

Termination of Parental Rights: Findings Addressing the Best Interests of the Juvenile

- *Although the court must consider all six statutory factors enumerated in G.S. 7B-1110(a), the order must contain written findings on only those factors that are relevant to the court's decision.*

In re D.H., ___ N.C. App., ___, ___ S.E. 2d ___ (February 4, 2014).

<http://appellate.nccourts.org/opinions/?c=2&pdf=31214>

Facts: DSS filed a petition to terminate respondent mother's parental rights. The court found four grounds existed for the termination of parental rights, and at disposition, the court further found that termination of respondent mother's parental rights was in each juvenile's best interest. Respondent mother appeals, arguing the disposition portion of the order did not contain written findings for each statutory factor required to be considered as provided for in G.S. 7B-1110(a).

Held: Affirmed

- Although age is one of the factors the court must consider, there was no evidence in the record that age was relevant in this case; therefore, the order was sufficient even though there were no written findings addressing each child's age.
- The lack of an adoptive placement at the time of the termination hearing is not a bar to a termination of parental rights. In addition, the factor addressing the quality of the relationship between the juvenile and proposed adoptive parent cannot be addressed and is, therefore, not a relevant factor requiring written findings in the TPR order.
- The findings were sufficient to address two factors that were relevant in this case: the likelihood of adoption and whether termination will aid in the accomplishment of a permanent plan for each juvenile. Those findings were supported by the evidence.
- The court's conclusion that TPR was in the juvenile's best interests was not an abuse of discretion as it was not "manifestly unsupported by reason."

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>.



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