

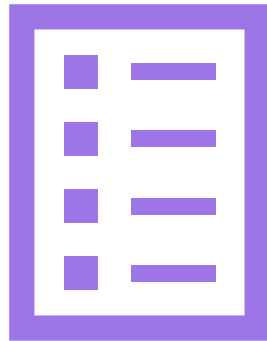
CHILD WELFARE
CASE UPDATE:
PART 2

UNC School of Government
Social Services Attorneys Conference
Winter 2021

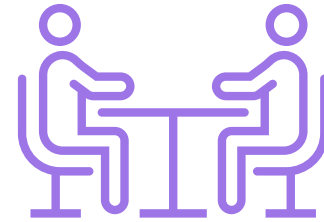
May 4, 2021 Update



THEMES



Case Plans



Reasonable Efforts

WHY



Protective Service

Constitutional Rights

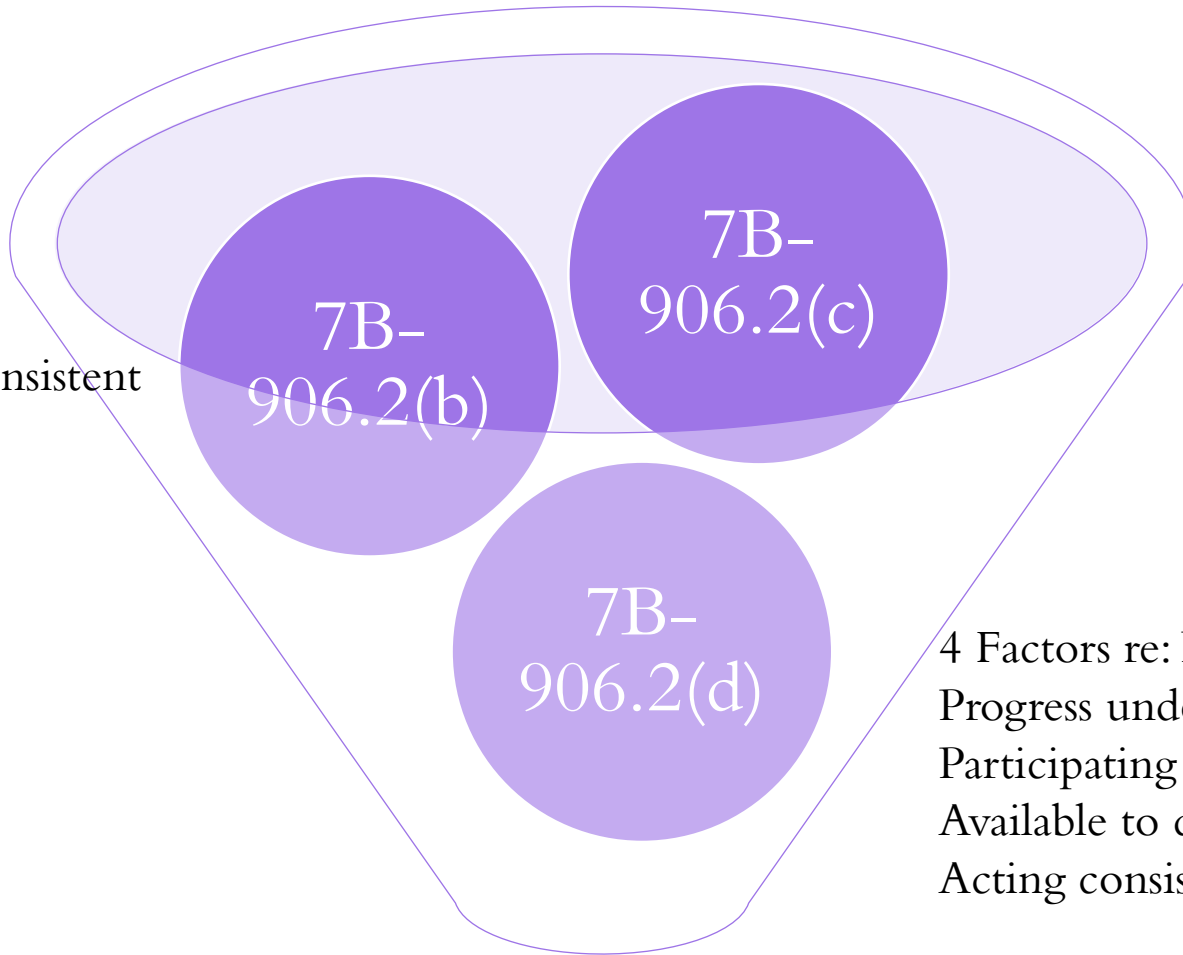
Funding

Reunification Priority

Eliminate Reunification

TPR – Neglect or Failure to Make Reasonable Progress

Ultimate Findings
Reasonable Efforts
Unsuccessful or Clearly Inconsistent



Were Efforts Reasonable?
(Reasonable not Exhaustive)

