

STATE OF NORTH CAROLINA

File No.

20-JA-90

MOORE County

In The General Court Of Justice
District Court Division

IN THE MATTER OF

Name Of Juvenile
ELIJAH VICK

ORDER ON NEED FOR
CONTINUED NONSECURE CUSTODY
(ABUSE/NEGLECT/DEPENDENCY)

G.S. 7B-506

This matter is properly before the Court for a hearing, under G.S. 7B-506; to determine the need for the continued nonsecure custody of the juvenile named above. This Court has jurisdiction over the subject matter of this proceeding and of the person of the juvenile. A Petition was filed and an Order For Nonsecure Custody was entered, as the record shows. Present were:

Table with 4 columns: Name, Relationship/Title, Name, Relationship/Title. Rows include ALICIA VICK (MOTHER) and ELIJAH VICK (FATHER).

FINDINGS

The Court makes the following findings of fact based on clear and convincing evidence: (attach additional page(s) if necessary)

- 1. One or both of the juvenile's parents are absent and have not been served. Related facts, including efforts undertaken to identify and/or locate and serve the missing parent(s), include:
2. A relative of the juvenile, (name of relative), is willing and able to provide proper care and supervision in a safe home, and placement of the juvenile with this relative would/would not be in the juvenile's best interest for the following reasons:
3. The juvenile is/is not a member of a State-recognized tribe. Nonrelative kin of the juvenile (name of nonrelative kin), is willing and able to provide proper care and supervision in a safe home, and placement of the juvenile with nonrelative kin would/would not be in the juvenile's best interest for the following reasons:
4. A person with legal custody of a sibling of the juvenile, (name of person with legal custody), is willing and able to provide proper care and supervision in a safe home, and placement of the juvenile with this individual would/would not be in the juvenile's best interest for the following reasons:
5. There are other juvenile(s) remaining in the home: (give names and ages)

Specific findings of the DSS investigation regarding the child(ren) and actions taken or services provided for the child(ren)'s protection include:

- 6. a. Efforts by DSS to prevent or eliminate the need for the juvenile's placement include: Attempted to engage mother in a safe plan to address housing of juvenile.
b. Efforts to prevent the need for the juvenile's placement were precluded by an immediate threat of harm to the juvenile, and placement of the juvenile in the absence of such efforts was reasonable.

(Over)

7. There is is not a reasonable factual basis to believe that the matters alleged in the petition are true, and:
- a. the juvenile has been abandoned.
 - b. the juvenile has suffered physical injury, sexual abuse, or serious emotional damage as defined by G.S. 7B-101(1)e.
 - c. the juvenile is exposed to a substantial risk of physical injury or abuse because the parent, guardian, custodian, or caretaker has created conditions likely to cause injury or abuse or has failed to provide or is unable to provide adequate supervision or protection.
 - d. the juvenile is in need of medical treatment to cure, alleviate or prevent suffering or serious physical harm which may result in death, disfigurement or substantial impairment of bodily functions, and the juvenile's parent, guardian, custodian, or caretaker is unwilling or unable to provide or consent to the treatment.
 - e. the parent, guardian, custodian, or caretaker consents to a nonsecure custody order.
 - f. the juvenile is a runaway and consents to nonsecure custody.

8. There is is not a reasonable factual basis to believe that no reasonable means other than nonsecure custody are available to protect the juvenile.

8a. Based on an inquiry of each participant, the Court finds that the participants
 do not know know have reason to know that the juvenile is an Indian Child.
 (if applicable) The juvenile is an Indian Child and a member or eligible for membership in the _____ tribe.

(if applicable) Following the inquiry, the Court instructed each participant to notify the Court if he or she subsequently obtains information that provides reason to know that the juvenile is an Indian Child.

9. Efforts undertaken to establish paternity, if at issue in this case, include:

10. Other Findings: _____

CONCLUSIONS OF LAW

Based on the above findings of fact, the Court concludes as a matter of law that:

1. Grounds for continued nonsecure custody under G.S. 7B-503 and G.S. 7B-506 do do not exist.
2. The Department of Social Services:
 - a. has made reasonable efforts to prevent the need for the juvenile's placement.
 - b. has made reasonable efforts to eliminate the need for the juvenile's placement.
 - c. has not made reasonable efforts to prevent and/or eliminate the need for the juvenile's placement.
 - d. was precluded, by an immediate threat of harm to the juvenile, from making efforts to prevent and/or eliminate the need for the juvenile's placement.
3. The best interests of the juvenile would be served by continuing the juvenile in the custody of DSS pending a further hearing.
4. A Child Medical Evaluation is in the juvenile's best interest.
5. (if applicable) The juvenile is an Indian Child pursuant to 25 U.S.C. § 1903(4). Continued placement is necessary to prevent imminent physical damage or harm to the Indian Child.
6. The best interest of the juvenile:
 - a. would not be served by allowing visitation.
 - b. would be served by allowing appropriate visitation.
7. Other: _____

(Over)

ORDER

The Court orders that:

1. Pending further hearings, the juvenile:

a. shall remain or be placed in the nonsecure custody of:

the petitioner, Other (name person) _____
for the purposes stated herein, subject to the following conditions: _____

b. shall be returned to the custody of (name person) ALICIA VICK

2. Pending further hearings, the petitioner shall:

a. make the following efforts to identify and/or locate and serve the missing parent(s): _____

b. provide or arrange for the following services aimed at eliminating the need for the juvenile's placement or at facilitating the juvenile's placement with a relative: _____

c. notify the juvenile's State-recognized tribe of the need for nonsecure custody for the purpose of locating relatives or nonrelative kin for placement.

d. (if applicable) make diligent efforts to verify the juvenile's status as an Indian Child and notify the Cherokee and Blackfoot tribe and/or contact the Bureau of Indian Affairs.

e. arrange, facilitate, and supervise a visitation plan as follows: _____
(name of parent, guardian, or custodian) shall be permitted supervised unsupervised visitation with the juvenile according to the following schedule:
A minimum of _____ times per week, every two weeks, per month, for a minimum of _____ total hours for that time period.

3. a. With the consent of all parties, further hearings to determine the need for continued nonsecure custody pending the hearing on the petition are waived.

b. A further hearing to determine the need for continued nonsecure custody shall be held:

Date Of Hearing	Time Of Hearing	Place Of Hearing
	<input type="checkbox"/> AM <input type="checkbox"/> PM	

c. The adjudication hearing on the petition filed in this case shall be held:

Date Of Hearing	Time Of Hearing	Place Of Hearing
03/11/2021	9:30 <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM	9:30 Court Facilities Building, Carthage, NC

4. The department is authorized to arrange for, provide, or consent to routine medical and dental care or treatment including, but not limited to, treatment for common pediatric illnesses and injuries that require prompt intervention; emergency medical, surgical, psychiatric, psychological, or mental health care or treatment; and testing and evaluation in exigent circumstances unless pursuant to G.S. 7B-505.1(a), the court orders the following exceptions to the department's authorization:

(if blank, the department has no exceptions to the statutory authorization).

The department is authorized to consent to treatment the medical provider recommends in order to cure, alleviate, or prevent the juvenile from suffering physical harm, pursuant to 7.d set forth above as a ground for nonsecure custody.

The department is authorized to consent to a Child Medical Evaluation.

5. Other: _____

Date 12/31/2020	Name Of Judge (type or print) Tiffany Bartholomew	Signature Of Judge
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