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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA17-1346

Filed: 19 June 2018

Guilford County, Nos. 15 JT 51-52

IN THE MATTER OF: N.L.M., C.L.M. Jr.

Appeal by respondent-father from order entered 13 July 2017 by Judge Betty Brown in Guilford County District Court. Heard in the Court of Appeals 31 May 2018.

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

Assistant Appellate Defender J. Lee Gilliam for respondent-appellant father.

Smith Moore Leatherwood LLP, by Kip D. Nelson, for guardian ad litem.

BERGER, Judge.

Respondent-father appeals from an order terminating his parental rights to N.L.M. (“Nora”) and C.L.M., Jr. (“Carter”) (collectively “the juveniles”), his two minor children.¹ Appellate counsel for Respondent-father filed a no-merits brief asserting no particular errors pursuant to N.C.R. App. P. 3.1(d). After a thorough review of the

¹ Pseudonyms are used throughout to protect the identity of the children pursuant to N.C.R. App. P. 3.1(b), and for ease of reading.

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record on appeal, we hold the trial court made sufficient findings of fact in the Termination of Parental Rights Order (“TPR Order”) to establish a ground of neglect; the trial court did not abuse its discretion in finding termination of Respondent-father’s parental rights was in Nora and Carter’s best interests; and, the trial court’s untimely entry of the order on appeal was harmless.

Factual and Procedural Background

On February 4, 2016, a sibling of the juveniles² reported to his teacher at school that Respondent-father hit their mother “so hard her head hit the wall and put a hole in it, she then fell to the floor,” and that Respondent-father was selling drugs from the home. The Guilford County Department of Health and Human Services (“GCDHHS”) received a Family Assessment Report detailing these allegations, and started an investigation.

During the investigation of the allegations, the Guilford County Sheriff’s Department found Respondent-father in a shed behind the family’s home with another man who was attempting to purchase drugs from Respondent-father. The following day, law enforcement informed GCDHHS that Respondent-father and the juveniles’ mother were going to be arrested for drug violations because officers had located drugs in a shed on Respondent-father’s property. A social worker went to the residence and observed crack cocaine, heroin, marijuana, and powder cocaine in the

² The juvenile that reported the domestic violence is not related to Respondent-father, and not a party to this appeal.

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home. GCDHHS alleged that one of the minor children was with Respondent-father when he sold and allowed the use of drugs in the home. The social worker also observed a hole in the wall in the home. When she questioned the mother about the hole, the mother denied there was any domestic violence.

GCDHHS identified the maternal grandmother as a relative placement, and placed the juveniles in her home following the arrest of Respondent-father and mother. On April 6, 2016, GCDHHS filed a petition alleging the two minor children were abused and neglected juveniles due to domestic violence and substance abuse in the home. GCDHHS alleged in their juvenile petition that while transporting the minor children to the grandmother's home, the juveniles substantiated the previous reports of domestic violence.

On February 12, 2016, GCDHHS held a Team Decision Meeting where the mother admitted that there was domestic violence in the home and that she was afraid of Respondent-father. The mother also told the social worker that, in a previous Child Protective Services investigation, her claims that she had broken her wrist in a go-cart accident were false, and the injury was actually caused by Respondent-father. The mother admitted that Respondent-father was a drug dealer and that she smoked marijuana. On March 9, 2016, forensic interviews were completed with the juveniles. A sibling of the juveniles stated that there were

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numerous incidents of domestic violence between Respondent-father and his mother. He also described the sale and use of illegal drugs in his and his siblings' presence.

GCDHHS alleged further that there were recorded phone calls and letters at the jail between Respondent-father and the mother using a pseudonym. In these communications, the mother made it clear that she would not leave Respondent-father, and they plotted to deceive GCDHHS to regain custody of their children. The mother admitted during the phone calls that she was an actual participant in the sale of drugs in the home. GCDHHS completed a criminal background check of both parents which revealed many prior charges.

On November 4, 2016, the trial court entered a combined Order on Pre-Adjudication, Adjudication, Disposition and Permanency Planning ("September 22 Order") that adjudicated the juveniles abused and neglected. Immediately thereafter, the trial court conducted an initial disposition hearing. During the hearing, the guardian *ad litem* and a GCDHHS social worker testified and each submitted reports which the trial court adopted into evidence. The trial court ordered a primary plan of reunification for the juveniles with a concurrent, secondary plan of adoption. The trial court stated that it was in the best interests of the juveniles that GCDHHS seek termination of parental rights within sixty days, cease reunification efforts, and pursue a permanent plan of adoption for the juveniles.

