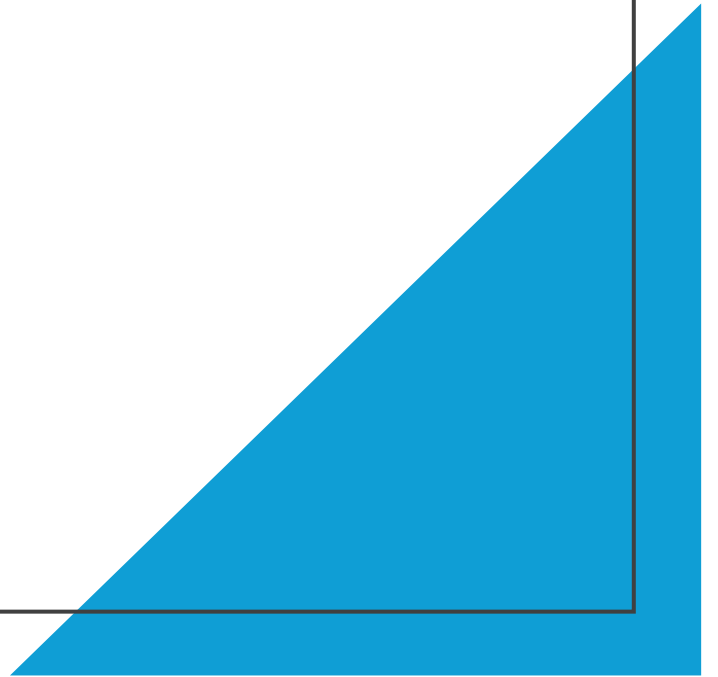


Commencing the TPR



TPRs in Practice

- Trauma-Informed Approaches
- Procedures Are Different
- Rights Are Constitutional and Statutory
- Specific Findings Are Required



How is an action commenced?

