IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA23-519

Filed 20 February 2024

Beaufort County, Nos. 20-JT-57-59

IN THE MATTERS OF: I.S., S.S., & I.S.

Appeal by respondent-mother and respondent-father from orders entered 8 March 2023 by Judge Keith B. Mason in Beaufort County District Court. Heard in the Court of Appeals 22 January 2024.

J. Edward Yeager, Jr., for petitioner-appellee Beaufort County Department of Social Services.

James N. Freeman, Jr., for appellee guardian ad litem.

Kimberly Connor Benton for respondent-appellant mother.

Jason R. Page for respondent-appellant father.

PER CURIAM.

Respondent-mother ("Mother") and respondent-father ("Father") appeal the termination of their parental rights to their three children. Mother and Father each argue that the trial court's adjudicatory findings of fact were unsupported by evidence at the termination hearing, and the court's remaining findings were insufficient to

support the court's conclusions that grounds existed to terminate their parental rights. Mother further argues that the trial court abused its discretion when it determined that termination of her parental rights was in her children's best interests. For the reasons below, we affirm.

I. Background

Mother and Father are the parents of three children, Iris, Sarah, and Irene. [1] Iris was born in 2012, Sarah was born in 2013, and Irene was born in 2016.

On 26 May 2020, the Beaufort County Department of Social Services ("DSS") obtained nonsecure custody of the children and filed three separate petitions alleging that they were neglected and dependent juveniles. The petitions alleged Mother and Father had a history of involvement with Beaufort County Child Protective Services ("CPS"), dating back to 2013 due to issues with substance abuse, parenting, and domestic violence. Most recently, DSS became involved with the family on 25 February 2020 after receiving a CPS report that Mother was not taking the children to mental health and dental appointments, even though Iris was hallucinating and had a tooth abscess. Iris was also scheduled for surgery in November 2019, but Mother cancelled the surgery and neither parent rescheduled the appointment. Further, Iris was diagnosed with attention deficit hyperactivity disorder and "adjustment disorder with mixed disturbance of mood and conduct" with an

[1] The juveniles are referred to by stipulated pseudonyms to protect their identities. *See* N.C. R. App. P. 42.

accompanying "history of visual and auditory hallucinations, anxiety, crying spells, temper tantrums and problems sleeping." Sarah also suffered "severe headaches and need[ed] a brain scan, but Mother missed all the appointments." The petitions alleged Mother admitted she had difficulty taking the children to appointments due to a nerve-damage-induced memory issue.

The petitions further alleged CPS initiated an investigation and discovered numerous other issues with the children. Iris needed significant dental work, was frequently absent from school and did not do her homework, and Mother was not taking Iris to doctor's appointments. Sarah was suffering from severe headaches and Mother missed medical appointments for those headaches, including the "imaging appointments for brain scan[s.]" Sarah was also "wak[ing] up in the morning with fresh bug bites all over her body." Irene was "showing delays in communication, fine motor skills, and problem solving." None of the children had an adequate place to sleep, as only one of the two bedrooms in Mother's home was habitable.

The petitions also alleged both parents had substance abuse issues; "Mother had a history of oxycodone dependency" and Father abused alcohol. The Beaufort County Sheriff's Office had been called to the home during a domestic dispute while Father was intoxicated, and during a visit by DSS the social worker observed "Father was noticeably intoxicated and [the parents] were both arguing over money." Father's alcohol abuse also contributed to domestic violence between the parents and

had led the social worker to have "both parents sign a safety assessment addendum which stated Father would not visit the children when he [was] intoxicated."

The petitions further alleged a number of issues specific to Mother. Mother's home was very unclean, the furniture was "discolored and blacken[ed,]" the floors were covered with excessive debris, there were excessive dishes in the kitchen and the refrigerator was moldy, and the uninhabitable bedroom "was filled with so much junk that the door could only be partially opened. Father prevented the social worker from going into the room and stated that was the junk room." Mother also had multiple chronic health issues that impacted her ability to care for the children. Mother needed a "nursing home level of care at home"; she suffered "limitations with her activities of daily living [and] need[ed] hands on assistance for bathing, personal hygiene, dressing, and bed mobility"; and she needed assistance with managing her medications.

On 6 August 2020, after further psychological testing, Mother was found to be incompetent and appointed a Rule 17 guardian ad litem.

On 10 November 2020, all three children were adjudicated neglected and dependent based on the parents' domestic violence, substance abuse, and mental and physical health concerns, as well as the children's truancy and their lack of medical care as generally alleged in the juvenile petitions. On 17 February 2021, the trial court entered its initial disposition order continuing custody of the children with DSS, setting a permanent plan of reunification with concurrent plan of adoption, and

ordering Mother and Father to cooperate with DSS and the children's guardian ad litem ("GAL") and complete their case plans. Mother and Father were assigned nearly identical case plans, which required both parents to maintain stable housing, complete psychological evaluations and comply with all recommendations, complete substance abuse treatment and maintain sobriety, engage in therapy, and complete parenting classes. Father was also ordered to obtain stable employment. Mother and Father were both granted supervised visitation with the children once a week at DSS.

On 12 May 2021, the trial court entered a permanency planning order finding that the parents had made little progress on their case plans. The court further found the following barriers to reunification: "[t]he parents' mental health, reasoning, and decision-making" and "[t]he parents' parenting skills." Mother had completed a psychological assessment, substance abuse treatment program, and a series of parenting classes, but "[t]here [were] serious concerns that remain about Mother's ability to ensure the children receive necessary remedial and educational services." Father had completed a psychological assessment but had "not attended any consistent therapy or substance abuse treatment" and "need[ed] to address the concerns regarding his alcohol abuse." Since the children were removed from the home Father had "appeared at some visits under the influence." The court ordered the parents to complete a parenting capacity evaluation.

On 10 November 2021, the trial court entered another permanency planning order finding that Mother and Father still had not made progress on their case plans.

