NO. COA09-514

NORTH CAROLINA COURT OF APPEALS

Filed: 3 November 2009

IN THE MATTER OF:

M.X.,
Minor Child.

Mecklenburg County
No. 07 JT 64

Appeal by respondents from order entered 29 January 2009 by Judge Regan A. Miller in Mecklenburg County District Court. Heard in the Court of Appeals 7 September 2009.

Kathleen Arundell Widelski for petitioner-appellee.

Respondent-appellant mother, pro se.

Respondent-appellant father, pro se.

N.C. Administrative Office of the Courts, by Associate Counsel Pamela Newell Williams, for appellee guardian ad litem.

GEER, Judge.

Respondent mother and respondent father appeal from the trial court's order terminating their parental rights. After careful review of the record, we believe the trial court's conclusions that grounds exist for termination pursuant to N.C. Gen. Stat. § 7B-1111(a)(1) (2007) and that termination would be in the juvenile's best interests are amply supported by the findings of fact, which are in turn supported by clear, cogent, and convincing evidence in the record. We, therefore, affirm.

Facts

Respondents have not challenged the following findings of fact, and they are, therefore, binding on appeal. "Matt" was born to respondents in Shanghai, China.[1] In August 2003, respondent father came to the United States from China on an F-1 educational visa; respondent mother and Matt accompanied him on an F-2 visa. Respondent father enrolled in the Masters Program and the Ph.D. program at the University of North Carolina at Charlotte ("UNC-C"). Respondent mother subsequently enrolled in the MBA program at Findlay University in Ohio, but during school breaks and summers, she returned to Charlotte to live with respondent father and Matt. While in Ohio, respondent mother left Matt in the care of respondent father.

In November 2006, respondent father was dismissed from the Masters Program and suspended from the Ph.D. program. After the dismissal and suspension, respondent father was banned from the UNC-C campus, so the family moved into a shed in the woods near the campus that had no running water or electricity. In November 2006, respondent father was arrested and placed in the Mecklenburg County jail on charges of trespassing and resisting a public officer. Because respondent father's immigration status was in question as a result of his dismissal from UNC-C, he was transferred to the custody of Immigration and Customs Enforcement. Respondent father remained in custody from 21 November 2006 until 24 July 2007.

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[1]We use the pseudonym "Matt" to protect the privacy of the child and for ease of reading.

Respondent mother returned to school in Ohio in January of 2007, leaving Matt to live alone in the shed in the woods. On 22 January 2007, the Mecklenburg County Department of Social Services ("DSS") filed a juvenile petition alleging that Matt, who was 11 years old, was found wandering on the UNC-C campus alone at 1:42 a.m. on 21 January 2007 and that Matt would not disclose his name, where he lived, or the names of his parents. Matt was taken into DSS' custody and has remained there ever since.

The trial court held an initial seven-day hearing on 26 January 2007, during which DSS was granted permission to serve respondents by publication. Following service of respondents by publication, Matt was adjudicated neglected and dependent in an order filed 26 March 2007. Social worker Shaconnie Lofton Grubb was assigned to Matt's case and was able to locate respondent mother in Ohio. Ms. Grubb contacted respondent mother and provided her with information about Matt's whereabouts, the next court date, and how to obtain counsel.

Neither respondent mother nor respondent father appeared for the next hearing on 7 June 2007. After that hearing, the trial court entered an order on 25 June 2007 continuing the placement of Matt in DSS' custody and ordering no visitation until respondents presented themselves in court. On 23 July 2007, the trial court entered a permanency planning hearing order finding that respondent mother had presented herself to the court and "committed to engaging in a case plan in an effort to reunify with her son." In that order, the court changed the plan to reunification with

respondent mother and allowed visitation between respondent mother and Matt "as therapeutically appropriate and as arranged per YFS schedule." The court ordered no visitation with respondent father until he presented himself to the court.

