the safety, permanency and well-being of children.

Appendix A

Developing a Local Memorandum of Agreement

INTRODUCTION

A Memorandum of Agreement (MOA) is used to capture how a group of people or agencies agrees to work together. While it often is a community leader that brings forth the idea of a local MOA, it is essential that the MOA be developed through a collaborative process and guided by a neutral party.

This document is intended to guide the development of a local MOA that helps key players in dependency court understand and appreciate each other's responsibilities and collaboratively decide local policies and procedures.

This document is intended to be used in conjunction with the Model MOA that was developed by a state-wide committee comprised of representatives from the following agencies and organizations:

- Unified Family Courts, Family Drug Treatment Courts, Custody Mediation, the Court Improvement Project and the GAL Services Division, all within the **Administrative Office of the Courts**;
- The NC **Division of Social Services** within the NC Department of Health and Human Services; and
- The **Office of Indigent Defense Services**

How do we know our community is ready to develop an MOA?

Communities that are concerned about addressing child safety, permanency and well-being are excellent candidates for creating an MOA. Communities with a history of collaboration will have a foundation upon which to build. It is important to note, however, that even in those communities that experience strained relationships, the MOA writing process provides an opportunity to address misperceptions and differences and to work together to resolve service delivery gaps.

What strategies should we undertake as we begin the MOA process?

It is strongly recommended that the chief district court judge designate a small steering committee comprised of leaders within the dependency court system. The steering committee should meet and determine who should be involved in the MOA process, who will be the neutral facilitator of the MOA development process and over what period of time the process will occur.

What are the potential problems that arise during the MOA process?

Problems may arise concerning misperceptions about each other's goals, missions and philosophy. MOA meetings can help increase understanding of each other's language and history and provide a context to view each other's philosophy and mission.

PARTICIPANTS AND PROCESS

All of the agencies and organizations that have a role in dependency cases should have a representative in the development process of a local MOA. These might include, but are not limited to:

- Juvenile judge
- Juvenile clerk
- Sheriff deputy responsible for service of summonses, notices and writs in dependency cases
- Family Court Administrator
- Drug Treatment Court personnel
- Court Custody Mediation personnel
- Permanency mediator/administrator
- DSS Director and supervisors
- Parent attorneys
- Guardian ad Litem Program Administrator
- Guardian ad Litem Attorney Advocate
- Former foster child/youth advocate
- Health Department
- Local Mental Health Entity
- School system

While this document is written as if the MOA process will be completed in one meeting, experience suggests that multiple meetings are often necessary to complete the agenda.

MEETING AGENDA

1. Getting Started

- Assemble flip chart paper, masking tape, markers and enough copies of the Model MOA for distribution to all who are coming to the meeting.
- Tape flipchart paper to the walls with the following headings:
 - Petition and Summons
 - Child Planning Conference (if applicable)
 - Non-Secure Custody and Pre-trial
 - Adjudication
 - Disposition
 - Review/Permanency Planning
 - Termination of Parental Rights
 - Judge
 - Department of Social Services
 - DSS/County Attorney
 - Parent Attorney
 - Guardian ad Litem
 - Clerk
 - Family Court Staff
 - Treatment Providers
 - DTC Coordinator
 - Case Planning
 - Collaboration

- Training
- Provide a sign in sheet to get everyone's names, title, e-mail address and phone number.
- Have everyone wear a nametag.
- Have some kind of drinks and snacks arranged before hand and/or have people order their lunch as they arrive to minimize confusion and delay during the meeting.

2. Introductory Information

Introduction of Facilitator(s)

- Name, title

Meeting logistics

- Agenda overview with plan for breaks every 60 – 90 minutes.
- Bathroom locations, snacks, etc.

Introduction of Participants

- Name, title and quick overview of role in dependency court

3. What is an MOA and what does it mean to us?

- What is an MOA?
- Is any participant currently operating under an MOA?
- Has anyone been part of creating one or used an existing one as part of their job?
- Was it helpful?
- Are there any questions?

Some possible definitions of an MOA:

An MOA is used to capture how a group of people or agencies agrees to work together. It is intended to help a group understand each other's responsibilities.

MOAs are used to describe roles and responsibilities, train and orient new staff and clarify questions of policies, procedures and tasks.

Writing an MOA describes existing procedures but also presents an opportunity to discuss those procedures and mutually decide how to change the way things are done. Once you have created your MOA, you can reference it to ensure that you are following the procedures agreed to or to discuss the need to make changes if necessary.

4. Determining the Court's Current Practice

Ask the community members to describe the current system. Using the flipchart papers on the wall:

- Capture the process of how a child enters and eventually leaves the court system ('Petition and Summons' through 'TPR' flip chart papers),

- Track responsibilities ('Judge' through 'Case Planning' flip chart papers). **Make sure that you write each task and who is responsible for accomplishing the task.**
- Discuss participants' needs individually and as a dependency court team ('Case Planning' through 'Training' flip chart papers).

As the participants describe the current process and each player's role, it may become obvious to the facilitator(s) and/or participants that:

- certain tasks are not being accomplished;
- certain tasks are being completed by more than one person (and shouldn't be);
or
- some people are doing tasks that are not within the scope of their jurisdiction or job description

These discrepancies need to be diplomatically brought to the attention of the group. Sometimes a participant will point them out. Sometimes the facilitator will need to do it.

Help participants discuss discrepancies in a respectful manner and listen to each other's concerns.

5. Getting it Down on Paper

Present the participants with the Model MOA.

Facilitate the participants' discussion of how the Model MOA compares to the current local process.

Mark out and add things as participants review and compare the Model MOA to their court practice. There will likely be some changes that are reflective of the local culture and priorities but the tasks and responsibilities should not be significantly different from those described in the Model MOA.

6. The Finishing Touches

When it seems there is consensus, help the participants identify who will make the necessary changes to the Model MOA to make it reflective of the local MOA. Set a clear deadline for the proposed local MOA to be e-mailed to participants and signatories for review and final approval.

Participants and signatories should be given a reasonable time to read and respond to the proposed local MOA, generally two weeks. Set a clear deadline for responses.

Signatures can be accomplished at a set meeting or by having a volunteer travel from office to office to get it signed. Sending it via interoffice mail or US Mail is NOT a good method for signature.

Once the MOA is signed, make sure all participants and signatories receive a final copy.

7. Follow up

A committee to begin implementing the local MOA must be established and the first meeting scheduled soon after the local MOA is signed.

Appendix B

Memorandum of Agreement

A Memorandum of Agreement (MOA) is used to capture how a group of people or agencies agrees to work together. This MOA is intended to help the key players in abuse/neglect/dependency court cases understand and appreciate each other's responsibilities and to determine local policies and procedures.

This MOA is entered by and between the following: [possible signatories may include the following and it is anticipated that not all the signatories will be directly involved in the development of a local MOA but may designate a representative:]

Chief District Court Judge. The Chief Justice of the Supreme Court of North Carolina designates one of the district court judges as Chief District Court Judge. This judge has administrative duties, including assigning the judges to sessions of court and adoption of local rules.

Specialized Court Program Staff. Many counties participate in specialized court programs such as Family Court, Drug Treatment Court and the Court Improvement Project. Each of the programs has a local administrator to perform case management and/or case coordination duties related to abuse/neglect/dependency court.

Clerk of Court. The voters of each county elect the clerk of superior court for a four-year term. The clerk is responsible for all clerical and record-keeping functions of the superior court and district court, including juvenile court.

Elected Sheriff. Among other responsibilities, the sheriff is required to execute and make due return of all properly issued writs and other processes and has the care and control of the county jail.

Director of the Department of Social Services (DSS). The DSS Director has the legislative authority to assess reports of child abuse, neglect and dependency and to take appropriate action to protect such children; to accept children for placement in foster homes and to supervise placements for so long as children require foster home care.

Attorney for the County Department of Social Services. Attorneys who represent county departments of social services may be an in-house attorney, an attorney from the county attorney's office assigned to represent the DSS agency, or an attorney in a private firm that has been retained or contracted with by DSS.

Guardian ad Litem Program Administrator. North Carolina General Statutes 7B-1200 and 7B-1201 establish the existence of the Guardian ad Litem Program, stating that local programs shall consist of volunteer Guardians ad Litem ("GALs"), a program attorney, a program administrator and necessary clerical staff. There is at least one GAL office in every judicial district in the state, and some districts have more than one office. Each district has a district administrator responsible for overseeing the program in that district.

Guardian ad Litem (GAL) Attorney Advocate. In North Carolina, trained volunteers serve as GALs, but North Carolina General Statute 7B-601 requires that whenever a non-attorney volunteer is appointed, an attorney is appointed as well. The GAL Attorney Advocate serves as a partner with the volunteer GAL to represent the best interest of the child. Working as a team, the attorney relies on the GAL to bring to court sufficient evidence to support recommendations that are in the best interest of the child. The GAL relies on the attorney to present the evidence in a convincing manner and preserve a strong court record.

