

ACHIEVING A PERMANENT PLAN

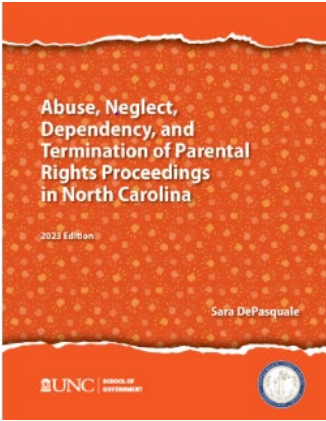
Topics to Cover

- ❖ What It Means to Achieve Permanency
- ❖ Timeliness of Permanency
- ❖ The Process to Achieving Permanency
- ❖ The Status of the A/N/D Court Action when Permanency Has Been Achieved

Keep KIDS in Mind

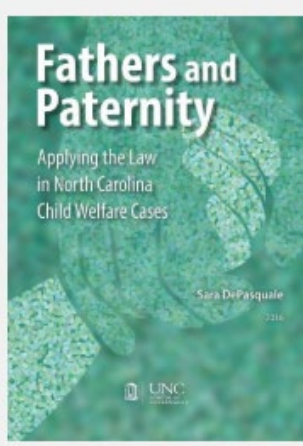


Chapter 7



On the Civil Side

A UNC School of Government Blog



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Child Welfare Case Compendium

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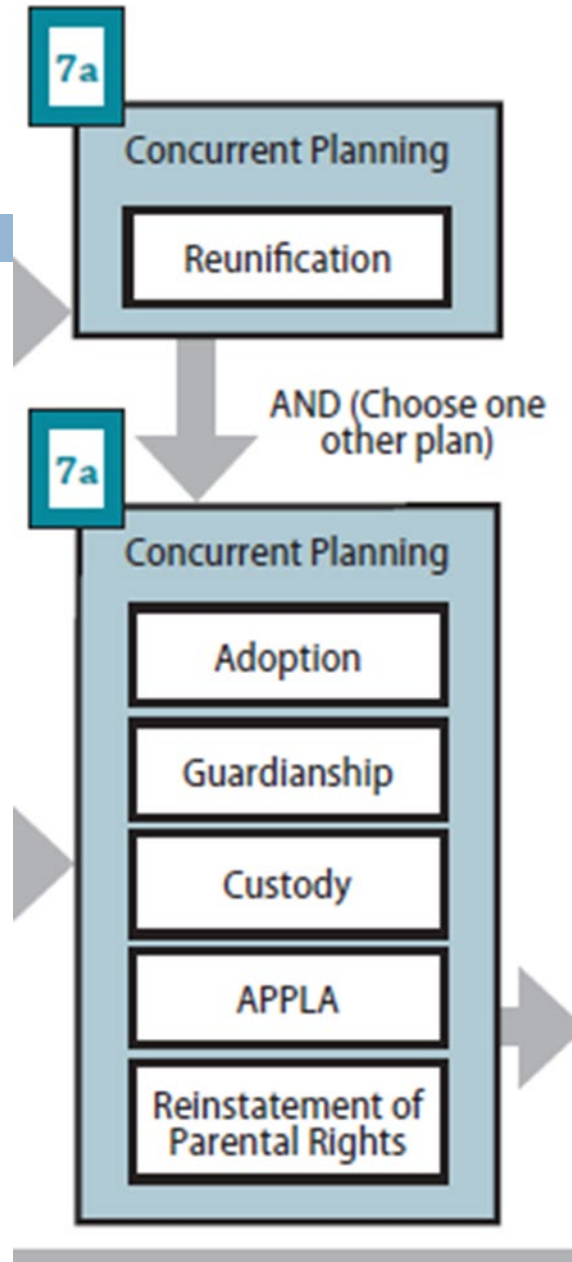
The most efficient way to conduct a search is to use the pre-existing drop down menus, which start with one of the six main Categories of annotations (see the drop down menu for "All Categories"). Within each Category, additional filters have been created to allow a user to conduct a more focused search. When you select a Category, a new "Stage" drop down menu will appear. When you select a Stage, a "Topic" drop down menu will appear.

A search may also be conducted by typing a keyword in the "Search Term" box below. If your search phrase is composed of more than one word, please use quotation marks. If the drop down menus are not used, the search based on a word or phrase will apply to all the annotations contained in the CWCC.

North Carolina Trial Judges' Bench Book, District Court, Family Law, 2024

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6 Identified Permanent Plans



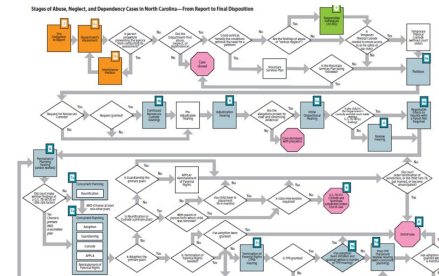
Resolution of case

what does that mean to
you

What does that mean
under the Juvenile Code

Terminate
Jurisdiction

Retain
Jurisdiction



Purpose of Juvenile Code re: Permanency

Children's need for
safety, continuity, &
permanence

Return home
Prevent unnecessary or
inappropriate separation
of children from their
parents

If return home not in BIC ...
placement in a safe,
permanent home w/in a
reasonable amount of time

