

**Family Court Rules**  
**Judicial District 19B**

Juvenile

**Effective 1/11/16**

**Randolph County Only**

## TABLE OF CONTENTS

Rule 1:	Scope and Construction
Rule 2:	Sanctions
Rule 3:	Purpose
Rule 4:	Definitions
Rule 5:	Ex Parte Orders
Rule 6:	Service of Summons and Petition
Rule 7:	Appointment of Counsel
Rule 8:	Responsibility of Attorneys
Rule 9:	Appointment of Guardian ad Litem
Rule 10:	Judicial Assignment
Rule 11:	Discovery
Rule 12:	Subpoenas in Domestic Cases
Rule 13:	Calendars
Rule 14:	Peremptory Setting
Rule 15:	Special Sessions
Rule 16:	Continuances
Rule 17:	Early Submission of Court Reports
Rule 18:	Docket Planning
Rule 19:	Stipulated Adjudications
Rule 20:	Review and Permanency Planning Hearings
Rule 21:	Preparation and Entry of Orders
Rule 22:	Pre-Hearing Conferences in Termination of Parental Rights
Rule 23:	Permanency Mediation

## **RULE 1: SCOPE AND CONSTRUCTION**

1. These rules apply to all cases in which a Petition is filed alleging that a juvenile is abused, neglected, and/or dependent and petitions/motion to terminate parental rights and petitions for judicial review of placement on the Responsible Individuals List (i.e. "RIL hearings"). These rules are intended to be a supplement and complement the statutory requirements of the North Carolina Juvenile Code. These Rules shall not be applied or construed to restrict or modify the statutory procedures for A/N/D Court in the North Carolina Juvenile Code.
2. These rules should be liberally construed to accomplish the purposes set forth below. No Rule shall be construed, applied or enforced in a manner that will endanger or cause possible harm to a child, or prejudice the rights of any party.

## **RULE 2: SANCTIONS**

If the court finds that there has been a willful failure of any party to comply with any provision of these rules, the party, in the discretion of the presiding judge, is subject to sanctions. Sanctions may include, but are not limited to, an award of attorney's fees, fines, exclusions of reports, striking of pleadings, or any other sanction provided by statute.

## **RULE 3: PURPOSE**

These Rules are designed to achieve safe and stable homes for children and to promote the best interests of children who come within the court's juvenile jurisdiction. These Rules shall serve the following purposes:

1. To provide judicial oversight of case management and planning;
2. To ensure a coordinated decision making process;
3. To eliminate unnecessary delays in A/N/D court proceedings;
4. To promote and assist in the re-unification of families and to encourage the involvement of families, parents and children in the planning and decision making process;
5. To make Family Court accessible to the community; and

6. To promote the integration of services for families and children and to increase their access to community services.

## **RULE 4: DEFINITIONS**

The following definitions shall apply to these Rules:

1. **CLERK:** The Clerk of Superior Court or an Assistant/Deputy Clerk of the Superior Court.
2. **COURT:** A District Court or District Court Judge of the 19B Judicial District.
3. **DEPARTMENT OF SOCIAL SERVICES:** A Department of Social Services located and operating within Judicial District 19B.
4. **FIRST APPEARANCE:** The initial appearance in court by a named Respondent in an A/N/D Petition.
5. **GUARDIAN AD LITEM:** The Guardian ad Litem Staff, volunteer Guardian Ad Litem, and/or the attorney advocates appointed by the Court on behalf of a child alleged to be abused, neglected, or if applicable, dependent.
6. **JUDGE:** A District Court Judge conducting, or assigned to, A/N/D Court proceedings in Judicial District 19B.
7. **PETITION:** A Petition filed in A/N/D Court alleging that a child is abused, neglected, or dependent.
8. **RESPONSIBLE INDIVIDUALS LIST (RIL) HEARING:** A hearing on a Petition for judicial review of the determination by the Director of the County Department of Social Services of abuse or serious neglect and identification of petitioner as a responsible individual pursuant to N.C.G.S. 7B-323.
9. **SPECIAL SETTING:** A special session of court designated for the hearing of cases involving lengthy trials, an out-of-district judge presiding, or otherwise require court time outside of the regular calendared A/N/D sessions.
10. **TERMINATION OF PARENTAL RIGHTS (TPR):** A Petition or Motion in the Cause filed seeking to terminate the parental rights of a parent to a child.

11. UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT: The Uniform Child Custody Jurisdiction and Enforcement Act found in Chapter 50A of the North Carolina General Statutes.

## **RULE 5: EX PARTE ORDERS**

When seeking an ex parte request for nonsecure custody, telephonic communication must be given in accordance with 7B-502(a). When seeking an ex parte order pursuant to 7B-404, the Department of Social Services must notify the magistrate/judge whether any counsel is representing the respondent(s) in any juvenile proceeding in this county or whether any counsel has provided written notice of representation to DSS or whether there is any GAL for the juvenile and/or respondents.

## **RULE 6: SERVICE OF SUMMONS AND PETITION**

1. Duty to Locate: From the date the Petition is filed until the adjudication hearing, the Petitioner shall have a continuing duty to identify and locate any parent who has not been served with a copy of the summons and Petition and to have a copy of the same served on any such parent.
2. Dates on Summons: The dates and times for the first nonsecure custody hearing, and, if known, the adjudication shall be reflected on the Summons to be served on a parent in an A/N/D proceeding. The line labeled Notice of Hearing on Need for Nonsecure Custody shall reflect the hearing date for the initial nonsecure custody hearing. The line labeled "Summons and Notice of Hearing on the Petition shall reflect the date of the Adjudication.

## **RULE 7: APPOINTMENT OF COUNSEL**

1. To be eligible to be on the list of court appointed attorneys to represent indigent Respondents in A/N/D Court, the attorneys must:
  - a. Possess sufficient experience and skill to provide competent legal representation consistent with the Standards of Representation that have been promulgated by Indigent Defense Services (IDS) for attorneys representing Respondent Parents in A/N/D matters;
  - b. Possess reasonable knowledge of juvenile law and local A/N/D court proceedings; and
  - c. Be diligent in the performance of their duties.
2. The Juvenile Clerk shall maintain a list of attorneys who meet the qualifications for appointment of counsel and shall appoint attorneys from that list on a generally equal basis.

3. Attorneys on the appointed list shall provide the Clerk with their contact information, including their mailing address, phone number, fax number and e-mail address if applicable. Any changes with regard to the attorneys' contact information shall be promptly reported to the Clerk.
4. The Randolph County Bar President, or designated committee, shall make the final determination of which attorneys meet the qualifications for appointed counsel.

## **RULE 8: RESPONSIBILITY OF ATTORNEYS**

1. Continuing Duty of Representation: An attorney who accepts an appointment in a case, or enters an appearance in a case, shall represent the client through all stages of the trial level proceedings unless relieved of the duty to represent the client by the Court.
2. Withdrawal from Representation: If an attorney appointed to represent a Respondent has been unable to establish contact with the client prior to the adjudication hearing and the client does not appear at the adjudication hearing, the appointed attorney may be permitted to withdraw as the attorney of record from the case prior to the commencement of the hearing. After adjudication, if an attorney has been unable to maintain contact with a client, the attorney may be permitted to withdraw as attorney of record in the case prior to the commencement of any review or permanency planning hearing if the client does not appear for the hearing. A Motion to Withdraw for reasons other than those set forth above shall be filed with the Clerk and served on the client and all other parties. The Clerk shall schedule a hearing and the attorney shall serve a Notice of Hearing on the client and all other parties. Such Motions to Withdraw shall be granted for good cause shown in the discretion of the Court.
3. Orders to Withdraw: An attorney allowed to withdraw from a case shall prepare a written order to withdraw and submit the same to the Court. The Order shall contain the last known address and telephone number of the client. After entry and filing of the Order, the attorney shall mail a copy of the Order to the client's last known address and file a Certificate of Service of said Order with the Clerk showing that the client and all other parties have been served with the Order to Withdraw.

