NO. COA09-1321

NORTH CAROLINA COURT OF APPEALS

Filed: 16 March 2010

IN THE MATTER OF:

A.M.M.,
A Minor Child.

Dare County
No. 08 JT 32

Appeal by respondent from judgment entered 12 June 2009 by Judge Amber Davis in Dare County District Court. Heard in the Court of Appeals 8 March 2010.

Sharp, Michael, Graham & Evans, L.L.P., by Steven D. Michael, for petitioner-appellee.

Windy H. Rose for respondent-appellant.

Pamela Newell Williams for guardian ad litem-appellee.

HUNTER, Robert C., Judge.

Respondent-mother Phoebe E. appeals from the trial court's judgment terminating her parental rights with respect to her minor daughter A.M.M. ("Amy").[1] Respondent-mother primarily argues that the trial court failed to make independent findings of fact in its judgment terminating her parental rights. We conclude, however, that the trial court did not improperly delegate its fact-finding duty and made extensive findings supporting its determination that a ground for termination exists and that it was in Amy's best

[1]Pseudonyms are used throughout this opinion to protect the privacy of the children and for ease of reading.

interest to terminate respondent-mother's parental rights. We, therefore, affirm the trial court's judgment.

Facts

Respondent-mother is the biological mother of Amy, who was born in October 2002, and U.M. ("Ursula"), born in October 2005. Respondent-father Shane M. is Amy's biological father, but not Ursula's.[2] The Dare County Department of Social Services ("DSS") became involved with respondent-mother's family in February 2008, when it received reports from Amy's elementary school that she had missed numerous days of school and was chronically late. For that school year, Amy ultimately missed 24 days and was late an additional 40 days. In addition, Amy often came to school dirty and inappropriately dressed for the weather.

When DSS staff went to respondent-mother's residence to investigate the report, the home was filthy, with dirty clothes piled everywhere, and spoiled food lying out. There was only convenience and snack food for the children to eat. The house also appeared to be infested with rodents. Respondent-mother blamed Amy's tardiness and absenteeism on Amy's unwillingness to get up on time in the morning or to get to the bus stop on her own. Respondent-mother told DSS that numerous people, some of whom she does not know, came over to her house, with many of them spending the night, including at least one registered sex offender. Amy

[2]Respondent-father does not challenge the trial court's termination of his parental rights and thus is not a party to this appeal.

told school staff that sometimes men slept in her room on the floor and that the visitors made so much noise that she could not sleep.

Respondent-mother also exhibited delusional thoughts and behavior, saying that she is famous and has conversations with God, and insisting that she is African-American despite actually being Caucasian. She accused DSS staff of being paparazzi and of taking pictures of her. DSS assisted respondent-mother by getting her a mental health assessment, which resulted in her being diagnosed as bipolar. Respondent-mother was prescribed medication, but she refused to take it on a consistent basis. During the evening of 8 April 2008, respondent-mother left Amy and Ursula with someone she barely knew and went with two female friends to her ex-boyfriend's house and got into an altercation with his current girlfriend.

On 9 April 2008, DSS filed a juvenile petition alleging that Amy and Ursula were neglected and dependent based on a lack of proper care, supervision, and discipline and that the minor children lived in an environment injurious to their welfare. DSS was granted non-secure custody, and the children were placed with Alvin and JoAnne Selby, Ursula's paternal aunt and uncle. DSS developed a case plan for respondent-mother and reviewed it with her on 8 May 2008. The plan included the following objectives for respondent-mother: (1) attend mental health counseling as recommended by her therapist; (2) attend psychiatry appointments and follow recommendations; (3) take medications as prescribed; (4) apply for benefits, including SSI and unemployment; (5) find and maintain employment; (6) find appropriate housing; and (7) maintain

a clean and sanitary living space, including keeping healthy food in the home.

On 15 May 2008, the trial court adjudicated Amy and Ursula as being neglected after respondent-mother stipulated to the truth of the allegations in the juvenile petition. The trial court gave DSS custody of the minor children and approved their continued placement with the Selbys. Respondent-mother was granted supervised visitation at DSS's discretion, and she was ordered to comply with her case plan.

