

Today – Dispositional Stage

Starting with...

Purpose of Disposition

Procedural Issues

- Types of Hearings
- Scheduling
- Requirements
- Reasonable efforts
- Permanency planning

Purposes of Disposition

Design a plan that reflects

- consideration of facts
- child's needs and limitations
- family's strengths and weaknesses

If possible,

- keep child at home
- use appropriate community resources for care, supervision, treatment
- to strengthen home situation



Provides services that

1

protect the child

2

respect family
autonomy

3

reflect child's
needs for safety,
continuity, and
permanence

4

prevent
unnecessary
separation of
child and parent

Protective Services

Other counseling services to parents, guardians, other caretakers to

- help prevent abuse/neglect
- Improve quality of child care
- Be more adequate parents, ...
- Preserve & stabilize family life

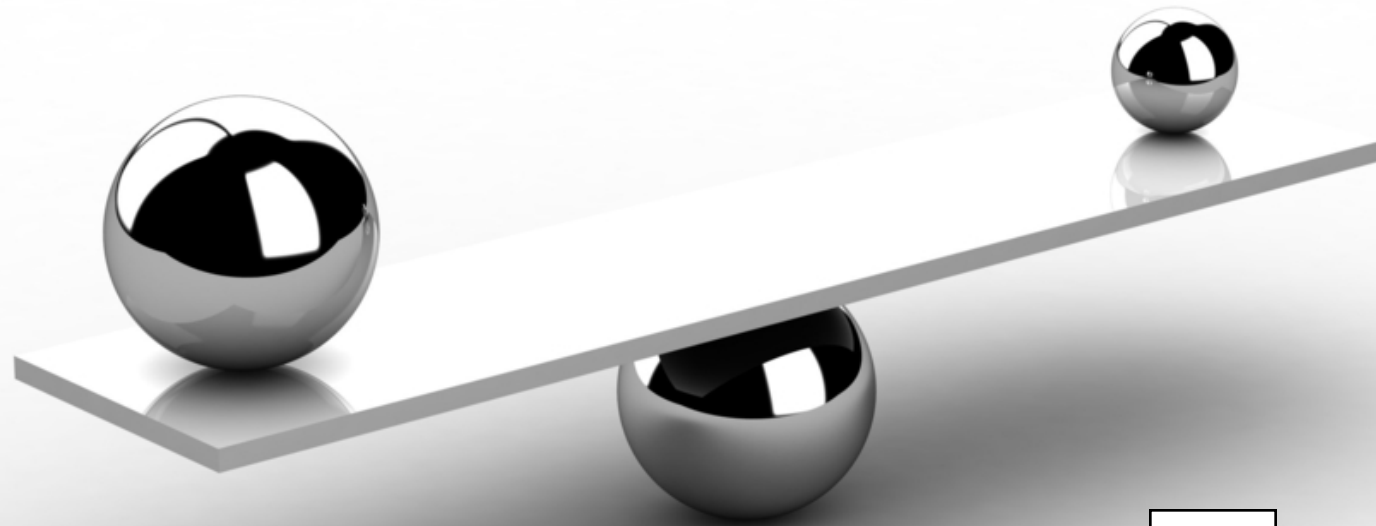
Safe Home

A home in which the juvenile is not at substantial risk of physical or emotional abuse or neglect.

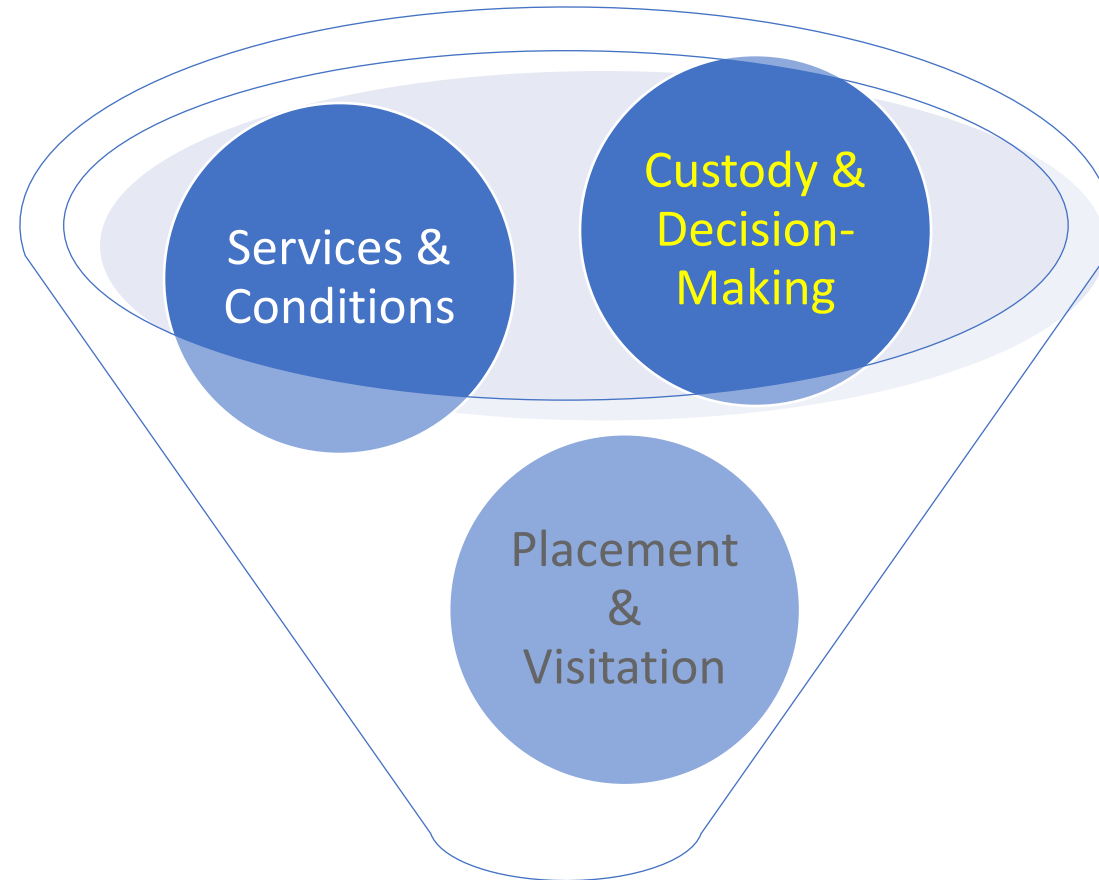
G.S. 7B-101(19)



