



DISPOSITIONAL CASE PLANS

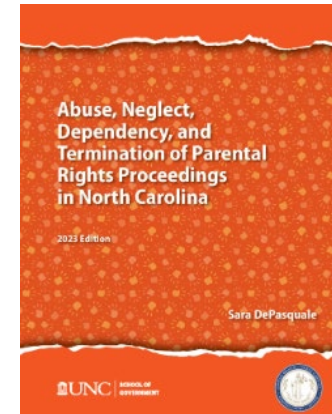
ORDERING RESPONDENTS TO DO SOMETHING

Parent

Guardian

Custodian

Caretaker



Chapter 7.7

PERSONAL JURISDICTION!

G.S. 7B-200(b)

COURT'S AUTHORITY LIMITED BY JUVENILE CODE

G.S. 7B-904

Treatment

- Participate in child's treatment
- Own treatment, directed toward remediating behaviors/conditions that led to/contributed to child's adjudication or court's decision to remove child

COURT'S AUTHORITY LIMITED BY JUVENILE CODE

G.S. 7B-904

Conditions

- Compliance with treatment (can condition legal custody/placement on it)
- Parenting classes if available in judicial district where resides
- Take appropriate steps to remedy conditions that led/contributed to adjudication/removal
- If in home, provide transportation for child's appointments for treatment

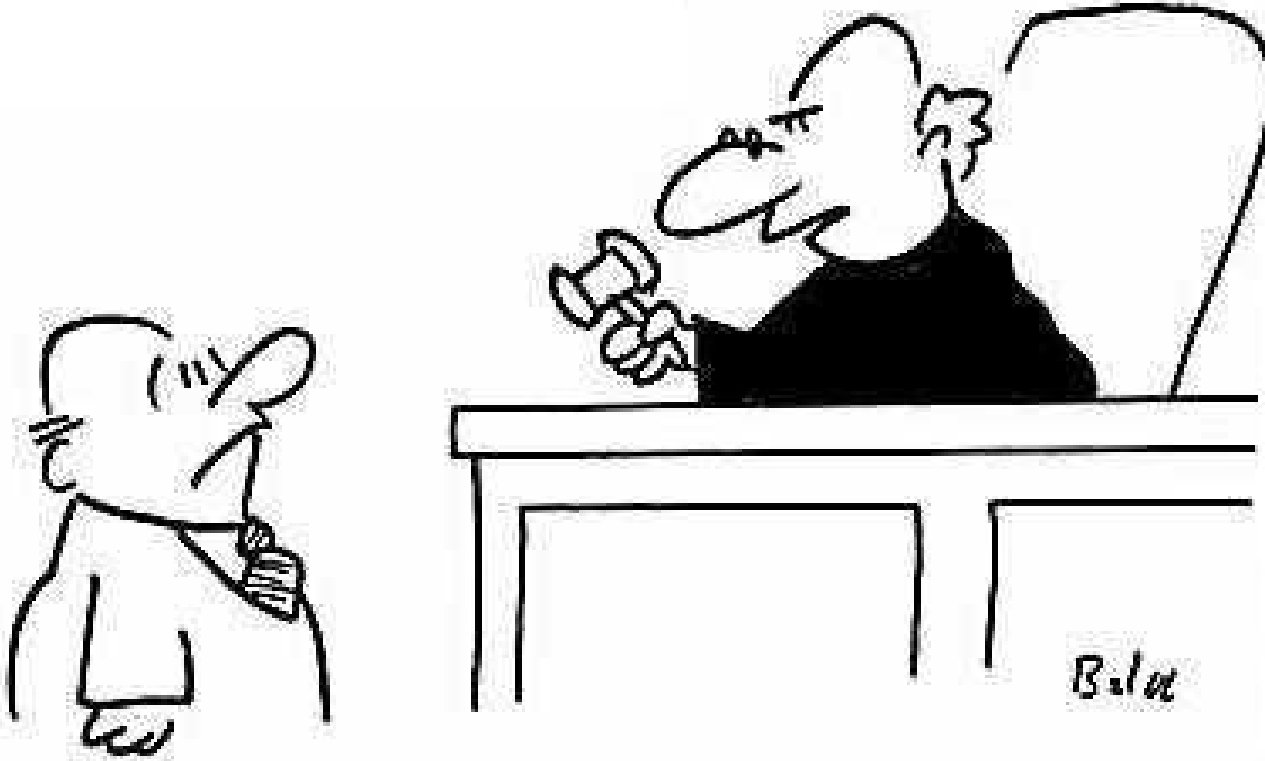
COURT'S AUTHORITY LIMITED BY JUVENILE CODE

G.S. 7B-904

Pay Support

- Reasonable sum to cover support of juvenile in legal custody of someone else (if able to do so)
- Child support if able and payment in BIC
- Cost of treatment for child and/or self (ability to pay)