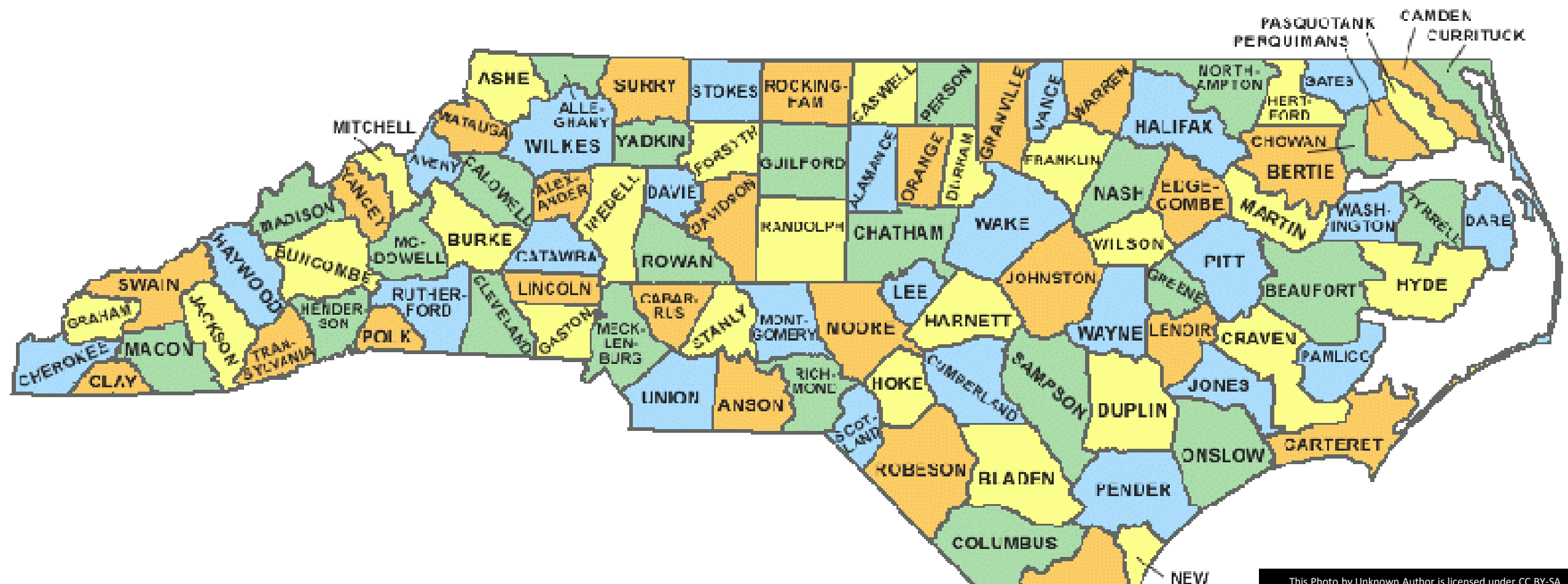
G.S. 7B-1104

Pleading



Who?

G.S. 7B-1103



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Where

G.S. 7B-1101



It's Complicated: Venue vs Jurisdiction in A/N/D and TPR Actions

This entry was contributed by Sara DePasquale on February 22, 2017 at 1:22 pm and is filed under Child Welfare Law.



Within North Carolina, the appropriate location of a district court where an abuse neglect or dependency (A/N/D) action is filed is a matter of venue. GS 7B-400. And the appropriate location of the district court where a termination of parental rights (TPR) action is filed is a matter of jurisdiction. GS 7B-1101. Why are they different? Because the statutes governing A/N/D and TPR proceedings have different requirements and impose different limitations on the parties and the court.

The General Assembly has the power to "fix and circumscribe the jurisdiction of the courts," which can require certain procedures. In re T.R.P., 360 N.C. 588, 590 (2006). A/N/D and TPR cases are statutory in nature and set forth specific requirements that must be followed. *Id.* In an A/N/D or TPR action, the first place to look is the Juvenile Code (GS Chapter 7B) because it establishes both the procedures and substantive law for these types of juvenile proceedings. See GS 7B-100; -1100.

Subject Matter Jurisdiction Is Not Venue and Vice Versa

These two legal concepts are not interchangeable. "Jurisdiction implies or imports the power of the court; venue the place of action." *Shaffer v. Bank*, 201 N.C. 415 (1931).



Single court not required

(In re S.W., 298 N.C. App. 39 (2025))



What's Required?

STATE OF NORTH CAROLINA

Court File No.

