IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA16-1239

Filed: 5 July 2017

Cleveland County, Nos. 11 JT 31-33

IN THE MATTER OF: D.D.D., J.L.D.D., F.A.T.D.

Appeal by respondent-mother from order entered 27 September 2016 by Judge Ali B. Paksoy in Cleveland County District Court. Heard in the Court of Appeals 15 June 2017.

Charles E. Wilson, Jr., for petitioner-appellee Cleveland County Department of Social Services.

Julie C. Boyer for respondent-appellant mother.

Derrick J. Hensley for guardian ad litem.

ARROWOOD, Judge.

Respondent-mother appeals from the trial court's order terminating her parental rights to her minor children D.D.D. ("Dorothy"), J.L.D.D. ("Jenny"), and F.A.T.D. ("Frank").[1] She contends that the trial court abused its discretion by concluding that termination was in her children's best interests. We affirm.

I. Background

[1] The parties have stipulated to these pseudonyms for the minor children pursuant to N.C. R. App. P. 3.1(b).

On 2 February 2011, the Cleveland County Department of Social Services ("DSS") filed a petition alleging that the children were neglected juveniles. The petition indicated that DSS had received twelve neglect reports regarding the family since 2005. One of the more recent reports, received in May 2010, involved respondents' substance abuse, domestic violence, and mental health issues. DSS provided respondent-mother with in-home services, and she completed a case plan and moved into a separate home from her then boyfriend, the father of Dorothy, Jenny, and Frank, who failed to complete his own case plan. However, in January 2011, DSS received a report that "[respondent-mother] was in labor and had left her four other children in care of her boyfriend, . . . who is not supposed to be around the children unsupervised." Upon further investigation, DSS discovered that respondent-mother had moved back in with her boyfriend and that she had left Dorothy and Jenny with him unsupervised while she was in labor with Frank. As a result, DSS filed the juvenile petition and obtained nonsecure custody of all three children.

On 23 March 2011, the trial court entered an order adjudicating the children as neglected juveniles. Respondent-mother was ordered to obtain a psychological evaluation and comply with any resulting recommendations, to complete parenting classes, and to obtain safe and stable housing. The children remained in DSS custody.

Respondent-mother initially made progress on her case plan and on 25 May 2012, the trial court entered an order authorizing a trial placement of the children in respondent-mother's home. At the time of the placement, DSS was not aware that respondent-mother's new boyfriend was living with her. On 30 July 2012, DSS received a report that the children were being physically abused and removed the children from respondent-mother's care. After an investigation, respondent-mother was charged with two counts of felony child abuse inflicting serious injury. On 7 October 2013, respondent-mother pleaded guilty to one count of felony child abuse of Frank and one count of misdemeanor child abuse of Jenny.

On 30 September 2013, the trial court entered a permanency planning order which ceased reunification efforts with respondent-mother. On 15 November 2013, DSS filed a petition to terminate respondent-mother's parental rights with respect to Dorothy on the grounds of neglect, failure to make reasonable progress, failure to pay a reasonable portion of the child's cost of care, and commission of a felony assault that resulted in serious bodily injury to the child, another child of the parent, or other child residing in the home. *See* N.C. Gen. Stat. § 7B-1111(a)(1)-(3), (8) (2015). On 30 October 2014, DSS filed petitions to terminate respondent-mother's parental rights with respect to Jenny and Frank. In addition to alleging the same grounds for termination as Dorothy's petition, those petitions also alleged abuse pursuant to N.C. Gen. Stat. § 7B-1111(a)(1).

The hearing on the petitions began on 28 October 2015, continued on 30 March, 11 May, and 20 July 2016, and concluded on 24 August 2016. On 27 September 2016, the trial court entered an order terminating respondent-mother's parental rights on the grounds of abuse with respect to Jenny and Frank and neglect and failure to make reasonable progress with respect to all three children. The court also concluded that termination was in the children's best interests. Respondent-mother entered timely notice of appeal on 5 October 2016.[2]

II. Discussion

Respondent-mother's sole argument on appeal is that the trial court erred by concluding that termination was in her children's best interests. We disagree.

