An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA18-514

Filed: 5 March 2019

Buncombe County, Nos. 17 JT 134, 136

IN THE MATTER OF: S.S.S. and S.R.S.

Appeal by Respondent-father from orders entered 22 January 2018 by Judge Ward D. Scott in Buncombe County District Court. Heard in the Court of Appeals 31 January 2019.

Woodruff Law Firm, PA, by Carolyn J. Woodruff and Jessica Snowberger Bullock, for petitioner-appellee mother

Mark L. Hayes, for respondent-appellant father.

MURPHY, Judge.

Respondent-father ("Respondent") appeals from orders terminating his parental rights. 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) (2019). Appellate counsel provided Respondent with copies of the no-merit brief, trial transcript, and record on appeal

and advised him of his right to file a brief *pro se* with this Court; however, Respondent did not exercise his 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. ___, ___, 822 S.E.2d 472, 477 (2018) (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. COA18-514 – *In the Matter of: S.S.S. and S.R.S.*

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 by the trial court in ordering termination of Respondent's parental rights. A review of the record reveals that the termination order includes sufficient findings of fact, supported by clear, cogent, and convincing evidence, to support at least one ground for termination. *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.). Moreover, the trial court did not abuse its discretion in determining that termination of Respondent's parental rights was in the best interests of S.S.S. and S.R.S. *See* N.C. Gen. Stat. § 7B-1110 (2017). Accordingly, I would affirm the trial court's orders.