A review hearing was conducted on 29 August 2008. The trial court determined that respondent-mother was not consistently taking her medication, but that she was continuing to attend appointments and therapy, and that she was complying with the visitation plan. Visitation with Amy and Ursula had been taking place at the Selbys', but was moved to DSS offices at Mrs. Selby's request. The trial court authorized continued supervised visitation for respondent-mother and ordered that she maintain weekly contact with DSS, attend all scheduled appointments, take her medicine as prescribed, and participate in parenting classes.

At the next review hearing, held on 31 October 2008, the trial court found that respondent-mother had missed four visits with the minor children and as a result did not visit for almost a month. DSS had trouble locating respondent-mother for nearly two weeks, and filed a missing persons report before she was finally located. DSS paid for a five-week parenting class, provided transportation, paid for respondent-mother's prescriptions and temporary housing, and assisted with applications for disability and Medicaid

benefits. Respondent-mother told DSS that she stopped taking her medications on 25 September 2008 and that she believed her mental illness was terminal. The trial court authorized continued supervised visitation for respondent-mother and ordered DSS to cease reunification efforts with Amy's biological father.

After conducting a permanency planning review hearing on 25 November 2008, the trial court entered an order on 15 December 2008 ceasing reunification efforts with respondent-mother and the minor children. The court changed the permanent plan for Amy to termination of respondent-mother's and respondent-father's parental rights and adoption by the Selbys. With respect to Ursula, the court ordered DSS to continue reasonable efforts for reunification with her biological father, George M.

At the next permanency planning hearing on 11 December 2008, the trial court continued Amy's permanent plan of termination of respondent-mother's parental rights and adoption. The court also continued Ursula's permanent plan of reunification with her biological father.

On 9 February 2009, DSS filed a petition to terminate respondent-mother's and respondent-father's parental rights with respect to Amy only. The petition alleged that respondent-mother and respondent-father had neglected Amy and willfully failed to pay a reasonable portion of the cost of care for the minor child for six months preceding the filing of the petition. The petition also alleged that respondent-father had willfully abandoned the juvenile. On 3 March 2009, DSS filed an amendment to the petition to correct the name of the guardian *ad litem* ("GAL"). On 15 April

2009, respondent filed an answer denying the material allegations of the petition.

After conducting a hearing on 13 May 2009 on DSS's petition, the trial court entered a judgment on 12 June 2009, in which it determined that grounds for termination existed in that respondent-mother and respondent-father had "neglected [Amy] within the meaning of North Carolina General Statute[s] Section 7B-101 and it is probable that there would be a repetition of the neglect if the child was returned to the care of her parents." In the dispositional portion of its judgment, the trial court concluded that termination of respondent-mother's and respondent-father's parental rights was in Amy's best interest. Accordingly, the trial court terminated their parental rights with respect to Amy. Respondent-mother timely appealed from the trial court's judgment.

Cessation of Reunification Efforts

Respondent-mother first argues that the trial court erred in ceasing reunification efforts. Respondent-mother's assignment of error on this issue identifies the trial court's 25 November 2008 permanency planning hearing, which is also referenced in respondent-mother's notice of appeal from the judgment terminating her parental rights. It appears that respondent-mother is attempting to appeal from the trial court's resulting 15 December 2008 permanency planning order under N.C. Gen. Stat. § 7B-507(c) (2009), which provides that "[a]n order entered under G.S. 7B-507(c) with rights to appeal properly preserved as provided in that subsection" can be appealed "together with an appeal of the termination of parental rights order" to this Court.

N.C. Gen. Stat. § 7B-507(c) provides in pertinent part that

> [a]t any hearing at which the court finds and orders that reasonable efforts to reunify a family shall cease, the affected parent, guardian or custodian of that parent, guardian or custodian's counsel may give notice to preserve the parent, guardian, or custodian's right to appeal the finding and order in accordance with G.S. 7B-1001(a)(5). Notice may be given in open court or in writing within 10 days of the hearing at which the Court orders the efforts to reunify the family to cease. . . .

N.C. Gen. Stat. § 7B-1001(a)(5) (2009), in turn, sets out three further requirements: (1) a motion or petition to terminate parental rights was heard and granted; (2) the termination order was appealed properly and timely; and (3) the order to cease reunification was assigned as an error in the record on appeal of the termination order.