## **RULE 9: APPOINTMENT OF GUARDIAN AD LITEM (GAL)**

1. If a Juvenile is alleged to be abused or neglected, the Court shall appoint a GAL on behalf the juvenile. If the Juvenile is alleged to be dependent, the Court may appoint a GAL for the juvenile, if the Court determines such appointment is in the juvenile's best interest.
2. The Guardian Ad Litem Program shall be responsible for presenting Orders to the Court appointing the GAL in each case. If the GAL Program cannot accept an appointment for whatever reason, the GAL Program shall appoint a qualified attorney as GAL, and the Clerk shall notify the attorney of the appointment.
3. Pursuant to NCGS 7B-602 (c), a GAL may be appointed for a Respondent parent. Any party may make a Motion, either written or oral, for the appointment of a GAL for a Respondent parent whenever it is deemed appropriate. After advising the Court that a conflict exists, and the Court finds a conflict exists, between the GAL and the attorney representing a Respondent Parent, an attorney appointed as GAL for a Respondent Parent is entitled to participate fully in the hearings conducted in the case, including the right to present evidence, question witnesses, and make arguments, provided that counsel for the Parent and the GAL not present cumulative evidence or otherwise unnecessarily delay the proceedings.

## **RULE 10: JUDICIAL ASSIGNMENT**

1. Family Court Judges shall preside over sessions of Juvenile Court on a schedule determined by the Chief District Court Judge.
2. Whenever possible, all matters in an A/N/D case are to be heard by the Judge that presided over the adjudication and disposition hearing in the case. It is the goal of Family Court to have a "one Judge one Family" approach to conducting hearings in A/N/D cases prior to proceedings related to termination of parental rights.

## **RULE 11: DISCOVERY**

1. Attorneys are encouraged to provide all other attorneys with discoverable materials at any time upon request, and without court involvement. Otherwise, the parties shall be entitled to pursue discovery in accordance with NCGS §7B-700(c).

2. Attorneys and parties who receive records from the Department of Social Services as discovery shall not re-disclose to third parties any DSS records received as discovery.
3. DSS will redact the name and identifying information as to the reporter of the abuse and neglect.
4. Respondent attorneys may review documents in the DSS offices or DSS may elect to provide documents in electronic form via compact disc.
5. If a respondent attorney is released from representation prior to the completion of the case, any copies of DSS records shall be returned to DSS or submitted to new counsel.
6. Attorneys are authorized to destroy copies of the records sixty (60) days following a voluntary or involuntary dismissal of the action, a TPR judgment, an order awarding guardianship of the children, an order returning custody to the parents with no further reviews, or any other action that finally terminates the case and no appeal has been filed.

## **RULE 12: SUBPOENAS IN DOMESTIC CASES**

1. Subpoenas for DSS records should be timely requested and narrow in scope.
2. The moving party on any objection or motion must contact Family Court to schedule court time in advance of any domestic hearing, if possible, to avoid unnecessary delays and continuances.
3. Records submitted to the Court for review should be submitted with a Records Review Form for the judge and court staff to track the review and release of records. This form is supplemental to the Order releasing records.
4. The clerks may shred any records not introduced into evidence once the appeal time has lapsed.

## **RULE 13: CALENDARS**

1. The Juvenile Clerk of Court shall maintain the A/N/D calendar. On the Friday that is nineteen (19) days prior to a scheduled A/N/D Court session,



the Juvenile Clerk shall distribute the calendar to the following persons:

- a. the DSS Attorneys;
  - b. the Attorneys for the Respondents;
  - c. the GAL Attorney Advocate;
  - d. any Conflict GAL Attorney Advocate or GAL for a Respondent Parent;
  - e. The GAL District Administrator;
  - f. The DSS Social Workers.
2. In the event that the Friday for the distribution of the calendar is a Holiday, then the calendar shall be distributed on Thursday, prior to the Holiday. All parties that receive a calendar are responsible for notifying the Clerk if there are corrections to be made in the calendar.
  3. With the exception of Nonsecure Custody Hearings, Emergency Situations, Motions for Review, Motions to Publish on Unknown Parents, or corrections to the calendar, no cases will be added to or removed from the calendar without permission of the presiding Judge assigned to that session.
  4. An attorney who has a scheduling conflict in another Court shall comply with Rule 3.1 of the General Rules of Practice relating to scheduling priority. It is the attorneys' responsibility to keep the Clerk and other counsel informed of his location when the attorney is unable to be in A/N/D Court when the attorney has a case on the calendar. Judges should confer to resolve any scheduling disputes of cases that have equal priority under Rule 3.1.

## **RULE 14: PEREMPTORY SETTING**

1. Counsel may request peremptory setting for cases involving persons who must travel long distances, cases involving numerous expert witnesses, or cases in which other extraordinary reasons for such request exist. Request for peremptory settings may be made to the juvenile court judge at the status conference, scheduling conference, or by written motion.
2. The judge may set a case peremptorily by his or her own motion.
3. Cases set peremptorily will only be continued by the court for exigent reasons.

## **RULE 15: SPECIAL SESSIONS**

1. Requests for a special session shall be submitted in writing to the Family Court Juvenile Case Coordinator.
2. The Chief District Court Judge may set a case for a special session on his/her own motion.
3. Family Court staff shall notify all counsel/unrepresented parties and the Clerk of Superior Court of the ruling of the Chief District Court Judge on the request for a special session.
4. Cases set during special sessions will only be continued by the court for exigent reasons. Family Court staff shall notify all counsel/unrepresented parties and the Clerk of Superior Court immediately of the cancellation of any special session.

## **RULE 16: CONTINUANCES**

1. The best interest of the juvenile shall be considered in ruling upon all Motion for Continuances made in A/N/D Court. All A/N/D cases should be resolved at the earliest possible time and a Motion to Continue shall be granted consistent with NCGS §7B-803.
2. A Motion to Continue shall be in writing when possible and filed with the Clerk and served on all other parties in the case. The Clerk shall notify the Court of all Motions to Continue and shall schedule hearings on the Motion to Continue at the earliest possible date. Oral Motions to Continue may be made when written Motions are not possible.
3. Orders granting Motions to Continue shall be entered in writing and shall include the name of the moving party, any objections to the Motions, the reasons the Court granted the continuance and the new court date for the matter. The written Orders shall be prepared by the party filing the Motion to Continue and shall be submitted to the Court by the end of the session of Court if possible; and, if not possible, by that date as soon as practicable.

## **RULE 17: EARLY SUBMISSION OF COURT REPORTS**

1. Adjudication/Disposition, Review Hearings and Termination of Parental Rights Court Reports: These reports shall be delivered to all parties and the Juvenile Clerk of Court's Office no earlier than the Friday morning

preceding the session at 9:00 am and no later than Monday at 12:00 noon of the week of the scheduled Court hearing. Late Reports and any Addendum Reports must be delivered to the parties as soon as completed, but no later than calendar call on the date of the scheduled hearing. These Reports will not be submitted to the presiding Judge prior to the Adjudication hearing or the Termination of Parental Rights hearing without the consent of all parties. For the Volunteer GAL Reports the time periods set forth herein are target guidelines for the submission of the GAL Reports

