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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA23-908

Filed 16 April 2024

NASH County, No. 22-JT-68

IN THE MATTER OF: A.Z.R.

Appeal by respondent-appellant from Order entered 25 May 2023 by Judge Anthony W. Brown in Nash County District Court. Heard in the Court of Appeals 20 March 2023.

Reece & Reece, by Mary McCullers Reece, for the petitioners-appellees.

Miller & Audino, LLP, by Jeffrey L. Miller, for respondent-appellant father.

STADING, Judge.

Respondent-appellant Father (“respondent”) appeals the trial court’s order terminating his parental rights to A.Z.R. (“Ann”).¹ Respondent’s attorney filed a no-merit brief under Rule 3.1(e) of the North Carolina Rules of Appellate Procedure. We conclude that the issues identified by counsel in respondent’s appellate brief are meritless. As such, we affirm the trial court’s order.

¹ A pseudonym is used to protect the minor child’s identity. See N.C. R. App. P. 42.

I. Background

This appeal stems from a petition to terminate any parental rights respondent had with respect to Ann. Ann's mother (mother) is the niece of Hernan and Amy Contreras, petitioners-appellees (petitioners). Mother signed a consent to the adoption of Ann by petitioners. Ann's birth certificate does not identify a father. Respondent has never married or lived with mother. Yet respondent claims to be Ann's father. And so, he has appealed the order terminating parental rights.

Ann was born in October 2019. She spent the early months of her life in Johnston County, where she lived with her mother and great-grandmother. Shortly after Ann's birth, respondent visited this residence. During the visit, respondent identified himself as Ann's father and expressed that he wanted to see her. An argument occurred between mother and respondent. Because of the argument, Ann's great-grandmother did not allow respondent to enter the house and see Ann. This incident marked the first and only time Ann's great-grandmother met respondent. She stated that respondent brought clothing for Ann but departed with the items, never to return. Mother identified respondent as Ann's father to her grandmother. Following this event, no purported father, including respondent, sent gifts, cards, or any provisions to this residence for Ann.

By January 2020, petitioners assumed caregiving roles for Ann, initially supporting Ann's great-grandmother before transitioning to full-time caregivers. During this time, respondent faced legal troubles, including multiple drug-related

charges in March, October, and November 2020, which led to intermittent periods of incarceration. Through these legal difficulties, Ann was fully integrated into the household of petitioners.

In response to the ongoing instability and legal issues confronting respondent, petitioners initiated legal proceedings to obtain custody of Ann. They filed for custody and an emergency motion for maintaining the status quo in the fall of 2020, which led to a temporary custody ruling in their favor by December of the same year. The trial court later evaluated respondent's parental involvement, concluding he had minimally participated in Ann's care and had not fulfilled financial or legal responsibilities towards her. Mother consented to the adoption of Ann by petitioners in April 2022, further solidifying their legal and caregiving roles.

Following a hearing on the petition to terminate the parental rights of respondent to Ann, the trial court found grounds to grant the petition based on his willful abandonment and failure to establish paternity. The trial court also determined it was in Ann's best interest to remain with petitioners. The trial court filed its order on 25 May 2023 and respondent entered his notice of appeal on 23 June 2023.

II. Jurisdiction

This Court has jurisdiction over this appeal per N.C. Gen. Stat. §§ 7A-27(b)(2) and 7B-1001(a)(7) (2023).

III. Analysis

Counsel for respondent filed a no-merit brief on his client's behalf under Rule 3.1(e) of the Rules of Appellate Procedure, identifying these issues: 1) whether the trial court had subject matter and personal jurisdiction; 2) whether the trial court erred in allowing the introduction of character evidence and criminal convictions during the petitioners' direct case for adjudication; 3) whether the evidence was sufficiently clear, cogent, and convincing to support the trial court's finding of fact, and whether the findings of fact could support the trial court's conclusions of law that at least one ground existed for the termination of respondent's parental rights; and 4) whether the trial court abused its discretion and erred in its decision that the best interest of the juvenile required termination of respondent's parental rights.

Rule 3.1(e) of the Rules of Appellate Procedure "plainly contemplates appellate review of the issues contained in a no-merit brief." *In re L.E.M.*, 372 N.C. 396, 402, 831 S.E.2d 341, 345 (2019). When a no-merit brief is filed under Rule 3.1(e), it "will, in fact, be considered by the appellate court and . . . an independent review will be conducted of the issues identified therein." *Id.* at 402, 831 S.E.2d at 345. This Court conducts a "careful review of the issues identified in the no-merit brief in light of our consideration of the entire record." *Id.* at 403, 831 S.E.2d at 345. Having reviewed the issues identified by counsel in the no-merit brief, we are satisfied that the trial court's order terminating respondent's parental rights is supported by clear, cogent,

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and convincing evidence and is based on proper legal grounds. Accordingly, we affirm the trial court's order terminating respondent's parental rights.

IV. Conclusion

Based on the above, we affirm the trial court's termination of respondent's parental rights.

AFFIRMED.

Judges TYSON and CARPENTER concur.

Report per Rule 30(e).