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Appendix 1

Resources and Organizations

Resources that provide additional information about a discussed topic appear throughout this Manual. Some resources are referred to more frequently because they either provide (1) specific practical information for the legal professionals involved in abuse, neglect, dependency, and termination of parental rights proceedings in North Carolina or (2) information based on a national perspective on a variety of topics pertaining to child welfare. Those organizations offering several resources on numerous topics pertaining to child welfare are listed here.

North Carolina Resources

- **The School of Government (SOG) at UNC-Chapel Hill.** The SOG is the largest university-based local government training, advisory, and research organization in the United States. Its values are nonpartisan, policy-neutral, and responsive. The SOG maintains a website (sog.unc.edu) that consists of information and resources addressing various fields of law, one of which is child welfare. Resources on the SOG’s website that relate to abuse, neglect, dependency, and termination of parental rights proceedings in North Carolina include
 - this Manual, which is housed on the [Abuse, Neglect, Dependency, and Termination of Parental Rights Manual microsite](#);
 - the [juvenile law microsite](#), which offers a place to access materials and resources related to child welfare and juvenile justice;
 - the [social services microsite](#), which contains publications, past course and conference materials, a DSS attorney roster, and upcoming trainings and conferences for social services, including child welfare;
 - the [Indigent Defense Education microsite \(IDE\)](#), which offers a place to access materials, resources (including the IDE reference manuals), and a calendar of training events;
 - the [Child Welfare Case Compendium \(CWCC\)](#), a categorized and online searchable database that consists of annotations of opinions addressing child welfare issues that have been published by the North Carolina appellate courts and the U.S. Supreme Court from January 2014 to present;
 - the [Social Services Confidentiality Research Tool](#), an online searchable database that includes over 250 legal resources, including statutes, regulations, cases, and guidance materials addressing confidentiality in public assistance and protective services (including child welfare) programs;
 - Blogs (all of which are searchable by topic, keyword, and/or author)
 - [On the Civil Side](#), focusing on civil legal issues including child welfare, juvenile justice, family law, civil procedure, estate proceedings, adult guardianship, small claims, etc.;

- [North Carolina Criminal Law](#), which may have an occasional post that applies to child welfare; and
 - [Coates' Canons: NC Local Government Law](#), which may have an occasional post that applies to child welfare as well as posts for departments of social services;
 - [Beyond the Bench Podcast](#) by the North Carolina Judicial College at the SOG, specifically Season 2, which focuses on neglect and the child welfare system in North Carolina with a particular emphasis on homelessness; and
 - [Publications](#) written by SOG faculty, some of which are available for purchase and others at no charge, and searchable by type (bulletin, book, book chapter), author, topic, and/or keyword.
- **The North Carolina Administrative Office of the Courts (AOC).** The AOC is the administrative agency for the North Carolina Judicial Branch of state government. It provides services and resources to assist the unified state court system. The AOC has different divisions and programs, some of which relate directly to abuse, neglect, dependency, and termination of parental rights proceedings, including the following:
 - The [North Carolina Court Improvement Program](#) (NC-CIP) is a federally funded program with the purpose of improving court practice in child abuse, neglect, or dependency cases. The NC-CIP section of the AOC website contains various resources related to abuse, neglect, dependency, and termination of parental rights proceedings. NC-CIP also offers trainings for judges and attorneys involved in these proceedings. NC-CIP provided financial support for this Manual.
 - The [North Carolina Guardian ad Litem \(GAL\) Program](#) recruits, trains, and supervises GAL volunteers throughout the state, staffs local GAL offices, and serves as a member of the GAL team that represents the child's best interests in abuse, neglect, dependency, and related termination of parental rights proceedings. The GAL Program section of the AOC website contains numerous resources including a brief bank and other resources for GAL attorney advocates.
 - The [North Carolina Office of Indigent Defense Services](#) (IDS) has an office of Parent Representation, which coordinates, assists, and trains parents' attorneys at both the trial and appellate levels. IDS maintains a website that contains various resources for parent attorneys, including a brief bank, IDS policies, training materials, performance guidelines, and other information.

In addition, the AOC maintains a website (NCcourts.org) with various resources on different substantive topics for various audiences, including citizens, the courts, and employees. Some of the resources relate to child welfare, including

- [AOC Forms](#), searchable by form number, title, keyword, and/or category (one of which is "juvenile");
- [Rules and Policies](#), such as local rules (available by county), the General Rules of Practice, Judicial Code of Conduct, and Rules of Appellate Procedure;
- [Family Court](#); and
- [Information on Language Access](#) in the courts.

- **The North Carolina Department of Health and Human Services Division of Social Services (NC DHHS DSS).** NC DHHS manages the delivery of health and human services to North Carolinians with a mission of providing essential services to improve the health, safety, and well-being of North Carolinians. It consists of thirty divisions, one of which is the Division of Social Services, which supervises the county administered child welfare system in North Carolina. The NC DHHS DSS website contains various resources that relate to child welfare including
 - NC DHHS DSS child welfare policy manuals (note that DSS policies, currently located [here](#), are being revised);
 - NC DHHS DSS forms, which can be found [here](#);
 - a [Dear County Directors](#) webpage, searchable by topic (one of which is “child welfare services”) and year; and
 - [Child welfare statistics and reviews](#), including state plans and federal performance reviews.

National Resources

A number of organizations operating on the national level provide information, resources, training, and even technical assistance related to child abuse, neglect, dependency, and termination of parental rights proceedings. Those that cover a variety of topics related to juvenile proceedings include (but are not limited to) the following:

- The [Child Welfare Information Gateway](#) is a service of the Children’s Bureau, part of the Administration for Children and Families, U.S. Department of Health and Human Services. The Child Welfare Information Gateway website provides access to print and electronic publications, websites, and online databases covering a wide range of topics, including preventing and responding to abuse and neglect, permanency, foster care, adoption, and more. Its website is very comprehensive, and readers are encouraged to start here when researching most topics related to abuse, neglect, dependency, and juvenile court proceedings.
- The [American Bar Association Center on Children and the Law](#) addresses laws, policies, and judicial procedures affecting children. The Center has multiple projects focused on specific topics, generating publications with technical advice, standards of practice, and reports on research. The Center offers memberships and training, subscriptions, and listservs for attorneys and judges focused on specific topics and specific practice areas. The Center also offers a national conference on child welfare, as well as a parent attorney conference, every two years.
- The [National Council of Juvenile and Family Court Judges](#) (NCJFCJ) has a website with access to publications, training opportunities, and technical assistance, as well as membership opportunities, and covers a broad range of topics. The NCJFCJ website is a valuable resource for juvenile court judges.

