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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA23-698

Filed 18 June 2024

Alamance County, No. 21 JT 40

IN THE MATTER OF: Q.Y.

Appeal by Respondent-Father from order entered 28 March 2023 by Judge Kathryn Whitaker Overby in Alamance County District Court. Heard in the Court of Appeals 21 February 2024.

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

David A. Perez, for respondent-appellant father.

Brittany T. McKinney, for Guardian ad Litem.

CARPENTER, Judge.

Respondent-Father appeals from the order terminating his parental rights to his minor child, Q.Y.¹ Specifically, Respondent-Father challenges the trial court's determination that three adjudication grounds existed to terminate his parental rights. After careful review, we affirm.

¹ A pseudonym to protect the identity of the minor child. See N.C. R. App. P. 42(b).

I. Factual & Procedural Background

Q.Y. was born in January 2021. Her birth certificate does not list a father, though her mother had informed Respondent-Father early in her pregnancy of his paternity. Despite this notification, Respondent-Father did not take an active role in Q.Y.'s life following her birth.

Soon after her birth, Q.Y. tested positive for marijuana, prompting the Alamance County Department of Social Services ("ACDSS") to initially place Q.Y. with a relative. From 19 February to 24 February 2021, Q.Y. was returned to her mother's care. Following an ACDSS investigation into allegations of abuse, Q.Y.'s mother requested that a social worker "take the kids," leading to Q.Y.'s removal again. ACDSS then temporarily placed Q.Y. with her maternal grandmother, but concerns over safety soon necessitated her removal from that home as well. On 2 March 2021, ACDSS placed Q.Y. under the care of her paternal grandmother.

While Q.Y. was under her paternal grandmother's care, Respondent-Father did not provide care for or visit Q.Y. On 15 April 2021, the paternal grandmother requested Q.Y. be removed from her home due to disagreements with Q.Y.'s mother and uncertainty of Respondent-Father's paternity. On 16 April 2021, the Alamance County District Court granted ACDSS nonsecure custody of Q.Y. With no other familial placement options available, ACDSS placed Q.Y. in a licensed foster home.

From April 2021 until October 2022, Respondent-Father remained unresponsive to all attempts by ACDSS to engage him in Q.Y.'s life, despite being

IN RE: Q.Y.

Opinion of the Court

aware of his status as the putative father and Q.Y.'s placement in foster care. On 21 April 2021, the trial court granted ACDSS continued nonsecure custody of Q.Y., made findings that Respondent-Father had not been served, and appointed him provisional counsel. On 27 April 2021, ACDSS efforts to serve Respondent-Father were unsuccessful. Subsequently, on 6 May 2021, Respondent-Father's provisional attorney requested to withdraw due to an inability to establish contact with him.

During the 16 June 2021 adjudication-and-disposition hearing, the trial court made findings that ACDSS made multiple, albeit unsuccessful, attempts to locate Respondent-Father. At the 13 October 2021 permanency-planning hearing, the trial court made findings that Respondent-Father still had not been located, served, or appeared in court. The trial court made further findings that ACDSS completed a referral to Child Support Enforcement to establish child-support obligations.

At the 9 February 2022 permanency-planning hearing, the trial court found that ACDSS still had not located Respondent-Father despite multiple letters and calls. At the 4 May 2022 permanency-planning hearing, the trial court found that Child Support Services located another address for Respondent-Father, but ACDSS remained unable to contact him. ACDSS mailed more letters to Respondent-Father on 3 August 2022, 8 August 2022, 15 August 2022, and 21 September 2022.

On 25 August 2022, ACDSS filed a petition to terminate Respondent-Father's parental rights, alleging Respondent-Father: neglected Q.Y. and would likely neglect her in the future; willfully left Q.Y. in foster care for more than twelve months

without showing reasonable progress; willfully failed to pay a reasonable portion of Q.Y.'s cost of care; failed to legitimate paternity; and willfully abandoned Q.Y. On 18 September 2022, ACDSS served Respondent-Father by leaving the termination petition at his mother's house, which is the same address to which ACDSS had previously mailed letters. At the 25 October 2022 permanency-planning hearing, ACDSS still had not heard from Respondent-Father. Once again, ACDSS mailed a letter to Respondent-Father at a previously confirmed address.

On 20 October 2022, Respondent-Father contacted ACDSS and submitted to genetic testing. On 16 November 2022, the trial court adjudicated Respondent-Father to be Q.Y.'s biological father. On 9 January 2023, Respondent-Father entered into a case plan with ACDSS to complete substance-abuse and mental-health assessments, pay child support, and develop other parenting skills.

