



NORTH CAROLINA
ADMINISTRATIVE OFFICE
of the COURTS

Child Planning Conferences Best Practices and Procedures For Juvenile Abuse, Neglect and Dependency Cases in North Carolina

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Court Programs Division



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I. INTRODUCTION

When the Department of Social Services (DSS) petitions the court to intervene in a family's life, a complex court process is set into motion that involves a large group of court partners: judges; attorneys for parents; Guardian *ad Litem* (GAL) supervisors, volunteers and attorney advocates; DSS social workers and supervisors (often from different divisions or teams); DSS attorneys; court clerks; court managers; and bailiffs. These court partners have diverse interests and roles in the litigation of a juvenile abuse, neglect and dependency petition. While they receive training and other resources to help them understand and navigate this complex court process, it is a challenging court environment even for those with court experience. Therefore, it is understandable that the parents and family members of the child who is the subject of a juvenile petition need additional help and support as they navigate the court process.

Getting parents and family members involved at the beginning of the court process is the key to enhancing safety, permanency and well-being for the child. In addition, families have more ownership in the court process when they have an active role in developing plans for themselves and their child. Research shows that early family involvement is predictive of better outcomes for children and the family.¹ A **Child Planning Conference (CPC)** is an important first step in gaining the trust of families and demonstrating the need for involvement of each member of the family. Family engagement in the court process is important given the high stakes for parents, children and extended family and the time frames that are legally allowed for planning once children enter foster care.²

For more than ten years, district courts in North Carolina have been using the CPC model to increase the efficiency and effectiveness of the juvenile court process. 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. Specifically:

- Each parent can meet their attorney and learn about their legal rights, the court process and the roles and expectations of the court partners who will be involved in their court case.
- Parent attorneys can meet their clients, gather and evaluate facts alleged in the petition, hear recommendations from DSS for the parents and determine what services are available to assist their clients.
- A visitation schedule can be set for the parents and child when appropriate.
- GAL volunteers, staff and the GAL Attorney Advocate can learn specific and important information about the child and begin immediately advocating for the child's best interests.

¹ Child Welfare League of America, 2003, <http://www.americanhumane.org/site/DocServer/CFSR-PIP-Review-Family-Engagement.pdf?docID=6782>

² Ibid

- DSS staff and their attorney can provide a more complete description of the situation than what was contained in the juvenile petition, based on their knowledge and involvement with the family. It also provides DSS with an opportunity to describe their recommendations and identify the resources that are available to assist the parents.
- Judges, who do not attend CPCs and who do not hear confidential information shared in the CPC, have found that a structured and informative CPC assists parents in more fully understanding the court process and the expectations of DSS. At the disposition hearing, judges are quick to recognize the initiative of parents who voluntarily enter into services soon after the CPC and encourage their participation in the creation of and adherence to their case plan.

Prior to filing a petition with the court, DSS social workers may have held other types of meetings with the families that included extended family members and community agency representatives who will also attend the CPC. However, CPCs are different from pre-court meetings that DSS facilitates with the family in several important ways. First, at the CPC each parent has his/her own attorney who can explain the juvenile court process and advise the parent about his/her legal rights and obligations. Secondly, the attorney's interest is to advocate for their client and a CPC can offer a win/win situation for parents who are given another opportunity to voluntarily agree to enter into recommended services or face the possibility that the judge will order the same or similar services three months later. Thirdly, the CPC provides a neutral setting for the conference. It is led by court personnel charged with administrative duties, such as planning the conference, showing the video, facilitating discussion and writing any agreements reached. The CPC marks a shift from *DSS recommended* case plans to *court ordered* case plans when children are taken into nonsecure custody by DSS.

CPCs offer the following ancillary opportunities:

- Achieve service of process for any parent who hasn't been served prior to the CPC;
- Parents and their attorneys can meet community-based service providers, make specific arrangements and set appointment dates;
- The child and parents can maintain continuity of care with their medical and mental health provider(s).
- Necessary paperwork, such as confidentiality forms and indigency affidavits, can be completed so that referrals/services can begin as soon as possible for the child and parents;
- Achieve early identification of a tribal affiliation for the Indian Child Welfare Act (ICWA);
- Court partners can agree to the terms of placement and investigation of relatives for potential placement in the future;
- Parents may have to attend an *abbreviated* nonsecure hearing or appear before the judge to enter the MOA; and
- Issues of paternity can be addressed.

The purpose of this document is to describe best practices and procedures for conducting CPCs identified in North Carolina over the past ten years. The document defines essential ideas and court practices needed for a successful CPC and discusses the practical aspects of implementing CPCs within a district court. These concepts are intended to be applicable for every district court in North

Carolina. Model forms for use at CPCs are included at the end of the document. See *Appendix, Section 2*.

II. BEST PRACTICES

The six best practices for a successful Child Planning Conference (CPC) in North Carolina are:

1. Proactive Judicial Leadership
2. Committed Local Advisory Committee
3. Collaboration among Court Partners
4. Meaningful Outcomes
5. Signed Written Memorandum of Agreement
6. Specialized Training

Best Practice 1: Proactive Judicial Leadership

Successful implementation of any new endeavor in juvenile abuse, neglect and dependency court requires proactive leadership from the judges who preside in that court. Judges must lead the charge and demonstrate the need for new policy and innovations that may represent a significant change in the court culture. According to *Working with the Courts in Child Protection*:

. . . strong judicial leadership is essential to successful implementation of reforms and improvements in how child protective services (CPS) and the courts process child maltreatment cases. While judges alone cannot initiate change, their support and leadership are critical to reforming court practice. Like all effective leaders, judges must have a vision for what can and should be accomplished. The vision and how it is communicated by the words and actions of the judge and others who share it can motivate juvenile court practitioners and can provide meaning and value to their work.³

When judicial leaders make CPCs a priority, court partners are empowered to implement CPCs in their district. While any Family Court district or Court Improvement Project (CIP) district is already equipped with qualified staff that can provide the administrative support necessary to implement successful CPCs, any juvenile court can implement CPCs with the assistance of court or contract staff and achieve the same outcomes.

