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STATE OF NORTH CAROLINA
GUILFORD
DIVISION

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT

FILED
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GUILFORD CO., C.S.C.

**ADMINISTRATIVE ORDER AMENDING
LOCAL RULES GOVERNING
Abuse, Neglect, Dependency and Termination of Parental Rights Proceedings**

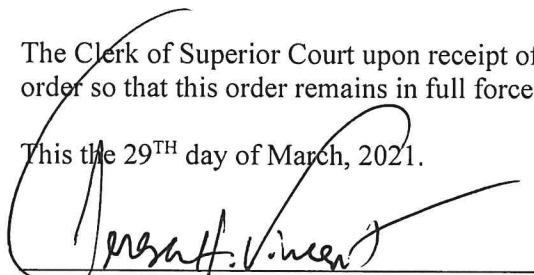
**The 18th District Court Judicial District
April 1, 2021**

This Administrative Order and Local Rules for Abuse, Neglect, Dependency and Termination of Parental Rights cases supersede all previous local rules pertaining to Abuse, Neglect, Dependency and Termination of Parental Rights cases.

The attached rules are hereby adopted effective April 1, 2021 and shall continue in effect until further orders of the Court are entered that may alter or abolish this order.

The Clerk of Superior Court upon receipt of this Administrative Order shall file and index this order so that this order remains in full force and effect until and unless it is rescinded or modified.

This the 29TH day of March, 2021.



Teresa H. Vincent
Chief District Court Judge
18th District Court Judicial District

ORIGINAL

**LOCAL RULES FOR ABUSE, NEGLECT, DEPENDENCY AND
TERMINATION OF PARENTAL RIGHTS CASES**

**RULE 1
SCOPE OF THE LOCAL RULES**

- 1.01 These rules shall apply to all cases in which a petition is filed alleging abuse neglect, dependency or to terminate parental rights. They are promulgated in compliance with Rule 40(a) of the North Carolina Rules of Civil Procedure and Rule 2 of the General Rules of Practice for the Superior and District Courts.
- 1.02 These rules are not complete in every detail and will not cover every situation that may arise. In the event that these rules do not cover a specific matter, the Presiding Judge is authorized to act in his or her discretion, subject to consultation with the Chief District Court Judge.
- 1.03 Where forms are specified to be used, Parties must use that form.

**LOCAL RULES FOR ABUSE, NEGLECT, DEPENDENCY AND
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**RULE 2
PURPOSES OF LOCAL RULES**

- 2.01 To establish procedures for abuse, neglect, dependency ("A/N/D") and termination of parental rights cases ("TPR").
- 2.02 To help achieve a permanent, stable, and safe home for juveniles who come under the court's jurisdiction and to do so in a timely manner.
- 2.03 To ensure compliance with Chapter 7B of the North Carolina General Statutes and the North Carolina Rules of Civil Procedure.
- 2.04 To help parties present issues and evidence to the court in an efficient manner.
- 2.05 To help the court oversee case management from beginning to termination of the case.
- 2.06 To eliminate unnecessary delays in court proceedings.
- 2.07 To develop a disposition in each juvenile case that reflects consideration of the facts, the needs and limitations of the juvenile, and the strengths and weaknesses of the family.
- 2.08 To aid the court in arranging for appropriate community level services to be provided to the juvenile and the juvenile's family in order to strengthen the home situation.
- 2.09 To ensure that the best interests of the juvenile are of paramount consideration to the court and that when it is not in the juvenile's best interest to be returned home, the juvenile will be placed in a safe, permanent home within a reasonable amount of time.

**LOCAL RULES FOR ABUSE, NEGLECT, DEPENDENCY AND
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**RULE 3
INTERPRETATION AND CONSTRUCTION OF THE LOCAL RULES**

- 3.01** These rules shall be liberally construed to accomplish the purposes set forth in Rule 2. The court may impose sanctions as allowed by North Carolina Law or as hereinafter provided against a party, attorney or other participant under the court's jurisdiction who fails to comply with these local rules; however, no rule shall be construed, applied, or enforced in a manner that will endanger or harm a child.

