IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA17-1384

Filed: 17 July 2018

Mecklenburg County, Nos. 15 JA 177-178

IN THE MATTER OF: E.B., R.B.

Appeal by respondent-father from orders entered 11 September 2017 by Judge David H. Strickland in Mecklenburg County District Court. Heard in the Court of Appeals 28 June 2018.

Senior Associate County Attorney Kathleen Arundell Jackson for petitioner-appellee Mecklenburg County Department of Social Services, Youth and Family Services.

Stephen M. Schoeberle for guardian ad litem.

Lisa Anne Wagner for respondent-appellant.

BERGER, Judge.

Respondent-father appeals from an order of the trial court granting custody of the minor children, E.B. ("Eric") and R.B. ("Robert"),[1] to their mother, and directing

[1] Pseudonyms are used throughout to protect the identity of the children pursuant to N.C.R. App. P. 3.1(b), and for ease of reading.

that the cause be converted to a child custody action under N.C. Gen. Stat. Chapt. 50 (2017). *See* N.C. Gen. Stat. § 7B-911 (2017). We affirm.

On April 7, 2015, the Mecklenburg County Department of Social Services ("MCDSS"), obtained non-secure custody of five-year-old Eric, six-year-old Robert, and another child, seven-year-old "Diana." MCDSS filed a juvenile petition alleging neglect and dependency, and in December 2015, the trial court adjudicated the children as dependent. The trial court found the family had a child protective services history dating back to 2006, which included allegations of domestic violence, homelessness, and a failure to provide the children with proper hygiene and care.

A March 2015 report to MCDSS stated that Diana had been molested and that mother was not providing for the children's basic needs. Mother contacted MCDSS and asked that the children be placed in foster care. On April 7, 2015, MCDSS telephoned Respondent-father about the children, and he told MCDSS he was not the father. MCDSS called Respondent-father again, and he stated that Youth and Family Services ("YFS") had the wrong number and hung up the telephone.

On December 28, 2015, the trial court entered an initial dispositional order, and identified four issues to be addressed by Respondent-father in order to achieve reunification with the children: mental health, domestic violence, parenting, and stable housing. It ordered Respondent-father to comply with his YFS Family Services

Agreement ("FSA"), which included the following: (1) obtain a F.I.R.S.T.[2] screening and comply with all recommendations for substance abuse, domestic violence, and mental health treatment; (2) complete a domestic violence assessment at NOVA[3]; (3) complete parenting classes; (4) maintain appropriate and stable housing; (5) maintain stable, legal income sufficient for the children's needs; and (6) maintain weekly contact with the YFS social worker.

Mother relocated to Florida but remained in contact with YFS and, after some delay, worked on her case plan. Respondent-father obtained a F.I.R.S.T. assessment on December 14, 2015 but withdrew from recommended substance abuse treatment through Family First Community Services in February 2016 and discontinued treatment for his diagnosed mood disorder after an initial appointment at Monarch NC.

On May 9, 2016, the trial court entered a permanency planning hearing order that established a permanent plan for the children of adoption with a secondary plan of reunification. The trial court cancelled Respondent-father's visitation on August 12, 2016 because the trial court found Respondent-father disregarded the requirements of his case plan, continued to test positive for marijuana use, and had stopped visiting the children in March 2016. On October 27, 2016, the trial court

[2] Families In Recovery Stay Together.

[3] New Options for Violent Actions.

changed the primary permanent plan to reunification with mother and a secondary plan of adoption, finding that Respondent-father "has not visited the juveniles" or "completed any aspect of his FSA." The trial court granted Respondent-father two hours of supervised visitation per week contingent on his "submit[ting] one clean drug screen."

On February 20, 2017, the trial court entered an order granting custody of Diana to mother ("Diana's Custody Order"). The order awarded Respondent-father "at least [eight] hours per month" of visitation with Diana, supervised by mother, her fiancé, or Diana's paternal aunt, but required Respondent-father to "produce proof of sobriety to be granted visitation." Eric and Robert remained in YFS custody with Respondent-father entitled to visitation "as previously ordered," pending the development of a new visitation plan at a Child and Family Team meeting. The order scheduled a subsequent permanency planning hearing for March 16, 2017.

Respondent-father did not give notice of appeal from Diana's Custody Order as authorized by N.C. Gen. Stat. § 7B-1001(a)(4) (2017). It appears the trial court discontinued review hearings with regard to Diana in case number 15 JA 179, having returned her to her mother's custody. N.C. Gen. Stat. § 7B-906.1(k) (2017) ("If at any time custody is placed with a parent . . ., the court shall be relieved of the duty to conduct periodic judicial reviews of the placement.").

