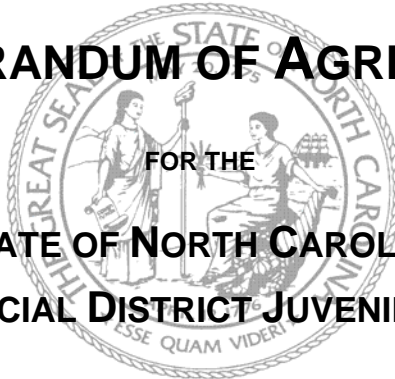


MEMORANDUM OF AGREEMENT



FOR THE

STATE OF NORTH CAROLINA

26TH JUDICIAL DISTRICT JUVENILE COURT

This Memorandum of Agreement (MOA) is entered into by and between the undersigned Juvenile Court stakeholders of the North Carolina 26th Judicial District Juvenile Courts.¹

I. The purpose of this agreement is to:

- A. Improve outcomes of safety, permanence and well being of abused, neglected, and dependent children who are in the court system;
- B. Improve outcomes of prevention, intervention and comprehensive treatment for children who enter the juvenile justice system;
- C. Respond jointly to findings from state and federal program reviews and/or audits;
- D. Identify trends that impact outcomes for children and their families and develop responsive strategies;
- E. Engage in training activities to enhance practice in juvenile court.

II. Juvenile Court Stakeholders:

- A. 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. Among the Chief District Court Judge's administrative duties are the assignment of district court judges to sessions of court and authority over the adoption of local rules.
- B. Trial Court Administrator. The Trial Court Administrator is a state funded position established to improve the administration of justice through professional management. The TCA assists and supports the Chief District Court Judge in the overall supervision of the district court and has direct oversight of core services provided by the Drug Treatment Court and Family Court Divisions.

¹ Please note that this agreement is distinct from the Core Services Collaboration Agreement between Area Mental Health and Youth and Family Services for Children in Custody of the Department of Social Services.

- C. Elected Sheriff. Among other responsibilities, the sheriff is required to execute and make due return of all properly issued writs, has the care and control of the county jail and provides courthouse security.
- D. 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.
- E. 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.
- F. 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.
- G. 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. There are three Mecklenburg GAL Attorney Advocate positions. One position is designated as the Lead Attorney Advocate.
- H. Chief Court Counselor of the Mecklenburg County Office of Juvenile Justice and Delinquency Prevention. The Department offers services for youth by establishing and maintaining a seamless comprehensive juvenile justice system that promotes juvenile delinquency prevention, intervention, and treatment. The Chief Court Counselor oversees staff that work to build a comprehensive juvenile justice strategy to best serve the needs of youth in their communities.
- I. 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.

- J. 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.

III. Model Court Designation:

- A. History. In 1992, the National Council of Juvenile and Family Court Judges (NCJFCJ) established the Victims Act Model Court (VAMC) Project. This initiative, primarily funded by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) and U.S. Department of Justice, was established with the goal of improving court practice in child abuse and neglect cases. Designated courts across the country began to operationalize the best practice strategies promoted by the project and came to be known as Model Courts. The 26th Judicial District of North Carolina became a Model Court in October 1998 and it held its first Model Court Advisory Committee Meeting on February 2, 1999.
- B. Model Court Advisory Committee. The stakeholders that make up the committee include representatives of the Juvenile Court Judges, Family Court Administrator's Office, Youth and Family Services, Guardian Ad Litem Office, Juvenile Clerk's Office, Area Mental Health Authority, Youth Homes, Inc., Drug Treatment Court, Charlotte Mecklenburg School System, the Council of Children's Rights and the private attorneys who represent parents in Abuse, Neglect, and Dependency Cases.

The Model Court Advisory Committee is constantly striving to improve the Juvenile Court System for children and families. To that end, each year the Model Court Committee creates new goals and receives technical support from the National Council in achieving them. The undersigned parties agree to support the progress and advancement of the Model Court through the consistent and constructive participation of delegates to the Model Court Advisory Committee.

- C. Lead Juvenile Court Judge. The Lead Juvenile Court Judge is designated by the Chief District Court Judge to take a visible leadership role in working collaboratively with multi-system stakeholders, including the NCJFCJ. The Lead Juvenile Court Judge works to maintain ongoing and regular communication with the NCJFCJ Model Court Liaison and, together, work to assess current practice; establish court improvement goals; engage in strategic planning; and schedule site visits, cross-site visits, trainings, and technical assistance relevant to the district's specific needs.