President of the Judicial Bar Association. Every active member of the State Bar must be a member of the judicial district bar where he/she resides or works. The President of the Judicial Bar Association is the Bar's chief executive officer and serves the public and the bar members by improving and preserving the administration of justice and assisting the North Carolina State Bar as prescribed by statute.

Director of the County Health Department. The director is the administrator of the local health department. The director performs public health duties and administers programs prescribed by and under the supervision of the local board of health.

Local Management Entity Director. Community-based mental health, developmental disabilities and substance abuse services are managed through a network of local management entities (LMEs) that cover the state's 100 counties. LME responsibilities include offering consumers access to services, developing and overseeing providers and handling consumer complaints and grievances.

Local Superintendent of Education. The superintendent of each local school district acts as an official agent of the State Board of Education and has the authority to require the cooperation of principals and teachers so that the children may receive the best possible educational services.

The purpose of this MOA is to:

- Establish a collaborative relationship between key players in abuse, neglect and dependency court cases;
- Improve outcomes of safety, permanency and well-being of abused, neglected and dependent children who are in the court system;
- Implement evidence-based practices, best practices and promising approaches;
- Respond jointly to findings from state and federal program reviews and/or audits;
- Identify trends which impact outcomes for children and their families and develop responsive strategies;
- Engage in training activities to enhance practice in abuse, neglect, and dependency court; and
- Increase timely decisions and final resolution of abuse, neglect and dependency cases and conduct more meaningful, thorough hearings.

AGREEMENT

- I. **Court.** The parties to this MOA agree to support the following practices and policies. **[choose according to district needs]**

A. Judicial Specialization.

- 1) Judges assigned to hear these cases should receive specialized training not only on the juvenile code, but in non-legal areas such as child development, substance abuse treatment and the dynamics of domestic violence.
- 2) Judges assigned to hear these cases should receive certification from the Administrative Office of the Courts as a juvenile court judge.
- 3) Judges should be assigned to juvenile court for a significant length of time, preferably at least three years.
- 4) All efforts should be made to ensure that the same judge will hear a child welfare case from start to finish.
- 5) Judges assigned to these cases should commit to a thorough review of the child and family's situation at each hearing. Judges should review the summaries and reports prepared by the participants, ask questions and ensure that any tendered consent is appropriate.

The parties to this MOA agree to create a written plan addressing how specialized training needs will be met and how calendaring changes can be made to ensure judicial continuity in a case, ensure sufficient court time to conduct thorough hearings and ensure conformance to timeline mandates.

B. Quality Representation of Parties.

- 1) All attorneys practicing in dependency court should receive specialized training not only on the juvenile code, but in non-legal areas such as child development, substance abuse treatment and the dynamics of domestic violence.
- 2) All attorneys representing parents through court appointment should meet established qualification standards. Once admitted to the appointment list, the attorney should remain on the list for a significant length of time, preferably at least three (3) years, absent compelling circumstances.

The parties to this MOA agree to develop written qualification standards for attorneys practicing in abuse/neglect/dependency court and include how specialized training needs will be met and what scheduling accommodations will be made to allow attendance at such trainings. Further, the parties to this MOA agree to identify and correct barriers that may cause qualified attorneys to remove themselves from the appointment list to represent parents.

- C. Active Case Flow Management.** Case flow management includes the scheduling of cases within the court system, the allocation of judicial resources to cases and the procedures used by the court to dispose of cases.

The parties to this MOA agree to frequent and regular review of available data to determine the number of children in the local court system, whether timelines

are being followed and whether agreed upon outcomes are being met. The parties to this MOA agree to use this data to identify and correct barriers that are preventing cases from having appropriate outcomes in a timely manner.

D. Court Rules. Local court rules are an essential tool for an effective juvenile court system.

The parties to this MOA agree to a regular review and updating of the local court rules (at least annually). The parties to this MOA agree that the process of writing or revising court rules will be a collaborative effort by all of the key players.

E. Child Planning Conferences. A child planning conference (CPC) is a formal meeting between court staff, respondents and community agencies with a neutral facilitator that occurs soon after a petition is filed in dependency court. The participants discuss the case history, agree upon needed services for the family and determine each participant's responsibilities.

The parties to this MOA agree to implement CPCs. The parties agree to develop or update local rules for scheduling CPCs, determining and notifying the participants, identifying the issues to be discussed and determining how any agreement or failure to agree is brought to the court's attention.

F. Settlement and Pre-Trial Conferences. This practice brings together the parties and their attorneys, usually before a judicial officer to hear any motions and to discuss the issues in an attempt to resolve some or all of the contested matters, and, if resolution is unsuccessful, to determine the length of time needed to complete the hearing and set the priority of the hearing.

The parties to this MOA agree to develop or update local rules regarding discovery and sharing of relevant records such as, but not limited to, the DSS file and medical, mental health, educational and criminal records.

The parties to this MOA agree to develop or update local rules regarding the early exchange of court reports prepared by any of the parties and any exhibits intended to be offered into evidence.

The parties to this MOA agree to develop or update local rules regarding settlement and pre-trial conferences that will establish when they occur and who will attend.

G. Continuous Calendaring. At the conclusion of each hearing, the date and time of the next hearing is given to all parties and their counsel. This ensures that everyone receives actual notice and can plan accordingly.

The parties to this MOA agree to implement continuous calendaring. At the end of each hearing, the presiding judge shall determine the next date and type of hearing that will occur and the juvenile clerk shall enter the information into JWise in accordance with the Clerk's Rules of Record-Keeping. Further, the

juvenile clerk shall disseminate the information, in writing, to the parties before they leave the courtroom.

- H. Timely Court Orders.** At the conclusion of each hearing, an order or a memorandum of judgment from that hearing is signed and distributed to all parties and counsel. This ensures that everyone has the same information and reduces the difficulties encountered by parties attempting to follow a court order that is not entered in a timely manner.

The parties to this MOA agree to develop or update local rules that ensure the timely drafting, reviewing and signing of court orders. The parties to the MOA agree to utilize various options such as the AOC form orders, local form orders, and memoranda of judgment to minimize the length of time between the hearing and the entry of the order. Further, the parties agree to develop or update local rules ensuring that orders not entered the date of the hearing are reviewed by all parties prior to submission to the presiding judge for signature.

- I. Expedited Hearings.** The purpose of Expedited Hearings (“Rocket Docket”) is to review and explore a specific issue affecting a child’s permanent plan in a timely manner. These hearings do not replace statutorily mandated hearings and will typically last no longer than 20 minutes.

The parties to this MOA agree to implement an Expedited Hearing docket and develop or update local rules regarding the types of hearings to be included, when the hearings occur and how notice is disseminated to the parties.

The parties further agree to seek inclusion in the following specialized court programs:

- A. Family Court.** A major goal of Family Court is to coordinate all the case management of court events and service agency efforts for a single family in distress, in order to better serve that family and provide more consistent, efficient use of trial court time. Thus, in a Unified Family Court any issue relating to a family – juvenile delinquency charges, neglect and abuse charges, termination of parental rights and adoptions, domestic violence, child custody and visitation rights, divorce and related financial issues like child support, alimony, or equitable distribution of property, and will be assigned to one case management team of judges and court staff.

The parties to this MOA agree to pursue becoming a Family Court program.

- B. Permanency Mediation.** Specially trained neutral mediators facilitate resolution of child abuse and neglect issues by bringing together the family, social workers, attorneys, a GAL representative and others involved in the case in a confidential setting.

The parties to this MOA agree to pursue establishing a permanency mediation program. The parties agree to develop or update local rules establishing at what point in the case mediation may occur and the criteria by which cases will be referred for mediation, who will participate and how the participants are notified.

C. Family Drug Treatment Court. A FDTTC is a type of problem-solving court that works with substance abusing parents who are under the jurisdiction of the juvenile court due to a petition alleging child abuse, neglect or dependency. The parents may enter FDTTC pre-adjudication or post-adjudication. In all cases, at the time of referral and admission to FDTTC there must be a case plan for family reunification. Participants are provided a court-based case manager who ensures that the parent receives substance abuse treatment and other needed services.

The parties to this MOA agree to pursue establishing a FDTTC program. The parties agree to follow the protocol established by the Administrative Office of the Courts' Court Programs and Management Services Division for the planning, implementation and operation of a FDTTC.

II. Case Planning – When a child enters the child welfare system, case planning is used by the local Department of Social Services (DSS) to achieve the goal of the child's safety, permanency and well-being. An essential tool used in case planning is the Child and Family Team (CFT). The North Carolina Collaborative for Children, Youth and Families endorses this definition of a child and family team: **Child and Family Teams** are family members and their community supports that come together to **create, implement and update** a plan **with** the child, youth/student and family. The plan builds on the strengths of the child, youth and family and addresses their needs, desires and dreams. Child and family teams hold structured, facilitated meetings which bring family members together so that with the support of professionals and community resources, they can create a written plan that ensures child safety and meets the family's needs. The CFT meeting concludes with the preparation of a 'Family Services Agreement' that all participants are expected to sign. The 'Family Services Agreement' contains the team's decisions regarding what action must be taken and/or what services are needed to assist a family to develop the capacity and capability to assure the child's health and safety and to meet the child's well being needs.