Best Practice 2: Committed Local Advisory Committee

Because juvenile court involves a large cast of court partners, agreement to implement and sustain effective CPCs must include both high-level decision makers on a Local Advisory Committee (LAC) and representatives from juvenile court on a Local Rules Committee. The Chief District Court Judge or his/her designee should preside over the LAC and other members should, at a minimum, include the director of the Department of Social Services, the GAL district administrator, at least one parent attorney representative and a representative from mental health, public health, and public schools. Initially, the LAC should meet at least quarterly to organize and implement new juvenile court

³ Jones, The Honorable William G., *Working with the Courts in Child Protection 2006 User Manual Series*, Child Welfare Information Gateway, <http://www.childwelfare.gov>

procedures, including CPCs. Subsequent meetings should be convened to monitor the progress of the CPCs, solve problems, address concerns and assess CPC outcomes.

An important role of the LAC is to establish a Memorandum of Agreement (MOA) between the court partners that states the agreement to support and participate in CPCs, addresses best court practices, partner collaboration, training, cross training and any other issues necessary to memorialize the community's specific commitments for juvenile court. In 2008, a Memorandum of Understanding (MOU) was signed between the North Carolina Administrative Office of the Courts (NCAOC), the Department of Health and Human Services (North Carolina's Division of Social Services), and the Office of Indigent Defense Services. This MOU describes joint responsibility to protect and provide permanency to North Carolina's children while improving outcomes for families involved in abuse, neglect and dependency court proceedings. Each agency listed above encouraged local leaders to draft or review/revise their local Memorandum of Agreement as outlined in the state level MOU.

Another important role of the LAC is to perform continuous self-monitoring and regular assessments, which will help to improve the court system and provide information to the people who are responsible for the court system such as the Chief District Court Judge. Most assessments address three issues: (1) whether the court achieved what it wanted to achieve; (2) whether the court did what it said it would do; and (3) whether the identified needs of the court system were addressed. The assessment plan should be designed to collect information to determine whether the goals were accomplished and to learn how to improve activities, practices and services. NCAOC Court Programs staff is available to facilitate a district's self-assessment.

Most districts have found it helpful to have a Local Rules Committee to draft/revise local rules that are then reviewed and approved by the LAC before final approval by the chief district court judge. It is important that the professionals involved in the daily operations of the juvenile court are involved in planning the best way for CPCs to be implemented in a district. One of the most difficult issues to resolve is a logistical problem that is especially apparent in small counties or multi-county districts: how can the entire cast of court partners make attending CPCs a priority in their busy schedules? Effective local rules describe specific procedures to ensure that once a juvenile petition is filed, everyone in the district knows what needs to be done to move the case through the system in a timely, predictable and effective manner. The CPC can literally be held on "Day One" – within 24 hours of the petition being filed. However, it is recommended that the CPC be held no more than three days after the filing of the juvenile petition. Presiding judges and court managers are primarily responsible for managing cases and making certain that juvenile cases are resolved within statutory guidelines. In most districts, there are more cases than available court time; therefore, applying case management principles and tools are essential for encouraging resolution and decreasing the number and/or length of contested hearings. An effective CPC is a key case management tool for steering parties and court partners in a productive direction. In addition, it sets the tone and lays the groundwork early in the case to increase cooperation and decrease conflict throughout the juvenile litigation process.

Best Practice 3: Collaboration among Court Partners

Open and clear written and oral communication between all local juvenile court partners is essential for effective system collaboration. The CPC should establish a supportive atmosphere in which all parties are treated with dignity and respect. It is a process that should focus on understanding the challenges the case presents and solving them as quickly as possible. At the CPC, relationships are established, and a tone is set for future interactions. The CPC should create an environment

that encourages families involved in a typically adversarial court process to move toward a more cooperative relationship with the multiple professionals involved in the court process. In order for the tone and environment to produce the desired results, all local juvenile court partners must agree upon the appropriate levels of court resources as well as a local procedure to use for conducting CPCs. A commitment to regular attendance and participation, as well as a mutual understanding and agreement to model respectful cooperation and professionalism in all interactions, is essential for system collaboration.

All parties should be represented at the CPC. Each participant has a specific role to play and contribution to make at the CPC. Specifically:

- Court personnel are necessary as organizers and facilitators;
- Both parents, including any putative fathers and/or guardian need to be informed about the court process, provide information and take an active role to remedy the conditions that led to the petition being filed;
- Court-appointed attorneys for each parent/guardian represent the clients' wishes;
- Indian Child's Tribe representative focuses on the best interest of the child and tribe, as defined by the Indian Child Welfare Act (ICWA), and to decide whether to become a party to the action or assume jurisdiction;
- Children need to be informed of the court process on an age-appropriate and developmentally-appropriate level⁴;
- Family members or natural supports (people that children and parents consider important in the child's life) need to be informed of the court process, provide information and possibly volunteer as placement options;
- DSS social worker(s) summarizes the history of the case, explains the basis of why DSS determined court intervention was necessary and makes recommendations about placement, services and visitation;
- DSS attorney represents the position of the agency;
- Foster parents learn more about the child's needs and, if the child is in attendance, provide support to the child and begin establishing a respectful relationship with the family;
- GAL volunteer (appointed at the time a petition for abuse or neglect is filed) advocates for the best interests of the child and informs the court of the child's wishes;
- GAL supervisor or staff supports the GAL volunteer and advocates for the best interests of the child;
- GAL attorney advocate represents the child's best interest and protects the child's legal rights;
- Service providers such as mental health and the health department become familiar with the case and set up any necessary medical appointment(s) for the child and/or parent(s);

⁴ National trend is to include child(ren) in all aspects of the court process unless it would be detrimental to the child's well-being. Maturity of individual child(ren) should be considered. RESOURCE GUIDELINES: Improving Court Practice in Child Abuse and Neglect Cases, published by the National Council of Juvenile and Family Court Judges, Reno, Nevada, 1995

- School social worker or school system(s) representative contributes educational history and special school needs for the child and helps arrange transportation so that the child can maintain enrollment in his/her school when possible; and
- Others who have relevant information or provide resources to the child and family.

