

Cross-over or Dual Jurisdiction Cases in Juvenile Court

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June 23, 2010

How Cases Arise

1. Child in DSS custody alleged to be delinquent
2. Delinquent child alleged to be neglected/abused/dependent
3. In delinquency case, court
 - a. places child in nonsecure custody with DSS
 - b. appoints DSS as juvenile's guardian
 - c. after adjudication, places juvenile in DSS custody

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Relevant Statutes

- Duty to report – G.S. 7B-301 and -1700.1
- Definitions: neglected and abused juvenile – G.S. 7B-101
- Nonsecure custody in delinquency case –
 - criteria – G.S. 7B-1903
 - order – G.S. 7B-1904
 - place – G.S. 7B-1905
 - hearings – G.S. 7B-1906
- Guardian – G.S. 7B-2001
- Disposition – G.S. 7B-2506

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Funding Issues

Title IV-E foster care funds can be available for delinquent or undisciplined juveniles:

1. Best interests findings must be in first court order authorizing child's removal.
2. Reasonable efforts findings must be made within 60 days after removal.
3. A case plan must be prepared within 60 days of the time juvenile enters foster care.

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Review Hearing Requirements

Same as abuse, neglect, dependency cases:

- review hearings
- permanency planning hearings
- TPR petition unless exception applies

Foster parents, among others, must have notice of hearings and opportunity to be heard.

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ASFA Funding Requirement

Court must make *detailed, case specific findings*

- that removal is in child's best interests
- concerning reasonable efforts to prevent placement
- concerning reasonable efforts to achieve permanency

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Permanent Plans

If juvenile cannot safely return home:

- custody to a relative?
- legal guardianship?
- adoption?
- another planned permanent living arrangement?
 - stable and close ties to adult fulfilling parental or quasi parental role
 - stable and safe place to live

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Other Issues

- 1) Role of juvenile's attorney vs. GAL
- 2) Parent's right to counsel
- 3) Focus of court's attention ("message")
- 4) Court management issues:
 calendar, consolidation, participants
- 5) Shared responsibility
- 6) Resource identification and access

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