

NORTH CAROLINA
COUNTY

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

IN THE MATTER OF:)

Child.)

ORDER ON NONSECURE CUSTODY

THIS CAUSE, coming on to be heard before the undersigned District Court Judge presiding at the _____ session of District Court in and for _____ County, North Carolina, for a seven-day hearing pursuant to a nonsecure custody order entered in this matter upon a Petition filed by the _____ County Department of Social Services.

Present for the hearing were: /, Child Protective Services Investigator with the _____ County Department of Social Services; /, Social Work Supervisor with the _____ County Department of Social Services; _____, Coordinator of the Guardian ad Litem; _____, Esq., Attorney Advocate; and _____, Esq., Agency Attorney with the _____ County Department of Social Services.

The Court, after considering the evidence presented in this matter, makes the following:

FINDINGS OF FACT:

1. That the Court has considered the circumstances listed in N.C.G.S. 7B-801 (a) 1-5, and in its discretion finds that this hearing should be closed to the public.

2. That the Child, _____, is _____ years of age and is currently in the legal care, custody and control of the _____ County Department of Social Services pursuant to a nonsecure custody order entered on (date), by the Honorable (name), upon a Petition filed by the _____ County Department of Social Services on (date).

3. On _____, the Respondent Mother was served with a copy of the Juvenile Petition and Summons by the _____ County Sheriff's Department.

4. The Respondent Mother of the juveniles has appeared in Court and been advised of the right to counsel and to court-appointed counsel in cases of indigence unless the right is waived. The Respondent Mother of the juveniles has elected to proceed with court-

appointed counsel in this action and _____ was appointed to represent her.

5 Respondent Father -----, father of -----, [] has [] has not yet been served; that the Court temporarily appointed _____ to represent him.

6. That the **name/whereabouts** of the **mother/father** of the Child is unknown to the _____ County Department of Social Services at this time. That efforts by the Department to ascertain the (name/whereabouts) of the (parent) are as follows: **(state specifically)**

7. That the _____ County Department of Social Services has filed a verified petition which alleges that this Child is a(n) Abused/Neglected/Dependent Child as defined by G.S. 7B-101 in that : [Allegations of Petition]

____ 8. That the Child does not have any other relatives available for placement at this time that are known to the _____ County Department of Social Services.

OR

____ 8. That the Child has the following relatives: (name/relationship/address). That the _____ County Department of Social Services needs to conduct a study on the home(s) of (name(s)) and make appropriate recommendations to the Court.

If a relative's home is appropriate

____ 8. That (name), the (relationship) of the Child, is willing and able to provide proper care and supervision for the Child. That the home is located at (address), and is a safe home for the Child.

OR

8. That although (name) is willing and able to provide proper care and supervision for the Child, the Court finds that placement with (name) would be contrary to the best interest of the Child, for the following reasons: **(state specifically)**

9. That the following visitation plan between the (name of relation) and the Child is recommended: **(state specifically)**

10. That the _____ County Department of Social Services has made reasonable efforts in this matter to prevent or eliminate the need for placement with the Department, to reunify this family in that the Department has **(state specific efforts)**.

OR

10. **If R.E. no longer required** That pursuant to G.S. 7B-507, the _____ County Department of Social Services is no longer required to make reasonable efforts in this matter to reunify this family as

_____ those efforts would clearly be futile or would be inconsistent with the Child's health and safety, and need for a safe, permanent home within a reasonable period of time.

_____ a Court of competent jurisdiction has determined that the parent has subjected the Child to aggravated circumstances as defined by G.S. 7B-101

_____ a Court of competent jurisdiction has terminated involuntarily the parental rights of the parent to another Child of the parent

_____ a Court of competent jurisdiction has determined that the parent has committed murder or voluntary manslaughter of another Child of the parent; has aided, abetted, attempted, conspired, or solicited to commit murder or voluntary manslaughter of the Child of another parent; or has committed a felony assault resulting in bodily injury to the Child or another Child of the parent

OR

10. That the _____ County Department of Social Services was precluded from making reasonable efforts by the circumstances in which it was neither possible or reasonable to prevent the removal of the Child from the home of the (parent) and assure the Child's safety.

