NO. COA01-374

NORTH CAROLINA COURT OF APPEALS

Filed: 19 March 2002

IN THE MATTER OF:
ISAAC DEMARIUS QUICK, JOHN MONTAE QUICK, MICHAEL ANTHONY QUICK, JODI KENOYA QUICK, MARILYN IESHIA MCQUEEN, SHAQUANYA JEANETTE MCQUEEN

Harnett County
Nos. 97 J 12, 13, 14, 15, 16, 17

Appeal by respondents Jeanette Quick, John Quick and Jodi Gornik from orders entered 1 December 2000 by Judge Frank Lanier in Harnett County Juvenile District Court. Heard in the Court of Appeals 27 November 2001.

Mark A. Key for John Quick respondent appellant.

Johnson and Johnson, P.A., by Rebecca J. Davidson, for Jeanette Quick respondent appellant.

Duncan B. McCormick for Jodi Gornik respondent appellant.

Jennifer S. O'Connor for Harnett County Department of Social Services petitioner appellee.

Harrington, Ward, Gilleland & Winstead, L.L.P., by Eddie S. Winstead, III, Guardian ad Litem in the Appeal of John Quick, Jeanette Quick and Jodi Gornik.

McCULLOUGH, Judge.

Respondents Jeanette Quick, John Quick, and Jodi Gornik appeal from orders terminating their parental rights. Jeanette Quick and John Quick are the natural parents of four minor children: Shaquanya Jeanette McQueen, born on 4 March 1988; John Montae

Quick, born on 23 June 1989; Marilyn Ieshia McQueen, born on 22 September 1992; and Isaac Demarius Quick, born on 15 January 1993.[1] At the time the children were taken into the custody of the Harnett County Department of Social Services (DSS), John and Jeanette Quick were still married, but separated. John Quick lived with his girlfriend, Jodi Gornik, in a two-bedroom trailer; the couple cared for four of John Quick's children, as well as their own son and daughter. Jodi Gornik and John Quick are the natural parents of two minor children: Michael Anthony Quick, born on 22 March 1995; and Jodi Kenoya Quick, born on 7 April 1996.[2] On 6 February 1997, the trial court entered non-secure orders giving (DSS) custody of all six children based on allegations of abuse and neglect. On 18 April 1997, the children were adjudicated to be abused and neglected juveniles. On 21 March 2000, DSS filed petitions to terminate the parental rights of John Quick and Jeanette Quick to Shaquanya McQueen, John Quick, Marilyn McQueen, and Isaac Quick. On the same date, DSS also filed petitions to terminate the parental rights of John Quick and Jodi Gornik to Michael Quick and Kenoya Quick.

At the adjudication hearing on 18 April 1997, DSS presented evidence that it had been involved with the children and their parents since 1995. When DSS workers made home visits, the

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[1]John Quick and Jeanette Quick are also the natural parents of two other children, who are not subjects of this appeal.

[2]John Quick and Jodi Gornik are also the natural parents of another child, who is not a subject of this appeal.

children were often dirty and wore ill-fitting and soiled clothing. The children were unusually quiet and did not speak or interact with DSS personnel unless given permission to do so by their parents. The children were often seen sitting on the floor, instead of on the furniture, though this situation was not observed if DSS workers happened to visit the home when other visitors were present.

Between 1995 and the time the children were removed from their home in 1997, DSS received four reports that the five oldest children were improperly disciplined by their primary caretakers, John Quick and Jodi Gornik, and had numerous marks and bruises upon their bodies; the reports also alleged that the parents could not adequately provide for the needs of the children. In early February 1997, DSS received a report that Michael Quick had several suspicious marks upon his body. After investigating the report, DSS substantiated the allegations and removed Michael and his five brothers and sisters from the home of John Quick and Jodi Gornik.