- [The National Association of Counsel for Children](#) (NACC) addresses the legal protection and representation of children by training and educating child advocates and by effecting policy and legal systems change. The NACC offers training opportunities, memberships, and certifications and produces publications focused on the representation of children.
- [The National Conference of State Legislatures](#) (NCSL) website contains information on numerous substantive topics. There are various resources addressing child welfare, such as a child welfare legislation database searchable by topic and state, newsletters, toolkits, and more. The information can be found under “[Human Services](#)” and also by using the search box.

Appendix 2

The Chief District Court Judge and Juvenile Court*

Leadership and Case Management

Time limits in the Juvenile Code (G.S. Chapter 7B) specify when certain hearings must be held and require that most orders in abuse, neglect, dependency, and termination of parental rights cases be entered within thirty days after the hearings from which they result. The timelines are aimed at avoiding undue delay in making decisions about children's placements and futures. Because juvenile cases may continue for years, require ongoing judicial oversight, and affect constitutionally protected family interests, the chief judge's role in the management of these cases is especially significant. The chief judge has a leadership role in determining how well statutory requirements are met, defining the priority juvenile cases receive, and conveying expectations for those who practice or participate in juvenile court.

Local Rules

The Court Improvement Program, housed in the North Carolina Administrative Office of the Courts (AOC) offices, promotes the use of local juvenile court rules in abuse, neglect, and dependency cases. These rules establish uniform practice and procedure for abuse, neglect, and dependency court matters to achieve stable and secure homes for children who come within the court's jurisdiction. The purpose statement in the local rules should affirm that the overall objective of the juvenile court hearing abuse, neglect, and dependency proceedings is to move cases in a prompt and efficient manner toward a resolution that meets the permanency needs of the child while at the same time ensuring due process for all parties in the case. The chief district court judge and/or his/her designee should appoint a committee with representatives of all stakeholders in juvenile court to develop and/or periodically review and revise the local rules. Local rules are the foundation for accountability and should incorporate the time standards mandated by the North Carolina Juvenile Code.¹

Statutory References

1. Permanency Mediation

G.S. 7B-202 directs the North Carolina Administrative Office of the Courts (AOC) to establish a statewide Permanency Mediation Program, consisting of local judicial district programs, to provide services for resolving issues in abuse, neglect, dependency, and termination of parental rights cases. Few such programs exist, and funding to phase the program in statewide has not been forthcoming. Should that change, the director of the AOC

*This Appendix includes only responsibilities that relate to abuse, neglect, dependency, and termination of parental rights proceedings.

¹ For more detailed information about local rules, see [Best Practices For NC Juvenile Abuse, Neglect and Dependency Court Improvement Programs](#).

is authorized to “approve contractual agreements for such services as executed by order of the Chief District Court Judge of a district court district.” G.S. 7B-202(b). The statute exempts the contracts from the competitive bidding procedures in G.S. Chapter 143. There are “[Uniform Rules Regulating Mediation of Child Custody and Visitation Disputes and Permanency Mediation under the North Carolina Child Custody and Visitation Mediation Program](#),” accessible from the “[Child Custody and Visitation Mediation Program](#)” section of the AOC’s website.

2. Authority of Medical Professionals in Abuse Cases

G.S. 7B-308 establishes a procedure by which the chief district court judge (or the judge’s designee) may authorize a medical professional to keep temporary physical custody of a child who may have been abused.

3. Delegation of Authority to Issue Nonsecure Custody Orders

G.S. 7B-502 authorizes the chief district court judge, by administrative order, to delegate the court’s authority to issue nonsecure custody orders to persons other than district court judges. The administrative order (i) must specify the person(s) to whom the authority is delegated and (ii) must be filed in the clerk’s office. Note that under G.S. 7B-506, entry of the order by someone other than a district court judge accelerates the time within which the first hearing on the need for continued custody must be held. This delegated authority to make decisions about nonsecure custody should not be confused with the role of an official, usually a magistrate, who performs the ministerial act of entering a nonsecure custody order pursuant to a judge’s order conveyed by telephone. *See* G.S. 7B-508. *See also* G.S. 7B-1902 (delegation of nonsecure custody in a juvenile delinquency or undisciplined proceeding to the chief court counselor (or staff)).

4. Discovery and Information Sharing

Pursuant to G.S. 7B-700(b), the chief district court judge may adopt local rules or enter an administrative order addressing parties’ sharing of information and the use of discovery in juvenile cases.

5. Scheduling Adjudicatory Hearings

G.S. 7B-801(c) (abuse, neglect, and dependency cases) and 7B-1109(a) (termination of parental rights cases) state that adjudicatory hearings are to be held in the judicial district at the time and place the chief district court judge designates (which must be within the respective prescribed statutory time limits).

6. Rule or Order for Sharing Predisposition Reports

G.S. 7B-808(c) specifically authorizes a chief district court judge to make a local rule or enter an administrative order addressing the sharing of predisposition reports among parties. The rule or order may prohibit disclosure of reports to the juvenile. It may not prohibit a

party entitled by law to receive confidential information from receiving it or allow disclosure of a confidential source protected by statute.

7. Transfer of Case to another Judicial District

Under G.S. 7B-900.1(d), before ordering a post-adjudication transfer of an abuse, neglect, or dependency case to a different judicial district, the transferring court must communicate with the chief district court judge or a judge presiding in juvenile court in the district to which the case is to be transferred. If the judge in that district makes a timely objection, the case may be transferred only if the court in the original district makes detailed findings of fact supporting a conclusion that the juvenile's best interests require that the case be transferred.

8. Guardian ad Litem Program

G.S. 7B-1201(a) requires the North Carolina Administrative Office of the Courts, in cooperation with each chief district court judge and other personnel in the judicial district, to implement and administer a guardian ad litem program.

