

LOCAL RULES FOR JUVENILE COURT 15A JUDICIAL DISTRICT

SCOPE, PURPOSES, CONSTRUCTION, AND ENFORCEMENT OF RULES

Rule 1. Scope

These Rules apply to all cases in which a petition is filed alleging that a juvenile is abused, neglected, or dependent, and in proceedings for termination of parental rights. These Rules are to be used in conjunction with the North Carolina General Statutes. In the event of any conflict between these Rules and the North Carolina General Statutes, the North Carolina General Statutes shall control. These Rules cited herein are available for downloading on the website of the Administrative Office of the Courts at: www.nccourts.org.

Rule 2. Purpose

These Rules are designed to help achieve stable and secure homes for children who come into the court's juvenile jurisdiction. To that end, these Rules serve the following purposes:

- (1) To provide for judicial oversight of case planning;
- (2) To ensure a coordinated decision-making process;
- (3) To eliminate unnecessary delays in court proceedings in order to achieve permanence in a timely manner; and
- (4) To encourage the involvement of families and children in the planning and decision making process.

Rule 3. Construction and Enforcement

These Rules shall be liberally construed to accomplish the purposes set forth in Rule 2. The court may impose sanctions against a party or attorney who fails to comply with these Rules.

Rule 4. Definitions

Unless the context clearly requires otherwise, for purposes of these Rules:

- (1) "Conference facilitator" means a person meeting the requirements of Rule 6(a)(2), (3) and (4) hereunder and deemed qualified and so designated by the chief district court judge.
- (2) "Clerk" means the clerk or an assistant or deputy clerk of superior court.
- (3) "Court" means the district court or a district court judge.
- (4) "Child Planning Conference" means a voluntary meeting with a conference facilitator, the parent(s), the guardian ad litem, all attorneys involved in the case, and other appropriate persons, held at 12:45 p.m. on Tuesday after the first nonsecure hearing; or, in cases of which the Department of Social Services does not assume custody, the Child Planning Conference shall be held on the third Tuesday, at 12:45 p.m., after the filing of the petition.
- (5) "DSS" or "department" means the county department of social services.

- (6) “Judge” means a district court judge in the 15A judicial district.
- (7) “Juvenile Court Coordinator or Case Manager” means an employee of the Court Improvement Project or similarly qualified person designated by the Chief District Court Judge.
- (8) “Pre-trial conference” means a meeting to explore the possibility of settlement, to narrow the issues as much as possible, to stipulate those facts that are not in dispute, to insure full sharing of information, and to allow the fullest opportunity for negotiation in the interest of children by all parties.
- (9) “UCCJEA” means the Uniform Child Custody Jurisdiction and Enforcement Act, Chapter 50A of the North Carolina General Statutes.
- (10) “Family Drug Treatment Court (FDTC)” means a juvenile court docket of which selected substance abuse, neglect, and dependency cases are identified where substance abuse is a primary factor for the parent or caregiver. A team of judges, the drug court coordinator, attorneys, child protection services, treatment providers, and other community agency representatives unite with the goal of providing safe, nurturing, and permanent homes for children while simultaneously providing parents the necessary support and services to become drug and alcohol abstinent. This interdisciplinary team works collaboratively to assess the family’s situation and to devise a comprehensive case plan that addresses the needs of both the children and the parents. FDTC offers parents and caregivers a viable chance to achieve sobriety and aid them in regaining control of their lives and promotes long-term stabilized recovery to enhance the possibility of family reunification within mandatory legal timeframes.

RULES APPLICABLE TO ABUSE, NEGLECT, AND DEPENDENCY PROCEEDINGS

Rule 5. Appointment of Counsel

- a. When a petition is filed alleging abuse, neglect, or dependency, the clerk shall appoint separate counsel to represent each parent named in the petition.
- b. The Clerk shall prepare a Summons to be served on the parents with the petition. The notice shall include the attorney’s name, business address and telephone number and shall encourage the parent to contact the attorney. The notice also shall inform the parent:
 - (1) that the parent may retain counsel;
 - (2) that the court, at the first hearing, will determine whether the parent qualifies for appointed counsel and, if the parent does, whether the parent waives the right to counsel; and
 - (3) that the court will dismiss the appointed counsel if the parent does not qualify for appointed counsel, the parent retains counsel, or the parent waives the right to counsel.
- c. Before appointing a specific attorney, the clerk shall confirm that the attorney will be available for the Child Planning Conference and the first hearing in the case and, to the best of the attorney’s knowledge, for every stage of the proceeding. The Clerk may make this determination either by talking with the attorney or by pre-arrangement with one or more attorneys on the appointment list. It shall be the continuing responsibility of counsel to

immediately inform the clerk by the quickest means available of any inability to attend a Child Planning Conference.