The trial court was still concerned about Mother's "ability to ensure the children receive necessary remedial and educational services[,]" and although Mother completed her parenting class, she "did not learn the parenting concepts necessary to improve her parenting." Mother also "ha[d] difficulty controlling behaviors during visits" and yelled at the children. Father had not addressed his alcohol abuse and continued to arrive at visits intoxicated, and similarly "did not learn the parenting concepts necessary to improve his parenting" after completing his parenting classes.

The trial court entered another permanency planning order on 3 August 2022, again finding that "[t]he parents are not making adequate progress within a reasonable period under their individual case plans[,]" and that "[t]he parents are acting in a manner inconsistent with the health or safety of the juveniles." The court found that Mother had completed an updated psychological evaluation which indicated "that at this time it is not possible, [even] with ongoing intervention and oversight, that Mother can care-give to her children." According to the evaluator, "Mother will struggle with understanding her children's medical and mental health needs due to her intellectual functioning and her limited reading and comprehension skills." Father also completed an updated psychological evaluation, which indicated "that it is highly improbable that Father is capable of sole caregiving to his children . . . . Father has not been a full-time sole-caregiver; and he struggles with understanding basic parenting information." The psychological evaluation also recommended Father complete a twelve-step alcohol abstinence program, which he

had not attended. The court did find, however, that Father completed a substance abuse assessment, completed a seven-day detox program, and was scheduled to begin alcohol abstinence medication treatment.

The trial court entered the final permanency planning order on 22 November 2022. The court found that it was not in the children's best interests to return home, and that "[s]ince the last hearing, there has been little progress toward resolving the need for [DSS's] intervention." The parents still had not learned the parenting concepts necessary to improve their parenting; the parents' "mental health, reasoning, and decision making; and . . . parenting skills" were still barriers to reunification; and Father had still not addressed his alcoholism. The court changed the permanent plan to adoption with a concurrent plan of reunification and reduced the parents' visitation to one hour every other week.

On 30 November 2022, DSS filed a motion to terminate the parents' parental rights to all three children alleging grounds of (1) neglect, (2) willfully leaving the children in foster care for more than 12 months without reasonable progress on correcting the conditions which led to the children's removal, and (3) dependency.

The trial court held a termination hearing on 1 March 2023, and on 8 March 2023 entered an Adjudicatory Order concluding that grounds existed to terminate the parents' parental rights as alleged in the motion. In a separate Dispositional Order entered the same day, the court concluded that termination of the parents' parental rights was in the children's best interests. Accordingly, the court terminated the

parents' parental rights.

Both parents appealed.

II. Standard and Scope of Review

There are two stages in a termination of parental rights proceeding: an adjudicatory stage and a dispositional stage. *See In re S.R.*, 384 N.C. 516, 520, 886 S.E.2d 166, 171 (2023). "A different standard of review applies to each stage." *Id.* (citation omitted).

At the adjudicatory stage, the trial court's findings must be supported by clear, cogent, and convincing evidence, and "[i]f a trial court's finding of fact is supported by clear, cogent, and convincing evidence, it will be deemed conclusive even if the record contains evidence that would support a contrary finding." *Id.* (quotation marks, brackets, ellipsis, and citation omitted). "Unchallenged findings of fact are deemed supported by competent evidence and are binding on appeal." *In re J.S.*, 374 N.C. 811, 814, 845 S.E.2d 66, 71 (2020) (quotation marks and citation omitted). Moreover, "we review only those findings necessary to support the trial court's determination that grounds existed to terminate respondents' parental rights." *In re A.B.C.*, 374 N.C. 752, 758, 844 S.E.2d 902, 907 (2020) (citation omitted). The court's conclusions of law are reviewed de novo for whether they are supported by the findings of fact. *See In re S.R.*, 384 N.C. at 520, 886 S.E.2d at 171.

"At the dispositional stage, the trial court's assessment of the best interests of the child is reviewed for abuse of discretion." *Id.* (citation omitted). "Abuse of

discretion results where the court's ruling is manifestly unsupported by reason or is so arbitrary that it could not have been the result of a reasoned decision." *Id.* (quotation marks, brackets, and citation omitted). Dispositional findings are reviewed for whether they are supported by competent evidence, and "as with the adjudication stage, the trial court's conclusions of law are reviewable de novo on appeal." *Id.* at 520-21, 886 S.E.2d at 171 (citation omitted).

III. Adjudication

Both parents appeal from the Adjudicatory Order. Their challenges to the findings are organized as challenges to large groups of findings, and often include minimal or superficial arguments. "Such broadside exceptions [to findings of fact], however, are ineffectual, and findings of fact not specifically challenged by a respondent are presumed to be supported by competent evidence and binding on appeal." *In re N.P.*, 374 N.C. 61, 65, 839 S.E.2d 801, 804 (2020) (citation omitted). Further, "[i]ssues not presented in a party's brief, or in support of which no reason or argument is stated, will be taken as abandoned." N.C. R. App. P. 28(b)(6).

Both parents also assert certain findings are actually conclusions of law. To the extent we agree, we address those findings when analyzing whether grounds existed to terminate the parents' parental rights. *See In re Z.J.W.*, 376 N.C. 760, 775, 855 S.E.2d 142, 154 (2021) ("[F]indings of fact which are essentially conclusions of law will be treated as such on appeal[.]" (citation omitted)).

A. Mother's Appeal

Mother challenges numerous adjudicatory findings of fact. We preliminarily note that Mother only superficially challenges findings 90 and 113. Because she does not specifically articulate arguments to challenge these findings, these findings are deemed binding on appeal. *See In re N.P.*, 374 N.C. at 65, 839 S.E.2d at 804; N.C. R. App. P. 28(b)(6).

1. Findings of Fact 16 and 17

Mother first challenges findings of fact 16 and 17. Finding 16 states that Mother did not understand the nature of the termination proceeding or why DSS was involved with the children. Finding 17 states that Mother "lacks insight into her own limitations. She does not believe that she has any limitations in regard to her parenting despite the respondent mother being involved with this [c]ourt since May 2020."

