NO. COA09-803

NORTH CAROLINA COURT OF APPEALS

Filed: 3 November 2009

IN THE MATTER OF: W.D.M., Jr.

Henderson County
No. 03 JT 157

Appeal by respondent-father from order entered 13 March 2009 by Judge David K. Fox in Henderson County District Court. Heard in the Court of Appeals 12 October 2009.

Assistant County Attorney Susan L. Fosmire for petitioner-appellee Henderson County Department of Social Services.

Charlotte Gail Blake for respondent-appellant father.

Pamela Newell Williams for guardian ad litem.

ERVIN, Judge.

Respondent-father appeals from the district court's order terminating his parental rights in his seven-year-old son, W.D.M.[1] After careful review, we affirm.

Factual Background

On 2 December 2003, the Henderson County Department of Social Services (DSS) filed a juvenile petition alleging that W.D.M. was a neglected juvenile as the result of domestic violence between and substance abuse by his parents, who were married at the time. On

[1] W.D.M.'s mother is not a party to this appeal.

the same date, DSS took W.D.M. into its custody pursuant to a nonsecure custody order.

On 14 May 2004, the trial court entered an order with the consent of both parents concluding that W.D.M. was a neglected juvenile. In an accompanying Memorandum of Consent, the parents agreed that, to regain custody, they must comply with a case plan set out in a DSS court report and "show prompt and immediate progress." The requirements for respondent-father set out in the DSS case plan were primarily intended to address substance abuse and mental health issues and required him to obtain substance abuse treatment, submit to testing for the presence of controlled substances, and participate in therapy and other programs intended to address domestic violence, marital, parenting and mental health issues.

On 8 September 2005, the trial court held a permanency planning hearing. Following that hearing, the trial court entered an order changing the permanent plan for W.D.M. from reunification with the parents to termination of parental rights and adoption. Although the parents appealed the permanency planning order to this Court, we affirmed the trial court's order by means of an unpublished opinion filed 4 September 2007. *In re W.D.M.*, 185 N.C. App. 730, 649 S.E.2d 477 (2007) (unpublished).

The trial court conducted another review and permanency planning hearing on 3 January 2008 and 14 March 2008. In the written order entered following the conclusion of that hearing, the trial court found that W.D.M.'s parents had separated in December

2005 and divorced a year later. Respondent-father was employed and had been living in a mobile home owned by a member of his church since January 2007. Respondent-father had obtained a substance abuse assessment and a mental health assessment. However, he had not complied with the remaining provisions of his DSS-approved case plan. For that reason, the trial court concluded that the permanent plan for W.D.M. should remain termination of parental rights and adoption.

On 11 August 2008, DSS filed a petition to terminate the parental rights of both parents based on allegations of neglect and that they had willfully left W.D.M. in foster care for more than twelve months without showing reasonable progress toward correcting the conditions which led to his removal. Respondent-father filed an answer to the petition on 16 October 2008 in which he denied that grounds for the termination of his parental rights in W.D.M. existed. On 30 October 2008, W.D.M.'s mother executed a document relinquishing her parental rights in W.D.M.

The trial court conducted a termination hearing on 31 December 2008 and 5 March 2009. At the termination hearing, DSS presented the testimony of Altha Gordon (Ms. Gordon), the DSS social worker who had been assigned to W.D.M.'s case since he was initially removed from his parents' custody in 2003, and Barbara King (Ms. King), W.D.M.'s guardian *ad litem* (GAL). Respondent-father testified on his own behalf. On 13 March 2009, the trial court entered an order finding that both grounds for terminating respondent-father's parental rights alleged in the petition existed

and that termination of respondent-father's parental rights was in W.D.M.'s best interest. Respondent-father noted an appeal from the trial court's termination order to this Court.

Basic Structure of Termination of Parental Rights Proceedings

Proceedings in which the trial court has been requested to terminate parental rights are conducted in two stages. *In re Brim*, 139 N.C. App. 733, 741, 535 S.E.2d 367, 371 (2000). At the adjudication stage, the trial court must determine whether at least one of the grounds for termination specified in N.C. Gen. Stat. § 7B-1111(a) exists. *In re Blackburn*, 142 N.C. App. 607, 610, 543 S.E.2d 906, 908 (2001). During the adjudication process, the burden of proof rests with the petitioner to prove the existence of grounds for terminating the parent's parental rights by clear, cogent, and convincing evidence. *Id.* In the event that the trial court finds that grounds for termination exist, "the decision of whether to terminate parental rights is within the trial court's discretion." *In re Allred*, 122 N.C. App. 561, 569, 471 S.E.2d 84, 88 (1996) (citation omitted).

