

# Overview of Abuse, Neglect, Dependency Cases

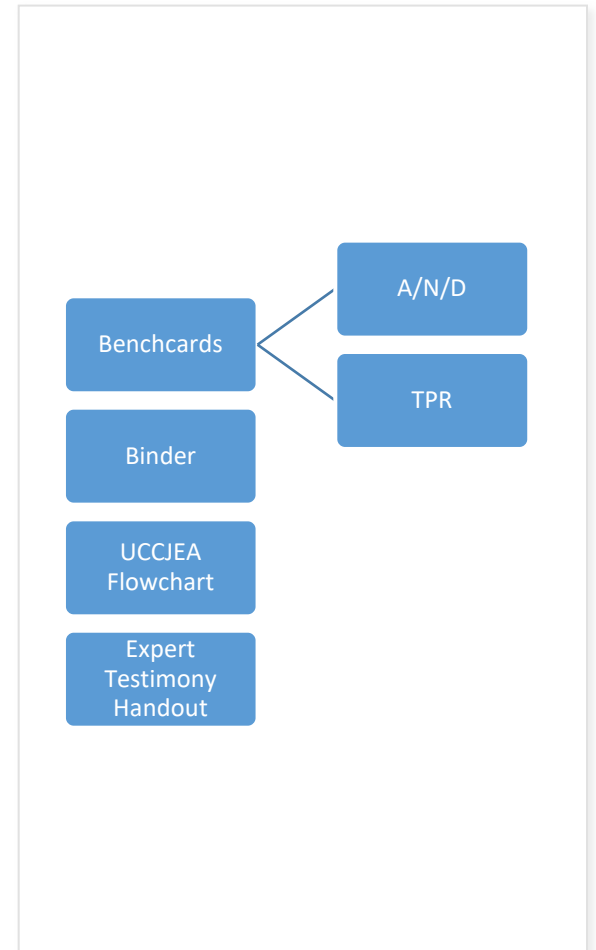
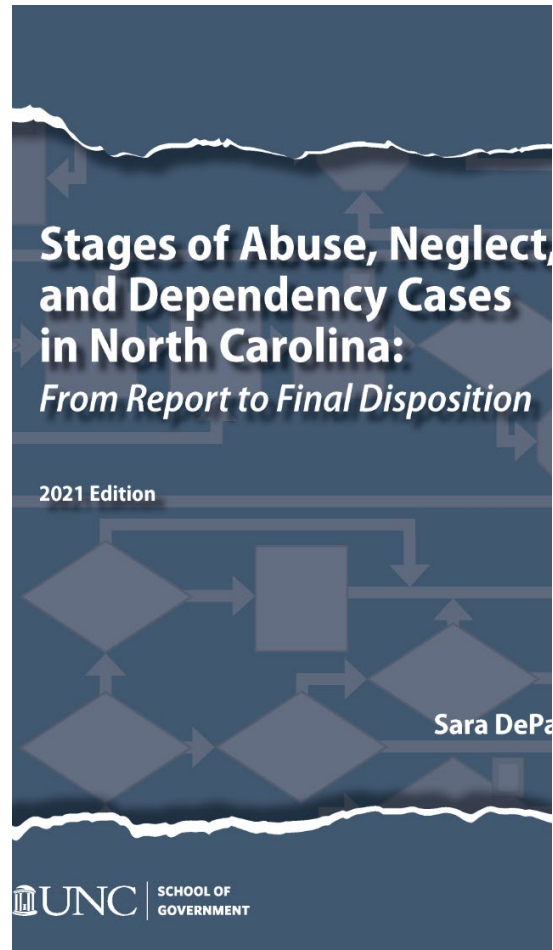
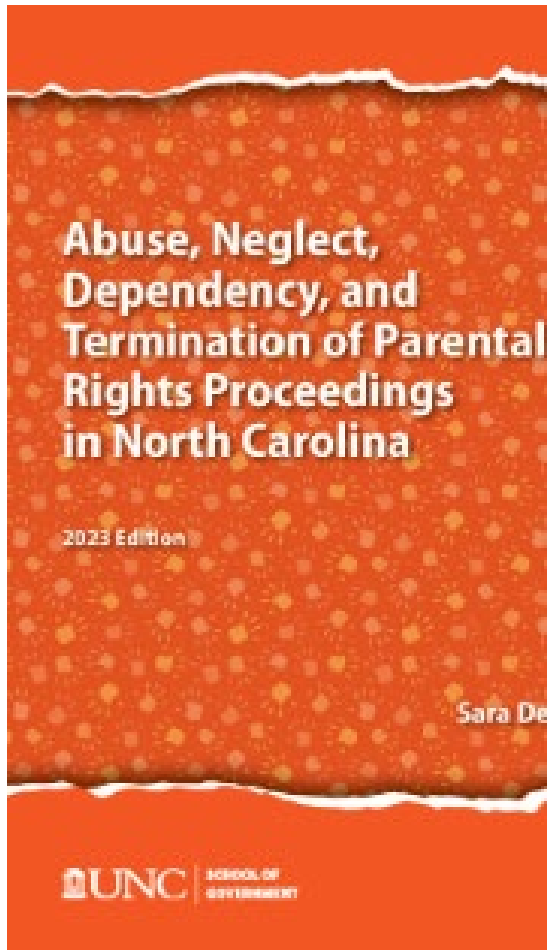
Abuse, Neglect, Dependency & Termination of Parental Rights

