



North Carolina Department of Health and Human Services  
Division of Social Services

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Division Director

JULY 15, 2014

DEAR COUNTY DIRECTOR OF SOCIAL SERVICES

ATTENTION: CHILD WELFARE STAFF

SUBJECT: IMPROPERLY VERIFIED JUVENILE PETITIONS (ABUSE / NEGLECT / DEPENDENCY)

It has come to the attention of the North Carolina Division of Social Services (Division), as well as the North Carolina Administrative Office of the Courts (AOC) that there are a number of juvenile cases in which the *Verification* section located on the second page of the Juvenile Petition (Abuse/Neglect/Dependency) (AOC-J-130, <http://www.nccourts.org/forms/documents/478.pdf>) has been improperly executed.

A clear example of an improperly executed petition is one in which the director's name is signed by someone other than the director followed by the initials of the person signing. It is critical that individuals sign their own names anytime a document is notarized but the act of signing another person's name is particularly problematic when done so to verify a petition. This is only one example but petitions are being improperly verified in other ways as well.

Improperly executed petitions fail to invoke the juvenile court's subject matter jurisdiction. Consequently, all orders based on these improperly executed petitions become void. Several appellate cases in the middle of the last decade distinguished properly verified petitions from acceptable and improperly verified petitions: *In re T.R.P.*, 360 N.C. 588 (2006), *In re A.J.H.-R.* 184 NC App. 177 (2007), and *In re S.E.P.* 184 N.C. App 481 (2007). Further information about this important issue can be found on page 91 of the Abuse, Neglect, Dependency, and Termination of Parental Rights Proceedings in North Carolina (Hatcher, Mason, & Rubin, 2011) manual (<http://www.nccourts.org/citizens/cprograms/improvement/documents/abuseneglectmanual.pdf>).

The Division would also like to note that the North Carolina General Assembly passed Session Law 2014-16, effective October 1, 2014 (<http://www.ncga.state.nc.us/sessions/2013/bills/house/pdf/h1103v3.pdf>) which provides that the court must, "consider whether a juvenile petition has been properly verified and jurisdiction has been invoked at the pre-adjudication hearing." This new procedure should help to identify verification problems early in the court case.

In response to these concerns, the Division offers the following guidance on how to properly verify petitions:

- regardless of the title of the individual filing the petition, the employee shall always sign only his or her own name;
- once signed, the employee must mark the appropriate box - "Director" or "Authorized Representative of Director" (only the named director of the agency should mark the box labeled "Director");

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- if the employee filing the Juvenile Petition (Abuse/Neglect/Dependency) is anyone other than the named director, he or she should mark the box labeled “Authorized Representative of Director” and include his or her job title, demonstrating that that he or she is that authorized individual.

Finally, the Division suggests sharing this letter with legal staff representing your county child welfare agency. It is also strongly recommended that each agency’s legal staff review any Juvenile Petitions (Abuse/Neglect/Dependency) filed in their respective counties to ensure that they have been properly verified.

If you have any questions regarding the contents of this letter, please consult with your agency’s legal staff. If the agency’s legal staff has additional questions, they may contact one of the Assistant Attorneys General assigned to child welfare listed below:

David Gordon (252-756-3454 | [david.gordon@dhhs.nc.gov](mailto:david.gordon@dhhs.nc.gov))

Angie Stephenson (919-527-6402 | [angie.stephenson@dhhs.nc.gov](mailto:angie.stephenson@dhhs.nc.gov))

Natalie Bacon (828-669-3388 ext.218 | [nwbacon@ncdoj.gov](mailto:nwbacon@ncdoj.gov))

Sincerely,

A handwritten signature in blue ink that reads "Kevin Kelley". The signature is written in a cursive style with a large initial "K".

Kevin Kelley, Section Chief  
Child Welfare Services

CC: Wayne Black  
Child Welfare Team Leaders

CWS-18-2014