

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority. Citation is disfavored, but may be permitted in accordance with the provisions of Rule 30(e)(3) of the North Carolina Rules of Appellate Procedure.

IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA17-365

Filed: 7 November 2017

Dare County, No. 14 CVD 673

SUSAN VAUGHAN, Plaintiff,

v.

JENNIFER VAUGHAN and KATHLYN ROMM/CURRITUCK DSS, Defendants.

Dare County, No. 15 SP 212

FOR THE ADOPTION OF: E.J.V.

Appeal by petitioner from orders entered 23 June 2016 and 28 October 2016 by Judge Amber Davis in Dare County District Court. Heard in the Court of Appeals 5 October 2017.

Susan Vaughan, pro se, petitioner-appellant.

Courtney S. Hull for Currituck County Department of Social Services, respondent-appellee.

INMAN, Judge.

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**§ 7B-900.1. Post adjudication venue. Effective in
September, 2013 -**

(a) At any time **after** adjudication, the court on its own motion or motion of any party may transfer venue to a different county, regardless of whether the action could have been commenced in that county, if the court finds that the forum is Inconvenient, that transfer of the action to the other county is in the best interest of the juvenile, **and that the rights of the parties are not prejudiced by the change of venue.**

Opinion of the Court

Susan Vaughan, petitioner, ("Grandmother") appeals from two orders: (1) denying her motion to vacate a stay order and all prior orders regarding a custody complaint filed by her in Dare County; and (2) dismissing her petition for adoption of her grandchild, E.J.V.¹ After careful review, we dismiss Grandmother's appeal as untimely and moot.

Factual and Procedural History

This appeal arises out of three legal proceedings under our General Statutes involving the juvenile E.J.V.: (1) a petition by child welfare agencies seeking an adjudication of neglect and/or dependency under Chapter 7B; (2) Grandmother's complaint seeking child custody under Chapter 50A; and (3) Grandmother's petition for adoption under Chapter 48. The history of each proceeding is narrated below.

1. Chapter 7B Juvenile Proceeding

On 15 August 2013, the Dare County Department of Social Services filed a juvenile petition seeking an adjudication that E.J.V., then three months old, was a neglected and dependent juvenile due to his mother's mental illness and a lack of an appropriate available caretaker. On 13 September 2013, the court entered an order transferring venue to Currituck County to resolve a conflict of interest with the Dare County agency, which also had been named interim guardian for E.J.V.'s mother. On 18 September 2013, the Currituck County Department of Social Services ("CCDSS")

¹ A pseudonym is used to protect the identity of the juvenile and for ease of reading. See N.C.R. App. P. 3.1(b).

Opinion of the Court

child, are no longer parties due to the termination of the mother's parental rights and the adoption of the child removing him from the custody of CCDSS. Grandmother's petition to adopt the child was dismissed and she did not timely appeal the dismissal by the filing written notice of appeal as required by N.C.R. App. P. 3(c).

In addition, we note that the Chapter 50 child custody action was dismissed by the 28 October 2016 order. Appellate Rule 3(d) provides that the notice of appeal "shall designate the judgment or order from which appeal is taken and to which appeal is taken." In the notice of appeal filed 1 November 2016 in the Chapter 50 child custody action (file number 14-CVD-673), Grandmother gave notice of appeal to this Court "from the Order to Dismiss that was filed on June 23, 2016, regarding Appellant's Claim of Lack of Subject Matter Jurisdiction, Her Request to Allow Her Complaint for Custody to be Heard and for Disqualification of Judge Davis and all other District 1 Judges from hearing these matters." She did not designate in the notice of appeal the 28 October 2016 order dismissing her complaint for custody, and the time for giving notice of appeal has expired. The dismissal of her complaint for child custody is therefore final.

We accordingly allow the motion to dismiss and dismiss the appeal.

DISMISSED.

Chief Judge MCGEE and Judge DIETZ concur.

Report per Rule 30(e).

