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NO. COA11-477
NORTH CAROLINA COURT OF APPEALS

Filed: 20 September 2011

IN THE MATTER OF:

K.N.S. and H.M.N.M.

Wake County
Nos. 02 JT 506
09 JT 164

Appeal by respondent-mother from order entered 25 August 2010 by Judge Monica Bousman in Wake County District Court and order entered 21 January 2011 by Judge James R. Fullwood in Wake County District Court. Heard in the Court of Appeals 6 September 2011.

Office of the Wake County Attorney, by Lucy Chavis, Assistant County Attorney, and Roger A. Askew, Deputy County Attorney, for Wake County Human Services, petitioner-appellee.

Pamela Newell, for guardian ad litem.

J. Lee Gilliam, Assistant Appellate Defender, for respondent-appellant, mother.

MARTIN, Chief Judge.

Respondent-mother appeals from orders ceasing reunification efforts and terminating her parental rights to K.N.S. and H.M.N.M. We affirm the trial court's orders.

On 15 July 2009, Wake County Human Services ("WCHS") filed a juvenile petition alleging K.N.S. and H.M.N.M. were neglected juveniles.¹ A nonsecure custody order was entered that day, placing the children in the custody of WCHS. By order entered 4 September 2009, the children were adjudicated neglected. On 6 July 2010, a permanency planning hearing was conducted. By order entered 25 August 2010, the trial court released WCHS from further reunification efforts with respondent-mother. On 28 September 2010, WCHS filed a motion to terminate respondent-mother's parental rights. On 23 December 2010, the termination hearing was conducted. On 21 January 2011, the trial court entered an order terminating respondent-mother's parental rights. Respondent-mother filed notice of appeal on 15 February 2011.

Respondent-mother's sole argument on appeal is that the trial court abused its discretion when it failed to sufficiently

¹ Respondent-mother has other children who were alleged to be neglected. They are not the subject of this appeal.

consider the adoptability of K.N.S. in the disposition phase. We disagree.

A termination of parental rights proceeding is a two-step process. *In re Blackburn*, 142 N.C. App. 607, 610, 543 S.E.2d 906, 908 (2001). During the adjudicatory stage, the burden is on the petitioner to prove by clear, cogent, and convincing evidence that at least one ground for termination of parental rights exists. *Id.*; see N.C. Gen. Stat. § 7B-1109(f) (2009). Once the trial court has determined that a ground for termination exists, it moves to the disposition stage, where it must determine whether termination is in the best interest of the minor child. N.C. Gen. Stat. § 7B-1110(a) (2009). N.C.G.S. § 7B-1110(a) requires that the trial court consider the following factors in determining whether to terminate parental rights:

- (1) The age of the juvenile.
- (2) *The likelihood of adoption of the juvenile.*
- (3) Whether the termination of parental rights will aid in the accomplishment of the permanent plan for the juvenile.
- (4) The bond between the juvenile and the parent.
- (5) The quality of the relationship between the juvenile and the proposed adoptive

parent, guardian, custodian, or other permanent placement.

(6) Any relevant consideration.

N.C. Gen. Stat. § 7B-1110(a) (emphasis added). We review the trial court's decision to terminate parental rights for an abuse of discretion. See *In re Brim*, 139 N.C. App. 733, 744, 535 S.E.2d 367, 373 (2000). "A ruling committed to a trial court's discretion is to be accorded great deference and will be upset only upon a showing that it was so arbitrary that it could not have been the result of a reasoned decision." *White v. White*, 312 N.C. 770, 777, 324 S.E.2d 829, 833 (1985).

In this case, the trial court made the following finding related to the likelihood of the juvenile's adoption:

47. That [K.N.S.] had been in the same foster home with her sister [H.M.N.M.], however do to disruptive and tantrum[-]laden behavior, she was placed at a residential treatment center in Virginia. She has improved since being placed there, her tantrums and self[-]injurious behavior incidence lessening. She continues to have problems with her anger. The child will probably be placed in a therapeutic foster home as a "step down" from the treatment center. The social worker has experienced several adoptive placements of children with behavior problems. Though [K.N.S.] will present challenges in the adoption recruitment phase, her adoption will be likely if she continues to make progress in treatment.

This finding demonstrates the trial court sufficiently considered K.N.S.'s adoptability under N.C.G.S. § 7B-1110(a). Moreover, we note N.C.G.S. § 7B-1110 does not require that termination of parental rights lead to adoption in order for termination to be in the child's best interest. *See In re M.M.*, 200 N.C. App. 248, 258, 684 S.E.2d 463, 470 (2009), *disc. review denied*, 364 N.C. 241, 698 S.E.2d 401 (2010). The trial court did not abuse its discretion, and its orders are affirmed.

Affirmed.

Judges STEELMAN and McCULLOUGH concur.

Report per Rule 30(e).