

TPR Disposition

By Sara DePasquale

UNC School of Government

sara@sog.unc.edu

Dispositional Hearing

Relevant

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graph TD; A[Relevant] --> B[Reliable]; B --> C[Necessary to determine best interests];
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Reliable

Necessary to determine best interests

Role of Child's GAL

Must offer evidence

In re S.D.H., 296 N.C. App.
392 (2024)

Report admitted
without formal
proffer & admission
In re R.D.L. (p. 37)

BUT,
In re S.M., 375 N.C. 673
(2020)

No absolute right to cross examination

In re R.D., 376 N.C. 244 (2020)



G.S. 7B- 1110 Six Factors

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1. Age
 2. Likelihood of adoption
 3. Will TPR aid in accomplishing permanent plan
 4. Bond between juvenile & parent
 5. Quality of relationship between juvenile & proposed placement provider
 6. Any relevant consideration

What is a
relevant
factor?

- When there is conflicting evidence about that factor
- Best practice: address them all

Court Is Not
Required to

- Make finding on all evidence presented
- State every option it considered

Other Factors:
Not
Determinative

Availability of Relative

Child's Preference

Parent's Progress on Case Plan

Alternative Disposition

In re T.M. (p. 38)

- Guardianship option
 - Permanence outweighed family connection
- Child's best interests paramount



On the Civil Side



The TPR Dispositional Stage, the Juvenile's Best Interests, and the N.C. Supreme Court

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Since January 1, 2019, termination of parental rights (TPR) orders are appealed directly to the North Carolina Supreme Court. In August 2019, the Supreme Court published its first appellate opinions under this new TPR appellate procedure. Between August 2019 and today, the Supreme Court has decided 134 TPR opinions, all of which are published. Each of those published opinions from our state's highest court established or reinforced a precedent. Perhaps because of that, new and old arguments have been raised before the Supreme Court in those TPR appeals. This post focuses on what the Supreme Court has held when addressing the dispositional stage of the TPR.

For context, a TPR consists of two stages. *In re Montgomery*, 311, N.C. 101 (1984); *In re A.U.D.*, 373 N.C. 3 (2019). The first stage is the adjudication where the alleged ground(s) must be proved by clear, cogent and convincing evidence. G.S. 7B-1109(f); -1111(b). If the petitioner meets their burden, the court proceeds to the second stage – the dispositional stage. G.S. 7B-1110(a). At disposition, the court has discretion to not terminate the parent's rights despite the existence of a ground based on the court's determination of whether the TPR is in the child's best interests. G.S. 7B-1110(a), (b). The determination of best interests must be based on the individual circumstances related to each child. *In re J.J.H.*, 376 N.C. 161 (2020).