

(TYPE OR PRINT IN BLACK INK)

File No

STATE OF NORTH CAROLINA

06 JA 51

Carteret County

In The General Court Of Justice
District Court Division

IN THE MATTER OF:

Name Of Juvenile
Joshua Smith

2008 JUN 26 A 10:19

NOTICE OF HEARING
IN JUVENILE PROCEEDING
(ABUSE/NEGLECT/DEPENDENCY)

G.S. Chapter 7B

To The The Persons Named Below:

Juvenile, if age 12 or older

Name And Address

Debra Gilmore, DSS Attorney
PO Box 779
Beaufort, NC 28516

Name And Address

Sydney L. Cummings, Attorney Advocate
Guardian ad Litem Office
Courthouse Square
Beaufort, NC 28516

Parent Guardian Custodian Caretaker

Parent Guardian Custodian Caretaker

Name And Address

Marc Haggard, Attorney for Respondent Father
The Diener Law Office, PA
PO Box 555
Snow Hill, NC 28580

Name And Address

Jane Burke, Attorney for Respondent Mother
Public Defender's Office
Courthouse Square
Beaufort, NC 28516

GAL DSS Foster Parent(s) Other Father's Attorney

GAL DSS Foster Parent(s) Other Mother's Attorney

A hearing will be held at the date, time and location shown below in the above juvenile proceeding:

- 1. to determine the need for continued nonsecure custody. (G.S. 7B-506)
- 2. for adjudication of juvenile petition(s) filed on (date) _____ (G.S. 7B-802)
- 3. for disposition of juvenile petition(s) filed on (date) _____ (G.S. 7B-901)
- 4. to conduct a review pursuant to 7B-906. This matter was last reviewed on (date) _____
Subsequent review is required by law on or before (date) _____
- 5. to conduct a permanency planning hearing pursuant to G.S. 7B-907 to develop or review a plan to achieve a safe, permanent home for the juvenile within a reasonable period of time.
- 6. to conduct a post-termination of parental rights review pursuant to G.S. 7B-908.
- 7. to review the agency's plan for placement pursuant to G.S. 7B-909.
- 8. to determine the obligation of one or both parents to pay a reasonable sum for the support of the juvenile while in the custody of someone other than the parent(s). (G.S. 7B-904)
- 9. on the attached Motion.
- 10. Other:
to review the Writ of Habeas Corpus issued by the Texas Court.

Date Of Hearing 07-15-2008	Time Of Hearing 9:00 <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM	Location Of Hearing Carteret County Courthouse, Courthouse Square, Beaufort, NC
Date Notice Issued 06-26-2008	Signature <i>Lana L. Marcell</i>	<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Clerk Of Superior Court <input checked="" type="checkbox"/> Assistant CSC <input type="checkbox"/> DSS Attorney

JUN 27 RECD

CERTIFICATE OF SERVICE

I certify that this Notice Of Hearing and a copy of any motion or other paper attached hereto were served as follows:

PERSON 1

<i>Date</i> 06-26-2008	<i>Name Of Person Served</i> Marc Haggard, Attorney for Respondent Father
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- By depositing a copy enclosed in a post-paid, properly addressed envelope in a post office or official depository under the exclusive care and custody of the United States Postal Service, addressed as shown on reverse.
- By delivering a copy to the person named above
- By delivering a copy at the dwelling house or usual place of abode of the person named above with a person of suitable age and discretion then residing therein
- By delivering a copy to the attorney of record for the person named above.
- By mailing a copy by certified or registered mail, return receipt requested, addressed to the person named above and delivering to the addressee
- Other. (specify) _____

<i>Name (Type Or Print)</i> Lana Murrell	<i>Signature</i> 	<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Moving Party	<input checked="" type="checkbox"/> Assistant CSC <input type="checkbox"/> Atty For Moving Party	<input type="checkbox"/> Clerk Of Superior Court <input type="checkbox"/> Other _____
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PERSON 2

<i>Date</i> 06-26-2008	<i>Name Of Person Served</i> Jane Burke, Attorney for Respondent Mother
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- By depositing a copy enclosed in a post-paid, properly addressed envelope in a post office or official depository under the exclusive care and custody of the United States Postal Service, addressed as shown on reverse.
- By delivering a copy to the person named above.
- By delivering a copy at the dwelling house or usual place of abode of the person named above with a person of suitable age and discretion then residing therein.
- By delivering a copy to the attorney of record for the person named above
- By mailing a copy by certified or registered mail, return receipt requested, addressed to the person named above and delivering to the addressee
- Other. (specify) _____

