

**CHAPTER V – JURISDICTION IN CHILD WELFARE**

**CHANGE # 1-2016**

**April 2016**

**VIII. VENUE**

Requests to change venue should consider the permanency plan for the child, the child's current placement, visitation issues, and any other information that affects the well-being of the child. The decision to change venue is at the court's discretion.

**A. Notice of Hearing**

- 1.) Before filing a motion to change venue of a juvenile court case, the involved county child welfare agencies must discuss the case. When it becomes necessary to request a change of venue, county child welfare agencies must collaborate with one another to achieve a resolution that is in the best interest of the child without interrupting services to the family. The original county child welfare agency shall ensure that notice of the hearing to transfer venue is served on the county child welfare agency proposed to receive venue so that it is afforded an opportunity to be present at the hearing and to present any arguments against changing venue, or send written consents.
- 2.) An order changing custody of the child from one county child welfare agency to another should be entered only after that county child welfare agency is given notice and an opportunity to be heard, or consented to the transfer.

NC Rules of Civil Procedure, N.C. R Civ. P. 13(h) ([http://www.ncleg.net/EnactedLegislation/Statutes/PDF/BySection/Chapter\\_1A/GS\\_1A-1\\_Rule\\_13.pdf](http://www.ncleg.net/EnactedLegislation/Statutes/PDF/BySection/Chapter_1A/GS_1A-1_Rule_13.pdf)), states: "Additional parties may be brought in. When the presence of parties other than those to the original action is required for the granting of complete relief in the determination of a counterclaim or cross-claim, the court shall order them to be brought in as defendants as provided in these rules, if jurisdiction of them can be obtained."

NC R. Civ. P. 19(b) ([http://www.ncleg.net/EnactedLegislation/Statutes/PDF/BySection/Chapter\\_1A/GS\\_1A-1\\_Rule\\_19.pdf](http://www.ncleg.net/EnactedLegislation/Statutes/PDF/BySection/Chapter_1A/GS_1A-1_Rule_19.pdf)) states: "The court may determine any claim before it when it can do so without prejudice to the rights of any party or to the rights of others not before the court; but when a complete determination of such claim cannot be made without the presence of other parties, the court shall order such other parties summoned to appear in the action."

- 3.) If a county [child welfare agency](#) fails to appear or respond after having received notice, that county [child welfare](#) is considered as having forfeited its right to be heard, and venue may be properly transferred.

**B. Changing Venue**

Changing venue does not automatically transfer custody of the juvenile to the other county [child welfare agency](#). The court order must specifically state that custody will also transfer. Any order changing venue should include:

- 1.) Language justifying the transfer of venue.
- 2.) The process of physically transferring the case.
- 3.) Clear description of the next action required.

**C. When a Parent Moves**

When a parent moves and a decision is made to transfer venue, the following should be considered:

- 1.) The permanent plan for the child.
- 2.) The current placement of the child.
- 3.) Visitation issues.
- 4.) Any other relevant facts.