

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA06-1115

NORTH CAROLINA COURT OF APPEALS

Filed: 01 May 2007

IN THE MATTER OF:

A.L., Jr.

Guilford County  
No. 01 J 78

Appeal by respondent from order entered 28 October 2005 by Judge Lawrence C. McSwain in Guilford County District Court. Heard in the Court of Appeals 16 April 2007.

*Mercedes O. Chut for petitioner-appellee Guilford County Department of Social Services.*

*Nancy R. Gaines for respondent-appellant-father.*

*Smith, James, Rowlett & Cohen, L.L.P., by Margaret Rowlett for appellee Guardian ad Litem.*

STEELMAN, Judge.

When the trial court terminated respondent's parental rights based upon six separate grounds under N.C. Gen. Stat § 7B-1111(a), and since respondent only argues that there was error as to two of these grounds, this Court must affirm the ruling of the trial court.

The Guilford County Department of Social Services ("petitioner") filed a juvenile petition on 23 March 2001 which alleged that the child was an abused, neglected and dependent juvenile. Pursuant to a nonsecure custody order entered on that

date, the child was placed in the legal and physical custody of petitioner and has remained there since that time. In an adjudication and dispositional order entered on 13 July 2001, the trial court adjudged the child to be abused and neglected and awarded legal custody to petitioner.

Petitioner filed a motion on 17 November 2003 to terminate the parental rights of respondent and the child's mother. The motion presented grounds for termination as to respondent pursuant to N.C. Gen. Stat. §§ 7B-1111(a)(1)-(3), (7) and (8). The trial court terminated the mother's parental rights on 23 March 2004. In an order signed on 6 March 2004 and subsequently entered on 6 April 2004, the trial court removed the motion to terminate respondent's parental rights from the calendar until there was proper service upon him in accordance with N.C. Gen. Stat. § 1A-1, Rule 4. On 14 October 2004, petitioner filed an amendment to the motion to terminate respondent's parental rights and asserted an additional ground for termination pursuant to N.C. Gen. Stat. § 7B-1111(a)(6).

By order entered 15 September 2005, the trial court concluded that it had obtained personal jurisdiction over respondent and calendared the motion to terminate his parental rights for 26 September 2005. After hearing the matter over a three-day period, the trial court found that grounds to terminate respondent's parental rights existed pursuant to N.C. Gen. Stat. §§ 7B-1111(a)(1)-(3) and (6)-(8). In its order entered 28 October 2005, the trial court concluded that each of the grounds alleged in the amended motion to terminate respondent's parental rights had been

proven by clear, cogent and convincing evidence and that it was in the child's best interest to terminate respondent's parental rights. From the trial court's order, respondent appeals.

Respondent contends the trial court erred by finding that he had willfully abandoned the child, N.C. Gen. Stat. § 7B-1111(a)(1), and that he had failed to provide support for the child, N.C. Gen. Stat. § 7B-1111(a)(3). He argues the trial "[c]ourt's conclusion on at least two of the grounds recited to support the termination of [his] parental rights are flawed in that they are not supported by the evidence" and that "[t]his matter should be reversed and remanded on the basis of these errors." Respondent's arguments are not persuasive.

A "trial court can terminate a respondent's parental rights upon the finding of one of the grounds enumerated in N.C. Gen. Stat. § 7B-1111(a)." *In re J.A.A. & S.A.A.*, 175 N.C. App. 66, 74, 623 S.E.2d 45, 50 (2005). "If unchallenged on appeal, findings of fact 'are deemed supported by competent evidence' and are binding upon this Court." *In re J.M.W.*, \_\_ N.C. App. \_\_, \_\_, 635 S.E.2d 916, 919 (2006) (quoting *In re Padgett*, 156 N.C. App. 644, 648, 577 S.E.2d 337, 340 (2003)). When a trial court's findings of fact are based on clear, cogent and convincing evidence and those findings support the conclusions of law, its order will be upheld. See *In re J.D.S.*, 170 N.C. App. 244, 249, 612 S.E.2d 350, 354, cert. denied, 360 N.C. 64, 623 S.E.2d 584 (2005).

Although mischaracterized in its order as findings of fact, the trial court here concluded that all six of the statutory

grounds alleged in the amended motion to terminate existed. The trial court then concluded all six grounds had been proven by clear, cogent and convincing evidence. Respondent presented arguments only as to two of the grounds, N.C. Gen. Stat. §§ 7B-1111(a)(1) and (3), found by the trial court. Since any one of the remaining four unchallenged grounds, N.C. Gen. Stat. §§ 7B-1111(a)(2) and (6-8), is sufficient to support the trial court's order of termination, we affirm the trial court's order without examining respondent's arguments as to the two contested grounds. See *In re S.B.M.*, 173 N.C. App. 634, 636, 619 S.E.2d 583, 585 (2005).

Respondent failed to argue his remaining assignments of error in his brief. Because he has neither cited any authority nor stated any reason or argument in support of those assignments of error, they are deemed abandoned. See N.C. R. App. P. 28(b)(6).

The trial court's order terminating respondent's parental rights is affirmed.

AFFIRMED.

Judges McCULLOUGH and LEVINSON concur.

Report per Rule 30(e).