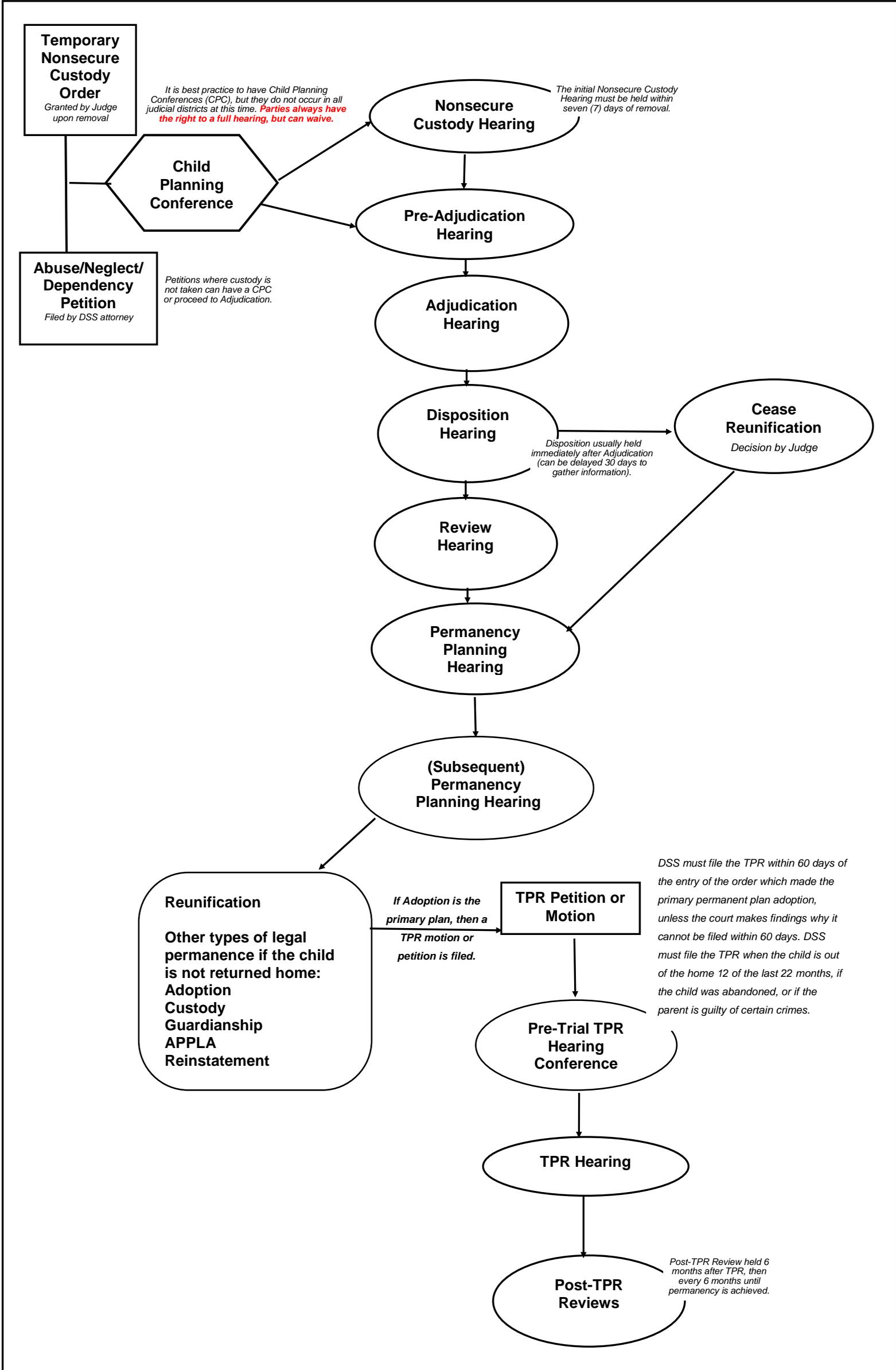


Juvenile Court Proceeding Chart



Juvenile Court Proceedings

	TYPE	DESCRIPTION
Juvenile Court Hearings...	<p>Child Planning Conference (CPC)</p> <p><i>CPC's are not hearings, but meetings that are facilitated by a neutral person employed by the court system. These meetings are generally held before the first Nonsecure Custody Hearing or soon after the first Nonsecure Custody Hearing.</i></p>	<p>A CPC helps families and court partners identify issues, resolve problems and develop action plans by sharing information and making recommendations about child placement, visitation, health and education services, paternity and child support. The primary objectives of the CPC are: (1) to discuss the family's case history; (2) determine what is in the best interest of the child; and (3) make appropriate recommendations (and enter into written agreements when possible) related to the parents and child. While a CPC is not designed to be a substitute for the adjudication and disposition of the juvenile petition, it can produce non-prejudicial agreements and plans that assist parents with improving their lives and shortening the length of court time necessary to resolve the juvenile litigation. An effective CPC provides opportunities for court partners and parents to get a head start on the juvenile court process.</p>
	<p>Nonsecure Custody Hearing (7-Day)</p> <p><i>Held within 7 days after the child is removed from the home.</i></p>	<p>In this hearing, the judge decides whether or not the child should remain in the agency's custody. Additionally, the judge inquires about missing parents, possible relative placements*, the status of other children in the home, and the child's needs pending adjudication. Findings about "reasonable efforts by DSS" are made at this and all subsequent hearings. <i>*The North Carolina Juvenile Code states that the court shall order placement of the juvenile with relatives unless the placement is contrary to the best interests of the juvenile. Placement of a juvenile with a relative outside of North Carolina must be in accordance with the Interstate Compact.</i></p>
	<p>Subsequent Nonsecure Custody Hearings (2nd 7-Day and 30-Day)</p> <p><i>Held within 7 days of the initial Nonsecure Hearing and then subsequent Nonsecure Hearings are held within 30-day intervals until Adjudication unless waived by the parties.</i></p>	<p>Until the time of the adjudication, each nonsecure custody hearing will review the need for continued custody, relative placement and other placement options, and the child's needs pending adjudication.</p>

