



CHAPTER 7B
ARTICLE 11 - TERMINATION OF PARENTAL RIGHTS

N.C.G.S. § 7B-1114.

Reinstatement of parental rights.

SOURCE General Statutes of North Carolina, as published by the General Assembly	LAST AMENDMENT IN THIS TEXT No amendment history on record	RETRIEVED 21 September 2026, 05:10 UTC	SOURCE FINGERPRINT 29c14682e28c6f95f4e1600c - 854f2f0e258e8d06c586d401 - ed86db502a30f4b7
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- § 7B-1114(a)

A juvenile whose parent's rights have been terminated, the guardian ad litem attorney, the parent whose rights have been terminated, or a county department of social services with custody of the juvenile may file a motion to reinstate the parent's rights if all of the following conditions are satisfied:

(1)

The juvenile is at least 12 years of age or, if the juvenile is younger than 12, the motion alleges extraordinary circumstances requiring consideration of the motion.

(2)

The juvenile does not have a legal parent, is not in an adoptive placement, and is not likely to be adopted within a reasonable period of time.

(3)

The order terminating parental rights was entered at least three years before the filing of the motion, unless the court has found or the juvenile's attorney advocate and the county department of social services with custody of the juvenile stipulate that the juvenile's permanent plan is no longer adoption.
- § 7B-1114(b)

If a motion could be filed under subsection (a) of this section and the parent whose rights have been terminated contacts the county department of social services with custody of the juvenile or the juvenile's guardian ad litem regarding reinstatement of the parent's rights, the department or the guardian ad litem shall notify the juvenile that the juvenile has a right to file a motion for reinstatement of parental rights.
- § 7B-1114(c)

If a motion to reinstate parental rights is filed and the juvenile does not have a guardian ad litem appointed pursuant to G.S. 7B-601, the court shall appoint a guardian ad litem to represent the best interests of the juvenile. The appointment, duties, and payment

of the guardian ad litem and the guardian ad litem attorney shall be the same as in G.S. 7B-601 and G.S. 7B-603.

§ 7B-1114(d)

The party filing a motion to reinstate parental rights shall serve the motion on each of the following who is not the movant:

- (1) The juvenile.
- (2) The juvenile's guardian ad litem or the guardian ad litem attorney.
- (3) The county department of social services with custody of the juvenile.
- (4) The former parent whose rights the motion seeks to have reinstated.

A former parent is not entitled to appointed counsel but may retain counsel at the former parent's own expense.

§ 7B-1114(d1)

The movant shall ask the clerk to calendar the case for a pretrial hearing within 10 days from the filing of the motion at a session of court scheduled for the hearing of juvenile matters. The court shall consider all of the following:

- (1) The identification of the parties.
- (2) Whether the motion meets the criteria of subsection (a) of this section.
- (3) The appointment of a guardian ad litem in accordance with subsection (c) of this section.
- (4) Discovery and related issues, including what information from the court file and records of the county department of social services and the guardian ad litem the former parent has the right to have access to.
- (5) Any other issue that can be properly addressed as a preliminary matter.

If the court determines the motion does not meet subdivision (2) of this subsection, the court shall dismiss the motion.

§ 7B-1114(e)

The movant shall ask the clerk to calendar the case for a preliminary hearing on the motion for reinstatement of parental rights within 60 days of the filing of the motion at a session of court scheduled for the hearing of juvenile matters. The movant shall give at least 15 days' notice of the hearing and state its purpose to the persons listed in subdivisions (d)(1) through (d)(4) of this section. In addition, the movant shall send a notice of the hearing to the juvenile's placement provider. Nothing in this section shall be construed to make the juvenile's placement provider a party to the proceeding

based solely on being served with the motion or receiving notice and the right to be heard.

§ 7B-1114(f)

Unless ordered sooner by the court at the pretrial hearing, at least seven days before the preliminary hearing, the department of social services and the juvenile's guardian ad litem shall provide to the court and the other parties reports that address the factors specified in subsection (g) of this section.