Best Practice 4: Meaningful Outcomes

The CPC should be a meaningful event for all participants. Each participant needs to benefit from attending the CPC. By sharing information and discussing the case history, issues will immediately be out in the open so that they can be collectively understood. Problems can be addressed, services can be arranged and the family can begin working toward reunification. A major benefit for all involved is being able to meet the other participants in person. Additional advantages for each participant will vary, but some of the added benefits are listed below.

- Parents need to be educated about the juvenile court process, which is likely different from any other legal experience or knowledge. Parents will learn from several types of resources (such as court staff, a video, a booklet, group discussion and their attorney) what to expect from others and what will be expected from them as the case moves forward.
- Parent attorneys have the opportunity to meet privately with their client, discuss the family situation/history and provide direction and advice shortly after the petition is filed. They can assist and ensure that their client completes the Affidavit of Indigency for immediate review and approval by the judge. With fast access to all of the relevant participants, the attorney will be able to quickly learn about important aspects of the case and provide advocacy and sound legal advice.
- Indian child's tribe representative should be available to focus on the best interest of the child and tribe as defined by the Indian Child Welfare Act (ICWA), if applicable. The tribe can then decide whether to become a party to the action or assume jurisdiction. The CPC is also a good opportunity for the participants to learn about tribal affiliation and access to those resources if the affiliation was not known at the time the petition was filed.
- Children who are considered to be age-appropriate and mature are able to contribute their opinion about the topics discussed and will become informed of the court process. They need to have an active voice in shaping their future.
- Family members or natural supports learn about the court process and have the opportunity to provide health and educational history about the child. Often their presence can be a comfort to the parents. These supportive people may also volunteer as placement or respite options.
- DSS has the opportunity to summarize the case history, connect with service providers, arrange visitations and other appointments, as well as encourage the parents to take advantage of services so that they can be reunified with their child as soon as possible.
- GAL is able to become familiar with the facts of the case and advocate on behalf of the child to arrange the first visitation with the parent(s) and access additional community resources. A GAL is always appointed when abuse or neglect is alleged; however, a GAL may also be appointed in a dependency case at the judge's discretion.
- Foster parents become familiar with the facts of the case and learn about the resources being recommended for the child in their care. They can give input on what appointment times for the child will work best with their schedule. They can meet the parent(s) and learn about the child's

allergies, special conditions, disabilities and limitations as well as details like the child's bedtime routine or meal preferences.

- Service providers from mental health and the health department or similar agencies become familiar with the facts of the case. They can ask specific health-related questions that could impact the type of treatment and care that is recommended for the child or parent(s). Service Providers can bring a calendar so they can set up any appointment(s) for the child and/or parent(s) at the earliest opportunity so that treatment can begin as soon as possible.
- School social worker or school system representative become familiar with the facts of the case so that they can coordinate school-time services, apprise the child's teacher(s) of the case, as appropriate, and are better equipped to meet and respond to the child's needs while at school.
- Court personnel are able to gather and provide information, including notice about the next court hearing date, so that communication is clear and timely. The court is advised of the recommended service plan early in the case. In addition, the nonsecure custody hearing is expedited and the opportunity that the adjudication should be resolved by summary hearing is increased.
- Sheriff is able to effectuate service of process if it has not already been completed. Court delays for lack of service will be reduced when parents are able to be served at the CPC.

Best Practice 5: Signed Memorandum of Agreement

The CPC should result in a signed Memorandum of Agreement (MOA) between the participants. The MOA should include a summary of the topics that were discussed and recommendations that were made. See *Model Document D in Appendix, Section V*. If all parties consent to the recommendations made at the CPC, all parties and the judge can approve and sign the MOA stipulating to the agreements to expedite the initial nonsecure custody hearing. The MOA will be incorporated by reference into the Order for Continued Nonsecure Custody (AOC-J-151). See *Model Document D in Appendix, Section V*. As a result, the parties and the court will spend less time in the courtroom, and the need for additional hearings prior to the adjudication will be reduced.

The Local Advisory Committee (LAC) can determine whether CPCs will be held for all petitions filed or solely for petitions where nonsecure custody is ordered. In the event that a CPC is held in a case where a child is not taken into nonsecure custody by DSS, the approved and signed MOA will not be a court order unless specific Findings of Fact, Conclusions of Law and the Decree are included. These elements ensure that the order will be legally sound. The model MOA, found in the Appendix of this document, is structured to apply to cases where a child is in nonsecure custody and the Order for Continued Nonsecure Custody will be used.

Best Practice 6: Specialized Training

CPCs are most successful when all participants are appropriately informed about the process and prepared to make an effective contribution. Therefore, all court partners are encouraged to participate in trainings and educational opportunities so that expectations are clear and the goal of getting services started prior to the adjudication is a fair and effective process for everyone. The conference facilitator has a key role in making sure that the conference runs smoothly and efficiently. It is important that this individual is skilled in facilitation and knowledgeable about the juvenile court process before leading a CPC.

Counties may wish to collaborate on training for DSS, GAL, parent attorneys, other community partners and court staff. Multi-disciplinary trainings will allow the local participants to hear the same

information at the same time. Each participant will have the opportunity to shape the CPC process to meet mutual and individual goals.

Educational resources are available online and should be made known to all participants. Training about CPCs may include workshops for the following:

- Describing and discussing the juvenile court process in the district – step-by-step from filing the petition through the conclusion of the case;
- Developing a CPC script and discussing the topics covered during a CPC;
- Reviewing and developing a MOA and discussing the best practices for handling cases;
- Discussing the Parent’s Handbook and developing any local materials if appropriate;
- Viewing the video, entitled *The Choice is Yours*, that is shown to parents at the CPC and talking about the information presented; Content covered by this 16 minute video includes an overview of the juvenile court process from the CPC to the TPR stage; and
- Viewing a video of a mock CPC (under development by the NCAOC) and discussing questions about how steps can be applied locally.

