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NO. COA01-484

NORTH CAROLINA COURT OF APPEALS

Filed: 16 April 2002

IN THE MATTER OF:
JOSHUA EDWARD MORRIS,
CHRISTINA DAWN PEELER,
JENNIFER LYNN PEELER
and
AMELIA LEANN VELASCO

Mecklenburg County
Nos. 00-J-117, 118,
119, 120

Appeal by respondents Bonnie Velasco, Alvarino Velasco and Lewis Peeler from order entered 28 November 2000 by Judge Louis A. Trosch, Jr., in Mecklenburg County District Court. Heard in the Court of Appeals 7 January 2002.

Associate County Attorney Connelia Houston for Mecklenburg County Department of Social Services petitioner appellee.

The Fuller Law Firm, by Trevor M. Fuller for Lewis Peeler respondent appellant.

Leslie C. Rawls for Bonnie Velasco respondent appellant.

No brief filed for Alvarino Velasco respondent appellant.

McCULLOUGH, Judge.

Respondents Bonnie Velasco, Alvarino Velasco and Lewis Peeler appeal from orders terminating their parental rights. Mrs. Velasco is the mother of four minor children: Joshua Edward Morris, born on 11 August 1984; Christina Dawn Peeler, born on 21 February 1988; Jennifer Lynn Peeler, born on 16 March 1992; and Amelia Leann Velasco, born on 14 November 1997. Mr. Peeler is the father of

Christina and Jennifer. Mr. Velasco is the father of Amelia. Paternity has not been conclusively determined for Joshua; the two putative fathers are John Milam and Billy J. Morris. At the time the children were taken into DSS custody, Bonnie and Alvarino Velasco were married and lived together in Mecklenburg County, North Carolina. On 3 September 1998, the trial court entered non-secure orders giving the Mecklenburg County Department of Social Services (DSS) custody of the four children based on allegations of abuse. On 5 November 1998, the children were adjudicated to be neglected and dependent juveniles. A dispositional hearing was held on 8 December 1998. On 8 February 2000, DSS filed petitions to terminate the parental rights of Bonnie Velasco as to Joshua, Christina, Jennifer, and Amelia. On the same date, DSS also filed petitions to terminate the parental rights of Lewis Peeler as to Christina and Jennifer; of Alvarino Velasco as to Amelia; and of Billy Morris and John Milam as to Joshua. Bonnie Velasco, Alvarino Velasco, and Lewis Peeler appealed.

At the adjudication hearing on 5 November 1998, DSS and its division of Youth and Family Services (YFS) presented evidence that it had been involved with the children and their parents since 1993. Allegations of abuse were substantiated on 6 October 1997 and 14 March 1998. DSS also investigated an allegation of sexual abuse on 16 August 1998. The three oldest children, Joshua, Christina and Jennifer, moved repeatedly between the residences of Mr. and Mrs. Velasco and Mr. Peeler. DSS caseworkers determined that Mr. Peeler's home was unsuitable for the children because it

was roach infested and filthy. Mr. and Mrs. Velasco's home was also unsuitable, because Mrs. Velasco hit the children with a belt, and the children developed head lice after staying at the Velasco home. Both Mr. Peeler and Mrs. Velasco admitted to smoking marijuana. Christina Peeler also stated that Mr. Velasco sexually molested her while her mother was away from the home; according to Christina, her mother "didn't believe me and hit me in the face for lying." According to workers at a domestic violence assessment organization, Mr. Peeler scored "off the charts" with regard to lethality. DSS offered services to the family on numerous occasions, but reported that its efforts met with little or no success. DSS also expressed concern for the children and believed reunification was not in the children's best interests.

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

9. [YFS investigator] Ms. Tate-Williams was investigating a referral that Christina had been sexually molested by Mr. Velasco. On the date of the trial, YFS completed its investigation and determined this report was unfounded.
10. During the course of this investigation, Ms. Tate-Williams visited the homes of both Mr. Peeler and Mrs. Velasco. Ms. Tate-Williams witnessed the father's residence was filthy.
11. Mr. Peeler's kitchen was roach infested and there were even roaches inside the refrigerator. In addition to roaches and clutter in the kitchen, Ms. Tate-Williams noticed the girls' bed had very dirty and discolored sheets.
12. Ms. Tate-Williams observed bruises on Jennifer's arms and legs.
13. Ms. Tate[-]Williams testified Christina and

Jennifer suffered from head lice and missed a week of school because of parental indifference and the head lice.