As to finding 16, the record includes multiple psychological evaluations and assessments which indicate Mother did not understand why DSS was involved with her children. During her 2020 psychological evaluation, Mother was asked how she became involved with DSS and "[s]he said the only reason DSS took her children from her was because 'I missed doctors' appointments.' She also said that her oldest daughter missed school 1 day and that DSS held this against her." Mother also "claim[ed] to be slightly confused about why DSS is working with her and had removed her children from the family unit." "Based on [Mother's] own self-reports,

she does not seem to understand or appreciate why DSS is involved with her family once again."

At the termination hearing, the social worker testified that "in situations where [DSS was] trying to explain different services or different things that's going on with the children, [M]other does not seem to completely understand what we are trying to discuss with her." Throughout the pendency of the juvenile action, it appears Mother was unaware of why DSS became involved with the children. However, when asked whether she understood the current proceeding was to terminate her parental rights, Mother testified, "Yes." Therefore, to the extent that finding 16 found that Mother did not understand why DSS was involved with the children, finding 16 is supported by clear, cogent, and convincing evidence. But, to the extent finding 16 found that Mother did not understand the nature of the termination proceeding, finding 16 is not supported by clear, cogent, and convincing evidence.

As to finding 17, the social worker testified that Mother was not receptive to discussions with DSS, and she would argue and hang up the phone when she disagreed with DSS. When specifically asked if there "has . . . been any circumstance in which the mother's developed any kind of insight into the children's needs and how to work with professionals regarding their needs," the social worker responded, "No." Mother herself testified, "They say I have mental health issues. I don't think I have mental issues because there's nothing mentally wrong with me because I choose to

parent my children." Further, Mother did not challenge finding 167 wherein the court found, "The respondent parents not only lack insight into their own problems, but they also lack insight into the other parent's limitations." Finding 167 is binding on appeal. *See In re J.S.*, 374 N.C. at 814, 845 S.E.2d at 71. Therefore, finding 17 is supported by clear, cogent, and convincing evidence.

2. Findings of Fact 71, 74-77, 79-80, 82, and 100

Mother next challenges findings of fact 71, 74-77, 79-80, 82, and 100, which address the children's mental health conditions and needs.

Mother first challenges findings 74, 76, and 79, which use identical language and state, "The respondent parents have no insight into [each child's] conditions; and they have no knowledge of the steps needed to care for [each child] despite being offered case planning services through this [c]ourt." Mother further challenges the portion of finding 80 that states, "During this hearing, the respondent parents did not provide this [c]ourt with understanding of the juveniles' medical needs." Mother argues that these findings were unsupported because she testified regarding the needs of the children. Mother testified that Iris is diagnosed "schizophrenic, bipolar" and that "she goes to therapy and she–and stuff like that." Mother did not testify regarding the needs of the other children. Mother later testified that she did not know what medication any of her children were taking. The social worker also testified that Mother has difficulty understanding the children's needs, and Mother lacked insight into the children's needs and how to work with DSS regarding the

children's needs. Findings 74, 76, 79, and 80 are supported by clear, cogent, and convincing evidence.

Mother next challenges findings 75 and 77, which respectively state, "[Sarah's] foster parents manage her diagnoses of intermittent explosive disorder, oppositional defiant disorder, and other specified trauma-and-stressor related disorder through medication and therapeutic services[,]" and "[Irene] has diagnoses of adjustment disorder and trauma behaviors." Mother argues there was no testimony as to Sarah's diagnosis for "other specified trauma-and-stressor related disorder" and Irene's diagnoses. But the June 2021 psychological assessment admitted at the hearing specifically found that Sarah was "diagnosed with . . . other-specified trauma and stressor-related disorder" and Irene "exhibited disruptive and defiant behaviors that were believed to be outside the limits of normal development. . . . [Irene] was diagnosed with adjustment disorder, unspecified." Findings 75 and 77 are supported by clear, cogent, and convincing evidence.

Mother also challenges findings 71 and 82, which respectively state, "The juveniles continue to have ongoing mental health conditions that require a consistent, predictable level of care" and "[t]he juveniles can be managed such that they have normal childhoods as the juveniles are doing well outside of the parents' home." These findings are reasonable inferences drawn from the evidence. *See In re K.N.L.P.*, 380 N.C. 756, 762, 869 S.E.2d 643, 648 (2022) ("It is the duty of the trial court . . . to determine the weight and veracity of the evidence and the reasonable

inferences to be drawn therefrom."). Including findings 75 and 77 addressed above, the court found that Iris "continues to have diagnoses of unspecified schizophrenia spectrum disorder, ADHD, and other psychotic disorder"; Sarah has "diagnoses of intermittent explosive disorder, oppositional defiant disorder, and other specified trauma-and-stressor related disorder"; and Irene has "diagnoses of adjustment disorder and trauma behaviors." The trial court found that the children's foster parents managed these conditions through "medication and therapeutic services." At the termination hearing, the social worker testified that the children were placed with their foster parents specifically because these placements were "IAFT or therapeutic foster homes" which offer "different wrap-around services of therapy, medication management, [and] more intense therapy. The foster parents are specifically trained to work with their behaviors and the mental health" issues the children suffer. The social worker also testified that the children were doing well in their foster placements and getting the therapy and medication management they needed. A reasonable inference therefrom is that the children still suffer their various mental health disorders, they require a minimum level of care to combat the effects of these disorders, and with management the effects of these disorders on the children's lives may be minimized. Findings 71 and 82 are supported by clear, cogent, and convincing evidence.

Mother finally challenges finding 100 to the extent it states, "There is no feasible way to create a parenting situation for the respondent mother to parent these

juveniles in a highly structured, predictable way as the respondent mother does not believe she has limitations, [and] the respondent mother is not aware of the juveniles' needs[.]" However, this finding is a reasonable inference drawn from the evidence, *see id.*, and as addressed above, Mother did not believe she had limitations and was not aware of the children's needs. Finding 100 is supported by clear, cogent, and convincing evidence.

