

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA14-550
NORTH CAROLINA COURT OF APPEALS

Filed: 4 November 2014

IN THE MATTER OF:

Q.T.F.

Guilford County
No. 12 JT 599

Appeal by respondent from orders entered 9 May 2013 by Judge Sherry Alloway and 4 February 2014 by Judge Angela Foster in Guilford County District Court. Heard in the Court of Appeals 6 October 2014.

Mercedes O. Chut for petitioner-appellee Guilford County Department of Health and Human Services.

Parker Poe Adams & Bernstein LLP, by Mary Katherine H. Stukes, for appellee Guardian Ad Litem.

Edward Eldred for respondent-appellant father.

ELMORE, Judge.

Respondent-father appeals from orders ceasing reunification efforts and terminating his parental rights to his son, Q.T.F. We affirm.

Soon after Q.T.F. was born to respondent-mother and respondent-father, Guilford County Department of Social Services (DSS) took non-secure custody of Q.T.F., and filed a juvenile petition in December 2012 alleging Q.T.F. was neglected and dependent. By order filed 9 May 2013, the trial court adjudicated Q.T.F. a neglected and dependent juvenile. The trial court also ordered custody of Q.T.F. to remain with DSS and ceased reunification efforts with the parents. After holding a permanency planning hearing, the trial court ordered a permanent plan of adoption for Q.T.F.

On 29 July 2013, DSS filed a petition to terminate respondent-father's parental rights¹, alleging neglect, failure to pay cost of care, dependency, and abandonment. See N.C. Gen. Stat. § 7B-1111(a)(1), (3), (6) and (7) (2013). The trial court conducted a termination hearing in January 2014. In its order filed 4 February 2014, the trial court made extensive findings of fact based upon clear, cogent and convincing evidence, and concluded as a matter of law that all four grounds existed to terminate respondent-father's parental rights. The trial court further determined that termination of respondent-father's parental rights was in the best interests of Q.T.F. See N.C.

¹ Respondent-mother relinquished her parental rights in June 2013.

Gen. Stat. § 7B-1110 (2013). Respondent-father filed notice of appeal on 3 March 2014.

Defendant's appellate counsel (counsel) has filed a no-merit brief on respondent-father's behalf in which counsel states that he has "conducted a conscientious and thorough review of the record on appeal" and he "was unable to identify any issues of merit on which to base an argument for relief." He requests this Court conduct an independent examination of the case. See N.C.R. App. P. 3.1(d) (2013).

Though counsel was unable to uncover any issues of merit on which to base his brief, he directs our attention to a potential issue on appeal: whether the trial court abused its discretion when it allowed DSS to cease reunification efforts. However, as counsel correctly acknowledges, this argument would not alter the ultimate result of this appeal, and respondent-father filed notice of appeal from the order ceasing reunification efforts on 3 March 2014, almost ten months after that order's entry. Thus, respondent-father did not timely preserve his right to appeal the order ceasing reunification efforts pursuant to N.C. Gen. Stat. § 7B-1001 (2013).

After reviewing the transcript and record, we are unable to find any possible prejudicial error in the trial court's order.

Accordingly, we affirm the trial court's order terminating respondent-father's parental rights.

Affirmed.

Chief Judge MCGEE AND Judge HUNTER, Robert C., concur.

Report per Rule 30(e).