

Stages of Abuse, Neglect, Dependency and Termination of Parental Rights Cases

(Not every stage occurs in every case.)

- A. Mandatory reporting when someone has cause to suspect that a child is *abused, neglected, or dependent*
- B. County department of social services (DSS) conducts screening and assessment
- Report of abuse or serious neglect → investigative assessment

substantiation	or	no substantiation
↓		↓
custody/petition? “responsible individual” protective services		voluntary services close DSS case
 - Report of other neglect or dependency → family assessment

finding of “in need of services”	or	no finding of “in need of services”
↓		↓
custody/petition? protective services		voluntary services close DSS case
- C. Interference petition filed by DSS against someone alleged to be obstructing or interfering with an assessment
- Ex parte order
 - Hearing on petition
- D. Request/petition for expunction of name from the “Responsible Individual List” after DSS substantiates abuse or serious neglect and places individual’s name on the list
- request to DSS director
 - request to district attorney (*optional*)
 - petition to district court
- E. Temporary custody – short-term custody without a court order in response to an emergency
- F. Filing of petition by DSS alleging child is abused, neglected, or dependent
- service on necessary parties
 - appointment of attorney(s) and guardians ad litem as statute requires or allows
- G. Nonsecure custody – court-ordered custody pending a full hearing on the petition, usually ex parte
- H. Periodic hearings on the need for continued nonsecure custody pending adjudication

- I. Adjudication: At a hearing subject to the Rules of Evidence, has DSS proved by clear and convincing evidence that the child is an abused, neglected, or dependent juvenile as alleged in the petition and as those terms are defined in the Juvenile Code?
- J. Disposition: After an adjudication, the court conducts a less formal hearing and orders an appropriate response to the child's condition
- K. If the disposition removes or continues the removal of the child from the home:
 - First review hearing
 - Subsequent review hearings
 - Permanency planning hearings
- L. Termination of jurisdiction
- M. Initiation of termination of parental rights (TPR) proceeding by
 - filing of motion in the cause, if jurisdiction has not been terminated, or
 - filing of new petition
- N. Preliminary hearing on unknown parent
- O. TPR adjudication: At a hearing subject to the Rules of Evidence, has the movant or petitioner proved by clear and convincing evidence that a ground for terminating parental rights exists, as alleged in the petition and as the ground is defined in the Juvenile Code?
- P. TPR disposition: After an adjudication that a ground exists, the court conducts a less formal hearing to determine whether termination of parental rights is in the child's best interest
- Q. Post-termination of parental rights reviews: If the child is in DSS custody after termination, the court conducts periodic reviews until adoption

Note: An adoption proceeding, which often follows termination of parental rights, is a separate district court proceeding in which the clerk has original jurisdiction under G.S. Chapter 48.