NO. COA07-803

NORTH CAROLINA COURT OF APPEALS

Filed: 18 December 2007

IN RE:
M.K.M., C.R.M., and
S.S.M.

Caldwell County
Nos. 00 JA 27
01 JA 17
02 JA 01

Appeal by respondents mother and father from orders entered 30 November 2006 and 7 March 2007 by Judge C. Thomas Edwards in Caldwell County District Court. Heard in the Court of Appeals 14 November 2007.

Lauren Vaughan, for Caldwell County Department of Social Services, petitioner-appellee.

Elizabeth M. Spillman, for guardian ad Litem.

Terry F. Rose, for respondent-appellant-mother.

Mary McCullers Reece, for respondent-appellant-father.

CALABRIA, Judge.

Respondents mother and father (collectively, "the parents") appeal from an adjudication order that adjudicated the minor children, M.K.M, C.R.M., and S.S.M., (collectively, "the minor children") neglected and a disposition order ending reunification efforts and visitation between the parents and minor children.

The parents were licensed as foster parents in 2000 and adopted two biological siblings, M.K.M. and C.R.M., in June 2001.

Approximately one year later, the parents adopted S.S.M., another biological sibling of M.K.M. and C.R.M.

In September 2004, C.R.M. attended preschool at the School for Young Children ("the School"). The School's staff noticed various marks and bruises on C.R.M., who told the staff his parents inflicted the bruises. In January 2006, S.S.M. also began attending the School, and she made similar comments. On 2 February 2006, S.S.M. came to the School with a small cut on her head and a severe burn on her hand. After seeing these injuries, the School's staff called the Caldwell Department of Social Services ("DSS"). S.S.M. told the School's staff her injuries were inflicted by her mother and also told them that C.R.M. was not in school because their father had bruised C.R.M.'s leg.

The following day, the minor children's injuries were evaluated in a Child Medical Evaluation at Mission Children's Clinic. According to the evaluation, the bruises on C.R.M.'s leg were intentionally inflicted injuries. The mother initially denied any knowledge of the bruising, but on 10 February 2006, she admitted the father had whipped C.R.M. with a belt. The father also admitted he caused bruising by whipping C.R.M. with a belt.

On 27 February 2006, DSS filed petitions alleging that C.R.M. and S.S.M. were abused, neglected and dependent juveniles, and that M.K.M. was a neglected and dependent juvenile, as a result of interviews DSS conducted with the minor children. During the interview, M.K.M. described, in pertinent part, how the parents had taped the hands and feet of C.R.M. and S.S.M., and left them home

alone in their room. She described how C.R.M. had lacerated his lip by hopping from his room with taped feet and fell against a planter. S.S.M. also suffered a severe burn to her hand, which the mother said was the result of an accident with a curling iron. S.S.M. made consistent statements indicating the mother had caused the burn to her hand. When the children entered foster care, there were concerns about their growth and development. C.R.M. was nearly five years old and still wore size 2 Toddler clothing.

On 30 November 2006, the trial court adjudicated the minor children neglected. On 7 March 2007, the trial court entered a disposition order continuing custody with DSS and ceasing reunification efforts and visitation with the parents. From the trial court's adjudication and disposition orders, both parents appealed.

I. The Mother's appeal

On appeal, the mother raises three issues: (i) the trial court was without the authority to issue any disposition order as to the minor children because the trial court never adjudged, decreed or ordered the minor children neglected; (ii) the trial court erred in concluding as a matter of law the minor children were neglected; and (iii) the trial court erred in denying the mother's motion to dismiss at the close of the evidence.

a. Adjudication and disposition orders

The mother first argues that the trial court was without authority to issue the disposition order because the adjudication

order never adjudged, decreed or ordered the minor children neglected. We disagree.

N.C. Gen. Stat. § 7B-807(a)(2006) states in relevant part, "[i]f the court finds that the allegations in the petition have been proven by clear and convincing evidence, the court shall so state." Furthermore, N.C. Gen. Stat. § 7B-807(b)(2006) requires, "[t]he adjudicatory order shall be in writing and shall contain appropriate findings of fact and conclusions of law."