DSS presented detailed evidence regarding the numerous cuts, bruises, and scars that each of the five oldest children had upon their bodies. Pediatricians Dr. Sharon W. Cooper and Dr. Howard M. Loughlin testified as experts in the field of the diagnosis and treatment of abused and neglected children. Dr. Cooper recounted the following injuries: Shaquanya had two old bruises on her left flank (in the shape of a shoe heel), two 2-centimeter old burns on her right inner forearm, two old bruises and an old burn on her

left arm, a 2-centimeter oval bruise on her left arm, multiple old bruises and newer swollen hematomas on both her legs, and numerous old linear scars on her cheeks and forehead. John had multiple hyper-pigmented lesions on his face and back; there was also evidence that he had been hit with a shoe. Marilyn had a 3-centimeter old abrasion, a 5-centimeter scar, a 0.5 x 0.75 scratched "X" on her right shoulder, numerous cut and scratch marks, curvilinear blue bruises on her left superior iliac crest, a 7-centimeter healing abrasion on her right flank, two 2.5-centimeter longitudinal healed bruises on her right inner thigh, a 2-centimeter deep laceration on the dorsum of her left hand, hyper-pigmented knuckles and knees (due to forced crawling on fists for disciplinary purposes), a 2.5-centimeter right wide healed hyper-trophic scar in the hypomalar region of the cheek (inflicted by a knife), multiple old linear cuts to her face, and two belt buckle marks on her thigh. Isaac had a 3-centimeter purple-colored linear scar under his chin, multiple hyper-pigmented areas on his body, five scars on his buttocks, two scars on his lower back, a burn mark on his lower right buttocks, a 7-centimeter pink scar on his left foot, brown maculas on his right chest, pink centered hyper-pigmented areas on his left arm, a skin thickened hyper-pigmented area on some of his knuckles, and scars on both his thighs. Michael had several hyper-pigmented markings on his lower back and forehead. There was also evidence that he had been hit with a toy race track, which left scars on his left arm, left leg, and lower

back. While Kenoya did not have any physical injuries, DSS pointed out that she lived in a home with her five siblings, who were subjected to serious physical abuse.

At the conclusion of the evidence, the trial court made the following findings of fact:

> a. Five of the six children, to wit: Shaquanya, John, Marilyn, Isaac and Michael have been subjected to one or more methods of inappropriate discipline by respondents John Quick and Jodi Gornik to include:
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> 1. Beatings resulting in cuts, burns, bruises, and scars upon various parts of their bodies having been caused by means other than accidental.
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> 2. Forced sitting on the floor in Indian style position for long periods of time.
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> 3. Forced crawling on fists (knuckles) and knees.
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> * * * *
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> g. That some of the foregoing injuries to the juveniles were inflicted as a procedure to modify behavior and that said acts were not the result of accidental means.
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> * * * *
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> l. The respondent parents allowed the juveniles to live in an environment in which the juvenile [was] being inappropriately disciplined and such environment created or allowed to be created a substantial risk of serious physical injury to the children other than by accidental means.
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> m. The injuries inflicted upon the juveniles are evidence of serious physical injury other than by accidental means; said actions created or allowed to be created a substantial risk of serious injury to the juveniles by other than accidental means; and

> the parents did not take appropriate steps to protect the juveniles.
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> n. The actions of using inappropriate devises [sic] and procedures to modify behavior together with the serious bodily injuries inflicted upon the juveniles have created or allowed to be created serious emotional damage to the children and the same is evidenced by the children's actions of being withdrawn and uncommunicative and later involved in aggressive behavior.
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> * * * *
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> q. None of said juveniles were involved in any special endeavor to address any developmental delays. The respondent father receives food stamps, WIC and medical benefits for said children. The respondent father receives a $300 monthly benefit from AFDC for juveniles Michael, Keyona [sic] and Shaquanya. Juveniles John, Isaac, and Marilyn are bed wetters and the respondent father was taking no appropriate action to address said condition.
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> r. Several of the scars and marks about the juveniles' bodies are permanent and are evidence of a failure to seek appropriate medical attention. These scars and marks about the bodies of said juveniles have been and will continue to be a source of embarrassment to the juveniles and will adversely affect them in the future as playmates and others question them concerning the scars and marks.

The trial court adjudicated the five oldest children, Shaquanya, John, Marilyn, Isaac, and Michael to be abused juveniles, pursuant to N.C. Gen. Stat. § 7B-101(1) (1999). Additionally, the trial court adjudicated the same five children, along with their youngest sister Kenoya, to be neglected juveniles within the meaning of N.C. Gen. Stat. § 7B-101(15).