9. Agency Information-Sharing Rules

G.S. 7B-3100(a) directs the Division of Juvenile Justice, after consulting with the Conference of Chief District Court Judges, to adopt rules designating agencies that are authorized to share certain information about juveniles. The rules issued pursuant to that directive are 14B N.C.A.C. 11A .0301 and .0302. The designated agencies are identified and allow for the inclusion of "a local agency designated by an administrative order issued by the chief district court judge of the district court district in which the agency is located." 14B N.C.A.C. 11A.0301(j). Chief district court judges do not have authority to issue broad rules or orders regarding agency information sharing as they did under an older version of the statute. They may only add local agencies to the list set out in the administrative rule.

10. Community Child Protection Team

G.S. 7B-1407(c) provides that the membership of a Community Child Protection Team that also serves as the local Child Fatality Prevention Team must include a district court judge appointed by the chief district court judge in the judicial district.

Appendix 3

JWise: The Automated Information System for North Carolina Juvenile Courts¹

JWise is an automated information system implemented by the North Carolina Administrative Office of the Courts (AOC) Technology Services Division in 2004. The primary purpose of JWise is to serve as the official index of juvenile cases and to improve outcomes for children in the child welfare and juvenile justice systems by providing case management tools. JWise is a unique computer application in that it is used by multiple court officials and court staff.

Clerks use JWise to record information that serves as the official court index for juvenile abuse, neglect, dependency, termination of parental rights (TPR), emancipation, delinquency, and undisciplined cases. The clerk enters codes in JWise based on information that appears in paper filings or is recorded in court minutes.

Judicial staff, such as Juvenile Case Coordinators, use JWise as their case management tool; they enter event data in JWise and use JWise to manage juvenile abuse, neglect, dependency, and TPR cases.

Guardian ad Litem (GAL) staff use JWise as their case management tool for juvenile cases and enter permanency codes so permanent plans can be tracked for each child.

Judges have access to view information in JWise but do not enter information into JWise.

Official Court Index

Since JWise is the official court index for juvenile cases, clerks are exclusively responsible for entering and maintaining basic juvenile case information. This information includes

- demographic information on juveniles—name, address, telephone, race, gender, and date of birth;
- case related information—file number, initial filing date, names, and demographic information for parties related to the case (parents, attorneys, social workers, court counselors, victim/witness, caretakers, etc.); and
- information about legal allegations that are sworn in petitions—the date the allegation was entered and data on how the allegation was adjudicated and disposed. For example, a clerk would enter that a juvenile petition for neglect was filed on 1/1/09 and the juvenile was adjudicated neglected on 3/1/09.

¹ Information in this Appendix was provided by North Carolina Administrative Office of the Courts.

Tracking Tool for Court Events

JWise is also a tracking tool for court events such as court hearings that are the basis for producing juvenile calendars, juvenile forms, and statistical reports. Events recorded in JWise are not the official court record for juvenile cases. All reports generated by JWise events contain the following disclaimer in the footer: *This Event Time Line is for informational purposes only and not the official court record.* In the future, JWise will contain a similar disclaimer on the event screen so that if court users print an event screen that contains the history of court activity, it will be clear from the disclaimer that the events are not the official court record.

JWise events are not the official juvenile record because they can be added to, edited, and deleted by multiple court employees—clerks, family court, and Guardian ad Litem staff. Although not an official record, JWise events are very important for the effective and efficient management of juvenile cases. JWise events serve as the basis for

- recording the nature of the court event (e.g., adjudication hearing), as well as the date, time, name of judge, and any notes related to that event;
- recording the outcome of the court event (e.g., resolved, continued);
- generating juvenile calendars; and
- generating all NC Key Time Standard Reports and CIP Federal Timeliness Measure Reports.

GAL Management Tool

Since JWise is a shared tool for all Judicial Branch staff who work in juvenile court, Guardian ad Litem (GAL) staff benefit from having both current information on juvenile cases that is entered by clerks and by sharing information with other JWise users (e.g., GAL appointments).

How Judges Can Use JWise

In order for JWise to produce accurate and complete calendars, forms, and reports, it must have accurate and complete data. Judges have a critical role in ensuring that meaningful and complete information about court hearings is entered into JWise about court hearings. It is important for judges to announce (or document) three things for the clerk at the conclusion of every court hearing:

1. outcome, or result of each hearing that appears on the court calendar;
2. date the judge's order is due if the court hearing results in an order; and
3. the future court event that should appear on the next court calendar.

JWise Reports

As of July 2009, there are three abuse, neglect, and dependency time standard reports: adjudication hearings, disposition hearings, and the first permanency planning hearings.

All North Carolina Key Time Standard Reports contain the following data:

- the number of cases that met the statutory time standard,
- the number of cases that exceeded the statutory time standard, and
- the number of cases “in the queue” that have reached the time standard but have not had the hearing that is the subject of the report.

In addition to the time standard information, these reports also contain the following data on each juvenile case: file number, juvenile name, date of birth, age of juvenile (at time of report), gender, race, and case status (pending or completed). Because these reports are available in Microsoft Excel, court managers are able to sort the data in any number of ways to evaluate information such as

- the number of abuse, neglect, dependency petitions filed within any time period;
- the number of adjudication and disposition hearings a certain judge heard during a given time period;
- the time standard goals for juvenile cases per judge; and
- the average age of juveniles adjudicated.

In 2016, five new CIP Federal Timeliness Measure Reports were created.

1. Time to First Permanency Hearing: The median time from the filing of the original petition to first permanency hearing (how long it takes to complete the first permanency hearing).

2. Time to All Subsequent Permanency Hearings: The median length of time in days between each subsequent permanency hearing that occurs until final permanency is achieved. For example, the number of days between the first permanency hearing and the second permanency hearing, the second permanency hearing and third, etc., for each hearing that occurs while the child remains in care.

3. Time to Permanent Placement: The median time from filing of the original petition to legal permanency (how long it takes for children in abuse and neglect cases to achieve legal permanency, following the filing of the original petition). “Legal Permanency” means that there is a permanent and secure legal relationship between the adult caregiver and the child, including reunification, adoption, legal guardianship or placement with a fit and willing relative.