“Safe Home” ≠ No Risk

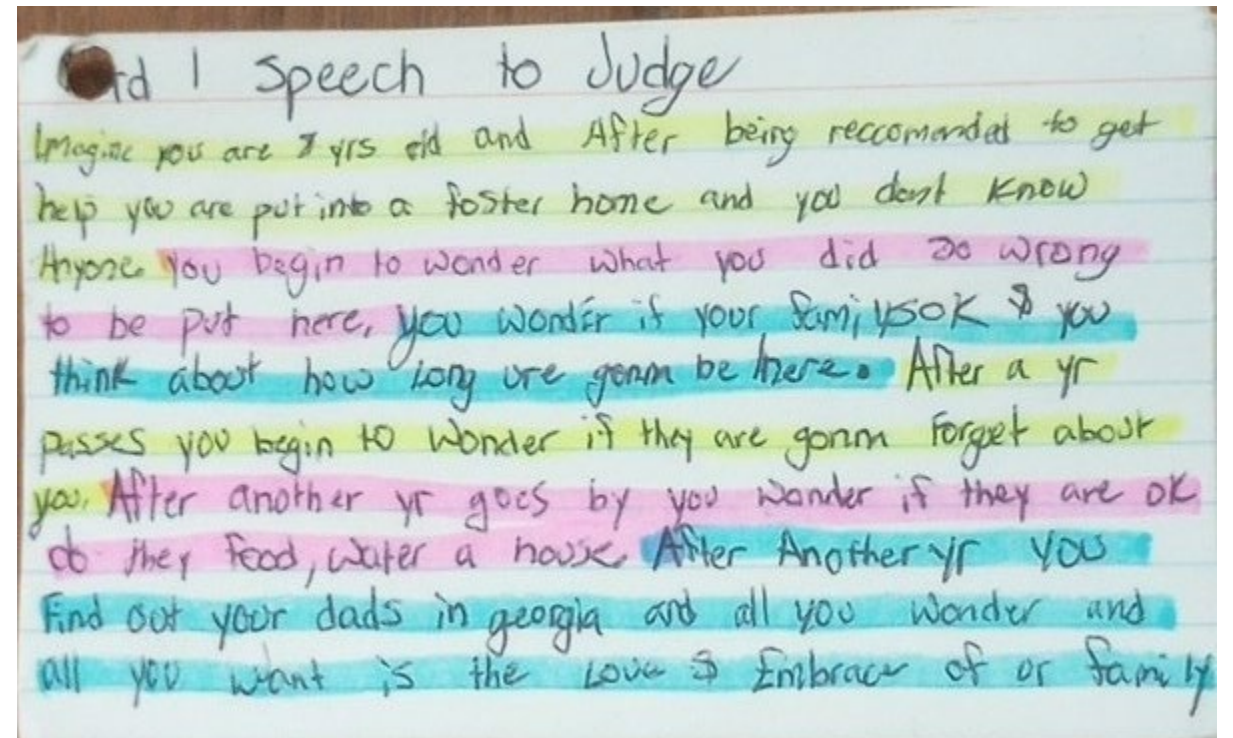
Children’s need for
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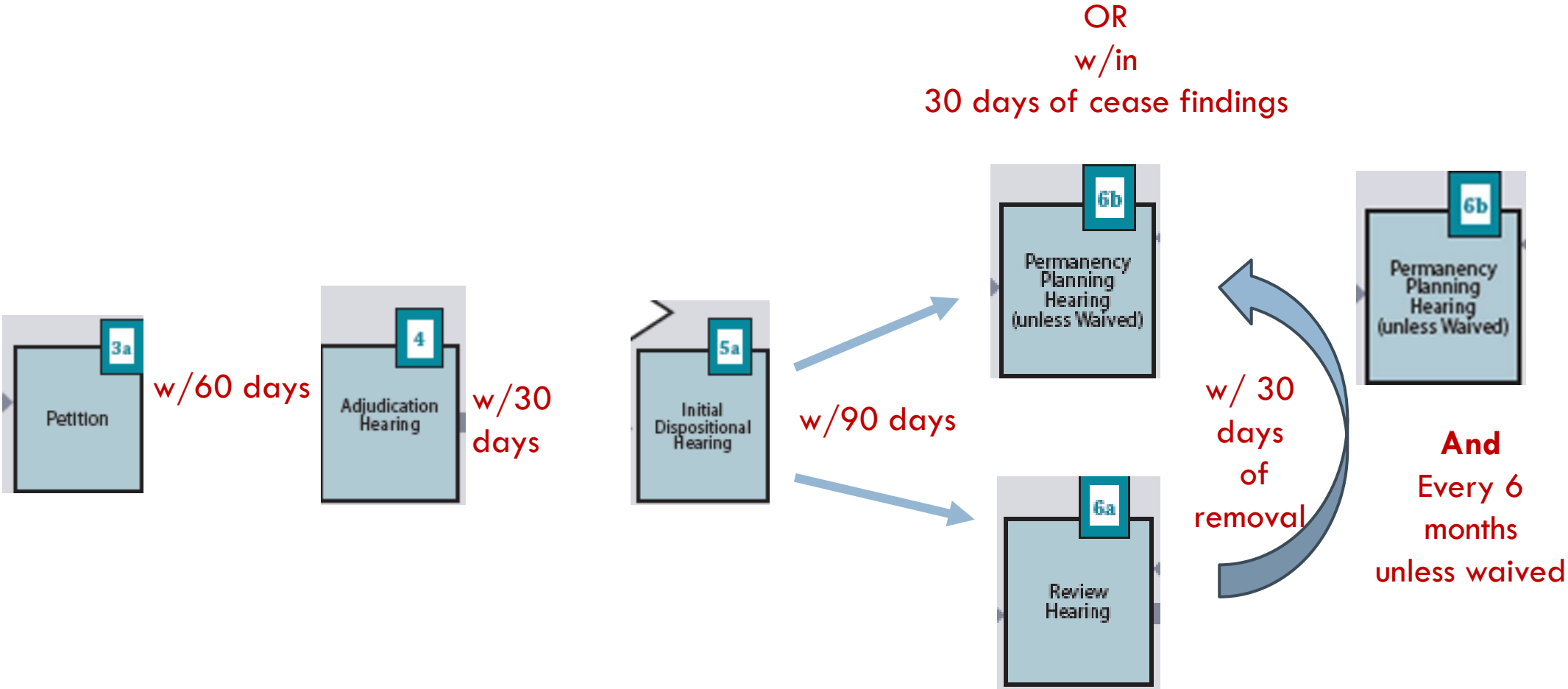
“w/in a reasonable amount of time”

- ❖ What does it mean?
- ❖ How long is reasonable to a child?



I Speech to Judge
Imagine you are 7 yrs old and After being reccomended to get help you are put into a foster home and you dont know anyone. You begin to wonder what you did so wrong to be put here, you wonder if your family is OK & you think about how long ure gonna be there. After a yr passes you begin to wonder if they are gonna forget about you. After another yr goes by you wonder if they are OK ab their food, water a house. After Another yr you find out your dads in georgia and all you wonder and all you want is the love & Embrace of ur family

CONSIDER HOW LONG IT HAS BEEN



To Get There:

Concurrent Permanency Planning

- ❖ “The court shall adopt concurrent permanent plans and shall identify the primary and secondary plan”