Adjudication Issues

In challenging the trial court's termination order, respondent-father first contests the existence of grounds for terminating his parental rights in W.D.M. Pursuant to N.C. Gen. Stat. § 7B-1111(a), a trial court may terminate a parent's parental rights in a juvenile in the event that it finds the existence of at least one of the ten statutorily enumerated grounds. In this case, the trial court found that respondent-father's parental rights in

W.D.M. were subject to termination based on: (1) neglect pursuant to N.C. Gen. Stat. § 7B-1111(a)(1) and (2) willfully leaving W.D.M. in foster care for over twelve months without showing reasonable progress in correcting the conditions which led to his removal pursuant t0 N.C. Gen. Stat. § 7B-1111(a)(2). Although the trial court found the existence of two grounds for terminating respondent-father's parental rights, "[a] single ground . . . is sufficient to support an order terminating parental rights." *In re J.M.W.*, 179 N.C. App. 788, 789, 635 S.E.2d 916, 917 (2006). Therefore, in the event that we determine that the trial court properly found the existence of one ground for terminating respondent-father's parental rights in W.D.M., we need not review respondent-father's challenge to the trial court's decision to find the other ground for termination as well. *See In re Humphrey*, 156 N.C. App. 533, 540, 577 S.E.2d 421, 426-27 (2003) (citations omitted). As a result, despite the fact that respondent-father has challenged both grounds for terminating his parental rights in W.D.M., we need not analyze the validity of the trial court's decision that respondent-father's parental rights in W.D.M. were subject to termination pursuant to N.C. Gen. Stat. § 7B-1111(a)(1) because, for the reasons set forth in more detail below, the trial court properly determined that respondent-father's parental rights in W.D.M. were subject to termination pursuant to N.C. Gen. Stat. § 7B-1111(a)(2).

In reviewing an order terminating a parent's parental rights in a juvenile, we focus on "whether the trial court's findings of

fact were based on clear, cogent, and convincing evidence, and whether those findings of fact support a conclusion that parental termination should occur . . . ." *In re Oghenekevebe*, 123 N.C. App. 434, 435-36, 473 S.E.2d 393, 395 (1996). In the event that the trial court's findings of fact are supported by competent evidence, they are binding for purposes of appeal. *In re McCabe*, 157 N.C. App. 673, 679, 580 S.E.2d 69, 73 (2003) (citations omitted). In making this determination, we must remember that the responsibility for determining "'the weight to be given the testimony and the reasonable inferences to be drawn therefrom'" is the responsibility of the trial court and that, in the event that "different inference[s] may be drawn from the evidence," the trial court "'alone determines which inferences to draw and which to reject.'" *Id.* (quoting *In re Hughes*, 74 N.C. App. 751, 759, 330 S.E.2d 213, 218 (1985)).

First, respondent-father challenges the sufficiency of the evidence to support a number of the trial court's findings of fact. Of necessity, his challenges to these findings are fact specific and must be considered on a finding by finding basis.[2] As a

[2] Although respondent-father assigned error to other findings of fact in addition to those discussed in the text as error and listed a number of those additional assignments of error in his brief, respondent-father has failed to specifically challenge any of the trial court's findings of fact in his brief except for those discussed in the text. Under well-established North Carolina law, any assignments of error not addressed in respondent-father's brief are deemed abandoned, *In Re Bishop*, 92 N.C. App. 662, 664, 375 S.E.2d 676, 678 (1989) (citing N.C.R. App. P. 28(b)(5)), and any findings of fact that were challenged in such unargued assignments of error are, therefore, binding on appeal. *Humphrey*, 156 N.C. App. at 540, 577 S.E.2d at 426-27.

result, we will address each of the challenged findings of fact in turn, attempting, where possible, to discuss the challenged findings in groups rather than individually for the sake of clarity.

Initially, respondent-father challenges Finding of Fact No. 14, which states that respondent father "was non-compliant with the Mainstay Program to address issues of domestic violence." According to respondent-father, this factual finding lacks sufficient evidentiary support because (1) respondent-father testified that he addressed this issue through his church, (2) the evidence reflects that he has not engaged in domestic violence since separating from W.D.M.'s mother in December 2005, and (3) the absence of any involvement in domestic violence over such an extended period of time should constitute sufficient compliance with respondent-father's case plan.