14. Mrs. Velasco acknowledged to Ms. Tate-Williams she hit Jennifer with a belt, causing bruises but said this was an isolated incident and she would not repeat this.

* * * *

17. On August 20, 1998, while she was talking with Ms. Velasco on the telephone, Mrs. Velasco stated she and Mr. Peeler smoked marijuana.

18. Mrs. Velasco acknowledged spending approximately \$50 per month on marijuana and she stated Mr. Peeler spent between \$500 and \$600 a month on marijuana.

* * * *

31. Mr. Peeler denied he had recently smoked marijuana and stated he had not smoked marijuana since his military service in Vietnam in the early 1970's. The Court does not find his denial of drug use to be credible.

32. Mr. Peeler has a lengthy arrest record, most of which involve assault and other crimes of violence.

* * * *

34. When the girls came into [his] house, [Mr. Peeler] noticed both had bruises on or about their legs.

35. He asked the girls what had happened to them and they stated their mother had beaten them with a belt.

* * * *

40. Mr. Peeler denied the girls slept on dirty sheets when they came to visit him.

* * * *

45. The Court finds the children are neglected because they live in an environment injurious to their health and do not receive proper care, supervision or discipline.

46. The Court finds the children are dependent because they are in need of placement or assistance.

47. The Court makes these findings by clear and convincing evidence.

* * * *

49. At this time, the children's continuation in or return to their home is contrary to their best interest.

The trial court concluded all four children were neglected and dependent, and that "[i]t is in the children's best interest to remain in the legal custody of YFS with placement in foster care." The children were placed in foster care, and supervised visits between all parents and their respective children were ordered. Mr. Peeler was also allowed to visit Joshua.

During the dispositional hearing, the trial court determined the issues to be resolved in the case were "alleged sexual and/or physical abuse, issues of alleged substance abuse, and issues involving appropriate parenting skills." The case plan documented that "Mr. Peeler and Ms. Velasco express their love for their children and want them returned to their custody. Jennifer, Christina and Joshua express a desire to return home. Ms. Velasco has expressed a willingness to cooperate with YFS." The trial court fully incorporated the DSS case plan, but amended it to (1) include Mr. Velasco (as it had omitted him before) and (2) include more specificity as to what Mrs. Velasco was required to do. The trial court stated the permanent plan was reunification of the family. While visitation was desirable, "[a]t this time, the children's return to their home is contrary to their best

interest."

The trial court ordered that the children remain in foster care under the supervision of YFS, with supervised visitation under specified conditions. As directed by the case plan, Mrs. Velasco was to go to the family center for an intake appointment; learn appropriate parenting skills by completing parenting classes and cooperating with any other services recommended by the family center; demonstrate an ability to appropriately discipline, supervise and care for her children; attend appointments to complete her psychological evaluation and comply with the recommendations of the evaluations; undergo a drug assessment and comply with any recommendations; maintain sobriety; and submit to random drug tests if requested by YFS.

According to the trial court and the DSS case plan, Mr. Peeler was to undergo a psychological evaluation; attend appointments to complete his psychological evaluation and comply with the recommendations of the evaluations; attend a domestic violence program; submit to a drug assessment and comply with any recommendations; maintain sobriety; and submit to random drug tests if requested by YFS.

At the 1 April 1999 review hearing, the trial court noted that Mrs. Velasco had completed parenting classes and her psychological evaluation, and had a job. However, the trial court also noted that

3. The following remains to be accomplished before reunification can be achieved.

- a. The mother needs to follow through with her therapy appointments.
- b. The mother has financial difficulties, i.e. paying rent.
- c. The mother has changed jobs twice since the last court hearing on December 8, 1998.
- d. The mother needs to complete the domestic violence assessment.
- e. Alvarino Velasco refuses to sign a case plan.
- f. Louis [sic] Peeler has made no progress on the case plan.

