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NO. COA08-1265

NORTH CAROLINA COURT OF APPEALS

Filed: 3 March 2009

IN THE MATTER OF:

A.L.L. and T.A.L.

Guilford County
Nos. 06 J 627-28

Appeal by respondent-mother from orders entered 11 July 2008 by Judge Susan E. Bray in Guilford County District Court. Heard in the Court of Appeals 16 February 2009.

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

Donna Michelle Wright; Smith, James, Rowlett & Coven, L.L.P., by Margaret Rowlett, for appellee Guardian ad Litem.

Carol Ann Bauer for respondent-appellant.

HUNTER, Robert C., Judge.

Respondent-mother appeals the trial court's orders terminating her parental rights to her minor children, A.L.L. and T.A.L. For the reasons discussed herein, we affirm the orders of the trial court.

The minor children came to the attention of Guilford County Department of Social Services ("DSS") when DSS received a neglect report on or about 3 July 2006 alleging that, "both parents have mental retardation, the mother had a history of non-compliance with diabetes treatment and lost several toes and some sight."

Additionally, the reporter alleged that "the parents need 24 hour supervision to care for the baby."

On 18 August 2006, DSS filed a petition alleging A.L.L. and T.A.L. were neglected and dependent juveniles. An adjudication hearing was held on 6 October 2006, during which the parents consented to an adjudication of dependency. On 19 October 2006, the trial court entered an order adjudicating the minor children dependent juveniles.

On 21 December 2007, DSS filed a petition to terminate the respondent-mother's and respondent-father's parental rights. The trial court conducted a hearing on 13 May and 14 May 2008. On 11 July 2008, the trial court entered an order terminating respondent-mother's and respondent-father's parental rights. The trial court concluded grounds existed for termination of their parental rights pursuant to N.C. Gen. Stat. § 7B-1111(a)(2). Respondent-mother appeals.

Respondent-mother's sole argument on appeal is that the trial court abused its discretion in denying her motion to continue so that she could be present at the termination hearing. We find no abuse of discretion.

N.C. Gen. Stat. § 7B-803 provides that:

The court may, for good cause, continue the hearing for as long as is reasonably required to receive additional evidence, reports, or assessments that the court has requested, or other information needed in the best interests of the juvenile and to allow for a reasonable time for the parties to conduct expeditious discovery. Otherwise, continuances shall be granted only in extraordinary circumstances when necessary for

the proper administration of justice or in the best interests of the juvenile.

N.C. Gen. Stat. § 7B-803 (2007). "A trial court's decision regarding a motion to continue is discretionary and will not be disturbed on appeal absent a showing of abuse of discretion. Continuances are generally disfavored, and the burden of demonstrating sufficient grounds for continuation is placed upon the party seeking the continuation." *In re J.B.*, 172 N.C. App. 1, 10, 616 S.E.2d 264, 270 (2005) (citations omitted).

In the instant case, respondent-mother's attorney requested the continuance when respondent-mother was not present at the hearing, and the following exchange occurred:

MS. LITTLEJOHN: . . . Your Honor, I spoke - met with [respondent-mother] last Thursday. She had indicated every intention of being here to contest the matter - indicated that - well, she's now Ms. - Ms. [L]; she and Mr. [L] got married - that they intended to be here to contest this matter. My understanding is that Ms. McLean, Department of Social Services, also spoke with my client last night and that the indications were they intended to be here.

But they indicated also that they were short of money, having \$4 to their name; and, I'd indicate to the Court also that my client is a recipient of SSI, and she's not paid any of those funds, Your Honor; and - and would ask the Court to continue for those reasons.

. . .

THE COURT: The - this case was on last month when I was here, and I don't know if it was for the TPR or just the review; but, we had the same situation where they were ----

. . .

THE COURT: ---- not here.

MR. DICKENS: Yeah, they were not ----

THE COURT: Was that for the TPR?

MR. DICKENS: It was for the TPR, Your Honor.

THE COURT: Okay.

. . .

THE COURT: Okay; the Court continued it for that reason, because they were not here; and - and, Counsel had indicated they felt sure they would - I mean, that they expressed that they wanted to be here; but, the Court's going to deny the motion. It's 11:25, and they have not appeared. The Court's going to deny - deny the motion to continue.

Here, the termination hearing had previously been continued because respondent-mother was not present. Moreover, when the court reconvened on 13 May 2008, respondent-mother's attorney advised the court that respondent-mother indicated she would not be present at the hearing. Accordingly, we find no abuse of discretion.

The record on appeal contains additional assignments of error not addressed by respondent-mother in her brief. By rule, we deem them to be abandoned. N.C.R. App. P. 28(b)(6).

Affirmed.

Judges BRYANT and CALABRIA concur.

Report per Rule 30(e).