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NO. COA11-554
NORTH CAROLINA COURT OF APPEALS

Filed: 15 November 2011

IN THE MATTER OF:

C.M.A.

Johnston County
No. 09 JA 114

Appeal by respondent from order entered 1 February 2011 by Judge O. Henry Willis, Jr., in Johnston County District Court. Heard in the Court of Appeals 24 October 2011.

Jennifer S. O'Connor for petitioner-appellee Johnston County Department of Social Services.

Pamela Newell for guardian ad litem.

J. Lee Gilliam for respondent-appellant mother.

ELMORE, Judge.

Respondent mother appeals from the trial court's order terminating her parental rights to the minor child, C.M.A. We affirm the order of the trial court.

Johnston County Department of Social Services (DSS) filed a juvenile petition on 20 August 2009 alleging that C.M.A. was a neglected and dependent juvenile. The trial court ordered that

C.M.A. be placed in non-secure custody with DSS. At the adjudication and disposition hearing held on 16 September 2009, the juvenile's parents consented to entry of an order based on the underlying facts which led to the filing of the juvenile petition. By order filed 12 October 2009, the trial court adjudicated the juvenile a neglected and dependent juvenile and relieved DSS of further reunification efforts with respondent father.

At a permanency planning review hearing conducted on 24 March 2010, the trial court authorized a permanent plan of custody with a relative and granted custody of the juvenile to the paternal grandparents. The trial court also relieved DSS of responsibility for further reunification efforts with respondent mother. On 25 August 2010, DSS filed a new juvenile petition alleging dependency after being informed by the juvenile's custodians that they could no longer care for the child. On the same day, the trial court granted custody of the juvenile to DSS. At a permanency planning review hearing held on 22 September 2010, the trial court changed the permanent plan to adoption.

On 26 October 2010, DSS filed a petition to terminate both parents' rights to the juvenile, alleging as grounds: (1)

neglect pursuant to N.C. Gen. Stat. § 7B-1111(a)(1); (2) wilfully leaving the juvenile in foster care for more than twelve months without making reasonable progress to correct the conditions that led to the juvenile's removal pursuant to N.C. Gen. Stat. § 7B-1111(a)(2); and (3) failure to pay a reasonable portion of the cost of care pursuant to N.C. Gen. Stat. § 7B-1111(a)(3). On 29 December 2010, the trial court held a termination hearing, at which the trial court heard testimony from DSS social worker Amy Keith and received a report from the guardian *ad litem*. In its termination order filed 1 February 2011, the trial court found that grounds existed to terminate respondents' parental rights pursuant to N.C. Gen. Stat. § 7B-1111(a)(1) and (a)(2). The trial court further determined that termination of respondents' parental rights was in the best interests of the juvenile pursuant to N.C. Gen. Stat. § 7B-1110. From the order terminating her parental rights, respondent mother appeals.

As a preliminary matter, we note that the record on appeal contains a notice of appeal filed on behalf of respondent father. Respondent father failed to sign the notice of appeal in violation of Rule 3.1(a) of the Rules of Appellate Procedure, thereby rendering his attempt to appeal invalid. N.C.R. App. P.

3.1(a) (2011); see *In re L.B.*, 187 N.C. App. 326, 332, 653 S.E.2d 240, 244 (2007) (holding that Rule 3.1's predecessor, Rule 3A, was "jurisdictional, and if not complied with, the appeal must be dismissed."), *aff'd per curiam*, 362 N.C. 507, 666 S.E.2d 751 (2008). In any case, respondent father has not filed a brief with this Court and we therefore deem his appeal abandoned.

Respondent mother's counsel has filed a no-merit brief on respondent mother's behalf in which he states that "counsel has conducted a conscientious and thorough review of the record on appeal" and that "the record contains no issue of merit on which to base an argument for relief and that the appeal would be frivolous." Pursuant to North Carolina Rule of Appellate Procedure 3.1(d), counsel requests that this Court conduct an independent examination of the case. N.C.R. App. P. 3.1(d) (2011). Respondent mother has not filed her own written arguments.

In addition to seeking review pursuant to Rule 3.1(d), counsel directs our attention to potential issues with regard to the termination proceedings and the trial court's conclusions that grounds exist to terminate respondent mother's parental rights and that termination of her rights is in the best

interests of the child. Counsel concedes, however, that advancing these arguments would not result in reversal of the trial court's order.

After carefully reviewing the transcript and record, we are unable to find any error in the trial court's order. The trial court's findings of fact support at least one ground for termination pursuant to N.C. Gen. Stat. § 7B-1111, and the trial court did not abuse its discretion in determining that termination is in the best interests of C.M.A. pursuant to N.C. Gen. Stat. § 7B-1110. Accordingly, we affirm the trial court's order terminating respondent mother's parental rights as to C.M.A.

Affirmed.

Judges BRYANT and ERVIN concur.

Report per Rule 30(e).