3. Findings of Fact 101, 117, 131, and 174

Mother next asserts that findings of fact 101, 117, 131, and 174 are unsupported because of contradictory evidence. These findings all address the fact that Mother completed a parenting class but was unable to learn and implement the concepts she learned in the class to expand her parenting capacity. Finding 101 also finds that Mother "remains incapable of providing the juveniles with a safe home wherein their basic needs are met."

The court made numerous unchallenged findings that Mother completed a parenting course but had "made no progress in developing appropriate expectations for her children" or "in developing empathy for her children." After completing the course, Mother became more likely to: misunderstand or devalue the children's needs; lack nurturing skills; be unable to handle parenting stresses; use corporal punishment; tend to be controlling and authoritarian; reverse parenting roles and use the children to meet her own needs; view children with power as threatening; expect strict obedience; and tend to view independent thinking as disrespectful.

Mother had also lost her home and was unable to secure alternative housing. These unchallenged findings are binding on appeal, and support findings 101, 117, 131, and 174. *See In re J.S.*, 374 N.C. at 814, 845 S.E.2d at 71. The trial court did not err in findings 101, 117, 131, and 174.

4. Finding of Fact 108

Finding of fact 108 states, "The risk factors identified by [Mother's second evaluating psychologist] remain, are persistent[,] and will continue into the foreseeable future despite Social Worker . . . working with the respondent mother to eliminate them." Mother's psychologist identified risk factors of "financial strain, poor reading comprehension, difficulty understanding child development and the needs for consistent care, [and] lack of transportation." Mother asserts this finding was not supported due to contradictory evidence.

The social worker testified that each risk factor still existed at the termination hearing. Mother suffered financial strain because she received disability and did not work. Mother still had poor reading comprehension because she did not attend an adult literacy program she was recommended. Mother had not increased her understanding of the children's needs and, whenever she was dissatisfied with progress or disagreed with DSS about the children's treatment, she would argue or hang up the phone. Mother had not consistently engaged in therapy. Mother still relied on others for transportation and did not have a driver's license. In sum, the social worker's testimony shows that she attempted to help Mother, but her efforts

were universally unsuccessful. Finding 108 is supported by clear, cogent, and convincing evidence.

5. Findings of Fact 180, 186, and 196

Mother next challenges findings of fact 180, 186, and 196, which are all supported by the same evidence.

Finding 180 states that Mother "ha[s] not complied with the recommendations of [her] individual psychological evaluations and parenting capacity evaluations as described above"; finding 186 states that Mother is "not receptive to therapy, which means that [she] [is] not willing to accept instruction on how to improve [her] mental functioning"; and finding 196 states that Mother has "been given ample opportunity to make progress in this case, but [she] ha[s] chosen not to make progress." Mother was recommended therapy, a literacy course, parenting classes and other "intervention and oversight." The social worker testified that Mother was not cooperative with DSS, did not attend the literacy program, did not consistently attend therapy, and the parenting classes were ineffective. The social worker specifically testified that Mother was supposed to be in weekly therapy but over a six-month period only attended therapy twice. This evidence establishes that Mother did not comply with her therapeutic recommendations, and the trial court drew a reasonable inference from this evidence that Mother was not receptive to therapy and chose not to go. *See In re K.N.L.P.*, 380 N.C. at 762, 869 S.E.2d at 648. Findings 180, 186, and 196 are supported by clear, cogent, and convincing evidence.

6. Findings of Fact 181-85, 187, 194-95, and 198

Mother also asserts that findings of fact 181-85, 187, 194-95, and 198 are conclusions of law and should be treated as such. These findings address matters such as whether the parents' conduct constitutes neglect, whether such neglect will continue in the future, whether the parents have an alternate childcare arrangement, and the parents' failure to make reasonable case plan progress. With the exception of a factual portion of finding 198, we agree that these are conclusions of law and address them as such below. *See In re Z.J.W.*, 376 N.C. at 775, 855 S.E.2d at 154.

The factual portion of finding 198 states, "The respondent mother does not believe that she has any mental health issues or cognitive deficiencies." Mother's challenge is meritless because she does not articulate an argument to challenge this finding, other than labelling it a conclusion of law, *see* N.C. R. App. P. 28(b)(6), and for the reasons stated above as to finding 17, Mother did not, in fact, believe she had any "mental health issues or cognitive deficiencies."

7. Finding of Fact 69

Mother also challenges finding of fact 69, which states the risk factors identified during the adjudicatory stage of the neglect proceeding, including that the children's and Mother's emotional, mental, and physical health needs, "largely remain despite nearly three years of case planning services being ordered" and overseen by the trial court. Mother summarily asserts that "these factors no longer existed at the time of the termination hearing." However, the unchallenged findings

of fact support that the risk factors referenced in finding 69 "largely remain despite nearly three years of case planning services being ordered" and these unchallenged findings are binding on appeal. *See In re J.S.*, 374 N.C. at 814, 845 S.E.2d at 71. The trial court did not err in finding 69.

8. Conclusions of Neglect

The trial court concluded that grounds for terminating Mother's parental rights existed under N.C. Gen. Stat. § 7B-1111(a)(1), (a)(2) and (a)(6).

Pursuant to N.C. Gen. Stat. § 7B-1111(a)(1), the trial court may terminate a parent's parental rights upon finding that "[t]he parent has . . . neglected the juvenile[,]" as defined in N.C. Gen. Stat. § 7B-101. N.C. Gen. Stat. § 7B-1111(a)(1) (2021). In relevant part, a neglected juvenile is defined as one whose parent "[d]oes not provide proper care, supervision, or discipline" or "[c]reates or allows to be created a living environment that is injurious to the juvenile's welfare." N.C. Gen. Stat. § 7B-101(15)(a), (15)(e) (2021).