A Course for District Court Judges



By: Sara DePasquale

# Materials



# Goals

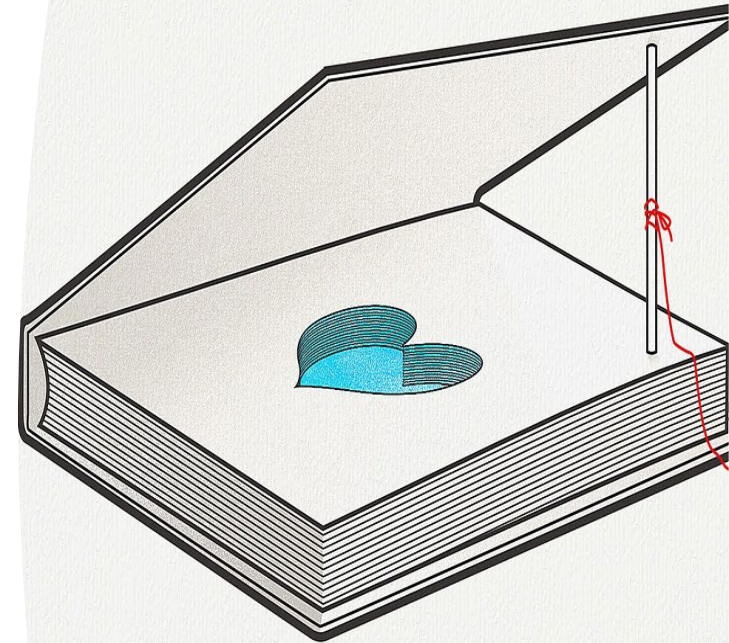
- Introduce the Purpose of the Juvenile Code
- Understand
  - How It All Fits Together
  - Timing Can be Controlled by You
- Keep *KIDS* in Mind



# Purpose

Provide procedures...  
ensure fairness &  
equity... protect  
constitutional rights of  
children and parents