LOCAL RULES FOR ABUSE, NEGLECT, DEPENDENCY AND
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RULE 4

APPOINTMENT OF COUNSEL, GUARDIAN AD LITEM FOR PARENT, AND
CONFLICT GUARDIAN AD LITEM-ATTORNEY ADVOCATE LISTS

- 4.01 The clerk of court shall maintain the list of attorneys eligible to be appointed to represent parents as attorneys or as Guardians ad Litem ("GAL"), pursuant to Regulations for Appointment of Counsel in the 18th Judicial District in cases under the Indigent Defense Services Act ("IDS").
- 4.02 Any attorney who requests to be placed on the appointment list is representing to court the following:
- (a) The attorney has sufficient experience and skills to provide competent representation.
 - (b) The attorney has a good working knowledge of juvenile law, juvenile court procedures, and local rules;
 - (c) The attorney has a good understanding of child protective services and the related mandates that apply to Guilford County Department of Health and Human Services ("DHHS");
 - (d) The attorney has a commitment to work with parents and juveniles;
 - (e) Every attorney has to agree to mentor an attorney after their first year on the list.
- 4.03 Requirements of New Attorneys to the Court Appointment List
- I. Prior to Approval:
- General: The applicant must be a duly licensed attorney and a member in good standing of the North Carolina State Bar.
- Observation: The applicant must observe at least two (2) full morning sessions of A/N/D court and one (1) contested TPR trial, or at least three (3) hours, whichever is shorter.
- Prior Knowledge of Law: The applicant must be familiar with the current law pertaining to A/N/D and TPR cases from the Juvenile Code (N.C. Gen. Stat. Chapter 7B) and resources available through IDS and the Office of Parent Representation.
- Written Certification of Compliance: The applicant must certify in writing to the Guilford County Committee on Indigent Appointments that he/ she has completed the above requirements before he/ she can receive appointed cases. This written certification must be directed to the Administrator of the Guilford County Committee on Indigent Appointments. A short-written statement by the applicant is sufficient.
- II. Upon Approval:
- Mentor: The applicant must have a mentor for at least the first year. The mentor must be someone who has practiced in A/N/D and TPR court for at least one year and will be assigned by the Guilford County Committee on Indigent Appointments. The mentor will be available to the applicant during the applicant's first year of handling these cases.
- DHHS Orientation: As soon as possible, following approval for the Parent Representation list, the applicant is expected to contact the DHHS Attorney and coordinate a time to be oriented on the DHHS process, including how reports are received and investigated as well as meeting requirements as a case progresses through foster care.

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Training: Within the first year following appointment, the applicant is expected to participate in the Parent Defender's Conference through IDS and the Office of Parent Representation and more thoroughly study the A/N /D and TPR Manual from the UNC School of Government (and available online through IDS and the Office of Parent Representation).

Continuing requirements: The attorney must complete at least three (3) hours of training every other year through an "approved training provider."

III. Exemptions:

Attorneys Presently on the Parent Representation Appointment List: Any Attorney already on the Parent Representation List is exempted from the "prior to approval," the "mentor" and "DHHS orientation" requirements but must complete three (3) hours of training every other year.

Attorneys Formerly on the Parent Representation Appointment List: Any attorney who was formerly on the Parent Representation appointment list for more than one year is exempted from the "prior to approval," the "mentor" and "DHHS orientation" requirements but must complete three (3) hours of training every other year.

- 4.04 Appointment of Guardian ad Litem for Parent in accordance with 7B-602 and N.C.G.S. §1A-1, Rule 17
- (a) The Court shall appoint a Guardian ad Litem to any parent who is under the age of 18 years and who is not married or otherwise emancipated; or
 - (b) Upon motion, the Court may appoint a Guardian ad Litem for a parent where the Court makes a determination that the parent is incompetent and cannot adequately act in his or her interest making specific findings of fact as to reasons for determining parent is incompetent.
- 4.05 At the first hearing, the respondent shall complete an affidavit of indigency. The court shall review the issue of counsel and confirm the appointment of counsel or dismiss the provisional counsel pursuant to N.C.G.S. §7B-602 or N.C.G.S. §7B-1101.1.
- 4.06 If any party or counsel becomes aware of a conflict, the party or counsel has a duty to inform the court at the earliest opportunity.
- 4.07 If an attorney has previously represented a parent, every effort shall be made to appoint the same attorney and/or Guardian ad Litem for a parent, unless exigent circumstances are presented to the presiding judge justifying the appointment of a different attorney or Guardian ad Litem.
- 4.08 When appointing attorneys to represent parents, the clerk and court shall make every effort to follow the list in the sequence in which the attorneys' names appear on the list. If the name of an attorney is passed over for a reason other than the attorney's unavailability or appointment in a different capacity in the same case, then the attorney's name shall be maintained on the list for the next appointment. If any attorney requests that another attorney be appointed to represent a parent, the presiding judge may appoint new counsel in the interest of justice.