III. BEST PROCEDURES

The four best procedures for a successful Child Planning Conference (CPC) in North Carolina are:

1. Appropriate Meeting Environment
2. Meaningful Participation
3. Convenient Meeting Time
4. Structured Process

Best Procedure 1: Appropriate Meeting Environment

Conference room space in a courthouse is a valuable commodity and can be hard to come by; therefore, it is recommended that the LAC work with county and city officials to secure a permanent location for CPCs. When conferences are held in the same place, it sends a message that the court community is committed to the meeting and lets families and professionals know that the CPC is important. Reserving the same space and scheduling CPCs on the same day and/or at the same time of day reduces confusion when noticing people to attend and with participants knowing where to go each time a conference is held.

Security is paramount when it comes to convening CPCs so facilitators need to ensure that everyone is safe. If there is a concern about domestic violence or intimidation between the parties, then extra precautions can be taken to be certain that the parties will not be alone together. Facilitators must also include the sheriff’s office in the planning process when implementing CPCs so that they are aware of this new procedure and can be readily available to assist by keeping order at the meeting when necessary. The Sheriff’s Office will also need to be included in creating a protocol for bringing parents to the CPC who are incarcerated if the LAC decides to include incarcerated parents in CPCs.

Best Procedure 2: Meaningful Participation

It is important that everyone feels free to express themselves and participate in the CPC process. The facilitator and parent attorneys need to make it clear to each parent that a family member or

natural support person should be invited to the CPC by the parent only if the parent is comfortable having that individual in the room. In addition, if either parent is uncomfortable having additional family members or natural supports present, the parent needs to advise their attorney of that fact and the attorney or the facilitator can inform the person that their participation is not permitted. The facilitator must use his or her best judgment to ensure that each participant has relevant information to contribute or a valid purpose for participating in the CPC.

Foster parents are not always available to participate in the CPC, but whenever possible, their attendance is highly recommended because it allows a valuable opportunity to alleviate the parents' fear for their child's safety, as well as a chance for the foster parent to learn more about the child's specific needs. However, anonymity is important for the safety of the child and foster parent so it is recommended that the foster parent only write his or her first name on the Sign-In Sheet.

The best practice is for all parties to participate in the CPC. However, it is possible to conduct a CPC with a minimum number of participants, including the court facilitator, at least one parent, all parent attorney(s), DSS social worker and GAL staff and/or volunteer (for abuse and neglect cases). In the event that no parent is present, the remaining parties may still wish to meet informally without the direction of the court facilitator. However, this informal meeting does not satisfy the requirements of a CPC so the court will need to determine whether to schedule another CPC.

Best Procedure 3: Convenient Meeting Time

Finding a regular time that is convenient for everyone can be difficult, but it is crucial for all participants to set aside time for potential CPCs and be available on short notice at that time. The time of day that a CPC is scheduled will vary by district but court schedules and the availability of regular participants should be considered when selecting a time. Some districts have found that holding the conference over the lunch hour or at other times that court is not in session is generally convenient for most parties. Reaching consensus about the time is very important and an important topic for the LAC.

Parents and their attorneys need to be instructed to arrive 45 minutes and 30 minutes prior to the start of the CPC, respectively. This early arrival allows time for the parents to watch an informational video, *The Choice is Yours*, that explains the court process and meet privately with their court appointed attorney before the meeting. All other participants are noticed to arrive at the exact start time of the CPC. For example, if the CPC was to be held at 1pm, the parents would arrive by 12:15pm to watch the video, their attorneys would arrive by 12:30pm to meet with their clients and all other participants would arrive by 1pm so that everyone is present and available to begin the CPC in the conference room. The CPC with all participants present should last about one hour.

It is important that all participants be respectful of the time allotted for the CPC. The facilitator is responsible for keeping the conference on point and on time. A skilled facilitator is able to interrupt and redirect the discussion so that the meeting does not exceed the time allotted but still allows everyone to participate.

Best Procedure 4: Structured Process

A case should move through the CPC process swiftly and deliberately with the mutual cooperation of all court partners. Although details of the CPC process may happen in a slightly different manner in each county, the same structure should apply. Prior to the CPC, the following steps take place:

- 1) DSS staff determines that removal of the child from the home is in the best interest of the child *or* that court intervention is necessary and notifies the court that a petition is pending.
 - a) The clerk or juvenile case coordinator assigns dates for the CPC.
 - b) Provisional counsel is assigned and notified to attend the CPC by the appropriate person or office, according to local agreement.
 - c) Court personnel advise DSS of all dates and attorney assignments.
- 2) DSS staff files a petition with the court.
- 3) The petition is served and distributed.
 - a) The Sheriff's Office serves the parents with court documents, including the petition, civil summons and written notice to appear for the CPC.
 - b) A copy of the petition is distributed according to local agreement to the CPC facilitator, parent attorneys and, if the case involves abuse/neglect, the GAL office is notified and a GAL volunteer is appointed. The DSS social worker needs to make every effort to advise the parents of the date, time and location of the CPC so that the parents will attend even if they have not been served.
- 4) DSS staff informs the court of any special circumstances so that the facilitator can make appropriate arrangements. For example, if the parents have a history of domestic violence, a sheriff's deputy should be present. If the parents do not speak English, an interpreter should be arranged. See *Foreign Language Interpreter Policy in Appendix, Section V*.
- 5) Parents arrive 45 minutes prior to the CPC as instructed by the social worker and/or Civil Summons.
 - a) Parents are greeted by the facilitator (Juvenile Case Coordinator, Court Improvement Project Director or other designated court staff) who provides them with a copy of the *Parent's Handbook* and gives a brief overview of the events associated with the CPC.
 - b) Parents watch the video *The Choice Is Yours* (the VHS tape/DVD contains both an English and Spanish version). Other participants may watch the video with the parents.
 - c) The facilitator inquires whether the parents have been served with the petition. If they have not been served, the facilitator can arrange to have a sheriff's deputy come to the CPC location to serve the parent(s).
- 6) Following the video, parents have 30 minutes to meet privately with their court appointed attorney to discuss their case and complete the Affidavit of Indigency (AOC-CR-226) before the CPC begins.
- 7) All parties gather in the conference room and the facilitator convenes the CPC.

