

**Juvenile Case Decided by the
North Carolina Court of Appeals**
November 15, 2011
Termination of Parental Rights

The case summarized below, reported originally as an unpublished opinion, has been published.

Termination of Parental Rights

Guardian ad litem for the child.

- When respondent parent files an answer to a termination petition, the trial court's failure to appoint a guardian ad litem for the child is reversible error.
- Appointment of an attorney advocate for the child, without a GAL, is not sufficient.

In re J.L.H., __ N.C. App. __, __ S.E.2d __ (November 15, 2011).

<http://appellate.nccourts.org/opinions/?c=2&pdf=MjAxMS8xMS01NzUtMS5wZGY=>

Facts: In a private action by the child's mother to terminate the father's rights, the father filed an answer many months after the petition was filed. The trial court appointed an attorney advocate, but not a guardian ad litem, for the child. The court adjudicated grounds, made best interest findings, and ordered the termination of respondent's rights.

Held: Reversed and remanded.

1. A respondent's filing of an answer denying material allegations of a petition to terminate parental rights, regardless of when the answer is filed, requires appointment of a guardian ad litem for the child.
2. Failure to appoint a GAL for the child when one is required is reversible error.
3. Appointment of an attorney advocate does not satisfy the requirement that a guardian ad litem be appointed for the child [*citing In re R.A.H.*, 171 N.C. App. 427 (2005).]

*Appellate court opinions can be found at <http://www.aoc.state.nc.us/www/public/html/opinions.htm>
Earlier case summaries can be found at <http://www.sog.unc.edu/node/513>*



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