**LOCAL RULES FOR ABUSE, NEGLECT, DEPENDENCY AND
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- 4.09** Appointment of a Conflict Attorney Advocate
Where a parent has been represented by the Attorney Advocate when that parent was a juvenile in DHHS custody, there is a conflict. At the first hearing after the conflict becomes known, the Attorney Advocate must inform all parties and the Court of said conflict. Unless the conflict is waived, a Conflict Attorney Advocate shall be appointed to represent the juvenile in the current proceeding. This conflict does not extend to the Guardian ad Litem program. The Guardian ad Litem Program shall maintain the list of Conflict Attorney Advocates and every effort shall be made to follow the list in the sequence in which the Conflict Attorney Advocate's name appears.

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RULE 5

**RESPONSIBILITIES OF PARENT'S, GUARDIANS AD LITEM FOR RESPONDENT
PARENT, AND ATTORNEY ADVOCATE**

- 5.01** Responsibilities of Parent's Attorney and Guardian ad Litem
- (a) Be available for the initial hearing of a new appointment;
 - (b) Attend all hearings and be present for the call of the calendar;
 - (c) Assist the client with completing an affidavit of indigency at the first proceeding at which the client appears;
 - (d) Stay in regular contact with the client;
 - (e) Continue to stay in contact with DHHS and monitor case progress between court hearings;
 - (f) Provide the parent or legal caretaker with a copy of all orders especially adjudicatory, disposition and permanency planning review hearing orders;
 - (g) Be in court at the appointed time and if the attorney is delayed, to contact the County Attorney, all counsel and courtroom clerk by 8:30 a.m. the day of court to inform the court of the delay, the cause for the delay and where the attorney may be contacted
 - (h) Keep the County Attorney informed of his or her location at all times, if the attorney is absent from the courtroom;
 - (i) Comply with the General Rules of Practice for Superior and District Courts relating to priority, in particular Rule 3.1 Guidelines for resolving scheduling conflicts;
 - (j) Report to the court when the needs of the parents are not being met;
 - (k) Prepare or assist the parent with preparing any written reports that need to be submitted to the court for or by the parents;
 - (l) Facilitate when appropriate the settlement of dispositional issues;
 - (m) Offer evidence and examine witnesses at all hearings;
 - (n) Remain informed about current law;
 - (o) Comply with the Regulations for Appointment of Counsel in the 18th Judicial District in Cases under the Indigent Defense Services Act; and
 - (p) Attend all DHHS meetings and Court proceedings.
- 5.02** Responsibilities of Attorney Advocate are:
- (a) To assist the non attorney Guardian ad Litem in carrying out duties as allowed by law pursuant to N.C Gen. Stat. 7B-601; and
 - (b) To separately represent the best interest of the juvenile and protect the legal interest of the juvenile in all actions.
- 5.03** Responsibilities of a Conflict Attorney Advocate
- (a) The duties, powers and responsibilities of the conflict Attorney Advocate shall be the same as for the regular Attorney Advocate (see Attorney Advocate's responsibilities).
- 5.04** Responsibilities of the Court Liaison –
- (a) Facilitate communication between the Parent attorneys and the various court entities.
 - (b) The parent attorneys are to go to the Court Liaison with questions or concerns and the Court Liaison shall discuss said concerns with the Lead Judge.
- 5.05** The Court Liaison is a Parent Attorney who serves on both the High Point and Greensboro Court Appointed Lists. This attorney is selected by the Lead DHHS Judge.

