

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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.

IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA16-1272

Filed: 5 July 2017

Wake County, Nos. 13 JT 338-341

IN THE MATTER OF: D.O., S.O., N.O., P.O.

Appeal by respondent from order entered 6 September 2016 by Judge Keith O. Gregory in Wake County District Court. Heard in the Court of Appeals 22 June 2017.

*Office of the Wake County Attorney, by Mary Boyce Wells, for petitioner-appellee Wake County Human Services.*

*Mark L. Hayes for respondent-appellant mother.*

*Ellis & Winters LLP, by James M. Weiss, for guardian ad litem.*

TYSON, Judge.

Respondent-mother appeals from an order terminating her parental rights to her children: D.O., S.O., N.O., and P.O. We affirm.

I. Factual and Procedural Background

On 7 November 2013, Wake County Human Services (“WCHS”) filed a juvenile petition and alleged the children were abused and neglected, WCHS took the children into nonsecure custody. On 5 February 2014, the trial court entered a consent order, which adjudicated all four children as abused and neglected due to physical and

*Opinion of the Court*

sexual abuse by Respondent-mother's boyfriend, and Respondent-mother failing to protect the children from such abuse.

The trial court continued custody with WCHS and required Respondent-mother to enter into and comply with the terms of an Out-of-Home Family Services Agreement. Respondent-mother was required to obtain and maintain stable housing; obtain and maintain legal employment; complete substance abuse and psychological assessments and follow all recommendations; complete Positive Parenting Group and demonstrate the skills learned; successfully complete a non-offenders sexual abuse group; and participate in domestic violence treatment. The court suspended visitation until resumption was recommended by the children's therapists.

After a permanency planning hearing held on 25 September 2014, the trial court entered an order on 1 December 2014, ceased reunification efforts with Respondent-mother and changed the permanent plan to adoption. The trial court found Respondent-mother had not entered into an Out-of-Home Services Agreement, had not made any significant contact with WCHS since the last court date in April 2014, and did not establish and maintain adequate housing for herself or her children.

On 30 March 2015, WCHS filed a motion to terminate Respondent-mother's parental rights to all four children, and alleged as grounds: abuse; neglect; failure to make reasonable progress; and, willful failure to pay costs of care. *See* N.C. Gen. Stat. § 7B-1111(a)(1), (2) and (3) (2015). After a hearing on 13 and 14 July 2016, the trial

*Opinion of the Court*

court concluded all four grounds existed to terminate Respondent-mother's parental rights, and that termination was in the juveniles' best interests and entered an order on 6 September 2016. Respondent-mother appealed.

II. Standard of Review

The standard of review on appeal of a termination order is whether the trial court's findings of fact are supported by clear, cogent and convincing evidence and whether the conclusions of law are supported by the findings. *In re Huff*, 140 N.C. App. 288, 291, 536 S.E.2d 838, 840 (2000), *disc. review denied*, 353 N.C. 374, 547 S.E.2d 9 (2001). The trial court's conclusions of law are reviewed *de novo*. *In re S.N.*, 194 N.C. App. 142, 146, 669 S.E.2d 55, 59 (2008), *aff'd*, 363 N.C. 368, 677 S.E.2d 455 (2009).

III. No-Merit Brief

Respondent-mother's counsel has filed a no-merit brief on Respondent-mother's behalf pursuant to Rule 3.1(d) of the North Carolina Rules of Appellate Procedure. Counsel states that he is unable to find any issues of merit. He requests this Court to conduct an independent examination of the case for possible error.

In accordance with Rule 3.1(d), counsel also sent a letter to Respondent-mother on 12 January 2017, advised her of counsel's inability to find error, and of her right to file her own arguments directly with this Court within thirty days of the filing of the no-merit brief. Respondent-mother failed to file her own written arguments.

IV. Analysis

The termination order includes sufficient findings of fact, which are supported by clear, cogent, and convincing evidence. These findings of fact support the trial court's conclusion that Respondent-mother willfully left the juveniles in foster care for at least 12 months without showing reasonable progress to correct the conditions which led to the removal of the juveniles from the home. *See* N.C. Gen. Stat. § 7B-1111(a)(2).

The trial court's uncontested findings of fact demonstrate, that although Respondent-mother completed a domestic violence victim's program and two substance abuse assessments, she did not follow through with any substance abuse treatment and failed to complete all other requirements of her case plan. The finding of this statutory ground alone supports termination of Respondent-mother's parental rights. *See In re Humphrey*, 156 N.C. App. 533, 540, 577 S.E.2d 421, 426 (2003) (citation omitted) ("A finding of any one of the enumerated grounds for termination of parental rights under N.C.G.S. 7B-1111 is sufficient to support a termination."). After careful review, we are unable to find any prejudicial error in the trial court's order terminating Respondent-mother's parental rights to her four children.

V. Conclusion

IN RE: D.O., S.O., N.O., P.O.

*Opinion of the Court*

The trial court made appropriate findings in determining that termination of respondent-mother's parental rights was in the children's best interests. *See* N.C. Gen. Stat. § 7B-1110(a) (2015). The order appealed from is affirmed. *It is so ordered.*

AFFIRMED.

Judges ELMORE and BERGER concur.

Report per Rule 30(e).