

SUPREME COURT OF NORTH CAROLINA

In re K.L.M., K.A.M., and K.L.M.

No. 365A19 (N.C. Aug. 14, 2020) · No. 365A19 · Decided August 14, 2020

SUMMARY

The Supreme Court of North Carolina affirmed an order terminating the respondent father's parental rights to three children in a private termination proceeding. The court held that the trial court did not abuse its discretion in determining that termination was in the children's best interests after considering their ages, lack of bond with the father, well-being in their current placement, and the father's lack of involvement.

CASE DETAILS

COURT	Supreme Court of North Carolina
WRITING FOR THE COURT	Newby, Justice
JURISDICTION	North Carolina
DECIDED	August 14, 2020
DOCKET	365A19
DISPOSITION	affirmed
PROCEDURAL POSTURE	Respondent-father appealed the district court's order terminating his parental rights in a private termination proceeding.
STANDARD OF REVIEW	The trial court's assessment of a juvenile's best interests at the dispositional stage is reviewed for abuse of discretion. Abuse of discretion occurs when the ruling is manifestly unsupported by reason or so arbitrary that it could not have resulted from a reasoned decision.
PRECEDENTIAL VALUE	Published opinion; precedential value not otherwise specified in the source.
PARTIES	Respondent-father v. Petitioner-mother

TOPICS

termination of parental rights parental rights family law procedure standard of review appellate procedure

PRACTICE AREAS

family law termination of parental rights appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion in determining that termination of respondent-father's parental rights was in the children's best interests under N.C.G.S. § 7B-1110(a).
2. Whether the trial court's best-interests determination was impermissibly based primarily or solely on the children's being settled in their current family unit.

HOLDINGS

1. The trial court did not abuse its discretion in concluding that termination of respondent's parental rights was in the best interests of the children.
2. The trial court's determination was not based solely on the children's being settled in their current home; the court properly weighed that circumstance together with the other statutory and case-specific factors.

KEY QUOTATIONS

“ “[A]buse of discretion results where the court’s ruling is manifestly unsupported by reason or is so arbitrary that it could not have been the result of a reasoned decision.” (at 5)

“ “Our Juvenile Code provides for a two-step process for termination of parental rights proceedings consisting of an adjudicatory stage and a dispositional stage.” (at 4)

FACTUAL BACKGROUND

Respondent and petitioner were the biological parents of three children: Kevin, born in 2012, and twins Amy and Laura, born in 2017. During the marriage, respondent abused drugs, committed acts of violence including shooting petitioner in Kevin's presence, failed to provide for the children's needs, and was frequently incarcerated, in rehabilitation, or absent. The children had no bond with respondent; they were thriving in petitioner's and the maternal grandparents' stable home, and Kevin was improving in counseling for trauma related to witnessing the shooting.

PROCEDURAL HISTORY

Petitioner-mother filed a petition to terminate respondent's parental rights on grounds of neglect, dependency, and willful abandonment. The Wilkes County District Court entered a termination order on 13 May 2019. Respondent appealed to the Supreme Court of North Carolina, which decided the matter on the record and briefs without oral argument and affirmed.

DISPOSITION

affirmed

CASES CITED

- In re E.H.P., 372 N.C. 388, 395, 831 S.E.2d 49, 54 (2019)
- Koufman v. Koufman, 330 N.C. 93, 97, 408 S.E.2d 729, 731 (1991)
- In re Z.A.M., 374 N.C. 88, 94, 839 S.E.2d 792, 796-97 (2020)

- In re A.R.A., 373 N.C. 190, 199, 835 S.E.2d 417, 423 (2019)
- In re T.L.H., 368 N.C. 101, 107, 772 S.E.2d 451, 455 (2015)
- Bost v. Van Nortwick, 117 N.C. App. 1, 449 S.E.2d 911 (1994)
- In re C.J.C., 374 N.C. 42, 839 S.E.2d 742 (2020)

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