

ADJUDICATION CHECKLIST

Prior to Any Hearing Being Held:

1. Petition verified? [7B-403(a)]
2. Verification by proper authority (check box)? [7B-403(a)]
3. Summons issued? [7B-406]
4. Summons served? [7B-407; G.S. 1A-1, Rule 4(j) or 4(j1)]
5. Affidavit of Status of the Child attached? [7B-402(b), note that information can also be in petition]
6. Petition requests relief? [G.S. 1A-1, Rule 7(b)(1)]
7. Allegations rise to need for State intervention? [7B-402(a)]
8. Child in NC? If not, file Rule 12(b) motion.
9. Parents in NC? If not, file Rule 12(b) motion.
10. Other court/jurisdiction already involved? [7B-200(c)/ 50A-13.5(f)/50A-201 et seq.]

Non-Secure Custody:

1. Non-Secure custody order issued and served? [7B-504]
2. Non-Secure custody order issued by authorized person (judge)? [7B-502]
3. Criteria for non-secure custody alleged? [7B-503]
4. Non-Secure custody hearing held within 7 days? [7B-506]
5. Non-Secure custody hearings held while service pending? [7B-506(h)]
6. Non-Secure custody hearings reflect search for relatives? [7B-506(h)]

Pre-Adjudication:

1. Correct check box on petition to coincide with allegations?
2. Do allegations meet definition of A/N/D? If not, file 12(b) Motion to Dismiss. [7B-101(1), (9), (15)]
3. Do allegations result from actions of “parent, guardian, custodian or caretaker?” [7B-101(3), (8)]
4. Continuances exceed 60 days from filing of petition? [7B-801(c), 7B-803] If yes, may need to seek assistance with filing a Writ of Mandamus (contact Annick Lenoir-Peek at Annick.Lenoir-Peek@nccourts.org).
5. Was petition amended changing the nature of the conditions? [7B-800]
6. Is petition too generic? (Allegations don’t seem to indicate which child A/N/D or why the others are in harms’ way) If yes, file 12(b) Motion to Dismiss for Failure to State A Claim.
7. Was petition amended appropriately? [7B-800]

Adjudication:

1. Hearing held? (Must be some testimony by DSS.) [7B-801]
2. No summary judgment allowed.
3. Rules of Evidence followed? [7B-804]
4. Objections to inadmissible testimony made?
5. Burden kept to DSS to prove A/N/D? [7B-805]
6. Offers of proof made if judge denies witness testimony?
7. Order reviewed for accuracy? [7B-807(b)]
8. Correct standard of proof followed? [7B-805]
9. No commingling of disposition evidence? [7B-808]
10. Was petition amended at hearing? [7B-800]
11. Was order timely filed within 30 days? [7B-807(b)] If not, may need to seek assistance with filing a Writ of Mandamus (contact Annick Lenoir-Peek at Annick.Lenoir-Peek@nccourts.org).

Disposition:

1. Court reports passed out in advance as required by local rules? [7B-808]
2. Hearing concluded within 30 days of conclusion of adjudication? [7B-901] If not, may need to seek assistance with filing a Writ of Mandamus (contact Annick Lenoir-Peek at Annick.Lenoir-Peek@nccourts.org).
3. Did DSS make reasonable efforts? (Services to kids alone is NOT reasonable efforts.) [7B-905, 7B-507]
4. Parent requirements tailored to removal causes? [7B-904]
5. Relatives explored? [7B-507, 7B-100]
6. Visitation increased or provisions for quick increases?
7. Dispositional alternative authorized by law? [7B-903]
8. Was order timely filed within 30 days? [7B-905] If not, may need to seek assistance with filing a Writ of Mandamus (contact Annick Lenoir-Peek at Annick.Lenoir-Peek@nccourts.org).
9. Review scheduled within 90 days? [7B-905(b)]