On 22 and 23 February 2023, Respondent-Father appeared with counsel and testified at the adjudication hearing. During his testimony, Respondent-Father admitted that he was aware he might be Q.Y.'s father, was aware she was in the custody of ACDSS, but made no attempts to visit, provide support, or purchase gifts for her until his paternity was established. When asked if he made "any attempts to file an action to determine paternity," Respondent-Father testified, "[n]ever." When asked if he made any other attempts to establish paternity prior to the filing of the termination petition, Respondent-Father testified, "[n]o." When asked if he made any efforts to establish a relationship with Q.Y. before January 2023—one month before

the termination hearing—Respondent-Father testified, “[n]o.” When asked if he entered into a child-support agreement with the Child Support Enforcement Agency as instructed by the trial court, Respondent-Father testified he had not.

ACDSS social worker Kennissha Hall testified that Respondent-Father and Q.Y.’s mother never married. Hall also testified that the North Carolina Department of Health and Human Services did not receive an affidavit of paternity from any person with respect to Q.Y. Hall similarly testified that no person filed an action to legitimate Q.Y. prior to the filing of the petition to terminate parental rights.

On 28 March 2023, the trial court entered an order terminating Respondent-Father’s parental rights based on the grounds of willful failure to reasonably contribute to the cost of care, failure to establish or legitimate paternity, and willful abandonment. On 26 April 2023, Respondent-Father filed notice of appeal.

II. Jurisdiction

This Court has jurisdiction under N.C. Gen. Stat. §§ 7A-27(b)(2), 7B-1001(a)(7) (2023).

III. Issues

The issues on appeal are whether the trial court erred in terminating Respondent-Father’s parental rights on the grounds of willful failure to reasonably contribute to the cost of care, failure to establish or legitimate paternity, and willful abandonment. *See* N.C. Gen. Stat. § 7B-1111(a) (2023). As the existence of one adjudication ground is sufficient to support a termination of parental rights, we only

address whether the trial court erred in concluding Respondent-Father failed to legitimate his paternity. *See* N.C. Gen. Stat. § 7B-1111(a)(5).

IV. Standard of Review

“Our juvenile code provides a two-step process for termination of parental rights proceedings consisting of an adjudicatory stage and a dispositional stage.” *In re Z.A.M.*, 374 N.C. 88, 94, 839 S.E.2d 792, 796–97 (2020); *see* N.C. Gen. Stat. §§ 7B-1109(e), 1110(a) (2023). “[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); *see* N.C. Gen. Stat. § 7B-1110(a).

“We review a trial court’s adjudication that a ground exists to terminate parental rights under [N.C. Gen. Stat.] § 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 A.M.*, 377 N.C. 220, 225, 856 S.E.2d 801, 806 (2021) (quoting *In re E.H.P.*, 372 N.C. at 392, 831 S.E.2d at 52). “Findings of fact not challenged . . . are deemed supported by competent evidence and are binding on appeal. Moreover, we review only those findings necessary to support the trial court’s determination that grounds existed to terminate respondent’s parental rights.” *In re T.N.H.*, 372 N.C. 403, 407, 831 S.E.2d 54, 58–59 (2019) (citations omitted).

“A trial court’s finding of fact that is supported by clear, cogent, and convincing evidence is deemed conclusive even if the record contains evidence that would support a contrary finding.” *In re A.L.*, 378 N.C. 396, 400, 862 S.E.2d 163, 166 (2021) (citing

In re B.O.A., 372 N.C. 372, 379, 831 S.E.2d 305, 310 (2019)). “A trial court’s finding of an ultimate fact is conclusive on appeal if the evidentiary facts reasonably support the trial court’s ultimate finding.” *In re G.C.*, 384 N.C. 62, 65, 884 S.E.2d 658, 661 (2023) (citing *State v. Fuller*, 376 N.C. 862, 864, 855 S.E.2d 260, 263 (2021)).

“[W]hether a trial court’s adjudicatory findings of fact support its conclusion of law that grounds existed to terminate parental rights . . . is reviewed de novo by the appellate court.” *In re M.R.F.*, 378 N.C. 638, 641, 862 S.E.2d 758, 761–62 (2021) (quoting *In re T.M.L.*, 377 N.C. 369, 375, 856 S.E.2d 785, 790 (2021)). “Under a *de novo* review, the court considers the matter anew and freely substitutes its own judgment for that of the trial court.” *In re T.M.L.*, 377 N.C. at 375, 856 S.E.2d at 790 (quoting *In re C.V.D.C.*, 374 N.C. 525, 530, 843 S.E.2d 202, 205 (2020)).

