

Subject Matter Jurisdiction



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jurisdiction



ju·ris·dic·tion – *noun* -- from Latin
jurisdiction-, *jurisdictio*, from *juris* +
dictio-, *dictio* act of saying —

- 1: the power, right, or authority to interpret and apply the law
- 2: the power or right to exercise authority
- 3: the limits or territory within which authority may be exercised

■ **Synonyms:** see **power**

Juvenile Code



■ G.S. 7B-101

(7) Court of competent jurisdiction –

A court having the power and authority of law to act at the time of acting over the subject matter of the cause.



Can the judge do that?

Answer always “no” if court does not have subject matter jurisdiction.

Appellate court will raise this issue *sua sponte*.





G.S. 7B-200

- Which parts of the statute deal with subject matter jurisdiction?
- What is the significance of the court's having *exclusive jurisdiction*?
- Is there a difference between a court's *having* jurisdiction and a party's *invoking* jurisdiction?



Termination of Parental Rights

Juvenile Code says

- district court has exclusive jurisdiction,
- to hear and determine any tpr motion or petition,
- relating to any juvenile who resides in, is found in, or is in the custody of a DSS or licensed child-placing agency in the district
- when the petition or motion is filed.



Initiation of Action: Sis

- After a call from a hospital emergency room, DSS takes temporary custody of Sis at 11:00 p.m. on Friday.
- Leonard calls a judge who authorizes nonsecure custody over the telephone, and Leonard takes Sis to a foster home.
- First thing Monday, Leonard brings you the custody order and a draft petition, which is filed by 9:15 a.m.



Pleadings: Because the petition was drafted and filed under pressure,

1. the affidavit of status of minor child was omitted.
2. it did not include Sis's age or date of birth.
3. Leonard neglected to sign the verification.



Standing

- If DSS petitions to terminate Ms. Wall's rights to Curtis, what is the effect if
 - Leonard did not check box indicating he was director's "authorized agent"?
 - the court has named the aunt as Curtis's guardian?
 - DSS has custody but fails to attach to the petition a copy of the order giving DSS custody?



Summons

- What is the effect if DSS fails to have a summons issued to Curtis
 - in the abuse/neglect/dependency case?
 - when it files a petition to terminate parental rights?
- What if a summons is served on Ms. Wall after it expires?





Statutory Requirements

What is the effect if

1. the termination petition is not filed until a year after the plan for Curtis was changed to adoption?
2. the aunt, Curtis's guardian, files the petition a month after moving with Curtis to Florida?





Also must consider:

- UCCJEA
- Personal Jurisdiction
- Terminating Jurisdiction