**Best interests are
paramount**



Design a Plan



Permanence

w/in reasonable period of time

Applicable Statutes



G.S. Ch. 7B,
Article 9

Other G.S.
Ch. 7B

G.S. 131D-
10.2A

G.S. Ch. 48

G.S. Ch. 50

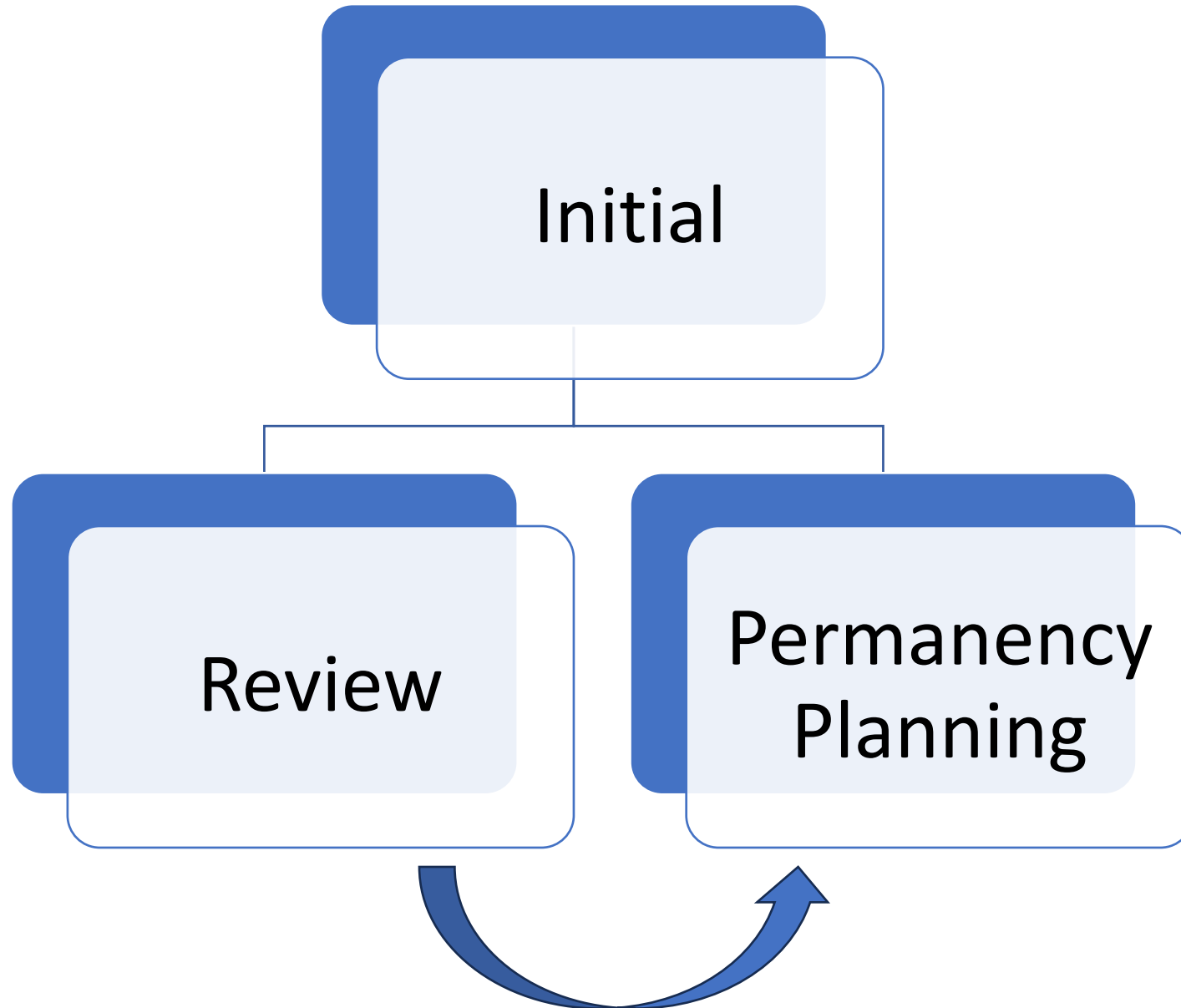
Don't Forget
Federal Laws

KIDS

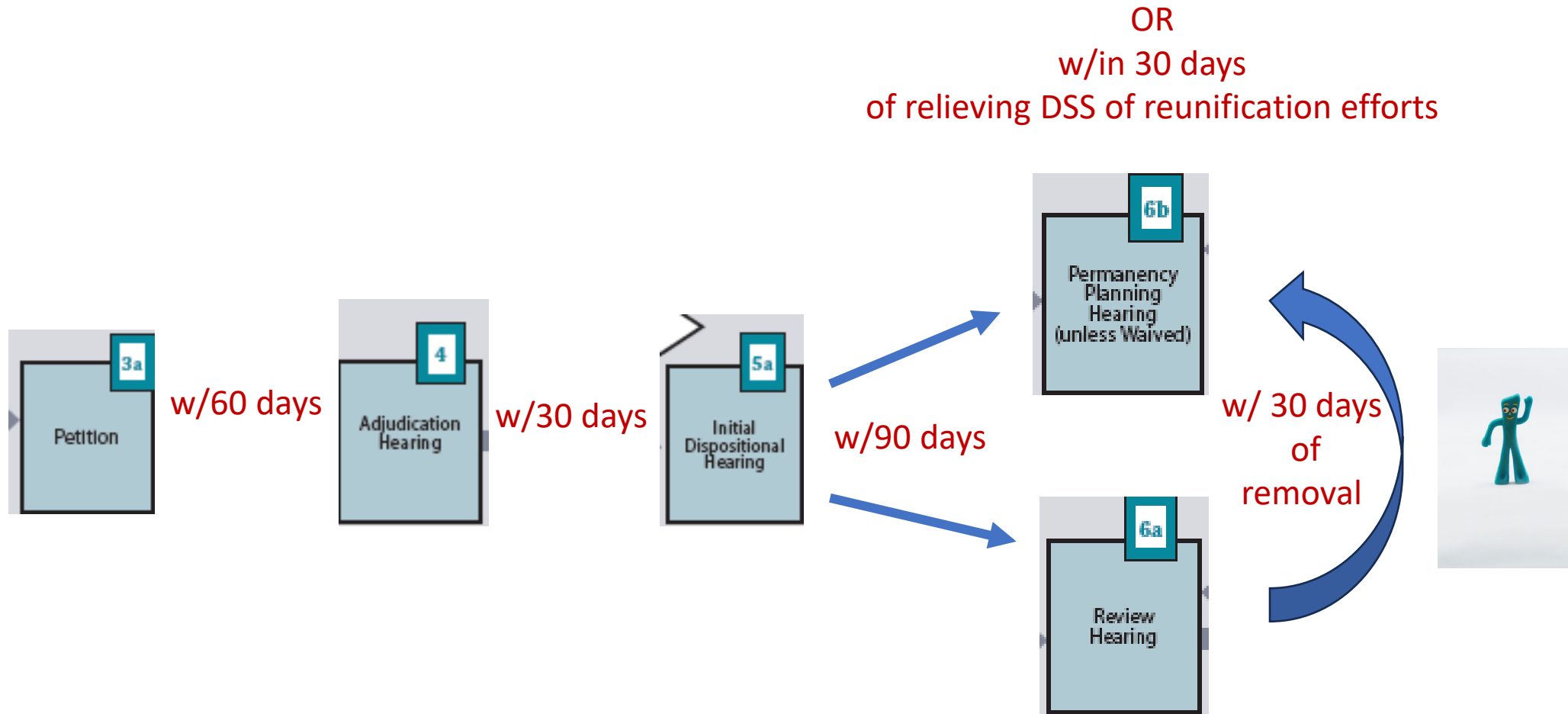
What are the best interest factors?

- No hard and fast rule
 - Purpose Sections of Statutes
 - Case Law

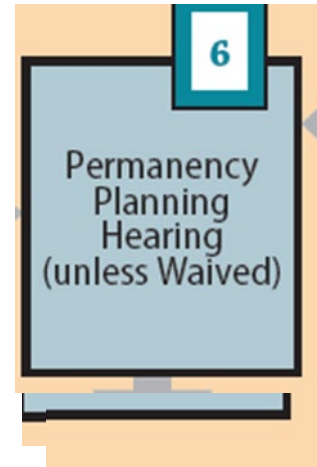
Types of Hearings







Same Day?



Review track



- 12 months from date petition filed
- Demonstrate circumstances resolved
- Safe home
- Absent extraordinary circumstances, terminate jurisdiction

Oct. 1, 2025
G.S. 7B-906.2(d2)

Changing from Review to PPH track

Removal only if

Factor under
7B-503(a)(1) – (4)
or 7B-901(c)

Occurred since
last hearing

Or parent,
guardian,
custodian
consents

Oct. 1, 2025
7B-906.2(d1)

NOTICE

7B- 906.1(b) requires 15 days notice of hearing and its purpose to
part
inv

If deficient & objected to,
must continue

any

Evidence

- No Rules of Evidence
 - Relevant, Reliable, and Necessary
- No “burden” on any one party
- BIC is the standard unless specified otherwise

