An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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

2022-NCCOA-542

No. COA21-705

Filed 2 August 2022

Mecklenburg County, No. 18 JA 410[1]

IN THE MATTER OF: S.S.

Appeal by Respondent-Father from order entered 8 July 2021 by Judge Faith Fickling-Alvarez in Mecklenburg County District Court. Heard in the Court of Appeals 13 July 2022.

Gretchen L. Caldwell for petitioner-appellee Mecklenburg County Youth & Family Services Division.

J. Thomas Diepenbrock for respondent-appellant father.

Administrative Office of the Courts, Guardian Ad Litem Program, by Staff Counsel Michelle FormyDuval Lynch, for guardian ad litem.

MURPHY, Judge.

¶ 1 An adjudication of any single ground for terminating a parent's rights under N.C.G.S. § 7B-1111(a) will suffice to support a termination order. Where evidence at trial demonstrated that Respondent-Father, Keith,[2] had the ability to pay some

[1] We note that the trial court case number is occasionally notated as 18 JT 410 within the Record. For purposes of this opinion, the case number 18 JA 410 is interchangeable with 18 JT 410.

[2] Pseudonyms are used for all relevant persons throughout this opinion to protect the identity of the juvenile and for ease of reading.

amount of the cost of the care for his child, Joan, while in foster care but paid nothing during the six-month period immediately preceding the filing of the petition, the trial court had adequate grounds to terminate parental rights. Further, even assuming Keith was not notified of his obligation to contribute a reasonable amount of the cost of Joan's care, his due process rights were not violated because parents have an inherent duty to provide for their children.

BACKGROUND

¶ 2 On 4 September 2018, the Mecklenburg County Department of Social Services, Youth and Family Services Division ("YFS") filed a juvenile petition alleging Joan and her six siblings were neglected and dependent juveniles. The siblings all share the same mother, Leslie. Keith is the father of Joan and one of her siblings.

¶ 3 The petition alleged one of Joan's half-siblings tested positive for cocaine at birth according to a Child Protective Services report received 7 February 2018 and that Leslie was diagnosed with bipolar disorder and post-traumatic stress disorder, requiring medication management and mental health treatment.

¶ 4 The petition acknowledged that Keith is incarcerated with the North Carolina Department of Corrections and was expected to continue to be incarcerated through 2023. In an amended juvenile petition filed 16 October 2018, YFS alleged that Keith had an "extensive criminal record for both drug-related and violent crimes and has been incarcerated multiple times." YFS stated his projected release date was March

2023. At that time, Keith had still not engaged with YFS.

¶ 5 In an order filed 2 January 2019, the children were adjudicated to be neglected and dependent. Legal custody was granted to YFS at that time.

¶ 6 YFS filed a motion to terminate the parental rights of Leslie and Keith on 12 June 2020. In an order regarding the motion to terminate parental rights, the trial court found that Keith was employed in the prison during the six months immediately preceding the filing of the motion for termination. He was earning $1.25 per day, seven days per week, during this time period. The cost of Joan's foster care was $4,067.00 during this time period, but Keith did not contribute any money toward her care. Keith does not dispute these findings. Based on Keith's neglect of Joan, Keith's willful failure to contribute to the cost of Joan's foster care, and Keith's incapability of providing proper care and supervision to Joan, the trial court terminated Keith's parental rights. Keith timely filed a Notice of Appeal.[3]

ANALYSIS

¶ 7 On appeal, Keith contests all three of the trial court's grounds for terminating parental rights pursuant to N.C.G.S. § 7B-1111(a).

> However, an adjudication of any single ground for terminating a parent's rights under N.C.G.S. § 7B-1111(a)

[3] Only Keith appeals from the trial court's order. As Leslie and the father of the other siblings did not appeal from the trial court's order, the order as it pertains to them remains undisturbed. Additionally, Keith only appeals the trial court's order as it pertains to Joan. The order as it pertains to the other sibling remains undisturbed.

> will suffice to support a termination order. Therefore, if [the reviewing court] upholds the trial court's order in which it concludes that a particular ground for termination exists, then [it] need not review any remaining grounds.

In re J.S., 374 N.C. 811, 815, 845 S.E.2d 66, 71 (2020) (citations omitted); *see also In re J.M.*, 373 N.C. 352, 356, 838 S.E.2d 173, 176 (2020). Here, as one of the three conclusions by the trial court is sufficient to terminate Keith's parental rights, we limit our review to whether the trial court erred in concluding that

> the juveniles have been placed in the custody of [YFS] and [Keith has], for a continuous period of six months immediately preceding the filing of the motion, willfully failed to pay a reasonable portion of the cost of care for [his] children although physically and financially able to do so[.]

¶ 8 N.C.G.S. § 7B-1111(a)(3) allows for the termination of parental rights when

> [t]he juvenile has been placed in the custody of a county department of social services, a licensed child-placing agency, a child-caring institution, or a foster home, and the parent has for a continuous period of six months immediately preceding the filing of the petition or motion willfully failed to pay a reasonable portion of the cost of care for the juvenile although physically and financially able to do so.