V. Failure to Legitimate

On appeal, Respondent-Father challenges the trial court’s finding that grounds existed to terminate his parental rights because he failed to legitimate his paternity. Specifically, he argues ACDSS failed to prove that he did not submit an affidavit of parentage or register a birth certificate showing his paternity. After careful consideration, we disagree with Respondent-Father.

Before terminating parental rights for failure to legitimate paternity, a trial court must find that the petitioner has presented clear, cogent, and convincing evidence that the father of a child born out of wedlock has not done any of the following prior to the filing of the petition:

IN RE: Q.Y.

Opinion of the Court

- a. Filed an affidavit of paternity in a central registry maintained by the Department of Health and Human Services
- b. Legitimated the juvenile pursuant to provisions of [N.C. Gen. Stat. §§] 49-10, 49-12.1, or filed a petition for this specific purpose.
- c. Legitimated the juvenile by marriage to the mother of the juvenile.
- d. Provided substantial financial support or consistent care with respect to the juvenile and mother.
- e. Established paternity through [N.C. Gen. Stat. §§] 49-14, 110-132, 130A-101, 130A-118, or other judicial proceeding.

N.C. Gen. Stat. § 7B-1111(a)(5).

As noted in subsection (e), and relevant to Respondent-Father's issue on appeal, a father can establish paternity by filing a civil action, submitting an affidavit of parentage, birth registration, amending the birth certificate, or other judicial proceeding. *Id.* § 7B-1111(a)(5)e (referencing sections 49-14, 110-132, 130A-101, 130A-118). When basing a termination of parental rights on N.C. Gen. Stat. § 7B-1111(a)(5), the trial court must make specific findings of fact as to all subsections, and the petitioner bears the burden of proving the father has failed to take any of these actions. *In re Harris*, 87 N.C. App. 179, 188, 360 S.E.2d 485, 490 (1987).

Here, the trial court's findings that Respondent-Father failed to legitimate his paternity within the meaning of N.C. Gen. Stat. § 7B-1111(a)(5) are supported by clear, cogent, and convincing evidence. First, the trial court found as fact, which Respondent-Father does not challenge and is thus binding on appeal, that Respondent-Father did not sign an affidavit of parentage or make any other attempts

to legitimate his paternity. *See In re T.N.H.*, 372 N.C. at 407, 831 S.E.2d at 58–59. Further evidence includes testimony that Respondent-Father was never married to Q.Y.’s mother, and Respondent-Father’s own admission that he knew Q.Y. was likely his child, yet he provided no financial assistance or care, even while Q.Y. was placed with her paternal grandmother.

Respondent-Father specifically challenges whether the trial court’s Finding of Fact 32(v) is supported by clear, cogent, and convincing evidence, arguing that an affidavit “could have been filed” for a child-support action, and the record lacks conclusive proof that Respondent-Father failed to subsequently amend Q.Y.’s birth certificate. We disagree.

Respondent-Father’s testimony that he “[n]ever” made any attempts to establish paternity prior to the filing of the termination petition is clear, cogent, and convincing evidence that he did not amend the birth certificate, file a civil action, sign an affidavit of parentage, or partake in any other judicial proceeding to legitimate his paternity. Respondent-Father’s testimony was confirmed by Hall, who testified that no person, including Respondent-Father, filed an action to legitimate or establish paternity prior to the petition for termination. The record contains a copy of Q.Y.’s birth certificate, which does not include Respondent-Father’s name, as well as a letter from the North Carolina Department of Health and Human Services certifying that no affidavit of paternity was received from any person concerning Q.Y.

As the concurrence properly notes, Respondent-Father's general appearance waived any personal jurisdiction defects. Although certain concerns raised by the concurrence appear to be well-taken, we note that "[t]he appellate courts can only hear matters that are properly brought before them by the litigants. We cannot maintain our role as impartial arbiters if we comb through the record to find legal issues unaddressed by the parties, or raise and address legal theories not argued by the parties." *Waddell v. Metro. Sewerage Dist. of Buncombe Cnty.*, 201 N.C. App. 586, 588–89, 687 S.E.2d 502, 504 (2009), (rehearing allowed and opinion superseded, 207 N.C. App. 129, 699 S.E.2d 469 (2010)).