Here, the record does not indicate that respondent-mother complied with the statutory requirements for appealing the 15 December 2008 order. Although respondent-mother's notice of appeal from the judgment terminating her parental rights states that "Respondent-Mother preserved her objection on the record on the date that the Court ceased such reunification efforts[,]" the transcript from the 25 November 2008 hearing is not included in the record. Thus, this Court cannot verify whether respondent-mother gave notice of appeal in open court. In a subsequent permanency planning order and in the court's final judgment, the trial court noted in its findings that it had ceased reunification efforts with respondent-mother after its 25 November 2008 hearing, but neither indicates that respondent-mother gave notice of appeal from the

trial court's decision in open court. The record on appeal contains no written notice of appeal from the 15 December 2008 order other than the one filed on 13 July 2009, well beyond the 10-day period following the 25 November 2008 hearing. Thus, there is nothing in the record to show that respondent-mother properly preserved her right to appeal the order under N.C. Gen. Stat. § 7B-507(c). This Court, therefore, lacks jurisdiction to consider the 15 December 2008 order.

Termination of Parental Rights

Respondent-mother next challenges the trial court's judgment terminating her parental rights with respect to Amy. Respondent-mother contends that the trial court's findings of fact in both the adjudication and disposition portions of its judgment are insufficient to support termination.

A termination of parental rights proceeding is conducted in two phases: (1) an adjudication phase that is governed by N.C. Gen. Stat. § 7B-1109 (2009) and (2) a disposition phase that is governed by N.C. Gen. Stat. § 7B-1110 (2009). *In re Blackburn*, 142 N.C. App. 607, 610, 543 S.E.2d 906, 908 (2001). During the adjudication stage, the petitioner has the burden of proving by clear, cogent, and convincing evidence that one or more of the statutory grounds for termination listed in N.C. Gen. Stat. § 7B-1111 (2009) exist. The standard of appellate review is whether the trial court's findings of fact are supported by clear, cogent, and convincing evidence and whether those findings support the court's conclusions of law. *In re Huff*, 140 N.C. App. 288, 291, 536 S.E.2d 838, 840

(2000), *appeal dismissed and disc. review denied*, 353 N.C. 374, 547 S.E.2d 9 (2001).

If the petitioner meets its burden of proving that at least one ground for termination exists, the trial court moves to the disposition phase and must determine whether termination of parental rights is in the best interests of the child. N.C. Gen. Stat. § 7B-1110(a). The trial court's decision to terminate parental rights is reviewed under an abuse of discretion standard. *In re Nesbitt*, 147 N.C. App. 349, 352, 555 S.E.2d 659, 662 (2001).

I. Adjudication Phase

Respondent-mother first contends that the trial court erred by failing to make independent findings of fact in the adjudication portion of its judgment. Respondent-mother specifically points to findings 19 through 30 and their extensive sub-parts, complaining that these findings are taken virtually verbatim from the juvenile petition, court reports submitted for various hearings, and prior court orders. Relying on *In re J.S.*, 165 N.C. App. 509, 598 S.E.2d 658 (2004), respondent-mother argues that the trial court erred in incorporating these outside sources as its findings of fact.

In *J.S.*, this Court recognized that the trial court has a duty to make independent findings of fact "through 'processes of logical reasoning,' based on the evidentiary facts before it," and must "'find the ultimate facts essential to support the conclusions of law.'" *Id.* at 511, 598 S.E.2d at 660 (quoting *In re Harton*, 156 N.C. App. 655, 660, 577 S.E.2d 334, 337 (2003)). Thus, "the trial court may not delegate its fact finding duty[,]" and "should not

broadly incorporate . . . written reports from outside sources as its findings of fact." *Id.*

Contrary to respondent-mother's contention, the trial court did not improperly delegate its fact-finding duty in this case. In contrast to the "cursory two page order" at issue in *J.S.*, *id.*, the adjudication portion of the trial court's judgment in this case is 46 pages and contains extensive findings. Review of the judgment shows that findings 19 through 30 describe the appearances made at different hearings conducted during the history of this case, the findings made by the trial court based on the evidence presented during those hearings, and the outcome of those hearings. Although the trial court incorporated the substance of findings made in prior orders, the trial court specified that it was making its findings based on "clear, cogent, and convincing evidence" after "reviewing the file, taking judicial notice of the prior juvenile files, reports and Orders, and receiving evidence and testimony . . . ."