- d. In any case in which a petition for termination of parental rights is filed, the Clerk shall provisionally appoint the same attorney to represent the parent in the termination proceeding (if the parent whose rights are sought to be terminated has been represented by an appointed attorney in a prior abuse, neglect, or dependency proceeding). The petitioner shall mail the attorney a copy of the summons and petition. If the parent fails to apply or to qualify for court-appointed counsel by the date of the hearing on the petition, or waives court-appointed counsel, the appointment of court-appointed counsel shall not be approved by the Court. In the event the termination of parental rights proceeding is filed as a Motion in the Cause, pursuant to North Carolina General Statute 7B-1102, the current appointed counsel, including the Guardian ad Litem, shall continue representation, unless that attorney has properly moved the court to withdraw. In other cases, where a parent has not previously been represented by counsel, counsel shall be appointed at a pretrial hearing when the respondent is indigent.

Rule 6. Responsibilities of Attorneys

- a. To qualify for appointment to represent parents or to facilitate Child Planning Conferences, attorneys must satisfy the chief district court judge:
 - (1) that they have sufficient experience and skills to provide competent representation;
 - (2) that they have a good working knowledge of juvenile law and juvenile court procedures;
 - (3) that they have a good understanding of child protective services and the related mandates that apply to DSS and to guardians ad litem;
 - (4) that they have completed satisfactorily any initial or continuing training specified by the chief district court judge; and
 - (5) that they have valid e-mail addresses to receive court reports and other documents from DSS and the guardian ad litem.
 - (a) that barring extraordinary circumstances, the attorney will review court reports with clients prior to court.
 - (b) that they will notify the Clerk, DSS, guardian ad litem, and Juvenile Court Coordinator with any changes to their email address.
- b. An attorney shall not accept an appointment pursuant to Rule 5 unless the attorney can be available for the first hearing in the case.
- c. After the first hearing in a case, an attorney appointed to represent a parent who has not been served and who does not appear at the hearing, shall not be responsible for further appearances until the clerk notifies the attorney that the parent has been served.
- d. An attorney who has a conflict in another court shall comply with the relevant rules relating to priority and, when absent from juvenile court because of a conflict, shall keep the courtroom clerk informed of his or her location at all times.
- e. Leave of court for an attorney to withdraw from a case shall be granted only for compelling reasons.

- f. Attorneys shall timely notify the Juvenile Court Clerk of any Continuing Legal Education or other court conflicts.
- g. Attorneys seeking Secured leave shall comply with any local rules regarding such and Rule 26 of the North Carolina Superior and District Court Rules.

Rule 7. Appointment of Guardians ad Litem

- a. See G.S. 7B-601 for Appointment and duties of Guardians ad Litem.
- b. Before assigning a specific guardian ad litem, the district administrator of the Guardian ad Litem Program shall attempt to ensure that the guardian ad litem will be available for the Child Planning Conference and the first hearing in the case and for other stages of the proceedings. If at all possible, a guardian ad litem who will be available for all stages of the process shall be present for the Child Planning Conference.
- c. A guardian ad litem shall be appointed in accordance with the provisions of G.S. 1A-1, Rule 17, to represent a parent who is under the age of 18 years and who is not married or otherwise emancipated. The appointment of a guardian ad litem under this subsection shall not affect the minor parent's entitlement to a guardian ad litem pursuant to G.S. 7B-601 in the event that the minor parent is the subject of a separate juvenile petition. G.S. 7B-602(b)
- d. The court may appoint a guardian ad litem for a parent in accordance with G.S. 1A-1, Rule 17, if the court determines that there is a reasonable basis to believe that the parent is incompetent or has diminished capacity and cannot adequately act in his or her own interest. G.S. 7B-602(c).