 County

In The General Court Of Justice
District Court Division

Name And Address Of Plaintiff

**AFFIDAVIT AS TO
STATUS OF MINOR CHILD**

VERSUS

G.S. 50A-209

Name And Address Of Defendant

Name Of Minor Child

Date Of Birth

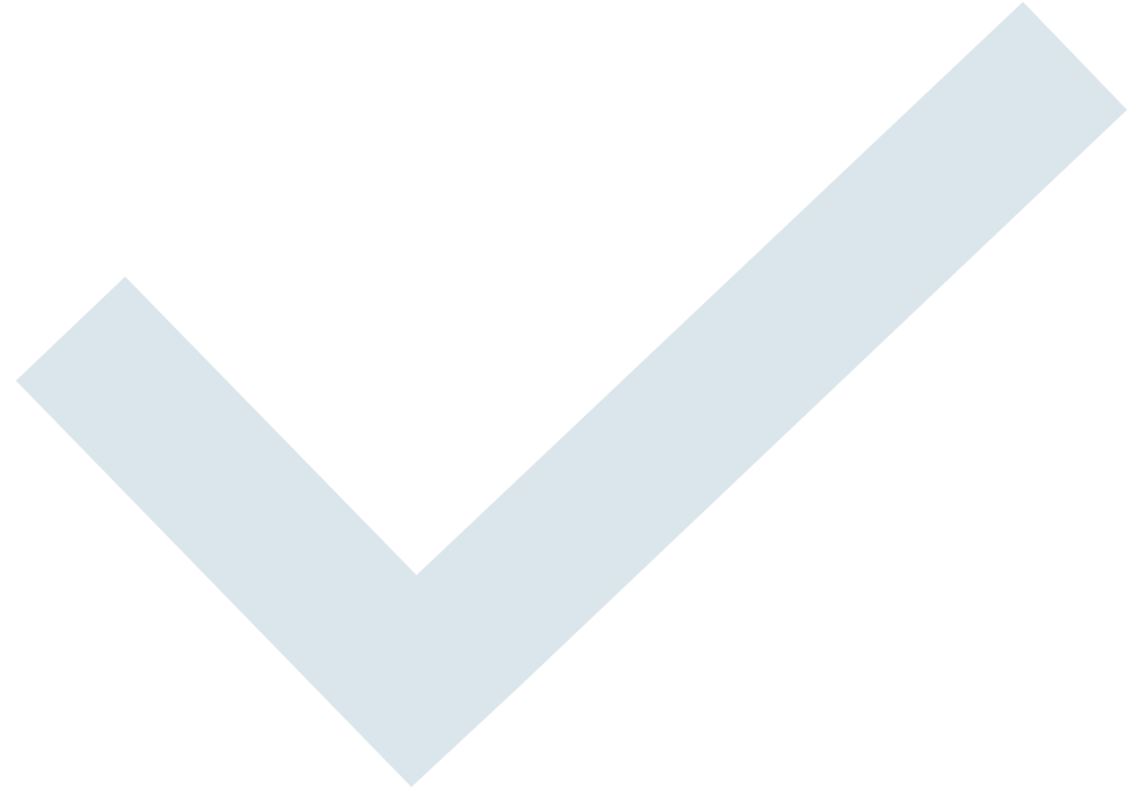
Birthplace

Minor Parent

- Subject matter jurisdiction to TPR



Sufficiency



Not Exhaustive

What acts, omissions, conditions are at issue

You are on Notice: Pleading Requirements, a Recent N.C. Supreme Court Opinion, and Parent Representation

This entry was contributed by Timothy Heinle on September 21, 2022 at 1:01 pm and is filed under Child Welfare Law.

Consider an attorney who is appointed to represent an indigent parent in a juvenile abuse, neglect, and dependency (A/N/D) proceeding. The attorney reviews the petition which was prepared using form [AOC-J-130](#). Perhaps only the box for neglect is marked but the written allegations mirror the statutory definition of abuse. Or perhaps no boxes are checked but the petition has a prior custody order attached to it. What grounds for adjudication are alleged here? Does it matter what boxes are checked or what portions of a petition are completed? Are magic words or statutory citations required? What if this was a termination of parental rights (TPR) petition where a statutory citation for an alleged ground was not included?

Read on to learn what constitutes sufficient notice in a juvenile pleading, including a review of the takeaways from a recent N.C. Supreme Court ruling addressing sufficiency of pleadings in a TPR proceeding.