On March 16, 2017, the trial court held a subsequent permanency planning hearing for Eric and Robert. In the resulting order, the trial court found Respondent-father tested positive for THC on January 4, 2017 and "ha[d] not made any progress" on his case plan. It specifically identified Respondent-father's mental health as a matter of "great concern" and a "contributing factor to his inability to meet his own needs and the needs of his children." The trial court found Respondent-father "is acting in a manner inconsistent with the health and safety of the [boys]" and that further reunification efforts toward Respondent-father "would clearly be unsuccessful or inconsistent with the [boys'] health and safety." The trial court ordered Eric to be placed with mother at the end of the school year and for Robert to transition into her home in August 2017. Respondent-father's visitation remained suspended "until he produce[d] a clean drug screen."

On August 2, 2017, the trial court held a subsequent permanency planning hearing and entered an order ("Eric and Robert's Custody Order") on September 11, 2017 awarding legal and physical custody of Eric and Robert to mother. The trial court found Respondent-father "ha[d] done nothing on his case plan since early 2016," failing even to submit the single clean drug screen required to resume visitation. Relying on his hearing testimony, the trial court found Respondent-father "would not pass a drug screen today" and expressed "concern [that] he is under the influence today." It noted Respondent-father "ha[d] sent vulgar [text] messages to the mother."

The trial court concluded that "[v]isitation between the [boys] and the father would not be in the [boys'] best interests" and further ordered that the boys "have no contact with" Respondent-father. Finally, the trial court decreed that the "matter shall be converted to a Chapter 50 action."

On September 11, 2017, the trial court entered a separate order, titled "Order Terminating Juvenile Court Jurisdiction and Directing Entry of a Civil Custody Order" ("Order Terminating Jurisdiction"). The trial court terminated the jurisdiction of the juvenile court and decreed that "the legal status of [Eric and Robert] and the custodial rights of the parties shall be governed by a civil custody order entered pursuant to N.C. Gen. Stat. § 7B-911." The trial court directed the Clerk of Superior Court "to treat this Order as the initiation of a civil action for custody and establish a civil file and assign a CVD file number for this matter."

On October 11, 2017, Respondent-father filed notice of appeal "from the properly preserved order divesting custody to the mother that was filed on 09/11/2017 and served on . . . 10/03/2017." The caption of the notice bears each of the children's initials—D.C., E.B., and R.B.—and lists three case numbers, 15 JT 177–179.[4]

I. Petition for Writ of Certiorari

Respondent-father filed the settled record on appeal in this Court on December 18, 2017. Along with his appellant's brief on January 17, 2018, he filed a petition for

[4] As no termination of parental rights proceeding was initiated in this case, the reference to "JT" in the docket numbers appears to be a clerical error.

writ of certiorari seeking review of Diana's Custody Order entered on February 20, 2017 and the Order Terminating Jurisdiction entered on September 11, 2017. Giving notice of appeal only from the "order divesting custody to the mother that was filed on 09/11/2017"—i.e., Eric and Robert's Custody Order—Respondent-father admits his failure to give timely notice from Diana's Custody Order entered seven months earlier. Moreover, while "believ[ing] his [n]otice of [a]ppeal adequately designated both orders entered 11 September 2017, in that both orders divest custody to the mother," Respondent-father asks this Court to review the Order Terminating Jurisdiction by writ of certiorari "should [this Court] conclude otherwise."

Section 7B-1001(b) of the Juvenile Code provides that notice of appeal "shall be given in writing . . . within 30 days after entry and service of the order." N.C. Gen. Stat. § 7B-1001(b); *see also* N.C.R. App. P. 3.1(a). Moreover, "N.C.R. App. P. 3(d) requires that a notice of appeal designate the order from which appeal is taken." *In re A.L.A.*, 175 N.C. App. 780, 782, 625 S.E.2d 589, 590–91 (2006); *see also* N.C.R. App. P. 3.1(a) (incorporating "all other existing Rules of Appellate Procedure" as applicable). Timely notice of appeal is a jurisdictional requirement, "and an untimely attempt to appeal must be dismissed." *In re I.T.P-L.*, 194 N.C. App. 453, 459, 670 S.E.2d 282, 285 (2008) (citation and quotation marks omitted), *disc. review denied*, 363 N.C. 581, 681 S.E.2d 783 (2009).

