

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA07-131

NORTH CAROLINA COURT OF APPEALS

Filed: 19 June 2007

IN THE MATTER OF:

B.G.

Chatham County  
No. 05 J 60

Appeal by respondent-father from an order entered 12 December 2006 by Judge Charles T. L. Anderson in Chatham County District Court. Heard in the Court of Appeals 4 June 2007.

*Carol J. Holcomb and Samantha H. Cabe for petitioner-appellee Chatham County Department of Social Services.*

*Cranfill Sumner & Hartzog, LLP, by Donna R. Rascoe, for appellee Guardian ad Litem*

*Epting & Backley, by Karen Davidson, for juvenile Guardian ad Litem.*

*Susan J. Hall for respondent-appellant.*

HUNTER, Judge.

On 5 May 2006, the Chatham County Department of Social Services filed a petition to terminate the parental rights of respondent-father with respect to the minor child B.G. The petition alleged that respondent had not established paternity nor legitimated B.G. On 26 October 2006, the trial court conducted a hearing on the petition. On 12 December 2006, the trial court

entered an order terminating respondent's parental rights. Respondent now appeals.

Respondent's sole assignment of error on appeal is that it was not in the child's best interests to terminate respondent's parental rights. Once statutory grounds for termination have been established, the trial court is required to "determine whether terminating the parent's rights is in the juvenile's best interest." N.C. Gen. Stat. § 7B-1110(a) (2005). Further, the trial court is required to consider the following:

- (1) The age of the juvenile.
- (2) The likelihood of adoption of the juvenile.
- (3) Whether the termination of parental rights will aid in the accomplishment of the permanent plan for the juvenile.
- (4) The bond between the juvenile and the parent.
- (5) The quality of the relationship between the juvenile and the proposed adoptive parent, guardian, custodian, or other permanent placement.
- (6) Any relevant consideration.

*Id.* The standard for appellate review of the trial court's decision to terminate parental rights is abuse of discretion. *In re Brim*, 139 N.C. App. 733, 745, 535 S.E.2d 367, 374 (2000).

Here, the trial court terminated respondent's parental rights on the statutory ground that respondent had failed to legitimate B.G. in accordance with any of the methods set out at N.C. Gen. Stat. § 7B-1111(a) (5) (2005). In this appeal, respondent does not challenge the trial court's reliance upon this statutory ground,

nor does he assert that any of the trial court's factual findings are unsupported by the evidence. Respondent asserts only that the trial court abused its discretion in concluding that termination is in the best interests of B.G. The trial court made the following findings of fact relevant to its best interests determination:

4. Respondent/father is not present for this hearing. He is incarcerated and will not be released from prison until 2010. He has a long criminal history.
5. Respondent/father offered letters to the Court stating his desire to raise the juvenile. His request was to allow his wife to take care of the juvenile until his release from prison, four years from now.
6. Respondent/father has not provided minimal child support, either before or after his incarceration.
7. Respondent/father has not sent gifts, cards or letters to the juvenile. Testimony indicated that Respondent/father gave cash and gifts to the mother for the child while in the hospital after birth and before he was incarcerated.
8. Respondent/father has not established paternity.
9. The juvenile is in foster care. B.G. has made great strides in [sic] her placement with the foster parents who are providing for all of her needs. She has developed into a vibrant, charming, playful baby girl.

We discern no abuse of discretion in the trial court's decision to terminate respondent's parental rights to B.G. on the basis of these factual findings. The order of the trial court is affirmed.

Affirmed.

Chief Judge MARTIN and Judge BRYANT concur.

Report per Rule 30(e).