The parties to this MOA support the concept of case planning, agree to utilize CFT meetings as a tool for families in the abuse/neglect/dependency court system, and recognize the right of the family to determine who participates in each CFT meeting.

The parties to this MOA agree to develop or update local juvenile court rules to address the relationship between the CFT process and the legal process including the role of attorneys in the case planning process, the process for convening a CFT meeting, and when and how a 'Family Services Agreement' is disseminated to the court and the parties.

III. Collaboration. The parties to this MOA recognize and support the vital role of partnerships with each other and with other agencies and organizations in improving outcomes for abused, neglected and dependent children.

Further, the parties to this MOA support the concept of shared leadership. Environments where shared leadership and collective visioning exist are able to

support open exchanges of information, better relationships among system participants and stronger commitments to common goals.

The parties to this MOA agree to establish an Advisory Committee comprised of key players in abuse/neglect/dependency court cases. Alternately, an existing committee can be utilized or expanded so that there is opportunity for regular meetings between leaders in child welfare agencies and organizations, juvenile court administration and judicial officials.

The parties to this MOA further agree that the Advisory Committee will meet regularly not only to address administrative issues, but to develop both short and long term goals for the community that will improve the lives of children and their families.

Issues to be addressed at these meetings can include legal and administrative issues in the court process such as continuous examination of causes of delay and ongoing review of the local rules to ensure compliance with state and federal legislation as it relates to achieving outcomes and securing funding.

Issues to be addressed at these meetings can also include all legal and administrative issues related to working together with a system of care approach, for example, dual **jurisdiction** cases involving juvenile justice, mental health, school system, and/or social services, **change of venue** cases involving more than one county, cases involving challenges around **confidentiality and release of information**, and the issue of **professional respect** among all parties involved in the court process. Finally, issues to be addressed at these meetings can include non-legal and administrative issues such as identifying needed services within the community and formulating a plan to make the services available.

IV. Training. The parties to this MOA are committed to identifying unmet training needs and increase training opportunities for all key players in abuse/neglect/dependency court. To attain this goal, the parties are committed to:

- A.** Establishing a Training Committee. The local committee will be made up of individuals from each discipline. The committee will elicit suggestions for training topics from judges, attorneys and AOC staff and use this information to establish a local training plan. At a minimum, the training plan will include an annual training event to review legislative changes and recent juvenile appellate decisions.
- B.** The local committee will schedule training events to maximize participation of everyone involved in juvenile abuse and neglect proceedings and will include topics that meet the individual needs of the local participants.
- C.** The training committee will make logistical arrangements for each training event, such as arranging for adequate facilities, securing guest speakers and making arrangements to offer continuing education credits for attorneys and social workers.
- D.** The local committee will provide or identify cross-training opportunities for judges, clerks, attorneys, service providers, court administration and Guardian ad Litem (GAL) staff and volunteers to build effective relationships at the local level.

V. Term of Agreement. This agreement will be effective from the date of signature. This agreement will be reviewed biennially.

VI. Revisions. Revisions of this agreement may be made upon the approval of all signatories and shall become effective upon the date of agreement.

VII. Signatures.

Appendix C

Participants in Juvenile Abuse, Neglect, and Dependency (A/N/D) Court

The parties have a legal right to be heard by the judge in the court hearing. The parties also have a legal right to be represented by an attorney. If there is more than one parent or caretaker named in the petition, each one may be represented by a different attorney. If the parents/caretakers cannot afford to hire an attorney, the state provides them with one.

Each participant in the case has a different perspective and role in the case.

The Child

✓ **Why is the child's case in court?**

- A petition has been filed alleging that the child was abused or neglected.

✓ **What does the child need during court intervention?**

- The child needs the court to order an appropriate intervention and treatment plan so he/she can live in a safe, stable home without ongoing need for Child Protective Services (CPS) intervention;
- The child needs the court intervention to be focused and timely; and
- The child needs services provided that will meet his/her needs.

Parents/Caretakers Named in the Petition

✓ **Why are the parents/caretakers involved in the case?**

- They are involved in this court action because CPS asked the court to intervene to protect the child from maltreatment and/or to have his/her basic needs met; and
- They need to follow the orders of the court or risk having their parental rights terminated.

✓ **What do the parents/caretakers bring to the case?**

- The parents bring their love of the child, possible attachment to the child, family ties, history of parenting, abilities and skills as parents, interactions with the child, interactions with each other, mental and emotional health, physical health, support system, housing, income and their own issues/problems. They are the only party that can bring this information to the Child Planning Conference (CPC); and,

- The knowledge about their family and services that may be needed to help the family. The CIP Director or Juvenile Case Coordinator can engage the parents as part of the team designed to assist the child.

Attorney for the Parent/Caretaker

✓ What is the role of the attorney for the parent/caretaker in the case?

- Represent the wishes of the parent/caretaker he/she represents;
- Protect the legal rights of the parent/caretaker in court;
- Advise the parent/caretaker on legal matters; and
- File legal documents and make motions relevant and necessary to the case.

✓ What does the attorney for the parent/caretaker bring to the case?

- He/she brings legal expertise, facilitation and negotiation skills and courtroom experience.

✓ When is the attorney for the parent/caretaker involved in the case?

- He/she is involved from the time of appointment, when the petition is filed until the child is in a permanent placement, all court matters are concluded, and the attorney is released as attorney of record for that parent.

GAL Volunteer

✓ What is the role of the GAL volunteer in the case?

- Independently investigate the child's case;
- Determine the child's needs;
- Explore family and community resources to meet the child's needs;
- Make recommendations to the court;
- Be the voice of what is in the child's best interest; and
- Be the voice of the child's expressed wishes.

✓ What does the GAL volunteer bring to the case?

- Longevity—the volunteer often stays on the case from beginning to end;
- An “outside the system” point of view and an independent perspective; and
- The community's standard for the care and protection of its children. However, since this volunteer brings the “outside the system” viewpoints, these volunteers may bring a higher expectation for parents than is statutorily required.

✓ When is the GAL volunteer involved in the case?

- The GAL volunteer is involved from the time of his/her assignment to an abuse or neglect case through the close of the child's case, when the

permanent plan has been approved by the court and achieved for the child. GAL volunteers are not usually appointed in dependency only cases.

GAL Attorney Advocate or Attorney for the Child

- ✓ **What is the role of the GAL attorney advocate?**
 - Represent the child's best interest and/or wishes and protect the child's legal rights in court;
 - GAL attorney advocates, as with all attorneys in the case, may not have an in-depth relationship with the case due to a large case load. Attorneys benefit from more knowledge about the case, which can be shared at the Child Planning Conference;
 - Translate the GAL volunteer's research and recommendations (contained in their court reports) into a form that the court can effectively use to address the child's needs (within the law, within the scope of the volunteer role, fact-based, etc.); and
 - File legal documents relevant to the child's case.
- ✓ **What does the GAL attorney advocate or the attorney for the child bring to the case?**
 - These attorneys bring legal expertise, facilitation and negotiation skills and courtroom experience.
- ✓ **When is the GAL program attorney or the attorney for the child involved in the case?**
 - He/she is involved from the filing of the petition through the end of the court case.

Child Protective Services Caseworker

- ✓ **What is the role of the Child Protective Services caseworker in the case?**
 - The CPS caseworker has completed a risk assessment process and, based on risk and/or substantiated allegations of abuse and/or neglect, has determined the need for court intervention. The CPS caseworker (through their attorney) petitioned the court to intervene on the child's behalf because:
 - The caseworker has developed an intervention plan with the family, which has not resulted in eliminating the risk that child maltreatment will recur; or
 - Due to risk of imminent danger, the caseworker has removed the child from the home to ensure the child's safety.
 - The CPS caseworker needs the court to order that the agency's intervention and treatment plan be followed by the parents/caretakers and other service providers so that the need for continuous CPS intervention is not required to ensure the child receives proper care and protection.

- The caseworker is responsible for managing the case and arranging for court-ordered services to be provided to the child and the child's family.
- ✓ **What does the CPS caseworker bring to the case?**
 - Training in social work: analyzing risk, assessing service needs and providing guidance to families;
 - There may be various types of social workers involved in the case such as investigative/assessment, foster care and treatment. It is important for the CIP Director or Juvenile Case Coordinator to know these types and their function in the cases. There may be one or more of these social workers present, with or without their supervisor(s), at a Child Planning Conference;
 - Direct services for families to provide them with the knowledge, skills and resources necessary for change; and
 - Links to other service providers so that the family can access resources outside CPS system by utilizing the Multiple Response System (MRS).
- ✓ **When is the CPS caseworker involved in the case?**
 - The caseworker is involved from the initial contact with the family and/or child until CPS services are no longer needed.