Rule 8. Responsibilities of Guardian ad Litem and Attorney Advocate

- a. A guardian ad litem or attorney advocate shall not accept an appointment pursuant to Rule 7 unless, to the best of the guardian ad litem's or attorney advocate's knowledge, he or she can be available for all stages of the proceeding, including the Child Planning Conference.
- b. The duties of the guardian ad litem program shall be to make an investigation to determine the facts, the needs of the juvenile, and the available resources within the family and community to meet those needs; to facilitate, when appropriate, the settlement of disputed issues; to offer evidence and examine witnesses at adjudication; to explore options with the court at the dispositional hearing; to conduct follow-up investigations to insure that the orders of the court are being properly executed; to report to the court when the needs of the juvenile are not being met; and to protect and promote the best interests of the juvenile until formally relieved of the responsibility of the court. G.S. 7B 601

- c. An attorney advocate who has a conflict in another court shall comply with the relevant rules relating to priority and, when absent from juvenile court because of a conflict, shall keep the courtroom clerk informed of his or her location at all times.

Rule 9. Service: Summons and Petition: Notice

- a. From the date the petition is filed until the adjudication hearing, the petitioner shall have a continuing duty to make reasonable efforts to identify and locate any parent who has not been served with a copy of the summons and petition and to have the summons and petition served on any such parent.
- b. Service shall be done in accordance with G.S. 7B-407.
- c. The Department of Social Services shall provide notice of review, permanency planning, and post-termination hearings to foster parents, relatives, preadoptive parents, or group homes in accordance with G.S. 7B-906(a), 7B-907(a), and 7B 908(b).

Rule 10. UCCJEA Affidavit

The information required by G.S. 50A-209 shall be included in the petition, in an affidavit attached to and served with the petition, or in a separate affidavit filed with the court and served on the parties as soon as feasible after the petition is filed.

Rule 11. Child Planning Conference

- a. Whenever a juvenile petition is filed alleging abuse, neglect or dependency, a Child Planning Conference shall be held at 12:45 p.m. on Tuesday after the first nonsecure hearing; or, in cases of which the Department of Social Services does not assume custody, the Child Planning Conference shall be held on the third Tuesday, at 12:45 p.m., after the filing of the petition.
- b. The Child Planning Conference shall be conducted by a conference facilitator.
- c. At the Child Planning Conference, the conference facilitator shall:
 - (1) introduce himself or herself and the parties and advise the parties of the nature and extent of confidentiality for the meeting, of their rights, of the fact that participation in the conference is voluntary, and of the fact that a nonsecure custody hearing will be held before a district court judge;
 - (2) explain the nature of the proceeding and the purposes of the conference;
 - (3) review the adequacy of notice and explain service of process;
 - (4) attempt to ascertain the identity and whereabouts of any parent, guardian, or custodian of the juvenile who is not present, whether that person has been served, and what steps need to be taken to identify, locate, or serve any such person;
 - (5) hear information from the parties, aimed at reviewing:
 - (a) what condition is alleged in the petition,
 - (b) what condition or risk precipitated the nonsecure custody order, including

- considerations of the results of the petitioner's risk assessment if a risk assessment has been completed,
- (c) whether a condition or risk justifying nonsecure custody under G.S. 7B-503(a) exists, and
 - (d) what efforts the petitioner has made to prevent or eliminate the need for nonsecure custody.
- d. After giving all parties an opportunity to present information and to ask questions of other parties, the conference facilitator shall determine whether there is an agreement among the parties as to the need for the juvenile to remain in nonsecure custody. The conference facilitator shall then explore the following with the parties:
- (1) service needs and referrals including an initial out-of-home family service agreement.
 - (2) specific steps the parties agree to take before the first adjudicatory hearing.
- e. If all parties agree that the juvenile does not need to remain in nonsecure custody, the conference facilitator shall:
- (1) summarize in writing, in the form of a proposed consent order releasing the juvenile from nonsecure custody, the basis for that agreement, including the proposed plan for the child pending the adjudicatory hearing;
 - (2) give all parties an opportunity to review the proposed consent order and to decide whether to sign it; and
 - (3) if all parties voluntarily sign the proposed consent order, present it as soon as possible to a district court judge, who shall determine whether to sign the agreement.
- f. If the parties do not agree that the return of the juvenile home is an option that should be explored with the judge, the conference facilitator shall explore the following with the parties:
- (1) placement options for the juvenile, including possible relative placements and efforts to keep siblings together,
 - (2) efforts needed to ensure that a school-aged juvenile's school placement and attendance are not disrupted,
 - (3) parental visitation schedule ,
 - (4) efforts to keep siblings together and to arrange sibling visitation,
 - (5) service needs and referrals,
 - (6) financial support for the juvenile,
 - (7) whether a court order is needed to address the juvenile's immediate needs, such as an immediate need for medical treatment or evaluation, and
 - (8) specific steps the parties agree to take before the nonsecure custody hearing.
- g. Before the conclusion of the Child Planning Conference, the conference facilitator shall:
- (1) summarize what has occurred,
 - (2) give all parties an opportunity to ask questions,
 - (3) explain the purpose of the nonsecure custody hearings,
 - (4) ensure that all parties will receive a copy of any order a judge has signed or any written agreement entered as a result of the Child Planning Conference,
 - (5) in any case in which a parent's identity or whereabouts are unknown or the paternity of the child has not been legally established, specify in writing any steps that are to be taken

