

NORTH CAROLINA
COUNTY OF _____

File No. _____
IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

In the Matter of: _____)
_____)
_____)
A Juvenile .)

**MOTION TO EXAMINE JUVENILE
RECORDS IN ABUSE, NEGLECT AND
DEPENDENCY CASES**

Attorney for _____, pursuant to N.C.G.S. §7B-700, Rules 26(a) and (b) (1)(3) of the North Carolina Rules of Civil Procedure, and 10 North Carolina Administrative Code 70A.0113, for an Order directing _____ County Department of Social Services (DSS) to allow the undersigned to examine records in the custody of DSS pertaining to the above-referenced Juvenile.

In support of said Motion, Movant states that the need of the Movant to have access to the records to prepare for the matter pending before the Court, outweighs the interests of the State of North Carolina and the Juvenile in denying access to the records. To protect the interests of the State of North Carolina and the Juvenile, the Movant agrees to the imposition of the following conditions and restrictions on Movant's access to the records:

1. Review of the records of _____ County DSS shall be made at the office of _____ County DSS.
2. Arrangements to review the record shall be made by contact with counsel for _____ County DSS. Access to the records shall be expedited and at a time mutually agreeable to the Movant and the representative of _____ County DSS.
3. No photo copies of records can be made and no records can be removed from _____ County DSS.
4. _____ County DSS is authorized to remove from the records, before its review, any notes or references to consultations with an attorney for _____ County DSS.
5. The Movant shall maintain in confidence, from all persons, including the Parents of the Juvenile:
 - (a) The identity and any facts which might lead to discovery of the identity, of all persons or agencies who have reported suspected abuse, neglect or dependency. The Movant shall make no contact with such persons or agencies as a result of learning of their identity from the record.
 - (b) The identity, and any facts which might lead to discovery of the identity, of all persons who have spoken to _____ County DSS and expressed a desire for anonymity or indicated that they were not willing to testify in any proceeding. Additionally, the Movant shall make no contact with such persons or agencies as a result of learning of their identity from the record.

- (c) The physical location of the Juvenile, including any school or day care placements, any sites for medical or mental health treatment, or any other information which would reveal the possible whereabouts of the Juvenile shall not be disclosed to anyone. This information includes, but is not limited to, the names of foster care providers, day care providers, schools, and/or medical and mental health personnel. The Movant shall not make any contact with such persons or agencies as a result of learning of their identity from the record and shall not make contact with the Juvenile without specific written permission from _____ County DSS and the Guardian ad Litem for the Juvenile.
 - (d) Any information obtained from any parent about any other parent of the Juvenile.
 - (e) No copies of documents shall be given to parties, witnesses or any other persons who do not have a statutory right to said documents.
 - (f) All discovery matters shall be completed one (1) week prior to the next scheduled court date of the matter. Examination of the DSS records shall occur no sooner than five (5) business days after entry and service of the Order.
 - (g) If any additional information is received or added to the file five (5) business days after entry and service of the Order, _____ County DSS will notify counsel and provide them an opportunity to review the additional information.
 - (h) Upon an attorney making a determination he/she needs to make inquiry (cross examination, direct examination, or further discovery) about particular information, he/she can move the Court for an *in camera* inspection of that information, and upon a particularized showing, the Court can order disclosure or use of information with appropriate safeguards.
6. All other information located within the files of _____ County DSS, not described in the preceding paragraph and subparagraphs, shall be held in strictest confidence by the Movant.
 7. Movant acknowledges that a violation of any of the foregoing conditions of access shall subject the Movant to contempt proceedings.

Date: _____

Movant

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served this “MOTION TO EXAMINE JUVENILE RECORDS IN ABUSE, NEGLECT AND DEPENDENCY CASES” upon DSS Attorney, Attorney for GAL and any other parties and/or attorneys to this action by depositing a copy of same in the United States Mail, postage paid, properly addressed to the attorney or attorneys for said parties, or to the parties, if not represented.

Date: _____

Movant