This Court has repeatedly held that "'[a] court may take judicial notice of earlier proceedings in the same cause.'" *In re J.W., K.W.*, 173 N.C. App. 450, 455, 619 S.E.2d 534, 539 (2005) (quoting *In re Byrd*, 72 N.C. App. 277, 279, 324 S.E.2d 273, 276 (1985)), *aff'd per curiam*, 360 N.C. 361, 625 S.E.2d 780 (2006). A trial court may take judicial notice of prior orders even where those orders are based on a lower evidentiary standard as "the trial court in a bench trial 'is presumed to have disregarded any incompetent evidence.'" *In re J.B.*, 172 N.C. App. 1, 16, 616

S.E.2d 264, 273 (2005) (quoting *Huff*, 140 N.C. App. at 298, 536 S.E.2d at 845).

Here, the trial court was allowed to take judicial notice of prior orders in the same case, and its findings 19 through 30 reflect its acknowledgment of findings made in previous proceedings. These findings properly reflect the history of the case and are supported by testimony presented at the termination hearing as well as the prior orders. The trial court, therefore, did not improperly delegate its fact-finding duty.

Even assuming that these findings are insufficient to support a determination that a ground existed to terminate respondent-mother's parental rights, the trial court's remaining findings are sufficient to support its conclusion. Here, the trial court determined that a ground existed under N.C. Gen. Stat. § 7B-1111(a)(1) (neglect) to terminate respondent-mother's parental rights.

N.C. Gen. Stat. § 7B-101(15) (2009) defines a neglected juvenile as

> [a] juvenile who does not receive proper care, supervision, or discipline from the juvenile's parent, guardian, custodian, or caretaker; or who has been abandoned; or who is not provided necessary medical care; or who is not provided necessary remedial care; or who lives in an environment injurious to the juvenile's welfare; or who has been placed for care or adoption in violation of law.

When, as here, the juvenile was removed from the parent's home pursuant to a prior adjudication of neglect, "[t]he trial court must also consider any evidence of changed conditions in light of the evidence of prior neglect and the probability of a repetition

of neglect." *In re Ballard*, 311 N.C. 708, 715, 319 S.E.2d 227, 232 (1984). In such cases, although "there is no evidence of neglect at the time of the termination proceeding . . . parental rights may nonetheless be terminated if there is a showing of a past adjudication of neglect and the trial court finds by clear and convincing evidence a probability of repetition of neglect if the juvenile were returned to her parents." *In re Reyes*, 136 N.C. App. 812, 815, 526 S.E.2d 499, 501 (2000).

With respect to the ground of neglect, the trial court found:

> 32. Those who testified all observed noticeable differences between [respondent-mother] on medication and off medication. When she was [on] Respiradal [sic], she was more organized, interested in her children, working and paying bills. Of[f] her medication, she is easily confused, disorganized, can be delusional at times and is unstable. By her own statements, she last took any prescribed medications around the end of September, beginning of October 2008.
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> 33. [Respondent-mother] has moved a number of times since April 2008. She lived with her brother in Nags Head from April 2008 until October 2, 2008. From September 29, 2008 until October 6, 2008 the Department of Social Services was unaware of [respondent-mother]'s whereabouts as she missed several visits with her children. On October 6, 2008, her Adult Services worker arranged for her to stay at The Traveler's Inn Motor Lodge. The Department was unable to locate her on October 7, 2008. On October 10, 2008, the Department arranged for her to stay at The Traveler's Inn and then arranged for her to move into Cannady's Guest Home in Manteo. [Respondent-mother] states that she went to Englehard in early October of 2008 and stayed with one of Mr. M[]'s family members who offered for her and the children to come and live with them. In early December of 2008, [respondent-mother] moved out of Cannady's Guest Home into a residence in Nags Head with six other people. In February of 2009, [respondent-mother] told

the staff that she was living from place to place with friends and at the March 17, 2009 Permanency Planning Team Meeting she reported that she was moving to a room in Manteo that day.

34. Judy DeMooy, who is employed with Albemarle Mental Health, is a licensed clinical social worker. She has an undergraduate degree in psychology and a Masters Degree in social work from Temple University. She has been licensed by the State of North Carolina as a licensed clinical social worker for five years. She has twenty five years of experience in the mental health field including providing therapy and counseling and individuals and in groups. The Court found her to be an expert in the field of clinical social work. She has seen [respondent-mother] on an "emergency basis" thirteen times since March of 2008. She indicated that her sessions with her were too short and her appointments were inconsistent and therefore there was no ability to engage in any meaningful therapy with her. Ms. DeMooy observed that [respondent-mother] was more organized and less paranoid when she took her medications as prescribed. [Respondent-mother] has been diagnosed as Bi-polar, which is typically treated with medications. Ms. DeMooy last saw her on December 1, 2008 and observed that she was depressed but seemed to be fairly connected in her behavior. Her case was terminated at that time as she was not following the recommendations of the psychiatrist and her counselor. Ms. DeMooy had encouraged [respondent-mother] throughout the time that she saw her to take her medications as prescribed, but [respondent-mother] declined to do so stating there were too many side effects.