Respondent-father did not file timely notice of appeal from Diana's Custody Order.[5] Nor did his October 11, 2017 notice of appeal designate the February 20, 2017 order as an "order from which appeal is taken." N.C.R. App. P. 3(d). Accordingly, we are without jurisdiction to review Respondent-father's purported appeal from the order.

Rule 21 of the North Carolina Rules of Appellate Procedure authorizes this Court to issue writs of certiorari "in appropriate circumstances . . . to permit review of the judgments and orders of trial tribunals when the right to prosecute an appeal has been lost by failure to take timely action." N.C.R. App. P. 21(a)(1); *see also* N.C. Gen. Stat. § 7A-32(c) (2017).

> This Court has held that an appropriate circumstance to issue writ of certiorari occurs when an appeal has been lost because of a failure of his or her trial counsel to give proper notice of appeal. In such cases, the evidence indicated the appellant's desire to pursue the appeal despite the attorney's error.

In re J.C.B., 233 N.C. App. 641, 645, 757 S.E.2d 487, 490 (citations, brackets, and internal quotation marks omitted), *disc. review denied, writ denied*, 367 N.C. 524, 762 S.E.2d 213 (2014).

A. Diana's Custody Order

[5] Though he observes that no certificate of service appears in the record, Respondent-father does not deny having been served with Diana's Custody Order and concedes "he failed to file timely notice of appeal from said order."

We find no evidence—neither in the record nor filed in support of the instant petition—tending to show Respondent-father's timely intent to appeal from Diana's Custody Order. This is not a case in which counsel failed to properly designate the order in an otherwise timely notice of appeal. *See, e.g.*, *In re I.S.*, 170 N.C. App. 78, 84, 611 S.E.2d 467, 471 (2005) (granting writ of certiorari where "[i]t is clear from the record . . . that respondent intended to appeal the order entered on 29 April 2004 and that the use of the 21 January 2004 date [in the notice of appeal filed 10 May 2004] was a mere scrivener's error"). Respondent-father's notice of appeal plainly designated the "order divesting custody to the mother that was filed on 09/11/2017" as the sole order from which appeal is taken, and it was filed almost eight months after the trial court's entry of Diana's Custody Order on February 20, 2017. Respondent-father adduces no evidence and offers no explanation that would justify his failure to give notice within the 30-day deadline prescribed by N.C. Gen. Stat. § 7B-1001(b). Moreover, although Respondent-father signed the October 11, 2017 notice of appeal from Eric and Robert's Custody Order as required by N.C.R. App. P. 3.1(a), he did not sign the instant petition for writ of certiorari or otherwise show his endorsement thereof by affidavit or verification. While Rule 21(a) does not require both counsel and the respondent-parent to sign a petition for writ of certiorari, as does Rule 3.1(a) with regard to a notice of appeal, the petition provides no other evidence of Respondent-father's desire to pursue the appeal.

Respondent-father's appeal does not contest the trial court's transfer of custody of Diana to mother. His sole ground for appeal from Diana's Custody Order concerns the requirement that he "produce proof of sobriety" before exercising visitation with the child. Citing our decision in *In re C.P., L.P. & N.P.*, 181 N.C. App. 698, 641 S.E.2d 13 (2007), Respondent-father contends this provision amounts to an improper delegation of authority from the trial court to mother to determine whether he will be allowed visitation. *Cf. id.* at 705, 641 S.E.2d at 18 (finding error where the initial disposition order made "no reference . . . to visitation between Respondent-mother and [the children] once they [had] been placed with their father in Arkansas," and thus "essentially left the question of visitation to the discretion of the children's father, an impermissible delegation of that authority").

A parent is entitled to visitation "in the absence of findings that a parent has forfeited [his or] her right to visitation or that it is in the child's best interest to deny visitation." *Id.* at 706, 641 S.E.2d at 18 (citation omitted). However, the Juvenile Code allows the trial court to "specify in the order conditions under which visitation may be suspended." N.C. Gen. Stat. § 7B-905.1(a) (2017). Furthermore, during the pendency of a juvenile court's jurisdiction, the terms of a parent's visitation are provisional. "Upon motion of any party and after proper notice and a hearing, the court may establish, *modify*, or enforce a visitation plan that is in the juvenile's best

interest." N.C. Gen. Stat. § 7B-905.1(d) (emphasis added); *see also* N.C. Gen. Stat. § 7B-1000(a) (2017).