Includes Participation by Non-parties

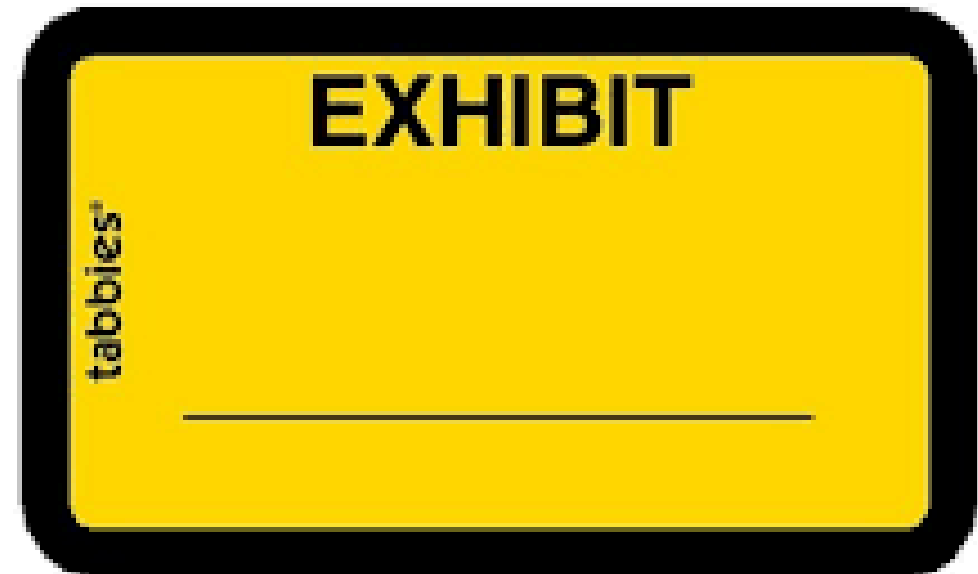
May consider evidence or testimony from any person who is not a party

- if relevant, reliable, & necessary
- to determine child's needs and most appropriate disposition

Shall provide opportunity to placement provider to address court

Evidence

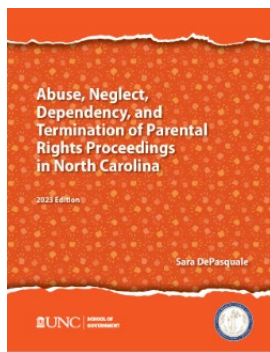
- For Initial Disposition Only
 - Predisposition report (7B-808)
- All Dispositional Hearings
 - May consider reports
 - w/o formal admission unless objected to*



Must be Competent Evidence

- Attorney statements ≠ evidence
- Reports w/o testimony ≠ competent evidence

KIDS: How do you ensure procedures to admit competent evidence?
(e.g. when you have crowded dockets)



Different Hearings Different Requirements

Checklists

The following Checklists are intended to assist the attorneys and judges who are participating in the various hearings involved in abuse, neglect, dependency, and related termination of parental rights proceedings. Users are cautioned that these Checklists are not meant to be a comprehensive guide. Users should refer to the statutes directly. Questions about the interpretation of a statute may be answered by referring to the applicable Chapter and section within this Manual.

Checklist 1: Nonsecure Custody Orders

Checklist 2: Pre-Adjudication

Checklist 3: Adjudication

Checklist 4: Dispositional Findings and Options at Initial, Review, and Permanency Planning

Checklist 5: Initial Disposition

Checklist 6: Review

Checklist 7: Permanency Planning

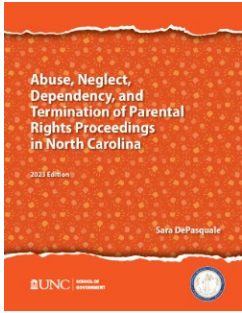
Checklist 8: Termination of Parental Rights Hearing

Checklist 9: Post-TPR Review Hearing

At some point, in all of them

Considering reasonable efforts & reunification...





Initial Disposition

Reunification Efforts Not Required

Order and Required Findings for Ceasing Reunification Efforts: G.S. 7B-901(c)

When a child is placed in DSS custody, the court must order (unless exception below applies) that reasonable efforts are not required if it makes written findings that

- In department custody
- Shall
- If make written findings of one of the following
- unless the court concludes that there is compelling evidence warranting continued reunification

G.S. 7B-901(c)

Order and Required Findings for Ceasing Reunification Efforts: G.S. 7B-901(c)

When a child is placed in DSS custody, the court must order (unless exception below applies) that reasonable efforts are not required if it makes written findings that

- ☐ A court of competent jurisdiction determines or has determined that an aggravated circumstance exists because the parent committed, encouraged, or allowed any of the following on the child:
 - ☐ sexual abuse;
 - ☐ chronic physical or emotional abuse;
 - ☐ torture;
 - ☐ abandonment;
 - ☐ chronic or toxic exposure to alcohol or controlled substances that causes impairment of or addiction in the child; or
 - ☐ any other act, practice, or conduct that increased the enormity or added to the injurious consequences of the abuse or neglect.
- ☐ The parent's rights to another child were involuntarily terminated by a court of competent jurisdiction.
- ☐ A court of competent jurisdiction determines has determined that the parent
 - ☐ committed murder or voluntary manslaughter of another child of theirs;
 - ☐ aided, abetted, attempted, conspired, or solicited to commit murder or voluntary manslaughter of this child or another of the parent's children;
 - ☐ committed felony assault resulting in serious bodily injury to this child or another of the parent's children;
 - ☐ committed sexual abuse against this child or another of the parent's children; or
 - ☐ has been required to register as a sex offender on any government-administered registry.



