

In re A.P.: **Who** can file a A/N/D petition?

§ 7B-401.1. Parties.

(a) Petitioner. – Only 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 petitioner shall remain a party until the court terminates its jurisdiction in the case.

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§ 7B-101. Definitions.

As used in this Subchapter, unless the context clearly requires otherwise, the following words have the listed meanings:

(10) **Director.** – The director of the county department of social services in **the county in which the juvenile resides or is found**, or the director's representative as authorized in G.S. 108A-14.

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In re A.P.:

“only the director of the county department of social services, or the director's representative, “*in the county in which the juvenile resides or is found*” has standing to file a petition alleging that a child is an abused, neglected, or dependent juvenile.”

What about conflicts and NCGS 7B-400(b)?

In re A.P. did not address conflict cases

§ 7B-400. Venue.

(b) When the director in one county conducts an assessment pursuant to G.S. 7B-302 in another county because a conflict of interest exists, the director in the county conducting the assessment may file a resulting petition in either county.

Does changing venue change the parties?



<http://www.weddingvendors.com/vendor-photos/7388/9dd7a70246a744988f685a11cf05910b.jpg>



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Additional Resources:

Court of Appeals Opinion:

<https://appellate.nccourts.org/opinions/?c=2&pdf=35496>

Case Summary from the UNC School of Government:

<https://www.sog.unc.edu/cwcc/cases/re-ap>

UNC School of Government Blog Post:

<https://civil.sog.unc.edu/which-county-dss-files-the-and-petition-that-is-the-jurisdictional-question/>

Dear County Director Letter:

<https://www2.ncdhhs.gov/dss/dcdl/famsupchildwelfare/CWS-28-2017.pdf>