During the CPC, the facilitator begins by providing a brief overview of the process, establishing ground rules, setting expectations and discussing the potential benefits and outcomes. The facilitator may use a script to guide the conversation. See *Model Document C in Appendix, Section*

V. All participants then introduce themselves and enter contact information on the Sign-In Sheet & Confidentiality Agreement. *See Model Document A in Appendix, Section V.*

There has been debate surrounding the use of a signed Confidentiality Agreement at the CPC. It is common practice in many districts to begin the CPC by asking participants to sign a Sign-In Sheet that is also a Confidentiality Agreement, meaning that any information discussed at the CPC will remain confidential. This creates something of a paradox. On one hand, information contained in the juvenile's court file is protected by statute (NCGS §7B-2901). On the other, anything that is shared at the CPC is heard by all parties and might potentially be used for or against the interest of either the parents or child at a later date if the information can be independently verified after the CPC. However, because the CPC provides an opportunity for review of the history of the case with legal representation present for all parties, using the Sign-In Sheet for both purposes (recording contact information and reinforcing the private nature of the discussion) is recommended. Parties may choose to consult privately or quietly with their attorneys at anytime during the CPC.

The facilitator leads the discussion regarding the parent's address and contact information, paternity, child support, services, placement and visitation. Parties can discuss concerns and identify points of agreement. Issues are negotiated by all participants. The CPC is structured to address the following topics:

- Rights of the parents;
- Ground rules for CPC, including confidentiality;
- Roles and responsibilities of each of the participants;
- Contact information for participants;
- Identification and location of any absent parent;
- Determination of whether the Indian Child Welfare Act is applicable;
- Paternity;
- Discussion of child support, whether or not there is an open case or one should be opened; Affidavit of Parentage may be completed, if appropriate;
- Concise history of the case;
- Identification of any family member who is a potential placement option or source of emotional or financial support for the child or family, *See Model Document B in Appendix, Section V;*
- Verification of any immediate needs the child or parents may have and determination of how they can be met;
- Assessment of the need for mental health, substance abuse, medical or other diagnostic tests for the parents and the child (sometimes these assessments cannot be initiated until after there has been an adjudication of abuse, neglect or dependency);
- Identification of relevant records, including criminal, medical, educational and substance abuse or mental health treatment for parents and the child and discussion about releases;

- Timing of visitation/phone contact with parents and siblings if the child is placed outside the home;
- Appropriateness of the case for permanency mediation (if available); and
- Future court dates.

After the CPC, the Court may enter agreements into the record in several ways. The Court may incorporate the MOA by reference into the Order for Continued Nonsecure Custody or rule on any issues not resolved and conduct a nonsecure custody hearing (NCGS §7B-506). Parties may not appear before the court until the pre-trial conference for the adjudication hearing or the adjudication hearing itself if the child is not taken into the custody of the Department of Social Services.

The best practice is for the parties to go before the court immediately after the CPC. It is ideal for them to appear before the judge who will be presiding at the adjudication hearing. However, this may be a hardship in multi-county districts if the juvenile judge is assigned to another county. In that case, it is recommended that the parties appear before any available district court judge.

All parties under the jurisdiction of the court should appear together before the judge so that the judge has the opportunity to question parties about their willful participation in the CPC and contribution to the MOA. The purpose of this court appearance is to memorialize the agreement and have it approved and signed by the judge. It is recommended in an effort to ensure that all agreements are legally sound that the MOA be incorporated by reference into any orders of the court. This appearance is also a good time to have the Affidavit of Indigency sworn by the clerk and signed by the judge so that the parent attorneys are properly appointed.

IV. CONCLUSION

In a challenging and complex juvenile court system with many different court partners, the families involved need assistance in navigating the court process and resolving their issues. Child Planning Conferences (CPCs) allow parents and family members to be involved from the very start, which is necessary to ensure the safety, permanency and well-being of the child. CPCs provide the family and the court partners an opportunity to discuss the juvenile petition and placement options in a non-adversarial manner and make appropriate recommendations for the parents and child.

The best practices and best procedures addressed in this document are the essential components for a CPC. The document explains the planning and implementation process for CPCs and it provides a step-by-step guide to conducting a CPC that is both effective and efficient. CPCs can reduce the length of court time that is needed to resolve juvenile litigation. While the CPC requires additional time from participants and scheduling by the court at the beginning of the case, the end result of the family having early, active involvement can reduce the overall amount of time and resources necessary for these complex and sensitive cases. Applying the principles outlined will lead to a more productive and successful CPC, and ultimately to better outcomes for children and families involved in the court process.

V. APPENDIX

1. Foreign Language Interpreter Policy

Foreign language interpreters are available at state expense for Child Planning Conferences (CPCs) when the non-English speaking respondent has been determined to be indigent by the court. To obtain the interpreting services of a Spanish court interpreter for an indigent respondent, the appropriate person designated (i.e. respondent's court-appointed counsel) must refer to the Spanish Foreign Language Registry available online at www.nccourts.org. The direct link for the Spanish Foreign Language Registry is:

<http://www.nccourts.org/Citizens/CPrograms/Foreign/Documents/spanishforeignlanguageregistry.pdf>

Scroll down to your district and choose an interpreter at the highest proficiency level available to provide service in your district, beginning with the Level A – Certified interpreters. To minimize travel expenses, please try to choose the highest-level interpreter available within the closest proximity by referring to the County of Residence listed next to the interpreter's name. Contact the interpreter directly and arrange for services. The interpreter will bring an Interpreter's Daily Log (AOC-A-216) for the requisite signature verifying the time the interpreter provided service.

In districts with staff court interpreters (designated in red on the chart online):

For any required court appearances to review and sign the CPC Memorandum of Agreement before a judge, the staff court interpreter must be advised in advance of hearing and must cover the court appearance if available. If the staff court interpreter advises he or she is unavailable, the staff court interpreter will arrange for a contract interpreter to be present in court for the court hearing, pursuant to NCAOC policies and best practices for choosing an appropriate level court interpreter. All contractors have been advised that they must have the authorization of the staff court interpreter prior to providing interpreting services in court.

