NO. COA06-113

NORTH CAROLINA COURT OF APPEALS

Filed: 19 December 2006

IN THE MATTER OF:
S.L.,
Minor child

Randolph County
No. 04 J 116

Appeal by respondent from judgment entered 12 May 2005 by Judge Lee W. Gavin in Randolph County District Court. Heard in the Court of Appeals 13 November 2006.

Michael J. Reece for respondent-appellant.

David A. Perez, Randolph County Department of Social Services, for petitioner-appellee.

Elizabeth A. Stephenson for the Guardian ad Litem.

MARTIN, Chief Judge.

Respondent appeals from a judgment ordering the termination of her parental rights with regard to her minor child, S.L., and changing the permanency plan for S.L. to adoption.

In May 2004, respondent was arrested and incarcerated in the Davidson County jail, and respondent placed her minor child, S.L., with an acquaintance who later turned the child in to Archdale Police because he could not care for the child. On 2 September 2004, the court adjudicated minor child, S.L., to be a dependent juvenile. The court ordered respondent to participate in substance abuse counseling, visit with the child at the discretion of the

Randolph County Department of Social Services ("DSS"), obtain and maintain stable and appropriate housing, provide accurate telephone numbers to DSS, obtain and maintain stable employment, sign releases for DSS to obtain her medical and psychological records, and obtain a psychological evaluation.

On 12 May 2005, the court heard the matter on permanency planning review. For the five months preceding the hearing, respondent had been living with an elderly man who was about sixty years old and from whom she rented a room in his three-bedroom, two-bath house. Respondent was self-employed cleaning houses and a doctor's office and earned about $225 per week. Respondent remained on probation in Davidson County, where she had completed one drug test for her probation officer that was reported as negative, but she had several positive drug screens for DSS over the course of the case. Respondent had been seeing a therapist for four weeks prior to the hearing, although no psychological examination report was made available to the court. DSS made referrals on two occasions for respondent to engage in parenting classes, and respondent failed to participate in either. DSS arranged for a psychological evaluation of respondent on three occasions, and respondent failed to complete the evaluation on all three occasions. Respondent tested positive for Methamphetamine in January 2005, failed to submit to a random drug screen in March 2005, and refused a hair drug test in April 2005; she was difficult to locate for random drug screens. Respondent had not complied with a second substance abuse assessment or any drug treatment.

S.L. was placed in a therapeutic group home designed to meet the sexual reactive issues she presented. The group home would also treat all of S.L.'s diagnosed mental health issues and assist with her behavioral problems.

The court found that it was not possible for the juvenile to be returned home within the next six months, that there were no known relatives available who were willing to become a placement resource for the juvenile, that the permanent plan for the juvenile should be changed to termination of parental rights and adoption, and that the juvenile should remain in her current placement. The court ordered that the permanent plan for S.L. be changed to termination of parental rights and adoption and that DSS be relieved of any further reunification efforts with respondent. Respondent appealed the order, assigning error to a lack of necessary findings of fact and to the court's conclusions of law.

Respondent makes two arguments on appeal. First, she argues that the trial court erred in ordering that DSS need not maintain reasonable reunification efforts without making the findings required by N.C.G.S. § 7B-507. Section 7B-507(b) states:

> [T]he court may direct that reasonable efforts to eliminate the need for placement of the juvenile shall not be required or shall cease if the court makes written findings of fact that:
>
> (1) Such efforts clearly would be futile or would be inconsistent with the juvenile's health, safety, and need for a safe, permanent home within a reasonable period of time[.]

Furthermore, "[w]hen a trial court is required to make findings of fact, it must make the findings of fact specially." *In re Weiler*, 158 N.C. App. 473, 478, 581 S.E.2d 134, 137 (2003) (quoting *In re Harton*, 156 N.C. App. 655, 660, 577 S.E.2d 334, 337 (2003)). However, the court need not use the exact statutory language. *See id.* at 478-79, 581 S.E.2d at 137. We review the findings of fact to see if they are sufficient to satisfy the requirements of N.C.G.S. § 7B-507. Although respondent assigned error to some of the court's findings of fact, she did not set them out or argue them in her brief, and we deem them abandoned pursuant to N.C.R. App. P. 28(b)(6). Since respondent abandoned all exceptions to the findings of fact, they are presumed to be correct and supported by the evidence. *In re Moore*, 306 N.C. 394, 404, 293 S.E.2d 127, 133 (1982). We conclude that the trial court's findings on the whole, and findings 17, 26, and 32 in particular, satisfy the statutory requirement.

Finding 17 indicates that S.L. was placed in a group home to address the sexual reactive issues she presented, as well as her other diagnosed mental health issues. Finding 26 indicates that the respondent had not complied with drug testing, parenting classes, or the court-ordered psychological evaluation. In light of S.L.'s previous exposure to health and safety risks and respondent's failure to take steps to improve her parenting abilities, the trial court's findings are sufficient to show that efforts toward reunification would be inconsistent with S.L.'s health and safety. Finding 32 states "that it is not possible for

this juvenile to be returned home within the next six months," which is sufficient to show that efforts toward reunification would not result in a safe and permanent home for S.L. within a reasonable period of time. Since the court's findings satisfy the statutory requirement under N.C.G.S. § 7B-507, we affirm the trial court's order that DSS is relieved of any further reunification efforts with respondent.

Respondent next argues that the trial court erred in its second and third conclusions of law because they were not supported by the findings of fact. We disagree. The trial court's conclusions of law in a termination of parental rights proceeding are reviewable de novo on appeal. *In re J.S.L.*, ___ N.C. App. ___, ___, 628 S.E.2d 387, 389 (2006). The standard of review of conclusions of law is whether they are supported by the findings of fact. *In re J.G.B.*, ___ N.C. App. ___, ___, 628 S.E.2d 450, 454 (2006).

The second and third conclusions of law state: "The best plan of care to achieve a safe and permanent home for this juvenile within a reasonable period of time is Termination of Parental Rights and Adoption"; and "[t]here is no reasonable alternative and it is in the best interest of the juvenile, S.L., that she continue in the custody of Randolph County Department of Social Services and that the Department proceeds with Termination of Parental Rights and Adoption." Both of these conclusions are adequately supported by all the findings, in particular the findings that it was not possible for the juvenile to return home within the next six months

and no known relatives were available and willing to become a placement resource for the juvenile. Because they are supported by the findings, we find no error in the trial court's conclusions of law. The judgment of the trial court is affirmed.

Affirmed.

Judges TYSON and CALABRIA concur.

Report per Rule 30(e).