Following permanency planning hearings in October and January, the trial court, although noting that respondent mother had not made progress towards reunification, continued the permanent plan as reunification with respondent mother and continued to allow visitation between respondent mother and Matt. On 14 February 2008, however, the trial court entered an order changing the plan to adoption based on findings of fact that respondent mother had failed to develop a plan of care for the child and had failed to attend a court-ordered meeting to discuss plans for the child. The court directed DSS to file a petition to terminate parental rights. On 8 May 2008, DSS filed the petition ("the TPR petition"), and it was served on respondent mother on 19 May 2008 and on respondent father on 17 June 2008.

Respondent mother and father filed answers to the TPR petition. The trial court conducted hearings on the petition on 20 November 2008 and 25 November 2008. By the time of the hearings, both parents had chosen to proceed *pro se*, and their attorneys had been allowed to withdraw. Respondent father attended the hearings, but respondent mother did not.

On 29 January 2009, the trial court entered an order terminating both respondents' parental rights ("the TPR order"). The court concluded that grounds existed to terminate respondents'

parental rights under N.C. Gen. Stat. § 7B-1111(a)(1) (neglect), § 7B-1111(a)(2) (willfully leaving the child in foster care for more than 12 months without reasonable progress in correcting conditions leading to child's removal), § 7B-1111(a)(3) (failure to pay reasonable portion of cost of care), and § 7B-1111(a)(7) (willful abandonment). The trial court found that Matt's best interests would be served by terminating respondents' parental rights so as to enable Matt to be adopted. Both respondents timely appealed from this order.

I

Respondents first contend that this Court should vacate the TPR order because (1) DSS did not timely file the TPR petition under N.C. Gen. Stat. § 7B-907(e) (2007), and (2) the trial court violated N.C. Gen. Stat. § 7B-1109(a) (2007) by failing to conduct the TPR hearing within 90 days after DSS filed the TPR petition. We disagree.

DSS was required to file the TPR petition "within 60 calendar days from the date of the permanency planning hearing unless the court makes written findings why the petition cannot be filed within 60 days." N.C. Gen. Stat. § 7B-907(e). In its permanency planning order entered on 14 February 2008, the trial court directed DSS to file a TPR petition within 60 days. DSS did not, however, file the TPR petition until 8 May 2008.

In *In re T.M.*, 182 N.C. App. 566, 574, 643 S.E.2d 471, 476 (quoting *In re B.M., M.M., An.M., Al.M.*, 168 N.C. App. 350, 354, 607 S.E.2d 698, 701 (2005)), *aff'd per curiam*, 361 N.C. 683, 651

S.E.2d 884 (2007), this Court explained that "the time limitation specified by [N.C. Gen. Stat. § 7B-907(e)] 'is directory rather than mandatory and thus, not jurisdictional.'" Thus, when an appellant has demonstrated that DSS failed to timely file a TPR petition under N.C. Gen. Stat. § 7B-907(e), the Court must "assess whether prejudice has been shown to the parties" as a result. *In re As.L.G. & Au.R.G.*, 173 N.C. App. 551, 554, 619 S.E.2d 561, 564 (2005), *disc. review improvidently granted*, 360 N.C. 476, 628 S.E.2d 760 (2006).

Respondents argue that DSS delayed filing the TPR petition until Matt was granted special immigrant status and that this delay prejudiced respondents because without that status, the trial court would have sent Matt back to China and dismissed the TPR petition. We are not willing to conclude, under the circumstances of this case, that this is the type of "prejudice" that would warrant setting aside the TPR order. In any event, respondents have cited nothing to support their argument that without the special immigrant status, Matt would have automatically been sent back to China prior to the hearing or that the trial court would have decided that returning the child to China would have been in his best interests.

Respondent father additionally argues that the delay prejudiced him because he could have been deported at any time during the proceedings. Since respondent was not deported during the TPR hearing, any prejudice that might have occurred did not actually occur. This assignment of error is, therefore, overruled.

With respect to the delay in the scheduling of the hearing, we note that the hearing was only six days outside the period provided for in N.C. Gen. Stat. § 7B-1109(a). While respondents have failed to make any persuasive argument that they were prejudiced by this six-day delay, our Supreme Court has specifically held that "[m]andamus is the proper remedy when the trial court fails to hold a hearing or enter an order as required by statute." *In re T.H.T.*, 362 N.C. 446, 454, 665 S.E.2d 54, 59 (2008). This argument, therefore, does not entitle respondents to relief on appeal from the TPR order.

