

Chris Edwards Wins Pro Bono Appeal at NC Supreme Court

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Litigation attorney Chris Edwards won a family law appeal in the Supreme Court of North Carolina. The case centered on a Guilford County District Court's order to terminate a mother's parental rights.

The case came to Chris' attention through the North Carolina Courts' *Guardian ad Litem* Program, which equips volunteers to serve abused and neglected children by advocating for their best interest in court. Chris was appointed appellee *Guardian ad Litem* for the child. He served alongside Mercedes Chut, the petitioner-appellee for the Guilford County Department of Health and Human Services ("DSS"), in the virtual January 2021 hearing.

Disclaimer: For this article, the name of the child and the mother will not be disclosed. The respondent-appellant will be referred to as "mother."

The Background

The mother became pregnant as a result of a sexual assault at the age of thirteen. She would later be placed into DSS's custody, and her child went to a foster home. The mother was put on a case plan with the goal of reunification with her child. In 2017, she aged out of the foster care system, and less than two years later, a court would determine if she could keep her parental rights.

In April 2019, DSS petitioned the trial court to terminate the mother's parental rights under NC General Statute § 7B-1111, citing the mother's "neglect, willful failure to make reasonable progress, willful failure to pay a reasonable portion of her child's cost of care, dependency, and willful abandonment."

DSS argued that the mother stopped attending school, parenting classes, and participating in therapy as required by her case plan. Additionally, the agency says the mother "disobeyed the rules of her placements and ran away," which caused several disruptions in joint placement with her son.

The trial court granted the Termination of Parental Rights ("TPR") petition in September 2019, and the mother filed a notice of appeal shortly after.

The Opinion

Before affirming the lower court's decision, the Court reviewed "the TPR order to determine whether the trial court's finding of fact support its conclusion." Based on the general statute, the Court agreed, noting that the

mother "willfully left [the child] in foster care or placement outside the home for more than twelve months." The Court also highlighted additional evidence, including the mother's inability to find a stable living situation and her failure to visit her son.

"The Court does not decide to terminate the rights of a parent lightly, and it shouldn't," remarked Chris Edwards. "Despite it being a difficult and heartbreaking case, we must always put the best interests of the child first, and the Court's decision reaffirms that."