35. Jonna Midgett, the Adult Protective Services Worker observed that when [respondent-mother] took her Respiridal [sic] as prescribed, she was constantly organized in her thoughts, but she was also depressed. [Respondent-mother] accepted her diagnosis of being Bi-polar and she seems to find a way to meet her own essential needs. During the time that Ms. Midgett has worked with [respondent-mother], [her] mother has never offered to allow [respondent-mother] to live with her.

> 36. [Respondent-mother]'s work history is spotty, having worked at Beach Haven during April and May of 2008, the Duck Thru for one and one half months beginning June 24, 2008, the Brew Threw for one and one half weeks beginning August 20, 2008, The Outer Banks Beach Club beginning September 2008 and Kentucky Fried Chicken from January 2009 through April, 2009.
>
> 37. It is apparent to the Court that [respondent-mother] struggles to meet her own essential needs and does so only with the assistance of others. It is clear that she could not meet the needs of her child. She has refused to follow the recommendations of professionals and take her medication as prescribed which by all accounts improves her ability to think, be organized and have an opportunity to provide a safe and stable home for herself and her child. The Court has given her numerous opportunities to show that she will follow the recommendations and show that she can care for her child, but she has chosen not to do so. She has made little, if any, progress.

Based on its findings, the trial court concluded: "[Respondent-mother] . . . ha[s] neglected [Amy] within the meaning of North Carolina General Statute[s] Section 7B-101 and it is probable that there would be a repetition of the neglect if the child was returned to the care of [respondent-mother]."

Respondent contends these findings do not adequately address the existence of neglect at the time of the termination hearing. Respondent-mother points to evidence that her counselor and therapist both testified that respondent-mother sounded organized while testifying at the hearing and did not exhibit any signs of paranoia; that at the time of the hearing, respondent-mother had stable housing in that she was living with her mother; and, that

although she did not have a job at the time of hearing, she was receiving disability benefits with which she could support Amy.

While respondent-mother points to evidence supportive of her position, the trial court also was presented with evidence regarding her unstable appearance at other points in time during the history of the case, her past neglect of Amy, her erratic employment and housing history, and her continued problems managing her mental health issues, including her failure to follow medication and therapy recommendations. The trial court was entitled to weigh the evidence regarding respondent-mother's recent improvement and determine whether it was sufficient to justify the conclusion that there was no probability of neglect in the future. *See Smith v. Alleghany County Dept. of Social Services*, 114 N.C. App. 727, 732, 443 S.E.2d 101, 104 (holding that trial court adequately considered mother's improved psychological condition and living conditions at time of hearing despite finding, due to recency of improvement, that probability of repetition of neglect was great), *disc. review denied*, 337 N.C. 696, 448 S.E.2d 533 (1994).

The evidence presented supports findings 32 through 37, indicating a pattern of instability by respondent-mother throughout DSS's involvement in this case. We, therefore, conclude that the evidence supports the trial court's ultimate finding that respondent-mother has made "little, if any, progress," which, in turn, supports its conclusion that past neglect is likely to be repeated if Amy were returned to respondent-mother's care.

II. Disposition Phase

Similar to her argument regarding the adjudication portion of the trial court's judgment, respondent-mother contends, based on *J.S.*, that the trial court failed to make independent findings supporting its conclusion that termination of respondent-mother's parental rights was in Amy's best interests. Of the 57 findings in the disposition portion of the court's judgment, respondent-mother points out that 49 of them are taken virtually verbatim from DSS's court report submitted at the termination hearing and that another six of the findings are taken from the GAL's court report.