II

Respondents next argue that various findings of fact of the trial court are not supported by competent evidence and those findings in turn do not support the conclusions of law that grounds exist justifying termination of their parental rights. On appeal of a trial court's TPR order, "this Court reviews whether the district court's findings of fact are supported by clear, cogent and convincing evidence, and whether those findings support the district court's conclusions of law." *In re T.C.B.*, 166 N.C. App. 482, 485, 602 S.E.2d 17, 19 (2004).

Respondents first challenge the trial court's conclusion that the ground of neglect, N.C. Gen. Stat. § 7B-1111(a)(1), existed justifying termination of respondents' parental rights. N.C. Gen. Stat. § 7B-101(15) (2007) defines a neglected juvenile as

> [a] juvenile who does not receive proper care, supervision, or discipline from the juvenile's parent, guardian, custodian, or caretaker; or who has been abandoned; 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; or who has been placed for care or adoption in violation of law.

When a child was removed from the parent's home pursuant to a prior adjudication of neglect, "[t]he trial court must also consider any evidence of changed conditions in light of the evidence of prior neglect and the probability of a repetition of neglect." *In re Ballard*, 311 N.C. 708, 715, 319 S.E.2d 227, 232 (1984). In such cases, although "there is no evidence of neglect at the time of the termination proceeding . . . parental rights may nonetheless be terminated if there is a showing of a past adjudication of neglect and the trial court finds by clear and convincing evidence a probability of repetition of neglect if the juvenile were returned to her parents." *In re Reyes*, 136 N.C. App. 812, 815, 526 S.E.2d 499, 501 (2000).

In this case, the trial court determined that "the respondents have neglected the juvenile as that term is defined in N.C.G.S. §7B-101(15) in that they failed to provide proper care, supervision and discipline for the juvenile and have abandoned the juvenile as more specifically alleged in the above Findings of Fact." The trial court further concluded that "the likelihood of ongoing or continued neglect is substantially and significantly high if the juvenile is returned to the respondent parents' care because the respondents have not addressed the issues that led to the juvenile's placement in the Petitioner's custody as outlined in the above Findings of Fact."

The trial court made extensive findings of fact supporting its conclusion that Matt did not receive proper care, supervision, or discipline from respondents. In addition to finding that Matt had been adjudicated neglected and dependent, the trial court also found that Matt had been left by respondents to live alone and care for himself in a shed in the woods. While further findings would seem unnecessary, the trial court also found that while in the care of respondents, Matt (1) appeared unbathed and smelled like urine, (2) would come to school wearing the same clothes for multiple days, including clothes that were often inappropriate for the day's weather and/or activities, and (3) did not complete his homework.

The trial court's findings of fact amply support the ultimate finding that Matt had been neglected prior to being removed from respondents' custody. The trial court also made numerous subsidiary findings of fact supporting its ultimate finding that there was a probability of repetition of neglect.

With respect to respondent mother, the trial court found that she took two months to enter into a Family Services Agreement ("FSA"), but then — after signing the agreement — attempted to get out of it and ultimately failed to complete any of the objectives of her FSA. The trial court further found that respondent mother had failed to develop and follow a plan of care for Matt, had unsuitable living arrangements for Matt, had failed to provide proof of employment, and had failed to fully participate in therapy and visitation with Matt. In addition, respondent mother did not attend the TPR hearing, and, therefore, the record contains no

evidence of respondent mother's having any specific plan of care that would take into account Matt's therapeutic needs and respondent mother's desire to return to school in Ohio.