Attorney for Child Protective Services

- ✓ **What is the role of the attorney for Child Protective Services (or county attorney) in the case?**
 - Represent the position of the agency in court;
 - Protect the agency from liability;
 - Advise the agency regarding its responsibilities as outlined in the law; and
 - File legal documents relevant to the case.
- ✓ **What does the attorney for Child Protective Services bring to the case?**
 - He/she brings legal expertise, facilitation and negotiation skills and courtroom experience.
- ✓ **When is the attorney for Child Protective Services involved in the case?**
 - He/she is involved from the drafting of the petition until the case is closed when the child achieves permanency.

Judge

- ✓ **What is the role of the judge in the case? The role is to...**
 - Provide leadership for CIP and advocates for changes within the court system regarding CIP;
 - Determine if there is a continued safety issue for the child that necessitates continued out-of-home placement if the child has been removed from home;

- Decide if the child was abused or neglected based on the evidence and arguments presented and if the child was found abused or neglected, order services that will address the needs of the child;
- Order appropriate reviews with continuous calendaring for each case;
- Help achieve time frames for children;
- Hear testimony, motions, etc., regarding the case;
- Approve the permanent plan for the child;
- Order termination of parental rights when appropriate;
- Settle disputed adoption cases; and
- Close the court case and release the attorneys, when there is no longer a need for court intervention or the permanent plan has been achieved.

✓ **When is the judge involved in the case?**

- The judge is involved from the request for emergency custody at the petition filing until the court case is closed (or, if child is not removed from home, from the arraignment or adjudication hearing, depending on jurisdiction, until the court case is closed).

Indian Child's Tribe

✓ **What is the role of the Indian child's tribe in the case?**

- Represent to the courts the "best interest of the child" as defined by the Indian Child Welfare Act (ICWA);
- Ensure that the parents, the child and the tribe have all the rights that are afforded pursuant to ICWA;
- Bring to the attention of the court culturally relevant service options and dispositional recommendations;
- Protect the tribe's interest in the child and ensure the preservation of this valued resource;
- Where appropriate, offer or require that the tribe take jurisdiction of the matter; and
- File legal documents when it is necessary.

✓ **What does the tribe bring to the case process?**

- The tribe brings its very special perspective on preservation of the child's ties to the tribe. In addition, the tribe has the knowledge of relevant cultural practices and culturally relevant services that can be considered as potential resources for the child.

Clerk of Court

✓ **What is the role of the Clerk of Court in the process?**

- Record information on the case based on the rules of recordkeeping;

- Generate and distribute Notices/Summons for upcoming hearings to each party;
- Generate and distribute the calendar for future hearings; and
- Work with the chief district court judge or lead judge for CIP or Juvenile Case Coordinator in non CIP districts to agree on duties of the clerk in Juvenile Court and CIP director or Juvenile Case Coordinator. These agreements will vary by county. It is important for the Judge and CIP Director to meet with the local Clerk of Court (and A/N/D courtroom clerk, if possible) to flesh out an agreed upon role for each party.

✓ **What does the clerk bring to the case process?**

- The Courtroom Clerk brings continuity by observing all parties on a regular basis in the courtroom;

✓ **When is the clerk involved in the case process?**

- The Courtroom Clerk is involved from the filing of the petition through the end of the case.

Sheriff

✓ **What is the role of the sheriff in the process?**

- Assign a Sheriff's Deputy to attend Child Planning Conferences when requested to serve the parents;
- Assign a Sheriff's Deputy to be present for the entire CPC in the event that there is a history of domestic violence between the parties;
- Assign a bailiff to the courtroom to provide safety and protection for participants; and
- Serve summons and petitions which legally notifies the parent and participants about the case, especially where to go and when to be there.

✓ **What does the sheriff bring to the case process?**

- A sense of security and safety for what can be emotional and potentially threatening meetings and hearings in the case. This is also true for Child Planning Conferences.

✓ **When is the sheriff involved in the case process?**

- The Sheriff's office is involved from the filing of the petition through the end of the case.

Interpreter

✓ **What is the role of the Interpreter in the process?**

- Support the court process by providing neutral, dependable and complete interpreting services for parent in need of that service; and
- Serve as a language conduit between the court and/or court appointed counsel, and the non-English speaking (NES) parents and children, thereby providing

equal access to justice for the non-English speaking (NES) parents and child throughout the court proceedings and attorney/client conferences.

✓ **What does the interpreter bring to the case process?**

- Neutral, complete and accurate interpreting services for NES parents or children in need of that service; and

****Special Note:** The CIP Director or Juvenile Case Coordinator will need to arrange to have an interpreter present for the CPC and first non-secure custody (NSC) hearing. The County Attorney's office should alert the CIP Director of the need for an interpreter at the time the petition is filed. It is also important to remember additional time will be needed for communication to occur.

✓ **When is the interpreter involved in the case process?**

- An Interpreter is involved, at state expense, during court proceedings and to facilitate communication between court-appointed counsel and the NES child or indigent NES parent; and
- An Interpreter must be retained privately for non-indigent parents.

CIP Project Director or Juvenile Case Coordinator

✓ **What is the role of the CIP Director or Juvenile Case Coordinator involved in the process?**

- Engage a collaborative dialogue on behalf of the District Court Judge's office to ensure Abuse/Neglect/Dependency court is serving families and reaching time frame mandates;
- Conduct Child Planning Conferences (CPCs). Attorneys and other players in the case may not have an in-depth relationship with the case because of the large case load. The need for more knowledge about the child(ren) in each case creates a strong reason for the CPC to take place.

✓ **What does the CIP Project or Juvenile Case Coordinator bring to the process?**

- Set expectations and encourage open sharing of information between all parties (parents, relatives, social workers, school representatives, health department representatives, child support representatives, mental health/substance abuse caseworkers, county attorney, GAL, etc.);
- Effective case management by analyzing, implementing, and evaluating policies and procedures to create and/or maintain the most effective efficient court processes possible;
- A process neutrality and the ability to see all sides; and
- A commitment to working with all stakeholders to improve the overall court process for families.

✓ **When is the CIP Project or Juvenile Case Coordinator involved in the process?**

- He/she is involved from the filing of the petition through the end of the case.

Other Players

These stakeholders will be important to the CIP Directors and Juvenile Case Coordinators when organizing CPCs: family relatives, foster parents, school system, child support and mental health.

Family relatives can be a major resource for families in this process, and their participation at the CPC is encouraged. Part of the typical CPC agenda is to explore relative placements. Family members may bring the same issues that brought the child into care, but they may bring a safe home for the child and more stability. They may also be appropriate supervisors for visitation.

Foster parents' needs to learn more about the child's needs, allergies, medical conditions, mental health conditions, habits and quirks. CPCs also present an opportunity for foster parents and birth parents to meet (this can be a major selling point for DSS since social workers may otherwise need to arrange "introduction meetings" between these groups).

The **school system** can play a large role when determining if the child will remain in the same school or be transferred to another school once he/she has entered foster care. The McKinney-Vento Act requires the school system to provide school transportation for children who are "homeless" to the child's school. Children in foster care are typically considered homeless. Therefore, there is an opportunity for children to remain in the same school system with the school system having to transport the child to the original school, even if the foster/relative placement is out of district (which can provide stability to the child.). The school system can also provide information about any additional educational problems.

Having **child support enforcement** on the team can mean that there will be easier access for paternity testing. One of the goals of CIP is to address paternity so that a parent does not emerge late in the case and delay permanence for a child so early connections (like at the CPC) helps.

At times, parents need **mental health services**, and the wait time for services can negatively impact permanence. Building connections within this community can help parents engage in the process earlier. The same can be said for **substance abuse treatment providers**.

Appendix D

Ideas to Reduce Continuances in Juvenile A/N/D and TPR Court Hearings

The information that follows was abstracted from the 2010 continuance survey responses received by the Office of Indigent Defense Services. Ideas to reduce continuances were broken down into three categories: court rules, general court administration and court calendars, court schedules and calling of cases. Full survey responses may be found at:

<http://www.aoc.state.nc.us/www/ids/Parent%20Representation/ParentRepHomePage.htm>

Court Rules
Have judicial discussion about enforcing Rule 3.1 and G.S. 7B-803
Judges display leadership by enforcing Rule 3.1, local juvenile rules and G.S. 7B-803
Adopt, review and enforce comprehensive written local rules with input from all parties
Better understanding and enforcement of local rules by all, including non-attorneys
Add/clarifying local rules regarding discovery and access to the DSS file. There is a split in perception among the responders as to whether parent attorneys have access to the DSS file
Review/have rules pertaining to vacation time for ALL involved in abuse, neglect and dependency (A/N/D) and termination of parental rights (TPR) court
Set standards for representation and qualifications for attorneys practicing in A/N/D court

Model Court Rule Motions for Continuance

For an abused or neglected child, the courts are his or her source of protection and the source of services. For a delinquent child or youth, the courts provide the opportunity for rehabilitation. The goal of a case management plan for juvenile court is to put the courts in the best position to ensure the safety of children, and to give them the best possible chance of living in stable, permanent families. Therefore continuances should be allowed only when it serves the child's best interest. Participants must come to court prepared to meet each statutory obligation that is required for resolution of these matters.

