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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA19-153

Filed: 3 December 2019

Davie County, Nos. 16 JT 25-27

In the Matter Of: B.T., B.T., and T.T. Minor Children

Appeal by respondent from order entered 28 November 2018 by Judge Carlton Terry in District Court, Davie County. Heard in the Court of Appeals 31 October 2019.

No brief filed on behalf of petitioner-appellee Davie County Department of Social Services.

Peter Wood, for respondent-appellant-mother.

Parker Poe Adams & Bernstein LLP, by Jason R. Benton, for guardian ad litem.

STROUD, Judge.

Respondent appeals from an order terminating her parental rights to her minor children James, Mary, and Chris.¹ We affirm.

The Davie County Department of Social Services (“DSS”) filed a petition on 9 September 2016 alleging the three children were neglected and dependent juveniles.

¹ Pseudonyms are used throughout for ease of reading and to protect the juveniles’ identities.

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DSS alleged numerous concerning circumstances, including: (1) the children had been kidnapped by respondent's drug dealer; (2) respondent had avoided Child Protective Services and had been non-compliant with recommended services; (3) the children needed mental health treatment; (4) the children were missing school; (5) instances of domestic violence between respondent and her live-in boyfriend had occurred in front of the children, during one of which Chris sustained a black eye; (6) one child had reported she had been physically abused by respondent; and (7) respondent lacked alternative child care arrangements for the children. DSS obtained non-secure custody of the children.

After a hearing on 3 October 2016, the trial court entered an order adjudicating the children to be neglected and dependent juveniles on 2 November 2016. The trial court entered a separate disposition order that same day. The trial court continued custody of the children with DSS, granted respondent supervised visitation with the children for two hours each week, ordered respondent to enter into a case plan with DSS and comply with the plan, and directed respondent to submit to random drug screens as requested by DSS.

After a hearing on 6 February 2017, the trial court entered a combined review and permanency planning order on 22 February 2017. The trial court found respondent had completed a psychological and parenting evaluation that recommended she "participate in individual therapy, a parenting program, a support

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group for mothers, and vocational rehab services.” Respondent had not, however, participated in drug screens requested by DSS and had resumed her relationship with her boyfriend. The trial court continued custody of the children with DSS and set the primary plan as reunification with respondent and the secondary plan as “guardianship with a relative or court approved caretaker.” The trial court granted respondent supervised visitation with the children for two hours each week and directed her to submit to random drug screens as requested by DSS, participate in individual therapy, locate and participate in a support group for women, and locate and participate in a domestic violence support group. In a subsequent review and permanency planning order, entered 1 June 2017, the trial court found respondent continued to refuse to submit to requested drug screens and had not participated in domestic violence treatment. The trial court kept the primary permanent plan for the children as reunification but set the secondary plan as “adoption and guardianship.”

By order entered 19 September 2017, the trial court changed the primary permanent plan for the children to “[termination of parental rights]/adoption” and set the secondary plan as “reunification concurrent with guardianship with a relative.” The trial court found respondent continued to be in a romantic relationship with her boyfriend, had another child with him, and had placed the child with him and his sister. Respondent had submitted to a drug screen, which was positive for

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methamphetamine, cocaine, and opiates including heroin. Respondent's use of the drugs occurred while she was pregnant. Respondent had only attended two meetings with domestic violence support groups, and continued to deny that domestic violence ever occurred between her and her boyfriend despite having previously stipulated he choked her.

On 7 February 2018, DSS filed a petition to terminate parental rights to the children, alleging grounds of neglect and willful failure to correct the conditions that led to the children's removal from their parents' care. *See generally* N.C. Gen. Stat. § 7B-1111(a)(1)-(2) (2017). After a hearing on 29 October 2018, the trial court entered an order on 28 November 2018 terminating respondent's parental rights to the children.² The trial court found the existence of both alleged grounds to terminate parental rights and concluded termination of respondent's parental rights was in the best interests of the children. Respondent appeals.

Appellate counsel for respondent has filed a no-merit brief on respondent's behalf in which counsel states he has made a conscientious and thorough review of the record on appeal and concluded there is no issue of merit on which to base an argument for relief. Pursuant to North Carolina Rule of Appellate Procedure 3.1, appellate counsel requests this Court conduct an independent examination of the case. Counsel's brief notes that in accordance with Rule 3.1, he wrote a letter to

² The order also terminated the parental rights of the children's father; he is not a party to this appeal.

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respondent on 12 March 2019, advising respondent of his inability to find error, of his request for this Court to independently review the record, and of respondent's right to file her own arguments directly with this Court while also providing respondent with copies of all relevant documents so that she may file her own arguments with this Court. Respondent has not filed written arguments with this Court, and a reasonable time for her to have done so has passed.

We have carefully reviewed this case and the no-merit brief in light of the entire record, and we are satisfied that the trial court's order is supported by competent evidence and based on proper legal grounds. *See generally In re L.E.M.* ___ N.C. ___, ___ S.E.2d ___ (No. 383A18) (Aug. 16, 2019). We affirm the trial court's order terminating respondent's parental rights.

AFFIRMED.

Judges DIETZ and HAMPSON concur.

Report per Rule 30(e).