During the dispositional phase of the hearing, the trial court

determined that

4. The goal of reunification of the juveniles with their parents is deemed to be the appropriate goal and to realize that goal the respondent parents shall do and perform the things hereinafter set forth, to wit:

a. attend parenting classes;

b. participate in a psychological evaluation which shall include appropriate testings for child abuse and other personality characteristics and to follow the recommendations of the evaluator or evaluators.

c. Participate in appropriate counseling for the juveniles to include family counseling if the same is recommended.

d. Obtain and maintain employment.

e. Obtain and maintain adequate housing.

f. Learn appropriate ways to interact with and discipline the juveniles.

g. Learn social, physical and emotional needs of the children.

h. Be involved in the juveniles' treatment plans as deemed appropriate by the petitioner.

i. Report to and cooperate with the petitioner's social worker.

j. Report to the Harnett County Child Support Office within seven days for a determination of child support payments and then make said support payments as deemed appropriate according to the guidelines by the child support agency.

> k. Sign appropriate waivers with professionals rendering services to the parents in order for those professionals to make reports and freely discuss the parents' diagnosis and treatment with petitioner's social worker and the Guardian Ad Litem.

On 6 October 1997, the trial court conducted a review hearing of the case. The trial court heard from Dr. Robert Aiello, who was tendered as an expert in the field of clinical psychology, with specialization in abused and neglected children, and with a specialty in conducting mental health evaluations in adults and children as it relates to the field of clinical psychology. Dr. Aiello conducted psychological evaluations on the respondent parents, and his reports were incorporated by reference as findings in the trial court's order.

Dr. Aiello diagnosed John Quick with mild mental retardation and personality disorders. He recommended that Mr. Quick receive individual counseling with long-term treatment objectives. However, Dr. Aiello also stated that Mr. Quick needed to find a competent, trustworthy person to help him make decisions regarding the children's welfare; without such a person, Dr. Aiello believed the chance of repeated abuse was high.

Dr. Aiello diagnosed Mrs. Quick with borderline intellectual functioning that inhibited her ability to solve complex problems. He recommended that she undergo individual therapy to learn to accept responsibility for her actions and to establish realistic

expectations for her four children. Dr. Aiello further recommended that Mrs. Quick find a competent, trustworthy person to help her in the event her children were returned to her care.

Dr. Aiello diagnosed Ms. Gornik with borderline intellectual functioning, chronic depressive disorder, and personality disorder. He recommended that she undergo therapy to learn to make better decisions for herself and her family. Dr. Aiello further recommended that Ms. Gornik find a competent, trustworthy person to supervise the management of her day-to-day affairs.

The trial court noted that Mr. Quick and Ms. Gornik had a strained relationship but still lived together, even though Dr. Aiello and a social worker told the couple that their cohabitation was in direct conflict with the overall reunification plan. Despite Dr. Aiello's recommendations, Mr. Quick did not follow his treatment recommendations. Mr. Quick was referred to Lee-Harnett Mental Health Center and was assigned a therapist, but attended only one meeting. During that meeting, Mr. Quick lied to his therapist, refused to accept responsibility for his actions toward his children, and blamed others for what happened to his children. He consistently visited his children and interacted well with them, but did not act on parenting issues or resolve conflicts that arose during those visits. Mr. Quick did, however, secure a part-time job at Justin Auto in Benson, North Carolina.

Mrs. Quick missed several visits with her children due to transportation problems. When able to visit, she demonstrated

appropriate expectations and demands of the children, but did not demonstrate parenting skills when large conflicts came up during the visits. Mrs. Quick was able to secure a full-time job at Britthaven Nursing Home in Erwin. According to the trial court, only Mrs. Quick complied with the previous order concerning child support.

Ms. Gornik had several scheduled appointments at Lee-Harnett Mental Health Center, but did not keep those appointments. She consistently visited the children with her mother, Diane Langley. Ms. Gornik worked briefly at the Waffle House in Benson, North Carolina, but quit because she wanted better pay.