Accordingly, juvenile cases, including motions for review in neglect and abuse matters, should be disposed at the earliest opportunity, including the first setting for ___hearing.

Requests for continuances that are made after the first setting for hearing on the merits of the case shall only be granted for extraordinary cause.

1.1. Appropriate Court Official

All applications for continuance shall be made to the District Court Judge presiding over the session of court for which the case is calendared. If the trial judge is not known at the time the request is made or is unavailable, the application should be addressed to the Chief District Court Judge, or his or her designee.

1.2. Court Conflicts

The various levels of court should work together to try to move cases as expeditiously as possible. Age of case, subject matter, and priority of setting should be given as much primacy as the level of court when resolving conflicts.

Attorneys shall notify the court and opposing counsel of any other court conflict(s) as they become known and shall keep the court advised of the resolution of that conflict. All judges shall communicate with other judges to resolve such conflicts. In resolving court conflicts juvenile cases shall take precedence over all other matters.

1.3. Documentation of Continuance

All orders for continuance shall be documented in writing, and shall include the name of the moving party, any objections to the continuance, and the basis for the continuance. [Commentary: It may be appropriate for judicial districts to include in local rules conditions in which written motions are required.]

1.4. Notification of Opposing Counsel/Unrepresented Parties/Witnesses

All applications for continuance shall be made as soon as a conflict is identified, and all impacted -- opposing counsel, unrepresented parties, subpoenaed witnesses, or court staff charged with subpoenaing witnesses -- shall be notified as soon as possible by the moving party.

1.5. Objections to Motion for Continuance

All parties should have an opportunity to be heard on a motion to continue.

1.6. Evaluation of Motions for Continuance

Factors to be considered by the appropriate court official when deciding whether to grant or deny a motion for continuance should include:

- the best interest of the child;
- the opportunity to exercise the right to effective assistance of counsel;
- the age of the case and seriousness of the charge;
- the incarceration status of the juvenile;
- the effect on children and spouses if the issue is continued and not resolved;
- the impact of a continuance on the safety of the parties or any other persons;
- the status of the trial calendar for the session;
- the number, moving party, and grounds for previous continuances;
- the due diligence of counsel in promptly making a motion for continuance as soon as practicable and notifying opposing counsel and witnesses;
- the period of delay caused by the continuance requested;

- the presence of witnesses, including the juvenile;
- the availability of witnesses for the present session, or for a future session;
- whether the basis of the motion is the existence of a legitimate conflict with another court setting;
- the availability of counsel;
- consideration of the financial consequences to the public, the parties, the attorneys, or witnesses if the case is continued: and any other factor that promotes the fair administration of justice.

1.7 Case Rescheduling

Upon granting a motion for continuance, the judge shall reschedule the case for a specified date, taking into consideration the availability of counsel, parties, and witnesses.

Court Administration: Part I
All attorneys (attorney advocates, DSS and parent) in the case meet with their clients prior to the hearing
Attorneys be present for court on time; if unable, notify the Court and other parties pursuant to written rules
Better parent notification of hearings
Do not allow continuances based on parent's inability to make contact with their attorney
Do not hear civil actions and Domestic Violence (DV) actions on abuse, neglect and dependency (A/N/D) and termination of parental rights (TPR) court days; hear these cases at other times
Hold and/or conduct monthly meetings on pending TPR cases
Increase use of email to distribute court summaries, proposed settlement orders and updates on cases
Increase use of technology (email) by attorneys to facilitate settlements
Make adjudications priority over review hearings
Make home study requests well in advance of hearings
Have parent attorneys meet with their clients before court, be more proactive about contacting clients and document efforts to contact clients
Review/have rules pertaining to vacation time for ALL involved in A/N/D and TPR court
Set standards for representation and qualifications for attorneys practicing in A/N/D court
Solicit input from and hold discussions with parent attorneys on how to ensure their timely appearance in court at the start of the court session
Stop giving parent attorneys multiple continuances in TPR cases
Swear-in new GALs before court and not in court
Use visiting judges
Workers and attorneys meet before court

Court Administration, Part II:
Court Calendars, Court Schedules and Calling of Cases

Add additional court sessions per month rather than one day long session per month
Add extra sessions of court to clear backlog so that calendars aren't consistently overcrowded
Distribute court calendar prior to day of court to facilitate discussion of cases
Do not hear civil actions and Domestic Violence (DV) actions on Juvenile abuse, neglect and dependency (A/N/D) and termination of parental rights (TPR) court days
Explore possible changes in the court scheduling system to minimize conflicts between superior court and A/N/D days in district court
Have a rule about the distribution of the court calendar and distribute case specific calendars to attorneys
Have DSS attorney handle A/N/D and TPR cases only during court sessions; no private cases
Judge conduct calendar call with attorneys to resolve scheduling conflicts and set times for hearings and then enforce the order of cases set
Modify the court schedule to reduce the number of conflicts for parent attorneys
Put cases on the calendar with sufficient notice to ALL parties
Reduce scheduling conflicts with Superior Court
Review the court schedule to minimize conflicts (e.g., have one county do two morning sessions a month and the neighboring county do two afternoon sessions per month)
Schedule TPR trials more quickly
Set A/N/D and TPR cases at a separate time from delinquency/undisciplined cases
Set A/N/D and TPR cases at a separate time from Domestic Violence cases
Set A/N/D and TPR cases at a separate time from other types of cases
Set and/or add additional court time for "special hearings"
Set special days for TPRs
Set oldest cases first on smaller dockets
Use block scheduling (e.g., setting cases in 30 minute increments or having a morning and afternoon docket) to minimize conflict with other courtrooms
Use the same judge for a case so new judges do not have to be updated

Appendix E

Tips for Writing Court Orders

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Writing Good Court Orders in Juvenile Cases

Abuse, Neglect, Dependency

Key Questions for Analyzing Most Orders

1. Does the court have subject matter jurisdiction?
2. Does the court have personal jurisdiction over necessary parties?
3. What is the statutory and procedural context of the order?
4. Does the order comply with any specific statutory requirements for this type order?
5. Is there competent evidence in the record to support the court's findings of fact?
6. Do the findings of fact support the conclusions of law?
7. Does the court have legal authority to order what it orders?
8. Has the court exercised its discretion in a reasoned (not arbitrary) way?
9. Will the parties understand what the order means?
10. Was the order entered in a proper and timely way?

Entry of a Court Order

1. Who prepares the order and what input do other parties have?
2. Has the order been signed and filed with the clerk? G.S. 1A-1, Rule 58.
3. Has the order been entered within 30 days after completion of the hearing, if required?
 - a. Order for Continued Non-Secure Custody. G.S. 7B-506(d).
 - b. Adjudication Order. G.S. 7B-807(b).
 - c. Disposition Order. G.S. 7B-905(a).
 - d. Review Hearing Order. G.S. 7B-906(d).
 - e. Permanency Planning Hearing Order. G.S. 7B-907(c).
 - f. Termination of Parental Rights Order. G.S. 7B-1110(a).
4. Has a person designated by the court – or, if no one is designated, the person who prepared the order – served it on all parties within 3 days after it was entered? G.S. 1A-1, Rule 58.
5. Are there any local rules relating to preparation or service of orders?

General Tips for Writing Orders

1. Use language the parties will understand.
2. Begin the order with clear information about the type of order it is, the kind of hearing from which it results, and anything else that will establish its context in the larger case. Do not, however, recite the whole history of the case. *“On July 1, 2008, the court conducted an adjudication hearing on the petition filed in this matter on May 24, 2008. . . .”*
3. When appropriate, reference the statute pursuant to which the order is being entered, and ensure that all statutory requirements about the contents of this type order have been satisfied.
4. Clearly distinguish among introductory material, findings of fact, conclusions of law and the order/decreed.
5. If the adjudication and disposition hearings are held together, either enter two separate order or clearly distinguish within the order.
6. If a particular standard of proof is required, be sure to state it. *“The court finds the following facts by clear and convincing evidence. . . .”*
7. Incorporate by reference sparingly if at all. If the court directed that a report or any other document be incorporated into the order:
 - a. be sure that a copy of the document is attached to the order, and
 - b. state in the order *“the report submitted by [the guardian ad litem] [dss] [other], dated June 18, 2008, is attached hereto and incorporated herein by reference.”*
8. Make findings of fact as specific and provide dates or a general time frame for events. Avoid findings such as:
 - a. *“Father has a drinking problem,”* (instead, describe what that problem is, how it is manifested, and how it affects the children)
 - b. *“Parents have refused to cooperate with DSS,”* (instead, follow describe precisely their conduct or failure to act that is relevant)
 - c. *“Mother has made substantial progress in addressing problems that led to the child’s placement”* (instead, describe the problems and how mother has addressed them)
9. Do not write findings that simply describe a witness’s testimony. The following are not useful findings:
 - a. *“Dr. Lee testified that the child’s injuries could not have been caused accidentally.”*
 - b. *“Ms. Ray testified that DSS arranged weekly that the parents failed to attend.”*
 - c. *“DSS introduced a medical report indicating that the child had three broken ribs.”*
10. Include the date and nature of a next court hearing if applicable.
11. _____
12. _____
13. _____
14. _____

Specific Orders

I. Non-Interference (G.S. 7B-303)

- Standard of Proof (burden being on DSS)
 - If the order is entered after a hearing: clear cogent and convincing evidence
 - If the order is *ex parte*: probable cause
- Include a *finding of fact* about the report DSS is investigating, sufficient to support a *conclusion of law* that DSS received a report of “abuse,” “neglect,” or “dependency” that triggered a requirement that DSS conduct an assessment under G.S. 7B-302.
- Include findings about what, if anything, the respondent did or refused to do that obstructed or interfered with the assessment.
- Include a conclusion that respondent [did] [did not] have a lawful excuse for obstructing or interfering with the assessment.
- In an *ex parte* order, any relief granted must be narrowly tailored to include only provisions necessary to enable DSS to conduct an investigation sufficient to determine whether the child is “in need of immediate protection or assistance.”