Service

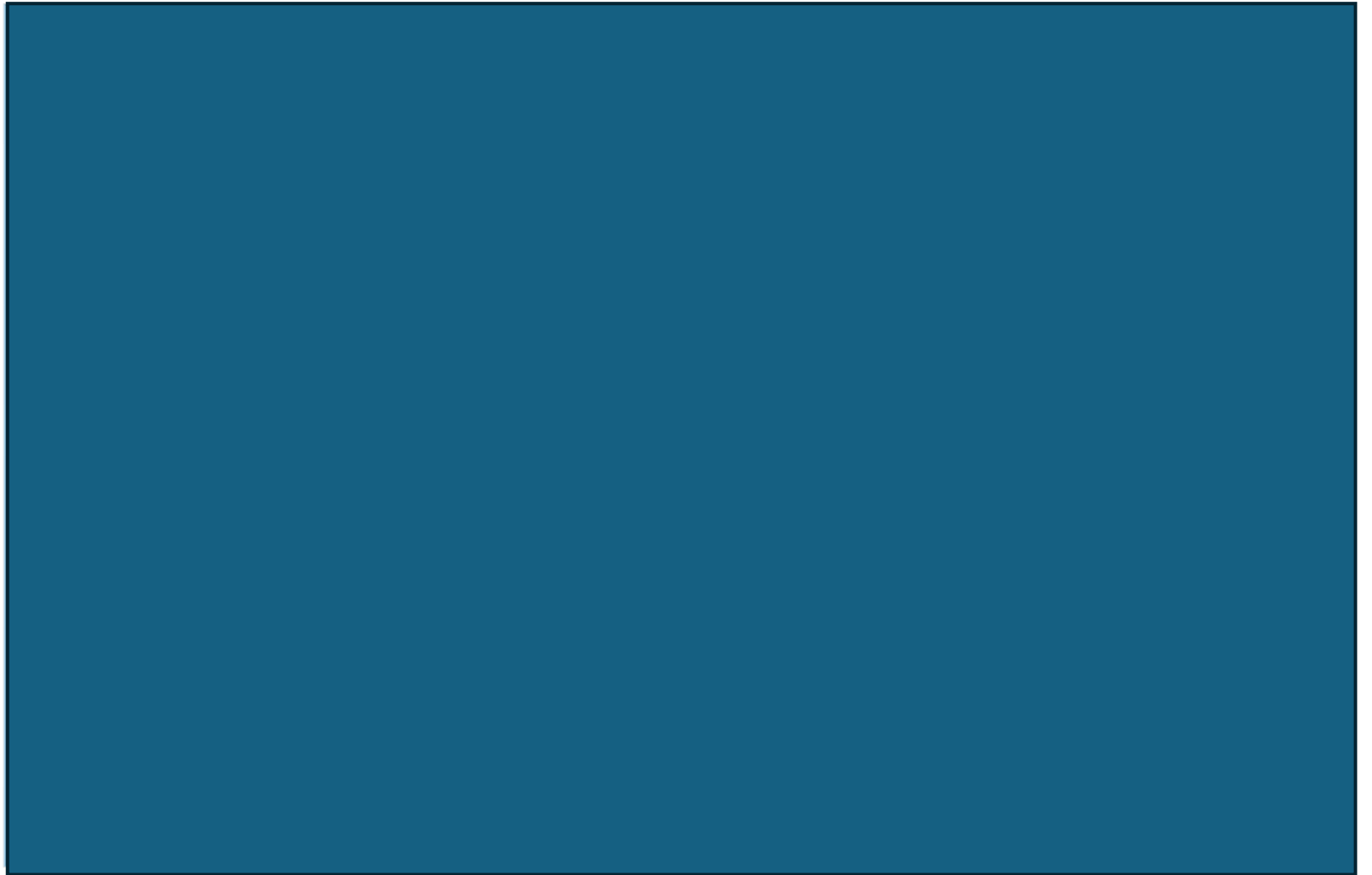


In re S.E.T., 375 N.C. 665 (2020)

Petition



Motion





- Parents
- GOP
- Custodian
- DSS/Child Placing Agency (relinquish/placement authority)
- 7B-601 GAL (if appointed)



NC Supreme Court Addresses Jurisdiction in TPRs of Out-of-State Parents

This entry was contributed by Sara DePasquale on April 14, 2022 at 10:55 am and is filed under Child Welfare Law.