§ 7B-1114(g)

At the preliminary hearing and any subsequent hearing on the motion, the court shall consider information from the county department of social services with custody of the juvenile, the juvenile, the juvenile's guardian ad litem, the juvenile's former parent whose parental rights are the subject of the motion, the juvenile's placement provider, and any other person or agency that may aid the court in its review. The court may consider any evidence, including hearsay evidence as defined in G.S. 8C-1, Rule 801, that the court finds to be relevant, reliable, and necessary to determine the needs of the juvenile and whether reinstatement is in the juvenile's best interest. The court shall consider the following criteria and make written findings regarding the following that are relevant:

- (1) What efforts were made to achieve adoption or a permanent guardianship.
- (2) Whether the parent whose rights the motion seeks to have reinstated has remedied the conditions that led to the juvenile's removal and termination of the parent's rights.
- (3) Whether the juvenile would receive proper care and supervision in a safe home if placed with the parent.
- (4) The age and maturity of the child and the ability of the child to express the child's preference.
- (5) The parent's willingness to resume contact with the juvenile and to have parental rights reinstated.
- (6) The juvenile's willingness to resume contact with the parent and to have parental rights reinstated.
- (7) Services that would be needed by the juvenile and the parent if the parent's rights were reinstated.
- (8) Any other criteria the court deems necessary.

§ 7B-1114(h)

At the conclusion of the preliminary hearing, the court shall either dismiss the motion or order that the juvenile's permanent plan become reinstatement of parental rights. If the court does not dismiss the motion, the court shall conduct interim hearings at least every six months until the motion is granted or dismissed. Interim hearings may be combined with posttermination of parental rights review hearings required by G.S. 7B-908. At each interim hearing, the court shall assess whether the plan of reinstatement of parental rights continues to be in the juvenile's best interest and whether the department of social services has made reasonable efforts to achieve the permanent plan.

§ 7B-1114(i)

At any hearing under this section, after making proper findings of fact and conclusions of law, the court may do one of the following:

- (1) Enter an order for visitation in accordance with G.S. 7B-905.1.
- (2) Order that the juvenile be placed in the former parent's home and supervised by the department of social services either directly or, when the former parent lives in a different county, through coordination with the county department of social services in that county, or by other personnel as may be available to the court, subject to conditions applicable to the former parent as the court may specify. Any order authorizing placement with the former parent shall specify that the juvenile's placement and care remain the responsibility of the county department of social services with custody of the juvenile and that the department is to provide or arrange for the placement of the juvenile.

§ 7B-1114(j)

The court shall either dismiss or grant a motion for reinstatement of parental rights within 12 months from the date the motion was filed, unless the court makes written findings why a final determination cannot be made within that time. If the court makes such findings, the court shall specify the time frame in which a final order shall be entered.

§ 7B-1114(k)

An order reinstating parental rights restores all rights, powers, privileges, immunities, duties, and obligations of the parent as to the juvenile, including those relating to custody, control, and support of the juvenile. If a parent's rights are reinstated, the court shall be relieved of the duty to conduct periodic reviews.

§ 7B-1114(l)

An order shall be entered no later than 30 days following the completion of any hearing pursuant to this section. If the order is not entered within 30 days following completion of the hearing, the clerk of court for juvenile matters shall schedule a

subsequent hearing at the first session of court scheduled for the hearing of juvenile matters following the 30-day period to determine and explain the reason for the delay and to obtain any needed clarification as to the contents of the order. The order shall be entered within 10 days of the subsequent hearing required by this subsection.

§ 7B-1114(m) The granting of a motion for reinstatement of parental rights does not vacate or otherwise affect the validity of the original order terminating parental rights.

§ 7B-1114(n) A parent whose rights are reinstated pursuant to this section is not liable for child support or the costs of any services provided to the juvenile for the period from the date of the order terminating the parent's rights to the date of the order reinstating the parent's rights. (2011-295, s. 18; 2013-129, s. 37; 2025-16, s. 1.14(d).)

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS II
5 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-601	(c)	"guardian ad litem appointed pursuant to"
G.S. 7B-603	(c)	"same as in G.S. 7B-601 and"
G.S. 8C-1	(g)	"including hearsay evidence as defined in"
G.S. 7B-908	(h)	"parental rights review hearings required by"
G.S. 7B-905.1	(i)(1)	"order for visitation in accordance with"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 7B-1114 (2026).

PINPOINT

N.C. Gen. Stat. § 7B-1114(a) (2026).

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.

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