

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA06-160

NORTH CAROLINA COURT OF APPEALS

Filed: 17 October 2006

IN RE: ND, JD, DD,
KC and DC

Mecklenburg County
Nos. 04 J 685
04 J 686
04 J 822
04 J 823
04 J 827

Appeal by respondent-mother from order entered 21 September 2005 by Judge Hugh B. Lewis in Mecklenburg County District Court. Heard in the Court of Appeals 25 September 2006.

Mecklenburg County Attorney's Office, by J. Edward Yeager, Jr., and Office of the Guardian ad Litem, by Attorney Advocate Jeannie Brown, jointly for petitioner-appellee and Guardian ad Litem-appellee.

Don Willey, for respondent-appellant.

JACKSON, Judge.

Jeren D ("respondent") appeals from the trial court's order of 21 September 2005 terminating her parental rights to her minor children N.D., J.D., D.D., K.C., and D.C. For the reasons stated below, the trial court's order is affirmed.

The Mecklenburg County Department of Social Services ("petitioner") filed five petitions to terminate respondent's parental rights to each of her five children on 6 July 2004 (J.D.

and N.D.), 28 July 2004 (D.C. and K.C.) and 30 July 2004 (D.D.). Each petition alleged that respondent and the respective fathers had: (1) neglected the named child (see N.C. Gen. Stat. § 7B-1111(a)(1) (2005)); (2) willfully left the named child in foster care for more than twelve months (see N.C. Gen. Stat. § 7B-1111(a)(2) (2005)); and (3) willfully failed to pay a reasonable portion of the cost of care while the named child had been placed in the custody of Mecklenburg County Department of Social Services (see N.C. Gen. Stat. § 7B-1111(a)(3) (2005)). Following hearings on 9 June 2005 and 8 September 2005, the trial court concluded that sufficient grounds existed under each of the three statutory provisions and terminated respondent's and the fathers' parental rights. From the trial court's order, respondent appeals to this Court.

Respondent first assigns error to the trial court's findings of fact and conclusions of law that grounds exist under North Carolina General Statutes, sections 7B-1111(a)(2) and (3) to terminate her parental rights. Petitioner presented no argument as to the trial court's findings of fact and conclusion of law that the children were neglected "as that term is defined in NCGS §7B-101(15) in that [the parents] have failed to provide proper care, supervision and discipline for the juveniles" Because respondent has neither cited any authority nor stated any reason or argument in support of the assignment of error as to the ground of neglect, it is deemed abandoned. See N.C. R. App. P. 28(b)(6) (2006).

A termination order will be upheld so long as one of the grounds for termination found by the trial court is supported by clear, cogent and convincing evidence. See *In re Bradshaw*, 160 N.C. App. 677, 682-83, 587 S.E.2d 83, 87 (2003). Upon review of the record, there were sufficient findings of fact to support the trial court's conclusion of neglect under the statute, and those findings were based upon clear, cogent, and convincing evidence. We therefore do not address respondent's arguments as to the two remaining grounds identified by the trial court in its termination order.

Respondent next assigns error to the trial court's conclusion that it was in the children's best interest that her parental rights be terminated. She argues the matter should be remanded for a new dispositional hearing because the trial court failed to articulate any basis for its determination to terminate her parental rights. Respondent's argument is not persuasive.

The termination of parental rights is a two-step process. See *In re Blackburn*, 142 N.C. App. 607, 610, 543 S.E.2d 906, 908 (2001). During the adjudicatory stage, the petitioner has the burden of proving by clear, cogent, and convincing evidence that a statutory ground for termination exists pursuant to North Carolina General Statutes, Section 7B-1111. See *id.* Once a petitioner has met its burden of proving that at least one of the statutory grounds for termination of parental rights exists, the trial court moves to the dispositional phase and must consider whether termination is in the best interests of the child. See *id.* A

trial court's disposition in a termination proceeding is only reviewed for an abuse of discretion. See *id.* at 613, 543 S.E.2d at 910.

The trial "court is required to issue an order of termination in the dispositional stage, unless it finds the best interests of the child would be to preserve the parent's rights." *Id.* at 613, 543 S.E.2d at 910 (citing *In re Parker*, 90 N.C. App. 423, 368 S.E.2d 879 (1988)); see also N.C. Gen. Stat. § 7B-1110(a) (2005). At this phase, the trial court is not required "to make findings of fact upon the issuance of an order to terminate parental rights, [but] such findings and conclusions must be made upon any determination that the best interests of the child require that rights not be terminated." *Id.* at 613, 543 S.E.2d at 910 (emphasis in original); see also N.C. Gen. Stat. § 7B-1110(b) and (c).

In the present case, there were sufficient findings of fact to support the trial court's conclusion of neglect under the statute, and those findings were based upon clear, cogent, and convincing evidence. It was therefore within the trial court's discretion to terminate respondent's parental rights. Because the trial court was not required to "articulate" a basis for its decision to terminate respondent's parental rights, respondent's argument is without merit. Respondent has shown no abuse of discretion by the trial court in terminating her parental rights. Accordingly, the trial court's order is affirmed.

AFFIRMED.

Chief Judge MARTIN and Judge CALABRIA concur.

Report per Rule 30(e).