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NO. COA07-1009

NORTH CAROLINA COURT OF APPEALS

Filed: 4 December 2007

IN RE:

Gaston County
No. 06 JT 346-47

B.T.F. and D.W.H.

Appeal by respondent from judgments entered 14 May 2007 by Judge John Greenlee in District Court, Gaston County. Heard in the Court of Appeals 13 November 2007.

Court of Appeals

David A. Perez, for Gaston County Department of Social Services, petitioner-appellee.

Alston & Bink, LLP, by Cecilia E. Rutherford, for guardian ad litem-appellee.

Carol Ann Bauer, for respondent-appellant.

Slip Opinion

WYNN, Judge.

After finding that at least one of the statutory grounds exists, a trial court has discretion to terminate parental rights only upon also finding that it would be in the child's best interests.¹ Here, after a careful review of the record before us, we conclude that the trial court based its decision to terminate Respondent-mother's parental rights upon evidence that supported its finding that such termination was in the best interests of the

¹ *In re Nesbitt*, 147 N.C. App. 349, 352, 555 S.E.2d 659, 662 (2001).

two minor children. We therefore affirm the order of termination.

On 15 September 2006, the Gaston County Department of Social Services (DSS) filed petitions to terminate Respondent-mother's parental rights regarding B.T.F. and D.W.H., born in 2005 and 2002, respectively. DSS alleged that Respondent-mother had neglected the children, left them in foster care for more than twelve months without showing reasonable progress, failed to pay a reasonable portion of the cost of care for the children, and abandoned the children for at least six months prior to the filing of the petitions. On 14 May 2007, the trial court terminated Respondent-mother's parental rights as to both children on the grounds that she had willfully left them in foster care for more than twelve months without showing reasonable progress and had willfully failed to pay a reasonable portion of the cost of care for the children, despite being physically and financially able to do so. Additionally, the trial court made further findings in its order as to why termination of Respondent-mother's parental rights was in the best interests of the children.

Respondent-mother appeals, arguing that the trial court abused its discretion by terminating her parental rights because such termination was not in the best interests of the children. We disagree.

After finding that at least one of the statutory grounds exists, the trial court has discretion to terminate parental rights only upon also finding that it would be in the child's best interests. *In re Nesbitt*, 147 N.C. App. 349, 352, 555 S.E.2d 659,

662 (2001). Factors in this determination include the age of the child, the likelihood of adoption, whether termination is in furtherance of the permanent plan of care for the child, the bond between the child and the parent, and the quality of the relationship between the child and any proposed adoptive parents. N.C. Gen. Stat. § 7B-1110(a) (2005). As a discretionary decision, the trial court's termination order will not be disturbed unless it could not have been the product of reason. *In re J.B.*, 172 N.C. App. 747, 751, 616 S.E.2d 385, 387, *aff'd per curiam*, 360 N.C. 165, 622 S.E.2d 495 (2005).

In the instant case, the trial court included findings in its orders of termination as to each of the factors outlined in N.C. Gen. Stat. § 7B-1110(a). Specifically, the court found that the children are very young and "adaptable to an adoptive situation and in need of permanent caretakers to assume the role of loving parents," that they have beautiful and outgoing personalities, and that interest in adopting them has been expressed by various persons. Additionally, the trial court found that termination of parental rights is in furtherance of the permanent plan of adoption, particularly because no significant relationship existed at the time between the children and prospective adoptive parents, since termination of parental rights must occur before any such relationship can develop. Finally, the trial court found that although Respondent-mother has some bond to the children, it is not a strong bond that cannot be broken, and the children do not have a corresponding bond with Respondent-mother.

In light of these factors, the trial court concluded that the best interest of each child would be served by termination of Respondent-mother's parental rights "in that: The Court has before it no evidence that respondent will, within any relevant time period, address the issues which led to the taking of [these children]. The child[ren are] desperately in need of permanence in [their] li[ves]." The "issues" Respondent-mother failed to address include her problem with substance abuse; her failure to complete mental health counseling; her inability to maintain stable employment and safe and appropriate housing; her failure to keep appointments with social workers; her failure to attend medical appointments for the children, who have special medical needs; and her sporadic visitations with the children.

The foregoing demonstrates that the trial court engaged in a thoroughly reasoned process in arriving at a rational decision to terminate Respondent-mother's parental rights. Accordingly, we uphold the order terminating Respondent-mother's parental rights.

Affirmed.

Judges ELMORE and STROUD concur.

Report per Rule 30(e).