11. That the Court has determined that the Indian Child Welfare Act [] does [] does not apply to this Child. (and the Court had ordered that notice be given to the / Tribe.)

12. That the Court has determined that the Howard M. Metzenbaum Multiethnic Placement Act of 1994 [] does not apply [] applies and has been duly considered by the Court.

13. That the Child's continuation in or return to the home of the (parent) would be contrary to the Child's best interest and removal from the home is in the best interest of the Child and it is in the best interest of the Child, (name), that (he/she) remain in the nonsecure custody of the _____ County Department of Social Services, and the Department shall have the authority to authorize necessary medical, dental, psychiatric, psychological, educational or assessment services for the said Child.

14. That the _____ County Department of Social Services should continue to make reasonable efforts to prevent or eliminate the need for placement of the Child.

15. That there are no other children remaining in the home of the Child.

OR

____ 15. That there are other children remaining in the home of the Child. That the Court finds that the following investigation was conducted, the following actions were taken, and or other services were provided for the protection of these children, as follows **(state specifically)**.

16. That there is a reasonable factual basis to believe the allegations in the Petition filed in this matter are true.

17. That the _____ County Department of Social Services Court Report, marked as DSS #1, was admitted into evidence and is attached hereto and incorporated herein by reference.

BASED ON THE FOREGOING, the Court CONCLUDE AS A MATTER OF LAW:

1. That this matter is properly before the Court and the Court has jurisdiction over the parties and the subject matter of this action.

2. That there is a reasonable factual basis to believe that the allegations set forth in the petition are true.

3. That there are no other reasonable means other than continued nonsecure custody to protect the Child.

4. That placement or continuation of placement in the home of the (parent) is contrary to the welfare of the Child and removal from the home is in the best interest of the Child.

5. That pursuant to G.S. 7B-507, the _____ County Department of Social Services has made reasonable efforts in this matter prevent or eliminate the need for placement with the Department, to reunify this family, and to implement a permanent plan for the Child;

OR

5. That the _____ County Department of Social Services was precluded from making reasonable efforts by the circumstances in which it was neither possible or reasonable to prevent the removal of the Child from the home of the (parent) and assure the Child's safety.

6. That the Department shall continue to make reasonable efforts to (whatever).
7. That it is in the best interest of the Child, (name), that (he/she) be placed or remain in the nonsecure custody of the _____ County Department of Social Services.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

1. That this hearing is closed to the public.
2. That it is in the best interest of the Child, (name) that the nonsecure custody order heretofore entered in this matter continue pending further hearings in this matter.
3. That the Child, (name), shall be placed or remain in the nonsecure custody of the _____ County Department of Social Services, with placement in the Department's discretion to provide or arrange for foster care or other placement, and with the authority to authorize necessary medical, dental, psychological, psychiatric, educational or assessment services for the Child.
- ____ 4. That placement of the Child shall be in the home of (name), the (relationship) of the Child.
5. That the visitation plan between the (relation's name) and the Child is approved as follows: (state specifically)
6. That the _____ County Department of Social Services is to arrange, supervise or facilitate the visitation plan.
7. That the Adjudication in this matter, pursuant to N.C.G.S 7B-801, (**OR**, the next 7-day nonsecure custody hearing in this matter, pursuant to N.C.G.S. 7B-506 is set for (date), 2000.
8. That there are no other children remaining in the home of the Child.

OR

____ 8. That there are other children remaining in the home of the Child. That the Court finds that the following investigation was conducted, the following actions were taken, and or other services were provided for the protection of these children, as follows **(state specifically)**.

9. That the Child's placement and care are the responsibility of the County Department of Social Services and the Department is to provide or arrange for foster care or other placement of the Child.

Entered this the / day of /, _____

Signed this the ____ day of _____, _____

District Court Judge Presiding