

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA14-853
NORTH CAROLINA COURT OF APPEALS

Filed: 31 December 2014

IN THE MATTER OF:

T.D.J., T.N.J. & T.S.J

Gaston County
Nos. 12 JT 72-74

Appeal by respondent-mother from order entered 4 June 2014 by Judge James A. Jackson in Gaston County District Court. Heard in the Court of Appeals 9 December 2014.

Elizabeth Myrick Boone for petitioner-appellee Gaston County Department of Social Services.

Troutman Sanders LLP, by Gavin B. Parsons, for appellee guardian ad litem.

Miller & Audino, LLP, by Jay Anthony Audino for respondent-appellant mother.

DIETZ, Judge.

Respondent, the mother of T.D.J., T.N.J., and T.S.J., appeals from the trial court's order terminating her parental rights to her children. Respondent's counsel filed a no-merit brief. After a careful review of the record, we agree that

there are no non-frivolous issues in this appeal. Accordingly, we affirm.

On 22 March 2012, the Gaston County Department of Social Services (DSS) took non-secure custody of the children and filed a juvenile petition alleging the children were abused and neglected. By order filed 11 July 2012, the trial court adjudicated the children abused and neglected based in part on a mediated agreement reached by the parties. After holding a permanency planning hearing in October 2013, the trial court ordered a permanent plan of adoption for the children.

On 20 December 2013, DSS filed a petition to terminate Respondent's parental rights. DSS alleged that Respondent's parental rights were subject to termination pursuant to N.C. Gen. Stat. § 7B-1111(a)(1) (2013) (abuse and neglect) and N.C. Gen. Stat. § 7B-1111(a)(2) (willful failure to make reasonable progress). The trial court conducted a termination hearing in April 2014. By judgment filed 4 June 2014, the court made extensive findings of fact based upon clear, cogent, and convincing evidence, and concluded as a matter of law that Respondent's parental rights were subject to termination based upon neglect and failure to make reasonable progress. The trial court further determined that termination of Respondent's

parental rights was in the best interests of the children. See N.C. Gen. Stat. § 7B-1110. Respondent timely appealed.

Counsel has filed a no-merit brief on Respondent's behalf in which counsel states that he "is unable to discern any issues in the record on appeal that might arguably support the appeal of the Order for termination of Mother's parental rights." He requests this Court conduct an independent examination of the case. N.C. R. App. P. 3.1(d) (2013). In accordance with Rule 3.1(d), counsel wrote Respondent a letter advising her of counsel's inability to find error, of counsel's request for this Court to conduct an independent review of the record, and of Respondent's right to file her own arguments directly with this Court while the appeal is pending. Counsel attached to the letter a copy of the record, transcript, exhibits, and no-merit brief. Respondent did not file any written arguments with this Court.

In addition to seeking review pursuant to Rule 3.1(d), counsel directs our attention to potential issues with regard to the trial court's termination order. But counsel acknowledges that these issues would not be grounds for reversal because the trial court's findings of fact support at least one ground for termination, and the trial court did not abuse its discretion in

determining that termination was in the best interests of the children. See N.C. Gen. Stat. §§ 7B-1110, -1111.

After carefully reviewing the record and transcript, we are unable to find any possible reversible error by the trial court. Accordingly, we affirm the trial court's order terminating Respondent's parental rights to T.D.J., T.N.J., and T.S.J.

AFFIRMED.

Judges STROUD and DILLON concur.

Report per Rule 30(e).