

Intervention

- *Adoption severs all parental rights of a biological parent such that the biological parent does not have a right to intervene in a juvenile proceeding for the adopted child or have standing to appeal an adjudication or disposition order for that child*
- *A party waives formal notice of a permanency planning hearing if she participates in a disposition hearing without objection that results in a permanency planning order*
- *Visitation plan in a court order must contain a minimum outline of time, place and conditions*

In Re T.H., ___ N.C. App. ___ (January 21, 2014)

<http://appellate.nccourts.org/opinions/?c=2&pdf=MjAxMy8xMy00MzMtMS5wZGY=>

Facts: This case involves six juveniles; four of whom had been adopted by their maternal grandmother in 2009 and two of whom were placed in the custody of their maternal grandmother. After their maternal grandmother was murdered, all six juveniles were adjudicated dependent in 2012, and DSS was granted legal custody and placement authority for all the juveniles. Respondent mother of the two juveniles who were not adopted filed a motion to intervene as of right as the children's sister (her mother had adopted her four biological children). Her motion was denied, and she appealed. Respondent mother also appealed the adjudication and disposition orders for all six juveniles.

Held: Affirmed in part, remanded in part, dismissed appeal in part

- An adoption divests the biological parent of all rights and relieves her of all legal duties and obligations regarding the child who is adopted. A biological parent whose children have been adopted has no right to intervene in a juvenile proceeding for the child.
- In a juvenile proceeding, permissive intervention allows the intervenor to provide full and accurate information regarding the child's welfare, but this purpose can be accomplished through the indirect participation of that individual as a witness or suggested relative placement rather than through intervenor status.**
- Standing to appeal a juvenile proceeding is limited to those parties listed at G.S. 7B-1001 and -1002, therefore, the biological mother of the adopted children who had her parental rights severed as a result of the adoption lacked standing to appeal orders entered in the proceedings for those children.
- The findings of fact and conclusions of law were supported by clear and convincing evidence that both required prongs of dependency were proved by dss.
- By participating without objection in a disposition hearing that addressed a permanent plan, any lack of formal notice for a permanency planning hearing was waived.
- The court made sufficient findings of fact to support its conclusions of law when determining a non-relative placement was in the best interests of the juvenile.
- The visitation plan must contain a minimum outline of time, place and conditions.

** Prior to S.L. 2013-129, G.S. Chapter 7B, Subchapter 1 (Abuse, Neglect and Dependency) only addressed intervention under the termination of parental rights statute, therefore, allowing the court to look to Rule 24 of the North Carolina Rules of Civil Procedure. As of October 1, 2013, G.S. 7B-401.1 limits who may intervene in a juvenile proceeding.