by the parent, Department of Social Services Worker, or other appropriate person to identify the parent, locate the parent, or establish paternity.

- h. In the event no parent, guardian, or custodian of the juvenile is available for the Child Planning Conference, the Child Planning Conference may be re-scheduled for the following Tuesday at 12:45 p.m.

Rule 12. Timing of Hearings

The time frames for scheduling hearings will be as follows unless the court orders otherwise for good cause.

- a. Nonsecure custody hearings—within **seven (7)** business days, excluding Saturdays, Sundays, and legal holidays, after the juvenile is taken into nonsecure custody; within seven (7) days of the first seven (7) day hearing ; and hearings thereafter shall be held at intervals of no more than **30** calendar days unless waived by the parties. (G.S. 7B 506)
- b. Adjudication hearing—no later than **60** days from the filing of the petition unless the judge pursuant to G.S. 7B-803 orders that it be held at a later time. (G.S. 7B-801c)
- c. Disposition hearing-- immediately following the adjudication or within 30 days thereafter unless the Court orders otherwise.
- d. Review Hearing-- shall be held at a time the judge designates in the dispositional order, but in no event more than **ninety days** from the date of the dispositional hearing. In no event shall the second review hearing be held more than **six months** from the date of the first review hearing. (G.S. 7B-906)
- e. Permanency Planning Hearing shall be held either:
 - (1) within **12** months after the date of the initial order removing custody, and the hearing may be combined, if appropriate, with a review hearing as required by G.S. 7B-906. (G.S. 7B-907); or
 - (2) within 30 calendar days after the date of hearing in which the court finds that reasonable efforts to eliminate the need for the juvenile's placement are not required or shall cease (G.S. 7B 507c)
- f. Termination of Parental Rights Hearing—no later than **90** days from the filing of the petition or motion unless the judge pursuant to subsection (d) of this section orders that it be held at a later time. (G.S. 7B 1109)
- g. Post Termination of Parental Rights Hearing—not later than **six (6)** months from the date of the termination hearing or relinquishment and within every six months thereafter until the child is placed for adoption and the adoption petition is filed. (G.S.7B 908)

Rule 13. Nonsecure Custody Hearing

- a. Nonsecure Custody Hearings shall be held as provided by G.S. 7B-506. (See Rule 12.A. above for the timing of hearing).
- b. Nonsecure custody hearings shall be held before a district court judge.
- c. At a nonsecure custody hearing, the judge will:
 - (1) introduce himself or herself and the parties;
 - (2) review the nature of the proceeding and the purposes of the hearing;
 - (3) address any issues relating to adequacy of notice and service of process;
 - (4) follow up on any pending issue regarding the identity or whereabouts of any parent, guardian, or custodian of the juvenile; and
 - (5) hear sworn testimony from the parties aimed at determining:
 - (a) whether a condition or risk justifying continued nonsecure custody exists under G.S. 7B-503
 - (b) what efforts the petitioner has made to eliminate the need for nonsecure custody,
 - (c) what other steps the parties have taken since the Child Planning Conference.
- d. After giving all parties an opportunity to present evidence and to ask questions of other parties, the judge shall make appropriate findings of fact and conclusions of law, indicating:
 - (1) whether there is a reasonable factual basis to believe:
 - (a) that the matters alleged in the petition are true,
 - (b) that continued nonsecure custody is supported by one or more of the criteria set forth in G.S. 7B-503 and
 - (c) that there is no other reasonable means available to protect the juvenile;
 - (2) whether the petitioner has presented clear and convincing evidence that no less intrusive alternative will suffice to protect the juvenile; and
 - (3) whether the petitioner has made reasonable efforts to eliminate the need for the juvenile's placement.
- e. If the judge finds that continued nonsecure custody is necessary, the judge will review or explore with the parties the following:
 - (1) the appropriateness of the juvenile's placement and other placement options, including possible relative placements and efforts to place or keep siblings together,
 - (2) any efforts needed to ensure that a school-aged juvenile's school placement and attendance are not disrupted,
 - (3) parental visitation,
 - (4) sibling visitation,
 - (5) service needs and referrals,
 - (6) financial support for the juvenile,
 - (7) whether additional orders are needed to address the juvenile's immediate needs, such as an immediate need for medical treatment or clinical evaluation, and
 - (8) specific steps that a parent, Department of Social Services, or Guardian ad Litem may take before the next hearing to facilitate permanence for the child(ren).