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RULE 6

COURT APPOINTED ATTORNEY - CONTINUATION OF REPRESENTATION

- 6.01** Once an attorney is appointed to represent a parent, the attorney has a duty to represent that client through all stages of the abuse, neglect, dependency or termination of parental rights proceedings and will not be allowed to withdraw except for compelling reasons.
- 6.02** The parent cannot choose his/her own court appointed attorney and all appointments must comply with Rule 4 of these Local Rules. The Court shall not replace a court appointed attorney with a different court appointed attorney at the request of a parent unless the Court determines there is a conflict.
- 6.03** An attorney representing a parent shall continue to represent that parent when the permanent plan is changed to termination of parental rights and a petition or motion for TPR is to be filed unless:
- (a) The attorney cannot represent the parent in the action to terminate parental rights. The attorney shall file a motion requesting to withdraw at the time the permanent plan is changed to adoption.
 - (b) A new attorney may be appointed to represent the parent in the abuse, neglect, dependency, and termination of parental rights action.
- 6.04** In the event the attorney is released prior to the filing of a TPR petition or motion, the following applies:
- (a) Upon the filing of a petition, the attorney will be appointed as provisional attorney. If confirmed as attorney of record, the attorney will represent the parent at all hearings before the court in the TPR and A/N/D case.
 - (b) Upon the filing of a motion, the parent is not automatically appointed an attorney. The parent must appear in court and request an attorney, pursuant to NCGS 7-B 602(a). If the attorney is appointed, the attorney will represent the parent at all hearings before the court in the TPR and A/N/D case.
 - (c) If an attorney is appointed in the TPR then that same attorney should be appointed in the A/N/D case upon a Motion to Withdraw being filed by currently assigned attorney.
- 6.05** An attorney representing a parent shall be released at such time as further review hearings are waived, no longer scheduled and/or the court in its discretion determines that an attorney is no longer needed.
- 6.06** An attorney has a duty to represent his or her client until released as attorney of record.
- 6.07** In the event a case is returned on appeal, all efforts will be made to reappoint the same court appointed attorney. In the case where the parent was previously represented by a private attorney, a court appointed attorney will not be appointed until the parent completes an affidavit of indigency.
- 6.08** An Attorney that withdraws from a case shall provide a copy of their entire file to the newly appointed attorney.

**LOCAL RULES FOR ABUSE, NEGLECT, DEPENDENCY AND
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CALENDARING OF CASES**

- 7.01** The schedule for calendaring cases shall be as follows:
1. Juvenile Court in High Point
 - (a) Monday at 9:00 a.m.: TPRs filed by DHHS, private TPRs, and contested Children's Home Society's TPRs, as well as, contested A/N/D matters with the consent of the presiding Judge and post termination and post relinquishment reviews.
 - (b) Thursday at 9:00 a.m.: A/N/D non-secure custody hearings, adjudications, dispositions, reviews, permanency planning reviews, motions, and emancipations.
 - (c) Thursday at 2:00 p.m.: Post-termination and post-relinquishment review hearings.
 2. Juvenile Court in Greensboro
 - (a) Tuesday at 9:00 a.m.: TPRs filed by DHHS, private TPRs, and Children's Home Society's TPRs, as well as, contested A/N/D matters with the consent of the presiding Judge.
 - (b) Wednesday and Friday at 9:00 a.m.: A/N/D non-secure custody hearings, adjudications, dispositions, reviews, and permanency planning reviews, motions, and emancipations.
 - (c) Wednesday and Friday at 2:00 p.m.: Post-termination and post- relinquishment review hearings.
- 7.02** The courtroom clerk shall do the following:
- (a) Prepare the court calendar and have them available on the day of court;
 - (b) Maintain a record of all upcoming court dates in the comprehensive court calendar;
 - (c) Keep a copy of the court calendar in the courtroom for reference;
 - (d) Keep the minutes of the courtroom proceedings, which include, but are not limited to, keeping track of the next hearing date scheduled in open court, continuances, case closures, appointment and release of attorneys, appointment and release of Guardians ad Litem, judicial assignment, and other similar matters;
 - (e) Have copies of any unserved petition and summons available to be served on the unserved parties.
- 7.03** Distribution of Court Calendar
- (a) The court calendar shall be set by the Juvenile Court Judge presiding and when necessary by the juvenile court clerk's office.
 - (b) A Preliminary Court Calendar for each court session shall be prepared for viewing by 5 p.m. on Wednesday before the week of a court session.
 - (c) Preliminary Court Calendars are to be distributed to the DHHS attorney and GAL program by electronic mail.
 - (d) Individuals receiving the preliminary calendar are responsible for contacting the courtroom clerk immediately if there are corrections that need to be made to the preliminary calendar.
 - (e) After reviewing the preliminary calendar, the DHHS attorney shall submit a copy of the calendar with the court summaries to the presiding Judge by Friday, at 12:00 noon immediately preceding the relevant week of court.
 - (f) A final court calendar shall be distributed to the Presiding Judge, DHHS