4 Factors re: Parent's Actions:
Progress under plan
Participating w/ plan, DSS, GAL
Available to court, DSS, GAL
Acting consistent w/ health & safety of juvenile

Eliminate Reunification

7B-904

May Order Parent to

- Participate in parenting education
- Provide transportation for juvenile to treatment when in the home
- Take appropriate steps to remedy conditions that led to contributed to adjudication or removal from the home
 - Direct or indirect cause: Nexus (In re B.O.A.)



G.S. 7B-101(18): REASONABLE EFFORTS

Diligent use of preventive or reunification services by a DSS when a juvenile's remaining at or returning to their home is consistent with achieving a safe, permanent home for the juvenile within a reasonable period of time.

If not return home, *diligent and timely use* of permanency planning services by DSS to develop and implement a permanent plan for the juvenile

IN RE J.M. (P. 6)

- Unexplained Injury
- 4 Children – 2 Removed
- Neglected & Abused
- Case Plan (Complied)
- Eliminate Reunification
- Reverse & Remand
- No Reasonable Efforts to Promptly Reunify

E F F O R T S

Safety Assessment

Create and implement case plan

Arrange for assessments

Hold CFT meetings

Attempt to locate relative placement

Supervise visits



ELIMINATE REUNIFICATION

G.S. 7B-
906.2(b)
Findings Not
Supported by
the Evidence
(7B-906.2(d))

+

No Finding re:
Constitutional
Rights –
admission not
a lawful basis

IN RE S.D. (P.7)

- Unaddressed MH Needs, Homelessness, Parenting Deficits
- Dependent
- Case Plan (Complied)
- Eliminate Reunification
- Award Guardianship
- Reversed & Remanded
- No Reasonable Efforts

EFFORTS

Develop case plan

Hold CFT meetings

Link mom to MH services

Link mom to parenting education

Confirm services completed

Facilitate visits

Ensure children's needs met

No meaningful assistance in
obtaining housing



ELIMINATE REUNIFICATION

G.S. 7B-
906.2(b), (d)
Findings Not
Fully Address
& Evidence
Not Support

+

No Finding re:
Constitutional
Rights

=

IN RE J.C.-B. (P.11)

- Mother's MH
- Neglected & Dependent
- Custody to GM
- Reunification Eliminated
- Vacated and Remanded

