

IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA14-1154

Filed: 7 April 2015

Guilford County, Nos. 12 JT 409-11

IN THE MATTER OF:

L.T.L., S.D.L., M.A.L

Appeal by Respondent from order entered 4 August 2014 by Judge Tabatha Holliday in Guilford County District Court. Heard in the Court of Appeals 3 March 2015.

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

Robinson, Bradshaw & Hinson, P.A., by Ty E. Shaffer, for guardian ad litem.

Mary McCullers Reece for respondent-appellant mother.

DIETZ, Judge.

Respondent appeals from an order terminating her parental rights to her three children, L.T.L., S.D.L., and M.A.L. Respondent's counsel filed a no-merit brief with this Court, indicating that counsel was unable to identify any non-frivolous issues on appeal. After an independent review of the record, we affirm.

Facts and Procedural Background

On 16 August 2012, Respondent's uncle surrendered her three children to the Guilford County Department of Health and Human Services ("DHHS") for placement in foster care. The uncle reported that Respondent had moved out of his residence after an argument the previous night but had left her children with him, telling him to "do what you gotta do." The uncle told DHHS that he had not heard from Respondent since she moved out and abandoned her children.

DHHS obtained nonsecure custody of the juveniles on 16 August 2012 and filed petitions alleging that they were neglected and dependent. In addition to the circumstances described by Respondent's uncle, the petition alleged DHHS contacted Respondent but she refused to provide her address, said that she had nowhere to live with her children, and "did not provide an alternative placement option." DHHS further alleged that each juvenile had tested positive for marijuana at birth and that Respondent "has a prior criminal history and a pending order for arrest."

With Respondent's consent, the trial court entered adjudications of dependency on 27 November 2012. The court ordered Respondent to comply with the terms of her services agreement with DHHS, including to obtain and follow any recommendations concerning substance abuse, mental health, and parenting; to submit to random drug screens; to obtain stable housing and employment; and to complete parenting classes through the Juvenile Court Infant Toddler Initiative.

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Based on Respondent's lack of progress on her services agreement, the court established a permanent plan of adoption for the juveniles on 5 September 2013. The court stayed proceedings to terminate Respondent's parental rights for two months and ordered DHHS to continue with reunification efforts. On 24 October 2013, however, the court found that Respondent was still "not in compliance with her case plan" and ordered DHHS to "pursue the termination of [her] parental rights" within sixty days.

DHHS moved to terminate Respondent's parental rights on 3 December 2013, asserting multiple statutory grounds for termination under N.C. Gen. Stat. § 7B-1111 (2013) including neglect, lack of reasonable progress, failure to pay reasonable child care expenses, and dependency.

Respondent did not attend the termination hearing, but she was represented by counsel at that proceeding. After hearing the evidence, the trial court determined that each of the alleged grounds for termination was present and further determined that the children's best interests would be served by terminating Respondent's parental rights.¹ Respondent timely appealed.

Analysis

¹ The court also terminated the parental rights of the juveniles' biological father, who is not a party to this appeal.

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Counsel for Respondent filed a no-merit brief on her behalf pursuant to Rule 3.1(d) of the North Carolina Rules of Appellate Procedure. N.C. R. App. P. 3.1(d) (2013). Counsel states that, after “a conscientious and thorough review of the record on appeal and all material in the underlying case files,” counsel “has concluded that this appeal presents no issue of merit on which to base an argument for relief.”

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. 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 district court's adjudication of grounds to terminate Respondent's parental rights and its conclusion that termination was in the juveniles' best interests. Counsel acknowledges, however, that she could not identify any non-frivolous legal arguments arising from these portions of the trial court's ruling.

After careful review, we find no error in the trial court's termination order. The termination order includes findings of fact by “clear, cogent and convincing evidence” to support the statutory grounds for termination. *See In re Humphrey*, 156 N.C. App. 533, 539-40, 577 S.E.2d 421, 426 (2003) (internal quotation marks omitted)

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(holding that any single ground will support termination). For example, the findings show that Respondent paid nothing toward her daughters' \$17,405.48 cost of care during the six-month period relevant to N.C. Gen. Stat. § 7B-1111(a)(3), despite being "able-bodied" and without disability and thus capable of paying some amount more than zero. *See, e.g., In re Bradley*, 57 N.C. App. 475, 479, 291 S.E.2d 800, 802-03 (1982). Likewise, we find nothing in the record to suggest the trial court abused its discretion in determining that termination was in the juveniles' best interests. *See In re Anderson*, 151 N.C. App. 94, 98, 564 S.E.2d 599, 602 (2002). Accordingly, we affirm the trial court's order terminating Respondent's parental rights.

AFFIRMED.

Judges BRYANT and CALABRIA concur.

Report per Rule 30(e).