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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA15-713

Filed: 15 December 2015

Wake County, No. 14 JT 306

IN THE MATTER OF: M.A.M.

Appeal by respondent-father from order entered 27 March 2015 by Judge Monica Bousman in Wake County District Court. Heard in the Court of Appeals 23 November 2015.

*Sokol Schilawski O'Shaughnessy Grace & King, PLLC, by Justin L. Mauney, for petitioner-appellee mother.*

*Appellate Defender Staples S. Hughes, by Assistant Appellate Defender Annick Lenoir-Peek for respondent-appellant father.*

*No brief filed for guardian ad litem.*

McCULLOUGH, Judge.

Respondent-father (“respondent”) appeals from an order terminating his parental rights to M.A.M. We affirm.

On 29 September 2014, mother filed a petition to terminate the parental rights of respondent based on willful abandonment. See N.C. Gen. Stat. § 7B-1111(a)(7) (2013). After a hearing held 20 February 2015, the trial court entered an order on 27 March 2015 concluding that the termination of respondent’s parental rights was

justified based upon his willful abandonment of the juvenile and that termination was in the juvenile's best interests. Respondent appealed.

Pursuant to N.C. R. App. P. 3.1(d), counsel for respondent filed a no-merit brief stating that after a "conscientious and thorough review of the Record on Appeal and all material in the underlying case files[,] [c]ounsel has concluded that this appeal presents no issue of merit on which to base an argument for relief or that would alter the result." Counsel advised respondent of his right to file written arguments with this Court and provided him with the documents necessary to do so. Respondent did not file his own written arguments.

Counsel directs our attention to two potential issues: (1) whether the trial court erred in concluding respondent had willfully abandoned his son such that grounds existed to terminate his parental rights, and (2) whether the trial court abused its discretion in finding and concluding that it would be in the juvenile's best interests to terminate respondent's parental rights.

"The standard of review in termination of parental rights cases is whether the findings of fact are supported by clear, cogent and convincing evidence and whether these findings, in turn, support the conclusions of law." *In re Shepard*, 162 N.C. App. 215, 221, 591 S.E.2d 1, 6 (2004) (citation and quotation marks omitted). We review the trial court's conclusions of law *de novo*. *In re S.N.*, 194 N.C. App. 142, 146, 669 S.E.2d 55, 59 (2008), *aff'd per curiam*, 363 N.C. 368, 677 S.E.2d 455 (2009). The trial

court's determination that it was in the child's best interests to terminate the respondent's parental rights is reviewed for abuse of discretion. *In re Shepard*, 162 N.C. App. at 222, 591 S.E.2d at 6.

After carefully reviewing the transcript and record, we are unable to find any prejudicial error in the trial court's order. A trial court may terminate parental rights based on the parent's willful abandonment of "the juvenile for at least six consecutive months immediately preceding the filing of the petition or motion." N.C. Gen. Stat § 7B-1111(a)(7). Both respondent and mother testified that respondent last saw the juvenile on 23 October 2013, over eleven months before mother filed the petition to terminate respondent's parental rights. After October 2013, petitioner did not contact mother or make any attempt to visit with the juvenile, did not inquire about the juvenile's well-being, and did not provide any financial support for the juvenile. This is clear, cogent, and convincing evidence to support the trial court's finding that respondent willfully abandoned the juvenile for more than six months immediately preceding the filing of the petition to terminate his parental rights. Therefore, the trial court did not err in concluding that a ground existed to terminate respondent's parental rights. The trial court properly considered the factors set out in N.C. Gen. Stat. § 7B-1110 and did not abuse its discretion in determining that termination was in the juvenile's best interests.

AFFIRMED.

IN RE: M.A.M.

*Opinion of the Court*

Judges INMAN and ZACHARY concur.

Report per Rule 30(e).