Note: The language in this script refers to only one child and one father. If siblings are also subjects of a petition and/or more than one father is involved or named, please ensure you address everyone involved in the appropriate sections.

1. WELCOME

- Good morning/afternoon. My name is facilitator name. I will be facilitating today's Child Planning Conference. Today we will be discussing the petition that involves child's name that was filed on date. Is his/her name spelled correctly? The petition lists his/her date of birth as DOB, is that correct?
- The purpose of this CPC is to inform the parents of their rights, define the role of all parties in the case, to share information about the family's situation and to discuss and possibly reach agreement about services, placement and visitation.
- During the CPC, I will be writing/typing your discussion in a written document called a Memorandum of Agreement–MOA for short. At the end of today's meeting, I will read the MOA aloud, and you will have the opportunity to correct any mistakes and to make additions before signing the MOA. The MOA will also be given to the judge for approval at your first court appearance. The MOA will be incorporated by reference into the nonsecure custody order.

2. PARENT RIGHTS

Parents have a right to have –

- An attorney present at any and all hearings;
- A hearing before a district court judge within seven days to determine whether there is a need for continued nonsecure custody (*Mention this only when a nonsecure custody order has been issued*); and
- A copy of the petition served on them by the County Sheriff's Department.
Mr/Ms _____, have you been served? (*If not, request that the Sheriff visit during CPC*)

3. PARTICIPANTS

Next I'm going to pass around this Sign-In Sheet & Confidentiality Agreement –

- The purpose of the Sign-In Sheet & Confidentiality Agreement is to record contact information for everyone who is here and also to reinforce that today's discussion involves a child and should be kept private.
- As this sheet is being passed around, please introduce yourself and let us know how you are involved in this matter so we know who is here with us today. (*Be sure to invite the Guardian ad Litem to explain the role of a Guardian ad Litem in the case if he/she has not already done so.*)

4. PARENTS

Let's verify the contact information listed on the civil summons for each parent –

- MOTHER: Ms _____, is your name spelled correctly? Is the address listed where you can currently be reached? Is that where you are living? What is the best phone number to use to get in contact with you? For Child Support and GAL purposes, it is important that you share your date(s) of birth, and social security number(s).
- FATHER: Mr _____, is your name spelled correctly? Is the address listed where you can currently be reached? Is that where you are living? What is the best phone number to use to

get in contact with you? For Child Support and GAL purposes, it is important that you share your date(s) of birth, and social security number(s).

- ABSENT/MISSING: Are there any parents who are not here with us today? What is his/her name?
 - When was the last time you saw missing or absent parent?
 - Do you know the last known address, current employer, telephone number, date of birth (approximate age), or social security number of missing or absent parent?
 - Do you know where missing or absent parent's family lives?

5. PATERNITY

Let's discuss paternity for each child –

- The petition lists Mr. father as the father of child. Is that correct?
 - Is that the name on the child's birth certificate?
 - Was the mother married at the time of the child's birth? Is there a known legal father?
 - Has the father acknowledged paternity?

6. CHILD SUPPORT

Is there an active case with Child Support Enforcement? Is child support being paid?

7. CASE HISTORY

Social Worker, please describe a brief history of the case and explain the circumstances that led to the filing of the petition –

- Parents, do you have anything to add?
- Does anyone else have questions about the case history?

8. PLACEMENT

What type of placement is the child currently in? (*Example: relative, foster care, group home, other?*)

- *If the family has multiple children: Are the children placed together? (If not, list the placement type for each child)*
- How is the child doing?
- Are there potential relatives who may be placement options for the child?
 - Parents, please list the name, address, phone number, and birth date for every potential relative placement on the Relative Information Sheet that I will pass around now.

9. HEALTH RECOMMENDATIONS

Let's talk about health recommendations for the parents and child_–

What services is DSS recommending for the mother? (*common recommendations might be: Mental Health Evaluations; Substance Abuse Assessments; group or individual therapy*)

- Let me read back the health-related services recommended for the mother:
_____.
- Ms. _____, do you agree to those recommendations? Are there additional services that you need?

What services is DSS recommending for the father? (*see common recommendations above*)

- Let me read back the health-related services recommended for the father:
_____.

- Mr. _____, do you agree to those recommendations? Are there additional services that you need?

Before discussing health recommendations for child's name, let's talk about his/her medical history.

- Where was the child born and in what hospital?
- Who are the child's primary physician and dentist?
- Does the child have any allergies or medical conditions?
- Has the child ever had a mental health or developmental evaluation, Child Medical Examination, or occupational therapy?
- Where are the child's immunization records?

What health recommendations are being made for the child?

- Let me read back the health-related services recommended for the child:
_____.
- Mr/Ms _____, are there any other services the child might need?

10. SERVICE RECOMMENDATIONS

Let's talk about service recommendations for the parents and child –

Starting with services for the parents:

What services is DSS recommending for the mother? (*Common recommendations might be: finding employment, registering with Child Support Enforcement, completing parenting classes*)

- Let me read back the services recommended for the mother: _____.
- Ms. _____, do you agree to those recommendations? Are there additional services that you need?

What services is DSS recommending for the father? (*see common recommendations above*)

- Let me read back the services recommended for the father: _____.
- Mr. _____, do you agree to those recommendations? Are there additional services that you need?

Before recommending services for child, let's talk about some of the child's school history.

- Which school is the child currently attending? Who is the contact person at the school? Do you (*parents and/or social worker*) want the child to remain at his/her current school? What schools has the child attended in the past?

What services are being recommended by DSS for the child?

- Let me read back the services recommended for the child: _____.
- Mr/Ms _____, are there any other services the child might need?

11. RECORDS

The agencies and attorneys who are involved with helping the family sometimes require records about the family members. It is often helpful for the parents to sign written releases for various types of information about themselves and their child. (*Encourage DSS to clarify which release forms would be most beneficial for the case. It is not the CPC facilitator's responsibility to manage the release form process.*)

- After DSS is granted nonsecure custody of a child, it has the authority to request and to be provided with any medical, mental health and educational records pertaining to the child.
- The Parents' Attorneys have the authority to request and to be provided with any Child Protection Services history and may obtain release forms to access other medical records.
- The GAL office can request records for both the child and parents involved in the case.

