

Child Welfare Case Update I

UNC School of Government
DSS Attorneys Conference
Summer 2021

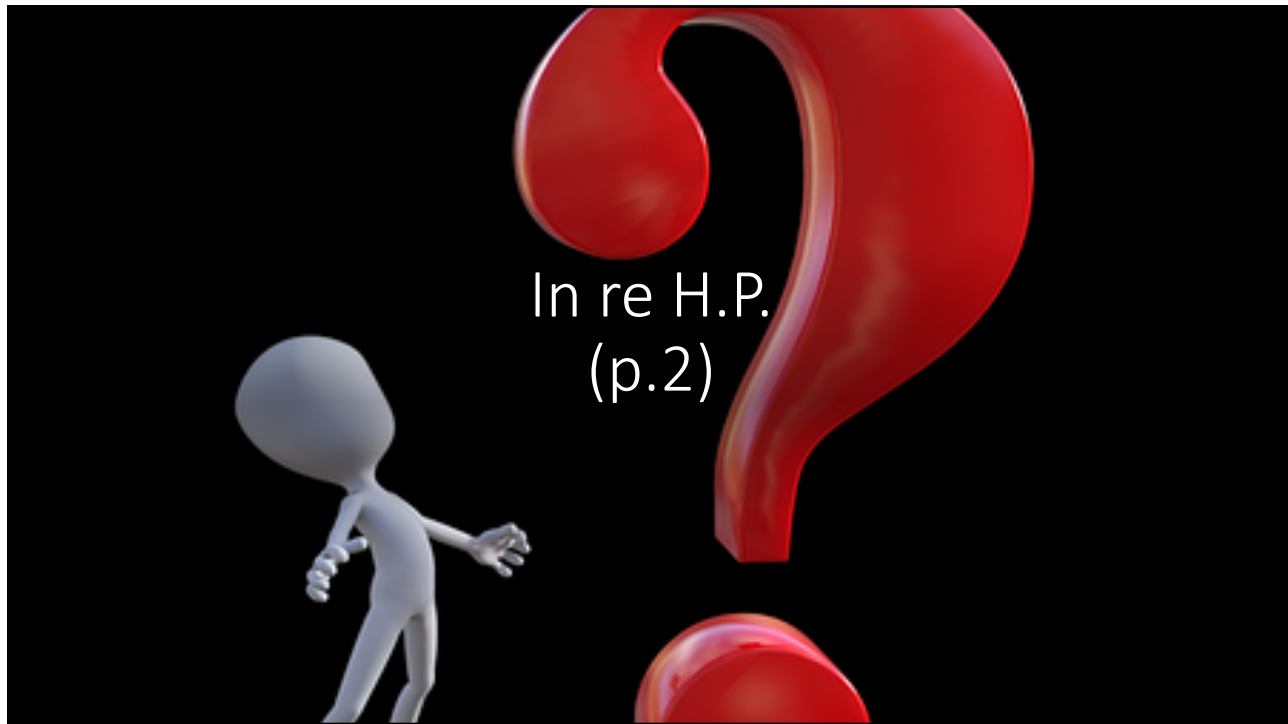


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Abuse, Neglect, Dependency Focus