FIRST place to look  
G.S. 7B

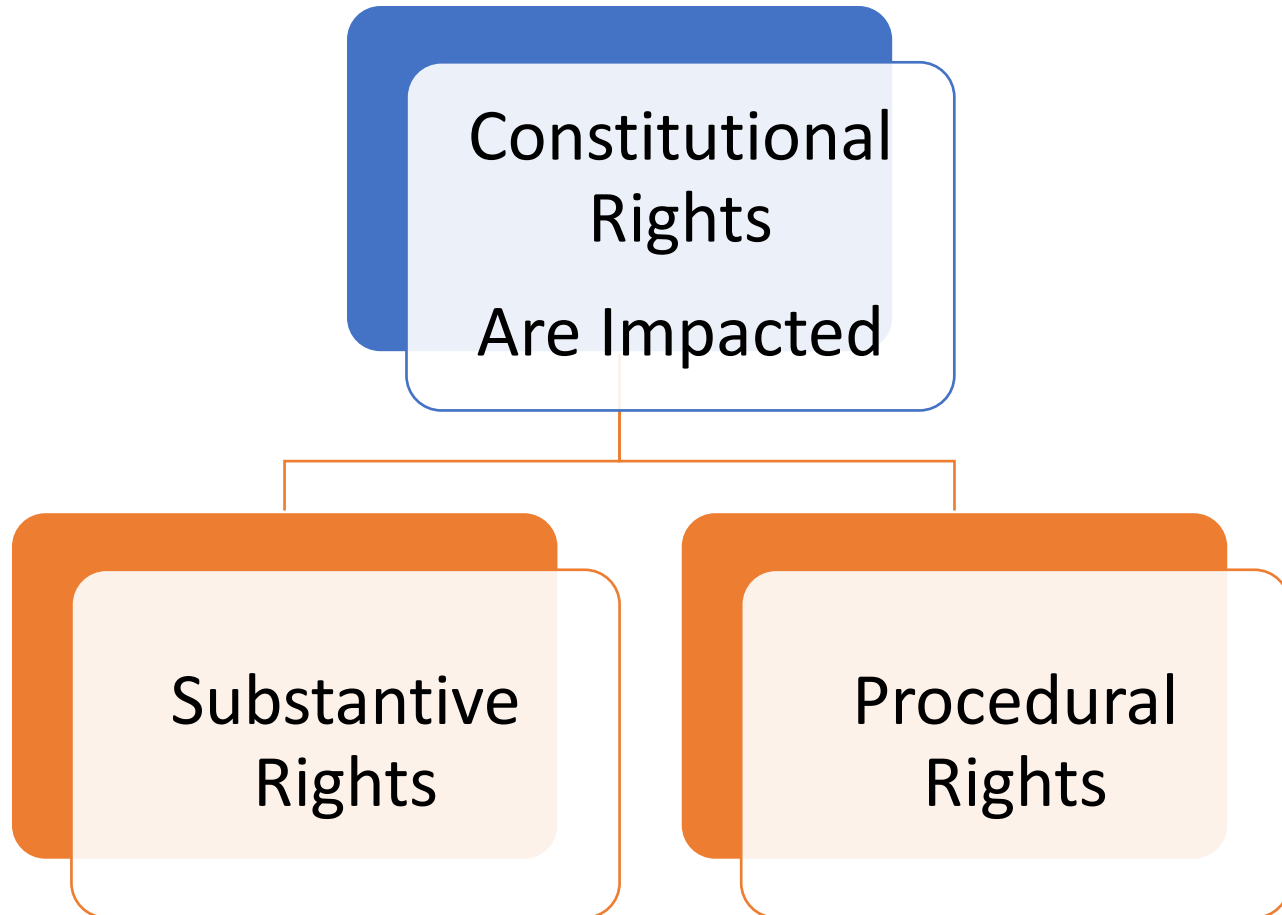




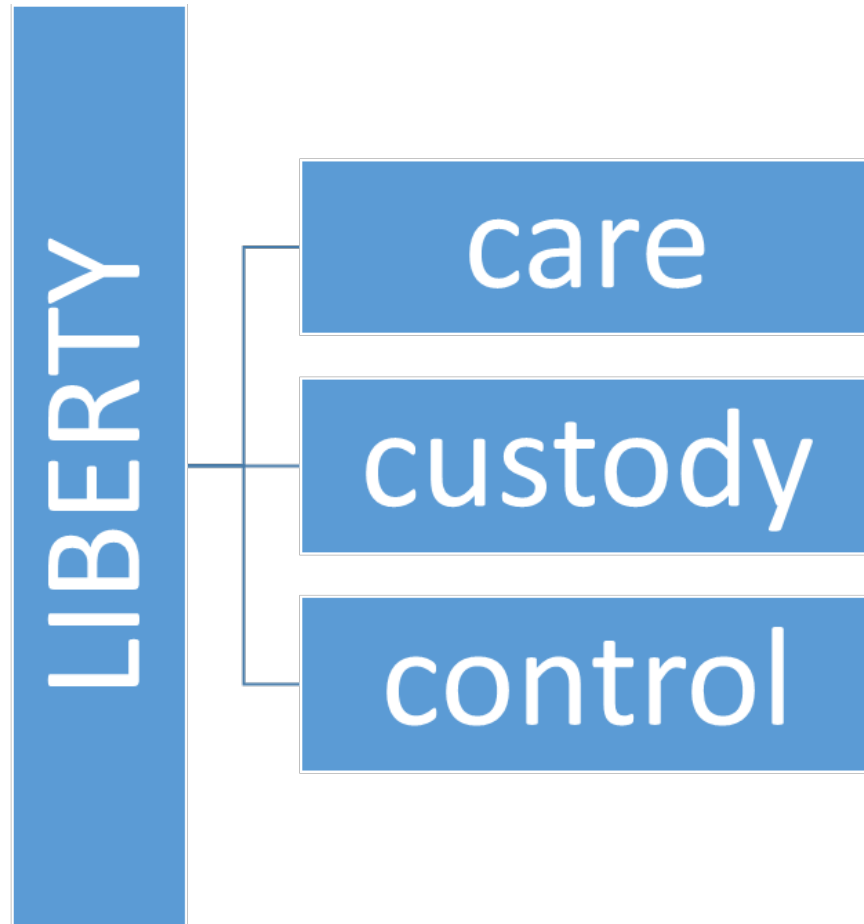
# Purpose

- Develop disposition in consideration of facts, child's needs & limitations, and the strength & weaknesses of the family
- Provide services to protect children that respect family autonomy & children's needs for safety, continuity, & permanence
- Provide standards for
  - Removal & prevent unnecessary or inappropriate separation of children from their parents
  - Ensuring BIC are paramount consideration & when not returned home, child is placed in a safe permanent home w/in reasonable period of time

