

TUESDAY'S TIP #18 – ADDRESSING PRIOR CASE PLANS

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Situation: Your client signed a variety of documents with DSS prior to your appointment, and you have no idea what they entail.

The Problem: Your client agreed to a case plan of some kind without your input that may include unnecessary provisions or requirements, in addition to a variety of other documents. Generally, these are completed prior to the petition being filed and prior to your appointment.

Law: Parents have a general “right” to notice, participation, and input in DSS meetings about their children. See DSS Manual [here](#) (p. 118-23) and [here](#) (p. 242-45). In some counties, the parent’s attorneys can attend as well.

The resulting documents from such meetings may take a variety of forms including Voluntary Placement Agreements (DSS-1789), Child Welfare Services Corrective Action Plan (DSS-5002), Continuing Need and Safety Requirements (DSS-5010a), Initial Provider Assessment (DSS-5203), Comprehensive Provider Assessment (DSS-5204), Safety Assessment including a Temporary Parental Safety Agreement (DSS-5231), In-home Family Services Agreement (DSS-5239), Permanency Planning Family Services Agreement (DSS-5240), Family Time and Contact Plan (DSS-5242), or others. Click here for all the [forms](#).

The Juvenile Code has a general statute that promotes information sharing between the parties and other statutes that govern discovery and protective orders. [N.C.G.S. § 7B-700\(a\), \(c\), \(d\)](#).

Generally, the agreements should have a nexus (e.g., relevant and reasonably related) to the child’s removal conditions. See [In re B.O.A.](#), 372 N.C. 372, 385 (2019); [In re S.G.](#), 268 N.C. App. 360, 372 (2019); N.C.G.S. [§ 7B-507\(a\)\(5\)](#); [7B-904\(d1\)\(3\)](#).

Action Steps:

1. Obtain copies of all documents signed by your client and DSS from your client or through voluntary or involuntary discovery. Schedule an appointment with your client to discuss what changes need to be made.
2. Schedule a meeting or attend meetings with DSS to advocate updating the agreements to strike unnecessary provisions or adding necessary provisions.
3. If the parent is unable to produce copies of the agreements, or DSS will not respond to voluntary discovery requests, or you are not allowed to attend the meetings, or DSS is otherwise unresponsive, consider filing a motion and requesting a hearing to determine the contents of the agreements and if they should be updated to strike/add elements.

Conclusion: Our clients are often put into difficult positions while they are unrepresented and can feel coerced into signing agreements presented by DSS. By the adjudication, the contents of the agreements are baked in and for better or worse, become the narrative of the case. In order to prevent DSS from setting and controlling the narrative of the case from the beginning, we have to get involved in updating any prior agreements to strike unnecessary provisions and instead to reflect the client’s actual situation, needs, and desires.