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Hearing

5

Insufficient

Finding of Fact \neq Recitation of
allegations/statements

Ultimate Findings

Conclusions of Law

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Example

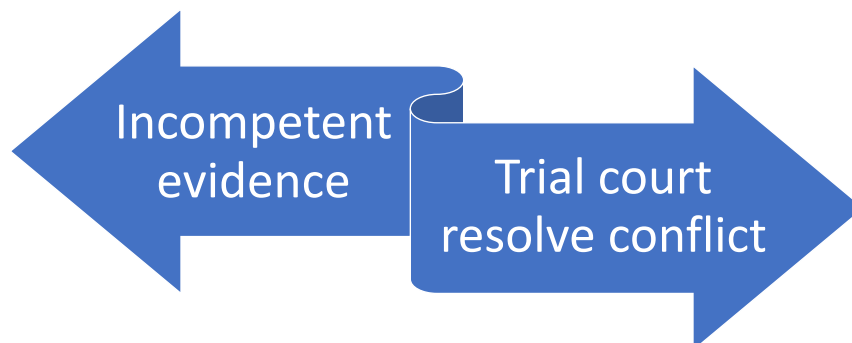
Broken Refrigerator

Inability to reliably provide adequate nutrition

Neglect

7

Contradictory Findings



8

Neglect: Risk of Harm



Storage Unit



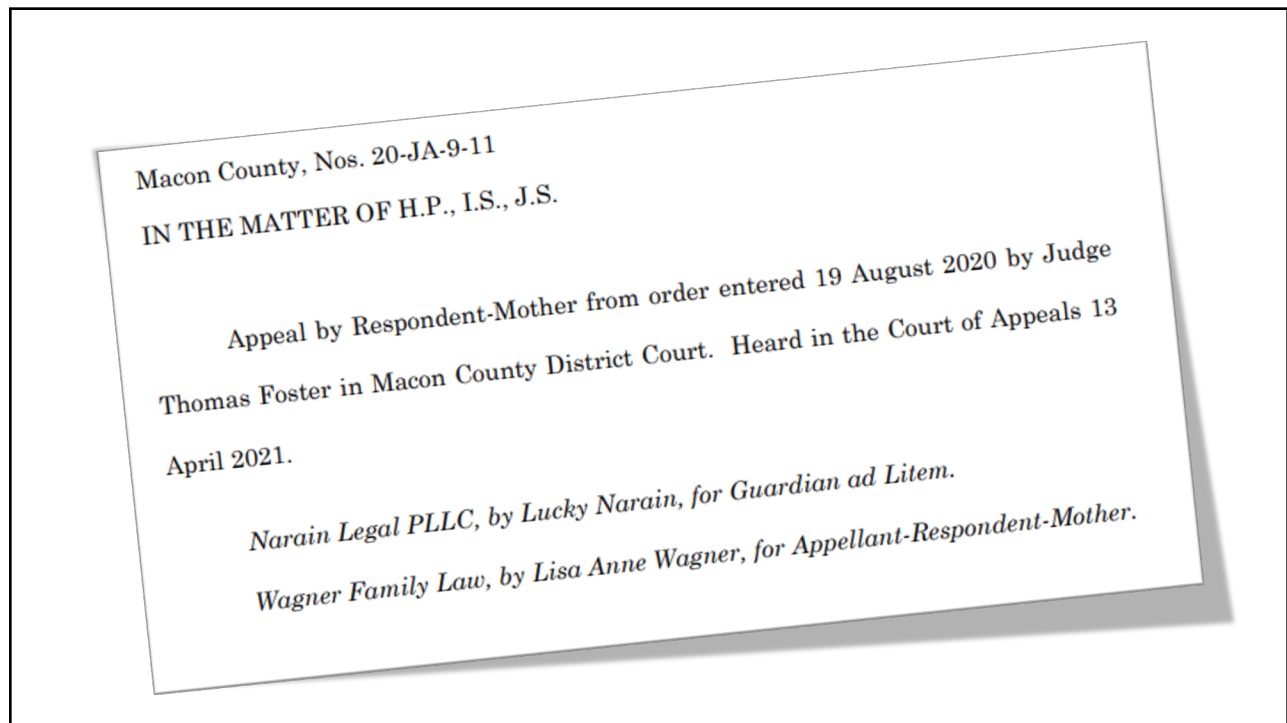
Food Insecurity

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Reasonable Efforts

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Suspending Visitation
 In re K.M. (p. 3 + blog)

