

Family law attorney Janet Reed reviews NC case about proper parties and venue where a juvenile suffered abuse

Janet Pittman Reed, based in North Carolina, has published a case comment on "In the matter of: A.P.", involving determination of proper parties and venue

JACKSONVILLE, NORTH CAROLINA, UNITED STATES, February 15, 2019 /EINPresswire.com/ -- Attorney [Janet Reed](#), based in North Carolina, has published a new case comment on proper parties and venue in a case involving a juvenile. The complete comment will be published on her Blog at <https://janetreesq.blogspot.com/>

Ms. Reed explains that "In re: A.P." is a case about a juvenile named A.P. who was born on August 2, 2015. When A.P. was two months old, A.P.'s mother was committed to a mental health facility in Mecklenburg County. Prior to her commitment, the mother was living in a group home located in Cabarrus County. While in the mental health facility, A.P.'s mother met with a social worker from Cabarrus County

Department of Human Services and expressed an intention to move into her grandfather's home with A.P. upon her release from the mental health facility. During the mother's commitment, A.P. was placed with the mother's case worker from the group home, who resided in Rowan County.

Cabarrus County transferred the case to Mecklenburg County, where the grandfather resided.

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The Supreme Court noted that the fundamental principle underlying North Carolina's approach to controversies involving child neglect is that the best interest of the child is the polar star”

Janet Pittman Reed, lawyer in North Carolina



Janet P Reed North Carolina attorney

On November 25, 2015, Mecklenburg County received report of a concerning situation and found the mother living in unacceptable conditions with A.P. and the mother was alleged to have used drugs. The mother agreed to place A.P. back with the case worker in Rowan County. Subsequently, the case worker informed Mecklenburg County that she could no longer care for A.P. and Mecklenburg County “filed a juvenile petition with the District Court in Mecklenburg County alleging that A.P. was a neglected and dependent juvenile.” District Court granted the petition.

The mother objected to the petition based on the argument that Mecklenburg County “lacked standing to file the juvenile petition under the relevant provisions of the Juvenile Code, and therefore, the trial court lacked subject matter jurisdiction to hear the case.” On appeal, “[t]he Court of Appeals held that [Mecklenburg County] lacked standing because it was not the proper party to file the juvenile petition under N.C.G.S. § 7B-401.1(a), and it vacated the trial court’s order on that basis.” N.C.G.S. § 7B-401.1(a) provides that “[o]nly a county director of social services or the director’s authorized representative may file a petition alleging that a juvenile is abused, neglected, or dependent”. Further, N.C.G.S. § 7B-400(a) provides that “[a] proceeding in which a juvenile is alleged to be abused, neglected, or dependent may be commenced in the district in which the juvenile resides or is present”.

The North Carolina Supreme Court explained that “this rigid interpretation of isolated provisions in the Juvenile Code is unsupported by the whole of the statutory text and creates jurisdictional requirements beyond those which the legislature intended to impose.” “When read holistically with other provisions in the Juvenile Code, the statutory sections governing ‘[p]arties,’ N.C.G.S. § 7B-401.1(a), and ‘[v]enue,’ id. § 7B-400(a), do not mandate dismissal of the juvenile petition in this case. Although subsection 7B-401.1(a) states that ‘[o]nly a county director of social services or the director’s authorized representative may file a petition

alleging that a juvenile is abused, neglected, or dependent,’ the statute does not identify which county director of social services must file the petition. Nor does the statute limit the class of proper petitioners to only a subset of county directors of social services.” (internal citation omitted). The Court explained that this contrasted with how “[t]hroughout the Juvenile Code, the legislature intentionally differentiates between references to a director of a department of social services and a particular director of a department of social services.” The Supreme Court also noted that its decision “is guided and supported by our oft-recited recognition that ‘the fundamental principle underlying North Carolina’s approach to controversies involving child neglect and custody [is] that the best interest of the child is the polar star.’” The case is In the matter of: A.P., No. 145PA17.



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[Janet P. Reed](#) is an attorney in Jacksonville, North Carolina, and handles Family Law cases such as Divorce & Separation, Personal Injury, Traffic, Criminal Law, Driver's License Restoration Services, and Civil Litigation cases.

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