Despite the fact that the record contains the evidence upon which respondent-father relies, the record also reflects that Ms. Gordon testified that domestic violence was "an issue" and that respondent-father was "non-compliant with the Mainstay Education Program," which was part of respondent-father's case plan. While we acknowledge that respondent-father has not engaged in domestic violence since separating from his ex-wife, respondent-father's argument that the ultimate result should be deemed sufficient compliance with his case plan is not a valid basis for concluding that the finding that the trial court actually made lacks evidentiary support. Domestic violence was one of several issues

that respondent-father agreed to address through counseling and therapy. Simply separating from his wife, without following through with the therapy in which he agreed to participate in his case plan, does not constitute compliance with that plan. In essence, respondent-father's challenge to Finding of Fact No. 14 represents nothing more than a contention that the trial court should have emphasized other portions of the evidentiary record in evaluating the extent to which he had complied with that portion of the case plan that required him to address domestic violence issues through the Mainstay Education Program. As a result, we conclude that Finding of Fact No. 14 has adequate evidentiary support.

Next, respondent-father challenges Finding of Fact Nos. 12, 20, and 23, which address (1) his failure to comply with the recommendations stemming from his substance abuse assessment and (2) his failure to participate in various treatment and therapy programs intended to help him address his substance abuse and mental health needs. In addition, Finding of Fact No. 20 indicates that respondent-father refused to participate in therapy because he believed that "all therapists are idiots" and that he received counseling from his pastor. As was the case with his challenge to Finding of Fact No. 14, respondent-father contends that the fact that he addressed his substance abuse problems through his church and that the fact that he is and has for some time been drug-free should suffice to constitute adequate compliance with this portion of his case plan. Once again, we disagree with the premise that underlies respondent-father's argument and conclude that the

challenged findings of fact are supported by Ms. Gordon's testimony.

According to Ms. Gordon, respondent-father stated that "he would do therapy through his church," that "therapists were all idiots," and that therapists "did not know what was best for his children." In addition, Ms. Gordon testified that, as a result of his attitude toward therapists, respondent-father had failed to comply with his case plan by refusing to attend AA, which was recommended as a result of his substance abuse assessment; failing to participate in individual mental health counseling, which was recommended as a result of his mental health assessment; refusing to work with a licensed therapist; and failing to attend a family support group. Although respondent-father's efforts to remain drug-free are commendable, we cannot accept his argument that the trial court committed an error of law by failing to accept his argument that, as long as he remained drug-free and obtained help through his church, he had complied with the relevant portions of his case plan. On the contrary, the record clearly reflects that respondent-father agreed at the time of the 14 May 2004 adjudication order to comply with the recommendations resulting from his substance abuse and mental health assessments, including participation in any recommended therapy and treatment. Respondent-father separately agreed to attend support groups, cooperate with mental health providers, and participate in therapy. Respondent-father admitted that he did not comply with these requirements, and the testimony of Ms. Gordon and Ms. King confirms

his noncompliance. The fact that respondent-father felt that he had a better way to accomplish the same result sought to be achieved by the DSS-approved case plan is simply not a valid basis for a determination that the challenged findings of fact lack adequate record support. As a result, we conclude that there is ample evidentiary support for Finding of Fact Nos. 12, 20, and 23.

Next, respondent-father challenges Finding of Fact No. 13, which addresses the provision of his case plan requiring that he take parenting classes. According to respondent-father, the trial court mischaracterized his testimony in this finding by quoting him as saying that "it would be foolish to do that today" in response to a question inquiring whether W.D.M. should be returned to him immediately. Respondent-father is correct in noting that the trial court totally omitted his explanation for the quoted statement, which was that gradually increased visitation building up to a return of W.D.M. to his custody would be the best way to handle reunification and that, in the absence of this explanation, the quotation of respondent-father's comment as it appears in Finding of Fact No. 13 is taken out of context.

