

**Juvenile Cases Decided by the  
North Carolina Court of Appeals**  
December 4, 2012  
*Termination of Parental Rights; Adoption*

TPR: Evidence and findings supported adjudication of ground of willfully leaving the child in foster care, but the “best interest” findings were insufficient to comply with G.S. 7B-1110.

*In re* J.L.H., \_\_\_ N.C. App. \_\_\_, \_\_\_ S.E.2d \_\_\_ (Dec. 4, 2012).

<http://appellate.nccourts.org/opinions/?c=2&pdf=MjAxMi8xMi00NTItMS5wZGY>

**Facts:** After the child had been in DSS custody for over a year, DSS filed a petition to terminate respondent’s rights and the trial court adjudicated three grounds: neglect, willfully leaving the child in foster care, and willfully failing to pay a reasonable portion of the cost of the child’s care. The court of appeals examined only the second of these grounds.

**Held:** Affirmed in part and remanded in part.

1. The court held that the evidence and the trial court’s findings were sufficient to support the adjudication of the ground of willfully leaving the child in foster care. Even though respondent had participated in some services, her failure to participate in her own therapy and inconsistent participation in the child’s therapy was not “reasonable progress under the circumstances.”
2. With respect to disposition, the court remanded for additional findings because the trial court failed to make the findings required by G.S. 7B-1110.

Adoption: Evidence and findings were sufficient to support the trial court’s determination that the putative father’s consent to the child’s adoption was necessary.

*In re* S.K.N., \_\_\_ N.C. App. \_\_\_, \_\_\_ S.E.2d \_\_\_ (Dec. 4, 2012).

<http://appellate.nccourts.org/opinions/?c=2&pdf=MjAxMi8xMi0yNzUtMS5wZGY>

**Facts:** The mother and putative father, although unmarried, had lived together for nine years and were the parents of two other children. While they still lived together, the mother hid this pregnancy from respondent, lied and told him she had a tumor, and went to another county to have the child. She relinquished the child to an agency for adoption and said that respondent was not the father. The father later found pictures making him think the child was his. He talked to his mother, who called DSS to tell the agency that her son thought the child was his and that he did not want the child to be adopted. The following day petitioners filed a petition to adopt the child. The trial court determined that respondent’s consent to the adoption was required because, before the petition was filed, he had acknowledged paternity, provided reasonable and consistent support for the mother, and regularly visited or communicated with the mother, for purposes of G.S. 48-3-601. Petitioners appealed.

**Held:** Affirmed.

1. The court of appeals first held that the order, although interlocutory, was immediately appealable because it affected a substantial right.
2. The court then held that
  - Respondent’s statements to his mother and her call to DSS on his behalf were sufficient to constitute “acknowledgement,” and his request for a blood test did not void the acknowledgement.

- Respondent satisfied the support and communication requirements during the pregnancy, while he and the mother were living together, and the fact that he was not aware of the pregnancy during that time was not pertinent.

*Appellate court opinions:* <http://www.aoc.state.nc.us/www/public/html/opinions.htm>.

*Earlier case summaries:* <http://www.sog.unc.edu/node/513>.

*Other juvenile law resources:* <http://www.sog.unc.edu/node/1689>



UNC  
SCHOOL OF  
GOVERNMENT

**Janet Mason**

School of Government

The University of North Carolina at Chapel Hill

Campus Box 3330, Knapp-Sanders Building

Chapel Hill, NC 27599-3330

T: 919.966.4246 F: 919.962.2706

[mason@sog.unc.edu](mailto:mason@sog.unc.edu)