In the case *sub judice*, the trial court's adjudication order states as follows, "the Court makes the following Findings of Fact, which are found by the Court by clear[,] cogent and convincing evidence." After the court lists the findings of fact, the court states, "BASED UPON THE FOREGOING FINDINGS OF FACT, WHICH ARE CLEAR, COGENT AND CONVINCING the Court concludes as a matter of law as follows[.]" Under the conclusions of law, paragraphs numbered 5, 6, and 7 set forth each minor child, individually, as being neglected. After the court states the seven conclusions of law, the court then declares, "BASED UPON THE FOREGOING FINDINGS OF FACT AND CONCLUSIONS OF LAW it is hereby ordered that this matter shall proceed to Disposition."

The mother argues that because the trial court never adjudged, decreed or ordered the minor children neglected, the parties are left to assume that since the court concluded as a matter of law the children were neglected, they were also adjudicated neglected. The mother further argues parties should not be left to assume what the court orders. However, there is no statutory requirement that

a trial court make its finding of abuse, neglect, or dependency within the decretal portion of its order. The trial court entered a seven-page written adjudication order, containing twenty-eight findings of fact and seven conclusions of law. The trial court also declared that the findings of fact are found by the court by "clear, cogent and convincing evidence." Therefore, the trial court fulfilled all necessary statutory requirements when it entered the adjudication order.

Furthermore, the mother did not suffer any prejudice by the trial court failing to adjudge, decree or order the minor children neglected. The trial court listed twenty-eight findings of fact in detail and clearly stated that its findings of fact were supported by clear, cogent and convincing evidence. The trial court further listed in its conclusions of law that all three minor children were neglected. It follows logically that since the trial court concluded as a *matter of law* that the minor children were neglected, the trial court would adjudicate and order the minor children neglected. Moreover, because the court's findings of fact were so detailed and the court stated the children were neglected in its conclusions of law, the parties are not left to assume or interpret what the trial court ordered.

Therefore, because the trial court satisfied all necessary statutory requirements and the mother did not suffer any prejudice, the adjudication order is valid. This assignment of error is overruled.

b. Neglect

The mother next contends the trial court erred in finding as fact and concluding as a matter of law that the minor children were neglected. We disagree.

"The allegations in a petition alleging abuse, neglect, or dependency shall be proved by clear and convincing evidence." N.C. Gen. Stat. § 7B-805 (2006). "Clear and convincing evidence is greater than the preponderance of the evidence standard required in most civil cases." *In re A.K.*, 178 N.C. App. 727, 730, 637 S.E.2d 227, 229 (2006)(internal quotation omitted). "A proper review of a trial court's finding of neglect entails a determination of (1) whether the findings of fact are supported by clear and convincing evidence, and (2) whether the legal conclusions are supported by the findings of fact." *In re Gleisner*, 141 N.C. App. 475, 480, 539 S.E.2d 362, 365 (2000) (citations omitted). "In a non-jury neglect adjudication, the trial court's findings of fact supported by clear and convincing competent evidence are deemed conclusive, even where some evidence supports contrary findings." *In re Helms*, 127 N.C. App. 505, 511, 491 S.E.2d 672, 676 (1997).

The trial court's determination that the minor children were neglected is a conclusion of law. "Our review of a trial court's conclusions of law is limited to whether they are supported by the findings of fact." *Id.* A neglected juvenile is defined in part as one who

> does not receive proper care, supervision, or discipline from the juvenile's parent, guardian, custodian, or caretaker . . . or who is not provided necessary medical care; or who is not provided necessary remedial care; or who lives in an environment injurious to the

> juvenile's welfare . . . . In determining whether a juvenile is a neglected juvenile, it is relevant whether that juvenile lives . . . in a home where another juvenile has been subjected to . . . neglect by an adult who regularly lives in the home.

N.C. Gen. Stat. § 7B-101(15)(2006).

