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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA23-435

Filed 19 December 2023

Haywood County, No. 21 JT 27

IN THE MATTER OF:

E.R.B.

Juvenile.

Appeal by respondent-father from orders entered 20 January 2023 by Judge Donna F. Forga in Haywood County District Court. Heard in the Court of Appeals 20 November 2023.

No brief filed on behalf of petitioner-appellee Haywood County Health & Human Services Agency.

No brief filed on behalf of appellee guardian ad litem.

Anné C. Wright for respondent-appellant father.

PER CURIAM.

Respondent-Father appeals from orders terminating his parental rights to his biological daughter, “Erica.”¹ We affirm.

¹ To protect the minor child’s identity, we adopt the pseudonym previously selected by the parties for this purpose. See N.C.R. App. P. 42(b).

On 28 April 2021, the Haywood County Health & Human Services Agency (“HHSA”) filed a verified petition alleging that Erica was an abused, neglected, and dependent juvenile. HHSA sought and obtained nonsecure custody of Erica that day.

In addition to the allegations provided on the AOC-J-130 Juvenile Petition form, HHSA attached nine pages of detailed and disturbing allegations supporting its petition and its request for nonsecure custody of Erica. HHSA described, *inter alia*, living conditions that were generally unsafe, unstable, and unsanitary; incidents of domestic violence between various partners and family members; and substantial, sustained use of illicit drugs, by Erica’s parents and others, in the home and in Erica’s presence. HHSA also alleged that in November 2020, there had been a fatal fire in the home where Respondent-Father lived with his girlfriend and her two minor children; the death of the girlfriend’s infant son led HHSA to seek and obtain nonsecure custody of her surviving child.² After the child tested positive for methamphetamine and other substances, HHSA stressed to Respondent-Mother the importance of denying Respondent-Father further contact with Erica.³

Following a hearing, on 29 June 2021, the trial court entered an order adjudicating Erica as abused, neglected, and dependent. On 22 July 2022, HHSA filed

² In July 2022, while serving an active sentence for various theft and drug offenses, Respondent-Father was indicted for involuntary manslaughter in the infant’s death.

³ On 4 May 2021, 2-year-old Erica similarly tested positive for marijuana, methamphetamines, and amphetamines.

a petition to terminate Respondent-Father's parental rights to Erica.⁴ By orders entered 20 January 2023, the trial court determined that sufficient grounds existed to terminate Respondent-Father's parental rights to Erica, and that it was in Erica's best interest to do so. Respondent-Father entered timely notice of appeal.

Having found no issue upon which to base a non-frivolous argument for relief, Respondent-Father's appellate counsel has filed a no-merit brief with this Court pursuant to N.C.R. App. P. 3.1(e). Counsel has also advised Respondent-Father of his right to file written arguments on his own behalf with this Court and provided him with the materials necessary to do so; however, Respondent-Father has not filed any arguments with this Court, and a reasonable time within which to do so has now passed.

When appellate counsel submits a no-merit brief pursuant to Rule 3.1(e), this Court must "conduct an independent review of the issues set out in the no-merit brief filed by [the] respondent's counsel[.]" *In re L.E.M.*, 372 N.C. 396, 402, 831 S.E.2d 341, 345 (2019). Our appellate courts "review a trial court's adjudication of grounds to terminate parental rights to determine whether the findings are supported by clear, cogent and convincing evidence and the findings support the conclusions of law." *In re I.J.W.*, 378 N.C. 17, 21, 859 S.E.2d 148, 151 (2021) (cleaned up). "The trial court's conclusions of law are reviewable de novo on appeal." *Id.* (citation omitted). "The trial

⁴ Although HHSA successfully petitioned to terminate all parties' parental rights to Erica, we focus our opinion on Respondent-Father, the sole party to this appeal.

court's assessment of a juvenile's best interest at the dispositional stage is reviewed only for abuse of discretion." *In re Z.L.W.*, 372 N.C. 432, 435, 831 S.E.2d 62, 64 (2019).

In the no-merit brief, Respondent-Father's counsel identified several potential issues that might arguably support an appeal but explained why she ultimately believed that each lacked merit.

Based upon our independent review of the issues identified in the no-merit brief, as well as our careful consideration of the entire record, we are satisfied that the trial court's 20 January 2023 termination of Respondent-Father's parental rights to Erica was supported by competent evidence and based on proper legal grounds. Accordingly, we affirm.

AFFIRMED.

Panel consisting of:

Judges TYSON, ZACHARY, and FLOOD.

Report per Rule 30(e).