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7B-905.1 Requirements

Minimum frequency, duration, and level of supervision

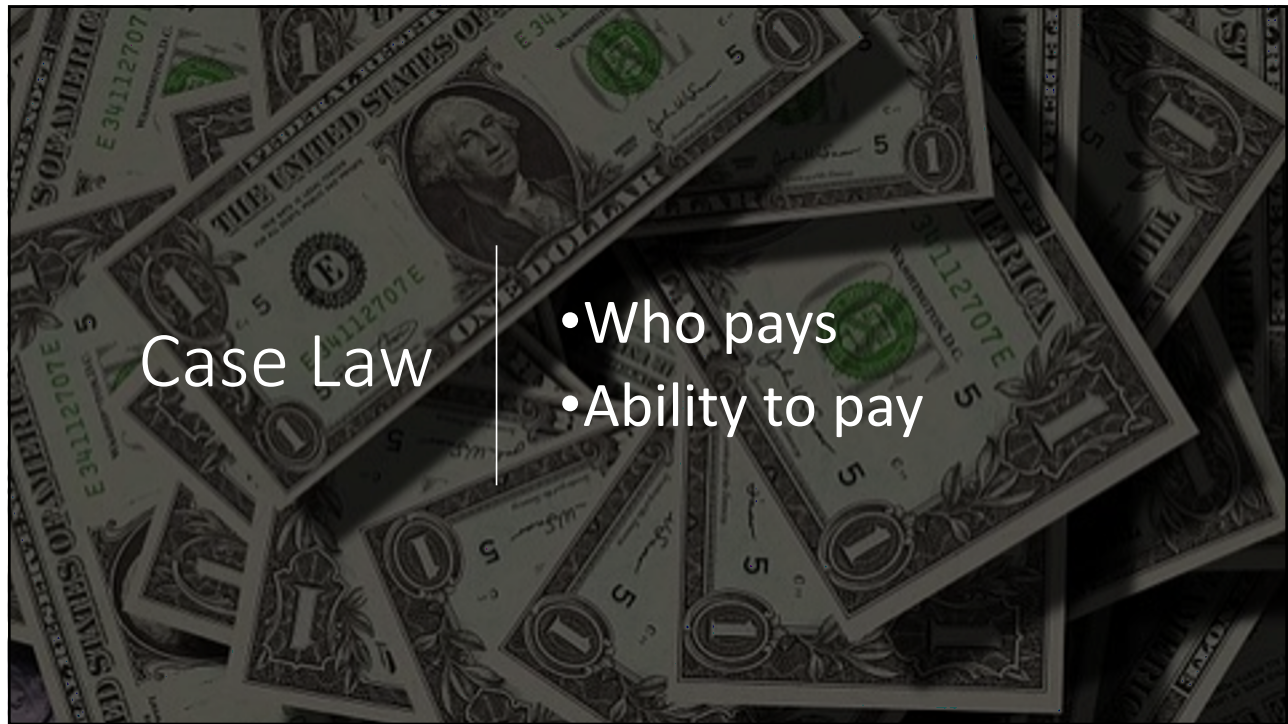
- 2/month for 2 hours at supervised visitation facility
- Level of supervision
 - Trained professionals otherwise risk of harm to child, inconsistent with health and safety, and contrary to BIC
 - Eyes and ears on