In the case *sub judice*, the trial court's findings of fact reveal in pertinent part:

> 8. [C.R.M.] and [S.S.M.] attended pre-school at the School for Young Children . . .[C.R.M.] would be absent for periods of one to two weeks and was observed, upon his return to school, to have faint bruising or discoloration on his body. In November, 2005, [C.R.M.] reported to Miriam Fullem at the pre-school that his mother and father would whip him with a hand, a stick or a belt when he "pooped" or "peed" in his pants. On December 13, 2005, [C.R.M.] came to day care with a black eye and he told Ms. Fullem that "my dad did it again . . . he slapped my eye." In late January, 2006, [S.S.M.] went to Ms. Fullem's office with "places on her head" at which time [S.S.M.] told Ms. Fullem that "my mom pops me with a cord".
>
> 9. In late January or early February, 2006, Ginger Caisson, Caldwell County Department of Social Services Supervisor, observed red marks/bruising on [C.R.M.'s] legs, back, and buttocks consistent with marks left by a belt buckle. She spoke with both Mr. and Mrs. McLean about the bruising and both parents denied spanking [C.R.M.]. They attributed his injuries to his being "accident prone." At the same time that Ms. Cassion observed the bruising on [C.R.M.], she also observed a significant burn on the back of [S.S.M.'s] left hand. Both Mr. and Mrs. McLean were untruthful to the Department of Social Services when asked about the causes for these observed injuries. Both parents later admitted and testified that they were untruthful when they were interviewed by the Caldwell County Department of Social Services.

10. On February 3, 2006, [C.R.M.] and [S.S.M.] were seen . . . at Mission Children's Clinic as part of a Child Maltreatment Evaluation concerning [C.R.M.'s] red marks/bruising discovered a day or two prior to the examination . . . [S.S.M.] disclosed to Ms. Szlizewski that [C.R.M.] had bruises on his legs because the father popped [C.R.M.] sometimes with a belt. [S.S.M.] also disclosed that the injury to her hand was a "boo-boo" and the mother had caused it. The burn was described by medical personnel to be a bright red oblong burn.

. . . .

13. Dr. Brown's evaluation of [C.R.M.] revealed a pattern of bruising on his right lateral posterior and thighs consistent with belt marks. Her evaluation also noted that [C.R.M.] presented with scars on his scalp and forearm. Dr. Brown's evaulation noted a history of unexplained injuries for both [C.R.M.] and [S.S.M.]; developmental delays for both children and small size for both children.

. . . .

19. Dr. Christopher Clapp, the pediatrician for the children, . . . observed the photograph of [S.S.M.'s] burn and described the burn as a partial thickness burn consistent with an intentionally inflicted pressure burn. Christie Ferrar, Dr. Clapp's certified medical assistant, was so distressed by the appearance of the photos of the burn on [S.S.M.'s] hand and the bruising on [C.R.M.], as depicted in the photographs received by the Court, that she shed tears . . . .

. . . .

25. Mr. McLean testified, and the Court finds, that the corporeal [sic] punishment that he inflicted on [C.R.M.] was wrong and that he knew it was wrong. He offers as an explanation that he wasn't thinking when he inflicted the injuries on [C.R.M.].

26. [C.R.M.'s] injuries, to-wit red marks and bruising noted on February 3, 2006, were

> intentionally inflicted by Paul McLean. This was not the first time [C.R.M.] sustained intentionally inflicted injuries in the McLean home.
>
> 27. [S.S.M.'s] burn was intentionally inflicted and was not accidental, and the mother's explanation of how the burn happened is not credible. This was not the first time [S.S.M.] received intentionally inflicted injuries in the McLean home.
>
> 28. [M.K.M.], the oldest child, has resided in the home where these intentional injuries were inflicted on her brother and sister. She has been aware of the nature, extent and cause of the injuries inflicted on her brother and sister.

The evidence presented is clear and convincing evidence that supports the trial court's findings of fact that the mother neglected the minor children. Jerri Szlizewski ("Ms. Szlizewski"), a child forensic interviewer at the Mission Children's Clinic, interviewed the minor children. She interviewed the children at the Child Maltreatment Evaluation program before they received their physical examination. On 3 February 2006, S.S.M. told Ms. Szlizewski her "daddy" sometimes hits her brother, C.R.M., with his hand and belt. When Ms. Szlizewski questioned S.S.M. about the burn on the top of her hand, she said "momma," and "claimed something hot was involved." However, Ms. Szlizewski was unable to obtain any further details. On 3 February 2006 and 24 March 2006, Ms. Szlizewski interviewed C.R.M. He indicated he had a "boo boo" on "his right leg, his left leg and on his back," but wouldn't give Ms. Szlizewski any further details about his injuries. On 24 March 2006, Ms. Szlizewski interviewed M.K.M. Ms. Szlizewski testified in relevant part:

> Q. What were the results of that interview?
>
> A. [M.K.M.] gave me some information about [S.S.M.] very reluctantly . . . . She denied that anyone in the home gets spanked and then later did admit that, yes, she had seen marks on [C.R.M.] and [S.S.M.] and she described where she had seen those marks . . . . I asked her specifically about if she could tell me anything about tape and she initially said that they played with tape while making maps. And I asked her if there wasn't something else that she knew about the tape that wasn't so much fun. She revealed that they would tape the children up, [C.R.M.] and [S.S.M.], and she then demonstrated to me how that would happen. She stood up and held her hands crossed behind her back and made a motion across the front of her as to the tape would go across the front of the shoulders all the way around to the back and then their legs would be crossed and then she said mom would have dad pick up their legs so that the legs could be taped across and then the children would then be placed in a room sometimes over night . . . . I asked her if anything bad ever happened, if anybody ever got hurt when they were taped and she initially denied that anything ever happened to them when they get taped up . . . . and then she did admit that, yes, [C.R.M.] was hopping around and he fell and hit a planter and got cut.

Furthermore, Miriam Fullam ("Ms. Fullam"), an employee at the School, corroborated Ms. Szlizewski's testimony. Ms. Fullam testified as follows:

> Q. Ma'am, what, if anything, happened on November 17, 2005 as it pertains to [C.R.M.]?
>
> . . . .
>
> A. He was brought to my office for not complying with the teacher, not getting his academic work done and I asked him what was wrong, what's been going on in the classroom, why are you here and he said that he -- that his mom and dad whip him when he pees or poops in his pants, that they whip him with a stick or their hand. Then he went on to tell me

> that they -- that his dad whips him before he puts him in the tub, with a belt and that they get mad at him.
>
> Q. Now ma'am, was there a similar experience on December 15, 2005?
>
> A. Yes, on that day I went down to the room because Ms. Mitchell had come to get me with some concerns. I believe on that day his eye was bluish, black eye, you know, looked like a black eye. When I asked [C.R.M.] on that day what was wrong or what had happened to his eye, he said that my dad did it and I said how did your dad do it and he said with his hand and he imitated a slap or mimicked a slap with his hand. Then he said to me, daddy made it blue.

Dr. Christopher Clapp ("Dr. Clapp") testified that the burn on S.S.M.'s hand required the application of pressure for several seconds and could not have been the result of an injury described by the mother. Dr. Clapp testified as follows:

> Q. So if you had seen [S.S.M.] with the burn on her hand as depicted in that photograph and the explanation that you were provided was that a hot curling iron was dropped on her hand, would the injury you see depicted in that photograph be consistent with that explanation?
>
> A. No.
>
> Q. In your opinion, with a hot curling iron, how long would it have to be in contact with the skin to cause the type of burn depicted in that photograph?
>
> . . . .
>
> A. It's not a glancing injury because you can see pressure was applied because the center of the burn is much deeper than the surface.
>
> Q. So that would indicate that pressure had been applied when the curling iron hit the hand?

> A. The typical curling iron injury that we see several times a year is a little kid reaching up and grabbing it and the whole burn . . . and it would be the same like a hot object like a stove or a kerosene heater, it tends to develop into . . . .
>
> Q. So this would require the application of the heated item with pressure for several seconds to achieve that burn; is that correct?
>
> A. That's my opinion.