II. Expunction of Name from Responsible Individuals List (G.S. 7B-323)

- Standard of Proof (burden being on DSS): preponderance of evidence
- Must contain findings of fact to support a conclusion of law that “DSS [has] [has not] established by preponderance of the evidence the correctness of the director’s determination of abuse or serious neglect or the identification of the responsible individual.”

III. Continued Nonsecure Custody (G.S. 7B-503 through -508)

- Standard of Proof (burden being on DSS): clear and convincing evidence
- Findings of fact in an order continuing nonsecure custody must include
 - the evidence relied on
 - the purposes continued custody is designed to achieve
 - at least one ground for nonsecure custody under G.S. 7B-503
- When appropriate, a nonsecure custody order may include authorization to consent to health care and other kinds of treatment
- The order should reflect that the court inquired as to
 - identity/location of any missing parent
 - efforts to identify and/or locate and serve any missing parent
 - whether paternity is at issue and if it is efforts to establish paternity
 - whether a relative is willing and able to provide care in a safe home and, if so, whether placement with the relative would be contrary to the child’s best interest
 - whether other children are in the home and, if so, assessment findings about them and any actions taken or services provided to protect them
 - if applicable, ICWA and MEPA

IV. Any order (nonsecure custody, disposition, review) in which custody is given to or continued with DSS (G.S. 7B-507)

- Every order must contain
 - a. a finding that continuation in or return to the child's own home would be contrary to the child's best interest
 - b. reasonable efforts findings – both whether such efforts have been made (unless the court has ordered that they are not required) and whether they should continue
 - c. a statement that the child's placement and care are the responsibility of DSS
- An order that terminates the obligation of DSS to make reasonable efforts to reunify must include the findings set out in G.S. 7B-507(b):
 - (1) such efforts clearly would be futile or would be inconsistent with the juvenile's health, safety, and need for a safe, permanent home within a reasonable period of time; or
 - (2) a court of competent jurisdiction has determined that the parent has subjected the child to aggravated circumstances as defined in G.S. 7B-101; or
 - (3) a court of competent jurisdiction has terminated involuntarily the parental rights of the parent to another child of the parent; or
 - (4) a court of competent jurisdiction has determined that: the parent has committed murder or voluntary manslaughter of another child of the parent; has aided, abetted, attempted, conspired, or solicited to commit murder or voluntary manslaughter of the child or another child of the parent; or has committed a felony assault resulting in serious bodily injury to the child or another child of the parent.

V. Adjudication Order (G.S. 7B-805, -807)

- Standard of Proof (burden being on DSS): clear and convincing evidence
- Findings should relate to specific part(s) of the definition of "abused juvenile," "neglected juvenile," or "dependent juvenile," as appropriate
- "*The juvenile is a neglected juvenile,*" is a conclusion of law, not a finding of fact.
- The order must either
 1. find that the allegations have been proved by clear and convincing evidence, or
 2. dismiss the petition with prejudice.
- The order should never say that the child is adjudicated "as to" one parent or individual. The adjudication is about the child, and the child is or not an abuse, neglected or dependant juvenile.

VI. Disposition and Reviews (G.S. 7B-905) (A/so see G.S. 7B-507, -900 to -905)

- Relate the disposition to the preceding adjudication by reciting or describing what led up to the disposition hearing. It is not necessary to repeat the contents of the adjudicatory order.
- Include appropriate findings regarding:
 - a. the children's present and future needs;

- b. the parents' strengths and weaknesses in relation to being able to meet those needs;
- c. the parents' needs; and
- d. available and/or needed resources.

These findings then provide guidance as to what actually needs to be ordered. In reviewing an order it is helpful to ask in relation to each thing ordered whether it is clear from the findings why it is being ordered.

- If the child is out of the home, include specific provisions about visitation. The order must do more than order visitation *"in the discretion of DSS."* (Ideally DSS, parents and others involved would develop a proposed visitation plan/schedule and submit it to the court for review and approval.)

G.S. 7B-905. Dispositional Order.

In subsection (c): "Any dispositional order under which a juvenile is removed from the custody of a parent, guardian, custodian, or caretaker, or under which the juvenile's placement is continued outside the home shall provide for appropriate visitation as may be in the best interests of the juvenile and consistent with the juvenile's health and safety. If the juvenile is placed in the custody or placement responsibility of a county department of social services, the court may order the director to arrange, facilitate, and supervise a visitation plan expressly approved by the court."

- If child is placed in DSS custody, see required findings in IV above.
- There is no clear definition of "custody." It can be helpful to spell out anything that might be questioned about the ramifications of giving DSS or anyone else custody of a child.
- If the order addresses child support, include findings consistent with the guidelines.
- If the order results in a child's being out of the home, the order should address child support. Be sure to include appropriate findings if the order requires a parent to pay support. A referral or a requirement that a parent go to the IV-D office to arrange support payments may be more practical than conducting a support hearing in juvenile court. (G.S. 7B-904(d))
- If child is being returned home, the order must include findings that the juvenile will receive proper care and supervision in a safe home.
- In the actual "order," especially in any directive to the parent(s), relate the disposition to conditions that resulted in the adjudication or removal of the children and be specific. Wording that is too vague or general, and therefore subject to misunderstanding or differing interpretations, includes:
 - a. parents shall *"take advantage"* of all programs, services, etc., offered by DSS.
 - b. parent shall *"cooperate with DSS."*
 - c. parent should *"get appropriate treatment for substance abuse."* (Where, how, when, with what assistance from DSS?)
 - d. parent shall *"get suitable housing."*
 - e. parent shall *"go to mental health."*

- Be clear and specific about what is expected of the parties before the next hearing.
- Do not include the kitchen sink.

VII. Requirements for Review and Permanency Planning Hearing Orders (G.S. 7B-906, -907)

- Refer to factors listed in the statutes.
- An order should not state that “*No further reviews are required*” unless it includes (or a previous order has included) the findings necessary for a waiver of review hearings or the child has been returned home.
- If the court is waiving further reviews, include findings required by G.S. 7B-906(b). These findings must be made by clear, cogent, and convincing evidence.
 - a. The juvenile has resided with a relative or has been in the custody of another suitable person for a period of at least one year;
 - b. The placement is stable and continuation of the placement is in the juvenile's best interests;
 - c. Neither the juvenile's best interests nor the rights of any party require that review hearings be held every six months;
 - d. All parties are aware that the matter may be brought before the court for review at any time by the filing of a motion for review or on the court's own motion; and
 - e. The court order has designated the relative or other suitable person as the juvenile's permanent caretaker or guardian of the person.
- It probably is never necessary to say that “DSS is relieved of further responsibility.” The order should be clear with respect to whether DSS does or does not have custody of the child and, if appropriate, refer to anything specific that DSS must do or may stop doing.
- If applicable and possible, refer to the purpose and date of the next hearing.
- Indicate whether the court is retaining or terminating jurisdiction.
- If the court awards custody or guardianship to someone other than a parent, the order should reflect that the court has verified that the person “understands the legal significance of the placement or appointment and will have adequate resources to care appropriately for the child.”
- No order should ever state that
 1. the case is “closed” or
 2. the case is “inactive.”

VIII. Continuing or Terminating the Court’s Jurisdiction

- It should be clear, from either the nature of the order or an explicit statement in the order, whether the court is continuing to exercise jurisdiction or is terminating jurisdiction in the case.
 - The order should not state that an individual judge retains jurisdiction in a case unless the parties consent.
 - No order should state that “the case is closed,” since that is not a phrase used in the Juvenile Code and it is not clear whether the court intends to terminate jurisdiction or to retain jurisdiction without scheduling review hearings.
 - If the court’s intention is to end the case, the order should state that the court terminates jurisdiction. (See G.S. 7B-201 for the effects of terminating jurisdiction.)

