An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA17-780

Filed: 2 January 2018

Cleveland County, No. 15 JA/JT 121

IN THE MATTER OF: I.D.B.

Appeal by respondent from order entered 27 April 2017 by Judge Meredith A. Shuford in Cleveland County District Court. Heard in the Court of Appeals 14 December 2017.

Charles E. Wilson, Jr. for petitioner-appellee Cleveland County Department of Social Services.

Leslie Rawls for respondent-appellant father.

Matthew C. Phillips for guardian ad litem.

ARROWOOD, Judge.

Respondent, the father of the juvenile I.D.B. ("Isaac")[1], appeals from an order terminating his parental rights. After careful review, we affirm.

I. Background

[1] A pseudonym is used to protect the identity of the juvenile and for ease of reading. *See* N.C. R. App. P. 3.1(b).

On 31 August 2015, the Cleveland County Department of Social Services ("DSS") filed a petition alleging that Isaac was a neglected juvenile due to his mother's substance abuse and mental health issues. DSS stated that Isaac's older siblings had previously been removed from the mother's care due to her substance abuse issues, and alleged that she tested positive for marijuana when Isaac was born. DSS further alleged that respondent possessed and was consuming alcohol at the hospital when Isaac was born and had been asked to leave the hospital. DSS stated that it was investigating concerns of substance abuse by respondent. DSS obtained non-secure custody of the juvenile.

On 4 January 2016, the trial court adjudicated Isaac a neglected juvenile. On 24 June 2016, Isaac's mother relinquished her parental rights. On 15 December 2016, DSS filed a motion in the cause to terminate respondent's parental rights. On 27 April 2017, the trial court entered an order in which it determined that grounds existed to terminate respondent's parental rights pursuant to N.C. Gen. Stat. § 7B-1111(a)(1) (neglect) and (2) (willful failure to make reasonable progress). The trial court further concluded that it was in the juvenile's best interests that respondent's parental rights be terminated. Accordingly, the trial court terminated respondent's parental rights. Respondent appeals.

II. Discussion

Pursuant to Rule 3.1(d) of the North Carolina Rules of Appellate Procedure, respondent's counsel has filed a no-merit brief on respondent's behalf in which she

states that she has "conscientiously and thoroughly review[ed] the record on appeal" and was unable to identify any issues of merit on which to base an argument for relief. Respondent's counsel requests that this Court conduct an independent examination of the case. In accordance with Rule 3.1(d), counsel wrote respondent advising him of her inability to find reversible error, her filing of a "no-merit" brief, and of respondent's right to file his own arguments directly with this Court within thirty days of the date of the filing of the no-merit brief. Respondent has not filed his own written arguments.

After carefully reviewing the transcript and record, we are unable to find any possible prejudicial error in the trial court's order terminating respondent's parental rights. The trial court's uncontested findings of fact demonstrate that: (1) the juvenile had previously been adjudicated neglected; and (2) at the time of the adjudication, respondent had agreed that his history of substance abuse and domestic violence would prevent his ability to provide a safe and stable home for the juvenile. Following the adjudication of neglect, respondent: (1) failed to complete substance abuse treatment; (2) tested positive on numerous occasions for impairing substances and continued to use illegal substances; (3) failed to attend parenting classes; (4) continued to act in an aggressive and violent behavior and did not attend treatment for anger management or domestic violence; and (5) did not comply with the terms of his probation. Based on these findings of fact, the trial court determined that respondent had neglected the juvenile, and that this neglect would likely continue for

the foreseeable future. Accordingly, the trial court concluded that grounds existed pursuant to N.C. Gen. Stat. § 7B-1111(a)(1) to terminate respondent's parental rights. Our review of the record reveals that the termination order includes sufficient findings of fact, supported by clear, cogent, and convincing evidence, to support this conclusion.

The trial court's conclusion that grounds existed pursuant to N.C. Gen. Stat. § 7B-1111(a)(1) is sufficient in and of itself to support termination of respondent's parental rights. *See In re Taylor*, 97 N.C. App. 57, 64, 387 S.E.2d 230, 233-34 (1990) (A finding of any one of the separately enumerated grounds is sufficient to support termination.). Furthermore, the trial court made appropriate findings in determining that termination of respondent's parental rights was in the juvenile's best interests. *See* N.C. Gen. Stat. § 7B-1110(a) (2015). Accordingly, we affirm the trial court's order terminating respondent's parental rights.

AFFIRMED.

Judges ELMORE and BERGER concur.

Report per Rule 30(e).