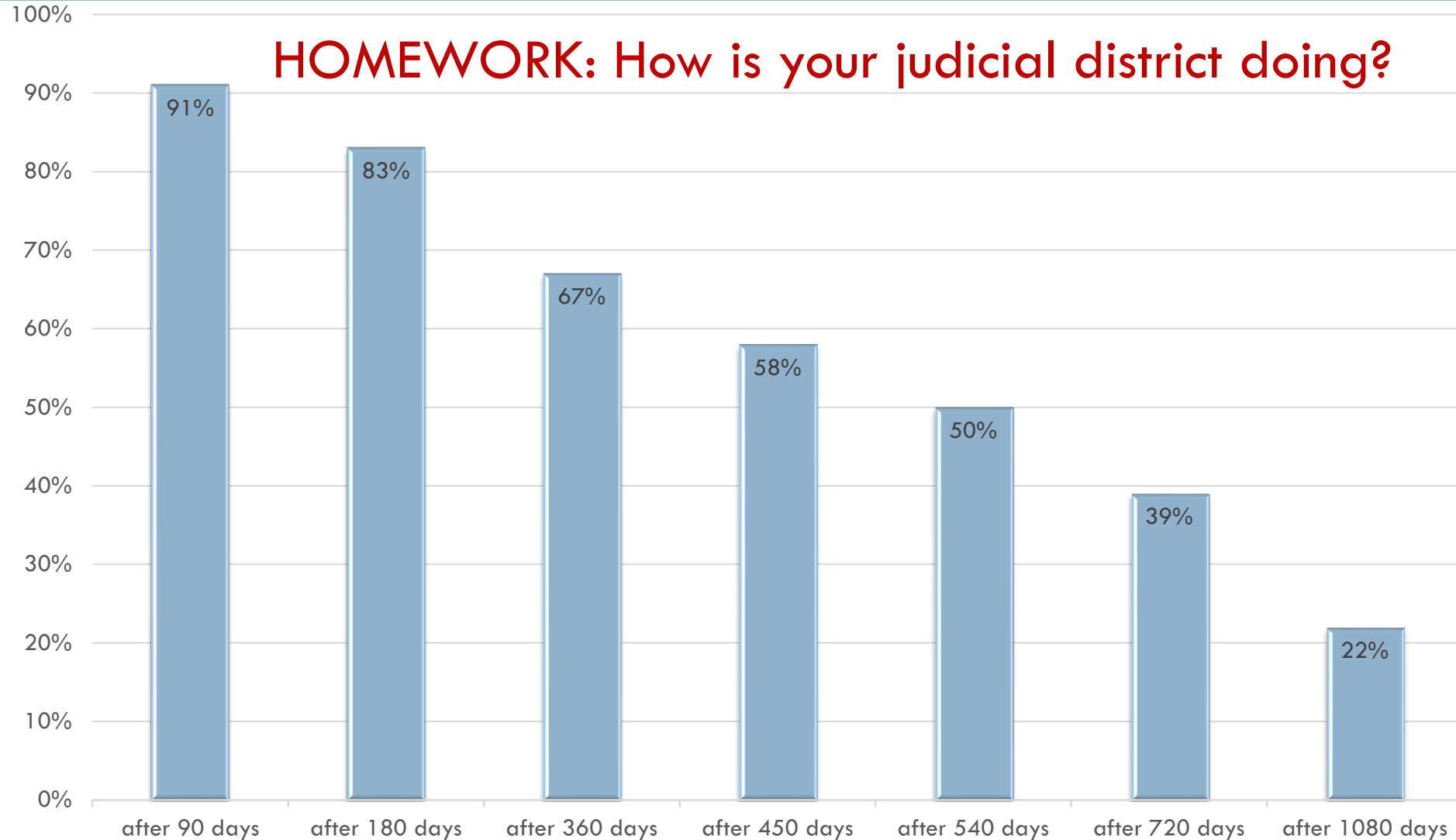
Effective October 1 Only Need One Plan WHEN

“Concurrent planning shall continue until a PP is achieved
or reunification is not identified as a permanent plan”

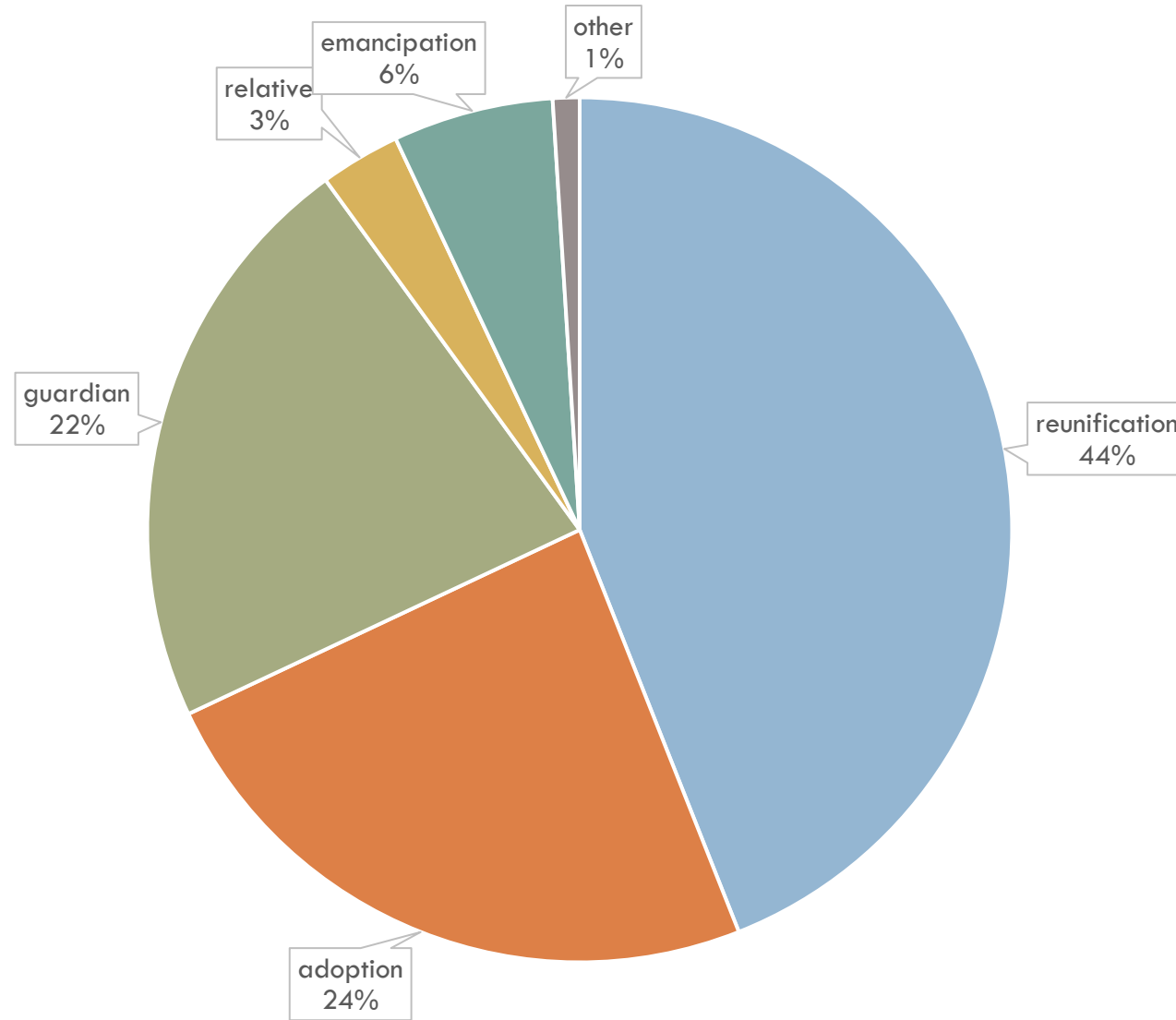
G.S. 7B-906.2(a1)



