



CHAPTER 7B
ARTICLE 4 - VENUE; PETITIONS

N.C.G.S. § 7B-401.1.

Parties.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	No amendment history on record	21 September 2026, 07:02 UTC	da38b90b30381854e55edc2d - 33a7e09a2e268863be3c2c8c - 19e396e2e1cbc990

§ 7B-401.1(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.

§ 7B-401.1(b) Parents. - The juvenile's parent shall be a party unless one of the following applies:

- (1) The parent's rights have been terminated.
- (2) The parent has relinquished the juvenile for adoption, or safely surrendered the infant and has not sought the return of the infant prior to the filing of a termination of parental rights, unless the court orders that the parent be made a party.
- (3) The parent has been convicted under G.S. 14-27.21, 14-27.22, 14-27.23, or 14-27.24 for an offense that resulted in the conception of the juvenile.

§ 7B-401.1(c) Guardian. - A person who is the child's court-appointed guardian of the person or general guardian when the petition is filed shall be a party. A person appointed as the child's guardian pursuant to G.S. 7B-600 shall automatically become a party but only if the court has found that the guardianship is the permanent plan for the juvenile.

§ 7B-401.1(d) Custodian. - A person who is the juvenile's custodian, as defined in G.S. 7B-101(8), when the petition is filed shall be a party. A person to whom custody of the juvenile is awarded in the juvenile proceeding shall automatically become a party but only if the court has found that the custody arrangement is the permanent plan for the juvenile.

- § 7B-401.1(e)** Caretaker. - A caretaker shall be a party only if (i) the petition includes allegations relating to the caretaker, (ii) the caretaker has assumed the status and obligation of a parent, or (iii) the court orders that the caretaker be made a party.
- § 7B-401.1(e1)** Repealed by Session Laws 2025-16, s. 1.5, effective October 1, 2025, and applicable to all actions pending or filed on or after that date.
- § 7B-401.1(e2)** Grandparent. - A grandparent is not a party to the case and shall be allowed to intervene if one of the following applies:
- (1) Both parents of the juvenile are deceased.
 - (2) One parent of the juvenile is deceased and no other parent is known.
 - (3) One parent of the juvenile is deceased and any other parent's rights have been terminated.
- § 7B-401.1(f)** The Juvenile. - The juvenile shall be a party.
- § 7B-401.1(g)** Removal of a Party. - After an adjudication, if a guardian, custodian, or caretaker is a party, the court may discharge that person from the proceeding, making the person no longer a party, if the court finds that the person's continuation as a party is not necessary to meet the juvenile's needs and that removal of the person as a party is in the best interests of the juvenile.
- § 7B-401.1(h)** Intervention. - Except as provided in G.S. 7B-1103(b) and subsection (e2) of this section, the court shall not allow intervention by a person who is not the juvenile's parent, guardian, or custodian. The court may allow intervention by (i) a current caretaker or current foster parent, as defined in G.S. 131D-10.2(9a), providing care for the juvenile only if the current caretaker or current foster parent has authority to file a petition to terminate the parental rights of the juvenile's parents under G.S. 7B-1103, or (ii) another county department of social services that has an interest in the proceeding. This section shall not prohibit the court from consolidating a juvenile proceeding with a civil action or claim for custody pursuant to G.S. 7B-200.
- § 7B-401.1(i)** Young Adult in Foster Care. - In proceedings held pursuant to G.S. 7B-910.1, the young adult in foster care and the director of the department of social services are parties.

(2013-129, s. 9; 2015-136, s. 2; 2015-181, s. 22; 2015-241, s. 12C.9(h); 2015-264, s. 33(a); 2016-94, s. 12C.1(f); 2023-14, s. 6.2(c); 2024-33, s. 25(a); 2025-16, s. 1.5.)

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS II
8 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. 14-27.21	(b)(3)	"The parent has been convicted under"
G.S. 7B-600	(c)	"as the child's guardian pursuant to"
G.S. 7B-101(8)	(d)	"the juvenile's custodian, as defined in"
G.S. 7B-1103(b)	(h)	"Intervention. - Except as provided in"
G.S. 131D-10.2(9a)	(h)	"current foster parent, as defined in"
G.S. 7B-1103, or (ii)	(h)	"rights of the juvenile's parents under"
G.S. 7B-200	(h)	"or claim for custody pursuant to"
G.S. 7B-910.1	(i)	"- In proceedings held pursuant to"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 7B-401.1 (2026).

PINPOINT

N.C. Gen. Stat. § 7B-401.1(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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