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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA26-246

Filed 7 October 2026

Union County, No. 25JT000024-890

IN THE MATTER OF:
G.R.S.

Appeal by Respondent–Father from order entered 21 November 2025 by Judge Erin S. Hucks in Union County District Court. Heard in the Court of Appeals 17 September 2026.

Michael & Russell, PLLC, by Garron T. Michael, for Respondent–Appellant Father.

No brief filed for Petitioner–Appellee Mother.

MURRY, Judge.

Respondent–Father (Father) appeals from an order terminating his parental rights to his minor child, G.R.S. (Gloria).¹ On appeal, Father does not challenge the trial court’s conclusions that grounds existed to terminate his parental rights or that termination was in Gloria’s best interests. Instead, he argues that the trial court erred by denying his counsel’s oral motion for a continuance when Father was not

¹ In accordance with North Carolina Rule of Appellate Procedure 42(b), we refer to the minor child by a pseudonym to protect her identity. *See* N.C. R. App. P. 42(b).

present at the termination hearing. For the following reasons, this Court affirms the trial court's order terminating Father's parental rights.

I. Background

This matter arises from Petitioner–Mother's (Mother) petition to terminate Father's parental rights to Gloria. Mother and Father never married but lived together from Gloria's birth in August 2020 until their separation in February 2022 at which point Father moved to New Jersey. In 2023, Mother filed for sole legal and physical custody of Gloria. That matter came on for a hearing on 15 November 2023 that Father did not attend. The trial court entered a temporary child-custody order granting Mother sole legal and physical custody of Gloria and suspending Father's visitation rights until he completed comprehensive clinical and substance-abuse assessments.

On 5 March 2025, Mother petitioned to terminate Father's parental rights to Gloria. Father was personally served on 27 March 2025 and received a notice of the 18 September 2025 termination hearing on 11 August 2025. Father did not appear at the termination hearing either. At its outset, Father's counsel moved to continue, explaining that she "had sporadic contact with [Father], but he asked if we could continue today's hearing. He's coming from New Jersey and got lost last night and therefore couldn't make it, so he is asking for this to be continued." She neither indicated Father's intent to testify nor offered any evidence to support her motion to continue. The trial court inquired about whether Father intended to file an answer;

his counsel indicated her belief that he did but was uncertain due to their “sporadic” communication. After checking with the bailiff, the trial court noted on the record that it had inquired “to the other courtrooms . . . running in this courthouse as to whether [Father wa]s present. He [wa]s not. He did have notice to be here, he was aware, and [wa]s not present.” It also noted that Father had not filed an answer despite his proper service six months earlier “on or about” 27 March 2025. As a result, “any answer would have been due toward the end of April, beginning of May. It is now September 18th.” Ultimately, the trial court denied Father’s motion to continue and proceeded with the hearing in Father’s absence.

Following the hearing, the trial court concluded that grounds existed to terminate Father’s parental rights under N.C.G.S. § 7B-1111 and that termination was in Gloria’s best interests. *See* N.C.G.S. § 7B-1111(a)(7) (willful abandonment). On 21 November 2021, the trial court entered an order terminating Father’s parental rights to Gloria. Father timely appealed.

II. Jurisdiction

This Court has jurisdiction to hear Father’s appeal because the trial court’s “order . . . terminate[s his] parental rights” to Gloria. N.C.G.S. § 7B-1001(a)(7) (2025).

III. Analysis

On appeal, Father argues only that the trial court erred by denying his motion for a continuance where he was absent from the termination hearing “due to issues with traveling from out of state, . . . [his] limited contact with appointed counsel,” the