At the end of the hearing, the trial court concluded that the children were to remain in the custody of DSS, because returning them to their parents was against their welfare. Michael and Kenoya Quick were placed in the home of Ms. Gornik's mother, Diane Langley. The trial court ordered the parents to refrain from disrupting the plan to reunify the family and instructed them not to threaten, harass or intimidate any of the social workers who worked with their family. The trial court ordered DSS to continue working with the family, and stated that:

> 4. The respondent parents shall continue to cooperate with the social worker and shall follow recommendations as made by Dr. Aiello or the social worker relative to the service plans which were previously established between the social worker and respective parents. The parents shall continue to comply with directives of the Court as heretofore established in orders of the Court.

Another review hearing took place on 17 April 1998. At that time, the trial court relieved DSS of its efforts to reunify the family, though DSS was ordered to create a permanent plan for Mrs. Quick that was separate from the permanent plan for Ms. Gornik and Mr. Quick. With respect to the parents' progress, the trial court made the following findings of fact:

> 12. Respondents John Quick and Jodi Gornick [sic] have continued their relationship despite Dr. Aiello's recommendations. They have been living in the home of Marilyn Quick, sister of John Quick since approximately December of 1997. They are currently not living together.
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> 13. Respondent John Quick has not returned to Lee-Harnett Mental Health, nor is he participating in therapy. He is not paying child support. He reports that he is to begin employment with the city of Raleigh on April 20, 1998. The respondent father testified that he has attended parenting classes; the respondent father did not inform the social worker of his attendance. Said respondent has made no real progress in removing the conditions which led to the removal of his children from his custody and improving his parenting skills.
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> 14. Respondent Jodi Gornick [sic] has not obtained employment, attended counseling or paid any support. Said respondent has made no progress in removing the conditions which led to the removal of the juveniles herein from her care and has done nothing to improve her parental skills.
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> 15. Respondent Jeanette Quick has maintained employment through Britthaven Nursing Home in Erwin since May of 1997. She has obtained health insurance for her children. She states that child support is automatically taken from her paycheck. On April 7, 1998, the respondent mother obtained housing at 511-A East Broad Street in Dunn, NC. This home has three bedrooms.

The trial court ordered that the visitation rights of Mr. Quick and Ms. Gornik be terminated, though Mrs. Quick was still allowed visitation with the children. The goal for Michael and Kenoya Quick was changed to "permanency planning with persons other than the respondent parents." The goal for Shaquanya, John, Marilyn and Isaac was changed to "permanency planning with persons other than the respondent father." DSS was instructed to continue working with Mrs. Quick toward reunification with her children, although the trial court continued to be concerned about Mrs. Quick's psychological evaluation.

At the 9 October 1998 review hearing, the trial court determined that neither Ms. Gornik nor Mr. Quick showed any evidence to persuade the trial court to make reunification their goal. The trial court noted that Mrs. Quick had difficulty dealing with the children during visitations, had been evicted from her home, and was not working. Based on this evidence, the trial court approved a permanent plan in which the children would live separate and apart from Mrs. Quick, and declined to make reunification a goal with regard to Ms. Gornik and Mr. Quick.

At the permanency planning review hearing on 9 May 1999, the trial court approved the continued permanent plan for the six children, which kept them living separate and apart from their parents. The trial court reached the same conclusion at review hearings on 12 November 1999 and 21 January 2000. At the 21 January 2000 hearing, the trial court ordered DSS to proceed with

termination of parental rights for all three parents, and all visitations by the parents with the children were terminated.

The trial court held a hearing to consider termination of respondents' parental rights on 8 and 17 August 2000. At the time of the hearing, Mr. Quick and Ms. Gornik had resumed their relationship and were living together. However, during the time they were apart, Ms. Gornik stayed briefly at a shelter for victims of domestic violence and she made multiple allegations of domestic violence against Mr. Quick.