Accordingly, on this record there is clear, cogent, and convincing evidence to support the trial court's findings that Respondent-Father took no efforts to legitimate his paternity prior to the filing of the termination petition, which in turn supports the trial court's conclusion of law that grounds exist to terminate Respondent-Father's parental rights under N.C. Gen. Stat. § 7B-1111(a)(5).

VI. Conclusion

In sum, the trial court did not err in adjudicating the existence of the termination ground articulated in N.C. Gen. Stat. § 7B-1111(a)(5). Accordingly, we need not reach his challenges to the remaining grounds. We therefore affirm the order terminating Respondent-Father's parental rights.

AFFIRMED.

Judge ARROWOOD concurs.

IN RE: Q.Y.

Opinion of the Court

Judge THOMPSON concurs in the result by separate opinion.

Report per Rule 30(e).

No. COA23-698 – *In re Q.Y.*

THOMPSON, Judge, concurring in result only.

While I am constrained to join the conclusion reached by the majority, I write to concur in result only and I write separately to address my concerns about the lack of compliance with pre-adjudication statutory mandates and absence of personal jurisdiction throughout the proceedings, the lack of which ultimately led to the termination of a parent’s constitutional rights.

A. Failure of the district court to confirm personal service prior to adjudication and disposition in the abuse, neglect, and dependency case

At the outset, I find the absence of notice and personal jurisdiction in the underlying summons and petition alleging neglect and dependency concerning. From the initial entry of its nonsecure custody order until its final permanency planning order, the court failed to question the efforts made by DSS to locate the “putative father.” Yet, the court continued to enter order after order requiring the “putative father” to participate in reunification efforts despite his absence. Prior to the adjudication, even his provisional attorney informed the court of respondent-father’s absence and the attorney’s inability to locate him to provide legal counsel. On 6 May 2021, the provisional attorney appointed to represent respondent-father filed a motion to withdraw as counsel, indicating that she made numerous unsuccessful attempts to contact respondent-father via mailed correspondence and telephone calls.

ACDSS made two attempts to serve respondent-father with the underlying summons and petition for neglect and dependency. The first unsuccessful attempt was on 27 April 2021, at which time a deputy sheriff attempted to personally deliver to respondent-father the summons and petition at the address of respondent-father's mother and returned it "unserved" on April 29, 2021. The second attempt was on 9 June 2021 when the *same* deputy sheriff attempted to personally serve respondent-father again *at the same address* as well as a neighboring address on the same street. On 10 June 2021, the summons and petition were again returned unserved. In its oversight, the court continued to enter in its Adjudication, Disposition, and combined Review and Permanency Planning Hearing Orders findings of fact about the failure to serve respondent-father. For example, in the court's order filed on 8 November 2021—seven months after removal and several hearings later—the court continued to cut and paste the following factual finding:

9. [Respondent-father], putative father of Q.Y. has not been personally served with a copy of the Summons and Petition pursuant to G.S. 7B-407.

Thus, the lack of personal jurisdiction over respondent-father was repeatedly acknowledged by the district court, and despite such acknowledgment, the proceedings were never placed on pause in order to require ACDSS to gain the requisite personal jurisdiction over respondent-father.

B. Failure of the district court to comply with N.C. Gen. Stat. § 7A-800.1

Turning next to the district court's failure to comply with the statutory mandate set forth in N.C. Gen. Stat. § 7B-800.1, the statute provides that prior to the adjudicatory hearing, at a pre-adjudication hearing, the district court is required to consider, *inter alia*, "[w]hether paternity has been established or efforts made to establish paternity, including the identity and location of any missing parent." N.C. Gen. Stat. § 7B-800.1 (2021). Here, the district court's pre-adjudication order reads that the district court

reviewed evidence in the court file; and that in accordance with [N.C.] Gen. Stat. § 7B-800.1, the court has reviewed and is satisfied (1) with the retention of current counsel for the respondents, who have already been fully or provisionally appointed by prior order, (2) that the proper parties have been identified for this proceeding, (3) that efforts are being made to establish paternity, (4) that the Department has identified and notified the relevant relatives as placement or support options, (5) that service of process for the Respondent Mother and Mr. Cameron was proper and notice has been properly given for this and the upcoming adjudicatory hearing; efforts are being made to attempt service and notice of hearing for [respondent-father] and Mr. Johnson, (6) that the petition was properly verified and properly invokes the jurisdiction of this court, and (7) that there appear to be no other pending pretrial motions or other matters which would prevent the adjudicatory hearing from moving forward on the currently[]set hearing date[.]