2. Types of reports to be submitted early: The early submission rule shall include, but not be limited to, the following Reports: DSS Court Summary Reports, the GAL Report or the Report of the Conflict GAL Attorney Advocate, any court-ordered report resulting from a home study conducted by Randolph County DSS or provided to Randolph County DSS by another agency, the Respondent Parent Report, and any mental health psychological, substance abuse, or other evaluations or records that had previously been ordered by the Court.
3. Unrepresented Parties: In the event a parent is not represented by counsel in the case, the DSS Social Worker, or other parties submitting Reports, shall deliver the parents copy of the Reports to the Clerk's Office and, if possible, notify the un-represented parent that the Report can be reviewed by the parent at the Clerk's Office. If the parent does not get a copy of the Report prior to the court hearing date, a copy shall be provided to the parent prior to the case being called for hearing.
4. Review of Reports: All individuals receiving the copy of the Court Reports pursuant to this Rule, shall read and review the Reports prior to the hearing to insure efficient use of court time. An attorney for a Respondent Parent shall also make efforts to review the report with the parent prior to the hearing date if possible. It is the intent of this Rule to encourage the early filing of Reports and the review of the same prior to the Court hearing to efficiently utilize the Court's time.

## **RULE 18: DOCKET PLANNING**

1. Private TPR's and RIL cases should not be set on the regular A/N/D docket. Scheduling of these matters should be coordinated through Family Court.
2. During each Wednesday session of A/N/D Court, unless moved by the presiding judge, the attorneys for Respondents, the DSS attorney, and a representative of the GAL office shall meet at 1:00 p.m. in the courtroom for a scheduling conference regarding the next week's docket. The

participants shall advise what matters might be continued, resolved by stipulation or remain contested along with the projected court time for each matter. After the scheduling conference, Family Court will distribute a proposed lineup for the next session. All parties have a continuing obligation to update Family Court with any changes to continuances, stipulations or projected times so that the proposed lineup can be updated before the session.

3. At the beginning of each session of A/N/D Court, the presiding Judge, or delegee, shall call the calendar and use the proposed lineup as a guide to set the order of cases for hearing. It is the intent of this rule to reduce the amount of time that parties and attorneys have to wait in court for their cases to be heard. It is also the intent of this rule to allow the presiding judge to alter the proposed lineup as reasonably necessary to accommodate new changes or child planning conferences.
4. Hearings will begin in the scheduled cases immediately after the calendar call.

## **RULE 19: STIPULATED ADJUDICATIONS**

1. All Stipulated adjudications shall be reduced to writing and shall be signed by the DSS attorney, Respondents' Attorney, Respondents, the GAL Attorney, the social worker and any GAL for Respondents involved in the case.
2. If the parties submit a written stipulation to the Court containing certain findings and/or provisions of the Court's decree, the Court shall determine, before accepting the Stipulation in open Court that the parties understand the content and the consequences of the Stipulation, that entering the Stipulation was the parties' voluntary act, and that the party had adequate opportunity to discuss the proposed Stipulation with their legal counsel. The Court's findings concerning Stipulations shall be made part of the record.

## **RULE 20: REVIEW AND PERMANENCY PLANNING HEARINGS**

1. The Court shall conduct review and permanency planning hearings of each case as provided by statute. The Court may set a review or permanency planning hearing for any case at any time, on its own Motion, or upon written Motion filed by any party. A Notice of Hearing shall be prepared by the Clerk and signed, issued and served by the Clerk at least fifteen

(15) days prior to the date set for the hearing to all parties involved in the hearing and any other person or agency specified in a Court Order, if possible or unless a shorter notice period is ordered by the Judge.

2. If a Motion is filed by a party requesting some relief, the moving party shall prepare and file a written Motion and Notice of Hearing at least five (5) days prior to the hearing date. The Motion and Notice of Hearing in said Motion shall be filed with the Clerk. The moving party shall consult with the Clerk concerning the scheduling of the hearing date on the Motion before the filing of the Notice of Hearing. When service is by facsimile, the sending attorney shall confirm receipt of the same by the receiving attorney. Emergency Motions may be filed with less than five (5) day Notice for good cause shown.
3. Periodic review Hearings shall be conducted by the Court as provided by statute, if DSS is not relieved of court ordered responsibility, and such reviews shall be noticed for hearing as provided in section one (1) above. Respondent attorneys shall be notified and invited to Permanency Planning Action Team Meetings where potential permanent plans for clients are discussed. Any DSS Court Summary Report that recommends the change of permanent plan for the minor child shall be presented to respondent attorneys at, or before, the scheduling conference held the week prior to the permanency planning or review hearing if possible. Notification of change of recommended plan after such date may be cause to continue the PPR or PPH upon oral or written motion of the respondent attorney.