Length of Time in Care in FY 2022-23



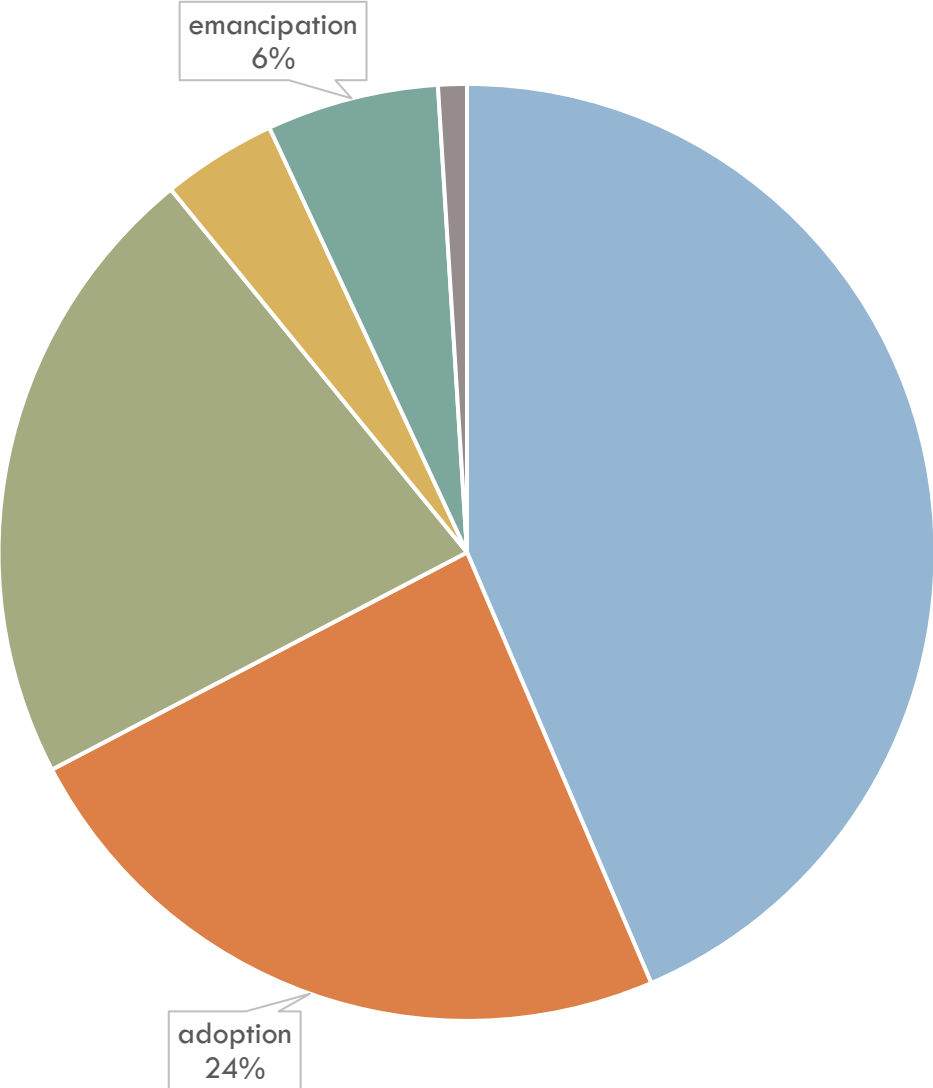
2021: Reason for Exiting Foster Care in NC



Achieving Permanency

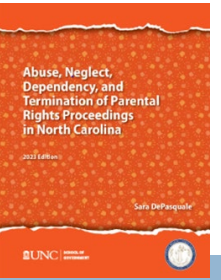
- ❖ How you get there differs
- ❖ Status of court case differs
 - ❖ Automatic consequences
 - ❖ Discretionary decisions by judge

Automatic Termination of Jurisdiction when PP Achieved



Adoption: G.S. Chapter 48

Chapter 10.3



SPECIAL PROCEEDING

- ❖ New action before the clerk
 - ❖ Transferred to district court if
 - ❖ ? Fact
 - ❖ Equitable defense
 - ❖ Equitable relief

A/N/D PROCEEDING

- ❖ Continues to have jurisdiction while adoption pending
- ❖ Identified adoption as PP
- ❖ May have ordered DSS to file TPR
- ❖ May have TPR motion filed and heard
- ❖ May have had a 7B-1112.1 hearing re: selection of prospective adoptive parents

Post-adoption contact agreement and order

October 1, 2025

- G.S. 7B-909.2 & -909.3
- Specific relinquishment
- Mediated agreement: parent and prospective adoptive parent
- Court approve
- Create CVD file (withheld from public inspection)
- Enforceable & modifiable through Ch. 50

Transitioning to Adoption



Adoption Petition

- ❖ Standing: G.S. 48-2-301
 - ❖ Prospective Adoptive Parent with Placement
 - ❖ Unless placement waived by court (hearing adoption)
w/cause

