

No. 151PA25

SUPREME COURT OF NORTH CAROLINA

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IN THE MATTER OF:

J.A.S.F., J.A.S.F., M.S.S-F.

From N.C. Court of Appeals
24-1006

From Caldwell
22JA000020,22JA000021,22JA000134

* * * * *

ORDER OF THE COURT

Upon consideration of the petition filed on the 22nd day of June 2025 by Petitioner and Guardian ad Litem in this matter for discretionary review of the decision of the North Carolina Court of Appeals pursuant to G.S. 7A-31, the following order was entered and is hereby certified to the North Carolina Court of Appeals:

Petition allowed.

By order of the Court this the 17th day of June 2026.

Therefore the case is docketed as of the date of this order's certification. Briefs of the respective parties shall be submitted to this Court within the times allowed and in the manner provided by Appellate Rule 15(g)(2).

WITNESS my hand and the seal of the Supreme Court of North Carolina, this the 19th day of June 2026.



s/ Grant E. Buckner
Clerk of the Supreme Court

M.C. Hackney
Assistant Clerk

IN RE: J.A.S.F., J.A.S.F., M.S.S-F.

No. 151PA25

Order of the Court

Copy to:

North Carolina Court of Appeals

Mr. Jeffrey L. Miller, Attorney at Law - (By Email)

Mr. Stephen M. Schoeberle, Attorney at Law - (By Email)

Ms. Michelle FormyDuval Lynch, Attorney at Law - (By Email)

Mr. Timothy Chewning, Pro Se/Guardian

No. 151PA25 – In re J.A.S.F., J.A.S.F., M.S.S-F.

Justice BERGER concurring.

Chances are you have heard the familiar aphorism that justice delayed is justice denied. It is frequently invoked by judges as if merely uttering the words was a safeguard. But the phrase is meaningless when courts allow cases to languish for no apparent reason, especially in child abuse, neglect, and dependency cases like this one.

The Guardian ad Litem and the Caldwell County Department of Social Services filed a petition for discretionary review almost a year ago on 22 June 2025. Why has it taken more than eleven months to allow this petition? No one disputes that these issues require prompt resolution, and the Court of Appeals certainly did its job: the case was heard on 23 April 2025 and that court issued an opinion twenty-eight days later.

This Court's inexcusable delay in resolving the petition for discretionary review here undermines the Juvenile Code's goal of providing children with permanency within a *reasonable* time. See N.C.G.S. § 7B-100(5) (2025). Unfortunately, however, this is not an isolated incident.

In December 2025, this Court entered an order allowing a petition for discretionary review in *In re B.M.T.*, No. 32PA23-2. But the petition was filed nearly two years prior on 27 February 2024. What was the final resolution there? We dismissed the matter as improvidently allowed on 22 May 2026—815 days after the

petition was filed. *See In re B.M.T*, No. 32PA23-2, 2026 WL 1459423 (N.C. May 22, 2026). Right result. Awful timing.

If this Court has a procedure to flag aging juvenile cases, it failed here. If there is no mechanism in place to bring the delay to the attention of the chambers assigned to the petition, that is an indictment on this institution. Cases cannot simply move, or not move, through the system with no one at a supervisory level noticing, and no apparent consequence for delay, other than to the children left in limbo for significant portions of their formative years.

If justice delayed is truly justice denied, then we have a duty to the People of this State to discharge the responsibilities of our offices in a timely and attentive manner. It is ironic that a court tasked with reviewing a determination of parental fitness would itself engage in such apparent neglect.