Again, respondent-mother's reliance on *J.S.* is misplaced. Here, in contrast to *J.S.*, the trial court did not simply incorporate by reference the DSS and GAL reports but instead properly used the reports as a basis for making its own independent findings, which span eight pages. As this Court held in *J.S.*, 165 N.C. App. at 511, 598 S.E.2d at 660, "[i]n juvenile proceedings, it is permissible for trial courts to consider all written reports and materials submitted in connection with those proceedings." Respondent-mother, moreover, does not to point to anything in the trial court's judgment or the record suggesting that it failed to make sufficiently specific findings to permit appellate review or that it was simply "reciting allegations" at the expense of logical reasoning. *Harton*, 156 N.C. App. at 660, 577 S.E.2d at 337. *See also In re L.B.*, 181 N.C. App. 174, 193, 639 S.E.2d 23, 33 (2007) ("We hold that the trial court properly incorporated DSS and guardian *ad litem* reports and properly made findings of fact . . . based on these reports. Moreover, these findings are sufficient to support the trial court's ultimate determination, and there is no

evidence that [the court] relied on information from the reports that [it] then failed to include as a finding of fact in [its] order.").

We note, moreover, that both the DSS foster care social worker and the GAL were called as witnesses in support of their reports. Respondent-mother thus had the opportunity to cross-examine both witnesses regarding their reports — she simply elected not to do so. The record also shows that respondent-mother was able to present evidence rebutting or contradicting the evidence presented. In addition, much of the information included in the DSS and GAL court reports was heard by the trial court during the adjudication phase, which was conducted immediately prior to the disposition. *See Blackburn*, 142 N.C. App. at 613, 543 S.E.2d at 910 ("Evidence heard or introduced throughout the adjudicatory stage, as well as any additional evidence, may be considered by the court during the dispositional stage.").

Respondent-mother nonetheless argues that the trial court's findings fail to show that it considered the factors listed in N.C. Gen. Stat. § 7B-1110. N.C. Gen. Stat. § 1110 provides that in determining whether termination of parental rights is in the best interest of the juvenile the court is required to consider:

> (1) The age of the juvenile.
>
> (2) The likelihood of adoption of the juvenile.
>
> (3) Whether the termination of parental rights will aid in the accomplishment of the permanent plan for the juvenile.
>
> (4) The bond between the juvenile and the parent.

> (5) The quality of the relationship between the juvenile and the proposed adoptive parent, guardian, custodian, or other permanent placement.
>
> (6) Any relevant consideration.

N.C. Gen. Stat. § 7B-1110(a)(1)-(6).

With respect to N.C. Gen. Stat. § 1110(a)'s factors, the trial court found that Amy was five years old at the time of the hearing; that the Selbys "desire to adopt [Amy]" and "make her a permanent member of their immediate family"; that terminating respondent-mother's parental rights is necessary to facilitate the Selby's desired adoption of Amy; that Amy is more excited about seeing DSS staff than her mother during visitations and that Amy does not ask about her mother; and, that Amy has "strong emotional attachments to" the Selbys and "has made it clear that she would like to remain in the [Selbys'] home . . . where she has been cared for and nurtured for over a year[.]" In addition to these findings, the trial court ultimately found:

> It is clear to this Court that [Amy] needs permanency and that [respondent-mother] has made no progress in the last year in being able to care for [Amy] and provide a stable and safe home. . . . Termination of the parents' rights is clearly in this child's best interest as return of the child to the mother is not likely to occur in the foreseeable future and the prospect of being neglected if with [sic] the mother is almost certain. . . .

These findings address each of the factors enumerated in N.C. Gen. Stat. § 7B-1110(a), indicating that the trial court properly considered the factors in determining whether termination of respondent-mother's parental rights was in Amy's best interest.

See In re S.C.R., __ N.C. App. __, __, 679 S.E.2d 905, 912 (concluding "trial court's findings . . . reflect a reasoned decision based upon the statutory factors listed in N.C.G.S. § 7B-1110(a)" where "findings indicate it considered the age of S.C.R., the desire of the foster parents to adopt S.C.R., the nurturing and affectionate relationship between S.C.R. and the foster parents, the strong bond between S.C.R. and her foster parents as compared to the lack of a bond between S.C.R. and respondent-mother and respondent-father, the likelihood of adoption, and the consistency of adoption with the permanent plan"), *appeal dismissed*, 363 N.C. 654, 686 S.E.2d 676 (2009). The trial court, therefore, did not abuse its discretion in determining that it would be in Amy's best interest to terminate respondent-mother's parental rights. The trial court's judgment terminating respondent-mother's parental rights is affirmed.

Affirmed.

Judges McGEE and ERVIN concur.

Report per Rule 30(e).