

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA06-637

NORTH CAROLINA COURT OF APPEALS

Filed: 19 December 2006

IN THE MATTER OF:
A.B., J.M., and A.M.,
Minor Children.

Mecklenburg County
Nos. 04 J 465-67

Appeal by respondent from order entered 5 December 2005 by Judge Hugh B. Lewis in Mecklenburg County District Court. Heard in the Court of Appeals 11 December 2006.

Mecklenburg County Department of Social Services, by J. Edward Yeager, Jr., for petitioner-appellee.

Attorney Advocate Jeannie Brown for the Guardian ad Litem-appellee.

Leslie C. Rawls for respondent-appellant.

LEVINSON, Judge.

A.B. (respondent) appeals from the trial court's order which terminated her parental rights to her minor children (A.B., J.M. and A.M.). We affirm.

On 10 May 2004, the Mecklenburg County Youth and Family Services (petitioner) filed a juvenile petition alleging that the three children were dependent and neglected. Pursuant to a non-secure order also entered on 10 May 2004, the children were placed with their maternal grandmother. Following a hearing on 7 July 2004, the children were adjudicated to be neglected and dependant.

Petitioner ultimately filed petitions to terminate parental rights to the three children on 22 March 2005.

The trial court conducted a hearing on the petitions to terminate parental rights on 10 November 2005. In its order terminating parental rights entered on 5 December 2005, the trial court found that:

14. [C.D.] is a registered sex offender. He also has substance abuse problems and a history of selling drugs.

. . . .

16. In September 2005, [respondent] admitted to the YFS social worker . . . that she and [C.D.] were still together. [Respondent's] neighbor testified that she saw [C.D.] at [respondent's] home as recently as the day prior to the TPR proceedings, that being November 9, 2005.

. . . .

26. None of the parents have provided any monetary support to the maternal grandmother, who is caring for the children.

. . . .

30. Previously the [respondent] held drugs for the father. She allowed [C.D.] to cook drugs in her home while [D's] siblings were present.

. . . .

37. The respondent mother has made a choice to continue a relationship with a drug dealer over her own children. All of these children are placed with their sibling, [D.D.], in a placement with their maternal grandmother, [T.H.]. Ms. [H.] has testified that, if parental rights are terminated, it would be her intention to adopt the children; however she would continue to allow the respondent mother to visit with the children.

The trial court concluded that:

2. The respondent parents have neglected these juveniles as that term is defined in NCGS § 7B-101(15) in that they have failed to provide proper care, supervision and discipline for the juveniles. . . .

3. The respondent mother was made aware on numerous occasions that she might lose her children if she continued a relationship with [C.D.].

4. The children have been placed in the custody of Mecklenburg County Department of Social Services[,] and the respondent parents, for a continuous period of more than six (6) months next preceding the filing of the petition, have willfully failed for such period to pay a reasonable portion of the cost of care for said children, although physically and financially able to do so.

. . . .

6. The best interests of the above-named juveniles would be served by the termination of parental rights of both respondent parents with respect to these juveniles.

The trial court then ordered the termination of the parental rights of respondent and the respective fathers of the children. From the trial court's order, respondent appeals.

Respondent's sole argument on appeal is that the trial court abused its discretion when it held that the children's best interests were served by terminating her parental rights. She concedes that the evidence tended to show she had not paid support and that lack of support is grounds to terminate parental rights. Because the prospective adoptive parent (the maternal grandmother) does not intend to sever all relationship between the children and respondent, however, respondent argues the same result could have been reached by a custody order without severing the rights which

arise from the natal relationship.

Following an adjudication in which the trial court finds one or more grounds "authorizing a termination of the parental rights of a parent exist, the court shall issue an order terminating the parental rights of such parent . . . unless the court shall further determine that the best interests of the juvenile require that the parental rights of the parent not be terminated." N.C. Gen. Stat. § 7B-1110(a) (2003) (amended effective 1 October 2005 and applicable to petitions filed on or after that date). If a trial court's finding of one or more of the statutory grounds is supported by evidence in the record, its decision to terminate parental rights is reviewed on an abuse of discretion standard. *In re McMillon*, 143 N.C. App. 402, 408, 546 S.E.2d 169, 174 (2001).

In its order, the trial court found respondent continued a relationship with an individual who was a registered sex offender with substance abuse problems. Respondent permitted this individual to "cook" and distribute illegal drugs in the presence of her children in the home. Respondent has provided no monetary support to the maternal grandmother who has been caring for the children. Her assertion that the children may benefit from the trial court not severing the "many rights that arise from this natal relationship" does not demonstrate that the trial court's best interests determination is unsound. Based on the foregoing, this Court is not inclined to find that the trial court abused its discretion in determining that terminating the parental rights of respondent was in the best interests of the children. This

assignment of error is therefore overruled.

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

Affirmed.

Judges TYSON and BRYANT concur.

Report per Rule 30(e).