

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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.

NO. COA06-901

NORTH CAROLINA COURT OF APPEALS

Filed: 1 May 2007

IN THE MATTERS OF:

E.T.,	Jackson County
J.T.,	Nos. 04 J 56
S.T., and	04 J 57
J.T.,	04 J 58
Juveniles.	04 J 59

Appeal by respondent from order entered 21 December 2005 by Judge Danny E. Davis in Jackson County District Court. Heard in the Court of Appeals 16 April 2007.

Mary G. Holliday for petitioner-appellee.

Carol Ann Bauer for respondent-appellant.

GEER, Judge.

Respondent father appeals from an adjudication order of the district court entered 21 December 2005, concluding that grounds exist to terminate his parental rights with respect to his minor children, E.T., J.T., S.T., and J.T., on the basis of N.C. Gen. Stat. § 7B-1111(a)(1) through (a)(3) (2005). Respondent father has not, however, appealed from a final dispositional order of the district court, as the court stayed its proceedings pending our resolution of respondent father's appeal of the adjudication order. Because N.C. Gen. Stat. § 7B-1001(a)(3) (2003) did not, at the time the termination petition was filed, provide respondent father with

a right to appeal, we must dismiss pursuant to *In re A.L.A.*, 175 N.C. App. 780, 782, 625 S.E.2d 589, 590-91 (2006).

On 5 October 2004, the Jackson County Department of Social Services filed petitions to terminate respondent father's parental rights as to E.T., J.T., S.T., and J.T. Following a hearing on 28 November 2005 before Judge Danny E. Davis in Jackson County District Court, the trial court entered an adjudication order on 21 December 2005 concluding grounds existed under N.C. Gen. Stat. § 7B-1111(a)(1) through (a)(3) to terminate respondent father's parental rights. The order further specified that the dispositional hearing would be conducted on 21 December 2005. Apparently, the dispositional hearing was not held that day, and, on 29 December 2005, respondent father filed notice of appeal from the adjudication order only. On 9 March 2006, the trial court entered an order staying the dispositional hearing until respondent father's appeal is decided.

At the time of the filing of the petitions, N.C. Gen. Stat. § 7B-1001(3) authorized an appeal only from an "*order of disposition* after an adjudication that a juvenile is abused, neglected, or dependent."¹ (Emphasis added.) As respondent father had no right

¹We note that N.C. Gen. Stat. § 7B-1001 has since been substantially amended. 2005 N.C. Sess. Laws 398, sec. 10. These amendments, however, apply only to petitions or actions filed on or after 1 October 2005. 2005 N.C. Sess. Laws 398, sec. 19. Because the petitions in the present action were filed nearly a year earlier, on 5 October 2004, the present appeal is unaffected by the changes.

to an immediate appeal from the adjudication order, this Court is without jurisdiction to hear his appeal, and, therefore, we must dismiss. See *A.L.A.*, 175 N.C. App. at 782, 625 S.E.2d at 590-91 (dismissing appeal from adjudication order); *In re Laney*, 156 N.C. App. 639, 642, 577 S.E.2d 377, 379 (accord), *disc. review denied*, 357 N.C. 459, 585 S.E.2d 762 (2003). See also *In re A.L.*, 166 N.C. App. 276, 277-78, 601 S.E.2d 538, 538-39 (2004) (dismissing appeal in juvenile delinquency case for lack of jurisdiction when notice of appeal only referenced adjudication and not disposition).

Dismissed.

Judges WYNN and ELMORE concur.

Report per Rule 30(e).