"After an adjudication that one or more grounds for terminating a parent's rights exist, the court shall determine whether terminating the parent's rights is in the juvenile's best interest." N.C. Gen. Stat. § 7B-1110(a) (2015). "We review the trial court's decision to terminate parental rights for abuse of discretion." *In re Anderson*, 151 N.C. App. 94, 98, 564 S.E.2d 599, 602 (2002); *see also In re D.L.W.*, 368 N.C. 835, 842, 788 S.E.2d 162, 167 (2016) ("An appellate court . . . considers whether the trial court abused its discretion in determining that termination of parental rights was in the best interests of the child."). "The trial court is subject to reversal for abuse of discretion only upon a showing . . . that the challenged actions are

[2] The parental rights of the children's father were also terminated. However, he did not appeal from the trial court's order.

manifestly unsupported by reason." *In re D.W.C., J.A.C.*, 205 N.C. App. 266, 271, 698 S.E.2d 79, 83 (2010) (internal quotation marks and citation omitted).

In deciding whether terminating parental rights is in a juvenile's best interests, the trial court must consider the following criteria and make written findings regarding any that are relevant:

> (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). In this case, the trial court made the following findings to address these factors:

> 70. The minor children are now the following ages: [Dorothy] is 10, [Jenny] is 6, and [Frank] is 5. At the time of their removal from the home of the respondent parents, [Dorothy] was 5 years old; [Jenny] was 1 year old; and [Frank] was 4 days old.
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> 71. The minor children have been in the Petitioner's custody since 2011. There have been two trial home placements, one with each parent, and both have disrupted.

> 72. The minor children have been in the same foster home since October 7, 2013. Although this foster family wanted to adopt at one time, they do not now. However, the children are adoptable and terminating parents' rights would help achieve this goal. The children need permanence. The Respondents cannot provide a safe and stable home for the children at this time.
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> 73. That the foster parents are willing to keep the children until they are adopted. The children have a good bond with them. This foster home provides for their needs.
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> 74. Although the minor child, [Dorothy], enjoys visits with her mother, she does not want to live with her. Neither does the minor child, [Jenny]. The children do not want to visit their father. They have no bond with him because he has not visited since 2014.
>
> 75. That the Court has sanctioned a permanent plan of adoption for the juveniles since November 20, 2013.
>
> 76. That the termination of the mother's and father's parental rights would aid in the accomplishment of the permanent plan of adoption for the juveniles.

These findings reflect that the trial court appropriately considered the factors in N.C. Gen. Stat. § 7B-1110. Nonetheless, respondent-mother contends that the findings were insufficient because they "do[] not take into consideration the likelihood of children these ages being adopted[,]" and "do[] not take into account the possibility, or lack thereof, of the three children being adopted together as siblings or being split up or adopted separately[.]" She also argues that since "there is no prospective adoptive family, maintaining the relationship between [respondent-mother] and her

children allows for the possibility of [respondent-mother] to rectify those factors that led to the initial removal and led to the subsequent removal of her children."

Respondent-mother cites no authority supporting her argument that the trial court should have considered other factors not found in the statute. This Court has made clear that "the trial court is not required to make findings of fact on all the evidence presented, nor state every option it considered[]" when making its best interests determination pursuant to N.C. Gen. Stat. § 7B-1110. *In re J.A.A.*, 175 N.C. App. 66, 75, 623 S.E.2d 45, 51 (2005). The trial court's order clearly addresses the relevant dispositional factors in N.C. Gen. Stat. § 7B-1110 and reaches a reasonable conclusion based on its consideration of those factors. Accordingly, we conclude that the trial court did not abuse its discretion by concluding that termination was in the children's best interests. The trial court's order is affirmed.

AFFIRMED.

Chief Judge McGEE and Judge STROUD concur.

Report per Rule 30(e).