

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority. Citation is disfavored, but may be permitted in accordance with the provisions of Rule 30(e)(3) of the North Carolina Rules of Appellate Procedure.

NO. COA11-684  
NORTH CAROLINA COURT OF APPEALS

Filed: 4 October 2011

IN THE MATTER OF: Mecklenburg County  
Nos. 04 J 772-74  
C.R., N.R. (I), N.R. (II)

Appeal by respondent-father from orders entered 11 March 2011 by Judge Rickye McKoy-Mitchell in Mecklenburg County District Court. Heard in the Court of Appeals 12 September 2011.

*Richard A. Lucey, for petitioner-appellee.*

*Deana K. Fleming, for guardian ad litem.*

*Peter Wood, for respondent-appellant father.*

CALABRIA, Judge.

Respondent-father appeals from three orders terminating his parental rights to his three children, C.R., N.R.(I), and N.R.(II) (collectively, "the juveniles").<sup>1</sup> We affirm.

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<sup>1</sup> The trial court also terminated the parental rights of the juveniles' mother. She initially appealed from the trial court's orders, but withdrew her appeal on 30 June 2011.

On 16 July 2004, the Mecklenburg County Department of Social Services ("DSS") filed a juvenile petition alleging that the juveniles were neglected and dependent. DSS obtained nonsecure custody of the juveniles on the same day. In an order entered 30 August 2004, the trial court adjudicated the juveniles neglected and dependent. In a subsequent order entered 2 December 2004, the trial court granted guardianship of the juveniles to their maternal great aunt ("petitioner").

On 6 February 2007, petitioner filed petitions to adopt the juveniles. On 30 November 2009, petitioner filed petitions to terminate the parental rights of respondent-father and the mother of the juveniles. Petitioner filed amended petitions on 10 February 2010. Petitioner alleged the following grounds for termination against respondent-father: (1) neglect; (2) willful abandonment; and (3) failure to legitimate. Following hearings on 17 November 2010 and 27 January 2011, the trial court entered orders on 11 March 2011 concluding that all three grounds existed to terminate respondent-father's parental rights. The trial court then determined that termination of respondent-father's parental rights was in the best interests of the juveniles. Respondent-father appeals.

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Therefore, the juveniles' mother is not a party to this appeal.

Respondent-father's counsel has filed a no-merit brief on respondent-father's behalf in which counsel states that after a "conscientious and thorough review of the Record on Appeal and all material in the underlying case files[,] " he has concluded that "this appeal presents no issue of merit on which to base an argument for relief and that the appeal is frivolous." In addition, counsel has shown to the satisfaction of this Court that he has advised respondent-father of his right to file written arguments with this Court, and counsel has provided him with the documents necessary to do so. Respondent-father has not filed his own written arguments.

Pursuant to N.C.R. App. P. 3.1(d) (2010), counsel requests that this Court conduct an independent examination of the case. Counsel directs our attention to the following potential issues: (1) whether the trial court committed reversible error in concluding that there were grounds to terminate respondent-father's parental rights; (2) whether the trial court abused its discretion by terminating respondent-father's parental rights; and (3) whether the trial court lacked subject matter jurisdiction to enter the orders. However, counsel acknowledges that he is unable to set forth any issue of merit on which to base an argument for relief.

After carefully reviewing the transcript and record in the instant case, we are unable to find any possible prejudicial error in the trial court's orders. The trial court's findings of fact support at least one ground for termination, and the trial court did not abuse its discretion in determining that termination was in the best interests of the juveniles. Furthermore, we conclude that the court had subject matter jurisdiction to enter the orders. Accordingly, we determine that the trial court properly terminated respondent-father's parental rights to the juveniles. The trial court's order is affirmed.

Affirmed.

Chief Judge MARTIN and Judge McGEE concur.

Report per Rule 30(e).