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IN THE COURT OF APPEALS OF NORTH CAROLINA

2022-NC COA-861

No. COA21-757-2

Filed 20 December 2022

Cleveland County, No. 18 JT 14

IN THE MATTER OF: K.A.S.

Appeal by Respondent Father from order entered 20 August 2021 by Judge Jeanette R. Reeves in Cleveland County District Court. Heard in the Court of Appeals 7 June 2022, with opinion filed 5 July 2022. Remanded to this Court by order of the North Carolina Supreme Court on 7 October 2022 for further consideration in light of *In re: G.B.*, 377 N.C. 106, 2021-NCSC-34. Heard in the Court of Appeals on remand.

Charles E. Wilson, Jr., for Petitioner-Appellee Cleveland County Department of Social Services.

Womble Bond Dickinson (US) LLP, by Jacob S. Wharton and Ryan H. Niland, for Appellee Guardian ad Litem.

Anné C. Wright for Respondent-Appellant Father.

INMAN, Judge.

¶ 1

This case is before us on remand from the North Carolina Supreme Court. A full summary of the underlying facts is available in our previous opinion in this matter. We affirmed the trial court's order terminating Father's parental rights on dependency grounds, supported by the trial court's findings (1) that Father's

incarceration rendered him unavailable to support his child and (2) that it was reasonably probable that his unavailability would continue for the foreseeable future.¹ *In re: K.A.S.*, 2022-NCCOA-464, ¶ 31 (unpublished).

¶ 2 Father petitioned the Supreme Court for discretionary review of our decision. The Supreme Court allowed Father’s petition for the limited purpose of remanding to this Court to reconsider our decision in light of its opinion in *In re: G.B.*, 377 N.C. 106, 2021-NCSC-34. The Supreme Court’s order provided that we “may review all grounds found by the trial court to justify the termination of Father’s parental rights in this matter.” *In re K.A.S.*, No. 259P22 (7 Oct. 2022).

¶ 3 In *G.B.*, our Supreme Court affirmed the termination of an incarcerated father’s parental rights based on N.C. Gen. Stat. § 7B-1111(a)(2) (2021), supported by the trial court’s finding that he had willfully failed to make reasonable progress to correct conditions that had led to the child’s removal from his custody. *G.B.*, ¶ 22.

¶ 4 Section 7B-1111 enumerates grounds for terminating parental rights. The Supreme Court’s decision in *G.B.* was based on subsection (a)(2) of that statute, while our decision in this case affirmed, under subsection (a)(6), the trial court’s finding that Father is incapable of providing for the proper care and supervision of his child such that the child is a dependent juvenile.

¹ Our prior opinion also addressed Respondent Mother’s appeal from the trial court’s order. Mother did not join in Father’s petition to the Supreme Court.

¶ 5

Although the trial court in this case also found that Father had willfully failed to make reasonable progress to correct the condition leading to his loss of custody of his child, the same ground at issue in *G.B.*, we did not address that ground in our prior opinion and need not address it now. It is well established that a single ground for termination under Section 7B-1111 is sufficient to support termination, so that if the appellate court affirms the trial court's termination order based on one of several grounds, the appellate court need not review the additional grounds found by the trial court. *In re A.S.D.*, 378 N.C. 425, 2021-NCSC-94, ¶ 21. For this reason, we decline the Supreme Court's invitation that we "may" consider other grounds for termination, and our review of *G.B.* does not affect our decision affirming the termination of parental rights based on the separate ground of dependency. Accordingly, our holding in that opinion is undisturbed and we affirm the trial court's order terminating Father's parental rights.

AFFIRMED.

Judges HAMPSON and GRIFFIN concur.

Report per Rule 30(e).