

Appendixes

Appendix 1: Primary Court Hearings in Abuse, Neglect, Dependency, and Termination of Parental Rights Cases

Appendix 2: The Chief District Court Judge and Juvenile Court

Appendix 3: J Wise: The Automated Information System for North Carolina Juvenile Courts

Appendix 4: Rules of Recordkeeping

Appendix 5: Case Management for Abuse, Neglect, Dependency, and Termination of Parental Rights Cases in North Carolina Juvenile Courts

Appendix 1

Primary Court Hearings in Abuse, Neglect, Dependency, and Termination of Parental Rights Cases

Statute/Event	Timing	Criteria or Factors Considered (Consult statute. List below may be highlights only.)	Procedural Requirements	Decisions to Be Made
Initial Non-secure Custody Order 7B-502, 7B-503, 7B-504, 7B-505, 7B-508	<p>On motion, usually by DSS, for nonsecure custody.</p> <p>Initial non-secure custody order may be granted ex parte or after a hearing, but <u>not</u> before a petition is filed.</p> <p>Chief district court judge, by administrative order filed with clerk, may authorize others to enter orders.</p>	<p>Court must first consider release of juvenile to parent, relative, guardian, custodian, or other responsible adult.</p> <p>Court may order nonsecure custody only if there is a reasonable factual basis to believe (i) allegations in the petition are true and (ii) no other reasonable means is available to protect the juvenile.</p> <p>In addition, court must find one of the following:</p> <ol style="list-style-type: none"> 1. Child has been abandoned. 2. Child has suffered physical injury or sexual abuse. 3. Child is exposed to substantial risk of physical injury or sexual abuse. 4. Child is in need of medical treatment. 5. The parent, guardian, or custodian consents to nonsecure custody. 6. The juvenile is a runaway and consents to nonsecure custody. 	<p>Court should either see and read the petition or, if request is by phone, confirm that it has been filed and have it read aloud.</p> <p>If clerk's office is closed, petition is filed with magistrate.</p> <p>Order for nonsecure custody must be in writing.</p> <p>Order made by telephone must include name/title of person authorizing custody; name, title, and signature of person entering order; hour/date of authorization.</p>	<p>Applying statutory factors, court must determine:</p> <ul style="list-style-type: none"> • whether child should be removed from custody of the parent, guardian, custodian, or caretaker pending a court hearing, and if so, • where the child should be placed. <p>[Note that social worker or law enforcement may assume temporary custody under 7B-500 and 7B-501, without a court order, where the child might be injured or it might be impossible to take the child into custody if it were first necessary to obtain a court order. Child must be released unless petition is filed and nonsecure custody order is entered within 12 hours (24 hours if weekend or holiday is involved) after child was taken into custody.]</p>
Hearings on Need for Continued Non-secure Custody 7B-506. See also 7B-502, 7B-503, 7B-504, 7B-505, 7B-506, 7B-507, 7B-905.1	<p>Hearing must be within 7 days after removal-sooner if order signed by delegee.</p> <p>Second hearing within 7 days, then within 30-day intervals.</p> <p>Order must be entered within 30 days after hearing.</p>	<p>The court must:</p> <ul style="list-style-type: none"> • apply same criteria as above, from 7B-503. • make findings as to reasonableness of DSS's efforts to prevent or eliminate need for placement. • inquire as to identity and location of a missing parent, whether paternity is at issue, efforts to identify or locate and serve missing parent or establish paternity. • inquire about other children in the home. • inquire about efforts to identify and notify relatives and, if continued placement is necessary, determine whether a relative is willing and able to provide proper care. (If not placed with relative, may consider willing and able nonrelative kin for placement.) • if continued placement is necessary, address visitation. 	<p>Burden of proof is on DSS, and standard of proof is clear and convincing evidence.</p> <p>Nonsecure custody hearings may be informal, and the formal rules of evidence do not apply.</p>	<p>The court must determine:</p> <ul style="list-style-type: none"> • whether the child should remain in nonsecure custody and, if so, • where the child should be placed. <p>Court must make specific findings as to whether reasonable efforts have been made and whether they should continue.</p> <p>Order must contain findings and conclusions.</p>

