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NO. COA11-781
NORTH CAROLINA COURT OF APPEALS

Filed: 6 December 2011

IN THE MATTER OF:

C.T.,	Jones County
A Minor Juvenile	No. 09 JT 17

Appeal by respondent father from order entered 21 March 2011 by Judge Carol A. Jones-Wilson in Jones County District Court. Heard in the Court of Appeals 7 November 2011.

Sheri M. Davenport for petitioner-appellee Jones County Department of Social Services.

Wyrick Robbins Yates & Ponton LLP, by Tobias S. Hampson, for respondent-appellant father.

Poyner Spruill LLP, by Shannon E. Hoff, for guardian ad litem.

HUNTER, Robert C., Judge.

Respondent father ("the father") appeals from the trial court's order terminating his parental rights to the juvenile C.T. ("the juvenile"). The father argues the trial court erred by concluding that three grounds existed to terminate his

parental rights and that it was in the juvenile's best interest to terminate his parental rights. We affirm.

The juvenile was born in June of 2009. On 2 October 2009, the Jones County Department of Social Services ("DSS") filed a petition alleging the juvenile was neglected, and the juvenile was placed in non-secure custody. On 5 February 2010, the juvenile was adjudicated neglected. The adjudication court ordered both parents to complete parenting classes, maintain employment, and find suitable housing, and ordered the father to have substance abuse and mental health assessments and follow any recommendations.

On 7 December 2010, DSS filed a petition to terminate the parents' parental rights. As grounds for termination, DSS alleged that the juvenile was neglected, that the parents had willfully left the juvenile in foster care for more than 12 months without making reasonable progress toward correcting the conditions that led to the juvenile's placement outside the home, and that the juvenile had been in DSS custody for more than six months and the parents had failed to contribute toward the cost of the juvenile's care.

The matter came on for hearing on 8 March 2011. Social worker Faith Person testified at the adjudication phase of the

hearing, and a relative with whom the juvenile was placed testified at the disposition phase. On 21 March 2011, the trial court entered an order terminating the parents' parental rights. The trial court concluded that the evidence supported all three grounds for termination alleged by DSS, and that it was in the juvenile's best interest to terminate both parents' parental rights. The father entered notice of appeal.

On appeal, the father argues the trial court erred by concluding three grounds existed to terminate his parental rights. We disagree.

At the adjudicatory stage of a termination of parental rights hearing, the burden is on the petitioner to prove that at least one ground for termination exists by clear, cogent, and convincing evidence. N.C. Gen. Stat. § 7B-1109(f) (2009); *In re Blackburn*, 142 N.C. App. 607, 610, 543 S.E.2d 906, 908 (2001). Review in the appellate courts is limited to determining whether clear and convincing evidence exists to support the findings of fact, and whether the findings of fact support the conclusions of law. *In re Huff*, 140 N.C. App. 288, 291, 536 S.E.2d 838, 840 (2000), *appeal dismissed, disc. review denied*, 353 N.C. 374, 547 S.E.2d 9 (2001).

We note that although the trial court concluded grounds existed pursuant to N.C. Gen. Stat. § 7B-1111(a)(1), (2), and (3) (2009) to terminate the father's parental rights, we find it dispositive that the evidence supports termination of his parental rights pursuant to N.C. Gen. Stat. § 7B-1111(a)(1), based on neglect. See *In re Humphrey*, 156 N.C. App. 533, 540, 577 S.E.2d 421, 426 (2003) (a finding of one statutory ground is sufficient to support the termination of parental rights).

A neglected juvenile is defined, in relevant part, as "[a] juvenile who does not receive proper care, supervision, or discipline from the juvenile's parent, guardian, custodian, or caretaker; or who has been abandoned[.]" N.C. Gen. Stat. § 7B-101(15) (2009). "Abandonment has been defined as [willful] neglect and refusal to perform the natural and legal obligations of parental care and support. It has been held that if a parent withholds his presence, his love, his care, the opportunity to display filial affection, and [willfully] neglects to lend support and maintenance, such parent relinquishes all parental claims and abandons the child." *Humphrey*, 156 N.C. App. at 540, 577 S.E.2d at 427 (citation and quotation marks omitted).

In this case, the trial court's findings of fact establish that the father neglected the juvenile through abandonment. The

trial court found that the father "failed to comply in any meaningful way with the case service plan." In addition, the trial court found that the father moved to another state and visited the juvenile only once before he moved. That visit took place in April 2010, more than six months prior to the termination petition and nearly one year before the termination hearing. The father also failed to provide DSS with contact information and only contacted DSS to learn the hearing date, not to inquire about the juvenile's welfare. Furthermore, the father worked at times, but never provided the juvenile with any financial support. The trial court's findings are supported by the testimony of social worker Person. In sum, as the trial court found, the father "withheld from the juvenile [his] love, [his] presence and [his] support." Based on these findings, we hold that the trial court properly concluded that the juvenile was neglected through abandonment. *In re Yocum*, 158 N.C. App. 198, 204, 580 S.E.2d 399, 403, *aff'd per curiam*, 357 N.C. 568, 597 S.E.2d 674 (2003).

The father also challenges the trial court's conclusion that termination of his parental rights was in the juvenile's best interest. This argument lacks merit.

Once the trial court has determined that a ground for termination exists, it moves on to the disposition stage, where it must determine whether termination is in the best interest of the juvenile. N.C. Gen. Stat. § 7B-1110(a) (2009). In determining the best interest of the juvenile, the trial court must consider the factors listed in N.C. Gen. Stat. § 7B-1110(a). *In re S.T.P.*, ___ N.C. App. ___, ___, 689 S.E.2d 223, 227-28 (2010). The trial court's decision at this stage is reviewed for an abuse of discretion. *In re Anderson*, 151 N.C. App. 94, 98, 564 S.E.2d 599, 602 (2002).

Here, the trial court's findings of fact demonstrate that it properly considered the factors listed in N.C. Gen. Stat. § 7B-1110(a). The trial court found: the juvenile was 18 months old and had been out of the parents' custody since August of 2009; the juvenile was healthy, happy, and well-adjusted in her current relative placement; the relatives were strongly bonded with the juvenile and planned to adopt her; and, the parents shared no bond with the juvenile. These findings are supported by the evidence presented at the disposition hearing and in the court reports. Accordingly, we hold that the trial court acted within its discretion in terminating the father's parental rights to the juvenile.

Affirmed.

Judges THIGPEN and MCCULLOUGH concur.

Report per Rule 30(e).