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NO. COA11-782  
NORTH CAROLINA COURT OF APPEALS

Filed: 20 December 2011

IN THE MATTER OF: Dare County  
A.C.R. No. 06 JT 18

Appeal by respondent-father from order entered 24 March 2011 by Judge Amber Davis in Dare County District Court. Heard in the Court of Appeals 21 November 2011.

*Sharp, Michael & Graham, L.L.P., by Steven D. Michael, for petitioner-appellee Dare County Department of Social Services.*

*Ryan McKaig for respondent-appellant father.*

*Parker Poe Adams & Bernstein LLP, by Ashley A. Edwards and Jennifer G. Case, for guardian ad litem.*

STEELMAN, Judge.

Where father's appeal does not challenge the three grounds for termination of his parental rights, he has forfeited his constitutionally protected status as a parent. The trial court did not abuse its discretion in terminating father's parental rights.

I. Factual and Procedural Background

On 16 March 2006, the Dare County Department of Social Services ("DSS") filed a juvenile petition alleging that A.R.,<sup>1</sup> who was two years old at the time, was an abused, neglected, and dependent juvenile. A.R. was taken into nonsecure custody by DSS on the same day. At the time, A.R. was living with his mother. The trial court entered an order adjudicating A.R. neglected based upon mother's stipulation that the allegations contained in the petition were true. The trial court found that mother admitted to selling drugs; that father was incarcerated in Virginia and had a history of domestic violence; and that mother had a history of involvement with DSS and has had two other children removed from her custody. In the dispositional portion of the order, the trial court directed that A.R. remain in DSS custody. On 3 January 2007, DSS returned A.R. to mother's custody.

Father was released from incarceration in October 2007 after having served three years and four months for a conviction of the offense of carnal knowledge. After his release, father moved to Petersburg, Virginia. He subsequently moved after taking a job in another town. This was a violation of his

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<sup>1</sup> To conceal the juvenile's identity, we refer to his parents as "mother" and "father."

probation. Father was arrested in July 2008 and returned to prison.

On 29 July 2009, DSS filed a second juvenile petition alleging that A.R. and his half-sister were neglected and dependent juveniles. On 14 October 2009, the trial court found, *inter alia*, that mother had tested positive for several controlled substances; that she and her children had been evicted from their residence; and that mother lacked stable employment. A.R. and his half-sister began residing with their maternal aunt and uncle shortly before the petition was filed. In this adjudication and disposition order, the trial court gave DSS custody of A.R. and his half-sister, but they remained in the placement with their aunt and uncle.

On or about 4 June 2010, DSS filed a petition to terminate mother and father's parental rights to A.R. The grounds alleged for termination were neglect and willful failure to pay a reasonable portion of the cost of care for the juvenile as a ground for termination against each parent, and failure to legitimate as a ground for termination against father. See N.C. Gen. Stat. § 7B-1111(a)(1), (3), (5) (2009).

The trial court conducted a hearing on 11 January 2011 and 22 February 2011. At the time of the hearing, father was still

incarcerated, with an anticipated release in June 2011. At a deposition prior to the hearing, father asserted that he planned to move in with his girlfriend and their child upon his release from prison. He also claimed that he had participated in a re-entry program in prison, received his OSHA certification, and wanted to obtain a job upon release. Father admitted that he had not made much of an effort to stay in contact with A.R., but claimed that he did not want to lose A.R. and was willing to provide support for the child.

In an order entered 24 March 2011, the trial court found all of the grounds for termination alleged in the petition. The trial court concluded that it was in the juvenile's best interests to terminate both parents' rights to A.R. Father appealed. Mother did not appeal.

## II. Challenge to Dispositional Phase

In his only argument, father contends that the trial court erred in determining that termination of his parental rights was in the best interests of the child. We disagree.

### A. Standard of Review

After an adjudication determining that grounds exist for terminating parental rights, the trial court is required to consider six statutory factors in determining whether

termination is in the juvenile's best interests. N.C. Gen. Stat. § 7B-1110(a) (2009); *In re S.C.H.*, 199 N.C. App. 658, 666-67, 682 S.E.2d 469, 474 (2009), *aff'd per curiam*, 363 N.C. 828, 689 S.E.2d 858 (2010). We review the trial court's determination that a termination of parental rights is in the best interests of the juvenile for an abuse of discretion. *In re Anderson*, 151 N.C. App. 94, 98, 564 S.E.2d 599, 602 (2002).

#### B. Analysis

Respondent acknowledges that the trial court properly considered the factors mandated by N.C. Gen. Stat. § 7B-1110(a). He nevertheless argues that the facts of his case do not support the trial court's decision to terminate his parental rights because he has made efforts to improve his life, wants a relationship with A.R., and wants to provide support for A.R. In light of his constitutionally protected status as a parent and our Juvenile Code's favored protection of family bonds, father argues that the trial court should have exercised its discretion not to terminate his parental rights. We are not persuaded.

As an initial matter, we note that the existence of a single ground for termination of parental rights under N.C. Gen. Stat. § 7B-1111 is sufficient to demonstrate that a parent has

"forfeited his or her constitutionally protected status." See *Owenby v. Young*, 357 N.C. 142, 145, 579 S.E.2d 264, 267 (2003). In the instant case, the trial court found the existence of three grounds justifying termination of father's parental rights, none of which are challenged on appeal. Father has forfeited his constitutionally protected status as a parent, and the trial court correctly determined that it was in the best interests of the child that father's parental rights be terminated.

Father's remaining arguments center upon his desires rather than the child's needs. At the disposition stage, the trial court's focus is on the best interests of the child, not the circumstances surrounding the parents. See *In re Montgomery*, 311 N.C. 101, 109, 316 S.E.2d 246, 251 (1984) ("[T]he fundamental principle underlying North Carolina's approach to controversies involving child neglect and custody [is] that the best interests of the child is the polar star."). Moreover, based on our review of the record, the court was certainly aware of father's circumstances. After proper consideration of the statutorily mandated factors, the trial court ultimately concluded that it was in A.R.'s best interests to terminate father's parental rights. We discern no abuse of discretion by

the trial court. We affirm the order of the trial court terminating father's parental rights to A.R.

AFFIRMED.

Judges GEER and HUNTER, JR., Robert N. concur.

Report per Rule 30(e).