You are court of
competent
jurisdiction;
clear, cogent and
convincing evidence

In re N.R.R.N., 911 SE2d
510 (2025)

Review

At every review hearing, the court must consider the following criteria and make written findings of those that are relevant:

- ☐ Services that have been offered to prevent the removal or reunite the child with either parent, regardless of whether the child resided with the parent at the time of removal, or with the guardian or custodian from whom the child was removed.
- ☐ Reports on the juvenile's continuation in and the appropriateness of the juvenile continuing to remain in the home of their parent, guardian, or custodian.
- ☐ Reports on visitation and whether there is a need to create, modify, or enforce an appropriate visitation plan in accordance with G.S. 7B-905.1.
- ☐ Whether efforts to reunite the child with either parent clearly would be unsuccessful or inconsistent with the child's health or safety and need for a safe, permanent home within a reasonable period of time. The court must consider reunification efforts regardless of whether the child lived with the parent, guardian, or custodian at the time of the removal.
 - ☐ If the court determines efforts would be unsuccessful or inconsistent, the court must schedule a permanency planning hearing within thirty days to address concurrent permanency planning under G.S. 7B-906.2. (The court does not have the authority to order that reunification efforts cease at a review hearing).
- ☐ Reports on placements the child has had, the appropriateness of the child's current placement, and the goals of the child's foster care plan, including the role the current foster parent will play in the planning for the child.
- ☐ If the child is 16 or 17 years old, a report on an independent living assessment and, if appropriate, an independent living plan.



Permanency Planning

- What are the findings?



In re K.L., 254 N.C. App. 269 (2017)

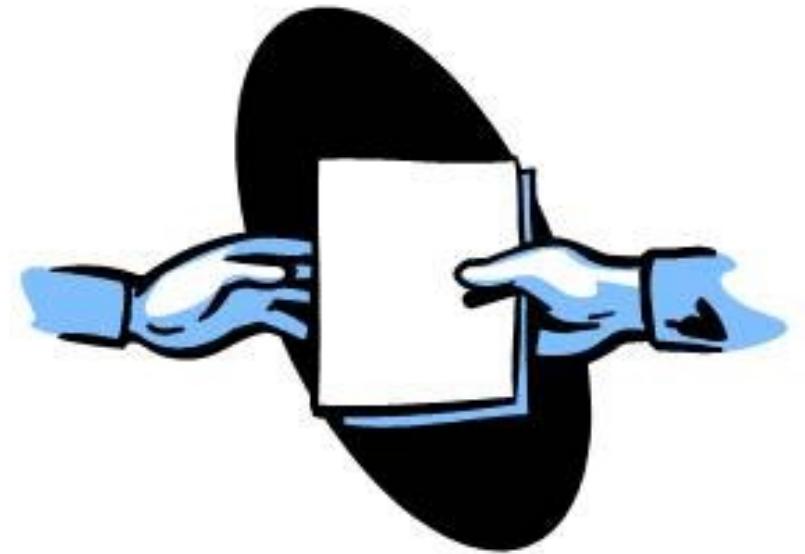
“The court’s findings do not satisfy the multiple layers of inquiry and conclusions as are required by the Juvenile Code.”



