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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA16-408

Filed: 4 October 2016

Wake County, No. 13 JT 127

IN THE MATTER OF: D.S.

Appeal by respondent from order entered 6 January 2016 by Judge Monica M. Bousman in Wake County District Court. Heard in the Court of Appeals 19 September 2016.

*Office of the Wake County Attorney, by Roger A. Askew, for petitioner-appellee.*

*Appellate Defender Glenn Gerding, by Assistant Appellate Defender J. Lee Gilliam, for respondent-appellant.*

*Poyner Spruill LLP, by Meghan B. Pridemore and Caitlin M. Goforth, for guardian ad litem-appellee.*

ENOCHS, Judge.

Respondent (“Father”) appeals from an order terminating his parental rights to his minor child D.S. (“David”).<sup>1</sup> The mother is not a party to this appeal. Because the trial court properly found sufficient grounds pursuant to N.C. Gen. Stat. § 7B-1111(a)(1), (2), and (7) (2015) to terminate both parents’ parental rights, we affirm the trial court’s order.

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<sup>1</sup> We adopt the pseudonym for the minor child used in Father’s brief to this Court. See N.C.R. App. P. 3.1(b).

Factual Background

David was born in California in September 2010. His parents lacked stability and had substance abuse and criminal histories. Shortly after David's birth, his mother checked into a substance abuse treatment center and had very little to do with him thereafter. Father took sole custody of David. At some point, Father left David in the care of his ex-girlfriend after the gas had been shut off at his apartment. The ex-girlfriend lived with her mother, who would not allow David to remain in the home. Ultimately, David was sent to live with his paternal grandparents in North Carolina. David's grandparents discovered that he needed speech therapy and other support services, but the grandparents were unable to secure services for David because they did not have legal custody.

Wake County Human Services ("WCHS") became aware of David when his grandmother requested Medicaid assistance in an effort to obtain services for him. Upon learning that the grandparents had a history with child protective services in California, WCHS filed a petition on 3 May 2013 alleging that David was neglected and dependent. WCHS obtained nonsecure custody the same day. After a 9 July 2013 hearing, the trial court entered an order on 19 August 2013 adjudicating David neglected and dependent and ordering Father to take various steps in order for the court to consider returning David to his care. Following a permanency planning

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hearing, the trial court entered an order on 25 March 2014 changing the permanent plan from reunification to adoption.

On 17 November 2014, WCHS filed a petition to terminate parental rights, alleging as grounds to terminate Father's rights that he (1) neglected the juvenile; (2) willfully left the juvenile in foster care or placement outside of the home for more than 12 months without showing reasonable progress in correcting the conditions that led to the removal of the juvenile; and (3) willfully abandoned the juvenile for at least six consecutive months immediately preceding the filing of the petition. *See* N.C. Gen. Stat. § 7B-1111(a)(1), (2), and (7). The trial court held a hearing on the petition on 5 November 2015 and entered an order terminating Father's parental rights to David on 6 January 2016 after adjudicating the existence of all three grounds alleged in WCHS's petition. Respondent timely appealed from the trial court's termination order.

Analysis

Father's appellate counsel has filed a no-merit brief pursuant to N.C.R. App. P. 3.1(d) stating that, after conscientious and thorough review of the record on appeal, he has concluded that there is no issue on which we might grant relief to his client.<sup>2</sup> Counsel directs our attention to potential issues with the trial court's termination

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<sup>2</sup> In accordance with Rule 3.1(d), appellate counsel provided respondent with copies of the no-merit brief, trial transcript, and record on appeal, and advised him of his right to file a brief with this Court *pro se*. Father has made no *pro se* filing in this appeal.

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order while acknowledging that these issues would not alter the ultimate result, as the trial court's findings of fact support at least one ground for termination.

After careful review, we are unable to find any prejudicial error by the trial court in ordering termination of Father's parental rights to David. Our review of the record reveals that the termination order includes sufficient findings of fact, supported by clear, cogent, and convincing evidence, to conclude that the conditions that led to David's neglect adjudication still existed and created a likelihood that neglect would be repeated if David were returned to Father's custody. *See* N.C. Gen. Stat. § 7B-1111(a)(1). The finding of this statutory ground alone supports termination of Father's parental rights. *See In re Humphrey*, 156 N.C. App. 533, 540, 577 S.E.2d 421, 426 (2003) ("A finding of any one of the enumerated grounds for termination of parental rights under N.C.G.S. 7B-1111 is sufficient to support a termination."). Finally, the trial court made appropriate findings in determining that termination of Father's parental rights was in David's best interests. *See* N.C. Gen. Stat. § 7B-1110(a) (2015).

Conclusion

Because the trial court properly found grounds to terminate Father's parental rights, the trial court's order terminating these rights is affirmed.

AFFIRMED.

Judges McCULLOUGH and DILLON concur.

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Report per Rule 30(e).