(Emphasis added).

With respect to factor number three of the pre-adjudication order, the district court found that "efforts [were] being made to establish paternity[.]" However, it is unclear to me what those "efforts" were. The district court did not make any findings

of fact regarding this paternity factor, nor did the court in any way provide a meaningful rationale regarding how it came to this conclusion. Every order following the non-secure custody order from 21 April 2021 until 25 January 2023 referred to respondent as an unserved putative father. Thus, the record is void of findings of fact by the court delineating any attempted efforts by ACDSS to establish paternity prior to the pre-adjudication/adjudication hearing.

C. Failure to comply with N.C. Gen. Stat. § 7A-1106(a) and N.C. Gen. Stat. § 1A-1, Rule 4(j)(1)(a)

Additionally, it is noteworthy that in ACDSS's petition to terminate respondent-father's parental rights filed on August 25, 2022, the absence of service and the inability of the agency to locate respondent-father are admitted:

9. On April 29, 2021, the petition was returned unserved to [the address of respondent-father's mother's residence].

10. On June 10, 2021, the petition was returned unserved to [the address of respondent-father's mother's residence as well as a neighboring address].

11. [Respondent-father] has not appeared in Court or been advised of his right to court[-]appointed counsel.

12. SW Hall has sent letters to the addressed locate (sic) for [respondent-father] and communicate (sic) with his mother. ACDSS [has] no additional information about [respondent-father]'s location.

These addresses, well-documented as insufficient, were the same addresses used in the attempts by ACDSS to serve respondent-father with (1) a summons and petition to terminate his rights, (2) the notice of hearing for the pre-adjudication and termination proceedings, and (3) the certificate of service certifying that ACDSS's attorney actually served respondent father—all simultaneously filed on August 25, 2022.

On September 15, 2022, another deputy sheriff left these documents—which ultimately have the power to permanently sever the ties between a parent and his child—at the address of respondent-father's mother's residence. Previous attempts by ACDSS to serve respondent-father at his mother's address had already proven to be unsuccessful as discussed above.

The return of service purports that the deputy sheriff personally delivered the aforementioned documents “by leaving a copy of the summons and petition at the *dwelling house or usual place of abode of the respondent named above with a person of suitable age and discretion **then residing therein.***” Although respondent-father's mother was of suitable age and discretion, nowhere in the record is her residence identified as respondent-father's “dwelling house or usual place of abode[.]” The record does show, however, that respondent-father's mother's residence was approved as a temporary placement for Q.Y. and his mother as the placement provider selected by the child's mother. The social worker assigned to this case even visited respondent-father's mother's residence on 15 April 2021, removing Q.Y. at the request of

respondent-father's mother who stated during the visit that "she could no longer deal with [the child's mother]" and added, Q.Y. "may not be her son's child anyway." There were no recorded notes by the social worker or ACDSS that respondent-father ever lived at his mother's address or that he showed up for visits with the child when ACDSS temporarily placed Q.Y. in this residence. Respondent-father's unrefuted testimony about his various residences during these proceedings further established that he did not move back into his mother's house until December of 2022. Therefore, service of process on respondent-father's mother was improper here pursuant to N.C. Gen. Stat. § 1A-1, Rule 4(j)(1)(a).

"[T]he level of notice in the instant case is not governed by the constitutional principles of due process. It is mandated by the statutory requirements as set forth in N.C. Gen. Stat. § 7B-1106[]." *In re Alexander*, 158 N.C. App. 522, 525, 581 S.E.2d 466, 468 (2003). This Court has stated that "[t]he law regarding notice accompanying a [petition] to terminate parental rights is clear: (1) the notice *shall* be directed to the necessary parties, including the parents of the juvenile, (2) the notice *shall* include the required elements, and (3) the notice *shall* be served in accordance with N.C. Gen. Stat. § 1A-1, Rule [4]." *Id.* (emphases added) (internal quotation marks omitted). Furthermore, "[t]his Court has held the General Assembly's use of the word *shall* establishes a mandate, and failure to comply with the statutory mandate is reversible error." (Emphasis added) (internal quotation marks omitted).