NONCOMPLIANCE, G.S. 7B-904(e); -406(c)



**"Mr. Moyes, That will be a ten minute misconduct
for contempt of court. Please proceed to the penalty
box"**

MEDICATION ASSISTED TREATMENT (MAT)

G.S. 7B-904(c1)

If ordered to comply with plan of treatment for substance use disorder

Not a violation if complying with MAT

NEXUS!!!

Treatment & Conditions: Removal or Adjudication



What was the
basis of the
adjudication?

What brought
this child into
care?



*CONDITIONS
THAT LED TO
THE CHILD'S
REMOVAL*
NOT LIMITED TO
PETITION OR
ADJUDICATION

- “Trial judge... has the authority to order a parent to take any step reasonably required to alleviate any condition that directly or indirectly contributed to causing the juvenile’s removal from the parental home.”
- 7B-904 authorizes court who gains a better understanding of relevant family dynamic to modify and update case plan in subsequent review hearings
- ONGOING EXAMINATION of circumstances

BUT



Judge does
not have
unlimited
authority:

“reasonable
progress”

Case Scenario One:

Petition is filed for 2 children, alleging one child (an 8 year old) is abused, neglected, and dependent and the other child (a 10 year old) is neglected and dependent. Mom uses physical discipline when necessary. After one incident, DSS is called when the 8 year old has bruises on his legs that were visible the next day when mom struck him 5 times with a belt. Because of the incident, mom has been charged with misdemeanor child abuse. Because of the charge, mom tells the children she is going to jail and they aren't going to see her anymore. One evening, she calls 911 and asks that they come and pick up her children because she cannot care for them but then hangs up. She then calls the children's father, who she believes is a chronic substance abuser, to see if he will take the children. He agrees. Mom drives the children to a dark parking lot where she planned to meet their father. Mom stays in the car but makes the children stand outside the car while waiting for their father to show up. When he arrives, she drives away without waiting to see if he gets out of the car. The children were crying and scared. A week later, mom tries to take the children from their father, which is what prompted the filing of the petition. Nonsecure custody is ordered to DSS and the children are placed (remain) with dad. The children are adjudicated neglected and the 8 year old is also adjudicated abused. DSS is awarded custody and placement remains with dad.



CAN YOU ORDER WHATEVER YOU WANT?

What are you seeking to accomplish from your order?

CASE PLAN EXAMPLE AND PARENT'S SCHEDULE

Employment

Works at Bojangles 40 hours/week

Mon: 6 a.m. – 2:30 p.m.

Tue: 10 a.m. – 6:30 p.m.

Wed: 12 p.m. – 8:30 p.m.

Thurs: 6 a.m. – 2:30 p.m.

Fri: 10 a.m. – 6:30 p.m.

Individual Therapy:

1 day/week for 2 hours

Wed. 9 a.m. – 11 a.m.

Substance Abuse Treatment

3 days/week for 1 hour (group)

Mon & Wed: 4 p.m. - 5 p.m.

Friday: 8 a.m. – 9: a.m.

Domestic Violence Classes

1 day per week for 1.5 (26 weeks)

Thursday 6 p.m. – 7:30 p.m.

Parenting Classes

1 day/week for 1.5 hours (16-20 weeks)

STAGGERED CASE PLAN

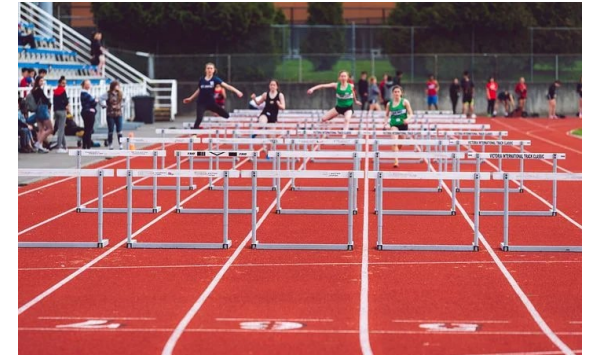
1. MH Assessment
2. SA Assessment
3. Visitation
4. Housing