The main focus of Finding of Fact No. 13 is addressing respondent-father's failure to attend DSS-approved parenting classes. Instead of attending and completing a DSS-approved parenting class, respondent-father completed a parenting education program at his church. Respondent-father was the only participant in this church-sponsored parenting program. According to both Ms. Gordon and Ms. King, the parenting class in which respondent-father

participated did not suffice to meet the requirement of his case plan because it failed to address W.D.M.'s Reactive Attachment Disorder and was not led by a licensed therapist. Respondent-father does not dispute the characterization of the parenting class that he attended presented in the testimony of Ms. Gordon and Ms. King. The testimony of Ms. Gordon and Ms. King clearly supports the essential thrust of Finding of Fact No. 13. Therefore, we conclude that, although a portion of Finding of Fact No. 13 mischaracterizes respondent-father's testimony and will not be considered in our review of the sufficiency of the trial court's findings of fact to support its conclusion that respondent-father's parental rights were subject to termination pursuant to N.C. Gen. Stat. § 7B-1111(a)(2), the essential thrust of this finding is supported by competent evidence.

Furthermore, respondent-father challenges statements made by the trial court with respect to his participation in the Intensive Outpatient Program (IOP) found in Finding of Fact No. 15 ("he did not comply with the treatment recommendations that he attend IOP") and Finding of Fact No. 23 ("Father did not go to IOP") as inaccurate. In essence, respondent-father contended that he completed IOP "but did not stay in AA after his treatment." However, in the portion of the transcript upon which respondent-father relies in support of this portion of his challenge to the trial court's factual findings, Ms. Gordon testified that, while respondent-father had attended IOP, he had failed to participate in AA/NA and that such participation was a prerequisite for successful

completion of the program. Thus, given the apparently undisputed evidence that respondent-father attended, but did not complete, the IOP program, we will not treat the trial court's findings with respect to the IOP program as determinations that respondent-father never participated in that program at all in our review of the sufficiency of the trial court's findings of fact to support its conclusion that respondent-father's parental rights were subject to termination pursuant to N.C. Gen. Stat. § 7B-1111(a)(2).

Finally, respondent-father challenges Finding of Fact Nos. 18, 20, and 21, which address a number of subjects, including the extent to which respondent-father had failed to contact a therapist who would be able to address W.D.M.'s Reactive Attachment Disorder. Although respondent-father does not appear to dispute the accuracy of the statement in Finding of Fact No. 21 that "[t]he Father called a secular therapist in Gaston County for the juvenile but no appointments were scheduled," he contends that Finding of Fact Nos. 18, 20, and 21 mischaracterize the evidence given his inability to schedule an appointment with this therapist until such time as W.D.M. was actually returned to his home. A careful review of the record suggests that, as was the case with Finding of Fact No. 13, the information contained in Finding of Fact No. 21, which is the only finding that actually addresses the issue about which respondent-father expresses concern, omits certain information that should be considered in order for the material contained in that finding to be taken in proper context. As a result, while we do not believe that respondent-father's argument provides any basis

for concluding that Finding of Fact Nos. 18 and 20 lack adequate evidentiary support, we will not consider Finding of Fact No. 21 in examining the sufficiency of the trial court's findings of fact to support its determination that respondent-father's parental rights in W.D.M. should be terminated pursuant to N.C. Gen. Stat. § 7B-1111(a)(2).

Having determined that, with the limited exceptions discussed above, the trial court's findings of fact are supported by sufficient evidence, we next turn to an examination of the trial court's conclusions. In his brief, respondent-father argues that the trial court's findings of fact do not support its conclusion that his parental rights in W.D.M. were subject to termination pursuant to N.C. Gen. Stat. § 7B-1111(a)(2). After carefully considering the trial court's findings of fact in light of the applicable law, we disagree.

In order to terminate a parent's parental rights in a juvenile pursuant to N.C. Gen. Stat. § 7B-1111(a)(2), the trial court is required to find that (1) the parent willfully left the juvenile in foster care for over twelve months and that (2) the parent has not made reasonable progress toward correcting the conditions which led to the removal of the juvenile. *In Re O.C.*, 171 N.C. App. 457, 464-65, 615 S.E.2d 391, 396, *disc. review denied*, 360 N.C. 64, 623 S.E.2d 587 (2005). According to well-established North Carolina law, a finding of "willfulness" as that term is used in N.C. Gen. Stat. § 7B-1111(a)(2) does not require a showing of fault by the parent. *Oghenekevebe*, 123 N.C. App. at 439, 473 S.E.2d at 398.