Timing





```
graph TD; A["ADOPTION  
DECISION  
Statutory Criteria Met  
BIC"] --> B["GRANTED  
G.S. 7B case ends  
G.S. 48-2-102(b)"]; A --> C["DENIED  
Court notifies DSS director of county  
where petition filed; Dir. resp. for  
taking approp. action to protect  
minor; A/N/D case continues"]
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ADOPTION DECISION

Statutory Criteria Met
BIC

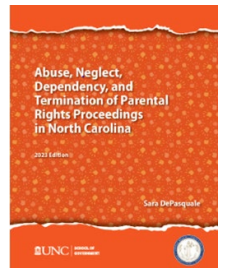
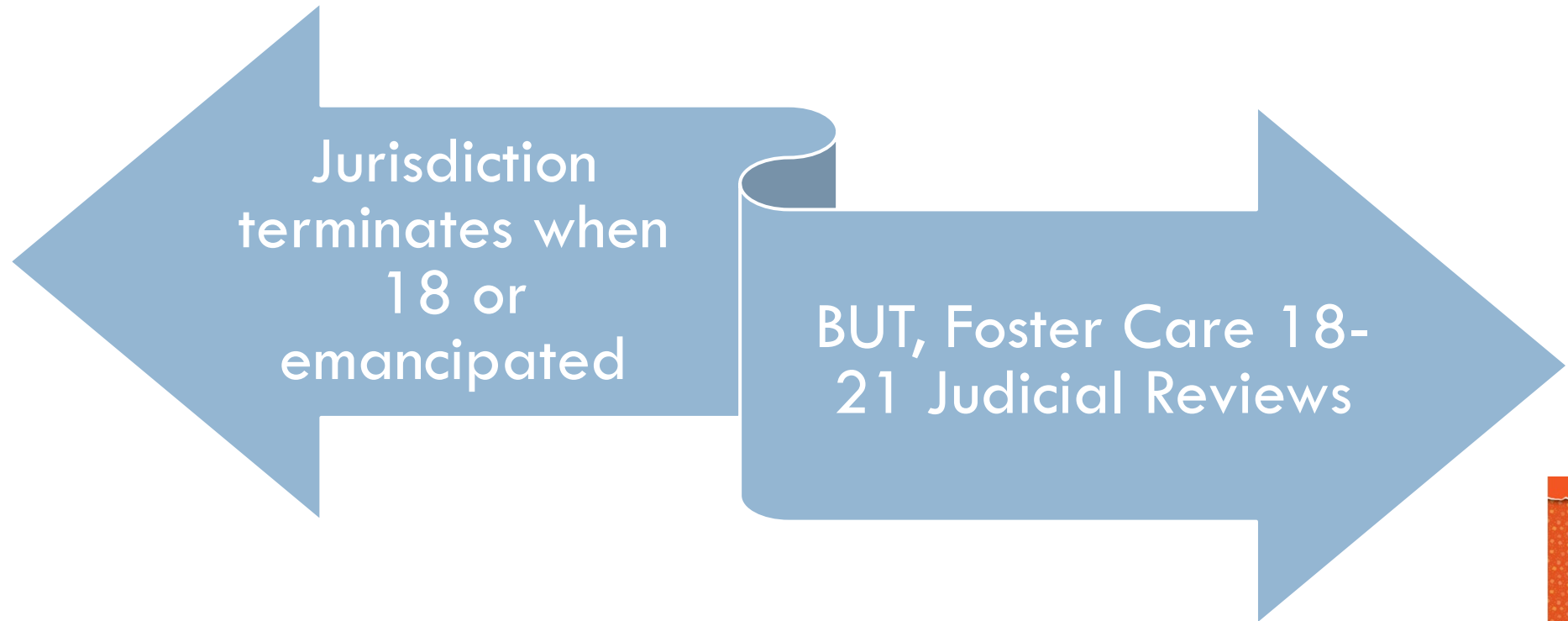
GRANTED

G.S. 7B case ends
G.S. 48-2-102(b)

DENIED

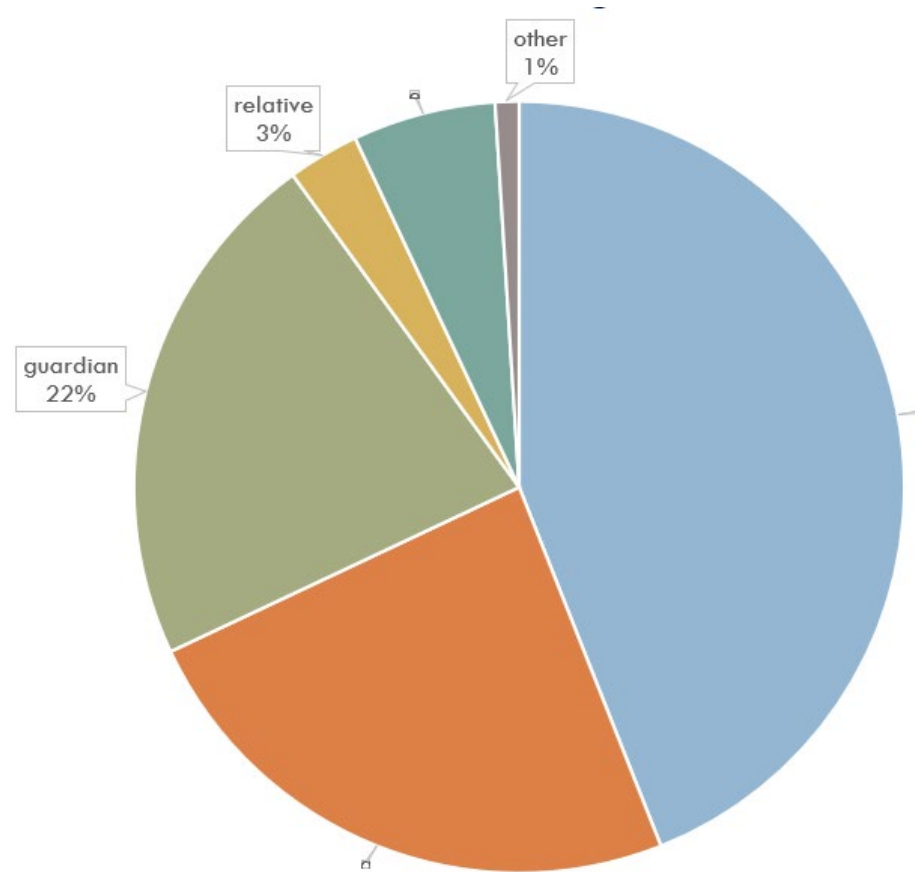
Court notifies DSS director of county
where petition filed; Dir. resp. for
taking approp. action to protect
minor; A/N/D case continues

Aging Out – APPLA

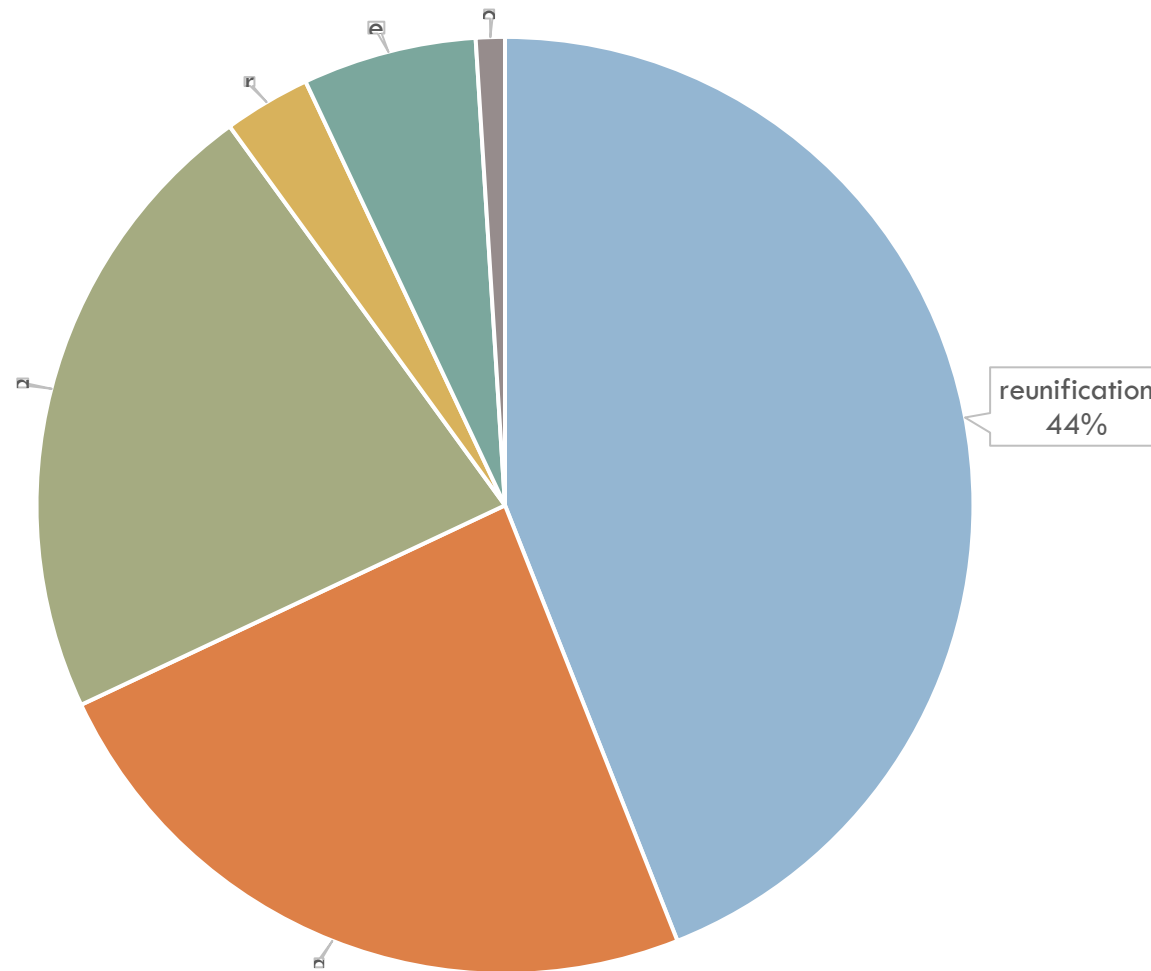


Permanency: A/N/D Case May Continue

❖ You Decide!



2021: Reason for Exiting Foster Care in NC

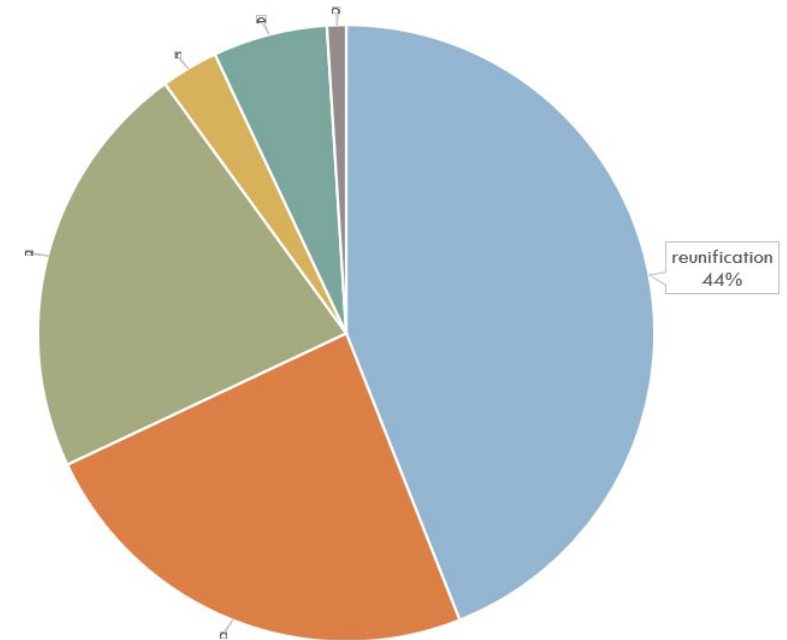


G.S. 7B-101(18b): Reunification

❖ How?

❖ G.S. 7B-903

❖ G.S. 7B-911



Permanency with a Non-Parent

Guardianship

- ❖ G.S. 7B-903(a)(5)
- ❖ G.S. 7B-600

Custody

- ❖ G.S. 7B-903(a)(4)
- ❖ G.S. 7B-911

Remember findings about

Verification

Parent's Constitutional Rights

Relative: contrary to BIC

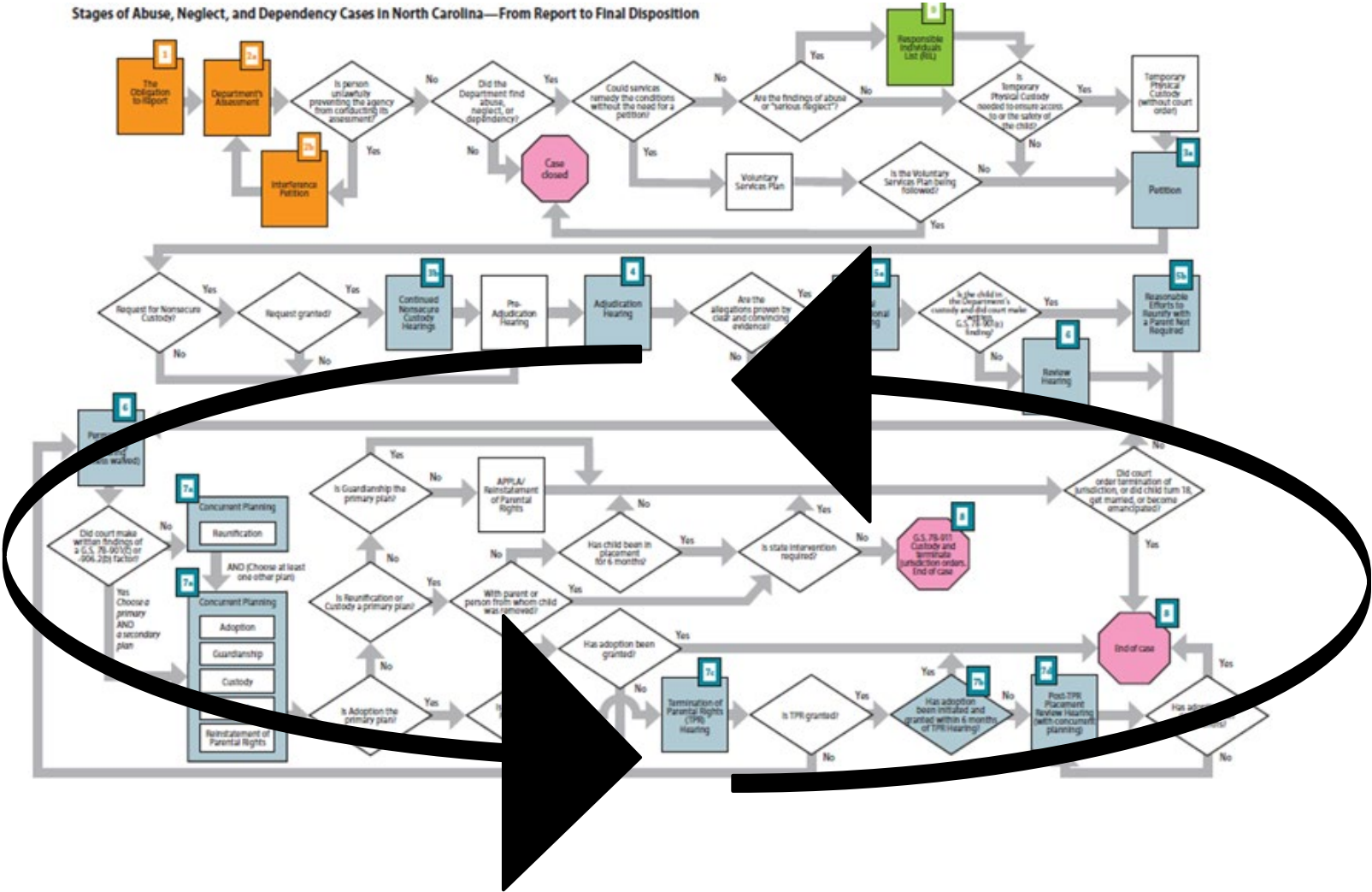
Questions for you

- What are you hoping to accomplish?
- Which disposition will do that?

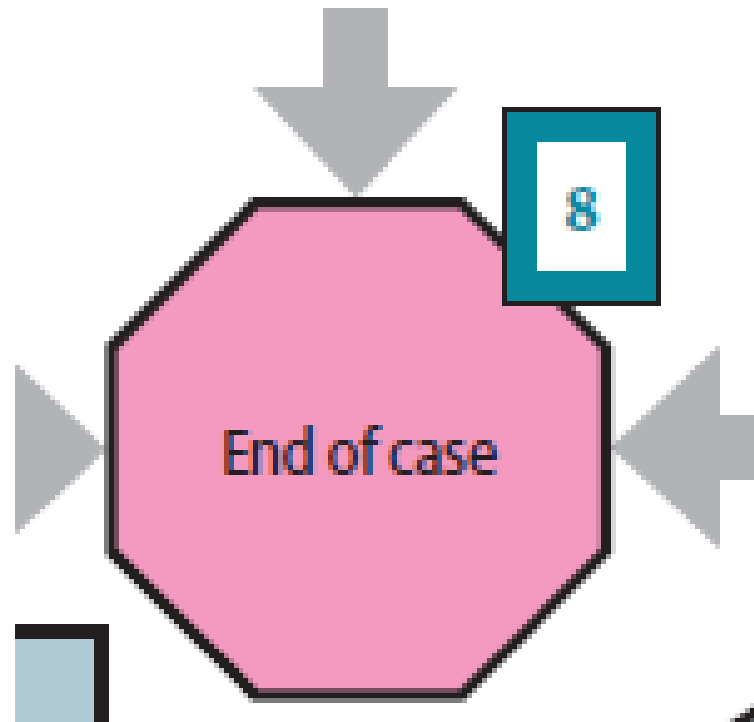
Custody with a Parent or Other Suitable Person – Guardianship of the Person
District Court Judges' Conference, Summer 2019
By: Sara DePasquale, UNC School of Government

	Custody	Guardianship
Applicable Disposition Statutes	G.S. 7B-903(a)(4); 7B-911	G.S. 7B-903(a)(5); 7B-600