Statute/Event	Timing	Criteria or Factors Considered	Procedural Requirements	Decisions to be Made
Adjudicatory Hearing 7B-800.1, 7B-801, 7B-802, 7B-805, 7B-807	<p>Must be held within 60 days of filing of the petition unless court finds good cause for continuance.</p> <p>Any order granting a continuance should be in writing.</p> <p>Order must be entered within 30 days after hearing.</p>	<p>Prior to conducting adjudication hearing, court must consider factors in G.S. 7B-800.1 in pre-adjudication hearing which may be combined with nonsecure custody hearing.</p> <p>Court must determine that it has subject matter jurisdiction.</p> <p>The question of whether the juvenile is abused, neglected, or dependent must be answered in relation to the definitions of those terms in G.S. 7B-101.</p> <p>The burden of proof is on the petitioner, DSS.</p>	<p>Rules of Evidence for civil cases apply. A Rule of Civil Procedure will apply to fill a gap if the Juvenile Code is silent when consistent with Code purposes.</p> <p>Court should inquire about need for appointment of counsel, GAL for the child, or GAL for a parent.</p> <p>The hearing must be recorded and is open to the public unless the court makes findings to support closing the hearing.</p>	<p>Court must determine:</p> <ul style="list-style-type: none"> • whether allegations in the petition are proven by clear and convincing evidence, and • whether evidence supports findings from which the court can conclude that the child is abused, neglected, or dependent. <p>Court adjudicates the existence or nonexistence of the condition(s) alleged in the petition and either (i) adjudicates the juvenile abused, neglected, or dependent or (ii) dismisses the petition.</p> <p>After adjudication, the court decides whether to proceed to disposition or set a date for a dispositional hearing.</p>
Dispositional Hearing 7B-901. <i>See also 7B-507, 7B-900, 7B-900.1, 7B-903 through 7B-905.1</i>	<p>Should be heard immediately following adjudication, but must be concluded within 30 days after the adjudication hearing.</p> <p>Order must be entered within 30 days after the hearing.</p>	<p>The court must hear evidence relating to and consider:</p> <ul style="list-style-type: none"> • the child's needs, • family and community resources available to meet those needs, • the child's best interest, • the state's objectives (a safe, permanent home for the child within a reasonable period of time), and • statutorily authorized dispositional alternatives. <p>In addition:</p> <ul style="list-style-type: none"> • The court must inquire about efforts to locate any missing parent, resolve any paternity issue, and locate and notify relatives. • If the child is placed outside the home, the court must address visitation pursuant to 7B-905.1. • If the child is out of the home, the court must determine whether reasonable efforts have been made to prevent or eliminate the need for the child's placement and whether reunification efforts should be made prospectively. 	<p>Dispositional hearings may be informal (strict adherence to the rules of evidence is not required).</p> <p>Disposition is in the court's discretion; the statute does not assign a burden of proof.</p>	<p>The court must design an appropriate plan to meet the child's needs and the state's objectives. The court must set out precise terms of the disposition, including:</p> <ul style="list-style-type: none"> • who should have legal custody of the child, • where the child should be placed or who should be authorized to make that decision, • a visitation plan if the child is out of the home, • the court's directives to the parties, • the date of the next hearing.

Statute/Event	Timing	Criteria or Factors Considered	Procedural Requirements	Decisions to be Made
Review Hearings 7B-906.1 <i>See also 7B-507, 7B-905.1</i>	<p>If child is removed from the home, must be held within 90 days after dispositional hearing, then at least every six months.</p>	<p>Court must consider all relevant criteria set out in G.S. 7B-906.1(d).</p>	<p>Same as for dispositional hearings (above).</p> <p>Court may waive reviews only after making findings required by G.S. 7B-906.1(n).</p> <p>Clerk must give 15 days' notice of hearing pursuant to 7B-906.1(b).</p> <p>Reviews are not required if custody is placed with a parent.</p>	<p>Similar to dispositional hearing (above).</p> <p>Court must determine:</p> <ul style="list-style-type: none"> • whether child's placement should continue or change, • whether provisions in prior order should be changed, and • pursuant to 7B-906.1(f), applicability of circumstances requiring initiation of TPR, or an exception to the requirement.
Permanency Planning Hearing 7B-906.1 <i>See also 7B-507, 7B-905.1</i>	<p>If child is removed from the home, must be held within 12 months after initial order for removal, then at least every 6 months.</p> <p>Also required within 30 days after a court's decision that reunification efforts are not required or shall cease.</p>	<p>Court must consider all relevant criteria in 7B-906.1(d) & (e) and determine:</p> <ol style="list-style-type: none"> 1. whether the juvenile can be returned home immediately or within 6 months, and if not (or unlikely), <ul style="list-style-type: none"> • whether guardianship or custody should be ordered, and if so, what rights and responsibilities should remain with the parents. • whether adoption should be pursued, and if so, whether there barriers to the child's adoption. • whether the child should remain in the current placement, and why or why not. 2. whether DSS has made reasonable efforts to reunify or to implement the permanent plan, and whether those efforts should continue. 	<p>Same as for review hearings (above).</p> <p>May be combined with regular review hearing.</p>	<p>The court may make any authorized disposition.</p> <p>The court must:</p> <ul style="list-style-type: none"> • make specific findings as to best plan of care to achieve a safe, permanent home for the child within a reasonable period of time; • determine whether DSS has made reasonable efforts and whether they should continue; • if child is not returned home, order DSS to carry out the plan and document the steps in the plan. <p>Pursuant to 7B-906.1(f), the court should determine the applicability of circumstances requiring initiation of TPR or an exception to the requirement.</p>