IV. Juvenile Court Programs: The undersigned Juvenile Court Stakeholders agree to support and advocate for the following programs of the Juvenile Division of the 26th Judicial District.

A. Permanency Mediation. In Juvenile Abuse, Neglect, and Dependency cases, a juvenile petition is filed to establish the Court's jurisdiction over children and families. At the initial non-secure custody hearing or at other relevant points in the case, the judge may elect to refer the case to the Permanency Mediation Program. The goal of Permanency Mediation is for the parents and their counsel, to come to some agreement with the attorneys representing Youth and Family Services regarding the issues that precipitated removal of the children, and to develop a plan for the parents to follow in order to be reunited with their children.

Permanency Mediation improves the probability of reunification and reduces the time children spend in foster care while awaiting resolution of permanent placement. It saves court time and expense by reducing the number and length of hearings, and this accelerated route to the permanent placement of children into safe, stable homes drastically slashes foster care costs to the state. (For further information see Rule 25 of the Abuse/Neglect and Dependency Local Rules).

B. Family Drug Treatment Court. The Mecklenburg County Family Drug Treatment Court is a collaborative effort involving the courts, the Department of Social Services and Area Mental Health to assist parents under the jurisdiction of juvenile court achieve and maintain sobriety and learn skills in order to protect and parent their children safely and effectively. The program, locally known as the *FIRST Program* (Families in Recovery to Stay Together), provides a court-based case coordinator who ensures that the parent receives substance abuse treatment and other needed services. Referral and admission to the program is contingent upon the filing of a juvenile petition alleging abuse, neglect or dependency and the establishment of a case plan that recommends reunification.

C. MeckCARES. MeckCARES is the system of care partnership among local child-serving agencies, families and the community. Its purpose is to improve outcomes for youth ages 10-21 that have a severe emotional problem and their families. MeckCARES adopts a unified approach across provider organizations to deliver services for children and education to community partners.

D. Family Law Facilitator Program. The Family Law Facilitator Program provides limited-scope legal representation to kinship care providers seeking to gain custody of minors whose safety and/or well-being have been placed at risk by their natural parent(s). The primary goals of the program include: (1) reducing the number of children entering the foster care system; and (2)

assisting self-represented litigants navigate a complex legal system. Independent contract attorneys assist kinship care providers file legal complaints for custody under N.C.G.S. § 50. The program operates under the oversight of the Family Court Administrator.

E. Youth Treatment Court. Youth Treatment Court serves high-risk juvenile offenders and their families through a program that mandates treatment and intensive case management under the close supervision and intervention of the court. The mission of the Mecklenburg County Youth Treatment Court Team is to reduce substance use, criminal behavior and recidivism among targeted delinquent youth by providing individualized case management, supervision, treatment, and related services designed to empower high-risk youth to make positive life choices.

V. Juvenile Court Policies: The undersigned Juvenile Court Stakeholders agree to support and advocate for the following policies of the Juvenile Division of the 26th Judicial District.

A. Judicial Specialization. Judges assigned to hear juvenile cases shall adhere to the following recommendations:

1. Utilize the Resource Guidelines for Improving Court Practice in Child Abuse and Neglect Cases published by the National Council of Juvenile and Family Court Judges.
2. 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.
3. Receive certification from the Administrative Office of the Courts as a juvenile court judge;
4. Be assigned to juvenile court for a significant length of time, preferably a minimum of three years.
5. When feasible makes every effort to ensure that the same judge hears a child welfare and/or juvenile delinquency case from start to finish.
6. Review the situation of each child and family at each hearing (i.e. review the summaries and reports prepared by the participants, ask questions and ensure that any tendered consent is appropriate) except as otherwise provided by Local Rules of Court and/or Administrative Order.

B. Quality Legal Representation. Attorneys who wish to practice in Juvenile Court shall abide by the following recommendations:

1. New attorneys seeking appointment as a parent attorney must complete the Juvenile Court Orientation set forth in Rule 6e of the Abuse/Neglect and Dependency Local Rules.
2. Once admitted to the appointment list, the attorney shall remain on the list for a significant length of time, preferably at least three (3) years, barring compelling circumstances.
3. All attorneys practicing in juvenile 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.
4. All attorneys practicing in juvenile court should attend the Annual Model Court Abuse, Neglect and Dependency Conference coordinated by the Juvenile Judges and the Family Court Administrator's Office.