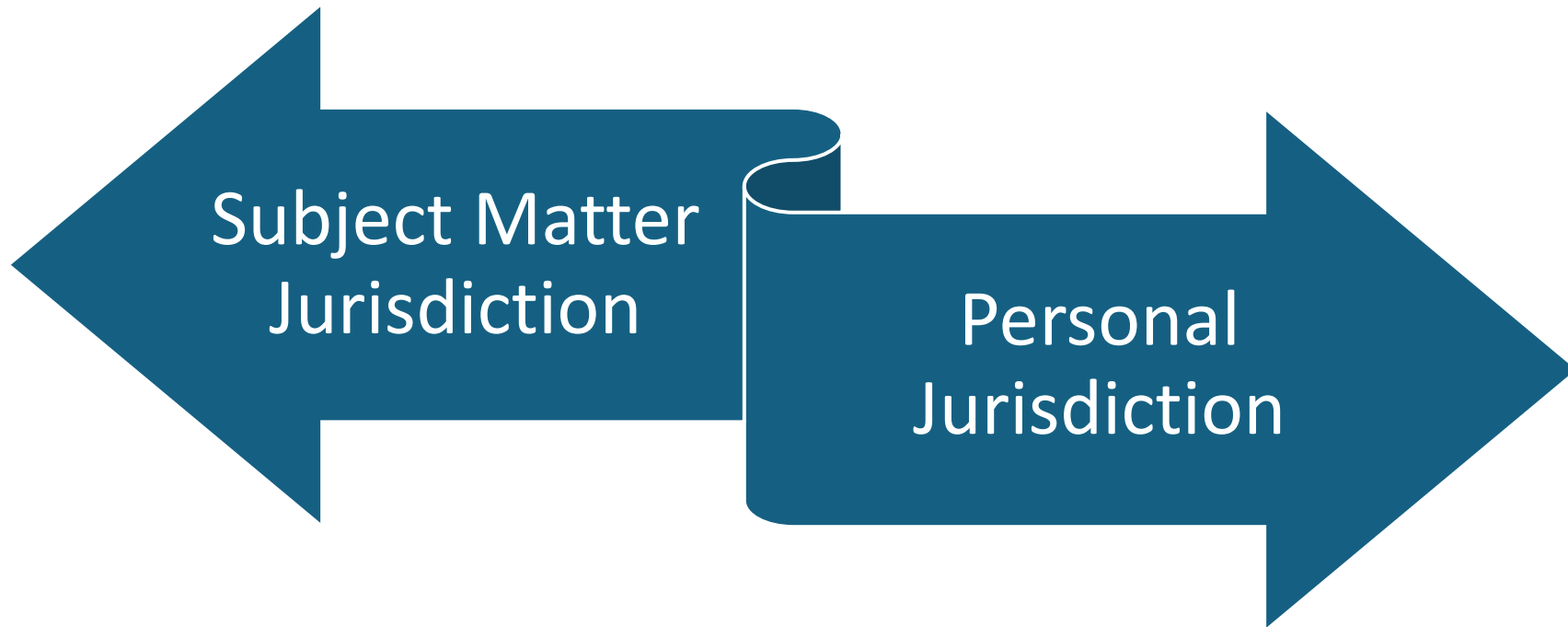


In the last two years, the North Carolina Supreme Court has published two opinions that answer questions raised about whether a North Carolina district court has personal and/or subject matter jurisdiction to terminate the parental rights of a parent who lives outside of North Carolina. Both opinions are cases of first impression. Both opinions held that the district court had personal jurisdiction over the respondent parent. One opinion held the district court also had subject matter jurisdiction in the TPR action. Both opinions affirmed the challenged TPR orders. Both opinions overturn previous court of appeals opinions on the issues raised. Here's what you need to know.