- f. If the judge finds that continued nonsecure custody is not warranted, the judge shall explore with the parties the following:
 - (1) service needs and referrals, and
 - (2) specific steps that a parent, Department of Social Services, or Guardian ad Litem may take before the next hearing to facilitate permanence for the child(ren).

- g. Before the conclusion of the nonsecure custody hearing, the judge shall:
 - (1) summarize what has occurred,
 - (2) give all parties an opportunity to ask questions,
 - (3) set specific dates for a pretrial conference and the adjudicatory hearing, or for another nonsecure custody hearing,
 - (4) explain the purpose of the pretrial conference, if applicable, and of the next hearing,
 - (5) ensure that all parties will receive a copy of any order entered as a result of the nonsecure custody hearing,
 - (a) As required by G.S. 7B-506(d), “The order shall be in writing with appropriate findings of fact and signed and entered within 30 days of the completion of the hearing.”
 - (b) Prior to the entry of the order, the DSS attorney shall mail, fax, or email the draft order to all parties. Each party shall have **five** (5) days from receipt of the draft order to notify the DSS Attorney of any changes they wish to make. If the DSS Attorney is not notified of any changes within this **five** (5) day time frame, the final order will be submitted to the judge.
 - (6) In any case in which a parent’s identity or whereabouts are unknown or the paternity of the child has not been legally established, specify in the order any steps that are to be taken by the parent, Department of Social Services Worker, or other appropriate person to identify the parent, locate the parent, or establish paternity, and
 - (7) ensure that all documents introduced for consideration at the hearing become a part of the court file.

- h. At a nonsecure custody hearing, the judge may accept stipulations and approve consent orders relating to continued nonsecure custody, subject to the provisions of Rule 14.

Rule 14. Stipulations Before Judge

Before accepting a stipulation to findings, conclusions, or provisions of an order, the judge, in open court, shall determine that the stipulating parties understand the content and consequences of the stipulation and that they voluntarily consent to the stipulation. The judge shall inquire of the parties in order to determine that the stipulation is voluntary and knowing. The judge’s findings shall be set forth on the record.

Rule 15. Discovery

- a. Any party seeking access to information in the department’s possession in a pending case must, before filing any motion before a judge, make a written request to the department to

examine the documents, information and material set forth in (c) below. The written request must identify which party is making the request, the date the request is mailed and/or delivered, where the documents should be sent, and all written requests must be sent to the attorney representing the department in the case.