5. MH Treatment
6. SA Treatment
7. Visitation
8. Housing
9. Parenting Class
10. DV Class

11. MH Treatment
12. SA Treatment
13. Visitation
14. Housing
15. Parenting Class
16. DV Class
17. Obtain/Maintain
Employment (or other income)

DEALING WITH SETBACKS

- Missed Treatment Appointments
- Relapse
- Missed Visits
- Problems with Housing
- Missed Parenting Classes
- Problems with employment
- New Relationship
- Other



HOW PARENTS VIEW THEMSELVES IN
THIS PROCESS

**HOW DO YOU SEE
YOURSELF?**



DSS REASONABLE EFFORTS

Are you ordering DSS to take certain steps?

ICWA: ACTIVE EFFORTS

NOT PASSIVE

- Concrete steps to complete case plan

KIDS

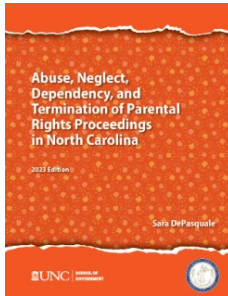
Results: 1

Case Name & Citation	Case Description
<u>In re N.D.M.</u> ___ N.C. App. ___, 886 S.E.2d 640 (2023)	Findings do not support the conclusion that active efforts for reunification were provided to incarcerated father under ICWA.

Read More

ADA: ADEQUACY OF SERVICES

KIDS



Chapter 13.5

Results: 1

Case Name & Citation	Case Description
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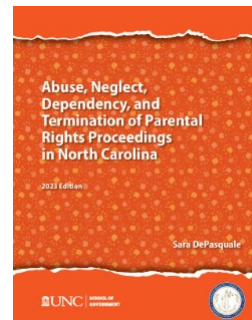
In re A.P.

281 N.C. App. 347 (2022)

The opinion addresses the ADA and a permanency planning order awarding custody to father when mother has an intellectual disability. DSS made reasonable efforts, mother waived right to challenge adequacy of services under ADA, visitation order improperly delegated discretion to father, court complied with statutes when waiving further hearings.

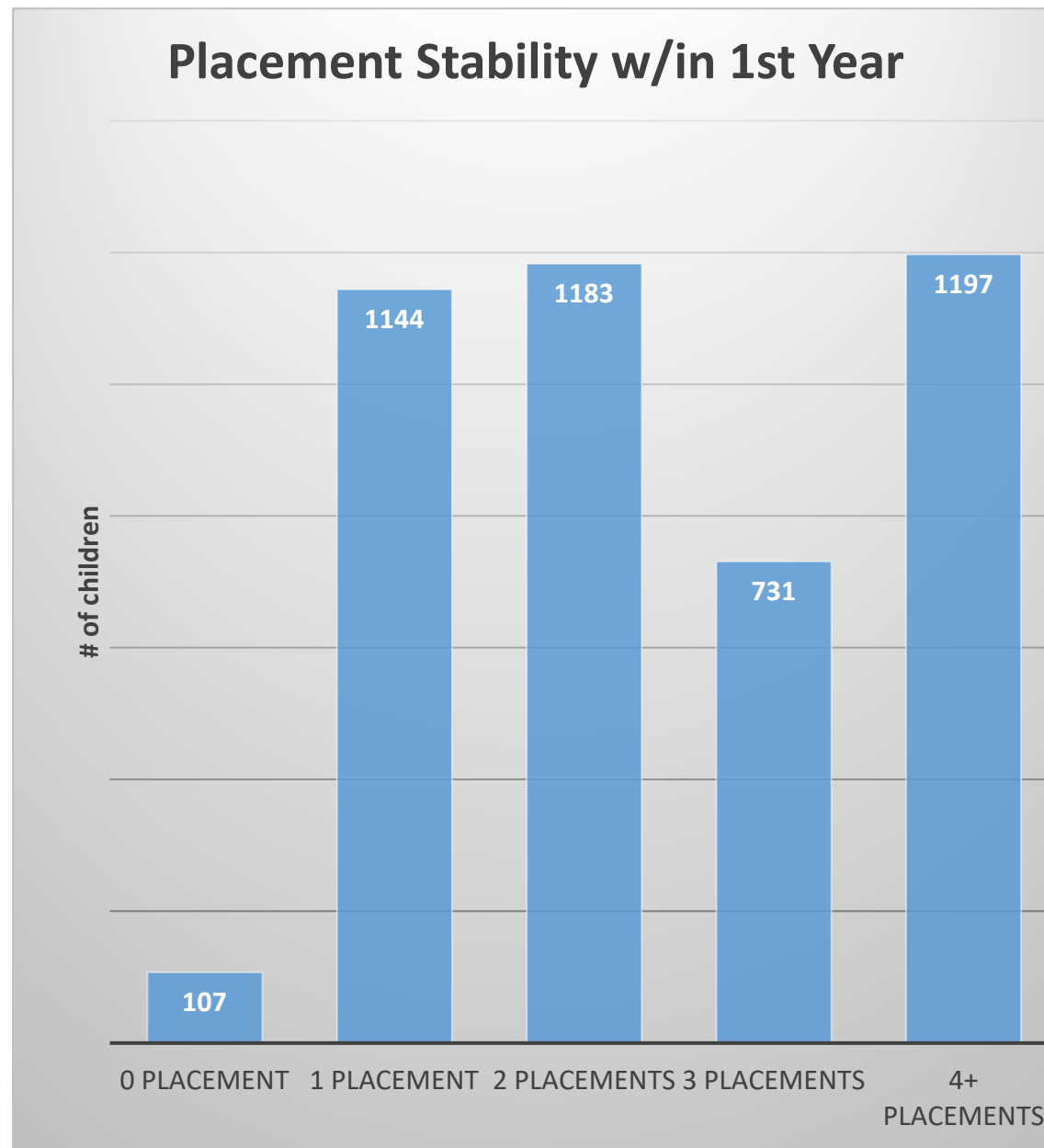
[Read More](#)