Mr. and Mrs. Velasco had financial problems and twice asked YFS for money to pay their rent. Mrs. Velasco missed at least two domestic violence assessment appointments, did not appear to pay child support though she was employed, and did not understand the gravity of her daughter Christina's anxiety regarding possible sexual molestation by Mr. Velasco. A YFS social worker, Ms. Susan Miller, supervised multiple visits between Mrs. Velasco and her children. Ms. Miller stated that Mrs. Velasco expressed a desire to regain custody of Amelia, but not the other children; Mrs. Velasco apparently made this statement in the presence of her three older children. On another occasion, Mrs. Velasco showed Christina a photograph of Mr. Velasco, even though Christina consistently stated he had sexually molested her. Ms. Miller also noted the children had head lice after visiting the Velascos. Finally, there was evidence that Mrs. Velasco had been asked to participate in her children's therapy, but had not done so. Mr. Velasco did not make any progress toward reunification with his children and did not

participate in therapy. Finally, Mr. Peeler made no progress toward reunification with his children. Mr. Peeler failed to attend the domestic violence program, did not undergo a psychological evaluation, and tested positive for marijuana during his drug screenings.

DSS noted that the children were doing well in their foster placements; they appeared stabilized and had improved academically. Joshua, Christina, and Jennifer lived with one family, while Amelia lived with another. The foster families encouraged parent and sibling visitation, but were willing to adopt the children should their birth parents' parental rights be terminated. DSS again recommended that the children remain in foster care and that the trial court authorize termination of parental rights. The trial court ordered the children to remain in the legal custody of DSS and remain with their foster families. Visitation was ordered to continue until the next hearing.

At the permanency planning hearing on 2 July 1999, the trial court noted the parents' shortcomings and heard evidence regarding the children's progress in therapy and in their foster placements. At the conclusion of the hearing, the trial court changed its goal from reunification to termination of parental rights. The trial court ordered DSS to proceed with termination of parental rights for all the parents, though the foster parents were directed to continue visitations between the birth parents and the children.

The trial court held a hearing to consider termination of respondents' parental rights on 3 August, 27 September, 29

September, 3 October, and 27 October 2000. At the time of the hearing, Mrs. Velasco had moved out of the home she shared with Mr. Velasco in order to regain custody of her children. However, she admitted she had not instituted divorce proceedings. Mr. Peeler got married and lived with his wife, Phyllis.

The trial court found that Mrs. Velasco failed to correct the conditions which prompted DSS to remove the children in the first place. Specifically, Mrs. Velasco failed to demonstrate an ability to appropriately discipline, supervise, and care for her children, did not apply the skills she learned during parenting classes, did not address the problem of head lice, did not participate in her children's therapy, refused individual therapy for herself, continued to deny Christina's allegations that she was molested by Mr. Velasco, missed some scheduled visits with her children and failed to take responsibility for her absences, had difficulty maintaining steady employment, and had difficulty maintaining housing.

The trial court found that Mr. Velasco made no efforts toward correcting the conditions which prompted DSS to take Amelia away from the home. Specifically, Mr. Velasco consistently refused to sign the case plan and made only one visit to see Amelia. Finally, the trial court found that Mr. Peeler failed to rectify the conditions which led to removal of his children. Specifically, Mr. Peeler failed to participate in any substance abuse treatment, had two positive drug screens, did not receive a psychological evaluation, did not complete a domestic violence assessment, did

not know the names of his children's therapists, and consistently failed to follow through with any of the services provided by DSS.

The trial court reiterated that Joshua, Christina, Jennifer, and Amelia were neglected and dependent juveniles within the meaning of N.C. Gen. Stat. § 7B-101 (1999). The trial court concluded the children had suffered continued neglect and the probability of further neglect was high, that Mr. Velasco willfully failed to pay a reasonable portion of the cost of care for the children while they were in the custody of DSS, 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), and that Alvarino Velasco, Billy Morris, and John Milam willfully abandoned their children for at least six months immediately preceding the filing of the petition to terminate parental rights. After weighing the evidence, the trial court found the existence of three statutory grounds which supported termination of Mrs. Velasco's parental rights, four statutory grounds which supported termination of Mr. Velasco's parental rights, and two statutory grounds which supported termination of Mr. Peeler's parental rights. The trial court found the existence of three statutory grounds which supported termination of both Mr. Milam's and Mr. Morris' parental rights.

Bonnie Velasco'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.

- (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.

* * * *

- (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.

Lewis Peeler's parental rights were terminated based on N.C. Gen. Stat. § 7B-1111(a) (1) and (2). Mr. Velasco's parental rights were terminated based on N.C. Gen. Stat. § 7B-1111(a) (1), (2), (3), and (7). Mr. Milam's and Mr. Morris' parental rights were terminated based on N.C. Gen. Stat. § 7B-1111(a) (1), (2), and (7).