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On November 13, 2016, GCDHHS filed a petition to terminate Respondent-father's parental rights. On March 9, 2017, the trial court held a review hearing concerning the juveniles and the parents' lack of progress towards reunification. On July 13, 2017, the trial court entered the TPR Order terminating Respondent-father's parental rights to Nora and Carter pursuant to N.C. Gen. Stat. § 7B-1111(a)(1), (3), and (6), and concluded that termination was in the children's best interests. Respondent-father appeals.

Analysis

On August 9, 2017, Respondent-father timely filed a Notice of Appeal pursuant to N.C. Gen. Stat. § 7B-1001(a)(5) and (a)(6) from an order terminating his parental rights. Section 7B-1001(a)(6) vests a right of appeal from "[a]ny order that terminates parental rights or denies a petition or motion to terminate parental rights." N.C. Gen. Stat. § 7B-1001(a)(6) (2017). Section 7B-1001(a)(5) enlarges this Court's review to include an underlying adjudication order if said order eliminates reunification as a permanent plan.³ N.C. Gen. Stat. § 7B-1001(a)(5). Here, Respondent-father

³ Despite Respondent-father filing a notice of appeal to this Court under N.C. Gen. Stat. § 7B-1001(a)(5) and (a)(6), this Court does not have jurisdiction to consider the underlying adjudication order in this case because the September 22 Order only ceased reunification efforts, and did not eliminate reunification as a permanent plan. See N.C. Gen. Stat. § 1001(a)(5). Therefore, our review is limited to the trial court's TPR Order consistent with Section 7B-1001(a)(6). From thorough examination of the record on appeal in its entirety, this Court notes several procedural errors that occurred prior to the trial court's entry of the order on appeal. The record and transcript tend to show the trial court procedurally erred by: (1) failing to hold a permanency planning hearing within thirty days of the dispositional hearing in violation of N.C. Gen. Stat. § 7B-901(d); (2) failing to hold a review hearing within ninety days from the date of the initial dispositional hearing in violation of N.C. Gen.

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appeals from an order terminating his parental rights to Nora and Carter, and is therefore properly before this Court.

Respondent-father's counsel filed a no-merits brief in accordance with N.C.R. App. P. 3.1(d), and properly notified Respondent-father of his opportunity to file a supplemental brief within thirty days of the brief filing date to this Court. However, Respondent-father did not file a *pro se* brief on appeal for this Court to consider.

I. Termination of Parental Rights Order

The trial court entered an order terminating Respondent-father's parental rights, concluding that Respondent-father neglected the juveniles, willfully failed to pay a reasonable portion of the juveniles' cost of care, and that he was incapable of providing proper care and supervision for the juveniles pursuant to N.C. Gen. Stat. § 7B-1111(a)(1), (3), and (6). After a thorough review of the record on appeal, we affirm the trial court's finding of neglect as a ground for terminating Respondent-father's parental rights, and hold that the trial court did not abuse its discretion in the dispositional phase.

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. We then

Stat. § 7B-906.1(a); and (3) failing to reduce the adjudication of abuse and neglect to writing within thirty days of the hearing without justification and then not holding a subsequent hearing in violation of N.C. Gen. Stat. § 7B-807(b). However, these errors are outside this Court's scope of review. Further, Respondent-father has failed to show on appeal how he was prejudiced by any of these procedural errors.

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consider, based on the grounds found for termination, whether the trial court abused its discretion in finding termination to be in the best interest of the child.

In re Shepard, 162 N.C. App. 215, 221-22, 591 S.E.2d 1, 6 (citations and quotation marks omitted), *disc. review denied*, 358 N.C. 543, 599 S.E.2d 42 (2004). “Clear, cogent, and convincing describes an evidentiary standard stricter than a preponderance of the evidence, but less stringent than proof beyond a reasonable doubt.” *In re C.C., J.C.*, 173 N.C. App. 375, 380, 618 S.E.2d 813, 817 (2005) (citation omitted).

A. Ground for Termination

Because a finding of any one of the separately enumerated grounds is sufficient to support termination, we limit our review to the trial court’s finding of neglect and need not reach the remaining grounds identified in the TPR Order. *See In re Pierce*, 67 N.C. App. 257, 261, 312 S.E.2d 900, 903 (1984).

