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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA26-108

Filed 2 September 2026

New Hanover County, Nos. 24JT000159-640, 24JT000160-640

IN THE MATTER OF: D.G.B., S.G.B.

Appeal by Respondent-Father from order entered 12 November 2025 by Judge J.H. Corpening II in New Hanover County District Court. Heard in the Court of Appeals 21 July 2026.

*Petitioner-Appellee-Mother, pro se.*

*Jack T. Brock II for Respondent-Appellant-Father.*

CARPENTER, Judge.

Respondent-Father appeals after the trial court terminated his parental rights to his two children, Derick and Sara (collectively, “the Juveniles”).<sup>1</sup> On appeal, Respondent-Father argues that the trial court: (1) lacked subject matter jurisdiction; (2) erred by concluding that grounds exist to terminate based on neglect; and (3) erred by concluding termination was in the Juveniles’ best interest. After careful review, we vacate the order.

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<sup>1</sup> Pseudonyms are used to protect the identities of the Juveniles and for ease of reading. *See* N.C. R. App. P. 42(b) (2025).

**I. Factual & Procedural Background**

On 5 September 2024, Petitioner-Mother filed a petition seeking to terminate Respondent-Father’s parental rights, alleging neglect, dependency, and abandonment. The petition was notarized but not verified as it lacked a certification that the allegations were true to Petitioner-Mother’s knowledge. On 16 January 2025, the trial court conducted a termination hearing, where the evidence tended to show the following.

In 2014, Respondent-Father and Petitioner-Mother married and later had the Juveniles. In August 2021, Respondent-Father began experiencing substance-abuse issues and the parties separated. For the next three years, Respondent-Father experienced prolonged instability, including substance abuse, homelessness, and multiple incarcerations. In August 2022, Respondent-Father admitted that he was unable to care for the Juveniles and agreed to an order granting Petitioner-Mother sole custody. In September 2022, Respondent-Father and Petitioner-Mother divorced. Since then, Respondent-Father repeatedly engaged and disengaged with the Juveniles. His addiction, inconsistency, and inability to provide care had an adverse impact on the Juveniles. The Juveniles participated in therapy, and Derick was experiencing behavioral issues. As a result, the bond between Respondent-Father and the Juveniles was “virtually non-existent.”

On 12 November 2025—nearly a year after the termination hearing—the trial court entered an order terminating Respondent-Father’s parental rights on

the ground of neglect. At disposition, the trial court found that termination of Respondent-Father's parental rights was in the Juveniles' best interest. Respondent-Father timely appealed.

## **II. Jurisdiction**

This Court has jurisdiction under N.C. Gen. Stat. §§ 7A-27(b)(2) and 7B-1001(a)(7) (2025).

## **III. Issues**

The issues on appeal are whether the trial court: (1) lacked subject matter jurisdiction where the termination petition was not verified; (2) erred by terminating Respondent-Father's parental rights based on neglect; and (3) erred by concluding termination was in the Juvenile's best interest.

## **IV. Analysis**

Respondent-Father first argues the trial court lacked subject matter jurisdiction because Petitioner-Mother failed to verify her petition. We agree.

### **A. Standard of Review**

Whether the trial court has subject matter jurisdiction is a question of law that this Court reviews *de novo*. *In re N.P.*, 376 N.C. 729, 731, 855 S.E.2d 203, 205–06 (2021) (citation omitted). “When conducting de novo review, ‘this Court considers the matter anew and freely substitutes its own judgment for that of the trial court.’ ” *In re M.A.C.*, 291 N.C. App. 35, 38, 893 S.E.2d 556, 559 (2023) (quoting *In re T.N.G.*, 244 N.C. App. 398, 402, 781 S.E.2d 93, 97 (2015)).

**B. Discussion**

“‘[A] court’s lack of subject matter jurisdiction is not waivable and can be raised at any time.’” *In re N.P.*, 376 N.C. at 731, 855 S.E.2d at 205–06 (quoting *In re K.J.L.*, 363 N.C. 343, 346, 677 S.E.2d 835, 837 (2009)). When subject matter jurisdiction over a matter is lacking, it is unnecessary to reach the merits of the controversy. *In re N.R.M.*, 165 N.C. App. 294, 301, 598 S.E.2d 147, 151 (2004).

This Court “has consistently held that subject matter jurisdiction over juvenile actions is contingent upon verification of the petition,” *In re T.R.P.*, 360 N.C. 588, 594, 636 S.E.2d 787, 792 (2006), or motion, *In re O.E.M.*, 379 N.C. 27, 38, 864 S.E.2d 257, 265 (2021). A properly verified petition “shall state in substance that the contents of the pleading verified are true to the knowledge of the person making the verification, except as to those matters stated on information and belief, and as to those matters he believes them to be true.” N.C. Gen. Stat. § 1A-1, Rule 11(b) (2025). A petition that has only been signed and notarized “is insufficient to constitute verification.” *In re Triscari Children*, 109 N.C. App. 285, 287, 426 S.E.2d 435, 437 (1993) (citation omitted). “‘[A] violation of the verification requirement of [section] 7B-1104 has been held to be a jurisdictional defect *per se*.’” *In re C.M.H.*, 187 N.C. App. 807, 808, 653 S.E.2d 929, 930 (2007) (quoting *In re T.M.H.*, 186 N.C. App. 451, 454, 652 S.E.2d 1, 2 (2007)).

Here, the trial court lacked subject matter jurisdiction to conduct termination proceedings because Petitioner-Mother failed to properly verify the termination

petition. *See In re T.R.P.*, 360 N.C. at 598, 636 S.E.2d at 794–95. Although Petitioner-Mother’s petition included a notarized signature, it failed to state “that the contents of the pleading verified [were] true to [her] knowledge.” *See* N.C. Gen. Stat. § 1A-1, Rule 11(b). A petition, like Petitioner-Mother’s, that only includes a notarized signature does not satisfy the verification requirement. *See In re Triscari Children*, 109 N.C. App. at 287, 426 S.E.2d at 437. A verified petition confers subject matter jurisdiction, and without it, the trial court lacks authority to adjudicate the case. *See In re N.R.M.*, 165 N.C. App. at 301, 598 S.E.2d at 151. Because the trial court lacked subject matter jurisdiction to terminate Respondent-Father’s parental rights, *see In re T.R.P.*, 360 N.C. at 598, 636 S.E.2d at 794–95, we are constrained to vacate the order, *see In re N.R.M.*, 165 N.C. App. at 301, 598 S.E.2d at 151.

## **V. Conclusion**

Absent a properly verified termination petition, the trial court lacked subject matter jurisdiction. Accordingly, we vacate the order.

VACATED.

Judges ZACHARY and FLOOD concur.

Report per Rule 30(e).