The law is clear that “[a] party that cannot with due diligence be served by personal delivery, registered or certified mail, or by a designated delivery service . . . may be served by publication.” N.C. Gen. Stat. § 1A-1, 4(j1). Moreover, “when the whereabouts of a parent are unknown, service may be by publication in accordance with N.C. Gen. Stat. § 1A-1, Rule 4(j1).” *In re A.J.C.*, 259 N.C. App. 804, 806, 817 S.E.2d 475, 478 (2018). “To satisfy jurisdictional requirements, courts must have both personal jurisdiction and subject matter jurisdiction.” *Time Warner Entertainment Advance/Newhouse Partnership v. Town of Landis*, 228 N.C. App. 510, 514, 747 S.E.2d 610, 614 (2013). “First, courts must have personal jurisdiction over the parties to bring them into the adjudicative process.” *Id.*

However, in the instant case, ACDSS only attempted to serve respondent-father via personal delivery and stopped its efforts there. Then, returning to the same address previously identified as respondent-father’s mother’s residence and as not deliverable for his personal service of process, ACDSS used this information to proceed with its petition to terminate respondent-father’s rights. These actions by ACDSS suggest that the agency used this address to expedite the primary plan of termination and secondary plan of reunification based upon an assumption that respondent-father’s mother would do the job of ACDSS and the sheriff in locating respondent-father and serving him with official court documents.

ACDSS did not attempt to serve respondent-father by registered or certified mail, nor did ACDSS attempt to serve respondent-father via publication even though

its prior two attempts at personal service of notice had been unsuccessful because respondent-father did not live at the address listed as his mother's residence. Despite respondent-father's whereabouts remaining seemingly unknown to ACDSS, the agency did not avail itself of the additional reasonable methods of service outlined in N.C. Gen. Stat. § 1A-1, Rule 4. Moreover, the district court never made findings of fact that respondent-father "cannot otherwise be served despite diligent efforts made by petitioner for personal service." N.C. Gen. Stat. § 7B-1106(a). Thus, ACDSS failed to comply with the statutory mandates set forth in N.C. Gen. Stat. § 7B-1106(a), and "failure to comply with the statutory mandate is reversible error." *Alexander*, 158 N.C. App. at 525, 581 S.E.2d at 468.

ACDSS has the power of resources that are supported by our statutes' guidance to properly serve parents in termination of parental rights matters. At a bare minimum, the court should have required ACDSS to prove the diligent efforts they expended to locate respondent-father early in the pre-adjudication process. During each of the initial hearings, if ACDSS had shown what would be tantamount to an affidavit of nonservice, perhaps that showing would have triggered the use of N.C. Gen. Stat. § 1A-1, Rule 4(j1), service by publication. ACDSS also had as a collateral resource the use of the local child support agency that contacted respondent-father's employer for wage information. This showing of effort is readily made available by

UNC School of Government as a “checklist”¹ for courts prior to adjudication. The effort expended to set in motion a termination of parental rights under a ground such as failure to establish paternity could have been better served by making sure the record on review undoubtedly supports personal and subject matter jurisdiction. “Despite a defect in service, a court may properly obtain personal jurisdiction over a party who consents or makes a general appearance.” *In re A.J.C.*, 259 N.C. App. 804, 808, 817 S.E.2d 475, 479 (2018) (brackets and citation omitted). But for respondent-father appearing in court for the 22 February 2023 termination hearing, the trial court did not have personal jurisdiction.

I do not, in this concurrence, intend to open the Pandora’s box of reviewing the numerous orders entered in respondent-father’s absence and before his paternity was established in this matter which delineated the insurmountable efforts respondent-father had to overcome to be even remotely considered for reunification with his daughter within the six months prior to the termination of his parental rights. While I concede that respondent-father waived this argument by not raising it on appeal and waived the right to challenge the district court’s exercise of personal jurisdiction over him, I do not believe that ACDSS was absolved of its responsibilities to properly

¹ See Sara DePasquale, *Abuse, Neglect, Dependency, and Termination of Parental Rights Proceedings in North Carolina Checklists* (UNC School of Government 2023) (providing guidance “to assist attorneys and judges that participate in the various hearings involved in abuse, neglect, dependency, and related termination of parental right proceedings.”).

serve respondent-father nor was the court absolved of its responsibility to conclude that it had actual personal jurisdiction before entering a multitude of orders just in case the parent made an appearance. When permanently terminating an individual's constitutional right to parent his or her child(ren), even while in the pursuit of the polar star of a child's best interest, compliance with statutory mandates provides simultaneous protection for the parent and the child(ren).