4. Time to Termination of Parental Rights Petition: Where reunification has not been achieved, the median time from filing of the original petition to filing the petition (or motion) to terminate parental rights (how long it takes from the date the original child abuse or neglect petition is filed to the date the termination of parental rights petition is filed).

5. Time to Termination of Parental Rights: Where reunification has not been achieved, the median time from filing of the original child abuse and neglect petition to the termination of

parental rights (how long it takes from the date the original child abuse and neglect petition (or motion) was filed to the date the termination of parental rights proceeding is completed.

For additional information, the AOC's intranet site has a brief orientation and sample reports from JWisE.

Appendix 4

Rules of Recordkeeping, Chapter XII

The North Carolina Administrative Office of the Courts (AOC) issues rules that govern recordkeeping in the offices of clerks of superior court. Only the rules applicable to juvenile records (Chapter XII) are reproduced here. These rules, effective October 6, 2017, could be revised at any time.

- Court employees can access the rules on the AOC Intranet.
- Others can obtain the rules from the clerk of court or other court employees.

Rules of Recordkeeping	XII. Juvenile
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Rule 12.1 - CASE FILE FOLDER ESTABLISHED:

Rule 12.1.1 - The clerk shall establish and maintain one case record for each juvenile who is the subject of one or more of the actions listed below. The case record shall consist of both a file folder, to house all original paper documents relating to the actions, and the electronic data entered into the automated J Wise System as provided by the NCAOC. Electronic data shall be entered into the J Wise System as prescribed by the user's manual.

1. An abuse, neglect, or dependency proceeding. [G.S. 7B-100 through 7B-1004]
2. A proceeding under the Interstate Compact on the Placement of Children. [G.S. 7B-3800 through 7B-3806] (Example: placing a child from another state into foster care within this state)
3. A proceeding involving judicial consent for emergency surgical or medical treatment. [G.S. 7B-3600]
4. A proceeding to review a voluntary foster care placement. [G.S. 7B-910]
5. A proceeding in which a person is alleged to have obstructed or interfered with an investigation of abuse, neglect, or dependency. [G.S. 7B-303]
6. A proceeding to review an agency's plan for the placement of a child when one or both parents have surrendered the child for adoption or when a child returns to foster care after an adoption is dismissed or withdrawn. [G.S. 7B-909]
7. A delinquency or undisciplined juvenile proceeding. [G.S. 7B-1500 through 7B-2706]
8. A proceeding under the Interstate Compact on Juveniles. [G.S. 7B-2800 through 7B-2827]
9. A termination of parental rights (TPR) proceeding whether initiated by petition or motion [G.S. 7B-1100 through 7B-1112] including any motions to reinstate the rights of a parent whose parental rights have been previously terminated. [G.S. 7B-1114]
10. An emancipation proceeding [G.S. 7B-3500 through 7B-3509]

The case file shall be divided into sub-folders:

- Subfolder A shall contain all documents relating to proceedings 1-6 above.



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- Subfolder B shall contain all documents relating to proceedings 7 and 8 above.
- Subfolder T shall contain all documents relating to proceedings in 9 above.
- Subfolder E shall contain all documents relating to proceedings in 10 above.
- Subfolder P shall hold copies of newly filed petitions and other pre-adjudication documents, such as those relating to service of process. The file numbers on these documents should be "blacked out" before presenting the file to the judge. Upon adjudication or dismissal of the petition, all "blacked out" copies housed in Subfolder P should be discarded.

The first petition filed involving a juvenile shall establish the case file, and all subsequent petitions or related documents for any of the proceedings listed above shall receive the same file number and be placed in the appropriate subfolder. The juvenile's name, date of birth, and case file number shall appear on the top tab of the juvenile file folder and subfolder(s), that are labeled "A", "B", "T", or "E" according to the type of documents they contain. Only the juvenile's name and date of birth shall appear on Subfolder P.

Rule 12.1.2-

A proceeding to review a voluntary foster care placement for a young adult. [G.S. 7B-910.1]

All documents filed in the proceeding shall establish a new case file and receive a new juvenile file number. The young adult's name, date of birth and case file number shall appear on the top tab of the file folder. (For file numbering see Rule 12.3.) There is no associated filing fee for these proceedings.

NOTE: Under no circumstances should any documentation relating to a Judicial Waiver of Parental Consent be placed in the juvenile file. (See Rules of Recordkeeping 18).

COMMENTS:

- Subfolders may be held together in a larger folder or simply filed next to each other.
- If a juvenile petition names several juveniles, each juvenile should have a separate case file. Copies of any petition, order, or other document that involves multiple juveniles, should be placed in each juvenile's file.
- A TPR petition should never be filed as a civil action. TPR should be initiated only by the filing of:



- a juvenile petition; or,
- a motion in the cause in a pending abuse, neglect, or dependency proceeding.

Normally, TPR documents should not be placed in a CVD case file. An order based on a TPR may be necessary to terminate a child support obligation, but the TPR order itself should not be placed in the CVD child support file.

If the Court does allow a party to pursue a TPR in a domestic relations or other civil (CVD) case, the clerk should place the original TPR documents in subfolder T of the existing juvenile file for the child; or, if there is no a juvenile file the Clerk shall create one.

- D. The judge should only be provided the entire file on the juvenile after adjudication. Once the petition has been adjudicated the duplicate copy of the petition and supporting documents may be discarded, and any new orders or other filings shall be placed in subfolder A, B, T or E as appropriate. Once this is done, subfolder P may be retained in case another petition is filed.
- E. Subfolder P should be used only for pending petitions and related documents, not for any documents filed subsequent to adjudication.
- F. All documentary evidence offered and entered into evidence during a juvenile proceeding should remain in the file until the juvenile file is destroyed.
- G. Fingerprint cards should not be accepted for filing. If these cards are submitted to the clerk, the clerk should return them to the agency responsible for taking the fingerprints. [G.S. 7B-2102(d)]
- H. Parents may be ordered to appear and show cause why they should not be held in criminal contempt in a juvenile case. (G.S. 7B-904 and 7B-2706) The document finding the parent in criminal contempt should be used as the initiating document for establishing a criminal file. The file should be given the next available CR number and entered into the Automated Criminal Information System (the ACIS system). (Note: Please see form AOC-CR-390 Direct Criminal Contempt/Summary Proceedings/Findings and Order as an initiating document to be used by the court.)