With respect to respondent father, the trial court found that he did not notify respondent mother of his incarceration and inability to care for Matt until February 2007, three months after his arrest and only after respondent mother notified him by letter that Matt had been taken into DSS' custody. Respondent father was released from incarceration on 26 July 2007, returned to Charlotte, and resumed living with respondent mother in the shed in the woods. Respondent father contacted the social worker by e-mail once he returned to Charlotte and provided DSS with a post office box number, but did not have a physical address to give DSS at that time. Respondent father did not request visits or any significant information about Matt. The trial court found that "between July 2007 and January 2008, the respondent father did not takes [sic] steps to have contact with the juvenile or the Petitioner." Respondent father ultimately has had only two visits with Matt since Matt was placed in DSS custody.

Further, the court found that respondent father did not enter into a case plan because he did not appear before the court until after the permanent plan had changed to adoption. Respondent father did not appear at any of the hearings regarding Matt until he was served with the summons in the TPR proceeding. The court noted that although respondent father claimed that he did not have notice of the hearings, respondent father was living with

respondent mother who attended the hearings and informed him about them. The trial court found additionally that respondent father admitted he was unemployed and that respondent father had failed to obtain and maintain living arrangements suitable for Matt. Finally, the trial court found that respondent father's only plan of care for Matt was to return to China with Matt, but that he did not have a plan as to how or when he would return to China and, in any event, respondent father's plan did not address Matt's therapeutic and medical needs.

These findings are more than sufficient to give rise to a probability that the neglect would be repeated if Matt were restored to respondents' care. *See In re Bradshaw*, 160 N.C. App. 677, 682, 587 S.E.2d 83, 86-87 (2003) (upholding conclusion of neglect where respondent father, while incarcerated, infrequently inquired about child and failed to provide any support for child, despite receiving small income); *In re Ore*, 160 N.C. App. 586, 588, 586 S.E.2d 486, 487 (2003) (upholding conclusion of neglect where respondent rarely visited with child, despite having right to weekly visitation; rarely spoke to child on phone unless calling child's caregiver to ask for money; and attempted to visit with child at inappropriate times).

This Court has held that "where the trial court finds multiple grounds on which to base a termination of parental rights, and 'an appellate court determines there is at least one ground to support a conclusion that parental rights should be terminated, it is unnecessary to address the remaining grounds.'" *In re P.L.P.*, 173

N.C. App. 1, 8, 618 S.E.2d 241, 246 (2005) (quoting *In re Clark*, 159 N.C. App. 75, 78 n.3, 582 S.E.2d 657, 659 n.3 (2003)), *aff'd per curiam,* 360 N.C. 360, 625 S.E.2d 779 (2006). We, therefore, do not address respondents' remaining arguments concerning the other grounds for termination found by the trial court.

Respondents argue further, however, that various of the trial court's findings of fact are not supported by competent evidence. Some of the challenged findings are immaterial to the neglect determination and, therefore, we do not address those findings of fact.

With respect to respondent mother's arguments regarding the findings of fact, we first note that many of those arguments cite as support documents that were attached to her answer to the TPR petition. Those documents were never admitted into evidence and, therefore, cannot be considered on appeal. Respondent mother primarily challenges the trial court's findings regarding her visitation with Matt. Based upon our review of the evidence presented to the trial court, we hold that the findings of fact are either supported by testimony or exhibits with one exception. We agree with respondent mother that the record contains evidence that respondent mother made a request for a visit in an e-mail on 21 June 2008 contrary to the trial court's finding that respondent mother did not make additional requests for visitation after December 2007. We do not believe that this unsupported portion of the finding of fact is sufficiently material in light of all the other findings of fact to require us to reverse the TPR order.

Next, respondent mother challenges the trial court's finding that "the respondent mother failed to maintain consistent contact with the Petitioner. There was contact between the Petitioner and the respondent mother on July 23, 2007. The respondent mother's next contact occurred on October 1, 2007. Her last contact with the Petitioner was in August 2008." Respondent mother argues that she did maintain consistent contact with DSS. Respondent mother admits that she did not contact DSS in August and September 2007, as the trial court found. Although the evidence at the TPR hearing indicated that respondent mother sent e-mails to DSS fairly frequently from October 2007 through February 2008, the evidence before the trial court contains no e-mails or other communications from February 2008 until June 2008. At the TPR hearing in November 2008, the DSS social worker testified that she had had no contact with respondent mother "for several months" and that she had last seen respondent mother at the permanency planning hearing in August. The trial court's finding of fact that respondent mother did not maintain consistent contact with DSS is, therefore, supported by the evidence.