- b. To the extent the disclosure of information in the department's possession authorized in this Article is voluntarily made in response to a written request to examine by a party and/or attorney, the disclosure is deemed to have been made under an order of the court. Records classified as substance abuse records according to federal law cannot be disclosed pursuant to this rule without a court order complying with the federal regulations.
- c. Within 15 business days of the receipt of a written request to examine, or when otherwise agreed upon by the parent's attorney or the parent, if not represented by an attorney, the following documents, material and information within the department's possession must be made available for review.
 - (1) The DSS record regarding the pending case; including any information or reports received from experts who have personally examined the requestor or the subject child(ren) and any physical evidence together with the result of physical examinations, scientific tests, experiments, or comparisons; and
 - (2) DSS records regarding prior investigations involving the parent(s), the subject child(ren) or sibling of the subject child(ren);
- d. The following may not be disclosed absent an order of the court:
 - (1) Health care information, including chemical dependency information, and drug testing regarding anyone other than the requesting parent or the subject child(ren);
 - (2) Documents containing the names and addresses of foster parents, not previously disclosed to the parent by the department;
 - (3) The identity of the reporter, in conformance with G.S. 7B-302 & 7B-700.
- e. Any party whose request to examine or request for copies is not satisfactorily complied with may file a motion for an order compelling discovery. A motion for an order to compel discovery shall set forth how the party was not in compliance with the request to examine, the request for copies or with any information protected by section (d) should be disclosed.
- f. The department may file a motion to deny discovery or permit a limited response to the request to examine or request to reproduce documents, materials or information. The motion shall set forth the reasons why discovery should be denied or the response should be permitted to be limited or subject to conditions. The department shall submit, for in camera inspection, the documents, information and materials it seeks to protect. If, thereafter, the court enters an order granting relief under subsection g(3) herein, copies of the information and material submitted in camera must be preserved for appellate review in the event of an appeal.
- g. The court shall hear and rule on a discovery motion with ten (10) calendar days after it is filed. Among other relief, the court may:
 - (1) Grant the requested discovery and specify the time within which it must be provided;

(2) Order appropriate sanctions for any clear misuse of discovery or arbitrary delay or refusal to comply with a discovery request; and

(3) Deny, limit, or set conditions on the requested discovery.

A discovery motion will stay the response time under (b) and (c) until the court rules on the motion.

- h. Within fifteen days of a discovery request upon a parent, the parent shall provide discovery of such matters within his or her possession, or such matters which the parent has reasonable ability to obtain, relevant to the allegations in the petition.
- i. Individuals permitted access to confidential records and information shall not show, reveal, convey, discuss or reproduce any information or documents so designated or any parts, extracts or summaries thereof to any individual or entity who would not otherwise have access to said information or documents under the provisions of this order absent further orders of the court. No copies or documents shall be given out to parties, witnesses or any other person who does not have a statutory right to said documents. Violation of this rule shall be punishable by the contempt powers of the court.
- j. Discovery provided by any party is limited to matters within that party's possession, or matters which the party has reasonable ability to obtain.
- k. Any requests to examine not made by a party at least 30 days prior to a scheduled court hearing shall not be the basis for a continuance of the hearing, absent a compelling reason.

Rule 16. Pre-Trial Conferences

- a. There shall be a pre-trial conference conducted prior to the following types of hearings:
 - (1) Adjudication/Disposition Hearing; and
 - (2) Termination of Parental Rights Hearing.
- b. A pre-trial conference for adjudication shall be held two (2) weeks prior to the adjudication hearing. The conference shall be placed on the juvenile court docket.
- c. A pre-trial conference for Termination of Parental Rights cases shall be held in accordance with G.S. 7B-1108.1
- d. At a minimum, the pre-adjudication conference shall include the Respondent's attorney(s), the DSS attorney and the Guardian ad Litem attorney advocate. The judge shall not be a party to this conference.
- e. The purpose of the conferences shall be to explore the possibility of settlement, to narrow the issues as much as possible, to stipulate those facts that are not in dispute, to insure full sharing of information, and to allow the fullest opportunity for negotiation in the interest of children by all parties.

- f. At or before the conference, each party shall provide to all other parties a written list of prospective witnesses and exhibits and copies of all available listed exhibits intended for use at the adjudication hearing. Any listed exhibit that is not available for distribution at or before the pre-trial conference shall be distributed as soon as it is available.
- g. At the pre-trial conference, the parties shall:
 - (1) share witness lists, exhibit lists, and exhibits,
 - (2) define the issues,
 - (3) identify matters that can be stipulated and make stipulations, and
 - (4) consider any proposed consent order.
- h. At the conclusion of the pre-trial conference, an agreement, if reached, shall be prepared reflecting the outcome of the conference, and each party shall be provided a copy of any agreement.

Rule 17. Adjudicatory and Dispositional Stipulations Before Judge

Before accepting a stipulation to findings, conclusions, or provisions of the court's adjudication or disposition order, the judge, in open court, shall determine that the stipulating parties understand the content and consequences of the stipulation, including, if applicable, the possibility that the child may be removed permanently from the home, and that they voluntarily consent to the stipulation. The judge shall inquire of the parties in order to determine that the stipulation is voluntary and knowing. The judge's findings shall be set forth on the record.