The trial court found that Mr. Quick did not correct the conditions which prompted DSS to remove the children in the first place, and failed to develop a plan of care for his six children if they were to be returned to him. Specifically, Mr. Quick failed to obtain suitable housing or stable employment, did not follow his treatment recommendations, did not find a competent person to assist him with decision making, did not accept responsibility for the removal of his children, and did not pay child support. The trial court found that Mrs. Quick also failed to correct the conditions which led to the initial removal of her children. Specifically, Mrs. Quick did not maintain suitable housing or stable employment, did not demonstrate appropriate parenting skills during visitation with her children, made unrealistic promises to the children during visitation, did not cooperate with DSS regarding her living situation, did not regularly visit her children, did not participate in therapy, and did not find a person to assist her with her children as Dr. Aiello instructed. Finally,

the trial court found that Ms. Gornik failed to rectify the problems which led to the initial removal of her children. Specifically, Ms. Gornik did not find and maintain stable employment and suitable housing for herself and her family, failed to pay child support, did not participate in therapy, and did not find a suitable person to assist her with decision making as Dr. Aiello suggested.

The trial court reiterated that Shaquanya, John, Marilyn, Isaac and Michael were abused and neglected within the meaning of N.C. Gen. Stat. § 7B-101(1), and that Kenoya was a neglected child within the meaning of N.C. Gen. Stat. § 7B-101(15). The trial court concluded that the children had suffered continued neglect, that the parents willfully failed to pay a reasonable portion of the cost of care for the children while they were in the custody of DSS, and that the children had been out of their parents' homes considerably longer than the twelve-month period set forth in N.C. Gen. Stat. § 7B-1111(a)(2) (1999). After weighing the evidence, the trial court found the existence of two statutory grounds which supported termination of Mrs. Quick's parental rights, three statutory grounds which supported termination of Ms. Gornik's parental rights, and four statutory grounds which supported termination of Mr. Quick's parental rights.

Jeanette Quick's parental rights were terminated based on the following grounds in N.C. Gen. Stat. § 7B-1111(a):

> (1) The parent has abused or neglected the juvenile. The juvenile shall be deemed to be abused or neglected if the court

> finds the juvenile to be an abused juvenile within the meaning of G.S. 7B-101 or a neglected juvenile within the meaning of G.S. 7B-101.
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> (2) The parent has willfully left the juvenile in foster care or placement outside the home for more than 12 months without showing to the satisfaction of the court that reasonable progress under the circumstances has been made within 12 months in correcting those conditions which led to the removal of the juvenile. Provided, however, that no parental rights shall be terminated for the sole reason that the parents are unable to care for the juvenile on account of their poverty.

John Quick's parental rights were terminated based on N.C. Gen. Stat. § 7B-1111(a)(1) and (2), as well as:

> (3) The juvenile has been placed in the custody of a county department of social services, a licensed child-placing agency, a child-caring institution, or a foster home, and the parent, for a continuous period of six months next preceding the filing of the petition, has willfully failed for such period to pay a reasonable portion of the cost of care for the juvenile although physically and financially able to do so.
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> * * * *
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> (6) That the parent is incapable of providing for the proper care and supervision of the juvenile, such that the juvenile is a dependent juvenile within the meaning of G.S. 7B-101, and that there is a reasonable probability that such incapability will continue for the foreseeable future. Incapability under this subdivision may be the result of substance abuse, mental retardation, mental illness, organic brain syndrome, or any other similar cause or condition.

Jodi Gornik's parental rights were terminated based on N.C.

Gen. Stat. § 7B-1111(a)(1), (2) and (3). In addition to the trial court's finding that grounds existed to terminate respondents' parental rights, the trial court also found that it was in the children's best interests to terminate all three parents' rights. On 17 August 2000, the trial court entered six orders terminating the parental rights of Jeanette Quick, John Quick, and Jodi Gornik. The respondent parents appealed.

On appeal, John Quick and Jeanette Quick argue that the trial court erred in finding that grounds existed for termination of their parental rights with respect to the six juveniles. John Quick, Jeanette Quick, and Jodi Gornik argue the trial court erred in finding that it was in the best interests of the children to terminate their parental rights. For the reasons set forth herein, we disagree with respondents' arguments and affirm the orders of the trial court.