lack of any “previous[] continu[ance] by a court order,” and the trial court’s use of “an unrecorded bench conference.” Because Father did not base this motion on a constitutional right, we review it only “for abuse of discretion.” *In re S.M.*, 375 N.C. 673, 679 (2020); N.C. R. App. P. 10(a)(1). A trial court abuses its discretion by entering a ruling that “is manifestly unsupported by reason or is so arbitrary that it could not have been the result of a reasoned decision.” *In re C.A.D.*, 298 N.C. App. 1, 4 (2025) (quotation omitted). And “regardless of whether the motion raises a constitutional issue or not,” a defendant must show *prejudicial* error from the denial to justify a new trial entirely. *In re A.L.S.*, 374 N.C. 515, 517 (2020). Thus, the sole issue for our review is whether the trial court abused its discretion by denying Father’s oral motion for a continuance and proceeding with the termination hearing in his absence. For the following reasons, we affirm the trial court’s denial of Father’s motion to continue and subsequent entry of an order terminating his parental rights to Gloria.

Under our Juvenile Code, a trial court may continue a termination proceeding more than ninety “days after the initial petition . . . only in *extraordinary* circumstances when necessary for the proper administration of justice.” N.C.G.S. § 7B-1109(b) (emphasis added). Our courts tend to restrict these to “unprecedented and rapidly evolving situation[s]” that directly impact a trial court’s ability to conduct its day-to-day business. *In re C.A.B.*, 381 N.C. 105, 115 (2022); accord *Extraordinary Circumstances*, *Black’s Law Dictionary* (12th ed. 2024) (“highly unusual set of facts . . . not commonly associated with a particular thing or event”). Because our trial

courts disfavor continuances as a matter of public policy, the movant “has the burden of showing sufficient grounds for it.” *C.A.D.*, 298 N.C. App. at 4. Here, Father moved for a continuance on 18 September 2025—197 days after Mother filed her petition. Therefore, to have been granted a continuance beyond ninety days after the petition, Father was required to show “extraordinary circumstances for the continuance[’s] . . . necessity for the proper administration of justice.” *S.M.*, 375 N.C. at 681.

Amidst her oral motion, Father’s counsel indicated that she had been in “sporadic” contact with Father and that he had gotten “lost” while traveling to North Carolina for the hearing. Although not required, Father’s counsel neither presented supporting evidence nor argued that Father planned to testify. *Contra State v. Cody*, 135 N.C. App. 722, 726 (1999) (Filing a supporting affidavit is “the better practice to support a motion for continuance.”). Instead, she simply made unsworn statements about their lack of communication and Father’s travel issues. Furthermore, Father was served on 27 March 2025, received notice of the termination hearing on 11 August 2025, spoke with his counsel “sporadically” up to the termination hearing, and indicated his intent to attend it.

Given the representations to the trial court shown in the record here, Father fails to demonstrate circumstances “extraordinary” enough to implicate an abuse of discretion from the denial of his continuance motion. *See In re D.W.*, 202 N.C. App. 624, 627 (2010) (declining to hold that “parental absence, without more, constitutes extraordinary circumstances necessitating a continuance”). Because the trial court

did not abuse its discretion, we affirm its denial of his motion. *See In re C.C.G.*, 380 N.C. 23, 27 (2022) (no abuse of discretion in denying respondent’s continuance motion where his counsel’s unsworn statements did not justify delay).

Even assuming *arguendo* the demonstration of extraordinary circumstances and an erroneous denial here, Father still fails to show prejudice. *See C.A.B.*, 381 N.C. at 12. His mere absence from the termination hearing, standing alone, is not per se prejudicial. *See J.E.*, 377 N.C. at 290. As discussed above, Father’s counsel never indicated Father’s intention to testify at the hearing, much less provide an offer of proof “demonstrating the significance” of any such testimony. *A.L.S.*, 374 N.C. at 518 (citation modified); *see C.C.G.*, 380 N.C. at 27 (no prejudice where the “respondent’s counsel neither indicated [that the] respondent intended to testify nor provided an affidavit or offer of proof of [the] respondent’s potential testimony”). We therefore affirm the trial court’s denial of Father’s motion to continue and subsequent entry of an order terminating his parental rights to Gloria.

IV. Conclusion

For the reasons above, this Court affirms the trial court’s order terminating Father’s parental rights to Gloria.

AFFIRMED.

Judges COLLINS and STADING concur.

Report per Rule 30(e).