Having found in accordance with the undisputed evidence that W.D.M. had been in foster care since 2 December 2003, the principal issue which the trial court was required to address in order to determine whether respondent-father's parental rights in W.D.M. were subject to termination pursuant to N.C. Gen. Stat. § 7B-1111(a)(2) was whether respondent-father had made reasonable progress in correcting the conditions that led to W.D.M.'s removal. An examination of that issue required, in turn, an examination of the extent to which respondent-father had complied with the components of the 14 May 2004 case plan to which he had agreed.

According to Finding of Fact No. 10, respondent-father's case plan contained the following provisions:

> 10. The signed Memorandum of Consent also contained the requirements for the parents in order to obtain reunification. The father's requirements are as follows:
>
> a. Father will cooperate with and complete a drug and alcohol assessment.
>
> b. Father will cooperate with the recommendation of the drug/alcohol assessment and continue treatment until {his} participation is [no] longer necessary, which may involve Detoxification, Inpatient Treatment, Intensive Outpatient Treatment, Group/Family/Community Support groups, Parent Education Classes.
>
> c. Father will cooperate with and complete a mental health examination/psychological assessment and comply with treatment recommendations.
>
> d. Father will cooperate with and complete periodic urine/blood/hair tests.

> e. Father will sign all necessary consents to release above information.
>
> f. Father will make special effort to cooperate with his mental health providers.
>
> g. Father will participate in therapy to learn how to manage his illness.
>
> h. Father [will] comply with recommended treatment plans to include prescribed medication or alternatives as instructed.
>
> i. Father will comply with recommended participate {sic} in support groups, family/couples' therapy.
>
> j. Father will sign all necessary consents to release above information.

In addressing respondent-father's efforts to satisfy the requirements of his case plan, the trial court made the following findings of fact:

> 11. The father did obtain a Drug and Alcohol Assessment.
>
> 12. The father did not cooperate with the recommendation of the drug/alcohol assessment. . . .
>
> 13. Father was also to attend a Parenting Class. Father did not go to a licensed parenting program. Rather, he chose to attend a class offered by his Church. It took the Father until 2008 to begin this program. He was the only participant in the program. This class did not address the specific needs of this juvenile. Father attended all the classes and completed a workbook. Despite having completed this parenting class when asked if he was ready to have this child in his home today, the father testified that ["]It would be foolish to do that today."

14. In addition, father was non-compliant with the Mainstay Program to address issues of domestic violence.

15. Father obtained a Mental Health assessment; however, he did not comply with the treatment recommendations that he attend IOP (the Intensive Outpatient Program). Father stated that he does not use secular counseling. In 2008 the Father counseled with his pastor. However, this Pastor is not licensed as a counselor or therapist.

16. From the beginning of this case up until 2005, the father refused several requested drug test[s] stating they would incriminate him. The father either admitted to or tested positive for Methamphetamine in January 2005 and May 2005 and Cocaine in January 2006. Since that time the Father's drug screens have been negative for June 2007, November 2007 and March 2008. Father appears not to be using controlled substances at this time.

. . . .

18. Father has not complied in making special effort[s] to cooperate with his mental health providers. Father has stated that all therapists are "idiots" and do not know what is best for his child.

19. Having been barred from therapy due to his misconduct, Father has not attended the juvenile's therapy since November 2005.

20. The Father has not participated in therapy to learn how to manage his illness even though it was made available to him [through] Appalachian Counseling. The father has not addressed his own mental health needs or his drug addiction (although he seems not to be using at this time). Father refuses to go to secular counseling, stating that all therapists are idiots and do not know what is in his child's best interest.

> Father claimed that Mental Health and Substance Abuse treatments were no help to him. Father has stated that his church is now "his wise counsel."
>
> . . . .
>
> 22. Since the father has not complied with any treatment plans there is no way to evaluate his progress.
>
> 23. Father has refused to seek out any therapy except the counseling he gets from his pastor. Father did not go to AA/NA. Father did not go to Mainstay. Father did not go to IOP. Father did not go to individual/family/couples counseling with a licensed therapist.
>
> 24. The Father has had a steady residence having for the past two years lived in a two bedroom trailer. He has recently added a third bedroom. The father's home is physically safe.
>
> 25. The father has always maintained steady employment. Father is currently working full time as a welder making $17.50/hr.
>
> 26. The father is now paying Child Support.

