

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA26-165

Filed 16 September 2026

Buncombe County, No. 25JT000085-100

IN THE MATTER OF:

E.L.W.

Appeal by Respondents from judgment entered 28 October 2025 by Judge Ward D. Scott in Buncombe County District Court. Heard in the Court of Appeals 8 September 2026.

*No brief for petitioner-appellee Buncombe County Department of Health and Human Services.*

*Brittany T. McKinney for Guardian Ad Litem.*

*Robert W. Ewing for respondent-appellant Mother.*

*Sean P. Vitrano for respondent-appellant Father.*

PER CURIAM.

Respondent-appellants (“Father” and “Mother”) appeal from the termination of parental rights (“TPR”) order. Father’s counsel and Mother’s counsel have each

filed a no-merit brief under Rule 3.1(e) of our Rules of Appellate Procedure. Mother's counsel and Father's counsel have each advised their client of their right to file supplemental arguments with this Court in accordance with Rule 3.1(e). Neither parent has filed with this Court any arguments on their own behalf and a reasonable time to have done so has passed.

Under Rule 3.1(e), counsel filing a 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).

Here, counsel for Mother and counsel for Father have each fully complied with all the requirements of Rule 3.1(e) and identified three specific issues for our independent review: whether the trial court erred in determining Father and Mother willfully left the juvenile in foster care; whether the trial court erred in concluding neglect existed as a ground to terminate Father and Mother's parental rights; and whether the trial court erred in concluding Father and Mother's parental rights to other children were terminated involuntarily and that each party lacked the ability or willingness to establish a safe household. This Court conducts an independent review of the issues raised in the no-merit brief. *In re L.E.M.*, 372 N.C. 396, 402, 831 S.E.2d 341, 345 (2019). "[T]he text of Rule 3.1([e]) plainly contemplates appellate review of the issues contained in a no-merit brief." *Id.*

We have reviewed the issues raised by Father's counsel and Mother's counsel and "are satisfied that the trial court's order terminating [Father's and Mother's]

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parental rights is supported by clear, cogent, and convincing evidence and is based on proper legal grounds.” *In re K.M.S.*, 380 N.C. 56, 59, 867 S.E.2d 868, 870 (2022). Accordingly, we affirm the trial court’s order.

AFFIRMED.

Panel consisting of Judges WOOD, GRIFFIN, and FREEMAN.

Report per Rule 30(e).