

NORTH CAROLINA
COUNTY

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

IN THE MATTER OF:)

)

ORDER

a minor child.)

THIS CAUSE, coming on to be heard before the undersigned District Court Judge presiding at the /, session of Juvenile Court in and for County, North Carolina.

Present for the hearing were: /, Foster Care Social Worker with the County Department of Social Services; /, Social Work Supervisor with the County Department of Social Services; /, Coordinator of the Guardian ad Litem Program; /, Esq., Attorney Advocate; and /, Esq., Attorney for the County Department of Social Services.

The Court, after considering the evidence presented, makes the following:

FINDINGS OF FACT:

1. That this matter came on for Review pursuant to N.C.G.S. 7B-907, and 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 minor child, (name), has been in the legal care, custody and control of the County Department of Social Services since (date), having been placed pursuant to a nonsecure custody Order entered by the Honorable (judge). (or other)

3. That the minor child was adjudicated (what) pursuant to an Order entered on (date) by the Honorable (judge). That the minor child is (#) years of age and is currently placed in a County foster home. (or other)

4. That (M) is the mother of the Child, and (F) is the father of the Child, and

_____ That the **mother/father** was not present at this hearing.

_____ That the M was present for the hearing and () was not represented/ () was represented by _____, Esq.

_____ That the F was present for the hearing and () was not represented/ () was represented by _____, Esq.

5. That the **name/whereabouts** of the (mother/father) of the child is unknown to the _____ County Department of Social Services after diligent efforts to ascertain the (name/whereabouts) of the (parent).

(Include all findings)

6. That the Permanent Plan for this child is: (STATE) **Court must make specific findings as to the best plan to achieve a safe, permanent home for the child within a reasonable time period.**

7. **Department has to report on Independent Living Program or Plan (if 16 or 17 yro)**

_____ 8. That it is possible to return minor child to home within 6 months.

_____ 9. That it is not in the best interest of the minor child to return to the home of the (parent) within 6 months. (legal guardianship or custody to another person? – what responsibilities will remain with parent) (TPR and adoption? – barriers to adoption?) (remain in current placement or placed in different permanent arrangement, and why)

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

OR

_____ 10. 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**).

11. That the _____ County Department of Social Services Court Report, marked as DSS #1, (and the Guardian ad Litem Court Report, marked as GAL #1), was/were admitted into evidence. (any other Exhibits)

12 That the conditions that led to the custody of the Child by the County Department of Social Services and removal from the home of the (relation) continue to exist and return of this Child to the home of the parents would be contrary to the welfare of the said Child.

13. That the _____ County Department of Social Services is to make reasonable efforts to place the minor child in (where) in a timely manner in accordance with the permanency plan, to complete any steps necessary to finalize the permanent placement of the

child, and to document those actions in the child's case plan. *State the specific things the Department is to do before the next hearing.*

14. That the Court received evidence from all parties listed in N.C.G.S. 7B-907 (a) who were present at the hearing and expressed a desire to present evidence to the Court.

BASED on the foregoing, the Court CONCLUDES 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 since the first permanency planning hearing in this matter on (date), the County Department of Social Services has made reasonable efforts in this matter to implement the permanency plan.

3. That the Department shall continue to make reasonable efforts to implement the permanent plan.

OR

3. 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 minor child's health and safety.

4. That it is in the best interest of the minor child that / custody remain with the County Department of Social Services.

5. That pursuant to G.S. 7B-507, it is in the best interest of the minor child and is consistent with the health and safety of the minor child that placement of the child be with (name), the (relationship) of the minor child. That (name) is willing and able to provide proper care and supervision and a safe home for the minor child. **OR**

6. That pursuant to G.S. 7B-507, the Court finds that placement in the home of (name), the (relationship) of the minor child, would be contrary to the best interests of the minor child and not consistent with the health and safety of the minor child.

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 minor child, (name), that his/her custody remain with 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 and psychiatric services for the Child.

3. That placement of the minor child shall be in the home of (name), the (relationship) of the minor child.

4. That the visitation plan between the (relation's name) and the minor child is approved as follows: (state specifically)

5. That the _____ County Department of Social Services is to arrange, supervise or facilitate the visitation plan.

6. That the _____ County Department of Social Services is to make reasonable efforts to place the minor child in (where) in a timely manner in accordance with the permanency plan, to complete any steps necessary to finalize the permanent placement of the child, and to document those actions in the child's case plan.

7. **If TPR is plan, Court must Order to initiate TPR proceedings.** (unless permanent plan is guardianship, custody to relative or other suitable person) (specific findings made as to why TPR not in best interest) (Department has not provided services necessary when reasonable efforts are still required to return to home)

8. **That the termination of parental rights petition must be filed within 60 days of this hearing** (unless Court makes written findings why cannot be filed, and then must specify time frame for filing petition)

9. That the next Review hearing in this matter shall be held in 6 months on (date).

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

OR

____ 10. 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)**.

11. 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

SUBSEQUENT PPH HEARING MUST BE HELD AT LEAST EVERY 12 MONTHS AFTER INITIAL PPH

REMEMER THAT REVIEWS CONTINUE UNTIL THE ADOPTION IS GRANTED, NOT JUST FILED.