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NO. COA10-528

NORTH CAROLINA COURT OF APPEALS

Filed: 16 November 2010

IN THE MATTER OF:

Guilford County
No. 09 JT 555

T.E.L.

Appeal by respondent from order entered 2 February 2010 by Judge Sherry Alloway in Guilford County District Court. Heard in the Court of Appeals 3 November 2010.

No brief for petitioner.

Carol Ann Bauer for respondent.

ELMORE, Judge.

Respondent mother appeals from an order terminating her parental rights to the minor child T.E.L. We affirm.

Petitioners, respondent mother's parents (maternal grandparents), have had primary custody of T.E.L. since he was two days old, on 21 November 2001. Petitioners also have custody of respondent's two younger children; a final decree of adoption as to both was filed on 9 November 2009. Respondent mother still visits and interacts with T.E.L., visiting him at petitioners' home and sometimes attending his sports team practices and club meetings.

Respondent mother argues as to one finding of fact and the conclusion that termination was in the best interests of T.E.L.

"The standard of review in termination of parental rights cases is whether the findings of fact are supported by clear, cogent and convincing evidence and whether these findings, in turn, support the conclusions of law." *In re Clark*, 72 N.C. App. 118, 124, 323 S.E.2d 754, 758 (1984). "We then consider, based on the grounds found for termination, whether the trial court abused its discretion in finding termination to be in the best interest of the child." *In re Shepard*, 162 N.C. App. 215, 222, 591 S.E.2d 1, 6 (2004) (citation omitted).

Respondent mother first argues that the trial court erred in finding of fact 6, which states that respondent mother "lacks an appropriate alternative child care arrangement[,]" and which formed the basis for the trial court's ensuing conclusion of law adjudicating T.E.L. as dependent. Oddly, respondent mother's argument on this point is that she has found appropriate care for T.E.L. - specifically, she has arranged his placement with petitioners. Her brief describes at length the many ways in which petitioners have cared for and nurtured T.E.L. in his young life, and indeed what upstanding members of the community they are. In what way this supports respondent mother's argument that petitioners' motion to terminate her rights to T.E.L. should not have been granted is never made clear. As such, this argument is overruled.

As to the trial court's conclusion that the child's best interests would be served by terminating her parental rights to the child, respondent mother argues that the trial court failed to

consider the factors in N.C. Gen. Stat. § 7B-1110(a) (2009). Specifically, she argues that the written order terminating her rights to T.E.L. failed to consider the "bond between the juvenile and the parent" required by N.C. Gen. Stat. § 7B-1110(a)(4) (2009). Respondent mother is correct that the statute states that the trial court "shall consider" the following factors in determining "whether terminating the parent's rights is in the juvenile's best interest":

- (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.

N.C. Gen. Stat. § 7B-1110(a) (2009). However, this Court has repeatedly held that the trial court's order need not explicitly list and evaluate each of the six factors so long as it is clear from the order that the trial court did in fact *consider* them. *See, e.g., In re S.C.H.*, ___ N.C. App. ___, ___, 682 S.E.2d 469, 475 (2009) (affirming termination order even though the findings did not explicitly evaluate this factor because "it [was] apparent that the trial court did consider the bond between respondents and [the minor child]"). Among the trial court's findings of fact in

this case are findings that T.E.L. was not allowed to leave the hospital with respondent mother but instead was placed with petitioners two days after his birth; that respondent mother is unable to care for her own needs or those of T.E.L.; that T.E.L. has a strong bond with petitioners and his siblings who also live with petitioners; and that "[t]he home of the Petitioners is the only home that the juvenile has known." As such, we cannot say that the trial court's findings of fact are so deficient as to constitute an abuse of discretion, and so we affirm.

Affirmed.

Judges HUNTER and JACKSON concur.

Report per Rule 30(e).