TYPE	DESCRIPTION
<p>Pre-adjudication Hearing</p> <p><i>Often takes place immediately before the adjudication but can be set at an earlier date to allow for the gathering of additional information. The pre-adjudication hearing may be combined with a hearing on the need for nonsecure custody or any pretrial hearing or conducted in accordance with local rules.</i></p>	<p>At this hearing the judge considers the following:</p> <ul style="list-style-type: none"> • Retention or release of provisional counsel. • Identification of the parties to the proceeding. • Whether paternity has been established or efforts made to establish paternity, including the identity and location of any missing parent. • Whether relatives have been identified and notified as potential resources for placement or support. • Whether all summons, service of process, and notice requirements have been met and whether the petition has been properly verified and invokes jurisdiction. • Any pretrial motions, including <ul style="list-style-type: none"> ○ appointment of a guardian ad litem ○ discovery motions ○ amendment of the petition, or ○ any motion for a continuance of the adjudicatory hearing. • Any other issue that can be properly addressed as a preliminary matter.
<p>Adjudication</p> <p><i>Usually occurs within sixty days of the petition unless the judge orders otherwise but only pursuant to exceptions set forth in G.S.7B-803.</i></p>	<p>At this hearing, the judge is presented with the facts and circumstances surrounding the child’s removal from the home. The judge may find that the facts outlined in the petition do not amount to abuse, neglect, or dependency. If so, the judge dismisses the petition. If the judge finds that the facts in the petition do allege abuse, neglect, or dependency, then the judge has to determine whether there is clear, and convincing evidence that the allegations outlined in the petition are true. If the judge finds them to be true, then the child is deemed adjudicated. Otherwise, the petition is dismissed.</p>
<p>Disposition</p> <p><i>Often takes place immediately following the adjudication but can be set at a later date to allow for the gathering of additional information. However, it must be completed within 30 days of the adjudicatory hearing.</i></p>	<p>At disposition, the judge determines what should happen to the child—depending on the child’s best interests—now that abuse, neglect or dependency has been adjudicated. Disposition addresses such matters as placement, needed services, and visitation between the parent and the child.</p>
<p>Review Hearing</p> <p><i>Held within ninety days of disposition and at least every six months thereafter.</i></p>	<p>At each review hearing, the judge considers the progress of the parents and the needs of the child. Additionally, the judge reviews the need for continued custody and what efforts are being made to find a permanent plan for the child. Each review hearing requires court reports, which give the judge current information from DSS, the parents, and/or the GAL about the case progress.</p>

TYPE	DESCRIPTION
<p>Permanency Hearing</p> <p><i>Held within twelve months of the initial removal from the home and at least every six months there-after. Also held within 30 days of the judge ordering that reunification efforts shall cease. (Can take the place of a review hearing.)</i></p>	<p>At the permanency hearing, the judge must make a decision about the primary and secondary permanent plans for the child. Options are:</p> <ul style="list-style-type: none"> ○ reunification with either parent or placement with the guardian/custodian from which the child was removed, ○ adoption, ○ custody/guardianship to a relative or other suitable person, ○ Another Planned Permanent Living Arrangement (APPLA) or ○ reinstatement of parental rights. <p>The judge also looks at the efforts made by DSS to implement the permanent plan for the child.</p>
<p>Termination of Parental Rights (TPR)</p> <p><i>DSS must file the TPR within 60 days of the entry of the order which made the primary permanent plan adoption, unless the court makes findings why it cannot be filed within 60 days. DSS must file the TPR when the child is out of the home 12 of the last 22 months, if the child was abandoned, or if the parent is guilty of certain crimes.</i></p>	<p>At a TPR hearing, the judge decides whether or not the grounds alleged in the TPR petition/motion have been proven by clear, cogent and convincing evidence <i>and</i> whether TPR is in the best interest of the child. Witnesses may be called to testify about whether TPR is or is not in appropriate. If the parent's rights are terminated, then the parent is no longer a party to the abuse/neglect/dependency proceeding.</p>
<p>Post-TPR Placement Review</p> <p><i>Held within six months of the date of the hearing where the court terminated a parent's parental rights and every six months until permanency is achieved.</i></p>	<p>At post-TPR reviews, the judge reviews the permanent plan for the child and services that the child needs. In particular, the judge looks at efforts made by DSS to find a permanent placement if one has not already been located.</p>

Note: For all types of hearings, the judge's orders must be reduced to writing, signed and filed within 30 days of the hearing. The Judge may continue any hearing for good cause.