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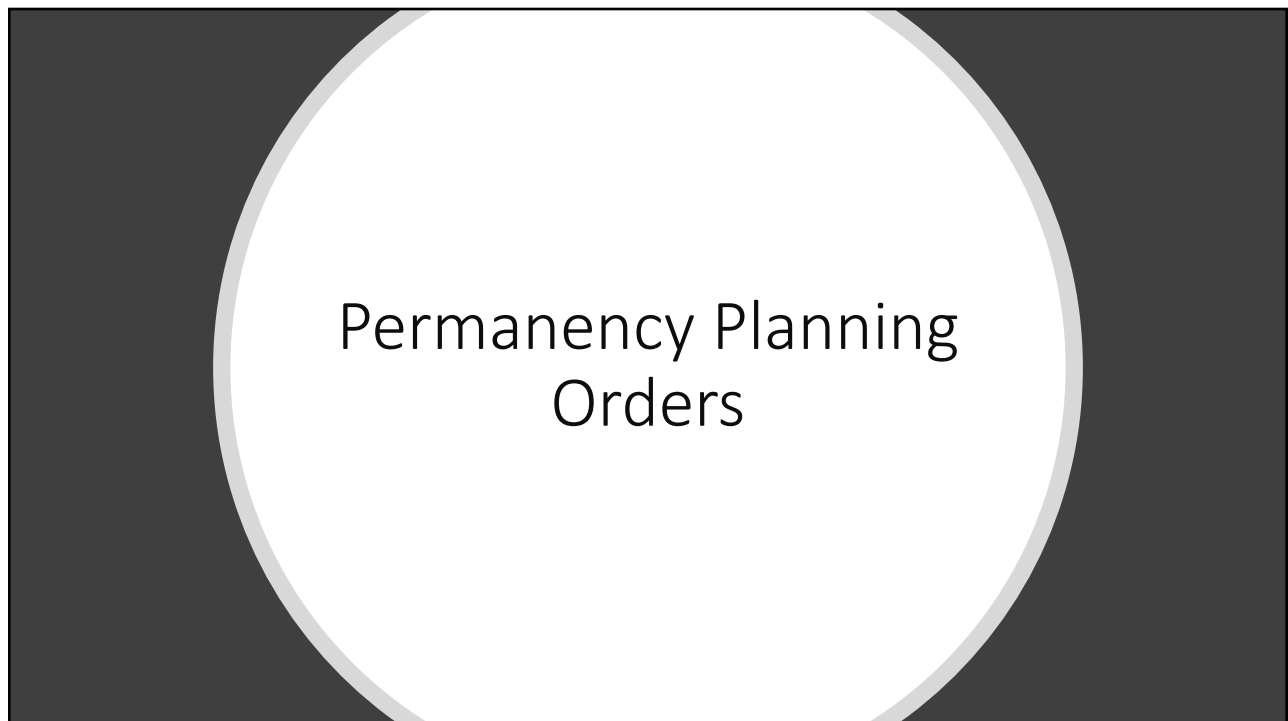
“may specify in the order conditions under which visitation may be suspended”

- Temporarily Suspended until center opens
- Contingency: weekly video contact (15-30 min)
 - Not a replacement or substitution for visits
 - Findings not in BIC

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In re K.P. (p. 4)
Custody to grandparents = Achieved Plan

What findings are required?

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Dissent



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Acting inconsistently with parental rights
In re I.K. (p. 4)