- If the court intends to retain jurisdiction without scheduling further hearings, and if the court has removed the child from the custody of a parent, guardian, custodian, or caretaker, the order must include findings required by G.S. 7B-906(b) for waiving review hearings.
- When the court wants to terminate jurisdiction in the juvenile case and either enter or modify a custody order under G.S. Chapter 50, two separate orders are required.
 - The order awarding custody in an existing or new Chapter 50 case must include findings of fact that would support the entry or modification of a custody order under Chapter 50. The order should include specific findings and should not incorporate by reference or simply refer to documents in the juvenile file.
 - The order terminating jurisdiction in the juvenile case must include findings that
 - a. Continued state intervention through a juvenile proceeding is not needed, and
 - b. At least six months have passed since the court found that the permanent plan for the child was placement with the person to whom the court is awarding custody. This finding is not required, however, if the court is awarding custody to (i) a parent or (ii) a person with whom the child was living when the juvenile petition was filed.

IX. Selected Points about Termination Orders

- Neglect
 - Requires findings of current neglect or of past neglect and a likelihood of repetition of neglect if child were returned home
- Willfully leaving the child in foster care for more than a year without making reasonable progress under the circumstances to correct conditions that led to the child's removal
 - Requires findings sufficient to support a conclusion of willfulness, which requires findings about what the parent did in relation to what the parent was capable of doing
 - Findings must relate a parent's failure to make reasonable progress in relation to the conditions that led to the child's removal from the home
- Non-support
 - Must include findings about employment, earnings, assets, etc., to support a conclusion that the parent was able to provide support
- Father of illegitimate child
 - Must include findings that respondent, before filing of petition or motion:
 - a. has not established paternity judicially or by affidavit filed with DHHS; and
 - b. has not legitimated the child pursuant to G.S. 49-10 or filed a petition for that purpose; and
 - c. has not legitimated the child by marrying the mother; and
 - d. has not provided substantial financial support or consistent care for the child and mother.
 - Record must include certified reply of DHHS as to whether respondent has filed a paternity affidavit

- Note the difference between the elements and wording of this ground and the requirements under G.S. 48-3-601(2)b.4. for determining whether a putative father's consent to adoption is required
- Incapacity ground
 - Must include a finding that the parent who lacks capacity to care for the child also lacks an appropriate alternative plan of care
- Willful abandonment
 - Must include findings sufficient to support a conclusion of willfulness
- Commission or conviction of certain crimes
 - Must include findings of a conviction of a covered offense or of the parent's commission of each element of a covered offense
 - If relying on felony assault, must include findings as to all necessary elements of the offense unless the conviction is specifically under G.S. 14-318.4(a3). Conviction under G.S. 14-318.4(a) does not satisfy the serious "bodily injury" part of the ground.

3. _____

The _____ County Department of Social Services retains custody of the minor child(ren).

This order does not replace the order which will include findings of fact. This order only contains commendations accepted by the court to allow the parties a better understanding of what is required of them. If there are any questions pertaining to the court recommendations, please contact your attorney, Social Worker or the Guardian ad Litem.

NEXT COURT DATE:

The next court date will be on _____, 2010 for _____ hearing at the "X" County Courthouse.

This case shall be calendared for a short court review _____, 2010 at the "X" County Courthouse for the following reason to cover the following issues:

_____.

Date:	
Name of Presiding Judge	Signature of Presiding Judge

Appendix G

Guardianship Order

NORTH CAROLINA
JUSTICE

IN THE GENERAL COURT OF

_____ COUNTY

DISTRICT COURT
FILE NO:

IN THE MATTER OF:

**ORDER APPOINTING
GUARDIAN OF THE PERSON**

On the _____ 2009, in disposition of the above-entitled juvenile matter, this court appointed _____ to be Guardian of the Person, in accordance with N.C.G.S. Sec. 7B-600. This court has determined that there is no need for bond to secure the guardian’s performance, and no need for the guardian to make reports to the court after this date. This court is satisfied that _____ understands the legal significance of his/her appointment, and has adequate resources to care appropriately for the child.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT:

1. _____ is appointed the Guardian of the Person of the minor child, _____, who was born on _____.
2. As Guardian of the Person, _____ shall not be required to make any further reports to this court, and shall continue to serve in this role without bond.
3. As Guardian of the Person, _____ shall have the care, custody and control of _____, may arrange a suitable placement for him, and may represent him in legal actions before any court. On behalf of _____, _____ may consent to his/her marriage, enlistment in the armed forces, and enrollment in school. On behalf of _____, _____ may consent to any remedial, psychological, medical or surgical treatment for him/her.
4. _____’s authority to act as _____’s Guardian of the Person shall continue until it is terminated by this court’s order, until he/she is emancipated pursuant to Article 35 of Subchapter IV of Chapter 7B of the North Carolina General Statutes, or until he/she reaches the age of majority.

Entered and signed the _____ day of _____, 2009.

District Court Judge



Appendix H

Court Hearings Check Lists

Check List 1: General Court Administration and Operation

Special Note: The following is based primarily on the “Resource Guidelines” published by the National Council of Juvenile and Family Court Judges²³ and reports on court practices being implemented in Family Courts and CIP Courts across North Carolina. These lists can be used by local judge-led steering committees to compare local court practices with the practices described here. Committees can use this information to identify areas for improvement as they concern achieving safety, permanency, and well-being of children who come to the attention of North Carolina’s Juvenile courts.

NON-SECURE CUSTODY HEARING PETITIONS AND ORDERS

- Child welfare attorneys prepare petitions, and file prior to hearing, that provide each involved child’s name and include statements by caseworkers or law enforcement that provide specific information regarding:
 1. The immediate danger to the child and facts related to that danger, and any actions taken by caseworkers or law enforcement that were attempted to prevent the child’s removal; or
 2. Specific facts that made it impossible for reasonable or active efforts to prevent the removal.
- Non-Secure Custody orders are child specific and fact based and include:
 1. Individualized “contrary to welfare” findings that are supported by specific facts.
 2. If possible, contain specific findings regarding reasonable or active efforts made by the child welfare agency to provide services to the child and family for the purposed of preventing removal.

FRONT-LOADING the COURT PROCESS

- An established procedure is in place for appointing counsel and Guardians ad Litem upon removal of children prior to the Non-Secure Custody hearing.
- Council is appointed who adheres to standards for counsel as described in local court rules.
- Pre-trial/settlement conferences are conducted (North Carolina has developed a guide outlining best practices and procedures for child planning conferences. Click on this link to access this document on the NC Courts website: http://www.nccourts.org/Citizens/CPrograms/Improvement/Documents/CPCBestPractices_May09.pdf
- Child welfare agencies and child welfare attorneys have and use policies and procedures for early identification, location, and notification of non-custodial parents.

²³ Adapted from the Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases, National Council of Juvenile and Family Court Judges, Reno, Nevada, 1995.

- The Court receives information about the child welfare agency's efforts to locate and serve non-custodial parents who cannot be located.
- The Court has an established procedure for early determination of paternity and determination and ordering of child support.
- The Child Welfare Agency has a process for early identification of *Indian Child Welfare Act (ICWA)* applicability and procedure for early compliance, including:
 1. Whether the child is an Indian child;
 2. If child is Indian, which tribe is child's tribe (tribe is provided notice by registered mail, return receipt required);
 3. Protocol for involving tribe as soon as possible in case planning and placement decisions including prior to legally required notice;
 4. Protocol for determining whether "active efforts to prevent the break up of the Indian family" have been provided as required by ICWA.

CASE FLOW MANAGEMENT

- Same child welfare agency attorney, Guardian ad Litem, case worker and counsel for parent(s) and child handle case from petition through case closure.
- Cases are assigned to judges based on reasonable caseload standards.
- Court calendaring is respectful of the family's and stakeholders' time:
 - a. Hearings are scheduled to minimize waiting time;
 - b. Hearings are scheduled as close to time-certain as possible. Court sets sufficient time for each case, i.e., except for non-secure custody and pre-adjudication conferences, hearings are at least 30 minutes in length to fully address all issues recommended in the Resource Guidelines.
 - c. Court establishes specific days/times for Child Planning Conferences and Non-Secure Custody hearings so that counsel for parent(s) and children, GAL and others may be "on call" to attend.
- An established procedure is in place and used to provide notice of hearings to custodial and non-custodial parents, foster parents, relative caregivers, foster-adopt parents, children age twelve or over, Guardians ad Litem and attorney advocates.
- The next hearing date is set in open court with parties and counsel present.
- The Court has and enforces a "no continuance" policy:
 - a. Hearings occur the date they are first scheduled;
 - b. Hearings are not rescheduled by request to the court; hearings are rescheduled only if a motion is filed and the court makes findings of good cause shown on the record;
 - c. Parties document to the court emergency circumstances requiring continuance.
- Same-day court orders are produced and given to all parties at the end of each hearing.
- The courtroom is sufficient to handle all parties; the courtroom holds the appropriate number of tables and seats for all parties.
- Juvenile Abuse/Neglect/Dependency cases are separated from non-juvenile matters on the court's docket through scheduling.
- The Court has a non-adversarial process (e.g., child planning conferences, permanency mediation, etc.) in place from petition filing to case closure to resolve issues related to the child's safety, permanency and well-being and which:
 - a. Is used to identify and consider placement with relatives;
 - b. Maximizes a family's ability to plan and provide for the child;

- c. Gives parent(s) the opportunity to make use of services offered to achieve reunification;
- d. Ensures services and plans for the child and family are culturally appropriate.

