

**Juvenile Case Decided by the
North Carolina Court of Appeals**
February 7, 2012
Termination of Parental Rights

The case summarized below, reported originally as an unpublished opinion, has been published.

Termination of Parental Rights

- When a question of paternity arises in a termination of parental rights case, the court is required to order paternity testing under G.S. 8-50.1.
- Respondent's appeal was not moot, because an order terminating his rights could have collateral consequences.

In re J.S.L., __ N.C. App. __, __ S.E.2d __ (February 7, 2012).

<http://appellate.nccourts.org/opinions/?c=2&pdf=MjAxMi8xMS05MjgtMS5wZGY>

Facts: The child's mother filed a petition to terminate the parental rights of both the putative father and any unknown father. The putative father filed an answer denying paternity and moving for DNA paternity testing. The court denied the motion, proceeded with the termination proceeding, adjudicated two grounds, and terminated respondent's rights.

Held: Reversed and remanded.

1. The trial court erred when it denied respondent's motion for paternity testing. When respondent denied paternity, a question of paternity arose and the court was required, under G.S. 8-50.1(b1), to order paternity testing.
2. The order terminating respondent's rights did not render his appeal moot. Termination of parental rights has collateral consequences, such as being the partial basis for termination of a parent's rights to another child under G.S. 7B-1111(a)(9). If the court had found after testing that respondent was not the child's father, dismissal of the petition would have been required.

*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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