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 the parental rights of all the parents. On 28 November 2000, the trial

court entered an order terminating the parental rights of Bonnie Velasco, Alvarino Velasco, Lewis Peeler, Billy Morris, and John Milam. Mrs. Velasco, Mr. Velasco, and Mr. Peeler appealed.

On appeal, Mrs. Velasco argues the trial court erred by (I) terminating her parental rights when an effective review was impossible, due to inaudible tapes and a complete lack of tapes of the best interests hearing; (II) making unsupported findings of fact and conclusions of law; and (III) terminating her parental rights. Mr. Peeler argues the trial court erred by (I) terminating his parental rights when an effective review was impossible, due to a complete lack of tapes of the best interests hearing; (II) concluding that he neglected his children; and (III) concluding that he failed to make reasonable progress. For the reasons set forth herein, we disagree with respondents' arguments and affirm the order of the trial court.

We first note that Mr. Milam and Mr. Morris did not appeal the termination of their parental rights by the trial court. While Mr. Velasco did submit a notice of appeal, he has not presented a brief to this Court and has failed to preserve his case for our review. When a respondent fails to file a brief as required by N.C.R. App. P. 28 (2002), "[h]is exceptions and assignments of error are therefore abandoned." *In re Custody of Maxwell*, 7 N.C. App. 59, 60, 171 S.E.2d 20, 21 (1969). In light of Mr. Velasco's failure to take timely action, his appeal is subject to dismissal. See N.C.R. App. P. 13(c) (2002). We will, therefore, address only the arguments of Mrs. Velasco and Mr. Peeler.

Effective Review

Both Mrs. Velasco and Mr. Peeler challenge the sufficiency of the transcript below and argue that the case should be reversed because some of the taped proceedings were inaudible and the tapes of the best interests hearing were lost and never transcribed. Respondents correctly point out that “[i]n appeals from the trial division of the General Court of Justice, review is solely upon the record on appeal and the verbatim transcript of proceedings, if one is designated, constituted in accordance with this Rule 9.” N.C.R. App. P. 9(a) (2002). However, we do not believe the lack of the best interests hearing transcript causes a lack of meaningful appellate review in this case.

We review a dispositional ruling in a termination of parental rights case under the abuse of discretion standard. See *In re McMillon*, 143 N.C. App. 402, 408, 546 S.E.2d 169, 174 (2001). In the present case, a 257-page record exists. Additionally, there is a 359-page transcript of the adjudication stage of the termination hearing. These two documents, taken together, show the evidence and factual background of the case. Moreover, the trial court’s order terminating parental rights concluded:

11. That it is in the best interests of each of these children that the parental rights of their respective parents be terminated. The probability over time that the parents will improve is slim. The children cannot wait for the parents to learn appropriate parenting and to utilize those skills. These children are in nurturing foster homes, have spent a considerable amount of time in foster care, need stability in their lives and

are adoptable.

Neither Mrs. Velasco nor Mr. Peeler have identified specific errors for which the transcript would be necessary. In that regard, the present case is similar to *In re Caldwell*, 75 N.C. App. 299, 330 S.E.2d 513 (1985). In *Caldwell*, the respondent mother assigned error because the taping device used at trial did not work, and the record later had to be reconstructed with the assistance of the trial attorneys. *Id.* at 303, 330 S.E.2d at 517. The *Caldwell* Court did not find respondent's argument persuasive, and stated:

Absent contemporaneous objection to the use of tape devices, to show prejudicial error an appellant must at least indicate the import of some specific testimony or other proceeding that has been lost. *In re Peirce*, 53 N.C. App. 373, 281 S.E.2d 198 (1981). Simply conjecturing, as respondent has done, that there may have been objections to critical testimony, without showing why any such testimony ought to have been excluded, will not support reversal, particularly when as here trial counsel assists in reconstructing the record.

Id. at 303-04, 330 S.E.2d at 517. See also *In re Wright*, 64 N.C. App. 135, 306 S.E.2d 825 (1983) (no prejudicial error where respondents failed to suggest any favorable evidence that would have been contained in a transcript, had that transcript been complete).

In the present case, the entire record is before us, not merely a reconstruction by counsel, as in *Caldwell*. We also have the full transcript of the adjudication phase of the termination

hearing. Respondents failed to identify specific errors for which the transcript of the best interests hearing would be necessary. This, coupled with the fact that we have access to the record and transcript of the adjudication phase of the termination proceeding, leads us to hold that the trial court did not abuse its discretion when it terminated respondents' parental rights and concluded it was in the best interests of the children to do so.

