

**§ 7B-1001. Right to appeal.**

(a) **(Effective until January 1, 2019 – see notes)** In a juvenile matter under this Subchapter, appeal of a final order of the court in a juvenile matter shall be made directly to the Court of Appeals. Only the following juvenile matters may be appealed:

- (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 entered under G.S. 7B-906.2(b) with rights to appeal properly preserved, as follows:
  - a. The Court of Appeals shall review the order eliminating reunification as a permanent plan together with an appeal of the termination of parental rights order if all of the following apply:
    1. A motion or petition to terminate the parent's rights is heard and granted.
    2. The order terminating parental rights is appealed in a proper and timely manner.
    3. The order eliminating reunification as a permanent plan is identified as an issue in the record on appeal of the termination of parental rights.
  - b. A party who is a parent shall have the right to appeal the order if no termination of parental rights petition or motion is filed within 180 days of the order.
  - c. A party who is a custodian or guardian shall have the right to immediately appeal the order.
- (6) Any order that terminates parental rights or denies a petition or motion to terminate parental rights.

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- (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) **(Effective January 1, 2019 – see note)** In a juvenile matter under this Subchapter, appeal of a final order of the court shall be made directly to the Supreme Court in the following juvenile matters:
- (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) **(Effective January 1, 2019 – see note)** 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).)