Supreme Court of North Carolina

IN THE MATTER OF:

E.J.V.

From N.C. Court of Appeals
(17-365)
From Dare
(14CVD673 15SP212)

ORDER

Upon consideration of the notice of appeal from the North Carolina Court of Appeals, filed by Petitioner (Grandmother) on the 20th of November 2017 in this matter pursuant to G.S. 7A-30 (substantial constitutional question), the following order was entered and is hereby certified to the North Carolina Court of Appeals: the notice of appeal is

"Dismissed Ex Mero Motu by order of the Court in conference, this the 1st of March 2018."

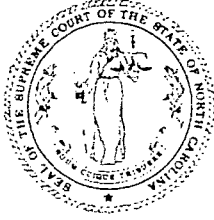
s/ Morgan, J.
For the Court

Upon consideration of the petition filed on the 20th of November 2017 by Petitioner (Grandmother) in this matter for discretionary review of the decision of the North Carolina Court of Appeals pursuant to G.S. 7A-31, the following order was entered and is hereby certified to the North Carolina Court of Appeals:

"Denied by order of the Court in conference, this the 1st of March 2018."

s/ Morgan, J.
For the Court

WITNESS my hand and official seal of the Supreme Court of North Carolina, this the 7th of March 2018.



Amy L. Funderburk
Clerk, Supreme Court of North Carolina

M. C. Hackney
M. C. Hackney
Assistant Clerk, Supreme Court Of North Carolina

Copy to:
North Carolina Court of Appeals
Ms. Susan Vaughan, For Vaughan, Susan - (By Email)
Ms. Courtney S. Hull, Attorney at Law, For Dare County DSS - (By Email)
West Publishing - (By Email)
Lexis-Nexis - (By Email)



Supreme Court of North Carolina

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From N.C. Court of Appeals
(17-365)
From Dare
(14CVD673 15SP212)

7 March 2018

Ms. Susan Vaughan
Pro Se
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Greensboro, NC 27405

RE: In re: E.J.V. - 392P17-1

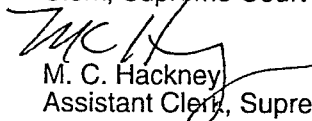
Dear Ms. Vaughan:

The following order has been entered on the motion filed on the 20th of November 2017 by Petitioner (Grandmother) to Amend Notice of Appeal and Petition for Discretionary Review:

"Motion Allowed by order of the Court in conference, this the 1st of March 2018."

~~s/~~ Morgan, J.
For the Court

Amy L. Funderburk
Clerk, Supreme Court of North Carolina


M. C. Hackney
Assistant Clerk, Supreme Court Of North Carolina

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Ms. Courtney S. Hull, Attorney at Law, For Dare County DSS - (By Email)
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No. COA17-365-1

IN THE MATTER OF:

E.J.V.

From Dare
14CVD673 15SP212

ORDER

NOTICE OF APPEAL BASED UPON A CONSTITUTIONAL QUESTION filed on the 20th of November 2017 was Dismissed Ex Mero Motu by order of the North Carolina Supreme Court and the PETITION FOR DISCRETIONARY REVIEW was denied on the 7th day of March 2018, and same has been certified to the North Carolina Court of Appeals.

IT IS THEREFORE CERTIFIED to the Clerk of Superior Court, Dare County, North Carolina that the North Carolina Supreme Court has Dismissed Ex Mero Motu the NOTICE OF APPEAL BASED UPON A CONSTITUTIONAL QUESTION and denied the PETITION FOR DISCRETIONARY REVIEW filed by the Petitioner in this cause.

WITNESS my hand and official seal this the 12th day of March 2018.

Daniel M. Horne Jr.
Clerk, North Carolina Court of Appeals

Copy to:
Ms. Susan Vaughan, Pro Se, For Vaughan, Susan
Ms. Courtney S. Hull, Attorney at Law, For Dare County DSS

**Additional material
from this filing is
available in the
Clerk's Office.**