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 1998 N.C. Sess. Laws ch. 202, § 5, effective 1 July 1999; see now N.C. Gen. Stat. § 7B-1111 (1999)). We now address each respondent in turn.

(a) Bonnie Velasco

The trial court concluded there were three grounds for terminating Bonnie Velasco'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)(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. Mrs. Velasco argues the trial court erred in finding that she failed to make reasonable progress on the trial court's tasks after the children were adjudicated neglected and dependent. We disagree.

The record clearly indicates that Mrs. Velasco's four children were placed in DSS custody in 1998. Thus, by the time the termination of parental rights hearing took place during August, September, and October 2000, the children had been in foster care for nearly two years. The trial court found that, at the time of the termination hearing, Mrs. Velasco failed to correct the conditions which prompted DSS to remove the children in the first place. Though Mrs. Velasco completed parenting classes, a substance abuse assessment, a domestic violence assessment, and a psychological evaluation, she was still unable to appropriately discipline, supervise, and care for her children. The children had ongoing problems with head lice, which Mrs. Velasco did not address. Mrs. Velasco attended several scheduled visits with her children, but missed some visits and refused to take responsibility

for her actions. Mrs. Velasco was repeatedly asked to participate in her children's therapy, as well as individual therapy, but never did so. Mrs. Velasco repeatedly failed to understand Christina's feelings concerning the alleged sexual abuse by Alvarino Velasco. Finally, Mrs. Velasco had difficulty with her finances and had difficulty maintaining housing. Though she maintained employment, she changed jobs several times within a short period of time.

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 Mrs. Velasco has attempted to improve her parenting skills and become an appropriate parent to her four children, there have been no significant positive results which would support her regaining custody of her children. The trial court noted Mrs. Velasco's refusal to participate in therapy, her difficulty with finances and housing, and her inability to demonstrate the parenting skills she had learned in classes. The trial court also considered the efforts Mrs. Velasco made toward meeting the trial court's expectations. The trial court concluded that Mrs. Velasco 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 two other grounds enumerated by the trial court as additional grounds for termination of Mrs. Velasco'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). Despite this fact, we have carefully examined the additional grounds enumerated by the trial court. Our review indicates that the trial court's conclusions are fully supported by the findings of fact, which are in turn

supported by clear, cogent, and convincing evidence.

(b) Lewis Peeler

The trial court concluded there were two grounds for terminating Lewis Peeler'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 Mrs. Velasco, Mr. Peeler argues the trial court erred in finding that he failed to make reasonable progress on his reunification plan after the children were adjudicated neglected and dependent. Again, we disagree.

It is undisputed that the children were taken into DSS custody in September 1998, and were in foster care for nearly two years at the time of the termination hearing. The trial court found that, at the time of the termination hearing, Mr. Peeler still failed to correct the conditions which promoted DSS to remove the children in the first place. Though Mr. Peeler asserted that he underwent a religious conversion, stopped taking drugs on his own, got married, and lived in a better home, he did not follow the trial court's orders regarding his children. Mr. Peeler repeatedly decided not to go to therapy and did not participate in substance abuse treatment, even though he had two positive drug screens while the children were in DSS custody. Mr. Peeler also failed to complete a domestic violence assessment. The trial court noted that "although DSS has provided numerous resources to Mr. Peeler, he has

consistently failed to follow through with any of the services provided.”

While Mr. Peeler consistently visited his children and expressed his love for them, he did not make any efforts to comply with the tasks set forth in the YFS case plan, which the trial court incorporated into its order. Though Mr. Peeler contends he addressed the trial court’s concerns “in one way or another” by the time of the termination hearing, the trial court concluded that Mr. Peeler 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 ground enumerated by the trial court as an additional ground for termination of Mr. Peeler’s parental rights. *See Taylor*. We have, however, carefully examined the additional ground enumerated by the trial court, and conclude that the trial court’s conclusion of law is fully supported by the findings of fact, which are in turn supported by clear, cogent, and convincing evidence.

We have carefully reviewed the remaining arguments and contentions of respondents and find them meritless.

The appeal of Alvarino Velasco is dismissed.

The trial court’s order terminating the parental rights of Bonnie Velasco, Alvarino Velasco, Lewis Peeler, Billy Morris and John Milam as to Joshua Morris, Christina Peeler, Jennifer Peeler, and Amelia Velasco is affirmed.

Chief Judge EAGLES and Judge CAMPBELL concur.

Report per Rule 30(e).