Definitions	<ul style="list-style-type: none">• “Custody” is not defined by the Juvenile Code (G.S. Ch. 7B)<ul style="list-style-type: none">○ May apply to parent or non-parent	<ul style="list-style-type: none">• Only applies to non-parents• The Juvenile Code does not define “guardian of the person”• The rights of a guardian are specified in G.S. 7B-

What does that mean for custody or guardianship under 7B-903?



Is it possible to terminate jurisdiction with that disposition?

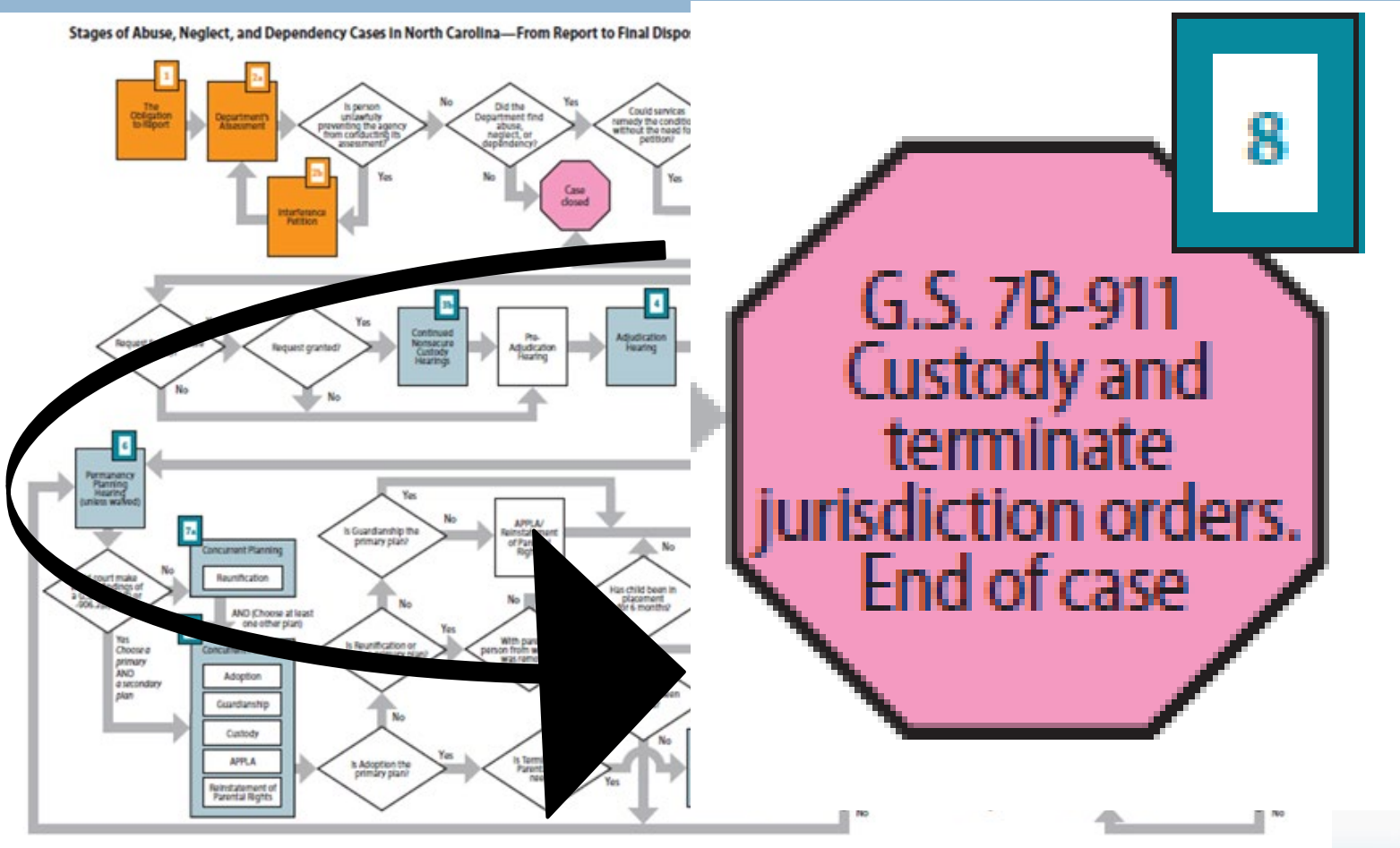


G.S. 7B-911: Terminating Jurisdiction

When does it apply?

“Upon placing custody with a parent or other appropriate person, the court shall determine whether or not jurisdiction is the juvenile proceeding should be terminated and custody of the juvenile awarded to a parent or other appropriate person pursuant to G.S. 50-13.1...”

Custody: A way out



G.S 7B-911 Requirements

Terminates Jurisdiction of 7B action

- ❖ Findings no need for state intervention
- ❖ At least 6 months passed since court determined placement with person awarding custody is the PP
 - ❖ Exceptions include...

Awards Custody in Chapter 50

- ❖ Converts to Ch. 50
- ❖ Requires
 - ❖ Initiation of new case or modification of existing case
 - ❖ G.S. Ch. 50 findings & conclusions

How Many Orders Do Are Needed?

❖ Two:

❖ 7B

❖ Ch. 50

❖ One: Combine 7B-Ch.

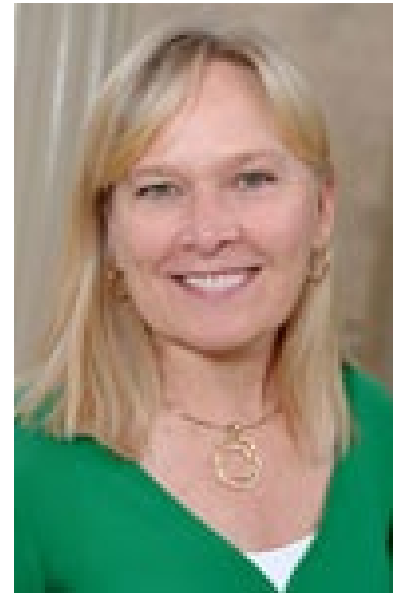
50 *In re A.S.*, 182 N.C. App. 139 (2007)

Remember, difference in
public inspection

Questions on Chapter 50 requirements

North Carolina Trial Judges' Bench Book, District Court, Family Law, 2024

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CWCC: You Have to Make the Findings

