



CHAPTER 7B

ARTICLE 11 - TERMINATION OF PARENTAL RIGHTS

N.C.G.S. § 7B-1106.

Issuance of summons.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 2017-161, s. 11 — fifteenth act in the lineage	21 September 2026, 05:35 UTC	0244356a4311db4391112c96 - 47d8af84a835bd8e6ea12db1 - 233b37fde4686e27

§ 7B-1106(a)

Except as provided in G.S. 7B-1105, upon the filing of the petition, the court shall cause a summons to be issued. The summons shall be directed to the following persons or agency, not otherwise a party petitioner, who shall be named as respondents:

- (1) The parents of the juvenile. However, a summons does not need to be directed to or served upon any parent who, under Chapter 48 of the General Statutes, has irrevocably relinquished the juvenile to a county department of social services or licensed child-placing agency or to any parent who has consented to the adoption of the juvenile by the petitioner.
- (2) Any person who has been judicially appointed as guardian of the person of the juvenile.
- (3) The custodian of the juvenile appointed by a court of competent jurisdiction.
- (4) Any county department of social services or licensed child-placing agency to whom a juvenile has been released by one parent pursuant to Part 7 of Article 3 of Chapter 48 of the General Statutes or any county department of social services to whom placement responsibility for the child has been given by a court of competent jurisdiction.
- (5) Repealed by Session Laws 2009-38, s. 3, effective May 27, 2009.

The summons shall notify the respondents to file a written answer within 30 days after service of the summons and petition. Service of the summons shall be completed as provided under the procedures established by G.S. 1A-1, Rule 4. Prior to service by publication under G.S. 1A-1, the court shall make findings of fact that a respondent cannot otherwise be served despite diligent efforts made by petitioner for personal

service. The court shall approve the form of the notice before it is published. The parent of the juvenile shall not be deemed to be under a disability even though the parent is a minor.

§ 7B-1106(a1) If a guardian ad litem has been appointed for the juvenile pursuant to G.S. 7B-601 and has not been relieved of responsibility or if the court appoints a guardian ad litem for the juvenile after the petition is filed, a copy of all pleadings and other papers required to be served shall be served on the juvenile's guardian ad litem or attorney advocate pursuant to procedures established under G.S. 1A-1, Rule 5.

§ 7B-1106(a2) If an attorney has been appointed for a respondent pursuant to G.S. 7B-602 and has not been relieved of responsibility, a copy of all pleadings and other papers required to be served on the respondent shall be served on the respondent's attorney pursuant to procedures established under G.S. 1A-1, Rule 5.

§ 7B-1106(b) The summons shall be issued for the purpose of terminating parental rights pursuant to the provisions of subsection (a) of this section and shall include:

- (1) The name of the minor juvenile;
- (2) Notice that a written answer to the petition must be filed with the clerk who signed the petition within 30 days after service of the summons and a copy of the petition, or the parent's rights may be terminated;
- (3) Notice that any counsel appointed previously and still representing the parent in an abuse, neglect, or dependency proceeding shall continue to represent the parent unless otherwise ordered by the court;
- (4) Notice that if the parent is indigent and is not already represented by appointed counsel, the parent is entitled to appointed counsel, that provisional counsel has been appointed, and that the appointment of provisional counsel shall be reviewed by the court at the first hearing after service;
- (5) Notice that the date, time, and place of any pretrial hearing pursuant to G.S. 7B-1108.1 and the hearing on the petition will be mailed by the petitioner upon filing of the answer or 30 days from the date of service if no answer is filed; and
- (6) Notice of the purpose of the hearing and notice that the parents may attend the termination hearing.

§ 7B-1106(c)

If a county department of social services, not otherwise a party petitioner, is served with a petition alleging that the parental rights of the parent should be terminated pursuant to G.S. 7B-1111, the department shall file a written answer and shall be deemed a party to the proceeding.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
15 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.



Nº	YEAR	ACT	CHARACTER
01	1977	c. 879, s. 8	ENACTED
02	1981	c. 966, s. 2	AMENDED
03	1983	c. 581, ss. 1, 2	AMENDED
04	1995	c. 457, s. 4	AMENDED
05	1998	S.L. 1998-202, s. 6	AMENDED
06	1998	S.L. 1998-229, ss. 10, 27	AMENDED
07	1999	S.L. 1999-456, s. 60	AMENDED
08	2000	S.L. 2000-183, s. 13	AMENDED
09	2001	S.L. 2001-208, s. 28	AMENDED
10	2001	S.L. 2001-487, s. 101	AMENDED
11	2009	S.L. 2009-38, s. 3	AMENDED
12	2009	S.L. 2009-311, s. 10	AMENDED
13	2011	S.L. 2011-295, s. 13	AMENDED
14	2013	S.L. 2013-129, s. 33	AMENDED
15	2017	S.L. 2017-161, s. 11	AMENDED

APPARATUS II
6 AUTHORITIES

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 7B-1105	(a)	<i>"Except as provided in"</i>
G.S. 1A-1	(a)	<i>"provided under the procedures established by"</i>
G.S. 7B-601	(a1)	<i>"appointed for the juvenile pursuant to"</i>
G.S. 7B-602	(a2)	<i>"appointed for a respondent pursuant to"</i>
G.S. 7B-1108.1	(b)(5)	<i>"of any pretrial hearing pursuant to"</i>
G.S. 7B-1111	(c)	<i>"parent should be terminated pursuant to"</i>

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 7B-1106 (2017).

PINPOINT

N.C. Gen. Stat. § 7B-1106(a) (2017).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

Provenance

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HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1977, c. 879, s. 8; 1981, c. 966, s. 2; 1983, c. 581, ss. 1, 2; 1995, c. 457, s. 4; 1998-202, s. 6; 1998-229, ss. 10, 27; 1999-456, s. 60; 2000-183, s. 13; 2001-208, s. 28; 2001-487, s. 101; 2009-38, s. 3; 2009-311, s. 10; 2011-295, s. 13; 2013-129, s. 33; 2017-161, s. 11.)

