

## Termination of Parental Rights and Cease Reunification Efforts: Findings

**In the matter of L.M.T. and A.M.T.,** \_\_\_ N.C. \_\_\_ (Dec. 20, 2013)

<http://appellate.nccourts.org/opinions/?c=1&pdf=31026>

**Facts:** After making findings of fact regarding respondent mother's drug use, domestic violence, deception on the court, and unstable and injurious living environment for her children, the trial court entered a cease reunification order and a subsequent termination of parental rights order. Respondent mother appealed both orders, arguing that the cease reunification order did not contain the required findings of futility or inconsistency with the juvenile's health, safety, and need for a safe, permanent home within a reasonable period of time as required by G.S. 7B-507(b)(1). In a unanimous opinion, the court of appeals reversed and remanded both orders after concluding the cease reunification order did not contain the requisite statutory findings of fact. Petition for discretionary review was granted by the N.C. Supreme Court.

**Held:** Reversed decision of the court of appeals, thereby reinstating decision of trial court

- Although best practice is to include the language of the statute in an order, the order need not recite the exact language of the statute but instead must address the substance of the concerns contained in the statute.
- Competent evidence must support the findings of fact, and the findings of fact must support the conclusions of law.
- Although not using the phraseology of the statute, the specific findings fact in the cease reunification order indicate continued reunification efforts would be futile and inconsistent and support the conclusion of law to cease reunification efforts.
- When a termination of parental rights order is entered, an appeal of a cease reunification order is combined with the appeal of the termination of parental rights order, requiring the appellate court to review both orders together. When reviewed together, incomplete findings of fact in one order may be cured by additional findings of fact in the other order.