A “neglected juvenile” is

[a] juvenile who does not receive proper care, supervision, or discipline from the juvenile’s parent, guardian custodian, or caretaker; or who has been abandoned; or who is not provided necessary medical care; or who is not provided necessary remedial care; or who lives in an environment injurious to the juvenile’s welfare; . . . or who has been placed for care or adoption in violation of law.

N.C. Gen. Stat. § 7B-101(15) (2017).

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The trial court can terminate the parental rights of a parent upon finding and concluding that a juvenile has been neglected within the meaning of Section 7B-101(15). N.C. Gen. Stat. § 7B-1111(a)(1); *see also In re Yocum*, 158 N.C. App. 198, 204, 580 S.E.2d 399, 403, *aff'd per curiam*, 357 N.C. 568, 597 S.E.2d 674 (2003).

When determining whether the ground of neglect exists in a termination of parental rights proceeding, “[a] prior adjudication of neglect standing alone likely will be insufficient to support a termination of parental rights” *In re M.A.W.*, 370 N.C. 149, 154, 804 S.E.2d 513, 517 (2017) (citation and quotation marks omitted).

However, we recognize

termination of parental rights for neglect may not be based solely on conditions which existed in the distant past but no longer exist. But to require that termination of parental rights be based only upon evidence of events occurring after a prior adjudication of neglect which resulted in removal of the child from the custody of the parents would make it almost impossible to terminate parental rights on the ground of neglect.

In re Ballard, 311 N.C. 708, 714, 319 S.E.2d 227, 231-32 (1984) (citation omitted).

“The key to a valid termination of parental rights on neglect grounds where a prior adjudication of neglect is considered is that the court must make an *independent* determination of whether neglect authorizing the termination of parental rights existed at the time of the hearing.” *In re P.L.P.*, 173 N.C. App. 1, 10, 618 S.E.2d 241, 247 (2005) (citation and quotation marks omitted), *aff'd per curiam*, 360 N.C. 360, 625 S.E.2d 779 (2006).

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“In determining whether neglect has occurred, the trial judge may consider a parent’s complete failure to provide the personal contact, love, and affection that exists in the parental relationship.” *In re Yocum*, 158 N.C. App. at 204, 580 S.E.2d at 403 (citation, quotation marks, brackets, and ellipses omitted). However, “[i]ncarceration, standing alone, is neither a sword nor a shield in a termination of parental rights decision.” *In re P.L.P.*, 173 N.C. App. at 10, 618 S.E.2d at 247 (citation omitted).

Here, the trial court made the following findings of fact in the TPR Order as grounds to terminate Respondent-father’s parental rights:

8. The Court has taken judicial notice of all orders entered in *In the Matter of [C.M., Jr.]*, 16 JA 51, *In the Matter of [N.M.]*, 16 JA 52, *In the Matter of [X.A.R.]*, 16 JA 53.

....

9(b). The Court adjudicated all juveniles abused and neglected by their parents at a hearing held on September 22, 2016 for reasons set forth in the Order of Adjudication. In summary, but not by way of limitation, the Court found that [Respondent-father] perpetrated severe domestic violence upon [the mother], including breaking her wrist, hitting her with so much force that her head hit a wall and caused an indentation in the wall, and beating her to the point that she was frequently bruised and had black eyes. . . . [X.A.R.] was also able to describe his mother and [Respondent-father] using drugs in his presence. [Respondent-father] was directly involved in the sale of the illegal drugs. [The mother] knew of the drug sales and participated in them to some extent. Additionally, the home of [the mother] and [Respondent-father] was filthy and unkempt.

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11. [Respondent-father] has had the opportunity to correct the conditions that led to the juveniles' removal from his home. [Respondent-father] was incarcerated in the Guilford County Detention Center from in or around February 5, 2016 to July 28, 2016 on charges of: Felony PWIMSD Schedule I controlled substance; Felony Possession Schedule I controlled substance; Felony Maintaining a vehicle/dwelling/place; Felony Possession Schedule II controlled substance; Felony PWISD Cocaine; Simple Possession of Schedule II controlled substance; Felony PWISD Marijuana; Possession of Marijuana up to ½ ounce; Possession of Drug Paraphernalia; Misdemeanor Child Abuse; Felony Possession of a Firearm by a Felon. [Respondent-father] entered into a Service Agreement tailored for inmates ("the Jail Service Agreement") on May 13, 2016.

