

## North Carolina Supreme Court to Review Juvenile Cases

August 26, 2011

*Termination of Parental Rights; Delinquency*

1. The North Carolina Supreme Court has granted petitions for certiorari or discretionary review in the following cases:

### Respondent's waiver of counsel in termination of parental rights action

**In re P.D.R., \_\_\_ N.C. App. \_\_\_ (decided by the Court of Appeals 6/6/11).**

<http://appellate.nccourts.org/opinions/?c=2&pdf=MjAxMS8xMC0xNTE5LTEucGRm>

The court of appeals reversed an order terminating respondent's rights because her waiver of the right to counsel was not sufficient. The court held that the standard and procedures for allowing a respondent parent to waive the right to counsel and proceed pro se in a termination of parental rights action are the same as those set out in G.S. 15A-1242 for criminal offenses.

### Filing termination of parental rights motion while appeal is pending

**M.I.W., \_\_\_ N.C. App. \_\_\_ (decided by the Court of Appeals 2/1/11) (unpublished).**

<http://appellate.nccourts.org/opinions/?c=2&pdf=MjAxMS8xMC0xMDU4LTEucGRm>

The court of appeals affirmed an order terminating respondent's rights. The court rejected respondent's argument that the trial court lacked subject matter jurisdiction in the termination action because the motion in the cause was filed while respondent's appeal of the disposition order in the underlying case was pending.

### Juvenile testifying in own delinquency case

**J.R.V., \_\_\_ N.C. App. \_\_\_ (decided by the Court of Appeals May 17, 2011).**

<http://appellate.nccourts.org/opinions/?c=2&pdf=MjAxMS8xMC0xMTE2LTEucGRm>

The court of appeals held that before a juvenile testifies in his or her own delinquency case, the trial court must inform the juvenile of the privilege against self-incrimination. Although that was not done in this case, the court found that the error was harmless and affirmed the adjudication.

2. The North Carolina Supreme Court has granted the State's motions for a stay and a writ of supersedeas in the following case:

### School-wide search

**T.A.S., \_\_\_ N.C. App. \_\_\_ (decided in the Court of Appeals July 19, 2011).**

<http://appellate.nccourts.org/opinions/?c=2&pdf=MjAxMS8xMC0yNzUtMS5wZGY=>

The court of appeals, with one judge dissenting, reversed the delinquency adjudication of a juvenile on whom drugs were found in the course of a school-wide search. The court held that requiring all female students to do a "bra-lift" as part of a school-wide search for drugs was constitutionally unreasonable where there was no individualized suspicion and no indication of imminent danger.

*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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