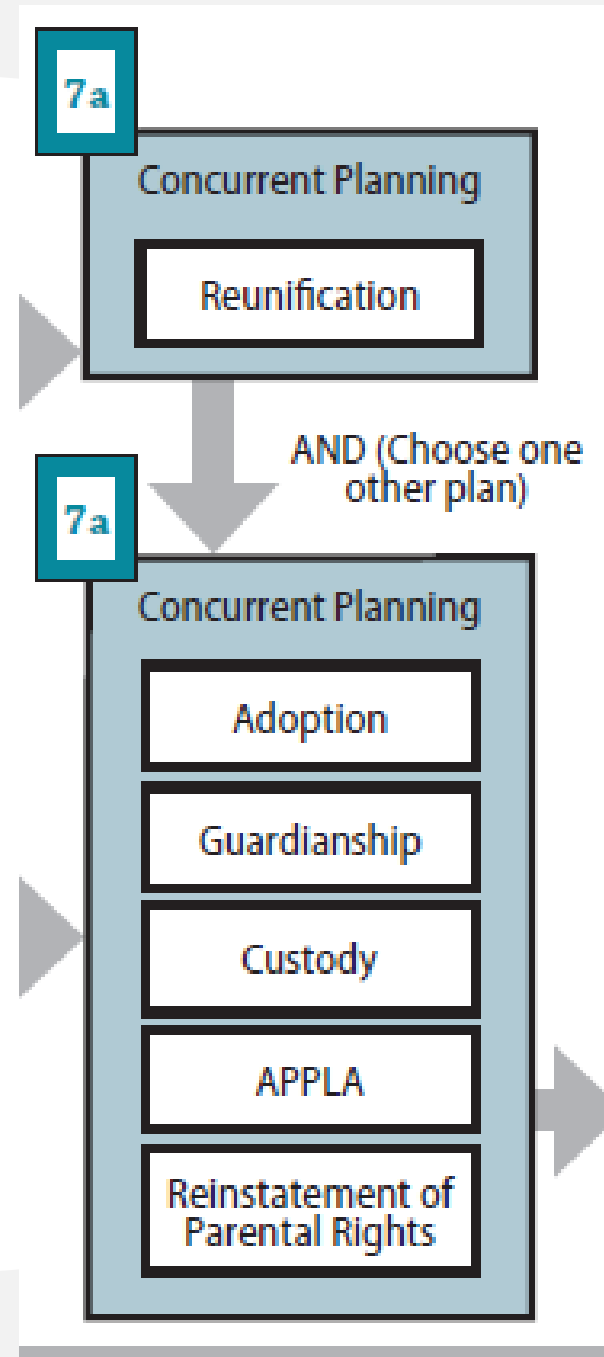
PPHs for 17 year old

- Court shall inquire whether teen has
 - Birth certificate, social security card
 - Health insurance information
 - Driver's license/other ID
 - Education/medical/other records requested by juvenile
 - Info about Foster Care 18-21
- Identify person/agency assist teen in obtaining the documents

G.S. 7B-912(b)



6 Identified Permanent Plans



Hierarchy

Concurrent Permanency Planning

“The court shall adopt concurrent permanent plans and shall identify the primary and secondary plan” G.S. 7B-906.2(b)

“Concurrent planning shall continue until a PP is achieved”
G.S. 7B-906.2(a1)



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)



PPH: Reasonable Efforts

G.S. 7B-906.2(b)

The court shall order department to make efforts to finalize each plan

The court may specify efforts that are reasonable and timely to achieve permanence

KIDS: DO YOU HAVE ANY EXAMPLES TO SHARE?

Does It
Matter?

**Primary
or
Secondary?**

Might Impact

Need for TPR

- What would be primary plan for TPR prerequisite?
- G.S. 7B-906.1(m)
 - Requirements
- G.S. 7B-906.1(f)
 - What's the trigger there?
 - Exceptions to TPR

APPLA as PP

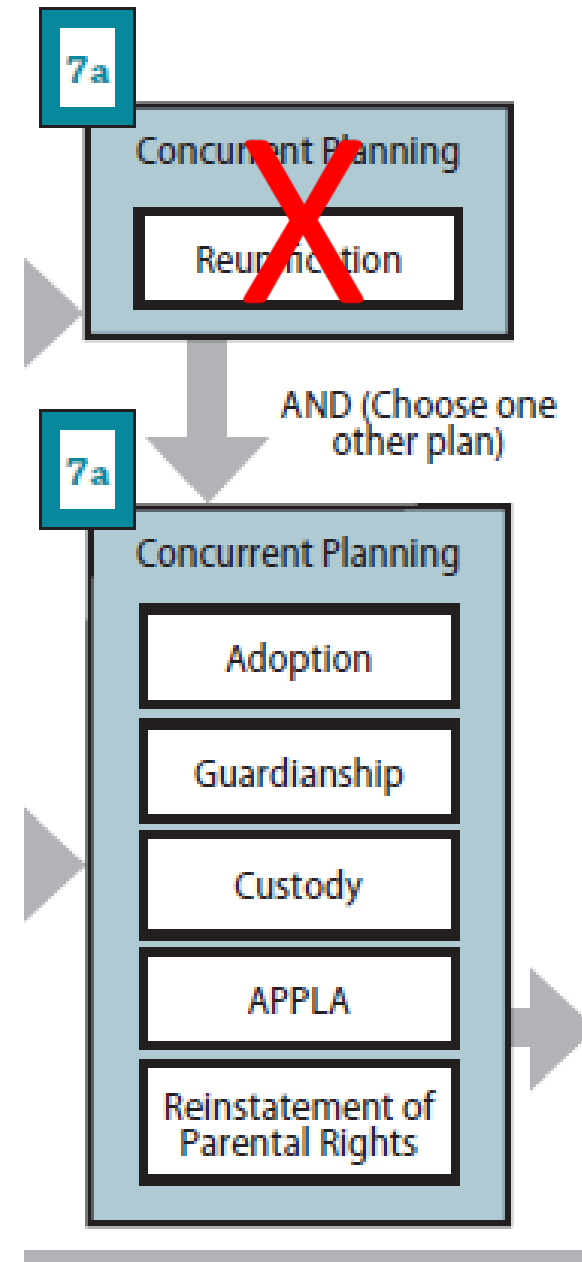
G.S. 7B-912

(c): Findings of what?

(d): Procedure required?

Eliminating Reunification as a PP

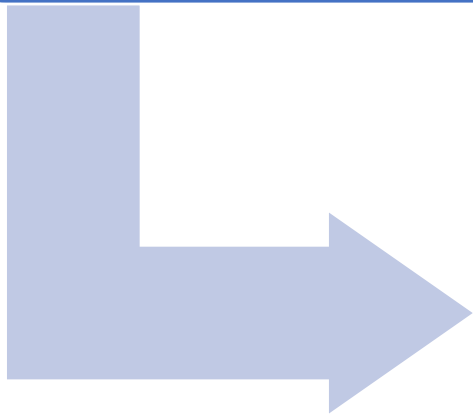
- Appealable order
- 2-step process
- Required findings