Rule 18. Adjudication

- a. The adjudication hearing shall be held within **sixty days** from the filing of the petition, unless the judge, for good cause, orders that it be held at a later time. (G.S. 7B-801c)
- b. The Clerk shall distribute a copy of the judge's order to each party.
- c. The procedures for the adjudication hearing are contained in G.S. 7B-801 through 7B-807.

Rule 19. Disposition Reports

- a. Whenever DSS files a petition, DSS shall prepare a disposition report that includes at least the following:
 - (1) A description of the placement plan for the child and how that plan is appropriate to the child's needs;
 - (2) A description of the plan of services for the child and the child's family, and how that plan is appropriate to meet the child's needs;
 - (3) A statement of changes in parental behavior that are needed to correct the conditions that led to the abuse, neglect, or dependency, and the actions the parents must take;
 - (4) If there is a recommendation that the child be removed from the home,
 - (a) A statement of the efforts by DSS to prevent the need for placing the child outside the home;

- (b) A description of the efforts by DSS to reunify the family, including services that have been offered, provided, or rejected;
 - (c) A statement of why the child cannot be protected from the identified problems while remaining in the home;
 - (d) The identity of all relatives and friends who have been contacted about providing a placement for the child, and a description of the nature and results of those contacts;
 - (e) A suggested visitation plan for the child;
 - (f) A statement of the child's special needs and how they may be met;
 - (g) The identity and location of the child's siblings, and a statement of steps required to maintain contact between the siblings and reunify the family; and
 - (h) If applicable, a description of the child's school or day-care situation and any proposed changes related to it.
- b. The guardian ad litem for the child shall prepare a disposition report to assist the court in reaching a disposition that will best serve the child's needs.
- c. DSS and the child's guardian ad litem shall make available copies of their disposition reports to all parties and their counsel, and to each other, at or before the pre-adjudication conference if one is held. Otherwise, DSS and the child's guardian ad litem shall make available copies of their disposition reports to the parties and their counsel, and to each other, no later than seven (7) days prior to the scheduled Adjudication hearing.
- (1) This rule contemplates that Dispositional Reports may be required to be updated as of the date of Adjudication in order to reflect matters that have occurred during the interim.
- d. Disposition reports shall not be submitted to or considered by the court until the adjudication is completed.
- e. Court reports must be submitted according to the deadlines listed above. Non-compliant parties will be subject to judicial sanctions as deemed appropriate by the presiding Abuse/Neglect/Dependency court judge.

Rule 20. Services from Other Public Agencies

- a. Any time after adjudication, if it appears that the best interest of the juvenile may require, or that a party is recommending, that the juvenile receive services from a public agency, the court may direct the clerk or a party to serve the director or other appropriate representative of the agency with a notice of the dispositional hearing or a subsequent hearing and of the issues to be addressed that involve that agency. If the notice is served on a county agency, it also shall be served on the county attorney.
- b. At the dispositional hearing or a subsequent hearing for which the agency has been served with notice, the court may hear evidence and make findings regarding the level and type of services the agency can provide to meet the juvenile's needs.

Rule 21. Disposition

- a. The dispositional hearing shall be held immediately following the adjudication or within **30 days** thereafter unless the Court orders otherwise.
- b. If the juvenile remains out of the home at the conclusion of the dispositional hearing, the judge shall specify in the order a specific time for a review hearing.
- c. At the conclusion of the dispositional hearing, the judge shall determine whether any person or agency not present or represented at the dispositional hearing needs information about the disposition in order to help meet the child's needs. The judge may order that either a copy of the dispositional order or a summary of appropriate portions of the order be provided to any such person or agency. The court also may order the parties to share specified types of information on an ongoing basis with designated persons or agencies.
- d. If a parent's identity or whereabouts remains unknown or the paternity of the child has not been legally established, the judge shall specify in the order any steps that are to be taken by the parent, Department of Social Services Worker, or other appropriate person to identify the parent, locate the parent, or establish paternity.
- e. The Clerk shall distribute a copy of the judge's order to each party.