In re J.K.

___ N.C. App. ___, 799 S.E.2d 439 (2017)

Court must comply with 7B-911 and make required findings. "Custody order" is remanded for required findings regarding Chapter 50 action and to terminate 7B jurisdiction.

[Read More](#)

In re J.D.R.

239 N.C. App. 63 (2015)

A custody order under G.S. 7B-911 requires that the court make findings and conclusions required under G.S. Chapter 50 and that continued state intervention is not needed.

[Read More](#)

In re J.D.M.-J.

___ N.C. App. ___ (June 19, 2018)

The trial court must make findings required by G.S. 7B-911(c) before terminating jurisdiction in the juvenile court proceeding.

[Read More](#)

Terminating Jurisdiction w/o G.S. 7B-911

- ❖ Orders in the case are null
 - ❖ Cannot be modified or enforced
- ❖ Child's and parties' status are
 - ❖ Pre-petition or
 - ❖ as determined by law, a valid court order in another proceeding, 7B-911, or TPR

Status of Court Case

TERMINATE JURISDICTION

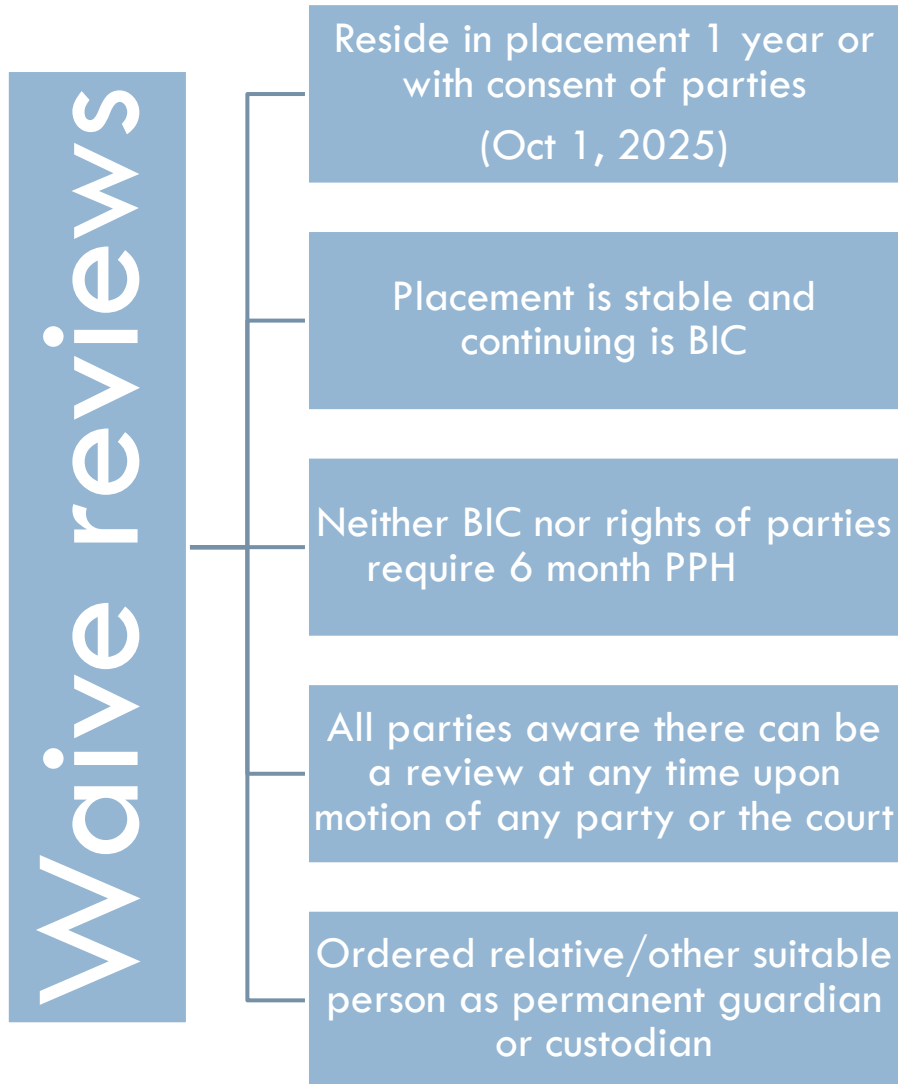
- ❖ You control when and how a case ends
 - ❖ G.S. 7B-201: terminate by court order

RETAIN JURISDICTION

- ❖ Hold regular PPH
- ❖ Waive regular PPH
 - ❖ G.S. 7B-906.1 (k), (n)

NEVER say a case is
“closed” or “inactive”

Retain Jurisdiction: G.S. 7B-906.1 (n)



In re P.A.
241 N.C. App. 53 (2015)

It is reversible error if the court does not make findings of each of the enumerated factors in G.S. 7B-906.1(n) when waiving permanency planning hearings. Child had not resided in the placement for one year before the hearing waiving further reviews.

[Read More](#)

In re C.S.L.B.