Grounds for Termination

A petition for termination of parental rights must be carefully considered in light of all the circumstances and with the children's best interests firmly in mind. "Although severing parental ties is a harsh judicial remedy, the best interests of the children must be considered paramount." *In re Adcock*, 69 N.C. App. 222, 227, 316 S.E.2d 347, 350 (1984). Termination of parental rights is a two-step procedure. N.C. Gen. Stat. § 7B-1109 (1999); N.C. Gen. Stat. § 7B-1110 (1999). During the initial adjudication phase of the trial, the petitioner seeking termination must show by clear, cogent, and convincing evidence that grounds exist to

terminate parental rights. *In re Young*, 346 N.C. 244, 247, 485 S.E.2d 612, 614 (1997); N.C. Gen. Stat. § 7B-1111(b). A finding of any one of those grounds is sufficient to support termination of parental rights. *In re Williamson*, 91 N.C. App. 668, 678, 373 S.E.2d 317, 322-23 (1988). If the petitioner succeeds in establishing the existence of any one of the statutory grounds listed in N.C. Gen. Stat. § 7B-1111, the trial court moves to the second -- or dispositional -- stage, where it determines "whether it is in the best interests of the child to terminate the parental rights." *Young*, 346 N.C. at 247, 485 S.E.2d at 615. *See also* N.C. Gen. Stat. § 7B-1110(a); and *In re Blackburn*, 142 N.C. App. 607, 543 S.E.2d 906 (2001).

"The standard for review in termination of parental rights cases is whether the findings of fact are supported by clear, cogent and convincing evidence and whether these findings, in turn, support the conclusions of law." *In re Clark*, 72 N.C. App. 118, 124, 323 S.E.2d 754, 758 (1984). *See also In re Huff,* 140 N.C. App. 288, 536 S.E.2d 838 (2000), *appeal dismissed, disc. review denied,* 353 N.C. 374, 547 S.E.2d 9 (2001). If the petitioner meets its burden, and the trial court's findings of fact support any one of the grounds in N.C. Gen. Stat. § 7B-1111, we should affirm the order terminating the parent's rights. *See In re Swisher*, 74 N.C. App. 239, 240, 328 S.E.2d 33, 35 (1985) (stating this standard with regard to N.C. Gen. Stat. § 7A-289.32 (1995), which was repealed by N.C. Sess. Laws 1998-202, s. 5, effective 1 July 1999; see now N.C. Gen. Stat. § 7B-1111 (1999)). We now address each respondent in

turn.

(a) John Quick

The trial court concluded there were four grounds for terminating John Quick's parental rights: N.C. Gen. Stat. § 7B-1111(a)(1) (abuse or neglect of the juvenile), -(a)(2) (willfully leaving the juvenile in foster care for over twelve months without showing reasonable progress toward correcting the conditions which led to removal of the juvenile from the home), -(a)(3) (willfully failing to pay a reasonable portion of the cost of care for a juvenile who has been placed in custody, though the parent is physically and financially able to pay), and -(a)(6) (inability to care for and supervise a dependent juvenile, with a reasonable probability that such incapability will continue for the foreseeable future).

N.C. Gen. Stat. § 7B-1111(a)(2) permits termination of parental rights when the parent fails within twelve months to make reasonable progress toward rectifying the conditions which led to the initial removal of the children and their placement in foster care. Mr. Quick argues the trial court erred in finding that he failed to make reasonable progress on his reunification plan after the children were adjudicated abused and neglected. We disagree.

The record clearly indicates that all six of Mr. Quick's children were placed in the custody of DSS in 1997. Thus, by the time the termination of parental rights hearing took place in August 2000, the children had been in foster care for over three years. The trial court found that, at the time of the termination

hearing, Mr. Quick failed to correct the conditions which prompted DSS to remove the children in the first place. Against the advice of DSS and Dr. Aiello, Mr. Quick continued to live with Ms. Gornik and entrusted her with the care of the children, even though he told his therapist that Ms. Gornik was the person who harmed the children. Mr. Quick was unable to obtain suitable housing and could not maintain stable employment, though the trial court repeatedly told Mr. Quick he needed to accomplish both those goals in order to regain custody of his children. Mr. Quick also failed to follow his treatment recommendations. Though he had several appointments at Lee-Harnett Mental Health, he only attended one screening session. At that session, he lied to his therapist, refused to accept responsibility for the harm that befell his children, and continued to deny that he needed therapy. He did not find a competent person to assist him with decision making, as Dr. Aiello told him. Finally, Mr. Quick did not pay child support.