EVERY STUDENT SUCCEEDS ACT (ESSA)

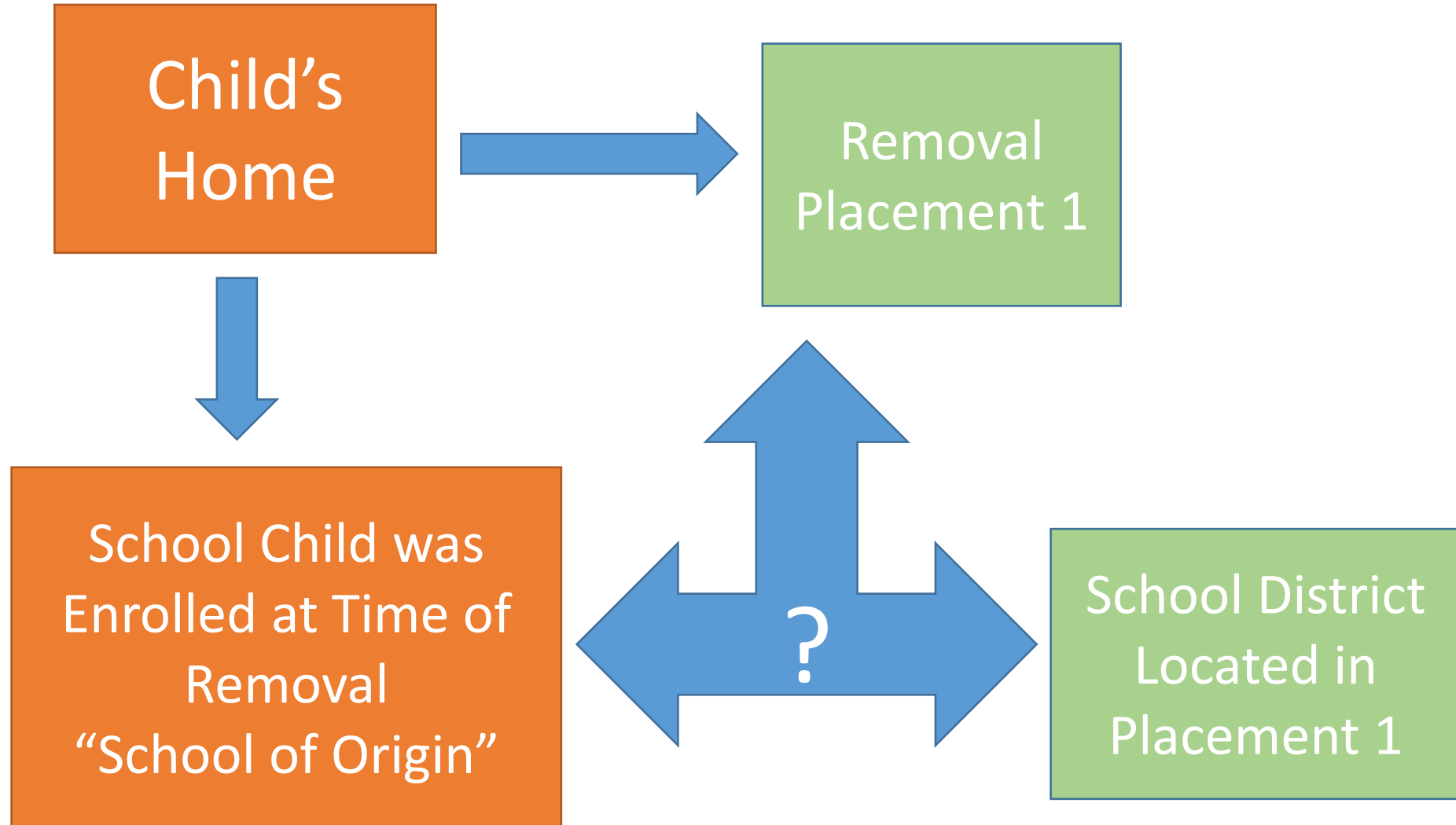


Chapter 13.7

