

§ 7B-1001. Right to appeal.

(a) In a juvenile matter under this Subchapter, only the following final orders may be appealed directly to the Court of Appeals:

- (1) Any order finding absence of jurisdiction.
- (2) Any order, including the involuntary dismissal of a petition, which in effect determines the action and prevents a judgment from which appeal might be taken.
- (3) Any initial order of disposition and the adjudication order upon which it is based.
- (4) Any order, other than a nonsecure custody order, that changes legal custody of a juvenile.
- (5) An order under G.S. 7B-906.2(b) eliminating reunification, as defined by G.S. 7B-101(18b), as a permanent plan by either of the following:
 - a. A parent who is a party and:
 1. Has preserved the right to appeal the order in writing within 30 days after entry and service of the order.
 2. A termination of parental rights petition or motion has not been filed within 65 days of entry and service of the order.
 3. A notice of appeal of the order eliminating reunification is filed within 30 days after the expiration of the 65 days.
 - b. A party who is a guardian or custodian with whom reunification is not a permanent plan.
- (6) Repealed by Session Laws 2017-41, s. 8(a), and Session Laws 2017-102, s. 40(f), effective January 1, 2019, and applicable to appeals filed on or after that date.

(a1) In a juvenile matter under this Subchapter, only the following final orders may be appealed directly to the Supreme Court:

- (1) Any order that terminates parental rights or denies a petition or motion to terminate parental rights.
- (2) An order eliminating reunification as a permanent plan under G.S. 7B-906.2(b), if all of the following conditions are satisfied:
 - a. The right to appeal the order eliminating reunification has been preserved in writing within 30 days of entry and service of the order.
 - b. A motion or petition to terminate the parent's rights is filed within 65 days of entry and service of the order eliminating reunification and both of the following occur:
 1. The motion or petition to terminate rights is heard and granted.
 2. The order terminating parental rights is appealed in a proper and timely manner.
 - c. A separate notice of appeal of the order eliminating reunification is filed within 30 days after entry and service of a termination of parental rights order.

(a2) In an appeal filed pursuant to subdivision (a1)(2) of this section, the Supreme Court shall review the order eliminating reunification together with an appeal of the order terminating parental rights. If the order eliminating reunification is vacated or reversed, the order terminating parental rights shall be vacated.

(b) Notice of appeal and notice to preserve the right to appeal shall be given in writing by a proper party as defined in G.S. 7B-1002 and shall be made within 30 days after entry and service of the order in accordance with G.S. 1A-1, Rule 58.

(c) Notice of appeal shall be signed by both the appealing party and counsel for the appealing party, if any. In the case of an appeal by a juvenile, notice of appeal shall be signed by the guardian ad litem attorney advocate. (1979, c. 815, s. 1; 1998-202, s. 6; 1999-456, s. 60; 2001-208, s. 25; 2001-487, s. 101; 2005-398, s. 10; 2011-295, s. 11; 2013-129, s. 31; 2015-136, s. 16; 2017-7, s. 4; 2017-41, s. 8(a); 2017-102, s. 40(f); 2019-33, s. 14(a).)