Such "neglect must exist at the time of the termination hearing." *In re B.S.O.*, 234 N.C. App. 706, 714, 760 S.E.2d 59, 65 (2014) (quotation marks, brackets, and citation omitted). "[I]f the child has been separated from the parent for a long period of time, there must be a showing of past neglect and a likelihood of future neglect by the parent." *In re V.S.*, 380 N.C. 819, 822, 869 S.E.2d 698, 701 (2022) (quotation marks and citation omitted). This Court has expressly stated that "[a] parent's failure to make progress in completing a case plan is indicative of a likelihood of

future neglect." *In re C.M.P.*, 254 N.C. App. 647, 655, 803 S.E.2d 853, 859 (2017).

Here, it is undisputed that the children were previously adjudicated neglected. As to the likelihood of future neglect, the trial court made numerous findings that the neglect of the children would continue if the children were returned to Mother's care, including: (1) the risk factors that originally resulted in the children's removal from the home remained despite three years of services with DSS; (2) Mother had no insight into her children's medical needs; (3) Mother suffered from cognitive limitations that made it infeasible to create a parenting structure that simultaneously addressed Mother's and the children's needs; (4) Mother refused to engage in recommended services; (5) when Mother did engage in recommended services, she failed to learn parenting concepts designed to combat the neglect of her children, and became even more likely to engage in inappropriate parenting behavior; and (6) Mother was unable to secure appropriate housing. These findings support the trial court's conclusions that there was a likelihood of future neglect. *See In re M.S.E.*, 378 N.C. 40, 58-59, 859 S.E.2d 196, 210-11 (2021) (upholding ground of neglect in part based on the parent's inadequate engagement in remedial services, inability to grasp parenting concepts, and inability to understand the needs of their children); *In re C.M.P.*, 254 N.C. App. at 660, 803 S.E.2d at 861 (upholding ground of neglect in part based on the parent's unstable housing and improper supervision of their children).

Because the court's findings support its conclusions that there was a previous

adjudication of neglect and a likelihood of future neglect if the children were returned to Mother's care, the court did not err in determining that grounds existed to terminate Mother's parental rights under N.C. Gen. Stat. § 7B-1111(a)(1). *See In re V.S.*, 380 N.C. at 822, 869 S.E.2d at 701.

"In termination of parental rights proceedings, the trial court's finding of any one of the enumerated grounds [in N.C. Gen. Stat. § 7B-1111(a)] is sufficient to support a termination." *In re N.T.U.*, 234 N.C. App. 722, 733, 760 S.E.2d 49, 57 (2014) (quotation marks, ellipsis, and citation omitted). Accordingly, we need not address either of the other grounds for termination found by the trial court.

B. Father's Appeal

We next address Father's challenges to the adjudicatory findings.[2]

1. Findings of Fact 69, 149-51, 160-61, 178-80

Father first challenges findings of fact 69, 149-51, 160-61, and 178-80 to the extent they address his engagement in substance abuse services and failure to address his chronic alcoholism.[3] Father also challenges finding 149 to the extent it finds that the children's physical and mental health issues and Father's financial

[2] Father's merely superficial challenge to finding 77 is ineffectual and thus finding 77 is presumed supported by the evidence. *See In re N.P.*, 374 N.C. at 65, 839 S.E.2d at 804. We also do not address Father's challenges to findings 136-37, 156, 163, 173, 177, and 184 because they are all unnecessary to uphold the termination of Father's parental rights. *See In re A.B.C.*, 374 N.C. at 758, 844 S.E.2d at 907.

[3] Father further challenges finding 69 to the extent that it addresses domestic violence. We agree that there was no evidence at the termination hearing regarding ongoing domestic violence. We thus disregard this portion of finding 69 in our consideration of whether the findings of fact support the conclusions. *See In re A.B.C.*, 374 N.C. at 757, 844 S.E.2d at 907.

strain, difficulty understanding his children's development and needs, lack of transportation, and mental health disorders each would continue into the future. Father's challenge to finding 149 with respect to financial strain and transportation is addressed in the next section, and Father's challenge to finding 149 as to the remaining risk factors is addressed below with Father's challenges to other findings about the same subject matter.

Finding 69 states that the risk factors identified during the abuse, neglect, and dependency phase of this case, including Father's substance abuse, "largely remain despite nearly three years of case planning services being ordered, overseen by this [c]ourt." Finding 149 states, "The risk factors identified by [the parenting capacity assessment provider] remain, are persistent and will continue into the foreseeable future despite Social Worker . . . working with the respondent father to eliminate them." These risk factors included Father's "alcohol use disorder." Finding 160 states, "[F]ather continues to have alcohol issues"; finding 161 states, "[F]ather has not addressed his alcoholism"; and finding 179 states, "[F]ather has not engaged in substance abuse treatment." Further, as to substance abuse treatment, finding 150 states that Father attended a seven-day detox and only two sessions of substance abuse therapy, and finding 151 states that Father was recommended to attend two sessions of therapy per week but did not follow that recommendation. Finding 180 states, "[Father] ha[s] not complied with the recommendations of [his] individual psychological evaluations and parenting capacity evaluations as described above[,]"

which Father only challenges to the extent it implies he failed to address his substance abuse problem, and finding 178 states, "[Father] has had no therapy sessions, except that he recently began, in February 2023, attending therapy at AGAPE." As to each finding, Father either asserts that there was no evidence to support the finding or that his testimony was contradictory evidence that would support a contrary finding. Father also asserts that finding 178 is internally inconsistent in that he could not have had both "no" therapy appointments and also "recently began" attending therapy.

Here, Father's substance abuse was one of the initial concerns identified by DSS in the May 2020 juvenile petition. His substance abuse remained an ongoing concern through his psychological assessments in 2021, with one assessor opining that Father was "in denial about his substance dependency. . . . Due to the chronicity of his disorder, prognosis is bleak." The assessor recommended a full twelve-step program to combat his substance dependency but expressed doubt about the efficacy of treatment.