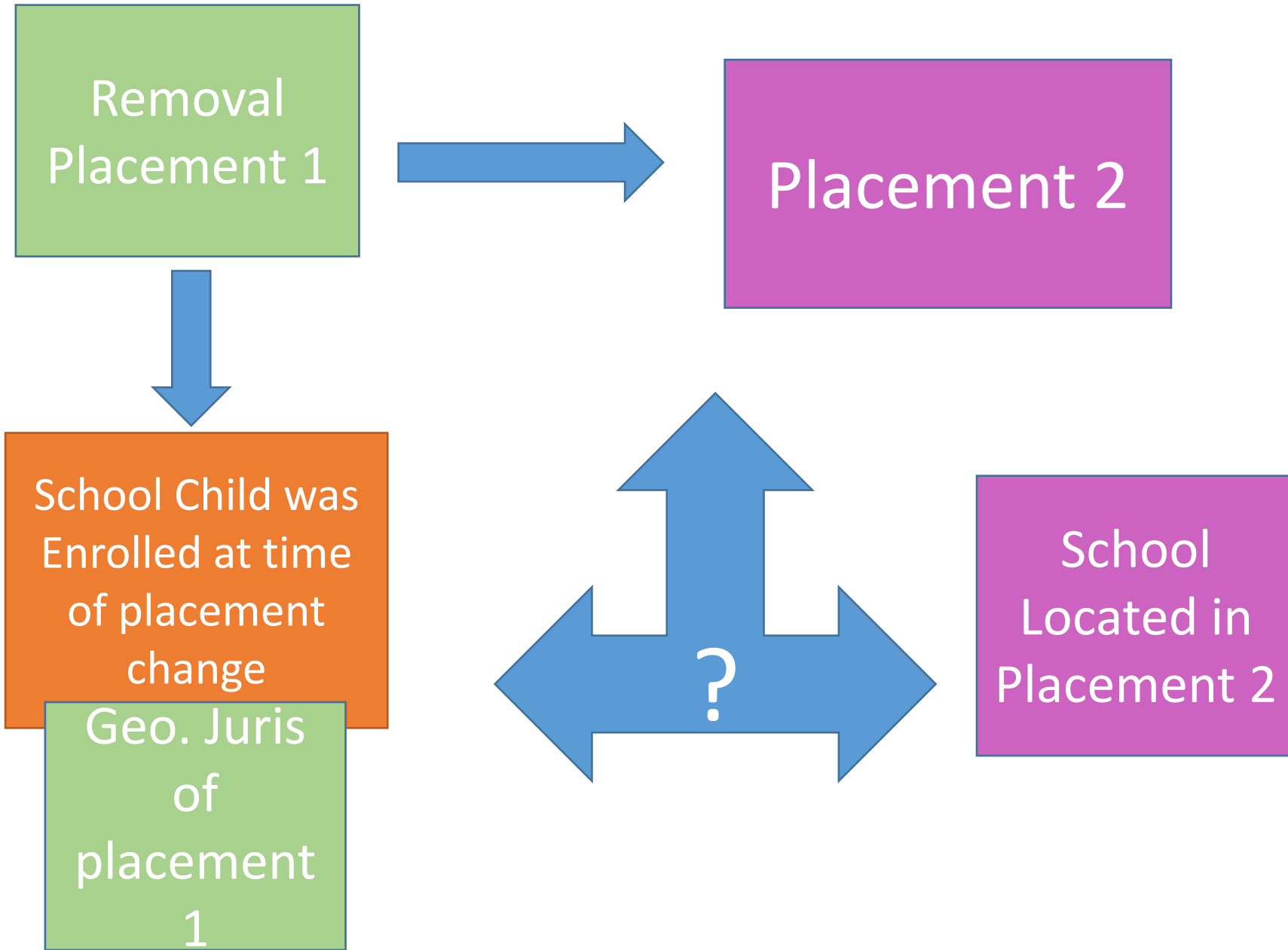
Homework
Assignment:
How many
moves are
your kids
experiencing?



