

COURT OF APPEALS OF NORTH CAROLINA

In re J.Q.

No. COA25-1027 (N.C. Ct. App. June 17, 2026) · No. COA25-1027 · Decided June 17, 2026

SUMMARY

The North Carolina Court of Appeals held that the trial court’s failure to timely schedule a permanency planning hearing after removing the juvenile from the mother’s custody was not reversible error because the mother did not seek mandamus. The court held, however, that the trial court lacked authority to cease reunification efforts at a review hearing rather than a permanency planning hearing. The court affirmed in part, vacated in part, and remanded for further proceedings.

CASE DETAILS

COURT	Court of Appeals of North Carolina
WRITING FOR THE COURT	Judge Julee Flood; Judge Collins; Judge Wood
JURISDICTION	North Carolina Court of Appeals
DECIDED	June 17, 2026
DOCKET	COA25-1027
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Respondent-Mother appealed from an order of the Iredell County District Court changing legal and physical custody of the juvenile to the juvenile's grandmother and ceasing reunification efforts at a review hearing.
STANDARD OF REVIEW	De novo review applies to the legal question whether the trial court failed to follow a statutory mandate.
PRECEDENTIAL VALUE	published
PARTIES	Respondent-Mother v. Iredell County Department of Social Services, Guardian ad litem

TOPICS

- child custody
- family law procedure
- appellate procedure
- statutory interpretation
- remedies

PRACTICE AREAS

- juvenile law
- family law
- child custody
- appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court's failure to schedule a permanency planning hearing within thirty days after removing the juvenile from Mother's custody constituted reversible error.
2. Whether the trial court had statutory authority to cease reunification efforts at a review hearing rather than at a permanency planning hearing.

HOLDINGS

1. Although the trial court violated N.C.G.S. § 7B-906.1(d)(1a) by failing to schedule a permanency planning hearing within thirty days after removing the juvenile from Mother's custody, the error was not prejudicial and did not require reversal.
2. The trial court lacked statutory authority to cease reunification efforts at a review hearing because the governing statutes authorize cessation of reunification efforts only at a permanency planning hearing.

KEY QUOTATIONS

“The statutes do not authorize the trial court to cease reunification efforts at review hearings, and instead, permit this only at permanency planning hearings.” (7)

“Thus, we vacate this portion of the order and remand for a permanency planning hearing at which the trial court is to determine whether reunification efforts should be continued and establish an appropriate permanent plan.” (8)

FACTUAL BACKGROUND

Iredell County DSS had been involved with Mother since 2016 because of allegations of domestic violence and substance abuse. In September 2024, after Mother consumed two 40-ounce bottles of alcohol, passed out, and hit her head, Mother agreed to have Jenny stay temporarily with her grandmother. DSS filed a neglect petition in January 2025, and the trial court later adjudicated Jenny neglected while leaving legal and physical custody with Mother and permitting Jenny to remain with the grandmother. At the first review hearing, the trial court found Mother unfit, transferred custody to the grandmother, ceased reunification efforts, and designated custody with the grandmother as the permanent plan.

PROCEDURAL HISTORY

DSS filed a neglect petition on January 8, 2025. After an adjudication and initial disposition hearing on April 8, 2025, the trial court adjudicated the juvenile neglected, left legal and physical custody with Mother, and allowed the juvenile to remain with the grandmother. At the July 9, 2025 review hearing, the court transferred custody to the grandmother, ceased reunification efforts, and scheduled a permanency planning hearing. Mother appealed, and the Court of Appeals affirmed in part, vacated in part, and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The case was remanded for a permanency planning hearing at which the trial court must determine whether reunification efforts should continue and establish an appropriate permanent plan.

CASES CITED

- In re J.C.-B., 276 N.C. App. 180, 192 (2021)
- In re S.W., 298 N.C. App. 39, 44 (2025)
- In re Will of Mitchell, 285 N.C. 77, 79-80 (1974)
- In re T.H.T., 362 N.C. 446, 448, 450, 454-457 (2008)
- Sutton v. Figgatt, 280 N.C. 89, 93 (1971)