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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA17-977

Filed: 17 April 2018

Wake County, No. 15 JT 73

IN THE MATTER OF: J.R.

Appeal by respondent-mother from order entered 5 June 2017 by Judge Keith Gregory in Wake County District Court. Heard in the Court of Appeals 22 March 2018.

Wake County Attorney's Office, by Mary Boyce Wells and Brian K. Kettmer, for petitioner-appellee Wake County Human Services.

Julie C. Boyer for respondent-appellant mother.

K&L Gates LLP, by Maggie H. Dickens, for guardian ad litem.

ELMORE, Judge.

Respondent appeals from an order terminating her parental rights to her minor child, J.R. ("Jerry").[1] Her sole argument on appeal is that the trial court abused its discretion by concluding that terminating her parental rights was in Jerry's best

[1] A pseudonym is used to protect the juvenile's identity.

interest. Because respondent has failed to demonstrate that the trial court abused its discretion in making its best-interest determination, we affirm.

I. Background

On 4 March 2015, Wake County Human Services ("WCHS") filed a petition alleging that Jerry, then two years old, was a neglected juvenile. WCHS had received two reports in the previous year raising concerns that respondent had mental health issues, was abusing illicit drugs, and was committing illegal activities with Jerry present. WCHS had initially provided respondent with in-home services and entered into a safety plan with respondent wherein Jerry was to be placed with his maternal grandfather. WCHS alleged that respondent had repeatedly violated the safety plan and that the maternal grandfather was no longer willing to care for Jerry in his home. WCHS obtained nonsecure custody of Jerry that same day.

After a 7 April 2015 hearing, the trial court entered a consent order adjudicating Jerry neglected. The trial court ordered that WCHS continue retaining custody of Jerry and make reasonable efforts to eliminate the need for Jerry's placement outside of his home. The trial court required respondent to enter into and complete an out-of-home services agreement with WCHS, which was to require respondent to perform the following: (1) attend weekly supervised visitation with Jerry, (2) complete a psychological evaluation and comply with all recommendations, (3) complete a substance abuse assessment and follow all recommendations, (4)

complete a parenting class and demonstrate learned skills, (5) obtain sufficient income to meet Jerry's needs, (6) obtain housing appropriate for Jerry, (7) participate in services for Jerry WCHS deemed appropriate, and (8) maintain regular contact with WCHS.

On 8 July 2015, the trial court held a placement review and permanency planning hearing. In a correlative order entered 4 August 2015, the trial court found that respondent had entered into an out-of-home services agreement with WCHS and had maintained contact with her social worker, that she underwent a substance abuse and psychological assessment, and that she was participating in substance abuse and mental health therapy. The trial court also found that respondent was taking prescribed medication for depression, was actively searching for housing and seeking employment assistance, and had regularly attended visitation with Jerry.

In an order entered 21 January 2016, the trial court found respondent continued to make progress toward her services agreement. However, in an order entered 15 July 2016, the trial court found that it was not clear whether respondent was benefitting from her mental health treatment, that respondent continued to use marijuana, and that she had stopped participating in substance abuse treatment. As a result of respondent's inability to make progress toward fulfilling the requirements of her services agreement, the trial court set the primary permanent plan for Jerry as adoption and the secondary plan as reunification with a parent. With regard to

filing a termination of parental rights action, the trial court ordered that "[WCHS] shall take the necessary steps to pursue the permanent plans described within this Order."

On 8 December 2016, WCHS filed a motion to terminate respondent's parental rights to Jerry, alleging the termination grounds of neglect and failure to correct the conditions that led to Jerry's removal from her care. *See* N.C. Gen. Stat. §§ 7B-1111(a)(1), (2) (2017). After a 3 May 2017 hearing, the trial court entered an order on 5 June 2017 terminating respondent's parental rights to Jerry.[2] The trial court concluded that both grounds alleged in the petition existed to terminate respondent's parental rights, as shown by her failure to make progress toward addressing her substance abuse and mental health problems, and her inability to obtain suitable housing for Jerry. The trial court further concluded that it was in Jerry's best interest to terminate respondent's parental rights. Respondent appeals.

II. Analysis

Respondent concedes that the trial court had grounds to terminate her parental rights; her sole argument on appeal is that the trial court abused its discretion in concluding that terminating her parental rights was in Jerry's best interest. We disagree.

[2] The trial court's order also terminated the parental rights of Jerry's father, but he is not a party to this appeal.

"After an adjudication that . . . grounds for terminating a parent's rights exist, the court shall determine whether terminating the parent's rights is in the juvenile's best interest." N.C. Gen. Stat. § 7B-1110(a) (2017). When determining whether terminating parental rights is in the child's best interest, the trial court must consider the factors set forth in N.C. Gen. Stat. § 7B-1110, which include the child's age; the likelihood of the child's adoption; whether termination will accomplish the permanent plan for the child; the bond between the child and parent; the quality of any relationship between the child and any potential adoptive parent, guardian, or custodian; and any other factors the trial court deems relevant to its decision. N.C. Gen. Stat. § 7B-1110(a)(1)–(6). "The decision to terminate parental rights is vested within the sound discretion of the trial [court] and will not be overturned on appeal absent a showing that the [trial court's] actions were manifestly unsupported by reason." *In re J.A.A. & S.A.A.*, 175 N.C. App. 66, 75, 623 S.E.2d 45, 51 (2005) (citation omitted).

In its termination order, the trial court made factual findings addressing each factor enumerated in N.C. Gen. Stat. § 7B-1110. Respondent does not challenge any of the trial court's findings, and thus they are binding on appeal. *In re S.C.R.*, 198 N.C. App. 525, 532, 679 S.E.2d 905, 909 (2009). Rather, respondent argues that the trial court's conclusion that terminating her parental rights was in Jerry's best interest amounted to an abuse of discretion because she had regularly visited with

Jerry and developed a bond with him and, therefore, "[t]o suddenly terminate all visitation and contact between Jerry and [her] is not in Jerry's best interests." Respondent's argument, however, is merely speculative and is unsupported by citation to any relevant legal authority. *See* N.C. R. App. P. 28(b)(6). Indeed, accepting respondent's argument would preclude all parental right terminations where a parent maintained contact with his or her child.

Here, the trial court found that respondent "ha[d] a bond" with Jerry "but . . . not . . . a strong parent-child relationship" with him, and that respondent's "conduct . . . ha[d] been such as to demonstrate that [she] will not promote the healthy and orderly, physical and emotional well being of [Jerry]." These and the other unchallenged findings demonstrate that the trial court's best-interest determination was not manifestly unsupported by reason. Accordingly, we hold that respondent has failed to show that the trial court abused its discretion in making its best-interest determination and thus affirm its termination order.

AFFIRMED.

Judges HUNTER, JR. and ZACHARY concur.

Report per Rule 30(e).