Rule 22. Review Hearings

- a. If a juvenile remains out of the home following a dispositional hearing, a review hearing shall be held at a time the judge designates in the dispositional order, but in no event more than **ninety days** from the date of the dispositional hearing. Thereafter, if the juvenile remains out of the home following a review hearing, another review hearing shall be held at a time the judge designates in the review hearing order, but in no event more than **six months** from the date of the review hearing. (G.S. 7B-906)
- b. The goal of each hearing shall be to achieve permanency.
- c. The department and the child's guardian ad litem shall make available copies of their Review reports to the parties and their counsel, **and to each other**, no later than seven (7) days prior to the scheduled Review hearing.
 - (1) This rule contemplates that Review reports may be required to be updated as of the date of Review in order to reflect matters that have occurred during the interim.
- d. At least **three days** prior to the review hearing, any other party or attorney may deliver in writing to the DSS attorney, Guardian ad Litem Office, and all other parties any and all of the party's disagreements with or objections to the DSS or Guardian ad Litem written court summary.

- e. Court reports must be submitted according to the deadlines listed above. Non-compliant parties will be subject to judicial sanctions as deemed appropriate by the presiding Abuse/Neglect/Dependency court judge.

Rule 23. Permanency Planning Hearings

Permanency planning hearings shall be held as provided by G.S. 7B-907. (See rule 12.E. above for timing of hearing).

Rule 24. Termination of Parental Rights Hearings

Termination of parental rights hearings shall be held as provided by G.S. 7B-1109. (See rule 12.F. above for timing of hearing).

Rule 25. Post termination of parental rights placement court review

- a. A post termination of parental rights placement court review shall be held as provided by G.S. 7B-908. (See rule 12.G. above for timing of hearing).
- b. Post termination of parental rights hearings shall be held four months after completion of the last parents' date of termination or relinquishment.
 - (1) If the adoption petition has not been filed by the date of the four month post termination review, then a review hearing shall be held every 60 days to account for steps being taken or obstacles to completing the adoption process.
 - (2) After the four month post termination review, the court can make a finding to determine whether or not future 60 day hearings would be appropriate.

PRIORITY OF JUVENILE COURT AND SCHEDULING OF PROCEEDINGS

Rule 26. Priority of Juvenile Court

Juvenile cases involving abuse, neglect, or dependency shall have priority over all other district court matters.

Rule 27. Maintaining Case on Court Calendar

At or before the conclusion of each hearing, the court shall set a date for a subsequent hearing unless the court waives the holding of further review hearings after making the findings required by G.S. 7B-906(b).

Rule 28. Judicial Assignment

- a. It is contemplated by these Rules that each Judge presiding in Juvenile Court will have a relatively balanced caseload. It is also contemplated that a Judge who adjudicates a case should continue to preside over subsequent hearings in that case so as to provide continuity and consistency. To this end, the Juvenile Court Clerk and Juvenile Court Coordinator will make assignments of cases to the presiding judges to accomplish these goals.

- b. Review hearings shall be set before the judge presiding over the adjudication. This is the general rule unless circumstances require otherwise.
 - (1) Exceptions to this rule include:
 - (a) Cases that have been ordered into Family Drug Treatment Court (FDTC).
 - i. These cases will be assigned to the FDTC judge.
 - (b) Termination of Parental Rights (TPR) Hearings.
 - i. It is the consensus of the District Court Judges that the Judge assigned to the Juvenile A/N/D case will not preside over the TPR of said case.
 - ii. A Judge will be assigned to the TPR hearing when a TPR Motion or Petition is filed.
 - iii. When assigning the TPR Motion or Petition, the Juvenile Court Clerk and Juvenile Court Coordinator will take into consideration a need for balanced caseloads, docket schedules and ability to have the matter heard within statutorily mandated timeframes.
 - (2) In the event a party wishes to Motion a case back into juvenile court, prior to the assigned judge's rotation, the party will contact the Juvenile Court Coordinator or Juvenile Court Clerk to coordinate an appropriate date and time for the assigned judge to hear the case.

Rule 29. Extensions of Time and Continuance

- a. Extensions of time and continuances beyond the times specified by statute, court order, or these rules shall be granted **only for good cause**, even if all parties are in agreement.
- b. Orders for extensions or continuances shall appear on the record, state supporting reasons, and set the next hearing date.

These Rules as Revised are effective on December 1, 2011.

Last Rev. 9/1/2010
Last Rev. 6/1/2008
Last Rev. 5/2006
Last. Rev. 2003
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