The 2-Step to Eliminate Reunification

**Initial
Dispo**

- 7B-901(c) findings & order eliminating reunification efforts



1st PPH

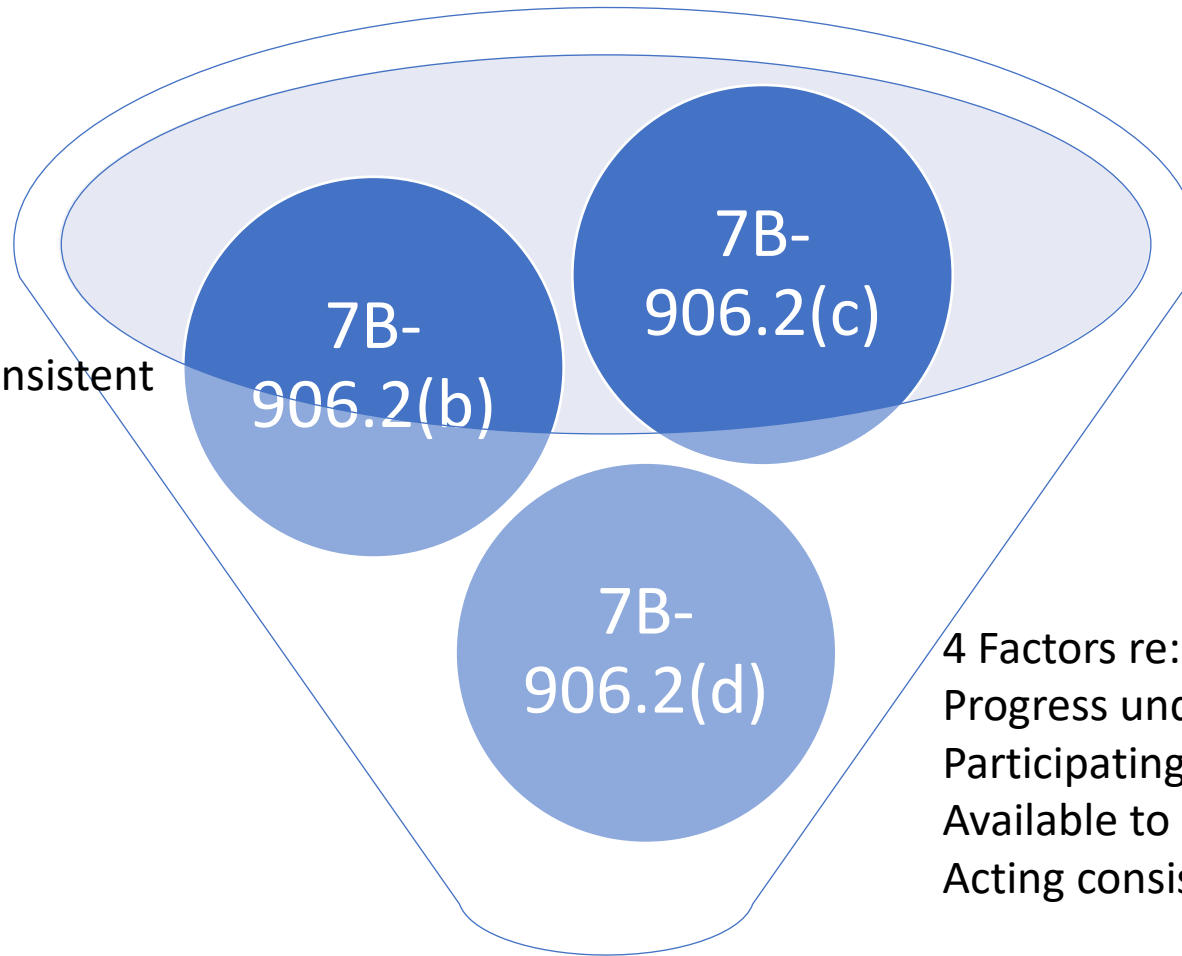
- Reunification has been removed as a PP (not eliminated)

The 1-Step to Eliminate Reunification

1st PPH

- No -901(c) order
- May cease reunification efforts and eliminate reunification as a PP

Ultimate Findings
Reasonable Efforts
Unsuccessful or Clearly Inconsistent



Were Efforts Reasonable?
(Reasonable not Exhaustive)

7B-
906.2(b)

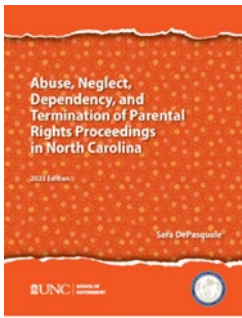
7B-
906.2(c)

7B-
906.2(d)

4 Factors re: Parent's Actions:
Progress under plan
Participating w/ plan, DSS, GAL
Available to court, DSS, GAL
Acting consistent w/ health & safety of juvenile

Eliminate Reunification

REQUIRED WRITTEN FINDINGS!



