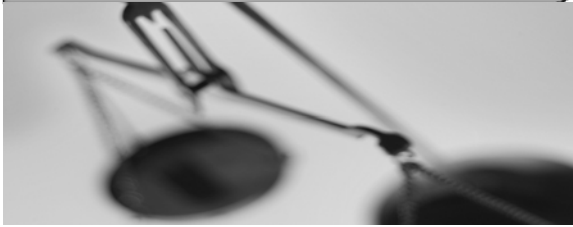


## Motions in Juvenile Cases



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## N.C. Gen. Stat. § 7B-700

- ◉ Request materials from the county
- ◉ Consult local rules
- ◉ Make motion for additional discovery

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## When to Make a Motion

- ◉ Pre-Adjudication
- ◉ Adjudication
- ◉ Disposition
- ◉ Post-Disposition

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## Types of Motions

### ◉ Discovery motions

- (Motions for Production,
- Interrogatories,
- Requests for Entry onto Land, Requests for Admissions,
- Motion to examine DSS records,
- Motions for funds for experts,
- Motions for depositions,
- Motions for transcripts

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## Other Motions

- ◉ Motion to Intervene
- ◉ Motion to Continue
- ◉ Motion to Bifurcate Hearing
- ◉ Motion to Dismiss
- ◉ Motion to Set Aside Judgment
- ◉ Motion for New Trial

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## Scope of Motions

- ◉ Motions Are Limited In Scope Only By The Discovery Statute and;
- ◉ Your Imagination!

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## Benefits Of Motions Practice

- ◉ Gives You An Opportunity To Learn More About The Case
- ◉ Helps You Keep DSS In Check
- ◉ Gives You An Opportunity, In Some Cases, To Tell Your Client's Story In A Sympathetic Way
- ◉ Allows You To Seize The Initiative And Go On Offense (Read Sun Tzu's The Art of War For More On That)

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## But Beware. . .

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## N.C. Gen. Stat. § 1A-1, Rule 11

- ◉ "The signature of an attorney or party constitutes a certificate by him that he has read the pleading, motion, or other paper; that to the best of his knowledge, information, and belief formed after reasonable inquiry it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, and *that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.*

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## Pre-Adjudication

### • Motions for Discovery

- Motions for Production,
- Interrogatories,
- Requests for Entry onto Land, Requests for Admissions,
- Motion to examine DSS records,
- Motions for funds for experts,
- Motions for depositions,
- Motions for transcripts

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## Other Pre-Adjudication Motions

- Motion to Continue
- Motion to Dismiss
  - For failure to prosecute; or
  - For a pleading defect
- Motion to Approve Visitation Supervisor
- Motion for Home Study
- Motion for Visitation
- Motion for Transcript
- Motion to Suppress/Exclude

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## Adjudication

- Motion to Change Venue
- Motion to Continue
- Motion to Dismiss
  - Close of County's Evidence; and
  - Close of All Evidence
- Motion to Sequester

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## Disposition/Review

- ◉ Motion to Intervene
- ◉ Motion to Continue
- ◉ Motion to Dismiss
- ◉ Motion to Move Child
- ◉ Request for Services

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## When to Think About Motions

- ◉ Interviewing Clients
- ◉ Interviewing Family Members
- ◉ Gathering Record; Discovery
- ◉ Nonsecure Custody Hearings

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## Demonstration Problem

- ◉ What Motions Would You File in Christi's Case?
- ◉ When Would You File Them?

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