We have previously stated the burden for a parent seeking to show reasonable progress:

> Extremely limited progress is not reasonable progress. *See Bishop*, 92 N.C. App. at 670, 375 S.E.2d at 681. Further, respondent has not shown a "positive response" to DSS's efforts to help her in improving her situation. Implicit in the meaning of positive response is that not only must positive efforts be made towards improving the situation, but that these efforts are obtaining or have obtained positive results.

In re Nolen, 117 N.C. App. 693, 700, 453 S.E.2d 220, 224-25 (1995). This standard operates as a safeguard for the children; if we did not require parents to show both positive efforts *and* positive

results, "a parent could forestall termination proceedings indefinitely by making sporadic efforts for that purpose." *Id.* at 700, 453 S.E.2d at 225. *See also In re Brim*, 139 N.C. App. 733, 743, 535 S.E.2d 367, 373 (2000) (mother who exhibited positive efforts by participating in counseling and taking medication still failed to show positive results, because she "continued to harass [her son's] caretakers, failed to demonstrate financial responsibility, could not focus properly on [her son's] needs, missed scheduled visitations, and did not keep DSS informed of changes in her circumstances").

Similarly, while Mr. Quick has attempted to improve his parenting skills and become an appropriate parent to his six children, there have been no significant positive results which would support his regaining custody of the children. The trial court considered the evidence regarding Mr. Quick's sporadic employment, his resistance to therapy, his unwillingness to accept responsibility, and his refusal to follow Dr. Aiello's recommendations. The trial court concluded that Mr. Quick had not made reasonable progress within the meaning of N.C. Gen. Stat. § 7B-1111(a)(2). We hold that the trial court's conclusion is fully supported by the findings of fact, which are in turn supported by clear, cogent, and convincing evidence.

In light of our holding, we need not consider the other three grounds enumerated by the trial court as additional grounds for termination of Mr. Quick's parental rights. *See In re Taylor*, 97 N.C. App. 57, 64, 387 S.E.2d 230, 233-34 (1990) (stating that a

finding of any one of the separately enumerated grounds is sufficient to support a termination).

(b) Jeanette Quick

The trial court concluded there were two grounds for terminating Jeanette Quick's parental rights: N.C. Gen. Stat. § 7B-1111(a)(1) (abuse or neglect of the juvenile), and -(a)(2) (willfully leaving the juvenile in foster care for over twelve months without showing reasonable progress toward correcting the conditions which led to removal of the juvenile from the home). Like John Quick, Mrs. Quick argues the trial court erred in finding that she failed to make reasonable progress on her reunification plan after the children were adjudicated abused and neglected. Again, we disagree.

It is undisputed that the children were taken into DSS custody in February 1997, and were in foster care for over three years at the time of the termination hearing. The trial court found that, at the time of the termination hearing, Mrs. Quick still failed to correct the conditions which prompted DSS to remove the children in the first place. Though at one time Mrs. Quick lived in a three-bedroom home in Dunn, North Carolina, she did not maintain that housing at the time of the termination hearing. Mrs. Quick also lost her job at Britthaven Nursing Home and did not have stable employment at the time of the termination hearing. Mrs. Quick did not attend all her scheduled visitations with her children; when she did visit, Mrs. Quick made unrealistic promises to the children, did not demonstrate appropriate parenting skills, and was

unable to resolve conflicts. Mrs. Quick also failed to fully cooperate with DSS regarding her living situation. Like Mr. Quick, Mrs. Quick had scheduled therapy sessions at Lee-Harnett Mental Health. However, she did not participate in therapy and did not find a person to assist her with her children as Dr. Aiello instructed.

While Mrs. Quick initially made some positive efforts in locating housing and employment and paying child support, those efforts did not culminate in positive results. The trial court concluded that Mrs. Quick had not made reasonable progress within the meaning of N.C. Gen. Stat. § 7B-1111(a)(2). We hold that the trial court's conclusion is fully supported by the findings of fact, which are in turn supported by clear, cogent, and convincing evidence. Once again, in light of our holding, we need not consider the other grounds enumerated by the trial court as additional grounds for termination of Mrs. Quick's parental rights. *See Taylor*, 97 N.C. App. 57, 387 S.E.2d 230.

