

Keep **KIDS** in Mind Benchcard

August 2025

NONSECURE CUSTODY	INDIAN CHILD WELFARE ACT At the first hearing, ask every participant if they know or have reason to know the child is an “Indian child.” Make sure responses are recorded. If no one knows, instruct the participants to inform the court if they later receive information that provides reason to know the child is an “Indian child.” If a participant knows/has reason to know, ICWA applies. Direct DSS to send sufficient notice to each tribe and the regional BIA director. Do not proceed to adjudication until at least 30 days from when the tribe(s) and BIA received the notice. If no notice is received from every tribe or BIA after 30 days and multiple requests by DSS, schedule hearing for person asserting child is an “Indian child” to prove it. If cannot prove, ICWA no longer applies.	PARTIES, PERSONAL JURISDICTION, & PATERNITY
	MY VIEW of the OVERARCHING PRINCIPLES of an A/N/D CASE	
ADJUDICATION PROCEDURES <u>Consent</u> , G.S. 7B-801(b1) Must have ALL 3: 1. All parties are present or represented by counsel, who is present and authorized to consent. 2. The juvenile is represented by counsel. 3. The court makes sufficient findings of fact. <u>Stipulations</u> , G.S. 7B-807(a) Reduce facts to a writing, signed by each party stipulating and submit to the court, or read facts into the record, followed by an oral statement of agreement from each party stipulating.	DISPOSITIONS and EVIDENCE	TERMINATING JURISDICTION VS. WAIVING FURTHER PP HEARINGS Never refer to case as “Closed.”

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VISITATION & OTHER CONTACT/SIBLINGS	CASE PLANS FOR PARENTS Consider incremental expectations and orders	CHILD’S STABILITY Is it in child’s best interests to stay in their community? Why? Should child continue in the same school? (ESSA Requirements) Are there activities or services child should continue to participate in?
	CEASING REUNIFICATION EFFORTS/ELIMINATING REUNIFICATION	
CHILD’S INVOLVEMENT	CUSTODY OR GUARDIANSHIP TO NONPARENT	RESOURCES <u>School of Government</u> Abuse, Neglect, Dependency, TPR Manual Child Welfare Case Compendium On the Civil Side Blog <u>Other</u> Juvenile Code, G.S. Chapter 7B 10A N.C.A.C. 70 NC DHHS Division of Social Services Child Welfare Manual DHHS DSS Forms for school stability Reasonable and prudent parent guide from DHHS DSS