Although the trial court ceased regular review hearings in 15 JA 179 upon entry of Diana's Custody Order, it did not terminate its jurisdiction as it did in 15 JA 177–78. *See* N.C. Gen. Stat. § 7B-201(a) (2017); *see also* N.C. Gen. Stat. § 7B-1000(b) ("In any case where the court finds the juvenile to be . . . dependent, the jurisdiction of the court to modify any order or disposition made in the case shall continue during the minority of the juvenile, until terminated by order of the court, or until the juvenile is otherwise emancipated."). Respondent-father was and is free to file a motion in the cause to modify the conditions of his visitation with Diana. He does not allege that mother denied him visitation with Diana based on the "proof of sobriety" provision. To the contrary, he testified at the August 2, 2017 hearing that he is unable to attend the eight hours of monthly visitation he was awarded with Diana, explaining, "I can't do no Saturday and Sunday four hours here and four hours [sic]. I have my own company." In sum, Respondent-father does not contest the visitation schedule established by the trial court and has affirmed his lack of intention to avail himself of visitation thereunder, casting further doubt on his involvement in the decision to pursue this review. Inasmuch as Respondent-father may move to modify the conditions of his visitation with Diana at any time pursuant to N.C. Gen. Stat. § 7B-905.1(d), we deny certiorari to review Diana's Custody Order.

B. Order Terminating Jurisdiction

Despite Respondent-father's notice of appeal designating only the "order divesting custody to the mother that was filed on 09/11/2017," it is clear from the record that the Respondent-father intended to appeal both the Order Terminating Jurisdiction and Eric and Robert's Custody Order entered on September 11, 2017. On appeal, Respondent-father challenges the trial court's compliance with N.C. Gen. Stat. § 7B-911(c)(1), which requires the trial court to "[m]ake findings and conclusions that support the entry of a custody order in an action under Chapter 50 of the General Statutes." *Id.*; *see also* N.C. Gen. Stat. § 50-13.2(a) (2017).

Respondent-father's argument on appeal addresses the sufficiency of Eric and Robert's Custody Order to comply with N.C. Gen. Stat. § 7B-911(c)(1), contending the trial court did not adequately consider the relevant factors when transferring the case under N.C. Gen. Stat. §§ 50-13.2 and 7B-911(c)(1). Accordingly, we grant certiorari to review the Order Terminating Jurisdiction.

II. Arguments on Appeal

A. Termination of Visitation

Respondent-father first claims the trial court erred in denying him visitation with Eric and Robert.

> An order that continues the juvenile's placement outside the home shall provide for appropriate visitation as may be in the best interests of the juvenile consistent with the juvenile's health and safety. The order must establish an

> adequate visitation plan for the parent in the absence of findings that the parent has forfeited their right to visitation *or that it is in the child's best interest to deny visitation*. We review an order denying visitation to a respondent-parent only for abuse of discretion.

In re T.W., ___ N.C. App. ___, ___,796 S.E.2d 792, 798 (2016) (citing N.C. Gen. Stat. § 7B-905.1(a)) (additional citations, internal quotation marks, brackets, and ellipses omitted). "A ruling committed to a trial court's discretion is to be accorded great deference and will be upset only upon a showing that it was so arbitrary that it could not have been the result of a reasoned decision." *White v. White*, 312 N.C. 770, 777, 324 S.E.2d 829, 833 (1985).

Initially, we note the trial court's order includes an explicit conclusion of law that "[v]isitation between [Eric and Robert] and the father would not be in the children's best interests." Contrary to Respondent-father's argument on appeal, the trial court was not required to support its decision with a finding that visitation by Respondent-father would be contrary to the boys' health or safety. The statutory standard is "the best interests of the juvenile *consistent with* the juvenile's health and safety." N.C. Gen. Stat. § 7B-905.1(a) (emphasis added). This language does not foreclose a determination by the trial court that visitation with a parent would be contrary to a child's best interest irrespective of any risk to the child's health or safety. It merely admonishes the trial court not to disregard the child's health and safety when assessing his best interests.

While we defer to a trial court's assessment of a child's best interest, we have characterized the assessment as a "conclusion of law"[6] that must be supported by the court's evidentiary findings of fact. *In re H.S.F.*, 182 N.C. App. at 742, 645 S.E.2d at 384; *see also In re D.L.*, 215 N.C. App. 594, 596, 715 S.E.2d 623, 624 (2011) ("A court's decision on best interests is reviewed for abuse of discretion."). "All dispositional orders . . . after abuse, neglect and dependency hearings must contain findings of fact based upon the credible evidence presented at the hearing. If the trial court's findings of fact are supported by competent evidence, they are conclusive on appeal." *In re Weiler*, 158 N.C. App. 473, 477, 581 S.E.2d 134, 137 (2003) (citations omitted).

