

IN THE MATTER OF N.C.H., G.D.H., D.G.H.

No. 463A08

FILED: 20 MARCH 2009

Appeal pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, 192 N.C. App. ___, 665 S.E.2d 812 (2008), affirming orders terminating parental rights entered on 18 January 2008 by Judge Mary F. Covington in District Court, Davidson County. The case was calendared for argument in the Supreme Court on 23 February 2009, but was determined on the briefs without oral argument pursuant to N.C. R. App. P. 30(f)(1).

Charles E. Frye, III, Staff Attorney, for petitioner-appellee Davidson County Department of Social Services, and Laura B. Beck, Attorney Advocate, for appellee Guardian ad Litem.

Don Willey for respondent-appellant mother.

Annick Lenoir-Peek, Assistant Appellate Defender, for Office of the Appellate Defender, amicus curiae.

PER CURIAM.

The result reached by the Court of Appeals is affirmed. However, in light of our opinion in *In re J.T. (I)*, 363 N.C. ___, 672 S.E.2d 17 (2009), the following language from the Court of Appeals' opinion is specifically disavowed: "[S]ervice [of the summons] on the guardian ad litem constitutes service on the juvenile, which is sufficient to establish subject matter jurisdiction when combined with naming the juvenile in the caption of the summons." *In re N.C.H.*, 192 N.C. App. ___, ___, 665 S.E.2d 812, 813 (2008) (citing *In re J.A.P., I.M.P.*, 192 N.C. App. ___, ___, 659 S.E.2d 14, 17 (2008)). It is true in termination of parental rights cases that service of the summons

on the juvenile is accomplished through the juvenile's guardian ad litem "if one has been appointed." N.C.G.S. § 7B-1106(a) (2007). We reject the notion, though, that service of the summons on any particular party is necessary to invoke the trial court's subject matter jurisdiction. *In re J.T. (I)*, 363 N.C. at ____, 672 S.E.2d at 19 ("[T]he trial court's subject matter jurisdiction was properly invoked upon the *issuance* of a summons." (emphasis added)).

AFFIRMED.