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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA23-536

Filed 19 December 2023

Alamance County, Nos. 21-JT-146-149

IN THE MATTER OF:

S.Z.H., K.K.H., J.S.B.-H., J.Z.H.

Appeal by respondent-father from order entered 31 March 2023 by Judge Ricky Champion in Alamance County District Court. Heard in the Court of Appeals 20 November 2023.

*Alamance County Department of Social Services, by Jamie L. Hamlett, for petitioner-appellee.*

*Vitrano Law Offices, PLLC, by Sean P. Vitrano, for respondent-appellant.*

PER CURIAM.

Respondent-father appeals from the district court's 31 March 2023 order terminating his parental rights to his minor children, S.Z.H., K.K.H., J.S.B.-H., and

J.Z.H.<sup>1</sup> Counsel for respondent-father has filed a no-merit brief under North Carolina Rules of Appellate Procedure 3.1(e). After careful review, we affirm.

### **I. Factual Background and Procedural History**

Respondent-father and respondent-mother (respondents) have four children together, S.Z.H., K.K.H., J.S.B.-H., and J.Z.H. (collectively, the children), ages two, four, five, and seven, respectively. In October 2021, Alamance County Department of Social Services (DSS) received two reports about respondent-parents, one alleging that respondents, while driving under the influence, had wrecked their vehicle with their four minor children in it, that respondents were selling drugs out of their home, and that respondent-mother had been in a fight with multiple individuals while holding the infant, S.Z.H. The other report expressed concerns about the condition of the home, drug activity in the home, and domestic violence between respondents.

In November 2021, there was an armed robbery at respondents' home targeting respondent-father, and on 6 December 2021, there was a shooting at the home. The following day, respondent-mother entered into a safety agreement with DSS, requiring that the children (1) stay with their maternal grandmother, (2) have no contact with respondent-father, and (3) not be exposed to any criminal activity. One week later, on 14 December 2021, the maternal grandmother notified DSS that respondent-mother was too drunk to pick up the children from daycare, and that

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<sup>1</sup> Initials have been used to protect the identities of the juveniles.

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respondent-mother had spent the weekend in a hotel with respondent-father and the minor children, in violation of respondent-mother's 7 December 2021 safety agreement with DSS.

On 15 December 2021, DSS filed petitions alleging that all four minor children were neglected and dependent juveniles, obtained nonsecure custody of the four minor children, and placed them in foster care. When DSS obtained custody of the children, they were "filthy" and in need of medical attention. Respondents initially had visitation with the children, but visitation was suspended on 4 February 2022 after respondents made threats of violence towards DSS staff.

An adjudication hearing was held on 9 February 2022, and by order entered 10 March 2022, the district court suspended all visitation by respondents until they complied with terms and conditions stipulated in the order including: (1) submitting to drug screenings; (2) submitting to a "Comprehensive Clinical Assessment"; and (3) refraining from threats, violence, and inappropriate language and behavior towards any "person/s associated with this case."

On 4 May 2022, the district court held a hearing on DSS's 15 December 2021 juvenile petition alleging that all four children were neglected and dependent juveniles. By order entered 9 June 2022, all four children were adjudicated neglected and dependent juveniles pursuant to N.C. Gen. Stat. § 7B-101(9), (15).

On 22 December 2022, DSS filed a motion to terminate respondents' parental rights to the four minor children. The matter came on for hearing 8 March 2023 in

Alamance County District Court. By order entered 31 March 2023, the court determined that grounds existed to terminate respondents' parental rights to the minor children K.K.H., J.S.B.-H., and J.Z.H. pursuant to N.C. Gen. Stat. § 7B-1111(a)(1)-(3), (6), and the minor child S.Z.H. pursuant to N.C. Gen. Stat. § 7B-1111(a)(1)-(2), (6). Moreover, the court concluded that it was in the best interests of the juveniles to terminate respondents' parental rights to them. From this order, respondent-father filed timely written notice of appeal.

## **II. Analysis**

### **A. Standard of review**

“Termination of parental rights proceedings are conducted in two stages: adjudication and disposition.” *In re A.B.*, 239 N.C. App. 157, 160, 768 S.E.2d 573, 575 (2015), *disc. review denied*, 369 N.C. 182, 793 S.E.2d 695 (2016). “In the adjudication stage, the trial court must determine whether there exists one or more grounds for termination of parental rights under N.C. Gen. Stat. § 7B-1111(a).” *Id.* (citations omitted). “This Court reviews a trial court’s conclusion that grounds exist to terminate parental rights to determine whether clear, cogent, and convincing evidence exists to support the court’s findings of fact, and whether the findings of fact support the court’s conclusions of law.” *Id.*

“If the trial court determines that at least one ground for termination exists, it then proceeds to the disposition stage where it must determine whether terminating the rights of the parent is in the best interest of the child, in accordance with N.C.

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Gen. Stat. § 7B-1110(a).” *Id.* at 161, 768 S.E.2d at 575 (citation omitted). “The trial court’s determination of the child’s best interests is reviewed only for an abuse of discretion.” *Id.* at 161, 768 S.E.2d at 575–76. “Abuse of discretion results where the court’s ruling is manifestly unsupported by reason or is so arbitrary that it could not have been the result of a reasoned decision.” *Id.* at 161, 768 S.E.2d at 576 (citation omitted).