# A/N/D – TPR Cases




# What Does it Mean for Parents?





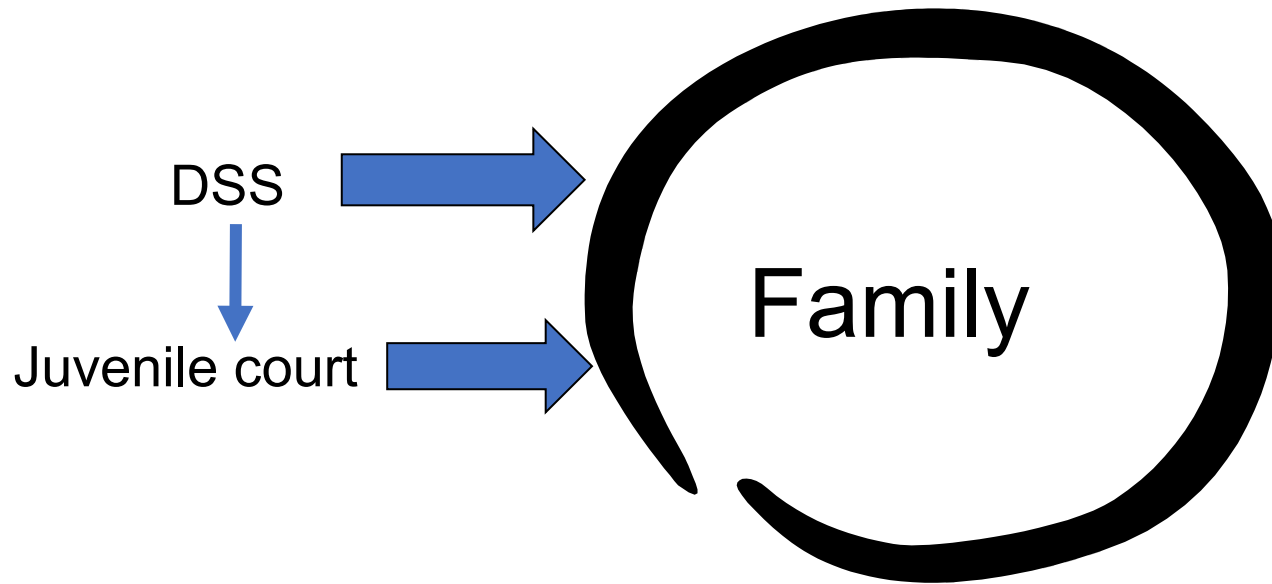
Not an  
Absolute  
Right

State interfere with parent-child relationship  
when the parent is

- Unfit
  - Has neglected the child or
  - Has acted inconsistently with their constitutionally protected interests
- 



