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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA16-1256

Filed: 16 May 2017

Caldwell County, No. 15 JT 96

IN THE MATTER OF: J.D.C.

Appeal by respondent-mother from order entered 29 September 2016 by Judge Burford A. Cherry in Caldwell County District Court. Heard in the Court of Appeals 3 May 2017.

No brief filed for petitioner-appellee Caldwell County Department of Social Services.

North Carolina Appellate Defender, by Assistant Appellate Defender Joyce L. Terres, for respondent-appellant mother.

No brief filed for guardian ad litem.

ZACHARY, Judge.

Ms. A. G. (“respondent”) appeals from an order terminating her parental rights to her minor child J.D.C. (“Jasmine”).¹ Jasmine’s father is not a party to this appeal. After careful consideration, we affirm the trial court’s order.

¹ A pseudonym is used to protect the identity of the juvenile and for ease of reading.

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Jasmine was born in June 2015. On 15 June 2015, the Caldwell County Department of Social Services (“DSS”) filed a petition alleging that Jasmine was neglected and dependent. The petition alleged that DSS had received a report that Jasmine tested positive at birth for cocaine and oxycodone and that (1) respondent admitted using drugs throughout her pregnancy with Jasmine; (2) there were ongoing problems with substance abuse and domestic violence in respondent’s household; and (3) DSS previously had assumed custody of respondent’s five older children. DSS received nonsecure custody of Jasmine the same day. After the trial court noted at a pre-adjudication hearing that DSS’s petition was unsigned by a DSS representative, DSS filed an amended petition on 17 June 2015, containing essentially the same allegations.

At an 18 August 2015 adjudication hearing, respondent stipulated to the accuracy of the facts alleged in the petition, with slight modifications. On 3 September 2015, the trial court entered an order adjudicating Jasmine neglected and dependent, and on 1 October 2015, the trial court entered a dispositional order establishing a primary permanent plan of reunification and a secondary permanent plan of adoption. The order continued Jasmine in the custody of DSS, established supervised visitation, and required respondent to develop a case plan with DSS.

The trial court held a permanency planning hearing on 18 November 2015, after which it entered an order on 22 December 2015 changing the primary

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permanent plan to adoption and the secondary permanent plan to reunification. On 2 March 2016, DSS filed a motion to terminate parental rights, alleging as grounds to terminate respondent's parental rights that respondent neglected Jasmine. *See* N.C. Gen. Stat. § 7B-1111(a)(1) (2015). The trial court held a hearing on the motion to terminate parental rights on 13 September 2016. Following the hearing, the trial court entered an order on 29 September 2016 terminating respondent's parental rights after adjudicating the existence of neglect. Respondent timely appealed from the trial court's termination order.

Respondent's right to appeal is authorized by N.C. Gen. Stat. § 7B-1001 (2015), which states that an appeal from "a final order of the court in a juvenile matter shall be made directly to the Court of Appeals" and that "the following juvenile matters may be appealed: . . . (6) Any order that terminates parental rights[.]" N.C. R. App. P. 3.1(d) (2015) provides in relevant part that:

In an appeal taken pursuant to N.C.G.S. § 7B-1001, if, after a conscientious and thorough review of the record on appeal, appellate counsel concludes that the record contains no issue of merit on which to base an argument for relief . . . counsel may file a no-merit brief. In the brief, counsel shall identify any issues in the record on appeal that might arguably support the appeal and shall state why those issues lack merit or would not alter the ultimate result. Counsel shall provide the appellant with a copy of the no-merit brief, the transcript [and] the record on appeal[.] . . . Counsel shall also advise the appellant in writing that the appellant has the option of filing a *pro se* brief within thirty days of the date of the filing of the no-

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merit brief and shall attach to the brief evidence of compliance with this subsection.

On appeal, respondent's appellate counsel has filed a no-merit brief pursuant to N.C.R. App. P. 3.1(d), stating that after a conscientious and thorough review of the record on appeal, counsel has concluded that there is no issue on which we might grant relief to her client. Respondent's counsel established in her appellate brief that she has complied with the requirements of N.C. R. App. P. 3.1(d), and has asked this Court to review the record and identify any issues that might provide a basis for respondent to obtain relief.

We have carefully reviewed the record and are unable to find any prejudicial error by the trial court in ordering termination of respondent's parental rights to Jasmine. We conclude that the termination order includes sufficient findings of fact, supported by clear, cogent, and convincing evidence, to conclude that respondent had neglected Jasmine. *See* N.C. Gen. Stat. § 7B-1111(a)(1) (2015). In addition, the trial court made appropriate findings in determining that termination of respondent's parental rights was in Jasmine's best interests. *See* N.C. Gen. Stat. § 7B-1110(a) (2015). As a result, we affirm the trial court's order terminating respondent's parental rights.

AFFIRMED.

Judges ELMORE and HUNTER, JR. concur.

Report per Rule 30(e).