Parents who fail to appear in court for a juvenile proceeding, as required, may be served with a show cause order to appear in court on a certain date to show cause why the parent should not be held in indirect criminal contempt. If the parent is served with the show cause order, but fails to appear for the show cause hearing, the court may issue an order for the parent's arrest. A separate criminal file should be established using a copy of AOC-J-155 or AOC-J-344 as the initiating document. All references to the juvenile should be removed from the AOC-J-155 or AOC-J-344. If the court enters a criminal contempt order



on AOC-J-156 or AOC-J-345, place the form in the criminal file after removing all references to the juvenile.

Parents may be ordered to appear and show cause why they should not be held in civil contempt for failing to comply with an order or directive entered by the juvenile court. The show cause order and any subsequent orders should be placed in the originating juvenile case file. This civil contempt information shall not be entered into the ACIS system or the VCAP system.

Rule 12.2 - DATE STAMP ON FILINGS: The clerk shall record the actual date of filing on all copies of the petition or any other filings in juvenile proceedings.

COMMENTS:

- A. The best practice for the clerk in stamping the date and time of filing is to place his or her initials by the date and time stamp. While initialing the date and time stamp is not required, it is useful in tracking errors in filing and preventing the filing of papers without the clerk's control or knowledge.
- B. When there is an emergency situation and the clerk's office is closed, magistrates may accept juvenile petitions for filing. [See G.S. 7B-404 and 7B-1804]. Petitions received by a magistrate must be delivered to the clerk's office as soon as the office is opened for business. The clerk shall record the date it is actually received in the office as the date of filing.

Rule 12.3 - FILE NUMBERS: The first petition filed relating to a juvenile shall be assigned the next available file number from the juvenile series for that year. The format for the juvenile series is: year of filing (i.e., 06); court designation "J" for juvenile; and, the unique sequence number that begins with "1" at the beginning of each calendar year, (1, 2, 3, 4, etc.). Examples of complete file numbers are; 06J1, 06J2, 06J3, etc.

The format for the voluntary foster care placement of a young adult series (G.S. 7B-910.1) is: year of filing (i.e. 2017); case type "JA"; and the unique sequence number that begins with "1" at the beginning of each calendar year, (1, 2, 3, 4, etc.). Examples of complete file numbers are 17JA1, 17JA2, 17JA3, etc.

COMMENTS:

- A. The designation of A, B, T, E or P for the subfolders of the case file are not considered part of the case number. They are used only to separate different types of case documents within the file. When a file number is assigned to a voluntary foster care placement of a young adult case it receives a "JA" file number and there are no subfolders in these cases.



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- B. If a petition involves more than one juvenile, a number must be assigned to each individual juvenile. (See Comment B following Rule 12.1)
- C. If using the J Wise system the file number will appear in the following format: 06JA1 (abuse, neglect, dependency), 06JB1 (undisciplined or delinquency) 06JT1 (TPR), or 06JE1 (emancipation).

Rule 12.4 - INDEX TO JUVENILE CASES: The clerk shall maintain an Index To Juvenile Proceedings. This index shall indicate the name of the juvenile, the nature of the case [i.e., abuse, neglect, dependency, undisciplined, delinquency, emancipation or TPR], the file number, and whether the case has been appealed to the Court of Appeals. If a TPR or an adjudication of delinquency is contained in the file, this should be noted on the index. The Index to Juvenile Proceedings is not open to public inspection.

Rule 12.5 - ACCESS TO FILES: Abuse, neglect and dependency cases are not open to public inspection. The record includes the summons, petition, any custody order, court order, written motion, electronic or mechanical recording of the hearing, and other papers filed in the proceeding. (See G.S. 7B-2901). The following persons may review the record and obtain copies of the written parts of the record without a court order:

- A. The person named in the petition as the juvenile;
- B. The guardian ad litem;
- C. The county department of social services; and
- D. The juvenile’s parent, guardian, or custodian, or attorney for the juvenile or the juvenile’s parent, guardian, or custodian.

Undisciplined and delinquency cases are not open to public inspection. The record includes the summons and petition, any secure or nonsecure custody order, any electronic or mechanical recording of hearings, and any written motions, orders or papers filed in the proceedings. (See G.S. 7B-3000). In undisciplined and delinquency cases, the following persons may examine the juvenile’s record and obtain copies of written parts of the record without a court order:

- E. The juvenile or the juvenile’s attorney;
- F. The juvenile’s parent, guardian, or custodian, or the authorized representative of the juvenile’s parent, guardian, or custodian;
- G. The prosecutor;



- H. Court counselors; and
- I. Probation officers in the Section of Community Corrections of the Division of Adult Corrections, as provided by G.S. 7B-3000(e1).

COMMENTS:

- A. The court may direct the clerk to "seal" any portion of the juvenile's record. The clerk shall secure any sealed portion of a juvenile's record in an envelope clearly marked "SEALED: MAY BE EXAMINED ONLY BY ORDER OF THE COURT." The sealed information may be examined only by court order. [See G.S. 7B-3000 (c)]
- B. Law enforcement officers are only allowed to review documents in subfolder B if accompanied by the prosecuting attorney. The district attorney may make copies of information contained in subfolder B, but law enforcement officers are not entitled to copies.
- C. An electronic recording of the juvenile proceedings shall only be transcribed when notice of appeal has been timely given. The electronic recording can only be copied electronically or mechanically by order of the court. 7B-3000(d) (G.S. 7B-806 and 7B-2410).
- D. Entry of a TPR changes the legal relationship between a parent and child. The parent should not have access to documents filed subsequent to the TPR even if the TPR is on appeal unless the court has stayed the TPR order on appeal. These documents should be bound together, placed within the appropriate sub-folder, and removed prior to providing the file to a parent for review. (See G.S. 7B-1112)
- E. Orders Determining Parentage in Juvenile Proceedings. (see Rule 12.19 below)

Rule 12.6 - EXPUNCTION OF RECORDS: Certain records of juvenile delinquency/undisciplined proceedings can be expunged upon an order from the juvenile court in which the adjudication or proceeding occurred. G.S. 7B-3200 provides for expunction of these records in subsections:

- (a) – expunction of adjudications of undisciplined status
- (b) – expunction of certain adjudications of delinquency
- (h) – expunction of dismissed allegations of delinquency or undisciplined status

This rule covers only the basics of filing and disposing of juvenile expunction petitions. For detailed procedures to carry out this rule, see the "Expunction Guide for Clerks" from NCAOC's Court Services Division, available on the NCAOC intranet site.