# When & how may the state intervene in families for the purpose of child protection?



# Juvenile Code Answers the Question



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- *Abused juvenile*
- *Neglected juvenile*
- *Dependent juvenile*

➤ *In re Stumbo*



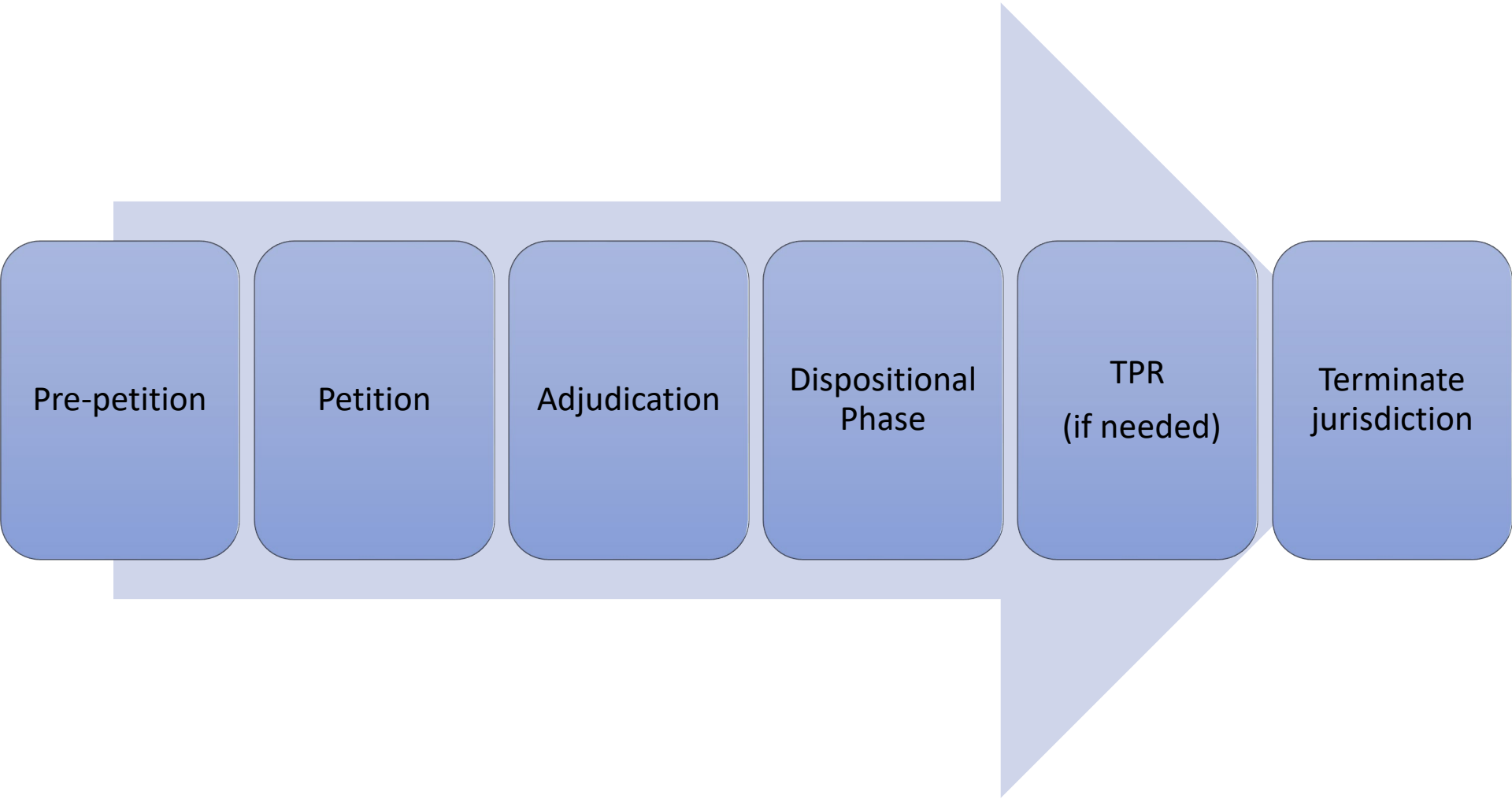
Remember  
the Who!