## **RULE 21: PREPARATION AND ENTRY OF ORDERS**

1. In cases involving DSS, the DSS attorney shall prepare all proposed orders, unless otherwise provided for in these Rules or instructed by the Court. The proposed Order shall be submitted to all attorneys for their comment and approval at least seven (7) days prior to its scheduled entry by the Court, and in the event the parties cannot resolve any issues concerning a proposed Order, the party preparing the Order shall notify the Judge in writing of the conflict, shall submit the proposed Order and the written objections to the proposed Order to the Judge and the Judge shall resolve the conflict as soon as possible. The intent of this Rule is to resolve any conflicts in written orders as soon as possible and, if possible, prior to the next scheduled session of A/N/D Court by the Judge.
2. Concerning Motions for Review, the attorney, or party, filing the Motion shall prepare the proposed Order unless otherwise directed by the Court. The same rules apply as it relates to circulating the proposed Order as set forth in paragraph 1 above.

3. If further hearings are calendared in the case, then the Order shall state the date and purpose of such further hearings.
4. All Orders should be filed within thirty (30) days of the date of the hearing. If an Order is not entered within thirty (30) days of the date of the hearing, the Clerk shall schedule a subsequent hearing at the first session of A/N/D Court following the 30 day period to determine why the Order has not been entered, to explain the reasons for the delay in the entry of the Order, and to obtain any needed clarification as to the contents of the Order.

## **RULE 22: PRE-HEARING CONFERENCES IN TERMINATION OF PARENTAL RIGHTS (TPR) PROCEEDINGS**

1. The Court shall schedule and conduct a Pre-Hearing Conference to address the issues as provided in NCGS 7B-1108.1. Additionally, counsel should be prepared to address the following matters at the Pre-Hearing Conference: (a) scheduling of the TPR Hearing; (b) addressing any discovery issues related to the TPR; (c) determining the availability of records; and (d) discussing counsel's best estimate of any anticipated pre-trial Motions and the time needed for the TPR hearing.

## **RULE 23: PERMANENCY MEDIATION**

1. N.C.G.S. §7B-202 shall govern permanency mediation in all A/N/D and TPR proceedings and is incorporated herein by reference.
2. Upon motion of any party or upon the Court's own motion, the Court may order parties in any case to participate in mediation at any stage of the proceedings.
3. If mediation is ordered by the Court, scheduling shall be coordinated by Family Court staff. The notice shall include the date, time and place of the mediation and shall be provided to the parties and/or the attorneys at the earliest possible date, but not less than five calendar days prior to the scheduled mediation.
4. At the time of scheduling, any participant shall notify Family Court of any known issues that may create safety risks for participants such as domestic violence or mental health issues. Appropriate safety measures shall be

taken which may include mediating with one party at a time or requesting law enforcement to be present.