Filing: An expunction petition for juvenile records is to be filed in the “JB” subfolder containing the records of the allegation/adjudication addressed by the petition. If the JB subfolder already has been destroyed pursuant to the retention schedule, create a new JB subfolder for the expunction petition and related filings.

Expunction Order Appealed: If the court’s order granting or denying the expunction is appealed, retain all documentation related to the petition until final resolution of the appeal. If the order was granted and appealed by the State, treat the order as granted while the appeal is pending, unless the court orders otherwise, remove the expunged records from the primary juvenile file, keeping them in a secure location that is unavailable to persons who otherwise may have access to the juvenile files (e.g., court counselors).

Petition Denied: If the proceeding results in a denial of the petition, whether after an appeal or by the trial court and not appealed, place the denial order in the JB subfolder, but destroy all attachments (e.g., affidavits of good character). If the JB subfolder is later destroyed pursuant to the retention schedule, destroy the denied order with the subfolder. If the JB subfolder was destroyed pursuant to the retention schedule prior to the filing of the petition, then the petition (and its temporary subfolder) may be destroyed upon NCAOC approval.

Petition Granted: (Note: Detailed procedures for each of the steps below are provided in the “Expunction Guide for Clerks.”)

1. Give notice of the granted order to the petitioner. If the petition was filed on the AOC-J-909M for dismissed allegations of undisciplined status or delinquency, notice of the granted petition may be given on the same form. If the petition was filed in any other format, use AOC-J-906M to provide notice to the petitioner.
2. Expunge only the allegations/adjudications specified in the expunction order.
 - a. If records of other delinquency/undisciplined proceedings exist in the petitioner’s JB subfolder, retain those other records.
 - b. If the petitioner had no other delinquency/undisciplined proceedings, expunge the entire JB subfolder.
 - c. If the JB subfolder is expunged and constituted the petitioner’s only juvenile proceeding for the county, expunge the entire juvenile file and remove the petitioner’s name from the Index to Juvenile Actions (i.e., the JWisE system).
3. Expunge the paper and electronic records as directed in the “Expunction Guide for Clerks.”
4. Do not expunge civil records arising from the juvenile proceeding, such as civil judgments for attorney fees against a parent or guardian. (See Rule 12.17)



5. Notify State and local law enforcement agencies as directed in the “Expunction Guide for Clerks,”
6. The clerk must send a certified copy of the expunction order to the NCAOC at the address in the guide. Note that if the expunction was for a dismissed allegation of delinquency or undisciplined status, provide a certified copy to the court counselor, also.
7. See the “Expunction Guide for Clerks” for “Other Cases & Special Situations” in juvenile expunction proceedings, such as juveniles whose names are recorded on the former, manual index to juvenile actions (the “green book”), expunging the verbatim recording of juvenile proceedings, and cases in which there was a change of venue to another county.

COMMENTS:

- A. The NCAOC provides template forms for juvenile expunction proceedings. See AOC-J-903M, J-904M, J-906M, and J-909M. While parties are not required to use NCAOC forms for these proceedings, the forms cover all of the components of the expunction proceeding, so clerks should encourage petitioners to use them.
- B. As custodian of the record, the clerk’s function in the expunction process is to receive petitions for filing, schedule the petitions for hearing when required, and then file and carry out any order entered by the court. Questions such as whether or not a particular juvenile case qualifies for expunction, whether or not the correct form has been used, and whether or not any affidavits or other materials required by the expunction statute have been included are not of concern to the clerk’s office. The court before which the petition is heard must determine any questions of its adequacy. Occasionally, a court may enter an order for expunction that appears questionable on its face. When such an order has been entered (e.g., expunction of adjudication of a Class A - E felony, prohibited by G.S. 7B-3200(b)), the clerk may wish to confirm with the judge who entered the order that the order is what the court intended. If the judge indicates that the order is as intended, then the clerk should carry the order out.

Rule 12.7 - CHANGE OF VENUE, OR TRANSFER OF CASE TO ANOTHER COUNTY OR TRIBAL COURT:

Transfer to Another County: The clerk shall ask the judge for instructions regarding whether the entire case or portions thereof are being transferred and what specifically the clerk should send to the other county. The clerk should transfer only those documents ordered transferred by the judge. Upon the filing of an order of the court transferring a case from one county (venue) to another, the clerk in the original county shall prepare a certified copy of



the order of transfer and forward it along with all original papers in the file related to the juvenile proceedings specified in the order to the clerk in the receiving county by certified mail or other secure method. If the case has been scanned into EIMS, then it should be printed and certified to send to the transfer county. The clerk in the original county shall retain the original order of transfer along with photocopies of all the papers transferred.

Transfer to Tribal Court: The clerk may receive a request/order from a tribal court to transfer a juvenile case to the tribal court. The clerk shall ask the presiding district court judge for instructions regarding whether the case or portions thereof should be transferred to the tribal court. The clerk should transfer only those documents ordered transferred by the district court judge. Upon the filing of the district court judge's order to transfer the case, the clerk shall prepare a certified copy of the order of transfer and forward it along with copies of all papers in the file related to the juvenile proceedings specified in the order. If the case has been scanned into EIMS, then it should be printed and certified to send to the transfer county. The clerk in the original county shall retain the original order of transfer and the originals of all the papers transferred.

COMMENT:

Transfers of abuse/neglect/dependency proceedings after adjudication shall occur within three business days of the entry of the order transferring venue (G.S. 7B-900.1). Transfers of other cases should be done as rapidly as possible.