- *Parent*
- *Guardian*
- *Caretaker (In re R.R.N.)*
- *Custodian*

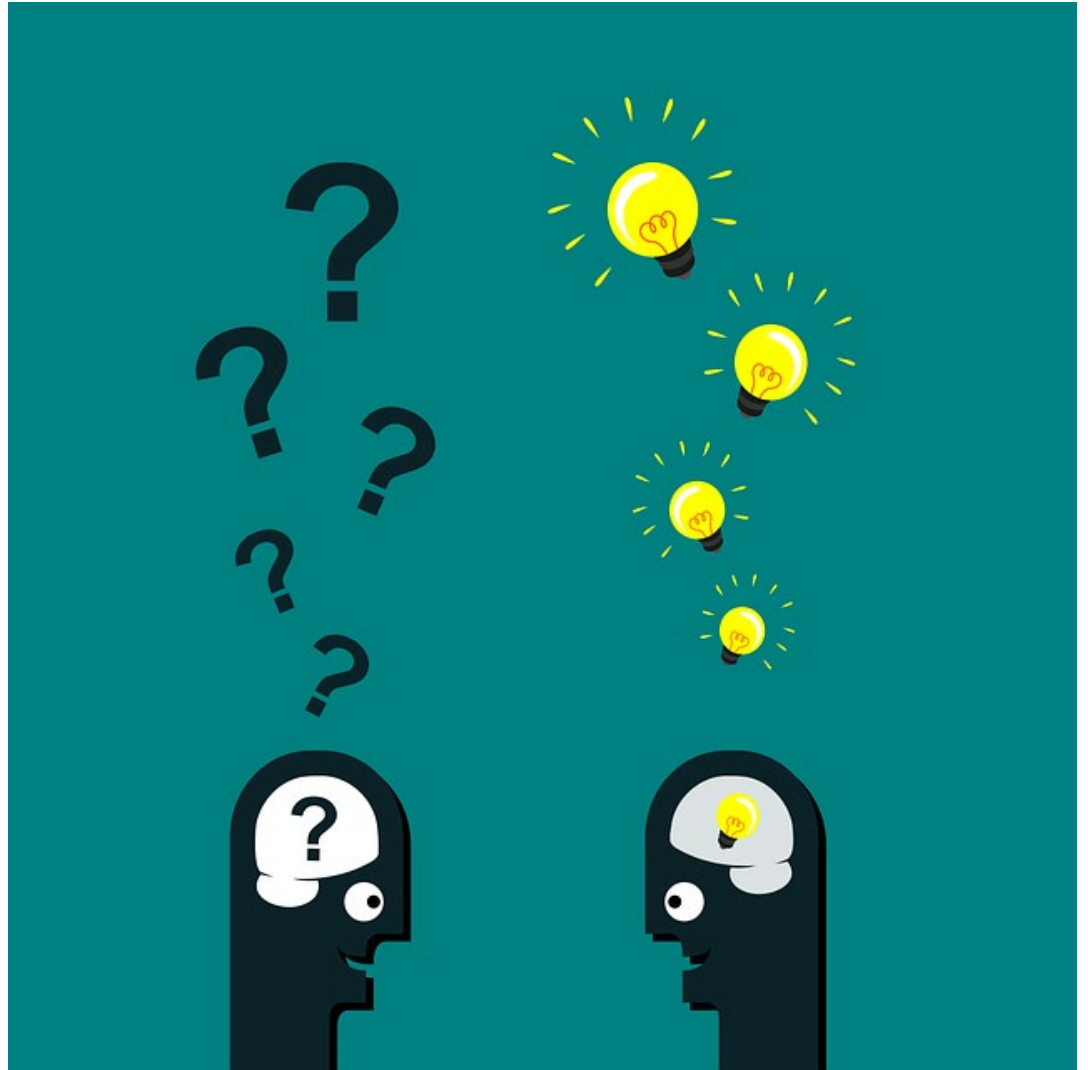
➤ *Exception!*

- *Minor Victim of Human Trafficking*
- 

# Juvenile Code Provides a Road Map for All Stages



Time  
for Our  
Road Trip



# Austin

- 18 months old, male
- Left with James, mother's live-in boyfriend, while she worked
- Sustained bruises that spanned from his knees to his chest including a lacerated liver
- James says he was the only person who cared for the child during this time
- Mother, Shannon, did not take Austin to get medical treatment
- During a visit the next day with the grandmother bruising is discovered
- Child is taken for medical treatment and hospitalized



Are you a mandated reporter?





KIDS



beyond <sup>the</sup> BENCH  
podcast





DHHS  
review  
as well

On the Civil Side

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## Search Results

Keywords: *prosecutor review*

### A/N/D Reporting: Rights, Protections, and Prosecutor Review

This entry was contributed by Sara DePasquale on June 21, 2017 at 6:00 am and is filed under Child Welfare Law.

Like every other state, North Carolina has a mandated reporting law for child abuse and neglect. North Carolina's law requires *any* person or institution *with cause to suspect* a child is abused, neglected, or dependent by a parent, guardian, custodian, or caretaker to make a report to the county child welfare department (in most counties, DSS) where the child resides or is found. [GS 7B-301](#). What is in a report? Are there protections for the reporter? What are the rights of the reporter? If DSS decides not to initiate a court action, can the reporter challenge that decision?

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## Search Results

Keywords: *mandated report*

### Mandated Reporting of Child Abuse, Neglect, or Dependency: What's an Attorney To Do?

This entry was contributed by Sara DePasquale on August 7, 2015 at 5:40 am and is filed under Child Welfare Law.

You are appointed to represent a juvenile in a delinquency proceeding. The petition alleges the juvenile assaulted his stepfather. When you meet with your client, he discloses that his stepfather has been beating him for years. This time, his stepfather went after his younger sister, and your client tried to protect her. In another case, you are hired to represent a father in a child custody action. Your client tells you that he just moved out of the home, where his baby and the baby's mother live. He discloses that the mother has a drinking problem and frequently attacks him physically when she is intoxicated, sometimes while she is holding the baby. He also tells you that he has come home from work to find the baby is in dirty diapers and crying in the crib while the mother is passed out on the couch.

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This entry was tagged with the following terms: abuse neglect and dependency, attorney-client privilege, Juvenile Code, mandatory reporting.



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# KIDS



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## Child Welfare Case Compendium

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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.



Keep KIDS in Mind



Benchcard...