

IN THE MATTER OF A.P., a minor child

No. 534A06

FILED: 4 MAY 2007

Child Abuse and Neglect—neglected child—custody—closing of case—termination of district court's jurisdiction

The decision of the Court of Appeals remanding this case for an evidentiary hearing determining who is best suited to care for a dependent child who had been placed in the custody of the DSS and placed by DSS with her natural father is reversed for the reasons stated in the dissenting opinion that the district court's closing of the case terminated its jurisdiction and returned the child's parents to their pre-petition legal status. The parents now have the option to pursue a custody determination in a Chapter 50 proceeding.

Appeal pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, 179 N.C. App. ___, 634 S.E.2d 561 (2006), reversing an order entered 18 October 2004 by Judge Denise S. Hartsfield in District Court, Forsyth County, and remanding the case for an evidentiary hearing. Heard in the Supreme Court 10 April 2007.

Theresa A. Boucher, Assistant County Attorney, for petitioner-appellant Forsyth County Department of Social Services.

Katharine Chester and Richard E. Jester for respondent-appellee mother.

Robert T. Newman, Sr. for respondent-appellee Roy P.

Gary C. Rhodes for respondent-appellant William David H.

PER CURIAM.

For the reasons stated in the dissenting opinion, the decision of the Court of Appeals is reversed.

