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IN THE COURT OF APPEALS OF NORTH CAROLINA

2022-NCCOA-461

No. COA 21-713

Filed 5 July 2022

Guilford County, Nos. 18 JT 292, 18 JT 293

IN THE MATTER OF: C.L.R. AND L.E.R.

Appeal by Respondent-Mother from order entered 20 July 2021 by Judge Angela C. Foster in Guilford County District Court. Heard in the Court of Appeals 24 May 2022.

Guilford County Department of Health and Human Services, by Mercedes O. Chut, for Petitioner-Appellee.

Parker Poe Adams & Bernstein LLP, by Amy S. Flanary-Smith, for guardian ad litem.

Sydney Batch, for Respondent-Mother.

DILLON, Judge.

¶ 1 Respondent-Mother (“Mother”) appeals from an order terminating her parental rights to C.L.R. (“Clara”) and L.E.R. (“Lillian”).¹ We affirm.

I. Background

¹Pseudonyms have been used throughout this opinion to protect the identity of the juveniles and for ease of reading. See N.C. R. App. P. 42(b)(1).

¶ 2 On 25 November 2019, the Guilford County Department of Health and Human Services (“DSS”) filed a petition to terminate the parental rights of Mother and the children’s father (“Father”) based on the following grounds: (1) neglect and likelihood of continued neglect; (2) failure to make reasonable progress to correct the conditions which led to removal of the juveniles; (3) failure to pay a reasonable portion of the cost of care for the juveniles although physically and financially able; (4) incapability of providing for the proper care and supervision of the juveniles; (5) willful abandonment. *See* N.C. Gen. Stat. § 7B-1111(a)(1), (2), (3), (6), (7) (2019).

¶ 3 In July 2021, following a hearing on the matter, the trial court entered an order concluding that termination of both Mother and Father’s parental rights was justified based on the grounds alleged by DSS and that termination was in Clara and Lillian’s best interests. Mother gave timely notice of appeal. Father did not appeal.

¶ 4 Mother’s counsel has filed a no-merit brief on Mother’s behalf, stating that after a “conscientious and thorough review . . . the record contains no issue of merit on which to base an argument for relief and that the appeal is frivolous.” Pursuant to N.C. R. App. P. 3.1(d), counsel requests this Court to conduct an independent examination of the case. Counsel has provided Mother with copies of all relevant documents and has advised her that she may file her own argument. Mother has not filed her own written arguments.

II. Analysis

IN RE C.L.R. & L.E.R.

2022-NCCOA-461

Opinion of the Court

¶ 5 After carefully reviewing the transcript and record, we are unable to find any prejudicial error in the trial court’s order. First, the trial court exercised proper subject matter jurisdiction over the matter. Second, the trial court’s findings of fact in the adjudicatory stage support at least one ground for termination, and the trial court did not abuse its discretion in the dispositional stage when it determined that termination was in the best interest of the children.

¶ 6 Specifically, the trial court’s findings of fact in the adjudicatory stage of proceedings support every ground for termination, although only one ground for termination is required. N.C. Gen. Stat. § 7B-1111(a). We agree that Mother is responsible for willfully abandoning both Clara and Lillian. Counsel for Mother admits in her no-merit brief that Mother was aware of the services she needed to complete to reunify with her children, yet took no action towards completing her case plan or maintaining contact with DSS to inquire about her children’s welfare. We conclude that this ground for termination is supported by clear, cogent, and convincing evidence. *Id.* § 7B-1109 (outlining the standard of review for termination of parental rights).

¶ 7 Our Supreme Court has held that “[t]he trial court’s assessment of a juvenile’s best interest at the disposition stage is reviewed solely for abuse of discretion.” *In re C.B.*, 375 N.C. 556, 560, 850 S.E.2d 324, 327 (2020).

IN RE C.L.R. & L.E.R.

2022-NCCOA-461

Opinion of the Court

¶ 8

The trial court's findings show that Mother evinced repeated inaction towards providing a safe environment for her children. Mother failed to complete substance abuse treatment and to provide financial support towards the children despite having periodic income. At the time DSS filed the petition to terminate Mother's parental rights, it had been approximately 361 days since she contacted her children. As a result, we conclude that the trial court did not abuse its discretion in determining that termination was in the best interest of the children.

AFFIRMED.

Chief Judge STROUD and Judge GRIFFIN concur.

Report per Rule 30(e).