

Disposition in Abuse, Neglect, and Dependency Cases

A. Purposes (G.S. 7B-100 and 7B-900)

1. Develop a disposition that reflects the facts, the needs and limitations of the child, and the strengths and weaknesses of the family.
2. Provide for services for the protection of juveniles, while respecting both the right to family autonomy and juveniles' needs for safety, continuity, and permanence.
3. Prevent the unnecessary or inappropriate separation of juveniles from their parents.
4. Design an appropriate plan to meet the juvenile's needs and achieve the state's objectives in exercising jurisdiction.
5. If possible, work with the juvenile and family in their own home.
6. Involve appropriate community resources in the care, supervision, and treatment, according to the juvenile's needs.
7. Arrange for appropriate community-level services to be provided to the juvenile and family, to strengthen the home situation.

B. Dispositional Hearing (G.S. 7B-901)

1. The hearing may be held immediately after adjudication or scheduled for a later date.
2. The court may exclude the public from the hearing unless the juvenile moves that it be open. (*See* G.S. 7B-801 for factors court must consider before closing a hearing.)
3. The hearing may be informal.
4. The court may consider written reports or other evidence concerning the juvenile's needs.
5. The juvenile and the juvenile's parent, guardian, or custodian may present evidence and may advise the court as to the disposition they believe to be in the juvenile's best interest.

C. Dispositional Alternatives (G.S. 7B-903; 7B-600; 7B-911)

1. The court may order the following, as the court finds to be in the child's best interest:
 - a. Dismiss the case.
 - b. Continue the case, to allow the juvenile, parent, or others to take appropriate action.
 - c. If the juvenile needs more adequate care or supervision or needs placement:
 - (1) Require that the juvenile be supervised in his/her own home by DSS or other personnel available to the court, subject to conditions the court specifies applicable to the parent or the juvenile.
 - (2) Place the juvenile in the custody of a parent, a relative, a private agency offering placement services, or some other suitable person.
 - (3) Place the juvenile in the custody of DSS in the county of the juvenile's residence.
 - (4) If the juvenile has residence outside the state, place the juvenile in the physical custody of DSS in the county where the juvenile is found so the agency may return the juvenile to authorities in the juvenile's home state.
 - d. Order that the juvenile be examined by a physician, psychiatrist, psychologist, or other qualified expert to determine the juvenile's needs.

- e. If the court finds that the juvenile needs medical, surgical, psychiatric, psychological, or other treatment:
 - (1) Allow the parent or other responsible persons to arrange for treatment.
 - (2) If the parent declines or is unable to make necessary arrangements, order the needed treatment, surgery or care, and order the parent to pay the cost or, if the parent is unable to pay the cost, charge the cost to the county. (NOTE: The county manager or other county official must be given notice of and an opportunity to be heard at the hearing.)
 - f. If the court believes or evidence is presented that the juvenile is mentally ill or mentally retarded, refer the juvenile to the area mental health, developmental disabilities, and substance abuse services director. (The juvenile may not be committed directly to a state hospital or mental retardation center.) The area director is responsible for arranging an interdisciplinary evaluation of the juvenile and “mobilizing resources” to meet the juvenile’s needs. If institutionalization is determined to be needed:
 - (1) admission shall be with the consent of the parent or guardian,
 - (2) if the parent, guardian, or custodian refuses to consent after the area director recommends institutionalization, the signature and consent of the judge may substitute for that of the parents.
 - g. Appoint a guardian of the person for the juvenile, to have care, custody, and control of the juvenile or to arrange a suitable placement for the juvenile.
 - h. In some circumstances, enter a custody order under G.S. Chapter 50 and terminate jurisdiction in the juvenile case.
2. Out-of-Home Placement
- a. Before ordering out-of-home placement, the court must consider whether a relative is willing and able to provide proper care and supervision of the juvenile in a safe home.
 - b. If the court finds that such a relative is available, the court must order placement with the relative unless the court finds that is contrary to the child’s best interests.
 - c. Placement of a juvenile outside of the state must comply with the Interstate Compact on the Placement of Children.
3. Authority Over Parents and Others (G.S. 7B-904)
- a. The court may order the parent or other responsible parties to pay for treatment ordered under G.S. 7B-903.
 - b. If the court determines that it is in the juvenile’s best interest for the parent to be involved directly in the juvenile’s treatment, the court may order the parent to participate in the juvenile’s treatment and pay the costs of the treatment.
 - c. If the court determines that the juvenile’s best interest requires that the parent undergo treatment, the court may enter an order
 - (1) conditioning legal custody or physical placement of the juvenile with the parent on the parent’s compliance with a plan of treatment approved by the court and may order the parent to pay the cost of the treatment (If the court finds that the parent is unable to pay the cost, the court may charge the cost to the county, but the county manager or other county official must be given notice of and an opportunity to be heard at the hearing), or

(2) ordering the parent to undergo treatment. (If the parent cannot pay for the treatment that is ordered, the court may order only that the parent receive treatment that is available through the local mental health agency.)

In either (1) or (2), the treatment should be directed toward remedying the behaviors or conditions that led or contributed to the child's adjudication or to the removal of the child from the home.

- d. When legal custody of the juvenile is placed with someone other than the parent, the court may order the parent to pay a reasonable amount for support of the juvenile.
- e. A parent's failure to participate in or comply with the preceding provisions may result in a proceeding for contempt.
- f. At disposition, or a subsequent hearing, the court may
 - (1) order the parent to pay a reasonable sum for support of the child, if the court finds the parent is able to do so.
 - (2) order the parent, guardian, custodian or caretaker served under G.S. 7B-407 to
 - (a) participate in parental responsibility classes that are available.
 - (b) provide transportation, to the extent able, for the juvenile to keep medical or other appointments if the juvenile remains in or is returned to the home.
 - (c) take appropriate steps to remedy conditions in the home that led or contributed to the juvenile's adjudication or to the decision to remove custody from the parent, guardian, custodian, or caretaker.

D. Dispositional Order (G.S. 7B-905 and -507)

1. All dispositional orders must:
 - a. be in writing.
 - b. contain findings of fact and conclusions of law.
 - c. state the precise terms of the disposition, including who is responsible for carrying it out and the person or agency in which custody of the juvenile is vested.
2. All orders removing custody from a parent, guardian, custodian, or caretaker:
 - a. must direct that a review hearing be held within 90 days from the date of the dispositional hearing.
 - b. must, if practicable, set the date and time for the review hearing.
 - c. must provide for appropriate visitation in the juvenile's best interests.
 - d. should include any specific authorization needed for someone other than the parent to give consent for medical care or other matters involving the child. (*See* G.S. 7B-903(2)c, for scope of DSS's authority in this regard if custody is awarded to DSS and no other provision is made in the order.)
3. All orders placing a juvenile in the custody of a county DSS:
 - a. must include reasonable efforts findings and other required finding.
 - b. may require the DSS director to arrange, facilitate, and supervise a visitation plan expressly approved by the court.
4. The order must be entered (signed and filed with clerk) within 30 days after completion of the dispositional hearing.