Throughout much of the juvenile case, Father failed to combat his alcoholism. The social worker testified, "we've been working with the family for almost three years to address these concerns and we're basically at the same place we were three years ago." The only progress Father had made was that he no longer showed up at visits intoxicated. She testified that Father was not receptive to therapy and had inconsistently attended therapy at PORT. She also testified that Father did not

engage in a twelve-step program but attended a single seven-day detox.

Father did testify about matters contrary to the findings, such that he stopped drinking after his stroke in September 2022, he attended substance abuse therapy, and he had "improved 100 percent" regarding his drinking. But Father himself also testified he had only gone to two substance abuse therapy appointments at PORT between July 2022 and his stroke in September 2022. Father testified that after his stroke he waited until February 2023, less than a month before the termination hearing, to restart therapy at AGAPE. Father could not clearly articulate who his therapists were, when and how often he had seen them, and what agencies they were employed by. Some of Father's testimony is consistent with the social worker's testimony, particularly about Father's inconsistent engagement in substance abuse services. But the trial court also found Father's testimony was not credible and he was not an accurate reporter of facts, which Father does not challenge.

Father also did not challenge other findings wherein the court found that he was recommended a twelve-step program, which he did not complete; that he did not consistently attend any therapy or substance abuse treatment; and that he only started therapy at AGAPE in February 2023. Therefore, these findings are binding on appeal.

The only above-challenged finding unsupported by the evidence is the first clause of finding 178. To the extent finding 178 found that "[F]ather has had no therapy sessions," it is unsupported. Father did not avoid therapy entirely, but

instead minimally and inconsistently attended therapy.

Therefore, with the exception of the first clause of finding 178, the evidence and unchallenged findings support the trial court's findings that Father did not adequately engage in substance abuse therapy and had not addressed his alcoholism. *See In re S.R.*, 384 N.C. at 520, 886 S.E.2d at 171. The trial court did not err in making the findings addressing Father's lackluster engagement in substance abuse treatment because those findings are supported both by clear, cogent, and convincing evidence as well as the court's unchallenged findings. *See In re J.S.*, 374 N.C. at 814, 845 S.E.2d at 71.

2. Finding 149

We next address Father's challenge to finding of fact 149 to the extent that it finds Father's financial strain and lack of transportation "are persistent and will continue into the foreseeable future despite Social Worker . . . working with the respondent father to eliminate them." Father asserts that there is no evidence these risk factors will continue, and that the district court relied on conjecture when making this finding.

During the termination proceeding, the social worker testified that these risk factors have existed since 2020, and she had been working with Father since then to reduce or eliminate the risk factors, but no progress had been made on Father's financial strain or lack of transportation. The social worker testified that, at the time of the hearing, Father still did not have stable employment and relied on other people

for transportation. Father himself also testified he was "doing odd jobs" up until his stroke, but he did not testify about any regular employment at the time of the termination hearing.

The trial court did not rely on conjecture when making finding 149 as to Father's financial strain and lack of transportation. A reasonable inference taken from the social worker's testimony is that any financial strain and transportation issues Father suffered between 2020 and the termination hearing in 2023 would be ongoing, particularly where Father had made little to no progress on addressing these factors and Father's health had recently declined. *See In re K.N.L.P.*, 380 N.C. at 762, 869 S.E.2d at 648. As the finding was supported by clear, cogent, and convincing evidence, the trial court did not err in finding 149.

3. Findings of fact 71, 74, 76, 79, and 82

Father next challenges findings of fact 71, 74, 76, 79, and 82. Finding 71 states, "The juveniles continue to have ongoing mental health conditions that require a consistent, predictable level of care." Findings 74, 76, and 79 are identical other than the names of each child and state, "The respondent parents have no insight into [each child's] conditions; and they have no knowledge of the steps needed to care for [each child] despite being offered case planning services through this [c]ourt." Finding 82 states, "The juveniles can be managed such that they have normal childhoods as the juveniles are doing well outside of the parents' home." Father asserts that "[t]here was no testimony regarding [Father's] insight into the problems that his children

face" and there was no evidence to support findings 71 and 82 that the children require any particular standard of care.

Findings 74, 76, and 79 are deemed supported by Father's failure to challenge finding 80, which states that Father "did not provide this [c]ourt with understanding of the juveniles' medical needs." *See In re J.S.*, 374 N.C. at 814, 845 S.E.2d at 71. Findings 71 and 82 are supported for the same reasons discussed above as to Mother's challenge to the same findings; they are permissible inferences drawn from (1) the social worker's testimony that the children's foster parents are trained to treat, and do successfully treat, the children's mental health issues and (2) the court's unchallenged findings which state that the foster parents treat the children's conditions through "medication and therapeutic services." *See In re K.N.L.P.*, 380 N.C. at 762, 869 S.E.2d at 648. Findings 71 and 82 are thus supported by clear, cogent, and convincing evidence. The trial court did not err in making findings 71, 74, 76, 79, or 82.

4. Finding 144

Father next challenges finding of fact 144, which states that "[F]ather was diagnosed with Alcohol Use Disorder, Moderate and Cocaine Use Disorder, Moderate, In Remission and Cyclothymic Disorder." Father asserts these diagnoses were adopted from other orders not in evidence, and that there was no competent evidence to support this finding. But Father's diagnoses of Alcohol Use Disorder and Cyclothymic Disorder were included in the 2021 psychological report that was

admitted into evidence. However, because neither report diagnoses Father with "Cocaine Use Disorder, Moderate, In Remission[,]" that portion of finding 144 is disregarded. The remainder of finding 144 is supported by clear, cogent, and convincing evidence.

5. Findings of fact 146, 158, and 174

Father also challenges findings of fact 146, 158, and 174, which all address his parenting ability and inability to grasp parenting concepts. Finding 146 states, "[Father] has not been a full-time sole-caregiver; and he struggles with understanding basic parenting information"; finding 158 states that Father took a parenting class and attended the subsequent support group but was unable to "learn the parenting concepts necessary to improve his parenting"; and finding 174 states that Father attended parenting classes but was unable to implement the parenting concepts learned at the class. Father asserts that the trial court incorrectly weighed conflicting evidence regarding the lessons he learned in the parenting class and that the sum of evidence to support these findings was "the social worker's one-word response to a vague question about his progress in the parenting class[.]"

