

Rule 17 GALs in
Juvenile
Proceedings

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Rule 17 GALs, generally

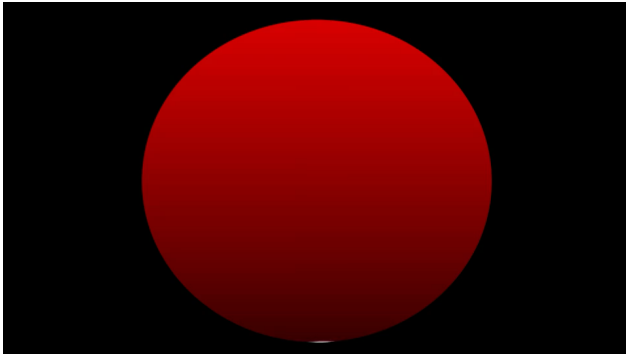
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G.S. Ch. 35A



Rule 17

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Rule 17 GALs in Juvenile Matters

- *For purposes of this suit*
- Substitution (not assistance)
- Customarily an attorney
 - 2 people, 2 roles
 - Does not impact right to counsel
- Non-parent respondents?

A close-up photograph of a young lion cub lying on the ground, looking towards the camera.

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Category 1a: Minor parents **at TPR**

- Required for any parent < 18 who is not married or emancipated

A photograph showing a young child in a blue shirt holding the hand of an adult wearing a striped shirt.

G.S. 7B-1101.1(b)

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Category 1b: Minor parents **at AND**

~~Required for any parent < 18 who is not married or emancipated~~

- Required for any parent < 16
- Court's discretion for 16 – 17 who is not married or emancipated
- Initiated by motion or sua sponte



G.S. 7B-602(b); S.L. 2025-16 (effective for petitions pending, filed on, or filed after 10/1/25)

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Category 2: Incompetent parents

- Don't skip Step 1
- Incompetency ≠
 - Difficult personality
 - Cultural differences*
 - Language barriers
 - Confusion, deficits, or diagnoses alone



*See, e.g., *In re A.K.*, ___ N.C. App. ___ (August 6, 2024)

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A Second Look at *In re A.K.*, Addressing Cultural Issues in A/N/D Cases

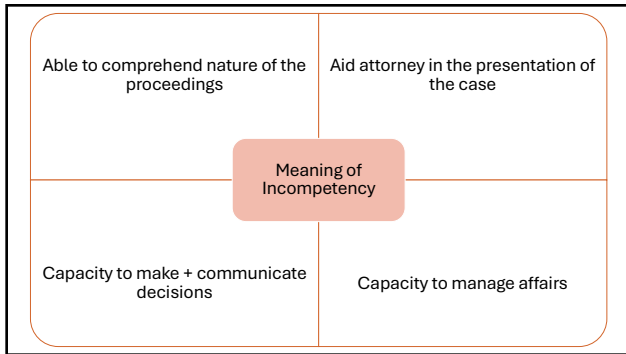
This entry was contributed by Sara DePasquale on September 6, 2024 at 7:48 am and is filed under Child Welfare Law.

The North Carolina Court of Appeals in *In re A.K.*, ___ N.C. App. ___ (Aug. 6, 2024) addressed a parent's right to be represented by a privately retained attorney of their choosing in an abuse, neglect, and dependency (A/N/D) action. See Timothy Heinle's post discussing that issue [here](#). The opinion also discusses issues related to the mother's and child's culture - their religion and language. This post explores those aspects of the opinion.

Who Are the Families and Children that Are Involved in Child Welfare?

Over the course of calendar year 2023, 15,885 children in North Carolina were in the custody of a county department of social services (DSS). Statistics identify the race of those children. The majority of children in DSS custody (56.3%) were white. Almost one out of three children (29.23%) were black. The remaining children were Hispanic (8.59%), Native American (3%), or "other race" (11.48%). See [Child Welfare Statistics here](#). There are, of course, other aspects of culture such as religion and national origin that are not identified in these statistics. Yet, we know that families from all races, ethnicities, religions, socioeconomic status, and more are involved in North Carolina's child welfare system.

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Who?

- Any party or court sua sponte

When?

- Any time (but ASAP to avoid prejudicing rights)

How?

- Written (or oral?) motion

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Who?

- Any party
- Court sua sponte

DSS/GAL

- Fairness; appeal
- Not obligated (even where believe)

Parent counsel?

- R. Prof'l Cap., R. 1.14 (Diminished Capacity)
- Considerations

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Category 2: Incompetent parents

Substantial question? Inquiry or hearing.

- Significant deference to trial court
- No formal procedures, but...
 - Notice
 - Evidence (lay, expert, docs)
 - Observation + voir dire



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List examples of evidence that may indicate incompetency.

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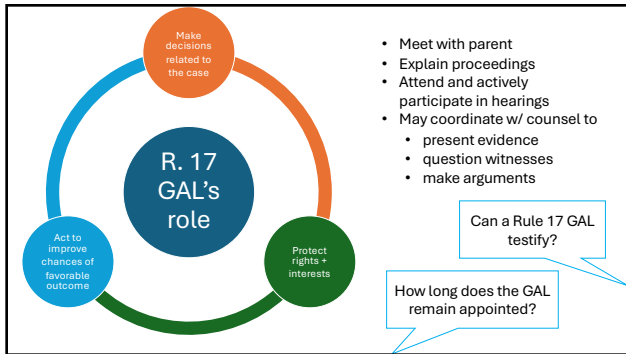


List examples of evidence that may indicate competency.

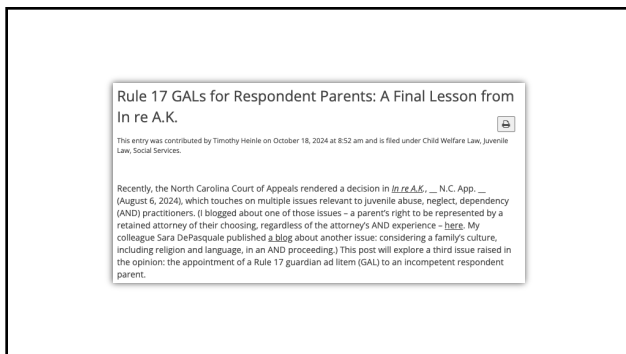
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Please turn in your surveys!

- Timothy Heintz
- Heintz@sop.unc.edu

New resource coming from Timothy and Sara

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