12. VISITATION

Has a visitation plan for Mr. (father) or Ms. (mother) been established?

- If so, what is it? (*If parents have separate visitation plans, list them separately*)
- If not, while we are here today, let's set up the first visit.
 - DSS, when and where do you recommend for the first visit? Will the visits be supervised? By whom? Can that be an ongoing appointment?
 - Parents, when are you available?
 - Foster parents, will that time work with your schedule?
 - Is phone contact a possibility? DSS, can you clarify the parameters for phone contact?

13. PERMANENCY MEDIATION

Would the parties recommend this case for Permanency Mediation? (*Note: Permanency Mediation is available in a limited number of districts. If your district provides this program, encourage the participants to discuss the appropriateness of this case for the program and set up an appointment for the session*).

14. FUTURE COURT DATES

The next hearing in this case will be at time AM/PM on date in location/courtroom #. The purpose of the hearing will be details.

15. CONCLUSION

- Does anyone have questions before I read back the MOA? (*Read MOA aloud*)
- Any questions/changes after MOA was read? (*Make any necessary changes*)

If there are no more questions, I will print a copy of the MOA to present to the judge for approval in the courtroom. All participants are asked to appear before the judge after this CPC. The purpose of this court appearance is to memorialize the agreement and have it approved by the judge during an abbreviated nonsecure custody hearing. After it is approved and incorporated into a court order, copies will be provided for everyone.

D. Memorandum of Agreement

Note: The language in this document refers to only one child and one father. If siblings are also subjects of a petition and/or more than one father is involved or named, please modify this document to ensure that everyone is referenced in the appropriate sections.

State of North Carolina
_____ County

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
___ JA ___

IN THE MATTER OF:

DOB:

Memorandum of Agreement

1. This agreement is based on the parties' discussions during the Child Planning Conference on (date) and contains the parties' mutually acceptable understanding of the issues discussed. The parties acknowledge that they have entered into this agreement knowingly, intelligently, voluntarily, and with a full understanding that this agreement will be submitted to the court. For the purposes of this Memorandum of Agreement, all defenses that could be made by all parties are preserved. In order to protect the rights of all parties, this Memorandum of Agreement does NOT serve to waive any standard objections by law.
2. Attorneys have been provisionally appointed to represent the parents at this CPC. Upon completion of the Affidavit of Indigency by the parties, swearing of the Affidavit by a Clerk of Court and signing of the Affidavit by a judge, attorneys will remain appointed in this matter until a request to withdraw is granted or the attorney is relieved from further duties. If a party does not qualify for court appointed counsel, the provisionally appointed attorneys will be released.
3. Participants in today's CPC include: (*List those in attendance by name, role/title*)
4. Parent(s)
(List the name and location or last known location of each parent as well as contact information such as phone, email, etc.).
5. Paternity
 - The child's legal father is name (DOB: ____). He lives at address and his telephone number is (____) _____.
 - Name (DOB:____) is the child's putative biological father.
 - The putative father does does not acknowledge paternity of this child. If the father does not acknowledge paternity, a paternity test will be done by date at agency/location.

6. Service

- The mother, name, has has not been served with the Civil Summons, Petition and Affidavit of Status of Minor Child.
- The father, name, has has not been served with the Civil Summons, Petition and Affidavit of Status of Minor Child.

7. Indian Child Welfare Act

- The child is is not of Native American or Alaskan Native heritage. His/her tribal affiliation is _____.
- Name (Phone: _____) is the appropriate tribal contact who should be made aware of the case.

8. Child Support

- Child Support for the child is is not being paid pursuant to a child support order from name/location of court on date in the amount of \$_____.
- A child support case needs to be filed.
- An Affidavit of Parentage has has not been completed.

9. Case History

(Include a concise summary of the information shared during the discussion.)

10. Placement

- The social worker shared that the child is currently living _____(what *type* of placement-foster case, relative, group home, etc.).
- The parents have identified family members who may be potential placement options. The names and contact information of those family members has been written on the Relative Information Sheet and will be given to the Social Worker and Guardian *ad Litem*.
- The social worker agreed to initiate a home study (or other specific action) on the recommended placement options.

11. Health-related Recommendations

- MOTHER
 - DSS recommended the following health-related recommendations for Ms. (name): *(May include assessment of the need for mental health, medical or other diagnostic tests for the parent and/or assessing the need for treatment for victims or offenders of domestic violence. Note - sometimes these assessments cannot be initiated until after there has been an adjudication of child maltreatment.)*
- FATHER
 - DSS recommended the following health-related recommendations for Mr. (name): *(May include assessment of the need for mental health, medical or other diagnostic tests for the parent and/or assessing the need for treatment for victims or offenders of domestic violence. Note - sometimes these assessments cannot be initiated until after there has been an adjudication of child maltreatment.)*
- CHILD
 - DSS recommended the following health-related recommendations for (child's name): *(May include information shared about any past or current*

conditions and any appointments that have been made or need to be made for the child.)

12. Service Recommendations

- MOTHER
 - DSS recommended the following services for Ms. (mother's name):
 - The mother agrees to participate in the services that have been recommended.
- FATHER
 - DSS recommended the following services for Mr. (father's name):
 - The father agrees to participate in the services that have been recommended.
- CHILD
 - DSS recommended the following services for (child's name):

13. Records

Please list the names and contact information (phone number and address) if records have been or will be requested from the following:

	PARENT	CHILD
Therapist		
School		
Child Protection Services history		
Medical		
Criminal		
Other		

14. Visitation/telephone contact while the child is in nonsecure custody:

Guidelines for the visits and phone calls have been discussed and agreed upon by the parties.

- Visitation between the child and **mother** shall be supervised unsupervised.
 - Clearly state what the visitation plan is, including pick up and drop off times, location of the visits, etc.
 - Clearly state what the telephone contact plan is, including call time(s).
- Visitation between the child and **father** shall be supervised unsupervised.
 - Clearly state what the visitation plan is, including pick up and drop off times, location of the visits, etc. (*If more than one father is involved, list the visitation plan for each father separately*)
 - Clearly state what the telephone contact plan is, including call time(s).
- Visitation between the child and his/her **siblings** shall be supervised unsupervised.
 - Clearly state what the visitation plan is, including pick up and drop off times, location of the visits, etc. (*If there is more than one sibling and the visitation plans are different, list the visitation plan for each sibling separately*)
 - Clearly state what the telephone contact plan is, including call time(s).

