

Mother's challenges to the trial court's order, we conclude that the trial court's order should be affirmed.

I. Factual Background

Prior to the initiation of the present proceeding, the Catawba County Department of Social Services had already intervened in the life of Respondent-Mother's family for the purpose of addressing issues arising from the care that Respondent-Mother provided to another child who is no longer in her custody. After Adam was evaluated by the speech and hearing department at the North Carolina Baptist Hospital, which determined that Adam had a high frequency hearing loss in each ear and referred him to an audiologist for a hearing aid fitting in 2006, and Respondent-Mother failed to take appropriate action to address Adam's hearing deficiencies, DSS became involved in the manner in which Respondent-Mother cared for Adam as well.

On 21 May 2007, DSS received a report that Respondent-Mother's alcohol abuse had created an injurious environment for Adam. According to previous reports, Respondent-Mother drank alcohol and smoked marijuana while caring for her children. On 29 June 2007, DSS determined the family was in need of services. Over the course of the next two years, Respondent-Mother resisted taking Adam to get the recommended hearing aids and failed to cooperate with DSS in addressing other issues,

including obtaining a substance abuse assessment after she was involved in an automobile accident. In February 2009, Adam was placed with a relative. In April 2009, a therapist recommended that Respondent-Mother receive twenty hours of substance abuse treatment and referred Respondent-Mother for a psychological evaluation.

On 12 June 2009, DSS filed a petition alleging that Adam was a neglected juvenile. On 8 August 2009, the trial court entered an order finding that Adam was a neglected juvenile and placing him in DSS custody. The trial court ordered Respondent-Mother to complete twenty hours of substance abuse treatment; to refrain from exposing Adam to substance abuse; to obtain a psychological evaluation and follow all treatment recommendations; to complete a parenting assessment and parenting classes; to demonstrate age-appropriate parenting skills; to maintain independent, stable, and appropriate housing and employment; to successfully verbalize the effects of adult substance abuse on Adam; and to be in a position to provide a safe and stable home for Adam.

In a review order entered on 10 November 2009, the trial court found that further efforts toward reunification with Adam's father would be futile and ordered DSS to cease attempting to reunify Adam with him. However, the trial court

ordered DSS to continue to attempt to reunify Adam and Respondent-Mother and ordered Respondent-Mother to comply with her case plan. After that review hearing, Respondent-Mother failed to complete parenting classes in a timely manner, missed drug tests, submitted a diluted specimen, and did not make required child support payments. In addition, Respondent-Mother changed jobs several times. Adam's father voluntarily relinquished his parental rights in Adam on 22 June 2010. On or about 13 September 2010, the trial court entered an order changing Adam's permanent plan from reunification with Respondent-Mother to adoption and authorized DSS to cease attempting to reunify Adam with Respondent-Mother.

On 13 October 2010, DSS filed a motion to terminate Respondent-Mother's parental rights in Adam on the grounds that (1) Adam was neglected; (2) Respondent-Mother had willfully left Adam in foster care for more than twelve months without making reasonable progress toward correcting the conditions that led to his removal from the home; and (3) Respondent-Mother failed to pay a reasonable portion of the cost of Adam's care for a continuous period of six months prior to the filing of the motion. Respondent-Mother filed an answer on 4 November 2010 in which she denied the material allegations of the DSS motion.

The termination petition came on for hearing before the trial court on 28 March 2011. DSS offered the testimony of a social worker, a child support agent, and the office manager of the audiology clinic at which Adam had received treatment. In response, Respondent-Mother testified on her own behalf and presented testimony from another lay witness.

On 21 April 2011, the trial court entered an order terminating Respondent-Mother's parental rights in Adam. In the adjudication portion of its order, the trial court concluded that Respondent-Mother's parental rights in Adam were subject to termination on the basis of all three grounds for termination alleged in the petition. In the dispositional portion of its order, the trial court concluded that it was in Adam's best interest to terminate Respondent-Mother's parental rights, thereby making it possible to implement the permanent plan of adoption. Respondent-Mother noted an appeal to this Court from the trial court's order.

II. Legal Analysis

On appeal, Respondent-Mother challenges the trial court's determination that three grounds existed to terminate her parental rights in Adam. We do not find Respondent-Mother's challenge to the trial court's termination order persuasive.

A. Standard of Review

At the adjudication stage of a termination of parental rights proceeding, the burden is on the petitioner to prove that at least one of the statutory grounds for termination exists by clear, cogent, and convincing evidence. N.C. Gen. Stat. § 7B-1109(f); *In re Blackburn*, 142 N.C. App. 607, 610, 543 S.E.2d 906, 908 (2001). Appellate review of orders terminating parental rights is limited to determining whether sufficient evidence exists to support the trial court's findings of fact and whether the trial court's findings of fact support its conclusions of law. *In re Huff*, 140 N.C. App. 288, 291, 536 S.E.2d 838, 840 (2000), *disc. review denied*, 353 N.C. 374, 547 S.E.2d 9-10 (2001). Although the trial court concluded that Respondent-Mother's parental rights in Adam were subject to termination pursuant to N.C. Gen. Stat. § 7B-1111(a)(1), (2), and (3), the fact that the record supports the trial court's determination that Respondent-Mother's parental rights were subject to termination pursuant to N.C. Gen. Stat. § 7B-1111(a)(2) is dispositive of her challenge to the trial court's termination order. *See In re Humphrey*, 156 N.C. App. 533, 540, 577 S.E.2d 421, 426-27 (2003) (a finding of one statutory ground is sufficient to support the termination of parental rights).

