

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA23-649

Filed 5 March 2024

Mecklenburg County, No. 19 JT 287

IN THE MATTERS OF: V.W.

Appeal by respondent-father from order entered 22 February 2023 by Judge Faith Fickling-Alvarez in Mecklenburg County District Court. Heard in the Court of Appeals 21 February 2024.

*Kristina A. Graham, for petitioner-appellee Mecklenburg County Department of Social Services.*

*Peter Wood, for respondent-appellant father.*

*Nelson Mullins Riley & Scarborough LLP, by Carrie Hanger, for guardian ad litem.*

PER CURIAM.

Respondent-Father appeals from the trial court's 22 February 2023 order terminating his parental rights in V.W. Counsel for Father filed a no-merit brief under Rule 3.1(e) of the North Carolina Rules of Appellate Procedure. Father did not exercise his opportunity to file a *pro se* brief in accordance with Rule 3.1(e).

Counsel filing a Rule 3.1(e) no-merit brief is required to “identify any issues in the record on appeal that arguably support the appeal and must state why those issues lack merit or would not alter the ultimate result.” N.C. R. App. P. 3.1(e) (2023). Here, counsel fully complied with all of the requirements of Rule 3.1(e) and identified two issues for our independent review: (1) whether the trial court prejudicially erred when it found grounds to terminate Father’s parental rights and (2) whether the trial court abused its discretion in concluding that terminating Father’s parental rights was in the child’s best interest.

In accordance with *In re L.E.M.*, we have conducted an independent review of the issues raised in the no-merit brief. *In re L.E.M.*, 372 N.C. 396, 402 (2019) (“We conclude that the text of Rule 3.1([e]) plainly contemplates appellate review of the issues contained in a no-merit brief.”). “[W]e are satisfied that the trial court’s order terminating [Father]’s parental rights is supported by clear, cogent, and convincing evidence and is based on proper legal grounds. Accordingly, we affirm the trial court’s order terminating [Father]’s parental rights.” *In re K.M.S.*, 380 N.C. 56, 59 (2022).

AFFIRMED.

Panel consisting of:

Judges TYSON, MURPHY, and WOOD.

Report per Rule 30(e).