

## Juvenile Law Update



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UNC at Chapel Hill  
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### Abuse and Neglect: Adjudication & Disposition *S.C.R.*

#### Mistakes to Avoid

1. Failing to make independent findings
2. Misunderstanding nature of the proceeding
3. Ordering permanent plan without proper notice
4. Failing to address visitation

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### Abuse and Neglect: Disposition *S.H.*

An order placing a child in DSS custody must include a finding that the child

1. needs more adequate care or supervision, or
2. needs placement.

*per G.S. 7B-903*



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## Permanency Planning

*T.P.*

Custody to non-parent requires finding / conclusion that parents

- are unfit or
- have acted inconsistently with their constitutionally protected status.

\*Constitutional argument cannot be made for the first time on appeal.



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## Permanency Planning

*T.P.*

To waive review hearings, it is not necessary for the child to have lived with the *same* relative for the preceding year.



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## Termination of Parental Rights N.C. Supreme Court

### Waiver of Counsel

Accepting parent's waiver of right to counsel [P.D.R.]



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Termination of Parental Rights  
N.C. Supreme Court

Jurisdiction

Court had jurisdiction when TPR was filed while appeal was pending [M.I.W.]



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TPR: Verification of Petition  
M.M.

No problem for social worker to verify before attorney signs.



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TPR: UCCJEA Jurisdiction  
J.A.P.

If a custody order exists in another state and a parent remains in that state:  
N.C. court must have an order from the other state finding that either

1. the other state no long has exclusive continuing jurisdiction, or
2. N.C. is a more convenient forum.



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**Child's Guardian ad Litem**  
*J.L.H.*

**A Child's Advocate  
In Court**



Guardian ad Litem

- Private TPR
- Attorney Advocate, without GAL, is not sufficient

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**TPR: Neglect Ground**  
*C.G.R.*

1. current neglect, or
2. prior neglect + likely repetition if child returned to parent



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**Dismissal of TPR Petition**  
*J.K.C.*

1. No ground proved by clear and convincing evidence
2. Putative father's name on birth certificate creates presumption of paternity

[Misstates dependency ground]



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Private TPRs

*D.T.L.; J.S.L.*

1. Nonsupport: required court order or agreement
2. Abandonment = no parent-like conduct during 6-month period

- Paternity: If paternity is "in issue," the court must order paternity testing

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Amendment to Conform to Evidence

*G.B.R.*

1. Allowing amendment was not prejudicial
2. Insufficient evidence to support neglect ground

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TPR: Order after Remand

*A.R.P.*

1. Must be complete order
2. May not just supplement order that was reversed



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**Delinquency**



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**Intake Procedures**  
*T.H.*

- When are interviews described in statute required "if practicable"?

**interview**



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**Timely Disclosure of Witnesses**  
*A.M.*

Prejudicial Error:  
When a different result would have been reasonably possible



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*Alford admission*  
C.L.

Accepting *Alford* admission by juvenile was not error.



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Second Degree Sex Offense  
T.W.

- Actual or threatened physical harm required
- Threat to disclose secrets was not sufficient for constructive force
- Different rule if offender is child's parent



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Adjudication if Felony Case is not Transferred  
J.J.

- Adjudication and disposition were announced after transfer hearing
- Must have findings:
  1. at adjudication – “beyond a reasonable doubt”
  2. to support disposition
  3. to support denial of release pending appeal



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Appeal by State  
*P.K.M.*

- State can appeal order granting motion to suppress only if the order terminates prosecution of the case.
- Appeal provision in G.S. Ch. 15A did not apply.



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