Statute/Event	Timing	Criteria or Factors Considered	Procedural Requirements	Decisions to be Made
Termination of Parental Rights Hearings 7B-1100 through 7B-1112.1	<p>Hearing on petition/motion for tpr must be heard within 90 days after filing unless court for good cause continues the hearing pursuant to G.S. 7B-1109(d).</p> <p>Any order for a continuance should be in writing.</p> <p>Order must be entered within 30 days after the hearing.</p>	<p><u>Adjudication.</u> The petitioner or movant attempts to prove by clear and convincing evidence that one or more grounds for termination in 7B-1111(a) exist. Rules of Evidence for civil cases apply.</p> <p><u>Disposition.</u> If the court adjudicates one or more grounds for termination, the court conducts a dispositional hearing at which the court may consider any evidence, including hearsay, that is relevant, reliable, and necessary to determine the best interests of the child. There is no burden of proof, and the decision whether to terminate the parent's rights is in the court's discretion. The court must consider factors set out in 7B-1110, make written findings on those that are relevant, and determine whether terminating the parent's rights is in the child's best interest.</p>	<p>A Rule of Civil Procedure will apply to fill a gap if the Code is silent and applying the rule is consistent with the Code's purposes.</p> <p>Court should inquire about need for appointment of counsel, GAL for the child, or GAL for a parent. Court must appoint GAL for child who does not already have one if the parent contests material allegations of the petition or motion.</p>	<p>The court must determine whether grounds for termination have been proven by clear and convincing evidence, and if the court adjudicates one or more grounds, whether it is in the child's best interest to terminate parental rights.</p> <p>If the court determines that no ground has been proved by clear and convincing evidence or that it is not in the child's best interest to terminate parental rights, the court must dismiss the petition or motion.</p>
Post-termination of Parental Rights Placement Court Review 7B-908	<p>Within 6 months after the termination hearing and at least every 6 months thereafter until entry of final order of adoption.</p>	<p>Court must consider criteria set out in 7B-908(c) and make written findings regarding those that are relevant, including:</p> <ol style="list-style-type: none"> 1. adequacy of the plan for a permanent placement and efforts to implement the plan, 2. whether child has been listed for adoptive placement with the N.C. Adoption Resource Exchange, the N.C. Photo Adoption Listing Service (PALS), or other specialized adoption agency, and 3. efforts previously made by DSS or other agency to find a permanent home for the child. 	<p>Procedural requirements are the same as in dispositional and review hearings.</p>	<p>The court, after making findings of fact, must either affirm the agency's plan for the child or, if the child is not placed with prospective adoptive parents, order a new placement or a different plan after considering DSS's recommendations.</p> <p>The court may require specific additional steps necessary to accomplish a permanent placement that is in the child's best interests.</p>

Appendix 2

The Chief District Court Judge and Juvenile Court*

Leadership and Case Management

Time limits in the Juvenile Code 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 30 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 in the Administrative Office of the Courts (AOC) has developed model rules for abuse, neglect, and dependency cases. These may be useful to chief district court judges who seek to develop or update local juvenile court rules. The [model rules](#) can be accessed on the Court Improvement Program pages of the NC Court System website. [For additional information, contact Kiesha D. Crawford, Court Improvement Program Manager at the AOC, at (919) 890-1281 or at kiesha.d.crawford@nccourts.org.] [Local rules](#) of a number of districts can also be accessed on the NC Court System website.

Statutory References

1. Permanency Mediation

G.S. 7B-202 directs the Administrative Office of the Courts (AOC) to establish a statewide Permanency Mediation Program, consisting of local 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 is authorized to "approve contractual agreements for such services as executed by order of the Chief District Court Judge of a district court district." 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.

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

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. Magistrate's Authority when Clerk's Office is Closed

G.S. 7B-404 provides that in emergency situations in abuse, neglect, and dependency cases, when the clerk's office is closed, a magistrate may be authorized by the chief district court judge to "draw, verify, and issue petitions."

4. Delegation of Authority to Issue Secure and 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.

5. Discovery and Information Sharing

Pursuant to G.S. 7B-700, 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.

6. 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 district at the time and place the chief district court judge designates.