Respondent mother also challenges the trial court's finding of fact describing a letter written by Matt's therapist to the trial court dated 28 March 2008. Respondent mother argues that this finding of fact is not supported by the evidence because the therapist's letter constitutes inadmissible hearsay. Respondent mother, who was proceeding *pro se*, did not, however, attend the TPR hearing and therefore did not object to the letter's admission.

Respondent mother, therefore, cannot challenge its admission on appeal. *See* N.C.R. App. P. 10(b).

Respondent father challenges the trial court's finding "[t]hat Ms. Grubb testified[,] which the Court finds[,] that her only means of contacting the respondent father was via email. The emails only discussed visits with [Matt]." We agree with respondent father that the DSS social worker did acknowledge that respondent father, in one e-mail "refer[red] to his concern about [Matt] not sleeping enough, and not drinking milk." We also agree with respondent father that the record does not support the trial court's finding of fact that "he admits that in August 2007, he received notice of the October 1, 2007 and October 11, 2007 hearing dates regarding [Matt]." Respondent father's testimony supports the portion of the finding that he admitted receiving notice of the 1 October 2007 hearing, but not that he *admitted* knowing about the 11 October 2007 hearing.

Nevertheless, we do not believe that the portions of these findings of fact that are not supported warrant setting aside the neglect determination. The portions challenged by respondent father are not necessary to the trial court's decision, and the record contains ample evidence supporting the trial court's overall point in these findings that (1) respondent father did not inquire about Matt's welfare, and (2) he did not attend hearings regarding Matt even though he was aware of the hearings through both official notice and his wife.

Respondent father next challenges the finding "[t]hat when the respondent father met the social worker, he did not make attempts to enter into an Out of Home Family Services Agreement, obtain information regarding the juvenile's status, or request visits with the juvenile." This finding of fact is supported by the testimony of the DSS social worker and respondent father's own testimony. Respondent father's arguments otherwise go to the credibility and weight of the evidence — questions to be determined by the trial court.

Respondent father next challenges the trial court's finding that

> respondent father has not presented a plan of care for [Matt]. The respondent father states his plan is to simply return to China with [Matt]. This plan is inappropriate because it does not address [Matt's] therapeutic and medical needs. Additionally, the respondent father has not presented a plan on when he will return to China. The respondent father has not presented a plan of care for [Matt] if he is returned to China.

This finding is fully supported by respondent father's own testimony. At the hearing, respondent father was asked what his plan of care would be if Matt were returned to his custody, and he said, "I plan on taking him back to China." He added: "Uh, right now, I don't have a-a definite plan of anything; I just want to take him back to China." When asked whether he had a plan for getting Matt therapy and medical attention, respondent father replied only that they "would [bring] him to China because in China, uh, kids, uh, already gets [sic] medical care." Although respondent father cites to additional statements that he made to

the trial court, those statements were made following the close of the evidence and cannot be relied upon in challenging the trial court's finding of fact based on the evidence admitted at the hearing.

Both respondents challenge the trial court's finding of fact that

> Ms. Grubb concluded this room was inappropriate for [Matt's] return. Ms. Grubb was not able to verify the identity of the 2 roommates in the home. She was also not able to meet the roommates. The room rented by [respondent father] and [respondent mother] did not have appropriate sleeping arrangements. The room had 2 mattresses on the floor. There was not enough space in the room for [Matt].