CONTINUANCE POLICY

North Carolina's Juvenile Code includes strict timelines for Juvenile A/N/D court events and issues. Continuances/postponements interfere with the ability of the courts and the agencies working through the court process, to comply with statutory timeframes. Uniform policy for consideration of requests for continuance or postponement of Juvenile A/N/D cases is needed to avoid unnecessary delay. Such a uniform policy should set forth strict rules which encourage agreed to hearing dates, set upon the parties' and counsel's assurances of availability for hearing. The policies should also prohibit postponement of agreed dates for any but the most serious and unavoidable reasons.

The best practice should be to:

- (1) Adhere to Rule 3.1, the general rule of practice for Superior and District Court and 7B-803 the current state law concerning continuances; and
- (2) Adopt the model rule on continuances approved by the CIP committee in 1996, or a similar rule to discourage continuances in all but the most compelling circumstances.

Check List 2: Hearing Activities and Tasks by Role

Those persons listed on the right side of the table could perform the following tasks as indicated	CIP Director/Juvenile Case Coordinator	Clerk	DSS Attorney
Create and maintain court files in good order		<input type="checkbox"/>	
Prepare court orders, including findings			<input type="checkbox"/>
Prepare other court documents (i.e., cover sheets, subpoenas, summons)		<input type="checkbox"/>	<input type="checkbox"/>
Explain court proceedings to parties and witnesses outside of the courtroom	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Identify and pull cases in which deadlines have not been met	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Schedule cases in a way that is more convenient to the parties	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Organize and, when appropriate, conduct meetings with community groups	<input type="checkbox"/>		<input type="checkbox"/>
Develop and oversee special projects with the child protection agency or other community groups	<input type="checkbox"/>		<input type="checkbox"/>
Evaluate the effectiveness of the court through collection and analysis of statistics	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Use J Wise to enter Juvenile A/N/D case information	<input type="checkbox"/>	<input type="checkbox"/>	

Those persons listed on the right side of the table could perform the following tasks as indicated	CIP Director/Juvenile Case Coordinator	Clerk	DSS Attorney
Assist with the appointment and oversight of attorneys	<input type="checkbox"/>		
Arrange for special assistance, such as interpreters and special transportation	<input type="checkbox"/>	<input type="checkbox"/>	
Provide information about the court and court process to persons coming before the court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Prepare educational materials about Juvenile A/N/D court	<input type="checkbox"/>		<input type="checkbox"/>

Check List 3: Judicial Hearing Activities by Hearing Type

Non-Secure Custody Hearings

1. Introduce parties/persons present; review hearing purpose and advisement of rights
2. Review adequacy of notice and service of process on all known parents and putative fathers
3. Make inquiries as to whereabouts of any missing parent, paternity (as applicable)
4. Review and inquire about circumstances causing placement and safety plan (including need for restraining order)
5. Make case-specific reasonable efforts finding
6. Review appropriateness of current placement and possible placement with relatives (as applicable)
7. Review service needs of child and parent(s): visitation, child support, referral to services
8. Make inquiries as to applicability of ICWA
9. Explain orders, deadlines and consequences of non-compliance
10. Distribute written orders at the end of the hearing before parties leave with next court date

Adjudication Hearings

1. Introduce parties/persons present; review of hearing purpose and advisement of rights
2. Review adequacy of notice and service of process on all known parents, putative and missing parties
3. Make inquiries as to paternity (as applicable) and child support
4. Receive testimony (as applicable): custodial parent, non-custodial parent, other parties and expert witnesses
5. Make case-specific reasonable efforts finding
6. Order services for child and parent(s) including visitation
7. Explain orders, deadlines and consequences of non-compliance
8. Distribute written orders with the date and time of the next hearing

Disposition Hearings

1. Introduce parties/persons present; review of hearing purpose and advisement of rights
2. Review adequacy of notice and service of process on all known parents, putative and missing parties
3. Make case-specific reasonable efforts finding
4. Review adequacy of case plan including service plans for child and parent(s), visitation including visitation with siblings and relatives (as appropriate); current placement and option of relative placement including need for ICPC
5. Address the need for restraining order(s) (as applicable)
6. Review child's long term permanency goal, appropriateness of goal, and of the case plan to achieve the goal
7. Review service needs of child and parent(s) including medical, mental health, child support and education

8. Receive comments and questions from parties and their attorneys, child welfare professionals, GAL, others
9. Explain orders, deadlines and consequences of non-compliance
10. Distribute written orders with the date and time of the next hearing

Review Hearings

1. Introduce parties/persons present; review of hearing purpose and advisement of rights
2. Review adequacy of notice and service of process on all known parents and putative fathers
3. Review efforts to notify foster parents (if not present)
4. Review current placement; option of relative placement
5. Address the need for ICPC and restraining order(s) (as applicable)
6. Review child's permanency goal, appropriateness of goal, and approval or revision of case plan to achieve the goal
7. Review and inquire about medical and mental health service needs of child and parent(s)
8. Review and inquire about education and other services for the child
9. Inquire about other services for parent(s)
10. Review visitation with parents, siblings and other relatives
11. Make case-specific reasonable efforts finding
12. Receive and elicit comments and questions from: parties and their attorneys, child welfare professionals, GAL, relatives, foster parents and others
13. Explain orders, deadlines and consequences of non-compliance
14. Distribute written orders with the date and time of the next hearing

Permanency Planning Hearing

1. Introduce parties/persons present; review of hearing purpose and advisement of rights
2. Review notice and service for missing parties (e.g., putative fathers)
3. Review efforts to notify child and foster parents (if not present)
4. Review progress being made toward permanency
5. Receive information about permanency options (e.g., adoption, guardianship, return home, another planned permanent living arraignment or APPLA)
6. Receive information about permanency plan decision and steps needed to achieve the chosen plan
7. Review and inquire about current placement
8. Review and receive information about visits with parents, siblings and relatives
9. Make case-specific reasonable efforts finding (if required); ICPC and ICWA (when applicable)
10. Receive and elicit comments and questions from parties and their attorneys, child welfare professionals, GAL, relatives, foster parents and others about appropriateness of permanency goal
11. Make permanency decision and set timeframes for achieving permanent plan
12. Explain orders, deadlines and consequences of non-compliance
13. Distribute written orders with the date and time of the next hearing

Termination of Parental Rights (TPR) Hearings

1. Introduce parties/persons present; review of hearing purpose, hearing significance, and advisement of rights
2. Confirm paternity (as applicable)
3. Review adequacy of notice and service of process on all known parents and putative fathers
4. Review services to child and parents, barriers to achieving the case plan and grounds for TPR
5. Receive/review admissions or stipulations (as applicable)
6. Review progress toward permanency
7. Discuss whether and why TPR is/is not in the child's best interest and alternatives to TPR
8. Receive information about permanency options (e.g., adoption, guardianship, return home, another planned permanent living arraignment or APPLA)
9. Receive information about permanency plan decision and steps needed to achieve the chosen plan
10. Review plan for final visit plan between parent(s) and child
11. Make case-specific reasonable efforts finding
12. Receive and elicit comments and questions about appropriateness of post-termination placement plan
13. Make decision regarding termination including whether or not grounds exist for termination were met and if termination is/is not in child's best interest
14. Explain orders, deadlines and consequences of non-compliance

Post Termination Review or Permanency Hearings

1. Introduce parties/persons present; review of hearing purpose (when foster parent and child present)
2. Review efforts to notify foster parents (when not present)
3. Review and inquire about appropriateness and terms of adoption subsidy
4. Review and inquire about disclosure of child's history and disabilities (if applicable)
5. Review progress and get updates on: efforts to recruit, screen, match adoptive parents for child; home studies conducted of possible adoptive parents; progress toward achieving adoption; ICPC (when applicable)
6. Review compliance with ICWA (when applicable)
7. Review adequacy of current placement; visits with siblings (when applicable)
8. Review and inquire about services for child including medical, mental health, education and other
9. Make case-specific reasonable efforts finding
10. Elicit comments and questions from parties and their attorneys, child welfare professionals, GAL, relatives, foster parents and others about appropriateness of permanency goal
11. Discuss next steps for adoption; approve or modify case plan
12. Explain orders, deadlines and consequences of non-compliance
13. Distribute written orders with the date and time of the next hearing