12. [Respondent-father]'s Jail Service Agreement contained the following components: (1) do not incur disciplinary infractions in jail; (2) participate in all available programs/classes while incarcerated, to include [Narcotics Anonymous / Alcoholic Anonymous] meetings, parenting classes, etc.; (3) correspond at least monthly with his social worker and inform social worker of classes and programs he attends; (4) notify his social worker within seventy-two hours of release from incarceration; (5) correspond on a weekly basis with his juveniles and send all correspondence to his social worker.

13. [Respondent-father] did not incur disciplinary infractions in jail. He told [Social Worker] Bowman that he completed the following programs in jail: an anger management class; the Guilford County Reentry and Resource Job Skills and Employment Enhancement program; Father's Matter (a parenting class); the PRIDE program (a substance abuse treatment program). He also told Ms. Bowman that he attended [Narcotics Anonymous]

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meetings in jail. However, [Respondent-father] was asked to provide documentation that he attended and completed those programs. To date he has failed to do so, and Ms. Bowman has been unable to verify his attendance at and completion of the programs. [Respondent-father] wrote Ms. Bowman and provided unverified information about his activities in jail on June 2, 2016 and July 8, 2016. He also wrote letters to [the juveniles] by sending the letters to his social worker on June 2 and July 8, 2016.

14. [Respondent-father] was released from jail on or about July 28, 2016. Ms. Bowman told [Respondent-father] when he was in jail that, upon his release, it would be imperative for him to enter into a comprehensive Service Agreement that addressed the factors leading to [GC]DHHS custody of [the juveniles] and provided services. [Respondent-father] met with Ms. Bowman on August 4, 2016. She asked him to enter into a Service Agreement. [Respondent-father] refused to enter into the Service Agreement with the explanation that his criminal defense attorney had advised him not to sign any documents or to talk to anyone at [GC]DHHS unless the attorney was present. [Respondent-father] stated that he could not recall his attorney's name, and only knew that he had an office in Durham, North Carolina. [Respondent-father] never contacted [GC]DHHS after that date to enter into a Service Agreement and he never gave [GC]DHHS the name of his criminal defense attorney. [Respondent-father] entered into a guilty plea to the charge of Felony Possession of a Firearm by a Felon and his remaining charges were dismissed. He was placed on probation. However, [Respondent-father] has not, to date, contacted [GC]DHHS to enter into a Service Agreement. [Respondent-father] declined all [GC]DHHS attempts to reunite him and the juveniles since his release from jail.

15. [Respondent-father] has not been in contact with [GC]DHHS since early August, 2016. He did not attend the adjudicatory and dispositional hearing on September 22, 2016 and, since leaving the Guilford County Detention

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Center, he has shown no interest in reunification with [the juveniles]. [Respondent-father] has not called [GC]DHHS or [the juvenile's current caretaker], with whom the juveniles have been placed, to inquire about the welfare of [the juveniles]. Other than the two letters discussed above, [Respondent-father] has not provided [the juveniles] with any cards, gifts or tokens of affection since they entered [GC]DHHS custody.

16. [Respondent-father] has not visited with [the juveniles] since they entered [GC]DHHS custody. Visitation is currently suspended by Court order. However, [Respondent-father] has shown no interest in visiting with his juveniles. He has not contacted [GC]DHHS to ask for visits, nor has he filed a motion with the Court for visits. Further, if [Respondent-father] were interested in visits with [the juveniles], he would have entered into a Service Agreement after his release from jail and would have remained in contact with [GC]DHHS.

.....

20. [Respondent-father] has not made any effort to cooperate with [GC]DHHS, work toward reunification with [the juveniles], or to maintain a parental connection with those juveniles. Based upon the findings herein, the Court concludes that he has no interest in doing those things.

.....

38. [GC]DHHS asked [Respondent-father] to enter into child support orders for [the juveniles]. He never did so. [Respondent-father] has paid no child support for [the juveniles] since they entered [GC]DHHS custody. [Respondent-father] has made no contribution, financial or otherwise, toward the care of those juveniles since they entered [GC]DHHS custody. At all times relevant herein, [Respondent-father] has been able bodied and has had the physical and financial ability to pay a reasonable portion of the cost of care for [the juveniles] since they entered

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[GC]DHHS custody, but he has willfully failed to do so.

The trial court subsequently made Finding of Fact 43 (“Finding 43”) which was mixed with conclusions of law. We review the factual portions of Finding 43 on whether it is supported by clear, convincing, and competent evidence, and, in turn, whether the conclusions of law are supported by the findings. *In re Shepard*, 162 N.C. App. at 221-22, 591 S.E.2d at 6.