**LOCAL RULES FOR ABUSE, NEGLECT, DEPENDENCY AND
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Supervisor, DHHS attorney; GAL program, Attorney Advocate, parent's attorneys, parent's GAL and bailiff on the court day.

- (g) Court calendars shall never be provided to the juvenile or juvenile's parents.

7.04 Cases to be calendared at all times

Each abuse, neglect, dependency and termination of parental rights case shall be maintained on the court calendar at all times for as long as juvenile court jurisdiction in the case continues unless the court orders that no further reviews are required. If a case cannot be reached for hearing due to other scheduled matters, no person involved in the case shall leave the courtroom prior to the case being re-calendared. This will serve as notice of any hearing dates set.

7.05 Courtroom Management

- (a) The DHHS attorney is responsible for managing the docket.
(b) Cases that should be given priority treatment should include (not in any specific order):
- Adjudications
 - Incarcerated Parents
 - Juveniles present
 - Interpreter necessary and present
 - Non Secure Custody Hearings
 - Other cases that will maximize courtroom efficiency

7.06 Procedure for Producing Incarcerated Parent

- (a) In order for a parent incarcerated in the Guilford County jail to be produced at a Court hearing, the Bailiffs office shall be contacted by 5 p.m. the day before Court or as soon as possible on the court date (if not known before) by:
1. The DHHS Attorney, when the incarcerated parent is unrepresented or in cases of the initial non-secure custody hearing;
 2. The parent's attorney.
- (b) If an incarcerated parent is in the Department of Corrections, said parent will have to request his/her own writ or said parent's attorney shall arrange for the writ.

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**RULE 8
JUVENILE'S ATTENDANCE IN COURT**

- 8.01** Any juvenile in the custody of DHHS may attend the hearing, but is not required to be present for the hearing.
- 8.02** Any party requesting to have the juvenile present at any court proceeding shall notify in writing the County Attorney, Social Worker, Social Work Supervisor and Attorney Advocate at least seven (7) days in advance of a hearing. If no agreement can be reached among the attorneys as to the juvenile's presence the party requesting the juvenile's appearance shall cause a subpoena to be issued and served upon the Director or Assistant Director of DHHS. The juvenile shall be able to participate by WebEx if it can be arranged and the Attorney Advocate is in agreement with the juvenile participating by WebEx
- 8.03** Cases in which the juvenile is present should be given priority. If the juvenile is in the courthouse at the beginning of the day, the juvenile's case should be heard as quickly as possible. .
- 8.04** In order to ensure that the juvenile does not have to wait a long time for the juvenile's case to be heard, when any party becomes aware that the juvenile wants to be present for the court hearing the party shall inform all the other parties in order to determine approximately what time would be best to conduct the hearing. The outcome of the decision should be shared with the Court during calendar call.
- 8.05** The DHHS social worker and the GAL shall ensure that all parties are informed when the juvenile is in the courthouse.
- 8.06** The juvenile shall only be present in the courtroom for his/her hearing.

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**RULE 9
HEARINGS**

- 9.01 At the Initial Non-secure Custody Hearing, DHHS shall file a Reasonable Efforts Report if such report was not filed with the petition; and DHHS shall provide the parent attorney with all contact information for their client, including relative contacts. DHHS has a continuing duty to keep the parent attorney informed of any known changes to their client's contact information.
- 9.02 The pre-adjudication hearing can be combined with a non-secure custody hearing or can be heard the same day as adjudication.
- 9.03 The court, in its discretion, may order any local agency where a juvenile is placed to have a representative present at any hearing.
- 9.04 All parties shall be prepared to address issues relating to reasonable efforts and any other issue that would aid the court in making decisions in the best interest of the juvenile.
- 9.05 Parties may prepare a proposed order for the court to consider as the order to be entered in the case for any hearing.
- 9.06 The date, time and place of future hearings shall be stated in open court by the presiding judge. The next court date for any hearing shall be noted in the order, and no one present will be entitled to any further notice of that hearing. The clerk shall notify any party not present and entitled to notice of the next scheduled hearing.