Best Interests of the Child Determination



Best Interests of the Child Determination



DSS FORMS

5137

Best Interests
Determination

5133

Remain in School
of Origin

5135

School Transfer

Take Away: School age child!



Are you getting this
information...



What school attending at
removal/change of placement?



Is it the same, if not why is it
BIC?



Do you agree?

DSS Custody and decision-making

G.S. 7B-903.1

- generally made by a custodian, unless prohibited by federal law
- may be delegated to parent, foster parent, another individual

Reasonable and Prudent Parent Standard G.S. 7B-903.1(b)

- Placement provider automatically engage in decision-making re: NORMAL CHILDHOOD ACTIVITIES without court or DSS approval
- Unless court finds not BIC and set out alternative parameters
- Not same as medical decision making (see G.S. 7B-903.1(e))

Reasonable and Prudent Parent, G.S. 131D-10.2A

- Careful and sensible parental decisions
Health, safety,
best interests

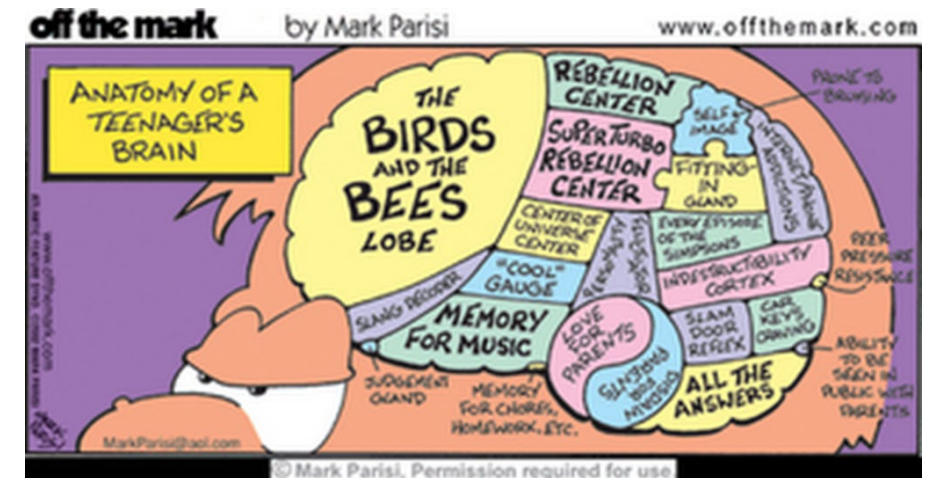


Encourage emotional &
developmental growth

Age/Developmentally Appropriate

- Activities that are
 - Generally accepted as suitable for child of same age or maturity
 - Appropriate based on cognitive, emotional, physical, and behavioral capacities typical for an age/age group

SPECIFICALLY INCLUDES
SLEEPOVERS (up to 72 hours)
DRIVER'S LICENSE



Required Findings at every PPH for 14+ y.o.

G.S. 7B-912(a)

- Inquire and make written findings of each
 - Services provided to assist juvenile to making transition to adulthood
 - Steps DSS is taking to ensure provider follows reasonable & prudent parent standard
 - Whether juvenile has regular opportunities to engage in age/developmentally appropriate activities

Keep KIDS in Mind



Benchmark