B. Failure to Make Reasonable Progress

In evaluating whether a parent's parental rights are subject to termination pursuant to N.C. Gen. Stat. § 7B-1111(a)(2), a trial judge must conduct a two-part analysis:

The trial court must determine by clear, cogent and convincing evidence that a child has been willfully left by the parent in foster care or placement outside the home for over twelve months, and, further, that as of the time of the hearing, as demonstrated by clear, cogent and convincing evidence, the parent has not made reasonable progress under the circumstances to correct the conditions which led to the removal of the child. Evidence and findings which support a determination of "reasonable progress" may parallel or differ from that which supports the determination of "willfulness" in leaving the child in placement outside the home.

In re O.C., 171 N.C. App. 457, 464-65, 615 S.E.2d 391, 396, *disc. review denied*, 360 N.C. 64, 623 S.E.2d 587 (2005). "Willfulness" when terminating parental rights on the grounds of N.C. Gen. Stat. § 7B-1111(a)(2), is something less than 'willful' abandonment when terminating on the ground of N.C. Gen. Stat. § 7B-1111(a)(7). . . . A finding of willfulness is not precluded even if respondent has made some efforts to regain custody of the children." *In re Shepard*, 162 N.C. App. 215, 224, 591 S.E.2d 1, 7 (internal citation omitted), *disc. review denied sub. nom. In re D.S.*, 358 N.C. 543, 599 S.E.2d 42 (2004).

In this case, the trial court's findings of fact, which track the factual statement set forth above, adequately support

its conclusion that Respondent-Mother failed to make reasonable progress toward correcting the conditions that led to Adam's removal from the home. The trial court's findings of fact describe in detail Respondent-Mother's ongoing history of substance abuse and lack of adequate treatment, her refusal or failure to submit to drug screens, the instability in her employment situation, her inability to provide for or accept the need for Adam to receive appropriate medical treatment, and her failure to comply with other provisions of her case plan. As the trial court stated in summarizing its findings concerning the extent of Respondent-Mother's compliance with the terms and conditions of her case plan:

The mother has failed to comply with the terms of her case plan and the orders of this Court, both of which were designed to assist her in rectifying the conditions that brought the child into the purview of this Court and into foster care. More specifically, she has failed to: comply with random alcohol and drug screens; obtain a new substance abuse assessment and comply with its recommendations; participate in long-term substance abuse treatment[], such as Alcoholics Anonymous; timely complete parenting classes; demonstrate an understanding of the child's special needs; maintain stable employment; regularly provide the social worker and the Guardian ad Litem with her rent receipts and pay stubs; refrain from obtaining new criminal charges; and comply with the recommendations of her psychological evaluation.

We hold that these findings accurately reflect and are supported by the evidence presented at the adjudication phase of the termination hearing,² including the testimony that Respondent-Mother provided on her own behalf, and that they support the trial court's determination that Respondent-Mother's parental rights in Adam were subject to termination pursuant to N.C. Gen. Stat. § 7B-1111(a)(2).

Respondent-Mother's challenge to the trial court's decision that her parental rights in Adam were subject to termination pursuant to N.C. Gen. Stat. § 7B-1111(a)(2) is premised on the claim that Adam was removed from her home based solely on her failure to obtain proper medical treatment for him and her alcohol use on 4 February 2009, that she "was powerless to obtain medical treatment for [Adam] or obtain hearing aids" "[o]nce Adam was removed from her custody," that she "made reasonable progress in complying with her case plan to address the concerns that led to Adam's removal," and that the deficiencies in her performance upon which the trial court relied had no relevance to "correcting those conditions that led to the removal of the juvenile." A careful examination of the

² In making this determination, we note that Respondent-Mother has not questioned the accuracy of or evidentiary support for any of these findings of fact. *Koufman v. Koufman*, 330 N.C. 93, 97, 408 S.E.2d 729, 731 (1991).

record establishes, however, that Adam was removed from the home for multiple reasons, including Respondent-Mother's substance abuse and her failure to recognize and adequately address his special needs.³ The case plan provisions with which Respondent-Mother failed to comply were, in fact, related to the circumstances which led to Adam's removal from Respondent-Mother's home, given that Respondent-Mother failed to adequately address her difficulties with substance abuse, failed to understand and appreciate Adam's special needs, and failed to develop a stable lifestyle that rendered a repetition of the problems that led to the decision to take Adam into DSS custody unlikely. As a result, we hold that the trial court's findings support the conclusion that Respondent-Mother failed to make reasonable progress toward correcting the conditions that led to Adam's removal from her home and that the trial court's order terminating Respondent-Mother's parental rights in Adam should be, and hereby is, affirmed.

AFFIRMED.

Judges BRYANT and ELMORE concur.

Report per Rule 30(e).

³ Although Respondent-Mother distinguishes between alcohol and drug abuse in her brief and argues that only alcohol abuse is relevant to the proper resolution of this proceeding, we are not persuaded that such a distinction accurately reflects the circumstances that led to Adam's removal from Respondent-Mother's care.