C. Geo-District Assignment of Juvenile Court Cases. Geo-districting refers to a geographical outlay within Mecklenburg County as determined by zip code. All petitions filed in Juvenile Court are assigned by geo-district in accordance with Rule 10 of the Abuse/Neglect and Dependency Local Rules.

D. Child and Family Teams. When a child enters the child welfare system, case planning is used by Youth and Family Services 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). 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 (FSA) that all participants are expected to sign. The FSA contains the team's decisions regarding what action must be taken and/or what services are needed to assist the family to develop the capacity and capability to assure the child's health and safety and to meet the child's well being needs.

E. Courts Catalyzing Change. Research has demonstrated that children and families of color are disproportionately represented in the child welfare system and frequently experience disparate less-favorable outcomes. While children of all races are equally as likely to suffer from child abuse and neglect, the percentage of African-American children who enter and linger in out-of-home care is greater than their proportion in the population.

The complexity and significance of this issue points to the critical need for collaborative efforts to not only further study the factors that contribute to racial disproportionality and disparities in the child welfare system, but also to design and implement specific actions that courts and child welfare system stakeholders can take to reduce these inequities and ultimately improve outcomes for all children and families.

The parties to this MOA agree to make the following efforts to reduce the disproportionate representation and disparate treatment of children and families of color in the juvenile courts systems:

1. Come together as judicial officers and other system experts to set a local agenda for court-based training, research, and reform initiatives to reduce the disproportionate representation of children of color in dependency court systems.
2. Re-evaluate local policy and make recommendations for changes or improvements.
3. Identify and evaluate all decision points in the dependency court system to determine where specific action can be taken, and recommend strategies for court and systems change to reduce racial disproportionality and disparate treatment.

F. 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. Collaboration generates problem-solving tools to address legal and administrative issues impacting the children and families served in Juvenile Court.

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 support the Model Court Advisory Committee, the Juvenile Justice Committee, the Partnership Group and Children's Alliance, where membership is applicable, by regular attendance and constructive participation.

G. Juvenile Court Domestic Violence Protocol. The Juvenile Court Domestic Violence Protocol was developed to ensure that the safety of children, families and professionals in the juvenile courtrooms and waiting areas. It also serves to ensure consistent educational resources are consistently available to juvenile court professionals.

H. Training. The parties to this MOA commit to identifying unmet training needs and increase training opportunities for all key players in abuse/neglect/dependency court. To attain this goal, the Family Court Administrator's Office shall:

1. Coordinate and plan an Annual Model Court Abuse, Neglect and Dependency Conference.
2. Coordinate and plan an annual training event in compliance with the Juvenile Domestic Violence Protocol.
3. Identify and provide cross-training opportunities for judges, clerks, attorneys, service providers, court administration and Guardian ad Litem (GAL) staff and volunteers to foster productive relationships at the local level.
4. Schedule training events to maximize participation of everyone involved in juvenile abuse and neglect proceedings.
5. 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.

VI. Juvenile Court Practices: The undersigned Juvenile Court Stakeholders agree to support and advocate for the following practices in the Juvenile Court Division of the 26th Judicial District.

A. Local 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 Rules of Juvenile Court and agree that the process of writing or revising court rules will be a collaborative effort by all key stakeholders.

B. 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:

1. Regularly review 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.
2. Use available data to identify and correct barriers that are preventing cases from having appropriate outcomes in a timely manner.