No recording(s) of the juvenile proceeding(s) should be sent by the transferring county to the receiving county or the tribal court, unless ordered by a district court judge in the transferring county. If the case is appealed, the clerk in the hearing county shall submit the requested recording(s) to the transcriptionist.

Upon receiving a case that has been transferred from another county or a tribal court, the clerk shall promptly assign an appropriate file number to the case, ensure that any necessary appointments of new attorneys or guardians ad litem are made; and calendar the next court action as set forth in the order transferring venue and give appropriate notice to all parties.

Rule 12.8 - TRANSFER OF A CASE TO SUPERIOR COURT: The record of a juvenile case remains confidential even after jurisdiction over the juvenile is transferred to superior court. Form AOC-J-442, Juvenile Order Transfer Hearing, is the initiating document in the superior court file. This is the only document from the juvenile file that may become part of the public record of the superior court proceedings, along with all documents made part of the record after transfer. A copy of the transfer order should be kept in the juvenile case file. Do not create a CRS file or enter information in the ACIS system for 10 days after entry of the transfer in order to allow opportunity for appeal.



When a transfer order is appealed, the appeal is heard in Superior Court. Notice of the appeal may be given in open court during the hearing or in writing within 10 days after the entry of the order. (Note: Entry means reduced to writing, signed by the judge, and filed with the clerk.) The clerk shall also provide a copy of the written notice of appeal filed by the juvenile's attorney to the district attorney. The appeal should be included on the superior court calendar as an add-on hearing/case using the title "In the Matter of 06JB1492" and listing only the issue of "Appeal of Transfer". The offense or the juvenile's name may not be entered on the calendar. The clerk completing the case transfer shall add the case into the ACIS system only when the superior court judge denies the transfer appeal. If the appeal is granted, and thus the transfer does not move forward, all related documents are filed in the juvenile folder and no entry is made in the ACIS system.

Rule 12.9 - NOTIFICATION OF APPOINTED ATTORNEY: Where an attorney is appointed by the court to represent a juvenile or parent(s) in a juvenile proceeding the clerk shall send the Notice of Appointment to the attorney in a sealed envelope. (Note: You may also place the sealed envelope in the attorney's mailbox located within the courthouse, if this is the established practice in your county.)

- A. Court appointed attorneys may be appointed by either a District Court Judge or the clerk. If an abuse, neglect or dependency petition is filed, the clerk must appoint provisional counsel at the time of filing.
- B. An attorney should not be appointed for a juvenile alleged to be undisciplined.
- C. A juvenile does not need to prove indigence to receive a court-appointed attorney. However, parents seeking court appointed representation must go through the indigence screening process.
- D. When the parents are eligible for court appointed attorneys separate attorneys should be appointed for each parent.
- E. In all TPR cases, a parent who is indigent is entitled to an appointed attorney unless the parent waives the right to counsel (Note: It does not matter whether the petition to terminate was filled by DSS or a private petitioner.)

Rule 12.10 - CALENDARS: The clerk shall tightly control the distribution of juvenile calendars to insure the confidentiality of the information listed on the calendar. In all juvenile proceedings, the presiding judge and the courtroom clerk shall each receive a copy of the juvenile calendar.

Delinquency Sessions of Court. One copy of the juvenile calendar shall be given to the district attorney, the chief court counselor and any attorney representing a juvenile on the calendar.



Abuse/Neglect/Dependency Sessions of Court. One copy of the juvenile calendar shall be given to the DSS attorney, the GAL Program Administrator, the GAL Attorney Advocate and any attorney representing a parent on the calendar.

A juvenile calendar shall never be provided to the juvenile or the juvenile's parents.

COMMENTS:

- A. The clerk may want to write the name of the person receiving the juvenile calendar on the calendar provided to the person.
- B. If the calendar is not handed directly to the person authorized to receive the calendar, for example, the calendar is placed in the attorney's mail box located in the clerk's office, it should be placed in a sealed envelope.

Rule 12.11 - MINUTES: The clerk shall record the minutes of the juvenile court proceedings by making brief notations on the court calendar showing the disposition of each case heard during the session.

Juvenile court minutes shall be kept confidential.

Rule 12.12 - AUTOMATED AUDIT REPORTS: These reports are confidential and should not be distributed. The reports should be stored in a secured manner as any other juvenile record.

Rule 12.13 –

- A. **MICROFILM:** No part of the juvenile case file shall be microfilmed, including the attorney fee judgments.
- B. **SCANNING INTO EIMS (Enterprise Information Management System):** Clerks may scan juvenile records into EIMS.

Rule 12.14 - EMANCIPATION ORDERS: The certificate of emancipation shall be filed as a Registration and treated as any other filing of that type.

COMMENT:

Only the certificate of emancipation order shall be filed as a Registration. The petition and all other supporting documents shall remain in the juvenile file. Emancipation proceedings are as confidential as any other juvenile proceeding. However, where an order of emancipation has been entered the juvenile may receive a Form AOC-J-902M, Certificate Of Emancipation, at any time to verify that status.



Rule 12.15 - RECORDING JUVENILE HEARINGS: All adjudicatory, dispositional, probable cause, and transfer to superior court hearings shall be recorded. The court may order that other hearings be recorded.

COMMENTS:

- A. The log of what is recorded is considered part of the minutes and should be physically attached to it.
- B. When a case is heard out-of-county the recording should remain in the county of hearing.
- C. If a case is heard out-of-county and later appealed, the clerk in the county where a recording exists must submit the recording to a transcriptionist. The juvenile clerk in the county where notice of appeal is given must notify the clerk in the originating county that the case has been appealed. The clerk must provide the name and contact information for the assigned transcriptionist to the clerk in the originating county.

Rule 12.16 - PETITIONS FOR JUDICIAL REVIEW: DHHS LIST OF "RESPONSIBLE INDIVIDUALS": The clerk shall establish a case file for each petition filed under G.S. 7B-323 seeking judicial review of a determination that the petitioner is a responsible individual. The clerk shall use one sequential number series for all responsible individual petitions filed. Each petition will be assigned the next available number from that JRI series.