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**RULE 10
PLACEMENT AND VISITATION**

- 10.01** DHHS shall not make any change to a visitation schedule provided by Court order, except pursuant to 7B-905.1. In the event DHHS temporarily suspends visitation, DHHS shall file expeditiously a motion with the Court to review the issue of visitation. Efforts should be made to coordinate the hearing of the motion in front of the assigned Judge.
- 10.02** Except for an emergency change in placement or a planned change in placement pursuant to a TDM decision, DHHS shall not change the placement.
- a. If an emergency change in placement occurs, written notice to all parties shall be completed and provided to the parties within 3 business days and notice of a post TDM decision shall be included in this notice.
 - b. When a planned change in placement is being considered, written notice to all parties shall be completed and provided to the parties at the earliest time before the planned change in placement, but not less than 14 calendar days before the planned change in placement.
- 10.03** When a juvenile runs away from the out of home placement and fails to return to that placement, DHHS, upon becoming aware that a juvenile has run away and not returned, shall notify all parties in writing and by telephone or e-mail. DHHS shall immediately file a missing person's report and file an appropriate motion with the Court.
- 10.04** When a runaway juvenile is taken into custody based on a secure custody order, the detention facility shall immediately notify the juvenile court counselor, the social worker and the GAL Program upon the juvenile being placed in the detention facility.

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**RULE 11
REASONABLE EFFORTS REPORTS AND COURT REPORTS**

- 11.01** DHHS shall provide an updated Reasonable Efforts report at every non-secure custody hearing. The social worker shall provide the report to the attorneys of record no later than when said attorneys first appear in DHHS court that day.
- 11.02** At the disposition hearing and all Review hearings, DHHS shall provide a written court report to all unrepresented parties, attorneys, the Guardian Ad Litem Program and Attorney Advocate at least three working days prior to the scheduled hearing with the exception of the initial non-secure custody review hearing.
- 11.03** At the disposition hearing and all Review hearings, the Guardian ad Litem shall provide a written court report to all unrepresented parties, attorneys, the social worker, and the DHHS Attorney, at least three working days prior to the scheduled hearing with the exception of the initial non-secure custody review hearing.
- 11.04** If there is a protective order in place or a concern for safety, contact information for a parent, juvenile, or caregiver shall remain confidential.
- 11.05** In order to ensure timely distribution of DHHS Court reports and GAL reports, the social worker and GAL program shall provide documentation as follows:
 - 1. Certificate of Service to be filed and clocked in the clerk's office at the time of report distribution and deposit in attorney's box; or
 - 2. Fax cover sheet showing time and date the social worker or GAL program faxed the report to the attorney's office.

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**RULE 12
PREPARATION AND DISTRIBUTION OF ORDERS**

- 12.01 Unless the court directs otherwise, for every hearing, the DHHS attorney shall prepare a written order, reflecting findings of fact, conclusions of law and the decretal provision which shall be submitted to the court pursuant to statute.
- 12.02 The DHHS attorney shall provide the proposed order to counsel for all parties for comment prior to submitting it to the court. All counsel shall respond with comments or objections within five (5) business days of the receipt of the order. Any disagreements over the terms of the order which cannot be resolved shall be addressed by the court.
- 12.03 Each order shall state the date and time of the next scheduled hearing and the type of hearing to be held.
- 12.04 Once the order has been signed and filed, copies shall be distributed to counsel for all parties, the GAL, and unrepresented parties with an attached certificate of service.
- 12.05 DHHS shall provide a copy of every order to any foster parent or agency in whose care the juvenile is residing , if allowed by law.

