

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority. Citation is disfavored, but may be permitted in accordance with the provisions of Rule 30(e)(3) of the North Carolina Rules of Appellate Procedure.

NO. COA11-1200  
NORTH CAROLINA COURT OF APPEALS

Filed: 7 February 2012

IN THE MATTER OF:

	Greene County
K.D.C.T.J. and K.M.W.J.	Nos. 09 JT 46, 47

Appeal by respondent from orders entered 22 July 2011 by Judge R. Les Turner in Greene County District Court. Heard in the Court of Appeals 23 January 2012.

*James W. Spicer, III, for petitioner-appellee Greene County Department of Social Services.*

*Poyner Spruill LLP, by Caroline P. Mackie and Andrew H. Erteschik, for guardian ad litem.*

*Windy H. Rose, for respondent-appellant father.*

MARTIN, Chief Judge.

Respondent-father (respondent) appeals from the trial court's orders terminating his parental rights to the minor children K.D.C.T.J. and K.M.W.J.<sup>1</sup> We affirm the orders of the trial court.

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<sup>1</sup> The trial court also terminated the parental rights of the children's mother, but in separate orders. The mother is not a

The Greene County Department of Social Services (DSS) filed a juvenile petition in December 2009 alleging the minor children, then aged one and three, to be neglected juveniles. DSS was granted non-secure custody of the children the same day. At the adjudication and disposition hearing in March 2010, the trial court determined that the minor children were neglected juveniles and ordered that custody remain with DSS.

By the April 2010 review hearing, the parents were in compliance with their case plan and were having unsupervised overnight visits with the juveniles. The trial court approved placement of the juveniles back with their parents and ordered the parents to continue to comply with their case plan.

However, in May 2010, the minor children were removed from the home a second time and returned to foster care due to several reports of drug and alcohol use by the parents and improper care of the children. At a permanency planning review hearing conducted in June 2010, the trial court authorized a concurrent permanent plan of reunification and adoption. The plan was changed to adoption at the next permanency planning review hearing held in December 2010, which neither parent attended.

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party to this appeal.

In February 2011, DSS filed petitions to terminate respondent's parental rights to the minor children, alleging as grounds that respondent neglected the children pursuant to N.C.G.S. § 7B-1111(a)(1). On 27 June 2011, the trial court held a termination hearing at which it heard testimony from DSS social worker Carrie Decker, Greene County public health nurse Angela Allen, and respondent. In its termination orders filed 22 July 2011, the trial court found that grounds existed to terminate respondent's parental rights pursuant to N.C.G.S. § 7B-1111(a)(1). The trial court further determined that termination of respondent's parental rights was in the best interests of the juveniles pursuant to N.C.G.S. § 7B-1110. From the orders terminating his parental rights, respondent appeals.

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Respondent's counsel has filed a no-merit brief on respondent's behalf in which counsel states that after "conscientiously and thoroughly review[ing] the record on appeal," counsel has "concluded that there is no issue which would alter the ultimate result." In addition, counsel has shown to the satisfaction of this Court that respondent has been advised of his right to file written arguments with this Court,

and counsel has provided him with the documents necessary to do so. Respondent has not filed his own written arguments.

Pursuant to N.C.R. App. P. 3.1(d), counsel requests that this Court conduct an independent examination of the case. In addition, counsel directs our attention to the following potential issues: (1) whether the petition alleged a sufficient factual basis to put respondent on notice of the allegations against him; (2) whether the trial court committed reversible error in concluding that there were grounds to terminate respondent's parental rights; (3) whether the trial court erred by forcing respondent to testify in petitioner's case-in-chief; and (4) whether the trial court abused its discretion in determining that termination of respondent's parental rights was in the best interests of the minor children. However, counsel acknowledges that advancing these issues would not result in reversal of the trial court's orders.

After carefully reviewing the transcript and record, we are unable to find any error in the trial court's orders. The petition alleged a sufficient factual basis to put respondent on notice of the allegations against him, the trial court's findings of fact support a ground for termination pursuant to N.C.G.S. § 7B-1111, the trial court did not err by requiring

that respondent testify in petitioner's case-in-chief, and the trial court did not abuse its discretion in determining that termination is in the best interests of the minor children pursuant to N.C.G.S. § 7B-1110. Accordingly, we affirm the trial court's orders terminating respondent's parental rights to the minor children.

Affirmed.

Judges BRYANT and McCULLOUGH concur.

Report per Rule 30(e).