

the trial court made insufficient findings to support its order ceasing reunification efforts, we reverse the orders ceasing reunification efforts and terminating respondent's parental rights.

On 8 October 2009, the Greene County Department of Social Services ("DSS") filed a petition alleging that M.D.M. was neglected. The petition was filed due to concerns that respondent's mental illness was preventing her from providing proper care for M.D.M. M.D.M. was placed in non-secure custody on 13 October 2009.

On 15 January 2010, the trial court entered an order in which it adjudicated M.D.M. neglected. The matter came on for a permanency planning hearing on 10 May 2010. In an order entered 25 June 2010, the trial court relieved DSS of further reunification efforts and adopted a permanent plan of termination of respondent's parental rights. On 23 July 2010, respondent filed written notice of appeal from the trial court's permanency planning order. On 20 August 2010, respondent filed a "Notice of Withdrawal of Appeal" in which she acknowledged that the order was not immediately appealable pursuant to N.C. Gen. Stat. § 7B-1001 (2009). On the same date, respondent filed a "Notice to Preserve Right of Appeal," in which she attempted

to preserve her right to appeal from the trial court's order ceasing reunification efforts pursuant to N.C. Gen. Stat. §§ 7B-507(c) and 1001(a)(5) (2009).

On 30 July 2010, DSS filed a petition to terminate respondent's parental rights. As the sole ground for termination, the petition alleged that the juvenile was neglected.¹ Respondent filed an answer on 12 November 2010. After a termination hearing on 23 February 2011, the trial court entered an order terminating respondent's parental rights on 23 March 2011. Respondent gave timely written notice of appeal from the order terminating her parental rights.

On 22 August 2011, respondent filed a petition for writ of certiorari seeking to preserve her right to review of the trial court's 25 June 2010 order ceasing reunification efforts. Respondent acknowledges that she failed to preserve her right to appeal that order as provided for by N.C. Gen. Stat. § 7B-507(c), but requests that this Court exercise its discretion and review the trial court's permanency planning order. Because it appears respondent lost her right to review of the order ceasing reunification efforts through no fault of her own, we allow

¹The petition also alleged a ground to terminate the parental rights of M.D.M.'s unidentified father, who is not a party to this appeal.

respondent's petition for writ of certiorari and review the order ceasing reunification efforts.

Respondent's sole argument on appeal is that the trial court failed to make sufficient written findings of fact addressing N.C. Gen. Stat. § 7B-507(b)(1) (2009) in its order ceasing reunification efforts. We agree.

"This Court reviews an order that ceases reunification efforts to determine whether the trial court made appropriate findings, whether the findings are based upon credible evidence, whether the findings of fact support the trial court's conclusions, and whether the trial court abused its discretion with respect to disposition." *In re C.M.*, 183 N.C. App. 207, 213, 644 S.E.2d 588, 594 (2007) (citations omitted).

In relevant part, Chapter 7B requires:

In any order placing a juvenile in the custody or placement responsibility of a county department of social services, whether an order for continued nonsecure custody, a dispositional order, or a review order, the court may direct that reasonable efforts to eliminate the need for placement of the juvenile shall not be required or shall cease *if the court makes written findings of fact that:*

- (1) Such efforts clearly would be futile or would be inconsistent with the juvenile's health, safety, and need for a safe, permanent home within a reasonable period of time[.]

N.C. Gen. Stat. § 7B-507(b)(1) (emphasis added).

“When a trial court is required to make findings of fact, it must make the findings of fact specially.” *In re Harton*, 156 N.C. App. 655, 660, 577 S.E.2d 334, 337 (2003) (citation omitted). Consequently, we recently held that N.C. Gen. Stat. § 7B-507(b)(1) requires the trial court to “ultimately find . . . that: (1) attempted reunification efforts would be futile, or (2) reunification would be inconsistent with the juvenile’s health, safety, and need for a safe, permanent home within a reasonable period of time.” *In re I.R.C.*, ___ N.C. App. ___, ___, 714 S.E.2d 495, 498 (2011). Otherwise, “the [trial] court’s findings do not support its conclusions of law that efforts to reunify respondent with her children should cease[.]” *In re Weiler*, 158 N.C. App. 473, 480, 581 S.E.2d 134, 138 (2003).

In this case, the trial court made insufficient findings to support its order ceasing reunification efforts. As in *I.R.C.*, the trial court’s findings of fact describe respondent’s case history, without stating that further reunification efforts would be futile or that reunification would be inconsistent with the juvenile’s health, safety, or need for a safe, permanent home. *I.R.C.*, ___ N.C. App. at ___, 714 S.E.2d at 498. Although the trial court did find “[t]hat it is contrary to the welfare

of this juvenile to be placed in the custody of either parent[,]” this finding does not satisfy the statutory requirements. Additionally, the trial court did not make an ultimate conclusion of law that reunification efforts would be futile or inconsistent with the juvenile’s health, safety, and need for a safe, permanent home. *Id.* at ___, 714 S.E.2d at 498-99 (noting that if the trial court had related the findings of fact to a conclusion of law that specifically set forth the basis for ceasing reunification efforts under N.C. Gen. Stat. § 7B-507(b), this Court would have affirmed the order ceasing reunification efforts; however, the trial court made no such conclusion). Accordingly, we must reverse the trial court’s order ceasing reunification efforts and the subsequent order terminating respondent’s parental rights.

REVERSED.

Judges HUNTER and McCULLOUGH concur.

Report per Rule 30(e).