

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA17-157

Filed: 1 August 2017

Beaufort County, No. 15 JA 59

IN THE MATTER OF: A.L.W.

Appeal by respondent-mother from orders entered 2 November 2016 by Judge Regina R. Parker in Beaufort County District Court. Heard in the Court of Appeals 13 July 2017.

*Matthew Jackson for petitioner-appellee Beaufort County Department of Social Services.*

*Edward Eldred, Attorney at Law, PLLC, by Edward Eldred, for respondent-appellant mother.*

*McGuireWoods LLP, by Joshua D. Davey, for guardian ad litem.*

ELMORE, Judge.

Respondent-mother appeals from orders terminating her parental rights to her minor child A.L.W. (Andie).<sup>1</sup> We affirm.

On 11 August 2015, the Beaufort County Department of Social Services (DSS) filed a juvenile petition alleging that eleven-month-old Andie was neglected. DSS

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<sup>1</sup> The parties have stipulated to this pseudonym pursuant to N.C. R. App. P. 3.1(b).

alleged it had received seven reports regarding Andie, the most recent of which indicated that respondent-mother was in jail for violating probation. The petition also alleged that respondent-mother and her boyfriend<sup>2</sup> refused to meet with DSS to establish services. DSS obtained nonsecure custody of Andie that same day.

On 30 November 2015, the trial court entered an order adjudicating Andie neglected. Respondent-mother was ordered to execute an Out of Home Services Agreement in order to address her issues with substance abuse, stable housing, domestic violence, and employment. Andie remained in DSS custody.

On 8 August 2016, the trial court entered a permanency planning order, finding that respondent-mother had entered into a case plan but was not actively participating in or otherwise cooperating with the plan. Among other things, the court also found that respondent-mother “needs substantial changes to be able to care for the child.” The court changed the primary permanent plan to adoption with a concurrent plan of reunification.

On 16 August 2016, DSS filed a motion in the cause to terminate respondent-mother’s parental rights on the grounds of neglect, failure to make reasonable progress, failure to pay a reasonable portion of the cost of Andie’s care, and dependency. *See* N.C. Gen. Stat. § 7B-1111(a)(1)–(3), (6) (2015). On 2 November

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<sup>2</sup> Respondent-mother’s boyfriend was originally believed to be Andie’s father but the paternity test results showed otherwise.

2016, the trial court entered orders terminating respondent-mother's parental rights.<sup>3</sup> The court concluded that all four grounds for termination alleged by DSS existed and that termination was in Andie's best interests. Respondent-mother filed timely notice of appeal.

Pursuant to Rule 3.1(d) of the North Carolina Rules of Appellate Procedure, appellate counsel for respondent-mother has filed a no-merit brief on her behalf. Counsel writes that after "a conscientious and thorough review of the record on appeal, including the transcript, . . . appellate counsel has been unable to identify any issue of merit on which to base an argument for relief." Consistent with the requirements of Rule 3.1(d), counsel considered whether certain of the trial court's findings of fact are unsupported by the evidence, and whether respondent-mother received ineffective assistance from her trial counsel. Counsel acknowledges, however, that these issues do not provide a meritorious basis for appeal.

Counsel also advised respondent-mother of her right to file written arguments with this Court and provided her with the documents necessary to do so. Respondent-mother filed *pro se* arguments with this Court challenging the trial court's decision to terminate her rights. Her *pro se* brief, however, contains no "citations of the authorities upon which the appellant relies," N.C. R. App. P. 28(b)(6), and provides no basis to disturb the trial court's orders.

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<sup>3</sup> The parental rights of Andie's father, who was unknown, were also terminated.

After careful review, we are unable to find any possible prejudicial error by the trial court. The termination order entered on the adjudication phase 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, 64, 387 S.E.2d 230, 233–34 (1990) (noting that any one of the enumerated grounds is sufficient to support termination). The court made appropriate findings on each of the relevant dispositional factors and acted within its sound discretion in assessing Andie’s best interests. *See* N.C. Gen. Stat. § 7B-1110(a) (2015) (determination of juvenile’s best interests). Finally, the record before us does not reflect that respondent-mother’s trial counsel was ineffective. Based on the foregoing, we affirm the orders terminating respondent-mother’s parental rights.

AFFIRMED.

Judges TYSON and BERGER concur.

Report per Rule 30(e).