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NO. COA13-419
NORTH CAROLINA COURT OF APPEALS

Filed: 20 August 2013

IN RE:

N.B., N.C., N.B.

Robeson County
Nos. 11 JT 13-15

Appeal by respondent-mother from order entered 3 January 2013 by Judge Herbert L. Richardson in Robeson County District Court. Heard in the Court of Appeals 5 August 2013.

J. Hal Kinlaw, Jr., for petitioner-appellee, Robeson County Department of Social Services.

Keith Karlsson, for Guardian ad Litem.

Joyce L. Terres, Assistant Appellate Defender, for respondent-appellant mother.

MARTIN, Chief Judge.

Respondent-mother appeals from an order terminating her parental rights to her children N.B. ("Ned"), N.C. ("Neil") and N.B. ("Nash")¹. Because the trial court failed to make

¹ Pseudonyms are being used to protect the children's identities.

sufficient findings of fact to support its conclusions of law, we reverse and remand for further findings of fact.

On 19 January 2011, the Robeson County Department of Social Services ("DSS") filed juvenile petitions alleging that mother neglected Ned, born September 2004, Neil, born August 2007, and Nash, born February 2009, by failing to provide proper care, supervision or discipline. After a hearing, the trial court adjudicated the children neglected. The trial court awarded custody of the children to DSS and authorized placement with family friends.

On 20 June 2012, DSS filed separate petitions to terminate mother's parental rights. DSS alleged the following grounds for termination: failure to make reasonable progress pursuant to N.C.G.S. § 7B-1111(a)(2), failure to pay reasonable cost of care pursuant to N.C.G.S. § 7B-1111(a)(4), and dependency pursuant to N.C.G.S. § 7B-1111(a)(6).

On 3 December 2012, the trial court conducted a hearing on the termination petitions. DSS offered the testimony of Jeneene Daniels, a foster care social worker assigned to this case. Daniels testified that mother had substance abuse and mental health issues, that she signed a family service case plan but did not work on the plan, that she had a job but did not pay any

support, and that she had visited the children only once. The trial court also admitted into evidence DSS's document entitled "Time Line" which set out DSS's efforts in the case.

By order entered 13 January 2013, the trial court concluded that all three grounds existed to terminate mother's parental rights. The trial court further concluded that it was in the best interest of the children to terminate mother's parental rights. Mother appeals.

On appeal, mother contends that the court erred by failing to include adequate findings of fact in support of its conclusions of law. We agree.

In reviewing a trial court's order terminating parental rights, this Court must determine "whether the findings of fact are supported by clear, cogent, and convincing evidence," and whether those findings "support the conclusions of law." *In re S.N., X.Z.*, 194 N.C. App. 142, 146, 669 S.E.2d 55, 58-59 (2008) (internal quotation marks omitted), *aff'd per curiam*, 363 N.C. 368, 677 S.E.2d 455 (2009). "The trial court's conclusions of law are fully reviewable *de novo* by the appellate court." *Id.* at 146, 669 S.E.2d at 59 (internal quotation marks omitted).

N.C.G.S. § 1A-1, Rule 52(a)(1) provides that “[i]n all actions tried upon the facts without a jury or with an advisory jury, the court shall find the facts specially and state separately its conclusions of law thereon and direct the entry of the appropriate judgment.” N.C. Gen. Stat. § 1A-1, Rule 52(a)(1) (2011). “[T]he trial court must, through ‘processes of logical reasoning,’ based on the evidentiary facts before it, ‘find the ultimate facts essential to support the conclusions of law.’” *In re O.W.*, 164 N.C. App. 699, 702, 596 S.E.2d 851, 853 (2004) (quoting *In re Harton*, 156 N.C. App. 655, 660, 577 S.E.2d 334, 337 (2003)). The trial court’s “findings must be sufficiently specific to enable an appellate court to review the decision and test the correctness of the judgment.” *Quick v. Quick*, 305 N.C. 446, 451, 290 S.E.2d 653, 657 (1982).

Here, the trial court made ten findings of fact to support its determination that grounds existed to terminate mother’s parental rights. The first five findings of fact detail the names of the children, where they currently reside, and the procedural history of the case. The next three findings amount to conclusions of law, merely reciting N.C.G.S. § 7B-1111(a)(2), (4) and (6), respectively. Specifically, those findings state that mother “willfully left the children in the care of the

Robeson County Department of Social Services for more than 12 consecutive months," that the mother has not "willingly paid child support for the children," and that mother is "incapable of providing for the proper care and supervision of the children, such that the children are dependent and there is reasonable probability that such incapability will continue for the foreseeable future." Those findings amount to bare recitals of the statutory grounds for termination of parental rights.

The only specific findings made by the trial court merely establish that the children were in DSS's care for more than twelve months, and that the social worker saw mother one time since the children were in DSS custody. The findings of fact do not reflect any of the other evidence admitted during the termination of parental rights hearing. Standing alone, these evidentiary findings are insufficient to support any of the three grounds for termination of parental rights that DSS alleged in the petitions. We conclude that the trial court's findings of fact are not "sufficiently specific" for this Court to evaluate the trial court's decision and "test the correctness of its judgment." See *Quick*, 305 N.C. at 451, 290 S.E.2d at 657. The court order lacks any real specificity, and the findings say little or nothing about the conduct of mother.

Furthermore, the trial court failed to make the required written findings at disposition regarding the relevant criteria under N.C.G.S. § 7B-1110(a).

Accordingly, we hold that the findings are inadequate to support termination of mother's parental rights. We reverse the order terminating those rights, and remand for entry of a proper order supported by the necessary findings of fact.

Reversed and remanded.

Judges STEELMAN and DILLON concur.

Report per Rule 30(e).