Dr. Cynthia Brown ("Dr. Brown"), medical director of the Child Maltreatment Evaluation Program, testified to her medical opinion as to whether M.K.M. had been abused. Dr. Brown testified in relevant part:

> Q. What was your opinion as to whether or not [M.K.M.] had been abused?
>
> A. We were concerned that there was a possibility she had been physically abused based on her disclosure and her guarded demeanor during the interview. We were also concerned with the affect [sic] of what she had witnessed happening to her siblings.
>
> . . . .
>
> Q. . . . Did you perform a medical evaluation of [S.S.M.]?
>
> A. Yes . . . . I recommended that [S.S.M.] needed to be in a safe and stable environment. Because of her prenatal history and failure to thrive, I recommended that the child was . . . from a developmental standpoint and agreed that she could continue to attend preschool to prepare her for entry into kindergarten in the next few years. I also recommended that because of the concern of physical abuse with the brother and perhaps [S.S.M.], I recommended a psychological evaluation of the parents, anger management and parenting classes. I recommended that [S.S.M.] enter into counseling . . . therapy to address what she had experienced.

> . . . .
>
> A. Based on our evaluation that day, I thought it was possible [S.S.M.] had been physically abused.
>
> Q. And now [C.R.M.] appeared that day before you . . . .
>
> A. [C.R.M.] was also small in stature at less than a third percentile. The examination of skin was noted for a number of bruises, particularly an area of pattern of bruises that were on his right lateral and posterior thigh. He also had a number of scarring on his body . . . . He had a surgical appearing scar on his face on the left side from his lip extending up into his cheek and he had a scar in his scalp. He also had a U-shaped scar on his left forearm and then hypopigmented linear cluster of scars on his right . . . .

Thus, the trial court's findings of fact were supported by "clear and convincing evidence." Moreover, the trial court's findings of fact support its conclusions of law that the minor children were neglected juveniles. This assignment of error is overruled.

c. Motion to dismiss

The mother contends the trial court erred in denying her motion to dismiss at the close of all the evidence. We disagree.

"Upon a motion to dismiss, the court must view the evidence in the light most favorable to the petitioner, giving the petitioner the benefit of any inference. The test is whether there is substantial evidence to support petitioner's allegations." *In re Gleisner*, 141 N.C. App. at 478, 539 S.E.2d at 364. In the case *sub judice*, DSS filed three separate petitions alleging that all three minor children were neglected juveniles. We already found there is

clear and convincing evidence to support the trial court's findings of fact, and the court's findings support its conclusion of law that the mother neglected the minor children. Therefore, at the close of all the evidence, DSS had presented "substantial evidence" to support their allegations. Thus, the trial court did not err in denying the mother's motion. This assignment of error is overruled.

The mother has failed to bring forward any arguments concerning her remaining assignments of error; therefore, they are deemed abandoned and we need not address them. N.C.R. App. P. 28(b)(6).

II. The Father's appeal

The father contends the trial court abused its discretion in ordering it was in the best interests of the minor children to cease efforts toward reunification and visitation. We disagree.

"The trial court may only order the cessation of reunification efforts when it finds facts based upon credible evidence presented at the hearing that support its conclusion of law to cease reunification efforts." *In re N.G.*, ___ N.C. App. ___, ___, 650 S.E.2d 45, 51 (2007)(internal quotation marks omitted)(citation omitted). "This Court reviews an order that ceases reunification efforts to determine whether the trial court made appropriate findings, whether the findings are based upon credible evidence, whether the findings of fact support the trial court's conclusions, and whether the trial court abused its discretion with respect to disposition." *In re C.M.*, ___ N.C. App. ___, ___, 644 S.E.2d 588,

594 (2007)(citation omitted). "At the disposition stage, the trial court solely considers the best interests of the child." *In re Pittman*, 149 N.C. App. 756, 766, 561 S.E.2d 560, 567 (2002).

Pursuant to N.C. Gen. Stat. § 7B-901 (2006), the trial court, at the dispositional hearing, "may consider any evidence, including hearsay evidence as defined in G.S. 8C-1, Rule 801, that the court finds to be relevant, reliable, and necessary to determine the needs of the juvenile and the most appropriate disposition." N.C. Gen. Stat. § 7B-507 (2006) provides that a trial court may enter an order ceasing reunification efforts with the parents if the court makes the written findings of fact stated in relevant part:

> 1) Such efforts clearly would be futile or would be inconsistent with the juvenile's health, safety, and need for a safe, permanent home within a reasonable period of time [or]
>
> 2) A court of competent jurisdiction has determined that the parent has subjected the child to aggravated circumstances as defined in G.S. 7B-101[.]

N.C. Gen. Stat. § 7B-507(b)(2006).