Different Hearings Different Requirements

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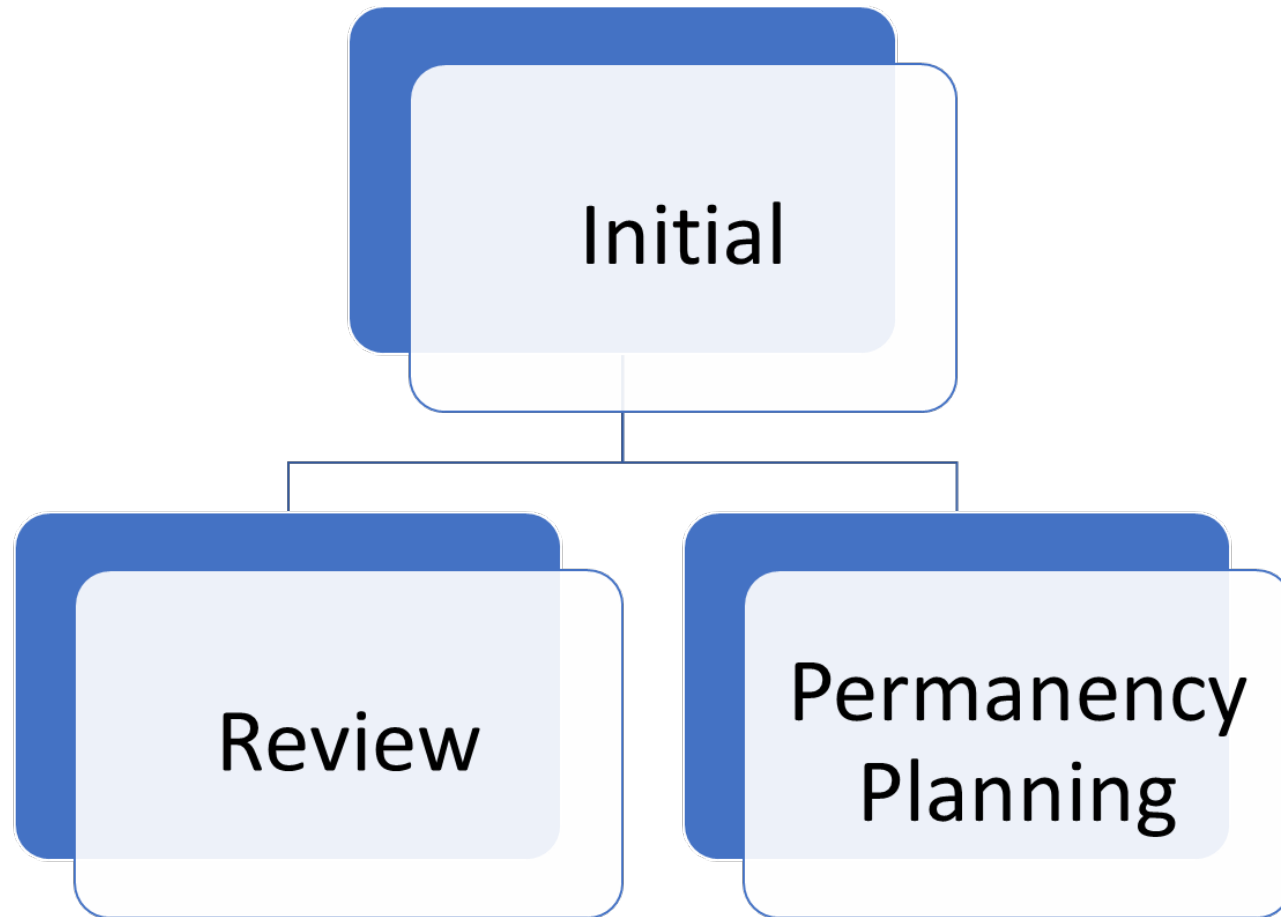
Checklist 9: Post-TPR Review Hearing

Checklist / Statute Review

- What are the special circumstances addressed by the hearings?
 - e.g., paternity inquiry – which hearings?
- What findings of enumerated factors are required?
 - Each vs. relevant



Can you cease reunification efforts at...



Can you eliminate reunification as a PP at...

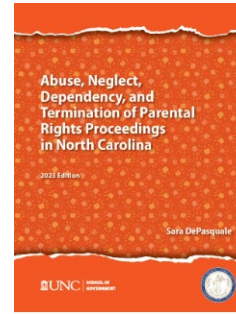
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graph TD; A[Statutes] --> B[CWCC]; B --> C[Checklists];
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Statutes

CWCC

Checklists

KIDS



Chapters 7.11 & 4.9

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Initial Disposition and the Responsibility of DSS to Provide Reunification Efforts in A/N/D Cases

This entry was contributed by Sara DePaquale on December 6, 2024 at 10:47 am and is filed under Child Welfare Law.

When children are removed from their home through a court order in an abuse, neglect, or dependency (A/N/D) action, a county department of social services (DSS) is required to provide reasonable efforts for reunification. See G.S. 78-507(a)(2); 78-903(a). "Reasonable efforts" are defined in part as "[t]he diligent use of preventive or reunification services by a department of social services when a juvenile's remaining at home or returning home is consistent with achieving a safe, permanent home for the juvenile within a reasonable period of time" G.S. 78-101(18). "Return home or reunification" is defined as the "[p]lacement of the juvenile in the home of either parent or placement of the juvenile in the home of a guardian or custodian from whose home the child was removed by court order." G.S. 78-101(18c). This means reasonable efforts for reunification (sometimes referred to as "reunification efforts") must occur for both parents and if there is a guardian or custodian from whom the child was removed, that guardian or custodian as well. However, the juvenile Code (G.S. Chapter 78) authorizes the court to relieve DSS of the obligation to provide reasonable efforts for reunification. When the court may enter such an order is limited to an initial dispositional hearing or a permanency planning hearing. The findings a court must make before relieving DSS of making reasonable efforts for reunification differs at initial disposition and permanency planning. Compare G.S. 78-901(c) with 78-906.2(b); see *in re T.W.*, 250 N.C. App. 68 (2016). What is required at initial disposition? Our appellate courts have provided some guidance.

Keep KIDS in Mind



Benchmark