

13.10 Dispositional Order

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A dispositional order must be in writing and must contain appropriate findings of fact and conclusions of law. G.S. 7B-2512(a). The findings must demonstrate that the court considered the factors under G.S. 7B-2501(c), discussed *supra* in “Dispositional guidelines” in § 13.5A, Conduct of the Hearing. *In re K.C.*, 226 N.C. App. 452, 462 (2013). If the court fails to make written findings on those factors, the dispositional order is subject to reversal. *In re V.M.*, 211 N.C. 389, 390–91 (2011).

At a minimum, the dispositional order must indicate that the court considered all of the factors in G.S. 7B-2501(c). Some cases indicate that the court must make findings on all of the factors and that reversal is required if the court makes findings on some but not all of the statutory factors. *See, e.g., In re K.C.*, 226 N.C. App. at 462–63. In *In re D.E.P.*, 796 S.E.2d 509 (2017), however, the Court of Appeals held that prior decisions did not impose such a requirement. Reviewing earlier decisions, the court asserted that it was not overruling decisions of other panels because there was “no support for a conclusion that in every case the ‘appropriate’ findings of fact must make reference to all of the factors listed in [G.S.] 7B-2501(c)” The court in *In re D.E.P.* concluded that a trial court’s findings of fact are sufficient if they demonstrate consideration of all of the statutory factors.

In unpublished opinions, the Court of Appeals has also held that a court may satisfy its fact-finding duty under G.S. 7B-2512 by incorporating reports and assessments into the dispositional order. *In re T.L.M.*, 787 S.E.2d 464 (2016) (unpublished); *In re D.O.B.*, 213 N.C. App. 422 (2011) (unpublished). Incorporation may not always be adequate, however. Cases have recognized that the trial court “should not broadly incorporate . . . written reports from outside sources as its findings of fact,” *In re J.S.*, 165 N.C. App. 509, 511 (2004), or use reports “as a substitute for its own independent review.” *In re M.R.D.C.*, 166 N.C. App. 693, 698 (2004). In *In re V.M.*, 211 N.C. App. 389, 392 (2011), the trial court checked boxes on the dispositional order stating that the juvenile was adjudicated for a violent or serious offense and that he had violated the terms of probation. The court also incorporated reports and assessments into the order. The Court of Appeals reversed the dispositional order because the order contained insufficient findings of fact.

The court must state with particularity, both orally and in the written order, the precise dispositional terms, including the kind and duration, as well as the person who is responsible for implementation of the disposition and the person or agency granted custody if there is an order changing custody. G.S. 7B-2512(a). In addition, the court must provide information about the possibility of expunction of juvenile records either orally or in writing. G.S. 7B-2512(b). For information on expunging juvenile court records, *see infra* Chapter 17, Expunction of Juvenile Records.