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RULE 13

CIVIL CHILD-CUSTODY ORDER PURSUANT TO N.C.G.S §7B-911

- 13.01** The attorney whose client is granted primary custody shall prepare the N.C.G.S §7B 911 order. The PSS Attorney will prepare the order for unrepresented parents.
- 13.02** The attorney shall provide the proposed order to counsel for all parties for comment prior to submitting it to the court. All counsel shall respond with comments or objections within five (5) days of the receipt of the order. Any disagreements over the terms of the order which cannot be resolved shall be addressed by the court.
- 13.03** The order shall be in writing, signed, and entered no later than 30 days from the entry of the DHHS Order terminating the Court's jurisdiction in the juvenile proceeding.
- 13.04** The final N.C.G.S §7B 911 order shall be distributed to all the parties within one week of being properly filed.
- 13.05** Civil custody matters resulting from N.C.G.S §7B-911 orders are exempt from custody mediation and should be designated as exempt in the Clerk of Superior Court VCAP system.

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**RULE 14
CONTINUANCES N.C.G.S. §7B-803**

- 14.01** Motions for continuances shall be presented or submitted in writing to the assigned District Court Judge at least five (5) calendar days in advance of the scheduled hearing date. The motion shall state reasons for the continuance and whether all other counsel involved in the case consents or objects to the extension or continuance.
- 14.02** In extraordinary circumstances where time does not permit the filing of a motion five days prior to the hearing, the court may consider an oral motion for continuance on the assigned court date. An order granting said motion must be in writing.
- 14.03** The moving party shall submit, simultaneous with the motion a proposed order allowing the motion which shall provide for a new hearing date and time, and state clearly the reasons for the continuance.
- 14.04** The County Attorney shall distribute copies of the order to counsel for all parties, the GAL, and any unrepresented party.

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**RULE 15
DISCOVERY IN CHILD ABUSE, NEGLECT, DEPENDENCY AND TERMINATION OF
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- 15.01** Except as protected by privilege, all parties shall disclose all relevant information, records, reports, and materials related to the pending action to all other parties. DHHS shall allow party counsel to have access to DHHS records for examination. Any use of information received by a party counsel under these rules must comply with confidentiality restrictions of use of such documents or information received from all persons. Records may be provided electronically on a flash drive or CD if voluminous.
- 15.02** Upon a written motion of a party and a finding of good cause, the court may at any time order that discovery be denied, restricted, or deferred.
- 15.03** A party seeking to deny, restrict or defer discovery may submit supporting affidavits or statements to the court for in camera inspection or a court hearing.
- 15.04** At any time, including at the initial non secure custody hearing, a party may execute and provide to DHHS and GAL a release of information allowing the release of confidential and non confidential information in the possession or under the control of an agency. The release shall include the right to provide copies of protected documents contained in the DHHS file to counsel for that party, or other party counsel and GAL.
- 15.05** Release of confidential information forms for mental health evaluation or treatment records, substance abuse evaluation or treatment records shall be available in the courtroom at each hearing, if a respondent consents to and sign such a release prior to court, DHHS may accept such a release.
- 15.06** If a party respondent is unavailable or unwilling to sign such a release, counsel for a party making such a request may file a motion to require production of such protected documents.
- 15.07** All parties are under an affirmative duty to provide any and all exculpatory documentation in that party's possession at the time of the hearing and is not protected by privilege, state or federal law, as it may relate to the allegations in the petition.
- 15.08** Any party, including the juvenile, may file a motion to compel discovery of specific information or material. The motion shall be heard at the next court date of the judge assigned to hear the case.
- 15.09** All means of discovery permitted by the Rules of Civil Procedure shall be available.
- 15.10** The Guardian ad litem attorney advocate, conflict Guardian ad litem Attorney Advocate, DHHS attorney, counsel for all parents, any unrepresented party and the Guardian ad litem for a parent may have access to any records subpoenaed (i.e. videotapes, audiotapes, or medical records) evaluations, or other such documents of another respondent.
- 15.11** Attorneys and/or parties shall make a good faith effort to have sufficient copies of all exhibits, reports, or other documents that may be introduced at a hearing, available for distribution to each party prior to the scheduled court hearing. All attorneys and parties shall make a good faith attempt to share exhibits with all parties for their review prior to the hearing.