15. Permanency Mediation

- The parties have discussed the appropriateness of this case for permanency mediation, and they do do not recommend that it be referred to permanency mediation by the judge.

16. Future court dates

- The next hearing in this case will be at _____(Time) on _____(Date) in _____ (Location).The purpose of the hearing will be _____(Give details).

17. Intent

- The information shared and agreements reached during this CPC shall be presented to the judge for approval and incorporated by reference into the order for continued nonsecure custody (AOC-J-151 or local variation).

<i>Parent</i>	<i>Parent's Attorney</i>
<i>Parent</i>	<i>Parent's Attorney</i>
<i>DSS Social Worker</i>	<i>DSS Attorney</i>
<i>GAL Volunteer/Staff</i>	<i>GAL Attorney Advocate</i>
<i>Other</i>	<i>Other</i>
<i>Other</i>	<i>Other</i>

Approved by:

<i>Date:</i>	<i>Signature of Presiding Judge:</i>
	<i>Name of Presiding Judge (Type or Print)</i>

STATE OF NORTH CAROLINA

File No.

_____ County

In The General Court Of Justice
District Court Division

IN THE MATTER OF:

Name Of Juvenile

**ORDER ON NEED FOR CONTINUED
NONSECURE CUSTODY
(ABUSE/NEGLECT/DEPENDENCY)**

G.S. 7B-506

This matter is properly before the Court for a hearing, under G.S. 7B-506, to determine the need for the continued nonsecure custody of the juvenile named above. This Court has jurisdiction over the subject matter of this proceeding and of the person of the juvenile. A Petition was filed and an Order For Nonsecure Custody was entered, as the record shows. Present were:

FINDINGS

The Court makes the following findings of fact based on clear and convincing evidence: *(attach additional page(s) if necessary)*

1. One or both of the juvenile's parents are absent and have not been served. Related facts, including efforts undertaken to identify and/or locate and serve the missing parent(s), include: _____
2. A relative of the juvenile, _____ *(name of relative)*, is willing and able to provide proper care and supervision in a safe home, and placement of the juvenile with this relative would would not be in the juvenile's best interest for the following reasons: _____
3. There are _____ other juvenile(s) remaining in the home *(give names and ages)* _____

Specific findings of the DSS investigation regarding the child(ren) and actions taken or services provided for the child(ren)'s protection include:

4. a. Efforts by DSS to prevent or eliminate the need for the juvenile's placement include:
- b. Efforts to prevent the need for the juvenile's placement were precluded by an immediate threat of harm to the juvenile, and placement of the juvenile in the absence of such efforts was reasonable.
5. There is is not a reasonable factual basis to believe that the matters alleged in the petition are true, and:
 - a. the juvenile has been abandoned.
 - b. the juvenile has suffered physical injury or sexual abuse.
 - c. the juvenile is exposed to a substantial risk of physical injury or abuse because the parent, guardian, custodian, or caretaker has created conditions likely to cause injury or abuse or has failed to provide or is unable to provide adequate supervision or protection.
 - d. the juvenile is in need of medical treatment to cure, alleviate or prevent suffering or serious physical harm which may result in death, disfigurement or substantial impairment of bodily functions, and the juvenile's parent, guardian, custodian or caretaker is unwilling or unable to provide or consent to the treatment.
 - e. the parent, guardian, custodian or caretaker consents to a nonsecure custody order. f. the juvenile is a runaway and consents to nonsecure custody.
6. There is is not a reasonable factual basis to believe that no reasonable means other than nonsecure custody are available to protect the juvenile.

7. Efforts undertaken to establish paternity, if at issue in this case, include:

8. Other Findings: **Parties attended a Child Planning Conference on _____ (insert date).**

CONCLUSIONS OF LAW

Based on the above findings of fact, the Court concludes as a matter of law that:

- 1. Grounds for continued nonsecure custody under G.S. 7B-503 and G.S. 7B-506 do do not exist.
- 2. The Department of Social Services:
 - a. has made reasonable efforts to prevent and/or eliminate the need for the juvenile's placement.
 - b. has not made reasonable efforts to prevent and/or eliminate the need for the juvenile's placement.
 - c. was precluded, by an immediate threat of harm to the juvenile, from making efforts to prevent and/or eliminate the need for the juvenile's placement.
- 3. The best interests of the juvenile would be served by continuing the juvenile in the custody of DSS pending a further hearing.
- 4. Other:

ORDER

The Court orders that:

- 1. Pending further hearings, the juvenile:
 - a. shall remain or be placed in the nonsecure custody of:
 - the petitioner. Other (name person) _____
 for the purposes stated herein, subject to the following conditions:
 - b. shall be returned to the custody of (name person) _____.
- 2. Pending further hearings, the petitioner shall:
 - a. make the following efforts to identify and/or locate and serve the missing parent(s):
 - _____
 - b. provide or arrange for the following services aimed at eliminating the need for the juvenile's placement or at facilitating the juvenile's placement with a relative:
 - _____
- 3.
 - a. With the consent of all parties, further hearings to determine the need for continued nonsecure custody pending the hearing on the petition are waived.
 - b. A further hearing to determine the need for continued nonsecure custody shall be held:
 - Date of Hearing* _____ *Time Of Hearing* _____ *Place of Hearing* _____
 - AM PM
- 4. The Department Of Social Services is authorized to arrange and consent to:
 - a. any medical, surgical, remedial, educational, psychological, psychiatric testing, treatment, or evaluation the Department finds to be appropriate for the juvenile.
 - b. only the following types of testing, treatment, or evaluation: _____
- 5. Other: **The Memorandum of Agreement from the Child Planning Conference is attached and incorporated by reference.**

Date

Name Of Judge (Type Or Print)

Signature