N.C. Gen. Stat. § 7B-101(2) defines aggravated circumstances as, "[a]ny circumstance attending to the commission of an act of abuse or neglect which increases its enormity or adds to its injurious consequences, including, but not limited to, abandonment, torture, chronic abuse, or sexual abuse."

In the case *sub judice*, the trial court, in the disposition order, states in relevant part:

> 11. In late February 2006, [the mother] made the statement to Louise Walker, a friend of the [parents] for approximately ten years, that she . . . had "tore his ass up,"

referring to [C.R.M.]. The [mother] also asked Ms. Walker to come to Court on her behalf and to provide false testimony to the Court. Ms. Walker declined to do so. [The mother] now acknowledges that she had asked Ms. Walker to lie for her in Court.

12. Dr. Christopher Clapp, the pediatrician for the children, who is licensed to practice medicine in North Carolina, was called by the Respondent parents during the adjudication of this matter and was found by the Court to be an expert witness, observed the photograph of [S.S.M.'s] burn and described the burn as a partial thickness burn consistent with an intentionally inflicted pressure burn. The letters submitted by [the parents] from Dr. Clapp at disposition, were written by Dr. Clapp, at the request of the [parents], prior to his testifying in Court and prior to his examination of the photographs received by the Court during the adjudication hearing. The subsequent letter by Dr. Clapp dated September 14, 2006, written at the request of the guardian ad litem volunteer . . . more closely conforms to the evidence received from reviewing the medical records in Court and observing the photographs of the burn on [S.S.M.'s] hand.

13. [The mother] testified during the adjudication hearing that the burn to [S.S.M.'s] hand was likely the result of [S.S.M.] becoming entangled in the cord and pulling a heated curling iron onto her hand and not intentional. The Court does not find this explanation of how the injury occurred to be credible. Dr. Clapp also refuted this as an explanation of how this burn caused and further refuted the explanation offered by [the mother] that the appearance of the burn was made worse by actions taken by the staff at the day care in applying a bandage to the burn.

14. The father . . . . has a biological daughter, age 18, with whom he has had a strained relationship. The mother . . . . has two biological children . . . with whom she has had a strained relationship . . . . There are no relatives of either [parent] who would

be appropriate to have the placement of the minor children.

. . . .

17. During the first five weeks in foster care both [C.R.M.] and [S.S.M.] had significant weight gains. When [C.R.M.] came into foster care he wore clothes in size 2T (Toddler). He had gained only six pounds, three ounces during the entire three years and three months he resided with [the parents]. [C.R.M.] gained four pounds during the first five weeks in foster care. [S.S.M.] was also small in that she weighed only twenty-seven pounds when she came into foster care. She has gained approximately fifteen pounds since being in foster care, a period of approximately one year. The significant weight gains experienced by [C.R.M.] and [S.S.M.] once they were placed in foster care as opposed to their low weights while in the care of [their parents] is evidence of psychosocial failure to thrive.

18. All of the children testified in their respective depositions that the potty training techniques/punishments employed by [the parents] included placing feces in the faces of [C.R.M.] and [S.S.M.] when they had toileting accidents. The Court finds this to be credible. The Court also finds that such techniques are inconsistent with the training and parenting classes which [the parents] had as foster parents.

. . . .

20. The children report, and the Court finds, that [C.R.M.] and [S.S.M.] were taped by [their parents]. Their ankles and wrists were taped together. [C.R.M.] and [S.S.M.] were frequently taped and left at home alone by [the parents] . . . . This taping by [the parents] was a means of disciplining of [C.R.M.] and [S.S.M.] imposed by the [parents]. [C.R.M.'s] fall into a planter outside his bedroom which resulted in a significant cut to his face that required stitches occurred while he was taped hand and foot. He was taped and left his room, hopped down the hall and fell into the planter.

21. Dr. Clapp, the children's treating pediatrician . . . opined that the injuries in the photographs received by the Court during adjudication were intentionally inflicted injuries . . . .

