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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA19-2

Filed: 15 October 2019

Buncombe County, Nos. 16 JT 192, 193, 194

IN THE MATTER OF: B.N.C., V.L.C., A.R.C.

Appeal by Respondent from orders entered 25 September 2018 by Judge Susan M. Dotson-Smith in Buncombe County District Court. Heard in the Court of Appeals 5 September 2019.

*No brief filed by Petitioner-Appellee Buncombe County Department of Health and Human Services.*

*Parent Defender Wendy Sotolongo for Respondent-Appellant Mother.*

*Michael N. Tousey for Guardian ad Litem.*

COLLINS, Judge.

Respondent appeals from orders terminating her parental rights to her minor children, Benny, Valerie, and Adam (collectively “the children”).<sup>1</sup> After careful review, we affirm.

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<sup>1</sup> Pseudonyms have been used throughout the opinion to protect the identity of the juveniles and for ease of reading.

### **Background**

On 20 July 2016, the Buncombe County Department of Health and Human Services (“DHHS”) obtained nonsecure custody of the children and filed juvenile petitions alleging that Benny was neglected and dependent, and Valerie and Adam were neglected. The petitions alleged that on 28 September 2015, DHHS received a Child Protective Services (“CPS”) report that: Valerie and Adam were frequently dressed inappropriately for the weather; Respondent and the putative father of Valerie and Adam used controlled substances and were violent towards each other in the presence of Valerie and Adam; and Respondent and the putative father failed to meet Adam’s medical needs. On 20 October 2015, DHHS received a second CPS report alleging that the putative father and three other men were intoxicated behind a dumpster at a gas station, while Valerie and Adam were running around unsupervised. On 29 October 2015, Respondent met with a social worker from Madison County Department of Social Services and admitted to a longstanding problem with opiates. On 20 November 2015, DHHS found that services were needed. Thereafter, Respondent and the putative father seemed to make progress towards remedying the conditions that led to DHHS involvement.

The petition further alleged that Respondent admitted to using marijuana and cocaine while pregnant with Benny in April 2016. DHHS received another CPS report on 14 July 2016, alleging that Benny had been born, and that both Benny and

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Respondent tested positive for cocaine. Benny was diagnosed with neonatal abstinence syndrome and was prescribed methadone to assist with withdrawal symptoms. Respondent had been receiving methadone treatment.

Following an adjudication hearing on 4 November 2016, the trial court adjudicated Benny neglected and dependent, and Valerie and Adam neglected. On 21 November 2016, a dispositional hearing was held, and custody of the children was continued with DHHS. The trial court ordered Respondent to continue opioid replacement therapy, engage in individual counseling, complete a Children in the Middle parenting class, submit to random drug screens at DHHS's request, establish a steady income and housing, remain engaged with methadone treatment plan, obtain a Comprehensive Clinical Assessment, and attend the Women in Recovery program.

On 11 September 2017, DHHS filed petitions to terminate Respondent's parental rights on the grounds of neglect, willfully leaving the children in foster care without making reasonable progress to correct the conditions that led to the children's removal, willfully failing to pay a reasonable portion of the children's cost of care, and dependency. *See* N.C. Gen. Stat. § 7B-1111(a)(1)-(3), (6) (2017). The trial court held a hearing on the petitions on 18 May and 8 June 2018. On 25 September 2018, the trial court entered orders terminating Respondent's parental rights based on neglect, willfully leaving the children in foster care without making reasonable progress to

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correct the conditions that led to the children's removal, and dependency. *See* N.C. Gen. Stat. § 7B-1111(a)(1)-(2), (6) (2017). After considering the dispositional factors in N.C. Gen. Stat. § 7B-1110(a) (2017), the trial court further determined that terminating Respondent's parental rights was in the children's best interests. Respondent filed timely notice of appeal.

**Discussion**

Counsel for Respondent has filed a no-merit brief pursuant to N.C. R. App. P. 3.1(e), asserting that "a conscientious and thorough review of the Record on Appeal, verbatim transcript of the hearing, and all materials in the underlying case" has revealed "no issue of merit on which to base an argument for relief." Counsel requests that this Court conduct an independent examination of the case. Counsel further shows she advised Respondent of her right to file a *pro se* brief in support of her appeal and provided Respondent with the necessary materials to do so. Respondent has not submitted any *pro se* arguments to this Court, and a reasonable time for her to do so has passed.

After carefully reviewing the transcript and record, we are unable to find any prejudicial error in the trial court's 25 September 2018 orders terminating Respondent's parental rights to the children. The termination orders include sufficient findings of fact supported by clear, cogent, and convincing evidence to support termination based on neglect. *See In re Clark*, 159 N.C. App. 75, 78 n.3, 582

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S.E.2d 657, 659 n.3 (2003) (stating that where “an appellate court determines there is at least one ground to support a conclusion that parental rights should be terminated, it is unnecessary to address the remaining grounds” found by the trial court). Specifically, the evidence and findings demonstrate that the children were previously adjudicated neglected, and Respondent failed to successfully complete any of the services specified in her case plan. *See* N.C. Gen. Stat. § 7B-1111(a)(1); *In re M.J.S.M.*, 810 S.E.2d 370, 373 (N.C. Ct. App. 2018). The trial court also made appropriate findings in determining that the termination of Respondent’s parental rights was in the children’s best interests. *See* N.C. Gen. Stat. § 7B-1110(a) (2017). Accordingly, we affirm the trial court’s orders terminating Respondent’s parental rights.

AFFIRMED.

Chief Judge McGEE and Judge MURPHY concur.

Report per Rule 30(e).