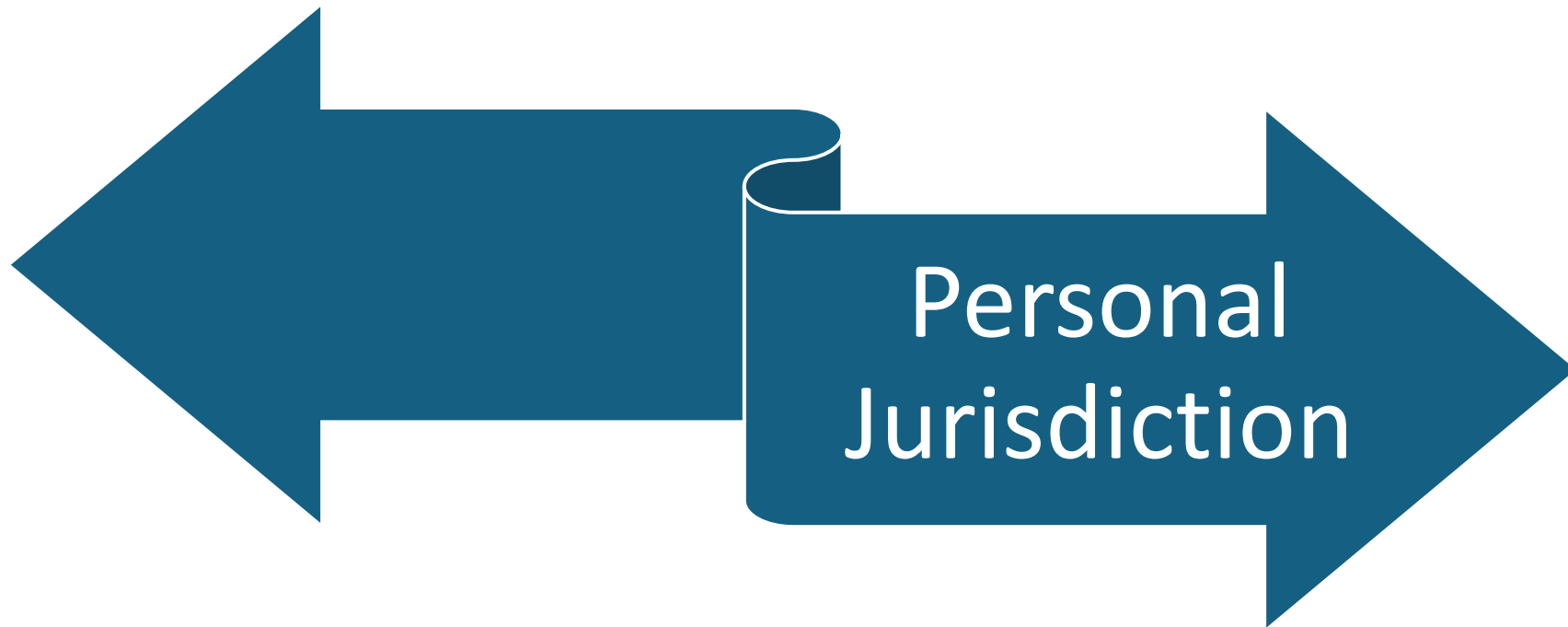
No Minimum Contacts Required: *In re F.S.T.Y.*, 374 N.C. 532 (2020)

The first opinion, *In re F.S.T.Y.*, 374 N.C. 532 (2020), addressed whether due process requires an out-of-state parent to have minimum contacts with North Carolina before terminating the rights of that parent. The Supreme Court held that "due process does not require a nonresident parent to have minimum contacts with the State to establish personal jurisdiction for purposes of termination of parental rights proceedings." *In re F.S.T.Y.*, 374 N.C. at 541. In its reasoning, the Supreme Court noted that although due process generally requires a nonresident to have "...sufficient 'minimum contacts' with the forum state so 'that the maintenance of the suit does not offend traditional notions of fair play and substantial justice'", the U.S. Supreme Court has recognized exceptions to minimum contacts in status cases (e.g., divorce). *In re F.S.T.Y.*, 374 N.C. at 534 quoting *Int'l Shoe Co. v. Washington*, 326 U.S. 310, 316 (1945)).

G.S. 7B-1101



G.S. 7B-1101



Personal
Jurisdiction

Can be waived
*publication

In re A.L.I., 380 N.C. 697 (2005)

Minor Parent

- Not under disability for service



TPRs in Practice

- Trauma-Informed Approaches
- Procedures Are Different
- Rights Are Constitutional and Statutory
- Specific Findings Are Required