22. Dr. Clapp also opined in his letter dated September 14, 2006, that the persistent low weights of [C.R.M.] and [S.S.M.] coupled with their significant weight gains after coming into foster care, was considered to be maltreatment of the children and psychosocial failure to thrive. The Court finds that [C.R.M.] and [S.S.M.] were the victims of maltreatment by [the parents] which resulted in low weight gains and psychosocial failure to thrive.

23. Dr. Clapp also expressed the opinion that [C.R.M.] and [S.S.M.] could suffer from long-term behavioral and psychological issues due to experiencing maltreatment up to their ages four or five when they would have concrete memories of these experiences . . . . Dr. Clapp identified a stable home with normal parent-child relations as a necessary component of assisting [C.R.M.] and [S.S.M.] in dealing with the emotional and psychological issues caused by their experiences.

. . . .

25. [C.R.M.] and [S.S.M.] both have significant mental health diagnoses. Since coming into the custody of the Department they have been placed together in foster care, they have been in counseling and have made progress.

. . . .

29. All three children have mental health diagnoses. [M.K.M.] has been diagnosed with Adjustment Disorder with Anxious Mood . . . .

30. [S.S.M.] was also given a diagnosis of adjustment disorder when she started counseling . . . .

31. [C.R.M.] was most effected by the events and experiences in the . . . home. He was

initially given a diagnosis of an adjustment disorder when he began counseling. [C.R.M.'s] chaotic behavior was to be expected for a child who has dealt with the level of abuse and neglect reported by [C.R.M.] in the . . . home. As school began [C.R.M.] showed aspects of Reactive Attachment Disorder (RAD). An assessment was begun but not completed. [C.R.M.'s] behaviors and symptoms subsided and RAD is not now a likely diagnosis. A more likely diagnosis is Complex Post Traumatic Stress Disorder. [C.R.M.'s] need for counseling is likely to continue for some time yet.

32. . . . . [The children] lived in an emotionally abusive environment with [their parents]. The return of the children to such an environment would cause all progress in counseling to be undone.

. . . .

34. [M.K.M.] testified in her deposition, and the Court finds, that [C.R.M.] and [S.S.M.] were taped by [the parents] as a form of discipline. [C.R.M.] and [S.S.M.] both were spanked by [the parents], as was [M.K.M.]. [C.R.M.] and [S.S.M.] had feces put in their faces as a result of toileting accidents.

35. [M.K.M.] testified in her deposition, and the Court finds, that [C.R.M.] was taped and hopped out of his room when he fell into the planter. [The parents] were the ones who taped him. He was not taped to anything but his feet and arms were taped together. [M.K.M.] was never taped. [S.S.M.] and [C.R.M.] were taped to keep them from going into the living room and playing.

36. [S.S.M.] testified in her deposition, and the Court finds, that she and [C.R.M.] were taped on numerous occasions by both [the parents]. They were also spanked with belts by [the parents] for toileting accidents and other reasons.

. . . .

39. That the acts of the Respondent parents, including taping the minor children; holding feces in the faces of the minor children; the psychosocial failure to thrive suffered by [M.K.M.], [C.R.M.] and [S.S.M.] at the hands of [the parents].

In addition, the court received and reviewed a number of photographs of the children, some offered by the guardian ad Litem and two offered by the parents. Moreover, the trial court, in the disposition order, incorporated by reference the findings of fact entered by the court in the adjudication order. We previously determined that these findings of fact were supported by "clear and convincing evidence." Therefore, we conclude that the trial court did not abuse its discretion, and there is "credible evidence presented at the hearing that support its conclusion of law to cease reunification efforts." Furthermore, because "[a]t the disposition stage, the trial court solely considers the best interests of the child," we conclude that the trial court did not abuse its discretion in ceasing visitation between the minor children and parents. *In re Pittman*, 149 N.C. App. at 766, 561 S.E.2d at 567. This assignment of error is overruled.

The father has failed to bring forward any arguments concerning his remaining assignments of error; therefore, they are deemed abandoned and we need not address them. N.C.R. App. P. 28(b)(6).

In conclusion, we hold that the trial court's findings of fact are supported by clear and convincing evidence in the record, and the trial court's findings support its conclusions. Thus, we affirm the trial court's adjudication and disposition in this matter.

Affirmed.

Judges STEPHENS and ARROWOOD concur.

Report per Rule 30(e).