3. Share information regarding caseload equity among geo-districts so that the intent of geo-districting can be maximized.
- B. **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 support the practice of continuous calendaring as set forth in Rule 7 of the Abuse/Neglect and Dependency Local Rules.
 - C. **Stipulations and Mediated Agreements.** This practice brings together the parties and their attorneys, before the assigned judge to accept into evidence stipulations to the allegations contained in the petition, a mediated agreement, or a combination thereof. If stipulations were not entered, the Court shall determine the length of time needed to complete the hearing. The parties to this MOA agree to support the settlement of cases using alternate dispute resolution strategies in accordance with Rule 15 and 25 of the Abuse/Neglect and Dependency Local Rules.
 - D. **Timely Court Orders.** Unless the court directs otherwise, for every hearing, the attorney for YFS shall prepare a written order, reflecting Findings of Fact, Conclusions of Law and the Court's order, which shall be submitted to the court no later than twenty-one (21) days following the conclusion of the hearing or the court's ruling, whichever is later. The parties to this MOA agree to support the timely preparation and distribution of orders set forth in Rule 23 of the Abuse/Neglect and Dependency Local Rules.
- VII. Exploring New Initiatives:** The undersigned Juvenile Court Stakeholders agree to research and explore new initiatives aimed at improving services offered to children and families in Juvenile Court including:
- A. **Teen Mentoring Program.** This initiative will establish a teen mentoring program to train community leaders who seek to be a positive role model in the lives of adjudicated youth.
 - B. **Fostering Connections.** This initiative brings together the collaborative partnership of the courts, Charlotte Mecklenburg School and the Department of Social Services and other systems to ensure that children in foster care get the benefits of the education provisions described in *Fostering Connections to Success and Increasing Adoptions Act of 2008*.
 - C. **JWise Expansion to the Guardian ad Litem's Office.** This initiative will monitor and troubleshoot the launch of the GAL module of JWise – the official statewide juvenile data collection and tracking system.

D. Child Planning Conferences (CPC). Employed in other North Carolina jurisdictions, the CPC model is used in other North Carolina jurisdictions to help families and juvenile court stakeholders 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.

E. Sanctioned to Read. This pilot is devoted to improving the reading skills and self-confidence of juveniles who are court-ordered or court referred into the program.

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

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

This 31st day of March, 2010.



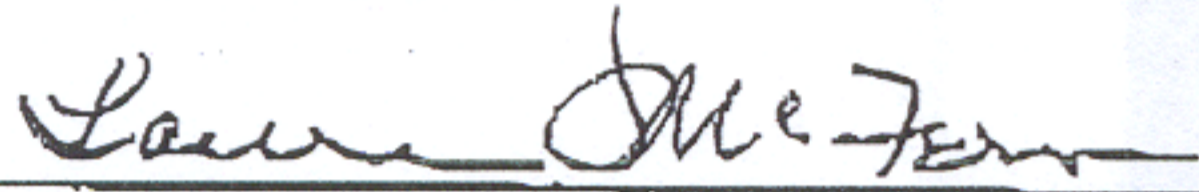
Chief District Court Judge



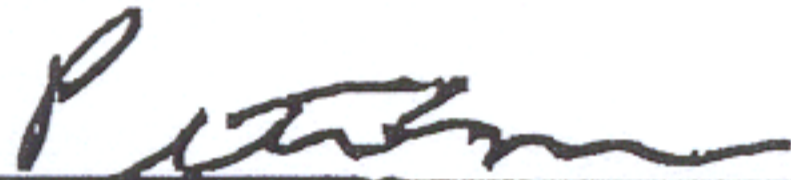
Director of the Department of Social Services



County Attorney for the Department of Social Services




Chief Court Counselor of the Mecklenburg County Office of Juvenile Justice and Delinquency Prevention



Charlotte Mecklenburg Schools, Superintendent of Education



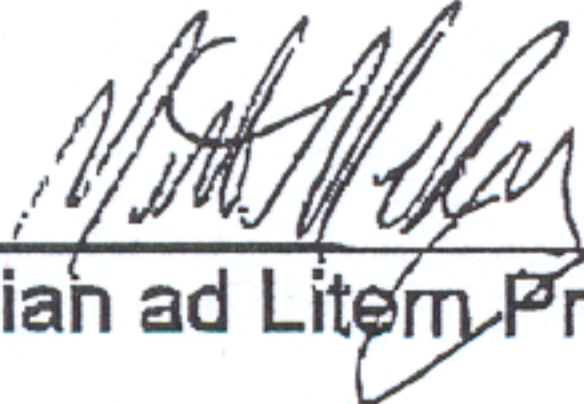
Family Court Administrator, 26th Judicial District



Mecklenburg County Area Mental Health Director



Guardian ad Litem Program Administrator, 26th Judicial District



Guardian ad Litem Program Attorney Advocate



Trial Court Administrator, 26th Judicial District