CLEAR AND
CONVINCING EVIDENCE



CUMULATIVE EVIDENCE

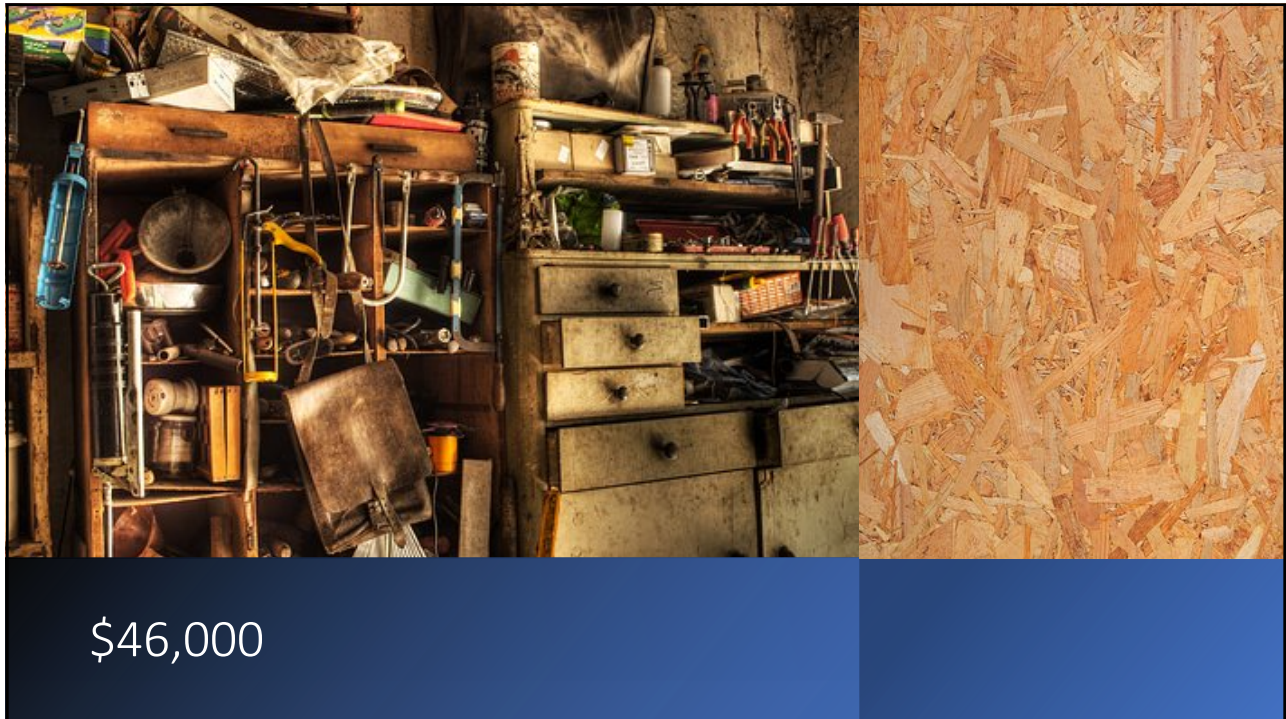


NO BRIGHT-LINE RULE

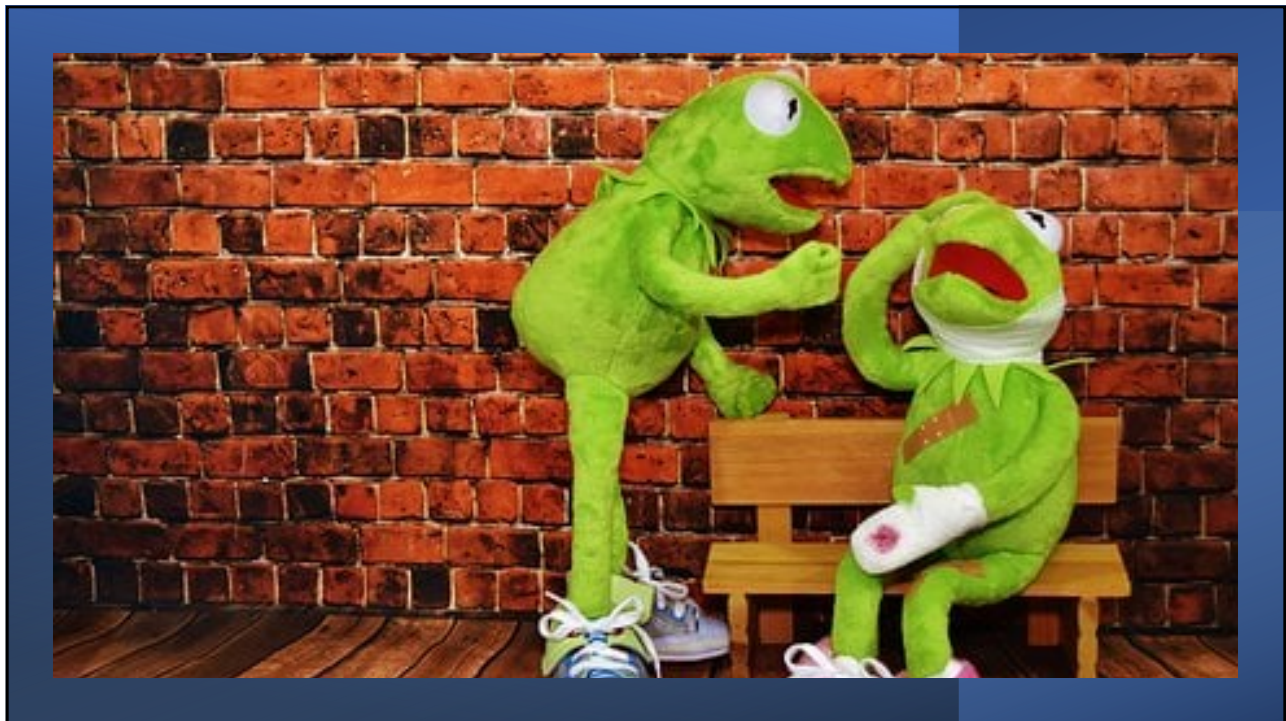
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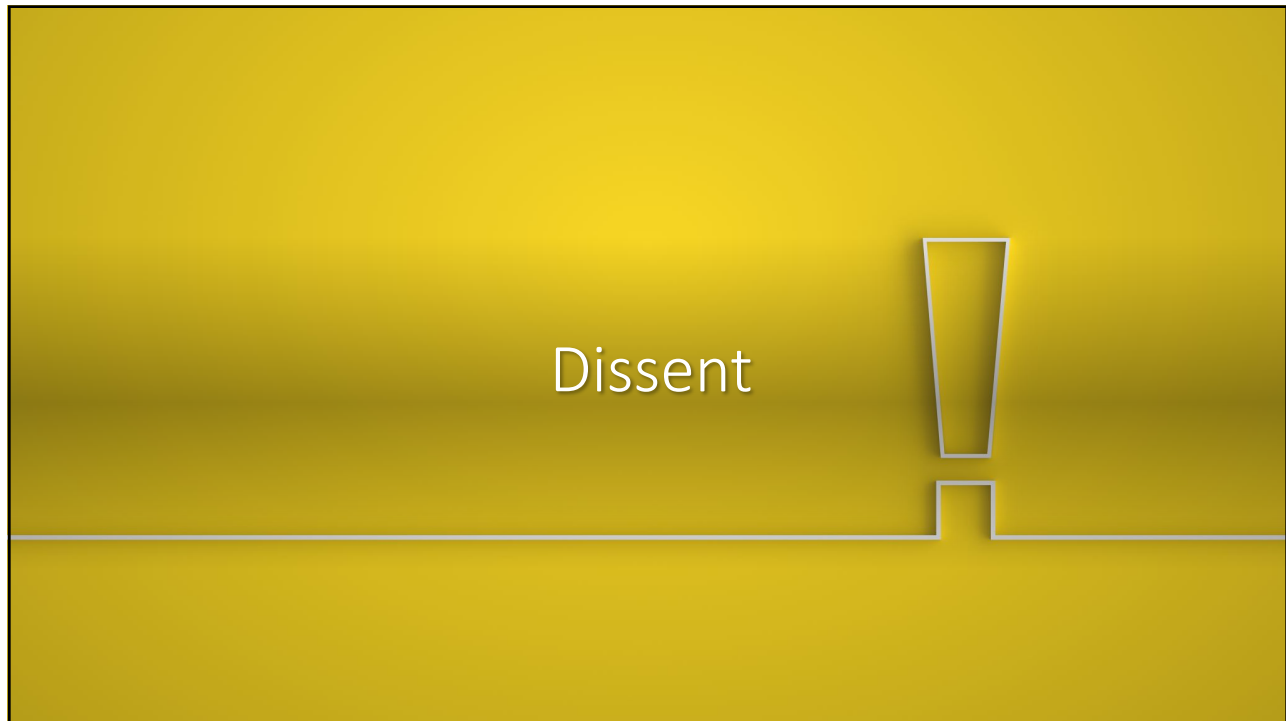
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Guardianship: Verification
In re B.H. (p. 6)



Understand Legal
Significance



Will Have Adequate
Resources

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Understand
legal
significance

Competent evidence

- SW Testimony
- Court summary
- Home Study
- Testimony of guardian (“WE”)

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Break



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