<i>Name (Type Or Print)</i> Lana Murrell	<i>Signature</i> 	<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Moving Party	<input checked="" type="checkbox"/> Assistant CSC <input type="checkbox"/> Atty For Moving Party	<input type="checkbox"/> Clerk Of Superior Court <input type="checkbox"/> Other _____
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PERSON 3

<i>Date</i> 06-26-2008	<i>Name Of Person Served</i> Debra Gilmore, DSS Attorney
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- By depositing a copy enclosed in a post-paid, properly addressed envelope in a post office or official depository under the exclusive care and custody of the United States Postal Service, addressed as shown on reverse.
- By delivering a copy to the person named above
- By delivering a copy at the dwelling house or usual place of abode of the person named above with a person of suitable age and discretion then residing therein.
- By delivering a copy to the attorney of record for the person named above
- By mailing a copy by certified or registered mail, return receipt requested, addressed to the person named above and delivering to the addressee
- Other. (specify) _____

<i>Name (Type Or Print)</i> Lana Murrell	<i>Signature</i> 	<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Moving Party	<input checked="" type="checkbox"/> Assistant CSC <input type="checkbox"/> Atty For Moving Party	<input type="checkbox"/> Clerk Of Superior Court <input type="checkbox"/> Other _____
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PERSON 4

<i>Date</i> 6-26-2008	<i>Name Of Person Served</i> Sydney Cummings, Attorney Advocate
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- By depositing a copy enclosed in a post-paid, properly addressed envelope in a post office or official depository under the exclusive care and custody of the United States Postal Service, addressed as shown on reverse
- By delivering a copy to the person named above
- By delivering a copy at the dwelling house or usual place of abode of the person named above with a person of suitable age and discretion then residing therein.
- By delivering a copy to the attorney of record for the person named above.
- By mailing a copy by certified or registered mail, return receipt requested, addressed to the person named above and delivering to the addressee
- Other. (specify) _____

<i>Name (Type Or Print)</i> Lana Murrell	<i>Signature</i> 	<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Moving Party	<input checked="" type="checkbox"/> Assistant CSC <input type="checkbox"/> Atty For Moving Party	<input type="checkbox"/> Clerk Of Superior Court <input type="checkbox"/> Other _____
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STATE OF NORTH CAROLINA

File No

06 JA 51

Carteret County

In The General Court Of Justice
District Court Division

IN THE MATTER OF:

Name And Address Of Juvenile

Joshua Smith

2008 JUN 26 A 10:19

**MOTION FOR REVIEW
(ABUSE/NEGLECT/DEPENDENCY)**

Juvenile's Date Of Birth

11-13-2008

Age

9

Name Of Movant

Sydney L. Cummings and Debra Gilmore

G.S. 7B-1000

I request the Court to hear and further consider the case of the juvenile named above, as to whom the Court is exercising continuing jurisdiction:

- 1. to conduct a 90-day 6-month review pursuant to G.S. 7B-906.
- 2. to conduct a permanency planning hearing pursuant to G.S. 7B-907.
- 3. to conduct a post-termination of parental rights or relinquishment hearing pursuant to G.S. 7B-908 or 909.
- 4. to determine the obligation of one or both parents to pay a reasonable sum for the support of the juvenile while in the custody of someone other than the parent(s). G.S. 7B-904.
- 5. Other:
to review the Writ of Habeas Corpus issued by the Texas Court

FACTS AND CIRCUMSTANCES INDICATING NEED FOR REVIEW

As grounds for such motion, the movant shows the Court.

1. It has come to the attention of the agencies of the GAL Program and the Department of Social Services that a Writ of Habeas Corpus was issued by a Texas Court with regards to the minor child in this matter. The Department of Social Services currently has custody of the minor child. The agencies request that this court review said writ.

(Use reverse side for additional Facts and Circumstances.)

Being first duly sworn, I say that I have read the foregoing motion and know the content thereof and that the same is true of my own knowledge, except as to those matters alleged upon information and belief, and as to these matters, I believe the same to be true.

SWORN AND SUBSCRIBED TO BEFORE ME

Date

06-26-08

Signature Of Person Authorized To Administer Oaths

Jane J. Murrell

Deputy CSC Assistant CSC Clerk Of Superior Court

SEAL Notary

Date My Commission Expires

Signature Of Movant

Sydney L. Cummings / Debra Gilmore

Name And Address Of Movant

Sydney L. Cummings / Debra Gilmore
Attorney Advocate / Attorney for DSS/Petitioner
P.O. Box 1275 / P.O. Box 779
New Bern, NC 28563 / Beaufort, NC 28516

Title (if applicable)

Attorney Advocate / Attorney for DSS/Petitioner

Agency (if applicable)

District 3B GAL Program / Carteret County DSS

ADDITIONAL FACTS AND CIRCUMSTANCES