The trial court made the following relevant findings based on the evidence presented at the hearing:

> 5. On January 4, 2017, [Diana] was placed in her mother's custody.
>
> 6. The mother has continued to make progress. She has moving [sic] into a better home. [Eric] has been in trial placement for six weeks. [Robert] has been counting down the days until he can join him. There is an adult male figure in the home of the mother who is appropriate.
>
> . . . .
>
> 8. The father has done nothing on his case plan since early 2016. He only needed to submit to one clean drug screen in order to have visits; however, he would not pass a drug

[6] Although we applied a *de novo* standard to the trial court's best interest determination in *In re H.S.F.*, 182 N.C. App. 739, 742, 645 S.E.2d 383, 384 (2007), this Court has repeatedly affirmed the discretionary nature of the trial court's assessment of a child's best interest and has applied the deferential, "abuse of discretion" standard of review.

> screen today. The Court is also concerned he is under the influence today. In the past two weeks, the father has sent vulgar text messages to the mother.
>
> 9. The mother would like the father to have visits at a supervising visitation facility.
>
> . . . .
>
> 11. The permanent plan for the juvenile(s) is reunification with the mother. The secondary/concurrent plan is adoption.
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> . . . .
>
> 15. . . . The father has not remained available to the court, YFS and the [guardian *ad litem* ("GAL")].
>
> 16. The father has not made adequate progress within a reasonable period of time under the plan.
>
> 17. The father has not consistently participated in, or cooperated with the plan, YFS or the GAL.
>
> . . . .
>
> 20. The father has acted in a manner inconsistent with the health and safety of [Eric and Robert].

To the extent Respondent-father does not contest these findings, they are binding on appeal. *See Koufman v. Koufman*, 330 N.C. 93, 97, 408 S.E.2d 729, 731 (1991).

Respondent-father challenges Findings of Fact 6, 16, and 17 insofar as they describe his lack of progress on his FSA and lack of cooperation with YFS and the GAL. We find ample competent evidence to support these findings, specifically in the

testimony of the YFS social worker and GAL and in the written reports admitted into evidence at the hearing. Respondent-father's exception is overruled.

Respondent-father next challenges the evidentiary support for Finding of Fact 20 that he acted inconsistently with the Eric and Robert's health and safety. We note Respondent-father initially denied being the boys' father and refused to communicate with YFS at a time when the children were without an appropriate caregiver—conduct contributing to the children's adjudications of dependency and thus inconsistent with their health and safety. Given the boys' ongoing emotional and behavioral issues, we cannot say Finding of Fact 20 lacks grounding in competent evidence based on Respondent-father's failure to visit his children since March 2016 despite the minimal requirement of a single negative drug screen; his failure to obtain treatment for domestic violence, substance abuse, and a diagnosed mood disorder; his failure to provide any monetary support for the children; and his hostile text messages and phone calls to the children's mother. Accordingly, we hold Finding of Fact 20 is supported by competent evidence.

Respondent-father also challenges Finding of Fact 18, which states that "[e]fforts to reunify the father with [Eric and Robert] would clearly be unsuccessful or inconsistent with [their] health and safety." Though listed as a finding in Eric and Robert's Custody Order, the trial court's averment regarding the futility of further reunification efforts is a conclusion of law. *See In re I.R.C.*, 214 N.C. App. 358, 363,

714 S.E.2d 495, 498 (2011) (referring to the "ultimate conclusion of law by the trial court that reunification efforts would be futile or inconsistent with the juveniles health, safety, and need for a safe, permanent home"); *In re T.R.M.*, 208 N.C. App. 160, 164, 702 S.E.2d 108, 111 (2010). Moreover, we need not review this conclusion because it is unnecessary to the trial court's decision on visitation. *Cf. In re T.M.*, 180 N.C. App. 539, 547, 638 S.E.2d 236, 240 (2006) ("[E]rroneous findings unnecessary to the determination do not constitute reversible error.").