After carefully reviewing these findings of fact in light of the applicable legal standard, we conclude that they are sufficient to support the trial court's conclusion that respondent-father willfully left W.D.M. in foster care for over twelve months without making reasonable progress to correct the conditions which led to the child's removal.

The essential thrust of respondent-father's challenge to the sufficiency of the trial court's findings of fact to support his conclusion that respondent-father's parental rights in W.D.M. were subject to termination pursuant to N.C. Gen. Stat. § 7B-1111(a)(2) hinges upon the argument that he made sufficient progress to

preclude termination by remaining drug-free, by refraining from involvement in domestic violence with his former wife, by maintaining a home and job, and by paying child support. In addition, respondent-father contends his failure to comply with certain aspects of his case plan should be overlooked because he addressed his various substance abuse and mental health issues through his church and because the manner in which he has lived his life demonstrates that those efforts were successful. At bottom, respondent-father contends that, while he might not have complied with the literal letter of his case plan, he did accomplish the goals sought to be achieved by the case plan by other means and that his success in these endeavors constituted sufficient progress to preclude the termination of his parental rights in W.D.M. pursuant to N.C. Gen. Stat. § 7B-1111(a)(2).

Although we acknowledge that respondent-father has made some progress toward correcting certain of the conditions that led to W.D.M.'s removal, we are not persuaded that respondent-father's attempts to correct his mental health and substance abuse problems, often through means other than those specified in his DSS-approved case plan, necessitate a determination that the trial court erred by concluding that his parental rights were subject to termination pursuant to N.C. Gen. Stat. § 7B-1111(a)(2). A finding of "willfulness is not precluded just because respondent has made some efforts to regain custody of the child." *Oghenekevebe*, 123 N.C. App. at 440, 473 S.E.2d at 398; *see also In Re Tate*, 67 N.C. App. 89, 94, 312 S.E.2d 535, 539 (1984) ("The fact that appellant made

some efforts within the two years does not preclude a finding of willfulness or lack of positive response.") "Instead, 'willfulness is established when the respondent had the ability to show reasonable progress, but was unwilling to make the effort.'" *In re B.D.*, 174 N.C. App. 234, 248, 620 S.E.2d 913, 922 (2005) *disc. review denied*, 360 N.C. 289, 628 S.E.2d 245 (2006) (quoting *In re McMillon*, 143 N.C. App. 402, 410, 546 S.E.2d 169, 175, *disc. review denied*, 354 N.C. 218, 554, S.E.2d 341 (2001)). "Willfulness may be found where even though a parent has made some attempt to regain custody of the child, the parent has failed to show reasonable progress or a positive response to the diligent efforts of DSS." *In re N.A.L.*, __ N.C. App. __, __, 666 S.E.2d 768, 772 (2008) (quoting *In re Clark*, 159 N.C. App. 75, 84, 582 S.E.2d 657, 662 (2003)). Here, respondent-father falls into the latter category. While he made some efforts to address the problems that led to W.D.M.'s removal, respondent-father failed to positively respond to DSS's efforts, as is evidenced by his lack of compliance with provisions of his case plan that the trial court obviously deemed critical.

Despite agreeing to complete a list of requirements that were embodied in his case plan as a precondition for regaining custody of W.D.M., respondent-father flatly refused to comply with a number of those requirements over the course of the next several years and instead insisted on attempting to address the concerns that led to W.D.M.'s removal in a way that was more to his own liking. The effect of the approach adopted by respondent-father was to put him

in violation of the provisions of his DSS-approved case plan, a set of circumstances which is clearly reflected in the trial court's findings of fact. In light of this evidence of non-compliance, which is reflected in the trial court's findings of fact, we conclude that the trial court's findings adequately support its conclusion that respondent-father had willfully left W.D.M. "in foster care or placement outside his home for more than twelve months without showing reasonable progress in correcting those conditions that led to the removal of the juvenile" and that respondent-father's parental rights were subject to termination pursuant to N.C. Gen. Stat. § 7B-1111(a)(2).

Dispositional Stage Issues

Respondent-father contends that the trial court erred by concluding at the dispositional stage of this proceeding that it was in W.D.M.'s best interests to terminate his parental rights. After determining that a parent's parental rights are subject to termination pursuant to one or more of the grounds enumerated in N.C. Gen. Stat. § 7B-1111(a), the trial court is required to "determine whether terminating the parent's rights is in the juvenile's best interests." N.C. Gen. Stat. § 7B-1110(a). In making its dispositional decision, the trial court is required to consider the following factors:

> (1) The age of the juvenile.
>
> (2) The likelihood of adoption of the juvenile.
>
> (3) Whether the termination of parental rights will aid in the accomplishment of the permanent plan for the juvenile.