The format for the responsible individual series is: Year of filing and case type designator (i.e., 07JRI); and the unique sequence number that begins with "1" at the beginning of each calendar year, (1, 2, 3, 4, etc.). Examples of complete file numbers are; 07JRI-1, 07JRI-2, 07JRI-3, etc.

JRI files are to be maintained by the Juvenile Department in the clerk's offices. However, they are to be kept separate from the juvenile files. Each hearing shall be recorded to a CD with no other cases or hearings on the same CD. The CDs are to be held in the JRI file folder for one year after the hearing. After that the file and CD may be destroyed without NCAOC approval.

No index is to be maintained for these cases.

Rule 12.17 - PROCESSING FEE APPLICATIONS WITH JUDGMENT ORDERED: If the court enters a judgment on side two of the Fee Application/Judgment Order the original judgment shall be placed in a file titled, "Juvenile Fee Apps Reduced to Judgment", in case number order. A copy of this judgment shall be placed in the related juvenile file.



If the court did not enter a judgment on side two of the Fee Application/Judgment Order, the original judgment shall remain in the related juvenile file.

Periodically the clerk may compare the judgments in the Juvenile Fee Apps Reduced to Judgment file against the VCAP system to determine if any have been satisfied. If so they may be destroyed one year after the satisfaction date, without NCAOC approval. Fee Application/Judgment Orders held in the "Fee Applications Reduced to Judgment" folder continue to be maintained in as confidential a manner as any other documents filed in a juvenile proceeding.

Rule 12.18 - NOTIFICATION OF FOSTER PARENTS: The foster parent of a juvenile must be given 15 days' notice of all review hearings. The Department of Social Services must provide the clerk with the name and address of the foster parent providing care for the juvenile or provide written documentation to the clerk that the foster parent was sent notice of the hearing. If the clerk sends the notice, the clerk should not include the foster parent's name and address on the same notice sent to the juvenile's biological parents.

A notice to a foster parent should be housed separately from the juvenile file. The clerk should retain the notice in a suitable repository associated with the court calendar referred to in the notice. Access to this repository should be limited to the clerk of superior court.

Rule 12.19 – ORDERS DETERMINING PARENTAGE IN JUVENILE PROCEEDINGS: A juvenile proceeding may involve an adjudication affecting a child's parentage. When a judicial determination of parentage is entered in a juvenile proceeding, the court may issue a stand-alone Order that addresses the juvenile's parentage. The original stand-alone order should be placed in the new CVD file and a copy retained in the juvenile file. [See Rule 3.1 B 12(b)]



Appendix 5

Case Management for Abuse, Neglect, Dependency, and Termination of Parental Rights Cases in North Carolina Juvenile Courts¹

Juvenile court case management is a primary responsibility of family court staff for abuse, neglect, dependency (AND) and termination of parental rights (TPR) juvenile cases. Judicial districts without family court or those that previously received Court Improvement Program (CIP) funds for a CIP Director position do not have case managers for juvenile cases but may have other staff, such as judicial assistants, who manage these cases. Juvenile clerks have an important role in juvenile court, but their role does not include case management.

While family court districts have staff to provide juvenile case management, these case managers work at the direction and supervision of the Chief District Court Judge (CDCJ). In addition, juvenile case management is directed by judges assigned to AND/TPR courts. Judicial leadership in juvenile court is the key to effective juvenile court case management. Therefore, judges in districts without family court can benefit from case management techniques described below; however, they will typically not have dedicated judicial staff to generate statistical reports so that the judge can analyze the data and develop recommendations to improve court efficiency and effectiveness. However, some judges, in an effort to make juvenile court a priority and as effective as possible for children and families, have designated other judicial staff (i.e., Judicial Assistants, Trial Court Coordinators, etc.) to review and maintain statistics.

The following are strategies for effective case management in juvenile court:

- **Court Schedule.** Inform the CDCJ about the amount of court time needed for the juvenile AND/TPR caseload. Case managers have various ways to assess whether there is sufficient bench time assigned for juvenile court. For example, keeping a Calendar Productivity Log for a period of time can track the number of cases resolved, continued, and not reached because of insufficient court time. In addition, case managers can monitor the number of juvenile petitions and motions filed and adjust the court schedule as needed.
- **Court Calendar or Docket.** Clerks are generally responsible for generating and producing the juvenile calendar in all judicial districts. However, in family court districts, case managers assume this function because the efficiency of juvenile court can be improved when a case manager organizes the cases, provides notes with important information to judges and other court partners on the calendar, and disseminates the calendars (sometimes in draft form first) to appropriate court partners.
- **Scheduling and Facilitating Child Planning Conferences.** Child Planning Conferences or Day One Conferences are a best practice for AND courts. These conferences help families and court partners identify issues, resolve problems, and develop action plans by sharing

¹ Information in this Appendix provided by North Carolina Administrative Office of the Courts.

information and making recommendations about child placement, visitation, health and education services, paternity, and child support. See Child Planning Conferences Best Practices and Procedures on the “[Court Improvement Program](#)” section of the North Carolina Administrative Office of the Courts website.

- **Entering and/or Monitoring JWisE Data.** Case managers are local experts on JWisE data since they are responsible for making certain that accurate and complete information is entered into the automated system in a timely manner. JWisE is a unique computer application in that it is used by multiple court officials and court staff. Because reports generated from JWisE are only as accurate as the data entered, case managers, on behalf of the judge(s), take the lead in monitoring data and troubleshooting any problems.
- **Generating and Sharing JWisE Statistical Reports.** Case managers have the ability and knowledge to generate multiple reports from JWisE. As of July 2009, there are three AND Time Standard Reports: Adjudication Hearings, Disposition Hearings, and the First Permanency Planning Hearing. In 2016, five new CIP Federal Timeliness Measure reports were created for users: Time to First Permanency Hearing, Time to all Subsequent Permanency Hearings, Time to Permanent Placement, Time to Termination of Parental Rights Petition, and Time to Termination of Parental Rights. More information on JWisE is available in Appendix 3.
- **A Central Point of Contact.** Because juvenile court involves so many court partners that are required to be present in court, a juvenile case manager develops a good communication system where he or she is a central point of contact for judges and other court partners with pertinent information so court can proceed in a timely and efficient manner.