

Dispositional Advocacy in Abuse, Neglect, and Dependency Cases

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“Know when to hold ‘em . . .”



Purpose of Disposition

1. Design a **plan** to meet child’s needs and achieve State’s objectives in exercising jurisdiction.
2. If possible, initial approach should involve working with the child and family in their own home so appropriate community resources may be involved according to the child’s needs.
3. Court should arrange for appropriate community-level services to be provided to child and family, to strengthen home situation.

After an adjudication of abuse, neglect or dependency, questions for the court are:

1. What are this child's needs?
2. Which of these needs can the parent meet?
3. If the parent needs assistance in meeting the child's needs,
 - What kind of assistance?
 - Who can provide it? How can it be obtained?
4. Is it necessary for the court to remain involved?
5. If yes, what is the appropriate plan?

What are the options at each stage?

At disposition or any review, court may:

- Dismiss or continue the case
- Leave child in custody of parent(s)
- Place child in DSS custody
- Place child in custody of someone else
- Appoint a guardian for the child
- Approve or change a permanent plan or concurrent plans



At disposition or any review, the court may:

- Order parents to
 - receive treatment
 - attend parenting classes
 - take specific steps to remedy conditions that led or contributed to the adjudication or the court's decision to remove custody from parent.
 - pay child support
- Retain or terminate jurisdiction (*including converting to civil custody action if criteria met*)



At disposition or any review:

If the child is placed in custody of someone other than the parent, the court must:

- Specify or approve a visitation plan
- Make findings about reasonable efforts
- Continue or cease reasonable efforts to reunify
- Schedule or require a subsequent hearing unless reviews have been properly waived



Within the range of statutory dispositional options:

- Be sure the right questions are being asked.
- Help the court and parties broaden their horizons about possible answers and plans.
- Come with affirmative suggestions.
- Advocate for realistic dispositions that give parents early opportunity to demonstrate progress.



What can be complicating factors?

- Poverty
- Transportation
- Substance abuse and mental health services
- Pending or potential criminal proceedings
- Language and cultural differences
- Domestic violence
- Interstate issues
- Calendaring and court time
- Other resources