(c) Jodi Gornik

The trial court concluded there were three grounds for terminating Jodi Gornik's parental rights: N.C. Gen. Stat. § 7B-1111(a)(1) (abuse or neglect of the juvenile), -(a)(2) (willfully leaving the juvenile in foster care for over twelve months without showing reasonable progress toward correcting the conditions which led to removal of the juvenile from the home), and -(a)(3) (willfully failing to pay a reasonable portion of the cost of care for a juvenile who has been placed in custody, though the parent is

physically and financially able to pay).

Careful examination of the record reveals Ms. Gornik admitted that she willfully failed to pay a reasonable portion of the cost of care for her children who were in foster care, though she was physically and financially able to do so. As Ms. Gornik has not appealed this issue, we need not review it. Once again, in light of our holding, we need not consider the other grounds enumerated by the trial court as additional grounds for termination of Ms. Gornik's parental rights. *See Taylor*.

Best Interests

All three parents argue the trial court erred in determining it was in the best interests of the children to terminate their parental rights. We do not agree. "Once a petitioner meets its burden of proof at the adjudicatory stage, the court's decision to terminate the parental rights is discretionary." *In re Parker*, 90 N.C. App. 423, 430, 368 S.E.2d 879, 884 (1988). *See also In re Leftwich*, 135 N.C. App. 67, 518 S.E.2d 799 (1999); and *In re Montgomery*, 311 N.C. 101, 316 S.E.2d 246 (1984).

N.C. Gen. Stat. § 7B-1110(a) balances the need for stability in a child's life with the desire to keep the biological family intact. N.C. Gen. Stat. § 7B-1110(a) states that

> [s]hould the court determine that any one or more of the conditions authorizing a termination of the parental rights of a parent exist, the court *shall* issue an order terminating the parental rights of such parent with respect to the juvenile *unless* the court shall further determine that the best interests of the juvenile require that the parental rights of the parent not be

terminated.

(Emphasis added.) Here, the trial court conducted numerous review and permanency planning hearings. The trial court stated that its initial goal was reunification of the family. However, as time passed, the parents failed to fully comply with the trial court's requirements. These developments forced the trial court to order that the children live separate and apart from their parents. The trial court considered the efforts made by the parents to become appropriate parents, but expressly found that reunification was not a realistic option for the family. In reaching that decision, the trial court considered the evidence, accorded more weight to the evidence presented by the petitioner, and made findings of fact that supported terminating all three respondents' parental rights.

We recognize that "the fundamental principle underlying North Carolina's approach to controversies involving child neglect and custody[] [is] that the best interest of the child is the polar star." *Montgomery*, 311 N.C. at 109, 316 S.E.2d at 251. The children have improved behaviorally and emotionally since leaving their parents' care. They have been happy in their foster placements and continue to make positive strides. All three respondent parents have had a significant amount of time in which to make reasonable progress, but have failed to make the progress necessary to reunite with their children. While the decision to terminate a parent's rights should never be made lightly, it is not in the best interests of the children of abuse and neglect to require that they remain indefinitely in foster care in hopes of

eventual reunification with a parent.

The sum total of this evidence supports the trial court's findings of fact and conclusions of law; moreover, there is nothing in the record which requires us to upset the exercise of the trial court's discretion. *See King v. Allen*, 25 N.C. App. 90, 92, 212 S.E.2d 396, 397, *cert. denied*, 287 N.C. 259, 214 S.E.2d 431 (1975) (stating that so long as there is competent evidence to support the trial court's findings of fact, its determination regarding the child's best interests cannot be upset absent a manifest abuse of discretion).

We have carefully reviewed the remaining arguments and contentions of respondents and find them meritless. The trial court's orders terminating the parental rights of John Quick and Jeanette Quick as to Shaquanya McQueen, John Quick, Marilyn McQueen, and Isaac Quick are affirmed. Likewise, the trial court's orders terminating the parental rights of John Quick and Jodi Gornik to Michael Quick and Kenoya Quick are affirmed.

Affirmed.

Judges GREENE and CAMPBELL concur.

Report per Rule 30(e).