

June 2000

**ASFA-RELATED PROVISIONS in the  
NORTH CAROLINA JUVENILE CODE**

- I. Definition of "**Reasonable Efforts**" [G. S. 7B- 101 (18)]
  - A. DSS's diligent use of preventive or reunification services when the juvenile's remaining at home or returning home is consistent with achieving a safe, permanent home for the juvenile within a reasonable period of time; or
  - B. if a court has determined that the juvenile is not to be returned home, DSS's diligent and timely use of permanency planning services to develop and implement a permanent plan.
  
- II. **Required Findings** [G.S. 7B-507]
  - A. The required findings must appear in every order that places (or continues the placement of) a juvenile in the Custody or placement responsibility of a county DSS, whether
    1. an order for continues nonsecure custody,
    2. a dispositional order, or
    3. a review order.
  - B. Every such order must:
    1. include a finding that the **juvenile's continuation in or return to the juvenile's home would be contrary to the juvenile's best interest.**
    2. include findings as to **whether DSS has made reasonable efforts** to prevent or eliminate the need for placement (unless the court previously has determined that such efforts are not required or shall cease).
    3. include findings as to **whether DSS should continue to make reasonable efforts** to prevent or eliminate the need for placement (unless the court previously has determined that such efforts are not required or shall cease).
    4. specify that the **juvenile's placement and care are the responsibility of the county DSS** and that the agency is to provide or arrange for the foster care or other placement of the juvenile.
  - C. Any such order may provide for services or other efforts aimed at returning the juvenile to a safe home or at achieving another permanent plan.

**III. Cessation of Reasonable Efforts to Reunify [G.S. 7B-507 (c)]**

A. Any order described in II.A., above, may direct that reasonable efforts to eliminate the need for placement shall not be required or shall cease, but only if the order contains written findings of fact that:

1. such efforts clearly would be futile or would be contrary to the juvenile's health, safety, and need for a safe, permanent home within a reasonable time;
2. a court has determined that the parent has subjected the juvenile to "aggravated circumstances" as defined in GS. 7B-101;
3. a court has terminated involuntarily the parent's rights to another child; or
4. a court has determined that the parent has committed one of the criminal acts specified in G.S. 7B-507(b)(4).

B. At any hearing at which the court finds that reasonable efforts to eliminate the need for placement are not required or shall cease, the court must direct that a permanency planning hearing be held within 30 calendar days and, if practicable, set the date for that hearing.

**IV. Application of Requirements [G.S. 7B-508(d)]**

A. In making determinations about reasonable efforts, the juvenile's health and safety must be the paramount concern.

B. Reasonable efforts to preserve or reunify families maybe made concurrently with efforts to plan for the juvenile's adoption, placement with a legal guardian, or placement in another permanent arrangement.

**IV. Time requirements**

**A. The initial hearing on the need for continued nonsecure custody must be held:**

1. If the nonsecure custody order was entered by a judge, within 7 calendar days after juvenile was taken into nonsecure custody, but the hearing may be continued for up to 10 business days with the parties' consent.
2. If the nonsecure custody order was entered by someone other than a judge (by authority delegated under G.S. 7B-502), the day of the next regularly Scheduled session of district court in the city or county where the order was entered if that falls within the time set in 1, above. If it doesn't fall within that time, the hearing may be held at another regularly scheduled session of district court in the district.[G.S. 7B506(a)]

- B. If the juvenile remains in nonsecure custody** alter the initial hearing,
1. a second hearing must be held within 7 business days of the first hearing, and
  2. subsequent hearings must be held at intervals of no more than 30 calendar days. [G.S. 7B-506(e)]
- B. The adjudicatory hearing** must be held no later than 60 days from the filing of the petition (unless the judge orders pursuant to G.S. 7B-803 that it be held at a later time).[G.S. 7B-801(c)]
- D. When a disposition removes custody from a parent, guardian, custodian, or caretaker,**
1. a **review hearing** must be held within 90 days from the disposition hearing;
  2. a **second review hearing** must be held within 6 months after the first review;
  3. a review hearing designated as a **permanency planning hearing** must be held within 12 months after the date of the initial order removing custody (this hearing may be combined with the second review hearing); and
  4. **subsequent permanency planning hearings** must be held at least every 6 months. [G.S. 7B-906(a) and 7B-907(a)]
- C. Post-termination of parental rights hearings**, when the juvenile is in the custody of DSS or a licensed child-placing agency, must be held
1. not later than 6 months from the date of the termination hearing, and
  2. every six months thereafter until the child is placed for adoption and an adoption petition has been filed. [G.S. 7B-908(.5)]
- F. Other review hearings** are governed by G.S. 7B-909 (review following parent's or parents' relinquishment for adoption or the dismissal or withdrawal of an adoption petition) and G.S. 7B-910 (review of voluntary foster care placements).
- G. If the juvenile has been in placement outside the home for 15 of the last 22 months**, the court must order DSS to initiate a termination of parental rights proceeding unless the court finds one of the exceptions listed in G.S. 7B-907(d).

**H. If termination of parental rights is necessary to perfect the permanent plan,** DSS must file a termination petition within 60 calendar days from the permanency planning hearing, unless the court makes written findings about why that cannot be done and specifies a different time frame. [G.S. 7B-907(e)]