7. 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 (i) prohibit a party entitled by law to receive confidential information from receiving it, or (ii) allow disclosure of a confidential source protected by statute.

8. Transfer of Case to Another District

Under G.S. 7B-900.1(d), before ordering a post-adjudication transfer of an abuse, neglect, or dependency case to a different 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.

9. Guardian ad Litem Program

G.S. 7B-1201(a) requires the AOC, in cooperation with each chief district court judge and other personnel in the district, to implement and administer a guardian ad litem program.

10. Juvenile Records

The Juvenile Code addresses the confidentiality of several kinds of juvenile records and specifies the few people who are authorized to view and obtain copies of the records without a court order. Otherwise, the following sections state, these juvenile records may be examined "only by order of the court":

G.S. 7B-2901(a) – clerk's records

G.S. 7B-2901(b) – social services records for juveniles in the agency's custody

G.S. 7B-2901(d) – court records in abortion consent waiver proceedings

The clear implication is that people other than those listed in the statutes may examine these records *with* a court order. The Juvenile Code gives no guidance, however, about when judges should grant requests to examine juvenile records or the procedures to be used by someone making the request. (The information-sharing rules issued by the Division of Juvenile Justice in the Department of Public Safety pursuant to G.S. 7B-3100 do not apply to court records.) The chief district court judge should consider whether local rules or policies are an appropriate way to provide guidance and encourage uniformity when requests are made to access juvenile records.

11. Agency Information-Sharing Rules

G.S. 7B-3100 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, in 14B NCAC 11A .0301 and .0302, list specific agencies and also any "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." Chief 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.

12. 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 district.

13. Juvenile Crime Prevention Council

As a condition for a county's receiving funding for juvenile court services and delinquency prevention programs, G.S. 143B-846 requires the board of commissioners to appoint a Juvenile Crime Prevention Council for the county. Each county council must consist of not more than 26 members and should include, if possible, specified individuals, including the chief district court judge or a judge designated by the chief district court judge.

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 (NCAOC) 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, 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.

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.

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

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

are not the official court record for juvenile cases. All reports generated by J Wise 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, J Wise 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.

J Wise events are not the official juvenile record because they can be added to, edited, and deleted by multiple court employees—clerks, family court, and GAL staff. Although not an official record, J Wise events are very important for the effective and efficient management of juvenile cases. J Wise 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;
- Generating all NC Key Time Standard Reports and Permanency Reports.

GAL Management Tool

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

How Judges Can Use J Wise

In order for J Wise 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 J Wise 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.

J Wise 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. Additional time standard reports will be available in the future.

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.

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

Appendix 4

Rules of Recordkeeping

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 are reproduced here. These rules were last revised, effective July 6, 2015 and could be revised again at any time.

- *Other court employees can access the rules on the AOC Intranet. (Go to <https://cis1.nccourts.org/singlesignon/forward.dx>; scroll down and click on “Clerks of Court” at the bottom left; at the bottom left again, click on “Records and Recordkeeping.”)*
- *Others can obtain the rules from the clerk of court or other court employees.*

Rule 12.1 - CASE FILE FOLDER ESTABLISHED: 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
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.
- *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.



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:

A. Subfolders may be held together in a larger folder or simply filed next to each other.

B. 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.

C. 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 (ACIS). (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 ACIS or VCAP.

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.

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 merely used to separate different types of case documents within the file.



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 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 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 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)

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.*, J Wise).
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: 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. The clerk in the original county shall retain the original order of transfer along with photocopies 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 (7B-900.1). Transfers of other cases should be done as rapidly as possible.

Upon receiving a case that has been transferred from another county, 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 ACIS 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 ACIS 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 ACIS.

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 - MICROFILM: No part of the juvenile case file shall be microfilmed, including the attorney fee judgments.

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.

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 AOC 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 VCAP 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.



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. Districts without family court or those that previously received CIP funds for a CIP Director position do not have case managers for juvenile cases, but may have other staff such as judicial assistants that 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 information and making recommendations about child placement, visitation, health and education services, paternity, and child support. See CPC Best Practices and Procedures on the [Court Improvement Program](#) section of the NC Courts website.
- **Entering and/or Monitoring J Wise Data.** Case managers are local experts on J Wise data since they are responsible for making certain that accurate and complete information is entered into the automated system in a timely manner. J Wise is a unique computer application in that it is used by

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

multiple court officials and court staff. Because reports generated from J Wise 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 J Wise Statistical Reports.** Case managers have the ability and knowledge to generate multiple reports from J Wise. As of July 2009, there are three AND Time Standard Reports: Adjudication Hearings, Disposition Hearings, and the First Permanency Planning Hearing. Additional time standard reports will be available in the future. More information on J Wise 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.