5. If a scheduling conflict arises for an attorney or social worker involved in a case, that person shall make every effort to find an appropriate substitute (i.e. colleague, supervisor) to attend the mediation session. If that is not possible, the individual shall contact Family Court 48 hours or more before the mediation session to reschedule the case for the next possible mediation date. Family Court staff shall contact the mediators and parties/attorneys 24 hours or more before the mediation session to reschedule the mediation. If the mediation cannot be rescheduled prior to the scheduled adjudication, the judge shall be informed of these circumstances at the adjudication. At the judge's discretion the court may revoke the order for mediation, refer the case as a post-adjudication mediation to develop a mediated Case Plan and/or Visitation Plan or continue the case so that mediation can take place before adjudication.
6. Necessary participants in the mediation shall include the parents, caretakers, Guardians ad Litem, attorneys and DSS staff involved in the case. The child's attorney advocate shall have discretion to determine whether he or she will participate in a session. Necessary participants shall attend the mediation session unless exempted by the judge. Participants who are required to attend mediation, but fail to appear, are subject to sanctions imposed by the Court including contempt.
7. Other individuals whose input may be helpful in the mediation process may attend with consent of the parties or by court order including foster parents, family members, service providers and any other person whose input may be helpful.
8. If deemed appropriate by the judge or by the child's attorney advocate, a child may participate in some or all of the mediation. Issues to be considered in determining whether a child may participate in mediation include the viewpoint of the parents, the child's age, developmental stage, emotional status, mental health, adjustment level and basic understanding of the mediation process. The child's involvement in mediation shall be conducted in a manner designed to protect the child's interest and emotional well-being. The child's safety and well-being shall be the primary concern during all mediation sessions.
9. In all mediation proceedings the mediators and each person present shall sign a confidentiality agreement prior to commencement of the mediation session.
10. All participants, including mediators, shall honor the confidentiality agreement regardless of the outcome of the mediation. All verbal or

written communications from participants in the mediation to the mediator or between or among the participants in the presence of the mediator are absolutely privileged and inadmissible in court. EXCEPTION: There is no confidentiality or privilege as to communications made in furtherance of a crime or fraud. Nothing herein shall permit an individual to obtain immunity from prosecution for criminal conduct or as excusing an individual from the reporting requirements of the North Carolina General Statutes, Section 7B-301 or 108A-102.

11. The mediator, with input from the parties or their attorneys, shall determine if the mediation can proceed when a person who has been ordered or invited to attend mediation does not appear. However, a represented parent or caretaker may not participate in mediation without the presence of their attorney or substitute attorney nor can a parent or caretaker participate without the presence of their guardian ad litem if one has been appointed.
12. During the session, the mediator may release any parties or attorneys, with their consent, if the mediator determines that the session can continue without their presence.
13. Although parties may be ordered to attend mediation, there shall not be any negative consequence for the failure to reach a mediated agreement.
14. Mediation sessions that occur prior to the adjudication may address stipulations to the facts alleged in the Petition and the development of a case plan for the parents and/or caretakers. The parties may make recommendations to the Court as to the legal status of the case (i.e., abuse, neglect, dependency). The parties may make recommendations to the Court as to the legal status of the case (i.e., abuse, neglect, dependency). Complete or partial agreements as to the Petition and/or the case plan may be reached as a result of a pre-adjudication mediation.
15. Mediation sessions that occur post-adjudication may address the issues of visitation, communication, services, permanent placement, voluntary relinquishment of parental rights, or other issues that may facilitate permanence for a child.
16. If an agreement is reached at the mediation, the mediator shall draft the written agreement while all parties are present, prior to the conclusion of the mediation session. If all parties sign the written agreement, each shall receive a copy of the agreement prior to the conclusion of the session. In cases successfully mediated prior to the adjudication, a mediator or representative from Family Court will deliver the signed agreement to the Juvenile Clerk for placement in the court file as a sealed document. The agreement will not be received as evidence unless and until DSS or by



another party tenders it as evidence at a scheduled court hearing. The mediated agreement may, at the Court's discretion, be read into the record. The Court may accept or reject the mediated agreement. If the Court accepts a pre-adjudication agreement and signs an Order approving the agreement, the agreement is an enforceable Order of the Court. In cases mediated after adjudication, the Court shall determine whether the mediated agreement will become a Court Order.

17. If paternity is not established prior to the mediation session as to one or more of the fathers named in the Petition, and if the alleged father has not acknowledged paternity prior to the mediation session, the father and his attorney may not enter into a mediated agreement regarding the Petition or case plan.
18. The mediators may terminate mediation at any time they determine mediation is not appropriate.
19. Family Court shall maintain a list of permanency mediators who have contracts with the Administrative Office of the Courts. The parties and their attorneys may make recommendations to the Court regarding potential mediators for a case.