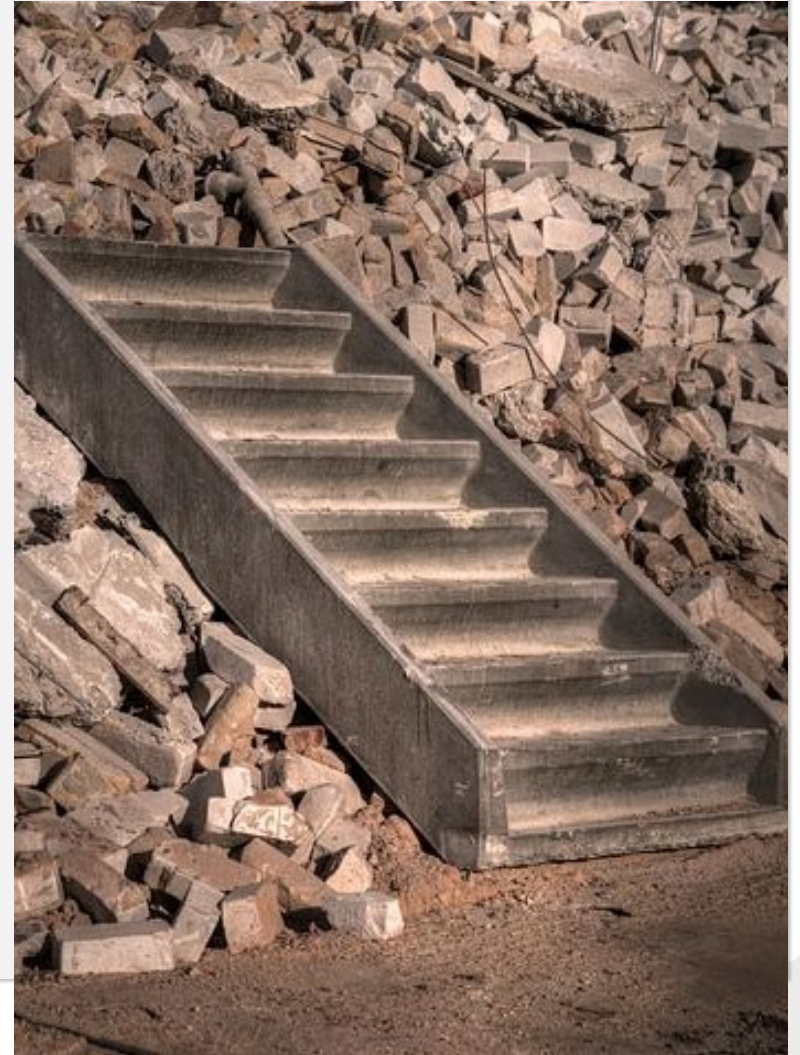
EFFORTS

Aimed at assessing juvenile's well-being (DSS contact & visits w/teen; collateral contacts)

No concrete steps or timelines (monitor progress via contact w/ mom, PPH, strengths & needs assessment)

No assessment of mother's home in Texas

Arguably non-existent



ELIMINATE REUNIFICATION

G.S. 7B-
906.2(b), (d)
Findings Not
Supported by
the Evidence

+

No Evidence or
Finding re:
Constitutional
Rights
(mom
complying
w/case plan)



TERMINATION OF PARENTAL RIGHTS

IN RE D.A.A.R. (P.25)

- DV, SA, housing instability, MH issues
- Neglected & Dependent
- Case plan
- Visits suspended 2x; no visits with 1 child
- Daughter's run-away incident
- Mom's motion for review – made progress
- TPR - Failure to make reasonable progress
- Reversed

OVERALL: REASONABLE PROGRESS MADE

Completed in/out-patient SA treatment

Negative drugs screens

Left NC to avoid DV

Completed DV courses

Engaged in MH therapy

Obtained housing (one year)

Completed parenting classes in another state

- Delay in entering case plan relevant but not last-minute, limited efforts (consistent & sustained)
- Denied ICPC (due to error)
- Run-away incident
- Visits suspended

LAST MINUTE
EFFORTS



IN RE H.A.J. (P. 24)

- Substance Abuse and Domestic Violence
- Neglected
- Eliminated Reunification (Appeal - 7B=906.2 findings supported)
- TPR on Neglect
- After TPR filed, substance abuse treatment
- Likelihood of repetition, not stopped by last minute progress

IN RE B.T.J. (P.25)

- Mom's substance use
- Neglected & Dependent
- TPR on Neglect
- Likelihood of future neglect
- Limited Progress on housing, employment & SA treatment
- Limited progress (negative drug screens) 4 months before TPR hearing were just 1st steps and insufficient; housing 2 months

ADDRESS MAIN ISSUES

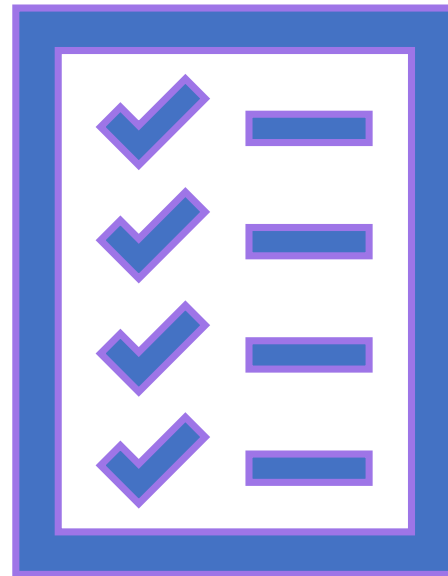
In re A.M.L. (p. 28)

Neglected: Mom's SA

Case Plan: SA, MH, parenting skills

Progress on parenting skills only

WHAT ARE YOUR TAKE-AWAYS?



SUMMER CONFERENCE

- July 8-9
- Zoom