This finding of fact is supported by the testimony of the DSS social worker who viewed the room. While respondent father points to his testimony as contrary to the finding of fact, the decision whether to credit the social worker or respondent father rests solely with the trial court and may not be revisited on appeal.[2]

Finally, both respondents challenge the court's finding that

> [Matt] came to Newell Elementary as a first grade student. Due to his educational level, [Matt] was allowed to skip the first grade. Deloris Bainbridge, a 5th grade teacher at Newell Elementary School, was [Matt's] literacy teacher. Ms. Valerie Joseph was [Matt's] 5th grade homeroom teacher and social studies teacher. Ms. Bainbridge and Ms. Joseph knew [Matt] his entire 5th grade year, August 2006 until June 2007. Both knew [Matt] when he was living with the respondent parents

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[2]Both respondents also point to respondent father's assertion in a motion to amend the TPR order that mattresses were put on a wood board and iron framework. This motion does not constitute evidence that was before the trial court.

> and when he was placed in foster care. While in the care of the respondents, [Matt] did not complete his homework for Ms. Bainbridge's class. While [Matt] was in the care of the biological parents, he was selected as mayor of Exchange City. Both teachers testified, which the Court adopts, that when he was placed with the biological parents, [Matt] would often wear the same clothes, very thin pajama like pants, even in winter, nearly everyday [sic] to school. While in the 4th and 5th grade, he would also wear brown platform shoes that were at least 2 ½ or 3 inches high. They also noticed that [Matt] appeared to be "un-bathed." He would urinate on himself. [Matt] also smelled of urine. The odor became so offensive that the juvenile had to be segregated from the other students. Ms. Joseph asked the school nurse to contact the respondents regarding [Matt's] hygiene. The school officials were not successful in their efforts to contact the respondent parents. Additionally, while with the respondent parents, [Matt] was introverted/isolated and did not interact with his peers or teachers.

This finding of fact is fully supported by the testimony of Matt's teachers with one exception. Rather than being allowed to skip the first grade, the record indicates Matt actually skipped the second grade. We do not believe that whether Matt skipped first or second grade is material to the trial court's decision.

We, therefore, conclude that the findings of fact material to the trial court's conclusion that respondents neglected Matt are supported by clear and convincing evidence. Further, those findings support the conclusion of law that grounds existed to terminate respondents' parental rights. The trial court, therefore, did not err in concluding that grounds existed to terminate respondents' parental rights.

III

Respondents also challenge the trial court's conclusion that it was in Matt's best interests to remain in the United States and to terminate respondents' parental rights. "We review the trial court's decision to terminate parental rights for abuse of discretion." *In re Shermer*, 156 N.C. App. 281, 285, 576 S.E.2d 403, 407 (2003). An abuse of discretion occurs when a decision is "so arbitrary that it could not have been the result of a reasoned decision." *White v. White*, 312 N.C. 770, 777, 324 S.E.2d 829, 833 (1985).

N.C. Gen. Stat. § 7B-1110(a) (2007) provides: "After an adjudication that one or more grounds for terminating a parent's rights exist, the court shall determine whether terminating the parent's rights is in the juvenile's best interest." In making this determination, the trial court is required to consider (1) the age of the child; (2) the likelihood of adoption of the child; (3) whether the termination of parental rights will aid in the accomplishment of the child's permanent plan; (4) the bond between the child and the parent; (5) the quality of the relationship between the child and the proposed placement; and (6) any other relevant consideration. *Id.*

The trial court made the findings of fact required by N.C. Gen. Stat. § 7B-1110(a). Although respondents argue that the trial court did not make proper findings regarding the bond between the child and the parents, the trial court found that Matt "has not discussed the respondent mother very much" during therapy and has

"expressed that he wants to visit with the respondent father but continue to live in the foster home."

Respondents further challenge the trial court's findings of fact regarding Matt's progress while living with his foster parents. The trial court found that "[t]he juvenile improved while in foster care" and that once living in foster care, he received medical attention for his medical needs, including allergies, night tremors, and bed wetting. The trial court found that Matt was "successfully provided with physical and mental health care" while in the foster home and that "[t]he juvenile's therapist concluded that the child is thriving in foster care" and "[h]is anxiety level decreased." The trial court also found that Matt's teachers noticed an improvement in Matt's dress and appearance, demeanor, and interactions with peers and teachers once he moved into the foster home.