Respondent-father faults the trial court for relying on his ongoing drug use to deny visitation, absent "evidence that [his] use of marijuana impacted his ability to visit with and care for his children." In framing this argument, Respondent-father conflates the standard for an adjudication of neglect—which requires harm or a substantial risk of harm to the juvenile—with the "best interest" standard applicable to dispositional proceedings. *Compare In re Phifer*, 67 N.C. App. 16, 25, 312 S.E.2d 684, 689 (1984) ("A finding of fact that a parent abuses alcohol, without proof of adverse impact upon the child, is not a sufficient basis for an adjudication of termination of parental rights for neglect.") *with In re C.M.*, 183 N.C. App. 207, 215, 644 S.E.2d 588, 595 (2007) (upholding the denial of visitation to the respondent-mother as "the result of a reasoned decision" without reference to any actual or substantial risk of harm to the child). Moreover, we reject the premise that Respondent-father was denied visitation with the boys based solely on his use of

marijuana. Both the YFS social worker and the GAL opposed allowing visitation to Respondent-father.

We hold the trial court's findings support its conclusion that visitation with Respondent-father would be contrary to Eric and Robert's best interests, given Respondent-father's inaction on the components of his case plan, his longstanding failure to visit them, and the trial court's previous, unchallenged decision to remove reunification with Respondent-father from their permanent plan. *See In re C.M.*, 183 N.C. App. at 215, 644 S.E.2d at 595.

B. Order Terminating Jurisdiction

Respondent-father next claims the trial court failed to comply with the requirements for entry of a civil child custody order under N.C. Gen. Stat. § 7B-911, which requires the trial court to "[m]ake findings and conclusions that support the entry of a custody order in an action under Chapter 50 of the General Statutes." N.C. Gen. Stat. § 7B-911(c)(1). He contends that Eric and Robert's Custody Order lacks sufficient findings to comply with requirements for a civil custody order, as set forth in N.C. Gen. Stat. § 50-13.2(a). We disagree.

In pertinent part, N.C. Gen. Stat. § 50-13.2(a) provides as follows:

> An order for custody of a minor child entered pursuant to this section shall award the custody of such child to such person . . . as will best promote the interest and welfare of the child. In making the determination, the court shall consider all relevant factors including acts of domestic violence between the parties, the safety of the child, and

> the safety of either party from domestic violence by the other party. An order for custody must include written findings of fact that reflect the consideration of each of these factors and that support the determination of what is in the best interest of the child.

Id. In addition to the findings quoted above, the trial court made the following uncontested findings of fact in awarding custody of Eric and Robert to mother:

> 12. At this time, the [boys'] continuation in or return to their mother's home and care is not contrary to their best interests.
>
> 13. The mother has made adequate progress within a reasonable period of time under the plan.
>
> 14. The mother has consistently participated in, or cooperated with the plan, YFS or the GAL.
>
> . . . .
>
> 19. The mother has acted in a manner consistent with the health and safety of the children.

The trial court also expressly concluded that "[i]t is in the children's best interests to be placed in the physical and legal custody of the mother."

In his brief to this Court, Respondent-father cites the trial court's obligation under N.C. Gen. Stat. § 50-13.2(a) to consider "all relevant factors" and make "written findings of fact that reflect the consideration of . . . these factors and that support the determination of what is in the best interest of the child." *Id.* Absent from Respondent-father's argument is any indication of the "relevant factors" omitted from the trial court's findings or how these unaddressed factors undermined the trial

court's determination of the Eric and Robert's best interests. *See* N.C.R. App. P. 28(b)(6) (requiring brief "to contain the contentions of the appellant with respect to each issue presented" and "appropriate reference[s] to the record" on appeal and relevant evidence). "It is not the role of the appellate courts . . . to create an appeal for an appellant." *In re J.D.S.*, 170 N.C. App. 244, 252, 612 S.E.2d 350, 355 (citation omitted), *cert. denied*, 360 N.C. 64, 360 N.C. 176, 623 S.E.2d 584 (2005). Based on our review of the findings, we are satisfied with the court's compliance with N.C. Gen. Stat. § 7B-911(a).

Conclusion

We deny Respondent-father's petition for writ of certiorari as to the February 20, 2017 Order, but grant his petition for writ of certiorari for the second September 11, 2017 Order. We affirm the trial court's order denying Respondent-father visitation and terminating jurisdiction because the trial court made sufficient findings of fact to comply with N.C. Gen. Stat. §§ 7B-905.1(a) and 7B-911(c)(1), respectively.

AFFIRMED.

Judges DILLON and DAVIS concur.

Report per Rule 30(e).