> (4) The bond between the juvenile and the parent.
>
> (5) The quality of the relationship between the juvenile and the proposed adoptive parent, guardian, custodian, or other permanent placement.
>
> (6) Any relevant consideration.

N.C. Gen. Stat. § 7B-1110(a). We review a trial court's determination that a termination of parental rights is in the best interest of the juvenile for an abuse of discretion. *In re Anderson*, 151 N.C. App. 94, 98, 564 S.E.2d 599, 602 (2002). An "[a]buse of discretion exists when 'the challenged actions are manifestly unsupported by reason.'" *Barnes v. Wells*, 165 N.C. App. 575, 580, 599 S.E.2d 585, 589 (2004).

As an initial matter, respondent-father challenges dispositional Finding of Fact No. 6, which states that:

> The juvenile has been with his half sibling his entire life. The half sibling and this juvenile are placed in the same foster home. The half sibling has been cleared for adoption. It would be in the juvenile's best interest to be adopted into a family with his half sibling.

According to respondent-father, this finding of fact is inaccurate. Instead, he claims that W.D.M. moved to a new placement in May 2007, at which point W.D.M. began living with his half-brother. As a result, respondent-father contends that dispositional Finding of Fact No. 6 lacks sufficient evidentiary support.

In spite of respondent-father's argument, we conclude that dispositional Finding of Fact No. 6 is supported by the record.

According to Ms. Gordon, W.D.M. was "in a pre-adoptive placement . . . for almost three years and he lives in this home with his half sibling." Ms. Gordon also explained that W.D.M. and his half-brother "have been together throughout the foster care years," which began when they were removed from their parents' home in 2003. Respondent-father did not elicit any evidence during the dispositional portion of the hearing that tended to contradict Ms. Gordon's testimony. The trial court clearly found Ms. Gordon's testimony to be credible, having based dispositional Finding of Fact No. 6 upon it. As a result, we conclude that dispositional Finding of Fact No. 6 is supported by competent evidence.

We also disagree with respondent-father's contention that the trial court abused its discretion by concluding that termination of his parental rights was in W.D.M.'s best interest. In reaching this conclusion, the trial court made the following dispositional findings of fact:

> 1. The juvenile is seven years of age.
>
> 2. It is very likely that the juvenile will be adopted. The juvenile is in a home with his half brother. The foster parents have expressed an interest and desire to adopt both boys.
>
> 3. This Court has previously adopted a permanency plan for this juvenile of adoption, and termination of the parental rights as ordered herein will aid in the accomplishment of this plan.
>
> 4. The juvenile and the father [] have had no contact since November 2005 when this juvenile was 4 years of age. The bond, from the juvenile's perspective is limited as he has been with these foster parents for three of his seven years and

> calls them mom and dad. However the father has a strong bond for the juvenile stating he will always be the juvenile's father.
>
> 5. The relationship between the juvenile and the prospective adoptive parent[s] is loving and caring. The Foster Parents nurture the spiritual, emotional and developmental growth of the juvenile.
>
> 6. The juvenile has been with his half sibling his entire life. The half sibling and this juvenile are placed in the same foster home. The half sibling has been cleared for adoption. It would be in the juvenile's best interest to be adopted into a family with his half sibling.

The trial court's findings of fact address all of the factors enumerated in N.C. Gen. Stat. § 7B-1110(a) and provide a reasoned basis for the trial court's conclusion that W.D.M.'s best interests would be served by terminating respondent-father's parental rights. Although respondent-father clearly disagrees with the trial court's determination, he has not demonstrated that it lacks a reasoned basis. As a result, we conclude that the trial court did not abuse its discretion in determining that the best interests of W.D.M. would be served by the termination of respondent-father's parental rights.

Conclusion

For the reasons stated above, we conclude that respondent-father received a fair trial that was free from prejudicial error. As a result, the trial court's judgment terminating respondent father's parental rights in W.D.M. should be, and hereby is, affirmed.

Affirmed.

Judges WYNN and STEELMAN concur.

Report per Rule 30(e).