43. [Respondent-father] has not corrected the conditions that led to the adjudications of neglect, abuse and dependency of [the juveniles], such that those conditions are ongoing. [The juveniles] are currently neglected by [Respondent-father] and there exists a high likelihood of repetition of neglect should they be returned to his care. [Respondent-father] has not addressed his issues with domestic violence, substance abuse and criminal lifestyle. His behavior and conduct, particularly as a perpetrator of severe domestic violence, indicates strongly that he may have emotional/psychological issues that he would need to address before he could provide a noninjurious environment for the juveniles. However, he has not even begun to work with [GC]DHHS to address those issues, as he never entered into a comprehensive Service Agreement to assess his mental health and parenting abilities and to provide needed services. Moreover, [Respondent-father] has not demonstrated, since leaving the Guilford County Detention Center in late July, 2016 that he has a genuine interest in reunification with [the juveniles]. He has not visited with the juveniles since they entered [GC]DHHS custody and has not shown any commitment to maintaining a parental bond with them. He has, instead, withdrawn all love, care and affection from the juveniles. For these and the findings above, a ground exists to terminate the parental rights of [Respondent-father] to the juveniles for neglect pursuant to N.C. Gen. Stat. § 7B-1111(a)(1).

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The trial court terminated Respondent-father's parental rights under Section 7B-1111(a)(1). The trial court terminated Respondent-father's parental rights on the ground of neglect because "[Respondent-father] has not corrected the conditions that led to the adjudications of neglect, abuse and dependency of [Nora] and [Carter], such that those conditions are ongoing." Although the prior adjudication of neglect is relevant to finding a ground for neglect, it is not sufficient to support a ground standing alone. *See In re M.A.W.*, 370 N.C. at 154, 804 S.E.2d at 517.

Findings of Fact 14, 15, 16, and 20 detailed Respondent-father's failure to maintain contact with his children for extended periods of time which established sufficient evidence of neglect. *In re L.O.K., J.K.W., T.L.W., & T.L.W.*, 174 N.C. App. 426, 430-31, 436, 621 S.E.2d 236, 239, 242-43 (2005) (finding neglect was established when a parent failed to contact her children over extended periods of time, at most sporadically with an occasional letter, and failed to attend hearings); *see also In re Graham*, 63 N.C. App. 146, 151, 303 S.E.2d 624, 627, *disc. review denied*, 309 N.C. 320, 307 S.E.2d 170 (1983).

Findings of Fact 14, 15, 16, 19, 20, and 38 focused on Respondent-father's failure to cooperate with GCDHHS between the September 22, 2016 adjudication and dispositional hearings and his subsequent incarceration on February 10, 2017. During this time, Respondent-father failed to take any affirmative steps towards reunification or make any contact with his children. Finding of Fact 13 states that

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the last contact Respondent-father had with his children was two letters sent through GCDHHS for Nora and Carter dated June 2 and July 8, 2016. Finding of Fact 14 states that he had the opportunity to enter into a comprehensive service agreement with GCDHHS to make progress towards reunification both after his release from jail on July 28, 2016, and again after the September 22 Order adjudicating his children neglected and abused, but failed to do so. In Finding 43, the trial court found that his absence from August 5, 2016 until February 10, 2017 was indicative of a high likelihood of future neglect at the time of the TPR hearing.

The aforementioned findings of fact are supported by evidence given at the TPR hearing on June 5 and 8, 2016. The GCDHHS social worker testified that Respondent-father had participated in his Jail Services Plan while incarcerated from May 13, 2016 to his release on July 28, 2016. The social worker testified that, upon his release, Respondent-father contacted her within seventy-two hours as mandated by his plan, and met with her on August 4, 2016. She also testified that Respondent-father substantially complied with his Jail Services Plan during his incarceration, but failed to enter into a new Comprehensive Service Agreement with GCDHHS due to advice from his counsel. After their August 4 meeting, GCDHHS and Respondent-father never entered into a subsequent service agreement. However, the social worker testified upon cross-examination that Respondent-father had less than two

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months to comply with an additional service agreement between his release date and when the permanent plan was changed to adoption.

