

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA13-327
NORTH CAROLINA COURT OF APPEALS

Filed: 20 August 2013

IN THE MATTER OF:

G.P.C.,
T.J.C.,
Juveniles

Henderson County
Nos. 09 JT 170-71

Appeal by respondent mother from order entered 29 January 2013 by Judge Peter B. Knight in Henderson County District Court. Heard in the Court of Appeals 5 August 2013.

Assistant County Attorney Susan L. Fosmire for petitioner-appellee Henderson County Department of Social Services.

Ryan McKaig for respondent-appellant mother.

Ivey, McClellan, Gatton & Talcott, L.L.P., by Charles (Chuck) M. Ivey, IV, for guardian ad litem.

DILLON, Judge.

Respondent mother ("respondent") appeals from the trial court's order terminating her parental rights to the juveniles G.P.C. and T.J.C. ("the juveniles"). Respondent's sole contention on appeal is that the trial court abused its

discretion by concluding it was in the juveniles' best interests to terminate her parental rights. We affirm.

The Henderson County Department of Social Services ("DSS") began working with respondent in the spring of 2008. Respondent's case history included incidents of domestic violence, of leaving the juveniles with inappropriate caregivers, and of failing to provide for the juveniles' basic needs. In November of 2009, DSS received a report about the family, and an investigating social worker observed a recurrence of the unsafe conditions. As a result, DSS filed a petition alleging the juveniles were neglected on 1 December 2009. On 5 January 2010, the juveniles were adjudicated neglected; and respondent was ordered to cooperate with DSS, to participate in various counseling and treatment programs, and to maintain stable housing and income.

In an order entered 14 November 2011, the permanent plan for the juveniles was changed from reunification to termination of parental rights and adoption. On 23 December 2011, DSS filed a petition to terminate respondent's parental rights alleging grounds of neglect, failure to make reasonable progress, and willful failure to pay a reasonable portion of the cost of care pursuant to N.C. Gen. Stat. § 7B-1111(a)(1-3) (2011). The trial

court found all three grounds for termination and concluded that it was in the juveniles' best interests to terminate respondent's parental rights. Respondent appeals.¹

In her sole argument on appeal, respondent challenges the trial court's determination that termination of her parental rights was in the juveniles' best interests. Respondent contends the trial court abused its discretion in light of evidence of her progress in addressing some elements of her case plan and of her bond with the juveniles. This argument lacks merit.

After finding grounds to terminate a parent's parental rights, the trial court must determine whether termination is in the best interests of the juveniles. N.C. Gen. Stat. § 7B-1110(a) (2011). "Thus, in this context, the child's best interests are paramount, not the rights of the parent." *In re T.K.*, 171 N.C. App. 35, 39, 613 S.E.2d 739, 741 (citation omitted), *aff'd per curiam*, 360 N.C. 163, 622 S.E.2d 494 (2005). The trial court's decision at disposition is reviewed for an abuse of discretion. *In re Anderson*, 151 N.C. App. 94, 98, 564 S.E.2d 599, 602 (2002). In determining the best interests of the juveniles, the trial court must consider the following

¹ The juveniles' father is not a party to this appeal.

criteria and make written findings addressing the relevant factors:

- (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) (2011). “[F]indings of fact made by the trial court . . . are conclusive on appeal if there is evidence to support them.” *In re H.S.F.*, 182 N.C. App. 739, 742, 645 S.E.2d 383, 384 (2007) (internal quotation omitted).

Here, the trial court made findings of fact addressing each of the factors set out in N.C. Gen. Stat. § 7B-1110(a). Specifically, the trial court made the following findings of fact:

1. The ages of the juveniles are six years and 11 months.
2. There is a high likelihood that these juveniles will be adopted.

3. This Court has previously adopted a permanency plan for these juveniles of adoption[,] and termination of the parental rights as ordered herein will aid in the accomplishment of this plan.
4. Notwithstanding being out of the mother's home for three years, the juveniles still continue to recognize her as their mother and interact with her as such during supervised visitations.
5. The father of the juveniles has had no contact with the juveniles since they have been in HCDSS custody. The juveniles have no bond with the father.
6. The juveniles have a loving bond with the foster family.
7. The guardian ad litem does not have an opinion as to what is in the juvenile's best interest. An earlier opinion was based upon her hope and belief that the maternal grandmother could be involved to support and care for the mother and juveniles. However, this ceased being her opinion when the home study on the grandmother was denied.
8. The guardian is of the opinion that someone other than the mother should be caring for the juveniles.

Respondent does not challenge the evidentiary support for these findings, and, nonetheless, after review of the record, we hold they are supported by the evidence presented at the disposition hearing. The findings also demonstrate that the trial court considered the relevant statutory factors, and respondent has

not established that the trial court abused its discretion in terminating her parental rights. Accordingly, we affirm the order terminating respondent's parental rights.

AFFIRMED.

Chief Judge MARTIN and Judge STEELMAN concur.

Report per Rule 30(e).