**B. No-merit brief**

Respondent-father’s appellate counsel has filed a no-merit brief on his behalf pursuant to North Carolina Rules of Appellate Procedure 3.1(e). Counsel has also advised respondent-father of his right to file *pro se* written arguments on his own behalf and provided respondent-father with the documents necessary to do so. Respondent-father has not submitted any written arguments.

Our Supreme Court has mandated that when appellate counsel files a no-merit brief, our Court will conduct “an independent review . . . of the issues identified therein.” *In re L.E.M.*, 372 N.C. 396, 402, 831 S.E.2d 341, 345 (2019); *see also* N.C. R. App. P. 3.1(e) (establishing the procedures and requirements for appellate counsel to file a no-merit brief). In his brief, respondent-father’s counsel identifies three potential issues for appellate review: (1) whether “the trial court err[ed] in concluding that grounds existed to terminate [respondent-]father’s parental rights under N.C. Gen. Stat. § 7B-1111(a)(3)”; (2) whether “the trial court err[ed] in concluding that grounds existed to terminate [respondent-]father’s parental rights under N.C. Gen.

Stat. § 7B-1111(a)(2)”; and (3) whether “the trial court abuse[d] its discretion in determining that termination of [respondent-]father’s parental rights was in the juveniles’ best interests[.]” We will address these issues below.

### **C. Adjudication**

In his appellate brief, respondent-father contends that the district court erred in concluding that grounds existed for termination of parental rights pursuant to N.C. Gen. Stat. § 7B-1111(a)(2) or N.C. Gen. Stat. § 7B-1111(a)(3). However, respondent-father makes no argument that grounds for termination *did not* exist pursuant to N.C. Gen. Stat. § 7B-1111(a)(1) or N.C. Gen. Stat. § 7B-1111(a)(6).

“[A]n adjudication of any single ground in [N.C. Gen. Stat.] § 7B-1111(a) is sufficient to support a termination of parental rights.” *In re E.H.P.*, 372 N.C. 388, 395, 831 S.E.2d 49, 53 (2019). “Where the trial court finds multiple grounds on which to base a termination of parental rights, and 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.” *Id.* at 395, 831 S.E.2d at 53–54 (citation, internal quotation marks, and brackets omitted). “Unchallenged findings of fact made at the adjudicatory stage are binding on appeal.” *In re J.C.L.*, 374 N.C. 772, 775, 845 S.E.2d 44, 49 (2020).

Consequently, we need not address respondent-father’s contention that the trial court erred in determining that grounds exist to support termination based on failure to make reasonable progress pursuant to N.C. Gen. Stat. § 7B-1111(a)(2) or

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failure to pay a reasonable portion of the cost of child care pursuant to N.C. Gen. Stat. § 7B-1111(a)(3), because the trial court found grounds to terminate respondent-father's parental rights pursuant to N.C. Gen. Stat. § 7B-1111(a)(1), and N.C. Gen. Stat. § 7B-1111(a)(6).

As noted above, “an adjudication of any single ground in [N.C. Gen. Stat.] § 7B-1111(a) is sufficient to support a termination of parental rights[.]” *E.H.P.*, 372 N.C. at 395, 831 S.E.2d at 53, and “[u]nchallenged findings of fact made at the adjudicatory stage are binding on appeal.” *J.C.L.*, 374 N.C. at 775, 845 S.E.2d at 49. For this reason, the trial court's determination that grounds existed to terminate respondent-father's parental rights is affirmed.

**D. Disposition**

Finally, at the dispositional stage, “[a] trial court's findings of fact are binding on appeal if the findings are supported by competent evidence in the record.” *In re C.M.*, 183 N.C. App. 207, 212, 644 S.E.2d 588, 593 (2007). Moreover, “[t]he trial court's determination of the child's best interests is reviewed only for an abuse of discretion.” *A.B.*, 239 N.C. App. at 161, 768 S.E.2d at 575–76. “Abuse of discretion results where the court's ruling is manifestly unsupported by reason or is so arbitrary that it could not have been the result of a reasoned decision.” *Id.* at 161, 768 S.E.2d at 576 (citation omitted).

In his appellate brief, respondent-father's counsel acknowledges that “[t]he trial court was within its discretion in determining that termination of [respondent-

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]father's parental rights was in the juveniles' best interests." Indeed, based upon our independent review of the issues identified in the no-merit brief, and after careful consideration of the entire record, we are satisfied that the district court's 31 March 2023 order determining that termination of respondent-father's parental rights was in the best interests of the minor children was supported by competent evidence, and was not "manifestly unsupported by reason" or "so arbitrary that it could not have been the result of a reasoned decision." *Id.* Consequently, we affirm the district court's order terminating respondent-father's parental rights to the minor children.

AFFIRMED.

Panel consisting of: Chief Judge STROUD and Judges STADING and THOMPSON.

Report per rule 30(e).