An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA18-877

Filed: 19 February 2019

New Hanover County, No. 18 JA 57

IN THE MATTER OF: A.W.

Appeal by Respondent-mother from order entered 21 May 2018 by Judge J.H. Corpening, II in New Hanover County District Court. Heard in the Court of Appeals 31 January 2019.

No brief for petitioner-appellee New Hanover County Department of Social Services.

Miller & Audino, LLP, by Jay Anthony Audino, for respondent-appellant mother.

Paul W. Freeman, Jr. for guardian ad litem.

MURPHY, Judge.

Respondent appeals an order adjudicating A.W. as a neglected juvenile. Respondent's appellate counsel filed a no-merit brief pursuant to Rule 3.1(d) stating that, after a conscientious and thorough review of the record on appeal, he has concluded that the record contains no issue of merit on which to base an argument for relief. N.C. R. App. P. 3.1(d). Appellate counsel provided Respondent with copies

of the no-merit brief, trial transcript, and record on appeal and advised her of her right to file a brief *pro se* with this Court; however, Respondent did not exercise her right to file a *pro se* brief. Accordingly, no issues have been argued or preserved in accordance with the Rules of Appellate Procedure. *In re L.V.*, ___ N.C. App. ___, ___, 814 S.E.2d 928, 929 (2018); *In re I.B.*, ___ N.C. App. ___, ___, ___ S.E.2d ___, ___ (No. COA18-608) (detailing "settled rules of interpretation [that] support a conclusion that we are not required to conduct an independent review of the record under the text of Rule 3.1(d) as it is written").

DISMISSED.

Judge HUNTER, Jr. concurs.

Chief Judge McGEE dissents in a separate opinion.

Report per Rule 30(e).

No. COA18-877 – *In re: A.W.*

McGEE, Chief Judge, dissenting.

Based on the rationale in my dissenting opinion in *In re L.E.M.*, ___ N.C. App. ___, 820 S.E.2d 577 (2018), I believe this Court is required to conduct an *Anders*-type review when a no-merit brief is filed pursuant to the requirements of N.C. R. App. P. 3.1(d). Based on a review of the record, I am unable to find any prejudicial error in the trial court's adjudication of neglect. The order includes sufficient findings of fact, based on stipulation of the parties, to support the trial court's legal conclusions. *See In re Q.A.*, 245 N.C. App. 71, 73-4, 781 S.E.2d 862, 864 (2016). Accordingly, I would affirm the trial court's order.