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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA17-138

Filed: 20 June 2017

Orange County, No. 14 JT 42

IN THE MATTER OF: K.J.

Appeal by respondent-mother from order entered 3 November 2016 by Judge Beverly Scarlett in Orange County District Court. Heard in the Court of Appeals 25 May 2017.

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

Richard Croutharmel for respondent-appellant mother.

Alston & Bird LLP, by Matthew P. McGuire and Caitlin A. Counts, for guardian ad litem.

INMAN, Judge.

Respondent-mother (“Mother”) appeals from the trial court’s 3 November 2016 order terminating her parental rights to her minor child K.J. (“Kim”).¹ After careful review, we affirm.

I. Factual & Procedural History

¹ The parties stipulated to this pseudonym for the juvenile pursuant to N.C.R. App. P. 3.1(b).

Opinion of the Court

On 23 May 2014, the Orange County Department of Social Services (“DSS”) filed a petition alleging that five-year-old Kim was a neglected and dependent juvenile. The petition stated, *inter alia*, that Mother no longer had custody of her five other children, that she was homeless and transient, that her boyfriend had been convicted of felony child abuse but was providing care for Kim on a regular basis, and that Mother had been uncooperative with DSS. DSS was awarded nonsecure custody of Kim and placed her in a licensed foster home.

On 15 August 2014, the trial court adjudicated Kim neglected and dependent and ordered that she remain in DSS custody and in her foster care placement. The trial court also ordered Mother to comply with a case plan requiring, *inter alia*, that she communicate with her case worker and work to find stable housing.

While she was in DSS custody, Kim disclosed that she had been sexually abused by Mother’s boyfriend. DSS substantiated this disclosure. Kim began acting out sexually in her foster home, and as a result, was placed in a new foster home where she was the only child. On 1 May 2015, the trial court entered a permanency planning order which found that Mother was still in contact with her boyfriend and that she was not complying with her case plan. The court relieved DSS of further reunification efforts, changed Kim’s permanent plan to adoption, and ordered DSS to file a termination petition within 60 days.

Opinion of the Court

On 25 June 2015, DSS filed a motion to terminate Mother's parental rights on the grounds of neglect, failure to make reasonable progress, failure to pay a reasonable portion of the cost of Kim's care, and dependency. *See* N.C. Gen. Stat. § 7B-1111(a)(1)-(3), (6) (2015). The motion was heard on 16 June and 25 October 2016. Mother failed to appear on either date. Prior to the hearing, Mother's attorney made a motion to continue the case, which was denied. On 3 November 2016, the trial court entered an order terminating Mother's parental rights. The court concluded that all four grounds for termination alleged by DSS existed and that termination was in Kim's best interests. Mother filed timely notice of appeal.

II. Analysis

Counsel for Mother has filed a no-merit brief on her behalf pursuant to N.C.R. App. P. 3.1(d) stating that "[a]fter a conscientious and thorough review of the record[,] . . . I am unable to identify any issues with sufficient merit on which to base an argument for relief on appeal." Counsel asks this Court to conduct an independent review of the record for possible error. Counsel has also demonstrated that he has advised Mother of her right to file written arguments with this Court and has provided her with the documents necessary to do so. Mother has not filed her own written arguments.

Consistent with the requirements of Rule 3.1(d), counsel directs our attention to the issues of whether the trial court erred by denying her motion to continue, whether

the trial court erred by concluding that grounds for termination existed, and whether the trial court abused its discretion by concluding that termination was in Kim's best interests. However, counsel acknowledges that these issues do not provide a meritorious basis for appeal.

After careful review, we find no possible prejudicial error by the trial court. The trial court did not abuse its discretion by denying Mother's motion to continue when she did not appear for the termination hearing. The termination order includes sufficient findings of fact, supported by clear, cogent, and convincing evidence, to conclude that at least one statutory ground for termination existed. *See In re Taylor*, 97 N.C. App. 57, 63-64, 387 S.E.2d 230, 233-34 (1990) (Any one of the enumerated grounds is sufficient to support termination). Moreover, the trial court made appropriate findings on each of the relevant dispositional factors and did not abuse its discretion in assessing Kim's best interests. N.C. Gen. Stat. § 7B-1110(a) (2015). Accordingly, we affirm the order terminating Mother's parental rights.

III. Conclusion

For the aforementioned reasons, we affirm the trial court.

AFFIRMED.

Judges CALABRIA and DIETZ concur.

Report per Rule 30(e).