Findings of Fact 9(b), 11-16, 19, 20, and 38 provide substantial evidence that Respondent-father had previously neglected his children, and that there is a probability of repetition of neglect if the children were returned to his care and custody. From review of these findings of fact and the trial court's TPR Order, we hold that there are sufficient findings of fact that were supported by clear, cogent, and convincing evidence to establish a conclusion of neglect under Section 7B-1111(a)(1). *See In re Shepard*, 162 N.C. App. 215, 591 S.E.2d 1. Therefore, the trial court did not err by finding a ground of neglect to terminate Respondent-father's parental rights under Section 7B-1111(a)(1).

B. Termination of Parental Rights Disposition

"Once the trial court has found a ground for termination, the court then considers the best interests of the child in making its decision on whether to terminate parental rights." *In re L.M.T.*, 367 N.C. 165, 171, 752 S.E.2d 453, 457 (2013) (citation omitted). "We review this decision on an abuse of discretion standard, and will reverse a court's decision only where it is manifestly unsupported by reason." *Id.* (citations and quotation marks omitted). To determine whether termination is in the child's best interests, the trial court must consider the following criteria:

- (1) The age of the juvenile.

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- (2) The likelihood of adoption of the juvenile.
- (3) Whether the termination of parental rights will aid in the accomplishment of the permanent plan for the juvenile.
- (4) The bond between the juvenile and the parent.
- (5) The quality of the relationship between the juvenile and the proposed adoptive parent, guardian, custodian, or other permanent placement.
- (6) Any relevant consideration.

N.C. Gen. Stat. § 7B-1110(a) (2017).

Here, the trial court made the following findings of fact regarding the juveniles' best interests:

51. It is in the best interests of [Nora] and [Carter] that the parental rights of their parents be terminated.

52. [Carter] is five years of age, having been born on August 22, 2012. [Nora] is six years of age, having been born on April 13, 2010.

[53]. [The juveniles] are in a pre-adoptive placement with their maternal grandmother, [and adoption is highly likely]. . . . [The juveniles] had a bond with [Respondent-father], but it was diminished significantly due to his complete absence from their lives since the juveniles entered [GC]DHHS custody. Due to the parents' lack of contact with these juveniles, the Guardian ad Litem ("GAL") has not had the opportunity to observe their bonding with the parents directly.

[54]. The GAL has had the opportunity to observe the juveniles in their home with their brother [X.A.R.] and [their maternal grandmother]. The quality of the juveniles' relationship with their prospective adoptive placement,

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[maternal grandmother], is very high. [The maternal grandmother]'s home is an appropriate and very loving environment. She is meeting all of the juveniles' needs. The juveniles look to [her] for love and protection and are highly bonded with her. The juveniles are very happy in that home.

....

[56]. Termination of parental rights will aid in the juveniles' permanent plan of adoption. The juveniles deserve a safe, permanent home within a reasonable time.

In considering all the evidence reflected in the trial court's findings of fact regarding the juveniles' best interests, the trial court addressed all factors required by Section 7B-1110(a). Accordingly, we hold the trial court did not abuse its discretion in terminating Respondent-father's parental rights as to Nora and Carter.

C. Entry of Termination of Parental Rights Order

The record on appeal reflects that the trial court untimely filed the TPR Order in violation of Section 7B-1109(e), which requires an adjudicatory order "be reduced to writing, signed, and entered no later than 30 days following the completion of the termination of parental rights hearing." N.C. Gen. Stat. § 7B-1109(e) (2017). However, this Court has required a respondent to show prejudice from the trial court's delay for an order to be vacated. *See In re J.L.K.*, 165 N.C. App. 311, 316, 598 S.E.2d 387, 390-91, *disc. review denied*, 359 N.C. 68, 604 S.E.2d 314 (2004).

The TPR hearing was held on June 5 and June 8, 2017, but the trial court did not reduce the TPR Order to writing, sign, and enter it until July 13, 2017. Therefore,

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the trial court erred by filing it thirty-five days after the hearing concluded. However, Respondent-father failed to show prejudice from this delay. Accordingly, this procedural error is harmless.

Conclusion

The trial court's TPR Order contained sufficient findings of fact, supported by clear, cogent, and convincing evidence heard at trial, to establish the conclusion of neglect as a ground for terminating Respondent-father's parental rights. The trial court did not abuse its discretion in finding that terminating Respondent-father's parental rights was in the juveniles' best interests. Respondent-father has failed to show prejudice from the untimely entry of the TPR Order, thus it is harmless. Therefore, we affirm.

AFFIRMED.

Judges DILLON and DAVIS concur.

Report per Rule 30(e).