

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA07-900

NORTH CAROLINA COURT OF APPEALS

Filed: 4 December 2007

IN RE:

Cumberland County
No. 01 JA 65

J.M.

Appeal by respondents from order entered 19 April 2007 by Judge John W. Dickson in District Court, Cumberland County. Heard in the Court of Appeals 13 November 2007.

John F. Campbell, Staff Attorney, for Cumberland County Department of Social Services, petitioner-appellee.

North Carolina Guardian ad Litem Program, by Pamela Newell Williams, for guardian ad litem appellee.

Richard E. Jester, for S.H., respondent-appellant.

Annick Lenoir-Peek, for T.H., respondent-appellant.

WYNN, Judge.

A notice of appeal of "any final order of the court in a juvenile matter," including "any order modifying custodial rights," stemming from a juvenile petition or action filed before 1 October 2005, must be filed within ten days of the entry of the order. N.C. Gen. Stat. § 7B-1001 (2001); see also N.C. Gen. Stat. § 7B-1001(b) (2005) (changing the filing requirement for notice of appeal to thirty days after the entry of the order for petitions filed on or after 1 October 2005).

Here, the petition that instituted the trial court's jurisdiction over this matter was filed on 26 January 2001, well before the 1 October 2005 date. However, Respondent-caretaker and Respondent-mother filed their appeals of the trial court's 19 April 2007 review order on 7 May and 15 May 2007, respectively, after the ten-day requirement had elapsed. Accordingly, we are without jurisdiction to hear their appeals. We therefore dismiss.

Dismissed.

Judges ELMORE and STROUD concur.

Report per Rule 30(e).