

## TUESDAY'S TIP #16 – CONTINUED NON-SECURE CUSTODY HEARINGS

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**Situation:** The CNSC hearing results in a fill-in-the-blank order ([AOC-J-151](#)), often providing little contact for the parent or consideration of the individual needs of the family.

**The Problem:** The hearing is short and it's easy to ignore what is in the best interests of the family during this time period, including giving the parent and child frequent and meaningful contact, as everyone is assuming the adjudication hearing will occur within 60 days. With our backed-up calendars, not all counties are seeing adjudications within 60 days and every delay causes real harm to the parent-child relationship.

**Law:** The judge has the authority to determine ([NCGS 7B-506\(g1\)](#)) the specific placement of a child based upon the child's best interest ([NCGS 7B-507\(a\)\(4\)](#)). Rylan's law does not apply until after disposition nor to the non-removal parent. ([NCGS 7B-903.1\(c\)](#))

### Action Steps:

1. Nail down what is the safety concern. What is it that would have made the difference so that DSS would not have asked for NSC and would have filed a regular petition instead?
2. Have a list of potential placement providers ready to go. Talk to them in advance if you can. Collect names, addresses, phone numbers, and emails. Confirm that they're willing to be a placement provider and that they understand that DSS will be coming to see their home, etc. Do the same for visitation supervisors.
3. Ask the court to set **deadlines** for in-county and in-state home studies to be completed.
4. Ask the court to set a **deadline** for the submittal of any ICPC packet.
5. Ask the court to order that the parent be notified of every medical or dental appointment for the child as soon as the appointment is scheduled. Ask that the parent's work and case plan schedule be taken into consideration when scheduling appointments. Ask the court to order DSS to provide transportation (if needed) to each appointment. If the parent is unable to attend the appointment, they should be included virtually or by phone if possible. See p. 84, [DHHS Manual](#).
6. Ask the court to order that the parent be included in school events, including programs and parent-teacher conferences (with transportation provided). See [DHHS Manual](#), p. 84
7. Ask the court to allow the parent to attend their child's activities:
  - a. Practices
  - b. Games
  - c. Special programs
8. Suggest that a joint calendar be created to share all the appointments and activities (Google makes it easy to set one up). It could include the foster parent or TSP, parents, and SW.
9. Address any special concerns or requests by your client (including supervisors for visits, birthdays, holidays, etc.).
10. Print and bring with you the [DHHS Manual!](#) (p. 80-85!) It discusses the importance of family time.

**Conclusion:** Advocate for your client's rights early on in the case. If the children remain out of the home, make sure that your client has as much opportunity to participate in their children's life as possible. Use these tips in conjunction with those set out in [The First Seven Days](#).