At the termination hearing, after being asked if Father was able to make progress in the parenting class, the social worker responded, "No." The social worker also testified that, although Father participated in the parenting support group, DSS still had not "seen much of a difference" in his parenting ability. Father also testified at the hearing and was unable to clearly articulate anything he learned during the

parenting classes. Further, Father does not challenge finding 159, which states that "[t]he respondent father indicates that in parenting classes he 'learned what he needed to know.' However, he cannot provide specifics as to what he needs to know." Finally, one of the psychological reports admitted at the termination hearing indicates that Father reported Mother was the primary caregiver for the children, and "he has been there to assist but has not frequently engaged in sole-caregiving to the children," except for a few days while Mother was in the hospital. Findings 146, 158, and 174 are supported by clear, cogent, and convincing evidence and further supported by unchallenged finding 159.

6. Findings of Fact 153, 167, and 186

Father next challenges findings of fact 153 and 167, which state:

> 153. Social Worker . . . has tried to discuss the juveniles' needs with the respondent father and to engage the respondent father in the juveniles' care, but the respondent father has not been able to increase his capacity to care for the children.
>
> . . . .
>
> 167. The respondent parents not only lack insight into their own problems, but they also lack insight into the other parent's limitations.

Father again argues that there was no evidence to support these findings because they were solely based on two-year-old psychological reports. We also address Father's challenge to finding 186 here, which states that Father is "not receptive to therapy, which means that [he] [is] not willing to accept instruction on how to improve

[his] mental functioning."

While the evaluations were completed in 2021, the social worker testified at the termination hearing that (1) Father did not make progress in his parenting class; (2) DSS was "basically at the same place we were three years ago" with respect to the neglect of the children; (3) DSS had "tried to have [the parents] in therapy, engage them with the services that the children are involved in, and they've not been receptive"; and (4) there has been no progress in resolving the need for DSS involvement, even though the issues that resulted in the children's removal had been repeatedly discussed with Father. Further, as addressed above regarding findings 146, 158, and 174, Father was unable to grasp basic parenting concepts. Additionally, Father did not challenge findings establishing that Father wanted Mother to remain the children's primary caregiver, even though he was aware of Mother's ongoing issues with her "cognitive and physical functioning," and that he was deferential to Mother with respect to childcare. As noted above, Mother's ongoing mental and physical health concerns and lack of parenting skills supported a conclusion that neglect existed as grounds to terminate her parental rights.

Given this evidence and both the trial court's unchallenged and supported findings, the trial court did not err by finding that Father had not increased his parenting capacity and did not recognize his own or Mother's limitations. Findings 153 and 167 are sufficiently supported by clear, cogent, and convincing evidence. Furthermore, as addressed by the findings above discussing Father's lackluster

engagement in substance abuse therapy and the social worker's direct testimony that Father was not receptive to therapy, finding 186 is supported by clear, cogent, and convincing evidence.

7. Finding 171

Father also challenges finding 171, which states, "The respondent father lacks stable housing. He resides with his mother." The social worker testified that Father's housing is unstable, and that Father reported to DSS that he lives with his mother. Father did not object to or refute the social worker's testimony. This finding is supported by clear, cogent, and convincing evidence.

8. Finding of Fact 198

Father next challenges finding of fact 198, which states in relevant part, "[F]ather does not see any deficiencies in himself or the respondent mother. This lack of insight indicates a conscious decision to fail to appreciate deficiencies this [c]ourt identified previously and ordered the respondents to correct." Father asserts this finding is unsupported because of the existence of his contrary testimony regarding substance abuse treatment. Father further asserts the second sentence of finding 198 is "incoherent" because a "failure to appreciate problems and a lack of insight does not show intent."

When asked why the children could not yet return to the home, Father testified that the barrier to reunification between him and his children was Mother's lack of a home. Father also testified that Mother's medical problems were not a barrier to

childcare; Mother "got a note from the doctor stating that it's not the medical problem that concerned to take care of the kids, she's got a disease called staticus in her legs" that caused Mother's inability to care for the children.[4] Father further testified that he thought the children could go home with Mother and that Mother could always take care of the children. However, the evidence presented at the termination hearing and the findings of fact in the adjudicatory order are replete with examples of Mother's mental and physical health conditions rendering her unable to care for the children. Further, as addressed at length above, Father has no insight into his own deficiencies because he has failed to engage in remedial services.[5] This clear, cogent, and convincing evidence supports the first sentence of finding 198. Moreover, Father's inability to identify any of his own or Mother's deficiencies further supports the first sentence of finding 198.[6]

As to the "incoherent" second sentence in finding 198, we agree that the trial court's phrasing of this finding is not particularly clear. However, even assuming this portion of the finding is unsupported, it is ultimately unnecessary to our review of the Adjudicatory Order. *See In re A.B.C.*, 374 N.C. at 757, 844 S.E.2d at 907.

9. Conclusions of Neglect

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[4] A review of the record, including Mother's various evaluations, reveals no diagnosis or other use of the word "staticus."

[5] Finding 142 is omitted because it is duplicative of other findings discussed herein; it states that Father does not understand his limitations and has no desire to eliminate his limitations.

[6] Finding 168 is also omitted because it is, in part, duplicative of the findings addressing Father's insight into his own and Mother's limitations and, in part, unnecessary to upholding the termination of his parental rights. *See In re A.B.C.*, 374 N.C. at 757, 844 S.E.2d at 907.

As to grounds for termination, we need only discuss grounds under N.C. Gen. Stat. § 7B-1111(a)(1). *See In re N.T.U.*, 234 N.C. App. at 733, 760 S.E.2d at 57.