**LOCAL RULES FOR ABUSE, NEGLECT, DEPENDENCY AND
TERMINATION OF PARENTAL RIGHTS CASES**

RULE 16

FILING TERMINATION OF PARENTAL RIGHTS PETITIONS AND MOTIONS

- 16.01** The party filing the petition/motion to terminate parental rights shall at the time of filing, obtain from the clerk a date within 10 days to schedule the preliminary hearing for the unknown parent and a date within 45 days to schedule the pre-trial and adjudicatory hearing.
- 16.02** At the pretrial hearing the Court shall consider the issues contained in N.C.G.S. §7B-1108.1 and shall proceed with the adjudication hearing, if possible.
- 16.03** The court may set subsequent pretrial/adjudication hearing dates in an effort to ensure that the pending petition is heard within the 90-day statutory time period.
- 16.04** Parents are expected to be at all hearings except if parents have had continued communication with their attorney and all parties agree prior to the court date that the matter is unable to proceed to TPR on the scheduled day.
- 16.05** Once a contested TPR begins, the court shall attempt to hear the matter on consecutive court days until the hearing is completed. The contested TPR has priority over all other scheduled cases, except non-secure custody hearings and cases where the children are being returned to their parents. In order to proceed on consecutive days, the cases may have to be heard in Greensboro and High Point.
- 16.06** All parties shall be prepared to hear the petition/motion at the designated time.

**LOCAL RULES FOR ABUSE, NEGLECT, DEPENDENCY AND
TERMINATION OF PARENTAL RIGHTS CASES**

RULE 17

CASE ASSIGNMENT AND CASE MANAGEMENT IN JUVENILE COURT

- 17.01** The first hearing of any juvenile action shall be scheduled by the clerk of court in compliance with these local rules.
- 17.02** The subsequent hearings of any juvenile action shall be scheduled by the juvenile court judge presiding and when necessary by the juvenile court clerk 's office.
- 17.03** The presiding judge shall reschedule all cases "not reached" or continued and the juvenile clerk shall record the rescheduled date.
- 17.04** All juvenile actions shall be assigned or scheduled before a presiding juvenile court judge as follows:
- a. It is anticipated that the judge who presides over a hearing where sworn testimony is heard becomes the assigned judge for the family.
 - b. One family one Judge expectation
 - 1. When a petition or motion is filed in a juvenile action and the family or juvenile was previously assigned to a judge, that judge will continue as the assigned juvenile court judge.
 - 2. When a family has subsequent children, the new juvenile action shall be assigned to the presiding Judge on the sibling's action as soon as practicable.
 - c. Termination of Parental Rights Hearings – Shall be scheduled to be heard by a different judge then the judge that heard the underlying A/N/D case or upon agreement of all parties before the judge assigned to the underlying case.
 - d. The Judge who rules on a TPR becomes the assigned judge for the family for all future hearings in the TPR and the underlying case.
 - e. Efforts should be made to not schedule visiting judges in Juvenile Court unless the visiting judge was a Guilford County Judge who presided in Juvenile Court for more than 5 years.
- 17.05** A Judge can schedule a special setting with the consent of all parties if it is not reasonable for a case to be scheduled on a regular A/N/D court date.

**LOCAL RULES FOR ABUSE, NEGLECT, DEPENDENCY AND
TERMINATION OF PARENTAL RIGHTS CASES**

**RULE 18
FEE PETITIONS**

- 18.01** A fee petition shall be filled out completely.
- 18.02** A fee petition shall not be submitted prior to the adjudication hearing, and may be submitted after subsequent review hearings thereafter.

**LOCAL RULES FOR ABUSE, NEGLECT, DEPENDENCY AND
TERMINATION OF PARENTAL RIGHTS CASES**

**RULE 19
SANCTION FOR VIOLATIONS OF LOCAL RULES**

- 20.01** If the court finds that there has been a willful or a repeated neglectful failure of any party to comply with any provisions of these local rules that party, in the discretion of the presiding judge, is subject to sanctions. Such sanction may include, but are not limited to, an award of attorney's fees, fines, exclusions of reports, striking of pleadings, or any other sanction allowed by law.

These Local Rules are subject to amendment or modification as experience dictates and requires.

THESE RULES ARE EFFECTIVE APRIL 1, 2021, AND SUPERSEDE ALL PREVIOUS JUVENILE CIVIL LOCAL RULES IN THE DISTRICT COURT OF THE 18TH JUDICIAL DISTRICT.