

**Juvenile Case Decided by the
North Carolina Court of Appeals**

July 17, 2012

Neglect -- Interstate Compact on the Placement of Children; waiver of review hearings

Neglect: Disposition and review; out-of-state placement; waiver of review hearings

- The ICPC applied to a disposition order placing a child with an out-of-state relative.
- Placement with a relative was for “foster care” as the ICPC defines that term.
- The court cannot waive review hearings without making all of the findings required by G.S. 7B-906(b).

In re V.A., ___N.C. App. __, __ S.E.2d __ (July 17, 2012).

<http://appellate.nccourts.org/opinions/?c=2&pdf=MjAxMi8xMi0xNzAtMS5wZGY>

Facts: DSS appealed from the adjudication/disposition order and a later review/permanency planning order. After a voluntary placement with the child’s grandmother, the child’s mother expressed a preference for placement with the child’s great-grandmother in South Carolina. After adjudication, at disposition DSS informed the court that S.C. had not approved the placement and that placing the child there would violate the Interstate Compact on the Placement of Children (ICPC). The court left legal custody with DSS, ordered placement with the great-grandmother in S.C., and ordered DSS to obtain the ICPC paperwork or to conduct its own home study and to place the child with the great-grandmother in S.C. within 14 days if appropriate. The court ordered a concurrent plan of reunification and adoption. DSS appealed and the order was stayed.

At a review hearing the court questioned the great-grandmother directly, placed the child in her legal custody, changed the permanent plan to custody with a relative, suspended review hearings, and relieved counsel, DSS, and the child’s GAL of responsibility. DSS appealed.

Held: Reversed and remanded.

1. The dispositional order violated the ICPC, which clearly applies at disposition pursuant to G.S. 7B-903(a)(2)c.
2. For purposes of the ICPC, placement with the great-grandmother was “preliminary to a possible adoption or foster care.” The court cited to ICPC Regulation 3, as amended effective May 1, 2011, and its definition of “foster care.”
3. The trial court erred in waiving review hearings without making findings required by G.S. 7B-906(b), and given the facts in the case, the court could not have made all of the required findings.

Appellate court opinions can be found at <http://www.aoc.state.nc.us/www/public/html/opinions.htm>.

Earlier case summaries can be found at <http://www.sog.unc.edu/node/513>.



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