Respondents, in arguing that Matt has not improved while in foster care, point to evidence that his math scores had dropped from 2006 to 2008, that Matt has been struggling with expressing his emotions, and that he was diagnosed with adjustment disorder while in the foster home. The record, however, also contains evidence of academic success, progress on Matt's emotional issues during therapy, and a decrease in behavioral problems and anxiety while Matt has been living in the foster home, including expert testimony that Matt was thriving in foster care. The trial court's findings regarding the foster care placement are, therefore, supported by the evidence.

With respect to the required findings regarding the likelihood of adoption and whether termination would aid in achieving adoption, the trial court found that the permanent plan for Matt is adoption, but that Matt's immigration status might pose a barrier to adoption. The court further found, however, that Matt "is eligible for long term foster care because the respondent parents have not demonstrated an ability to appropriately care for [Matt]. Therefore, the Court cannot return [Matt] to the respondent parents."

Respondents argue that the likelihood of adoption actually appears remote because there is evidence in the record that the current foster family is not interested in adoption. Respondents cite to the Reasonable Efforts Report attached to the Court Summary for a 5 August 2008 permanency planning hearing. That summary does say that the foster father indicated that the family was not interested in adoption, but it also reports that the foster father said "they would like for [Matt] to remain in their home and he would be able to remain there as long as he needed."

Further, respondents point to no evidence that Matt would not be able to be adopted by another family. Although they argue that Matt's physical and emotional problems and lack of Medicaid eligibility mean he is unlikely to be adopted, they cannot cite to any evidence supporting their opinion. To the contrary, the GAL's report prepared for the TPR hearing stated that the likelihood of adoption for Matt was "[h]igh because he is young."

With respect to the potential for long-term foster care, respondents challenge the trial court's finding that they have not demonstrated an ability to appropriately care for Matt, contending that there is no evidence that they ever abused Matt; that he did well in school despite living with them in the woods; that Matt never told his teachers he was unhappy living with his parents; and that Matt had school supplies and clothes and shoes. Respondents, however, have never denied that Matt was left alone to care for himself in a shed in the woods while his father was incarcerated and his mother was attending school in Ohio. This fact supports the trial court's finding that respondents have not demonstrated an ability to appropriately care for Matt when considered together with the other evidence set out above regarding the probability of a repetition of neglect, including Matt's inadequate clothing and hygiene while in the care of respondents, respondents' failure to follow through with any case plan, the current lack of any concrete plan of care for Matt, inappropriate housing, and lack of employment.

Finally, respondents argue that keeping Matt in the United States is a violation of immigration law because his passport and visa have expired. Respondents, however, cite no authority or evidence supporting this contention. The documents relied upon by respondents were never admitted into evidence. Moreover, the trial court specifically found that DSS was taking steps to seek Special Immigrant Juvenile status for Matt. Because the trial court found that DSS was seeking to resolve Matt's immigration status, the

trial court's finding that termination would aid in accomplishing the plan of adoption is supported.

In sum, the trial court determined that Matt "needs parents who can meet his needs; parents who can provide for him[;] and parents who encourage [Matt] to express his feelings." The trial court found that respondents had not, in the past, met those needs and that there was a likelihood they would not meet those needs in the future. The trial court then made findings that Matt's foster parents had been meeting those needs and would do so in the future. According to the trial court, "stability is in [Matt's] best interest," Matt is receiving that stability in foster care, and respondents have not presented a plan of care for Matt that would provide stability.

Based on the trial court's detailed and careful findings, we hold that the trial court did not abuse its discretion in concluding that termination was in Matt's best interests. *See In re J.A.P. & I.M.P.*, 189 N.C. App. 683, 694-95, 659 S.E.2d 14, 21-22 (2008) (holding trial court did not abuse discretion in finding termination in children's best interests where children were better socialized, more stable, and happier in foster care; children interacted better with peers and authority figures; children were doing well in school; children continued to receive therapy, case management services, and medication management services; and children indicated that they wished to remain in placement). We, therefore, affirm the trial court's order terminating respondents' parental rights.

Affirmed.

Judges HUNTER, JR. and BEASLEY concur.

Report per Rule 30(e).