Similar to Mother's appeal, Father did not challenge any findings detailing the prior neglect of the children. These findings are binding on appeal, *see In re C.M.P.*, 254 N.C. App. at 654, 803 S.E.2d at 858, and support the court's conclusion that the children were previously neglected. *See In re V.S.*, 380 N.C. at 822, 869 S.E.2d at 701.

As to "a likelihood of future neglect of the child[ren] by" Father, *id.*, the supported findings of fact above and the trial court's unchallenged findings establish that (1) Father lacked insight into his children's mental health needs; (2) Father was diagnosed with "Cyclothymic Disorder[,]" "Alcohol Dependency, Poly-Substance Abuse and Paranoid Personality Disorder[,]" and had inadequately addressed his diagnoses by failing to attend a twelve-step alcohol abstinence program, inconsistently attending substance abuse therapy, and failing to seek mental health therapy; (3) the risk factors identified by the psychological assessment provider "are persistent and w[ould] continue into the foreseeable future despite Social Worker . . . working with the respondent father to eliminate them"; (4) "[F]ather has not been able to increase his capacity to care for the children"; (5) Father attended a parenting class "designed to increase his understanding of child development and the need for consistent care" but was incapable of articulating anything he learned in parenting classes and was unable to implement concepts he learned; (6) Father not only lacked

insight into his own issues, but Mother's issues as well; and (7) Father lacked stable housing. As in Mother's appeal, these findings support the trial court's conclusions that there was a likelihood of future neglect. *See In re M.S.E.*, 378 N.C. at 58-59, 859 S.E.2d at 210-11; *In re C.M.P.*, 254 N.C. App. at 660, 803 S.E.2d at 861.

The trial court's findings are supported by clear, cogent, and convincing evidence, and in turn support its conclusions of law that the children were neglected and such neglect would continue in the future. *See In re V.S.*, 380 N.C. at 822, 869 S.E.2d at 701. The Adjudicatory Order is affirmed.

IV. Disposition

Mother also appealed from the Dispositional Order. Mother challenges two dispositional findings and contends that the trial court abused its discretion in determining that it was in the children's best interests to terminate her parental rights.

At the dispositional stage, "the court shall determine whether terminating the parent's rights is in the juvenile's best interest." N.C. Gen. Stat. § 7B-1110(a) (2021). The trial court must consider and make written findings on statutorily-defined criteria, if relevant, including:

> (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.

Id.

Mother first challenges the evidentiary support for finding of fact 1, which incorporates the adjudicatory findings, and asserts that she challenges the incorporated findings to the same extent as she challenges the adjudicatory findings as addressed above. We have already resolved these challenges above, and do not repeat that discussion here.

Mother also challenges finding of fact 32, which states, "There is a high likelihood that [DSS] will be able to identify an adoptive home for [Sarah] as she has the ability to bond with her caretakers." Mother highlights contradictory evidence to argue that finding 32 is unsupported by competent evidence.

Here, there was competent evidence to support finding 32. During the dispositional phase of the termination hearing, the trial court directly examined the social worker and asked her to describe Sarah's bond with her previous and current placements. The social worker testified that Sarah had "loved" her previous foster parent, but Sarah's placement was changed because the foster parent passed away. Sarah was able to bond with that caretaker, and simply had not yet had the time to bond with her new caretakers because she had only been moved approximately one month before the termination hearing. The trial court also admitted into evidence a

GAL court report stating "[Sarah] was recently moved to a new foster home after the death of her previous foster mother. However, based on [the GAL's] experience, there is a likelihood that [DSS] can identify a permanent placement for her if her current foster parents choose not to" adopt her. This evidence supports that Sarah has the ability to bond with her caretakers and that DSS would be able to find an adoptive home. Finding 32 is supported by competent evidence.

We next address the court's best interest determination. Mother does not challenge whether the trial court properly considered the dispositional factors set out in N.C. Gen. Stat. § 7B-1110(a), but instead argues that the trial court abused its discretion because (1) the trial court failed to adequately consider the children's contact with Mother, including whether contact with her was detrimental to the children's wellbeing, and (2) the trial court failed to adequately consider whether it was in the children's best interests to maintain their sibling relationship.

As to parent-child contact, the trial court expressly found that "[c]ontact with the biological parents is detrimental to the juveniles' mental health, which results in them having adverse behaviors." The trial court further found that "[t]here were no negative effects to the juveniles when visitation with the biological parents was reduced." The trial court adequately considered the children's contact with Mother.

As to the children's sibling relationship, the court found that: "[p]reviously, [Sarah] was placed with [Iris and Irene's foster mother] with whom her siblings are placed[,] [but] [t]hat placement disrupted due to the juvenile's behaviors"; Iris and

Irene's foster mother "indicated a willingness to allow [Iris] and [Irene] to have continued contact with their biological parents and siblings"; "[t]he [c]ourt is aware that the juveniles are not placed together[,] [h]owever, the juveniles have not been placed together for some time"; "[t]he juveniles have ongoing contact with one another, but [Iris] and [Irene] are currently happy with their living situation, with [Sarah] not residing in the home"; and "[i]t would be a travesty to destroy [Iris] and [Irene's] current home and real chance at permanency to engage in a social experiment to find them another placement residing with their sister when no such placement is readily available." The trial court thoroughly considered the children's sibling relationship and how that relationship bore on the children's best interests.

Thus, the trial court did not abuse its discretion in determining Mother's parental rights should be terminated.

V. Conclusion

The trial court's adjudicatory findings of fact are supported by clear, cogent, and convincing evidence, and those findings support its conclusions of law that grounds existed to terminate both parents' parental rights for neglect pursuant to N.C. Gen. Stat. § 7B-1111(a)(1). The trial court's dispositional findings were supported by competent evidence, and the trial court's determination that termination was in the children's best interests was not an abuse of discretion. The Adjudicatory Order and Dispositional Order are affirmed.

AFFIRMED.

Panel consisting of:

Judges MURPHY, COLLINS, and HAMPSON.

Report per Rule 30(e).