___ N.C. App. ___, 803 S.E.2d 429 (2017) (originally unpublished but subsequently published)

The court erred in waiving further review hearings. It did not make all five findings required by G.S. 7B-906.1(n). When reunification is a secondary plan, the respondent continues to have the right to reasonable efforts and for the court to evaluate those efforts.

[Read More](#)

In re K.B.
___ N.C. App. ___, 791 S.E.2d 669 (2016)

The court must make findings of each 7B-906.1(n) factor to waive further permanency planning hearings.

[Read More](#)

In re K.L.
___ N.C. App. ___, 802 S.E.2d 588 (2017)

It is reversible error to waive further review hearings when the court does not make findings of each of the G.S. 7B-906.1(n) factors.

[Read More](#)

In re T.W.
___ N.C. App. ___, 796 S.E.2d 792 (2016)

It is reversible error for the court to waive permanency planning hearings when it has not made written findings of fact by clear and convincing evidence of each of the factors enumerated in 7B-906.1(n).

You Decide

TERMINATE JURISDICTION

- ❖ What are the pro/cons

RETAIN JURISDICTION

- ❖ What are the pros/cons

What about concurrent planning?

G.S. 7B-906.1(a1)

“Concurrent planning shall continue until a permanent plan has been achieved”

Decision impacts the family, the child, and DSS

Impact of keeping a concurrent plan

- ❖ DSS cannot be relieved from making reasonable efforts if concurrent plan remains
 - ❖ Do you want DSS to continue working with the family and providing reasonable efforts/ Are services still needed?
 - ❖ Is this “final” or do you want to encourage the opportunity for modification ?
 - ❖ Is it a close call – what is the message you want to send?

Keep KIDS in Mind



Benchmark