N.C.G.S. § 7B-1111(a)(3) (2021).[4] "We review a trial court's adjudication under N.C.G.S. § 7B-1111 to determine whether the findings are supported by clear, cogent and convincing evidence and the findings support the conclusions of law." *In re J.M.*,

---

[4] In this case, the motion to terminate Keith's parental rights was filed on 12 June 2020, making the relevant time period 12 December 2019 to 12 June 2020.

373 N.C. at 357, 838 S.E.2d at 176 (marks omitted). "The issue of whether a trial court's findings of fact support its conclusions of law is reviewed de novo." *In re J.S.*, 374 N.C. at 814, 845 S.E.2d at 71.

¶ 9 The trial court found, in relevant part, that

> During the period of [12 December 2019] to [12 June 2020], [Keith] willfully failed to contribute any monies to the petitioner to defray the cost of his children's foster care placement though he was physically and financially able to do so. During the six months immediately preceding the filing of the [termination of parental rights] motion, he was employed in prison earning $1.25/day, seven days per week.
>
> [] During that same period, the total cost of care expended by YFS: for [Joan's] care was [$4,067.00] . . . . During the same period, [Keith] did not contribute any amount towards the cost of either of his children's care nor did he ask YFS how he might do so. Though [Keith's] earnings were modest, he still had the ability to pay some amount greater than the [$0.00] that he paid towards his children's cost of care.

Keith does not contest any of the trial court's findings pertaining to this ground; therefore, the trial court's findings are binding on appeal. *Id.* at 358, 838 S.E.2d at 177. These findings of fact support the trial court's conclusion of law that grounds to terminate existed under N.C.G.S. § 7B-1111(a)(3). Furthermore, Keith concedes that his failure to contribute to the cost of Joan's care was willful.

¶ 10 Instead, Keith argues that termination on this ground is a violation of due process because he was not informed by YFS or the trial court of any obligation to

contribute to the cost of Joan's care. Even assuming that Keith was never informed by YFS or the trial court that his failure to contribute to the cost of Joan's care could be a ground for termination of his parental rights, the failure to provide this information does not violate his due process rights. Our appellate courts have consistently rejected such arguments:

> [The respondent-father argues] that [N.C.G.S §] 7A-289.32(4),[5] authorizing parental rights to be terminated upon a parent's failure for six months preceding the filing of the petition to pay a reasonable portion of the cost of caring for the child, is unconstitutional as applied to him, in that the statute does not require notice that payment is due, no notice was received by him, and because he had received public assistance all of his life, he was unaware that anything was expected or required of him. Though this argument is novel, it is unavailing. Very early in our jurisprudence, it was recognized that there could be no law if knowledge of it was the test of its application. Too, that [the respondent-father] did not know that fatherhood carries with it financial duties does not excuse his failings as a parent; it compounds them.

In re Wright, 64 N.C. App. 135, 138-39, 306 S.E.2d 825, 827 (1983). Keith's due process argument is meritless.

CONCLUSION

¶ 11 The trial court properly concluded it had grounds to terminate Keith's parental

---

[5] We note that N.C.G.S. § 7A-289.32(4) is the former codification of N.C.G.S. § 7B-1111(a)(3). *See In re J.D.S.*, 170 N.C. App. 244, 256, 612 S.E.2d 350, 358, *cert. denied*, 360 N.C. 64, 623 S.E.2d 584 (2005).

rights under N.C.G.S. § 7B-1111(a)(3) for a willful failure "to pay a reasonable portion of the cost of care for [Joan] although physically and financially able to do so[.]" Keith does not contest the trial court's findings of fact regarding his ability to contribute some amount for the cost of Joan's care and his failure to contribute any money during the statutory time period. No notice of one's inherent duty to financially support one's child is necessary; Keith's due process rights were not violated by failing to receive notice of this duty. Since this N.C.G.S. § 7B-1111(a) ground adjudicated by the trial court is supported by the evidence, there is no need to review any remaining grounds. *See In re J.M.*, 373 N.C. at 356, 838 S.E.2d at 176 ("[O]nly one ground is needed to terminate parental rights . . . .").

¶ 12 Keith does not separately challenge the trial court's determination at the dispositional stage of the termination proceeding that terminating his parental rights was in Joan's best interests, so we need not review this determination.[6] Accordingly, we affirm the termination of Keith's parental rights regarding Joan.

AFFIRMED.

Judges CARPENTER and JACKSON concur.

---

[6] "After an adjudication that one or more 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.G.S. § 7B-1110(a) (2021). However, the trial court's conclusion as to best interests at disposition must be challenged separately. *In re A.P.W.*, 378 N.C. 405, 2021-NCSC-93, ¶ 46. As Keith did not challenge this conclusion, we do not address it on appeal.

Report per Rule 30(e).