NO. COA10-109

NORTH CAROLINA COURT OF APPEALS

Filed: 6 July 2010

IN THE MATTER OF:

A.L.B., B.L.R., B.J.R., J.E.B., Minor Children	Buncombe County Nos. 07 JT 213, 08 JT 361, 08 JT 362, 08 JT 363

Appeal by Respondents from orders entered 4 August 2009 by Judge Gary S. Cash in Buncombe County District Court. Heard in the Court of Appeals 7 June 2010.

John C. Adams, for Buncombe County Department of Social Services, Petitioner-Appellee.

Robin E. Strickland for mother, Respondent-Appellant.

Duncan McCormick for father, Respondent-Appellant.

M. Carridy Bender for Guardian ad litem.

BEASLEY, Judge.

The principals in this appeal are four children, A.L.B., a female born in 2001 (hereinafter referred to as "Alice"[1]); B.L.R., a male born in 2002 (hereinafter referred to as "Billy"); B.J.R., a female born in 2003 (hereinafter referred to as "Beth"); and J.E.B., a male born in 2006 (hereinafter referred to as "Jeb"). All four share the same birth mother (hereinafter referred to as "Mother"). The latter three share the same biological father

[1]Pseudonyms are used to protect the identity and privacy of the children.

(hereinafter referred to as "Father"). The father of the eldest child, Alice, is unknown. Mother and Father are appealing from judgments terminating their parental rights to their children.

History

As stipulated by the parties at the original neglect adjudication hearing, the Buncombe County Department of Social Services (hereinafter "Petitioner") became involved with the family on 12 April 2002 after receiving a child protective services (CPS) report that Mother had violent rages once or twice per month in the presence of the children and that Mother had left the children in the care of the maternal grandmother, who was homeless. Both Mother and Father agreed at that time to a safety plan in which they committed not to leave the children alone with Mother. On 8 May 2002 Petitioner received another CPS report alleging that Father had assaulted Mother at a pool hall in the presence of the children. Mother refused to file criminal charges against Father. Mother agreed to remain away from Father's home. Mother and Father also agreed not to be in each other's presence with the children unless the woman with whom Mother and the children were residing was also present and supervising. Mother and Father violated this condition on 19 June 2002.

Mother and Father subsequently moved with the children to Gaston County, North Carolina. On 2 November 2006 the Gaston County Department of Social Services (hereinafter "GCDSS") received a CPS report that one of the children had a black eye. On 7 November 2006 the GCDSS received a CPS report alleging that Father

sexually abused one of the female children. Mother agreed to prohibit Father from any contact with the children. On 27 November 2006 GCDSS received another CPS report alleging that Mother's new boyfriend assaulted Mother and drank alcohol in the presence of one of the children. The boyfriend admitted that he had been drinking that day. Mother entered into a safety assessment in which she agreed not to have any contact with the boyfriend.

Mother moved back to Buncombe County around February 2007. Petitioner became involved with the family again on 16 March 2007 when it received a CPS report alleging that the youngest child, then four months old, had a life-threatening blood disorder which required blood transfusions, that Mother failed to bring the child to the blood disorder clinic a couple of weeks earlier, and that Mother failed to keep an appointment at the clinic on 14 March 2007. Upon investigating the report, Petitioner found that Mother regularly failed to take the child for medical treatment.

One month later Petitioner received a CPS report alleging that the maternal grandfather inappropriately touched one of the female children. The person making the report also alleged that Mother and her boyfriend stole two bottles of Xanex from the medicine cabinet of a recently-deceased relative and that they also abused cocaine. During the investigation of this report, the children stated that Mother and her boyfriend "took pills" and "talked funny" after taking them. The children also disclosed that the boyfriend threw a fork at one of the children.

On 26 April 2007 Mother and her boyfriend attended a meeting with Petitioner. Mother admitted to taking medication prescribed to someone else and to blacking out. She admitted that she could not care for her children.

As a result of this meeting, Petitioner filed juvenile petitions on 27 April 2007 alleging that the children were neglected. The trial court entered a non-secure order. Mother and Father stipulated and the trial court adjudicated the children as neglected and the order was entered on 23 August 2007. The children remained in Petitioner's custody with the permanent plan to include reunification of the children with the parents. By orders filed 6 October 2008 and 14 October 2008, the court changed the permanent plan to adoption. On 31 October 2008 Petitioner filed petitions to terminate the parental rights of Mother and Father.

By orders filed 4 August 2009, the trial court terminated the parental rights of Mother to all of the children on the grounds (1) she neglected her children and (2) she willfully left the children outside of the home for more than twelve months without showing to the satisfaction of the court that reasonable progress under the circumstances has been made in correcting the conditions which led to the removal of the minor children. N.C. Gen. Stat. § 7B-1111(a)(2) (2009). The trial court terminated Father's parental rights to all of his children on the ground he willfully left the children outside of the home for more than twelve months without showing to the satisfaction of the court that reasonable progress

under the circumstances has been made in correcting the conditions which led to the removal of the minor children. N.C. Gen. Stat. § 7B-1111(a)(2). The trial court terminated Father's parental rights to Jeb on the additional ground of neglect. Each parent gave timely notice of appeal.

Standard of Review

At the adjudicatory stage of a proceeding to terminate one's parental rights, the burden is upon the Petitioner to establish by clear and convincing evidence the existence of at least one statutory ground for termination pursuant to N.C. Gen. Stat. § 7B-1111. *In re Anderson*, 151 N.C. App. 94, 97, 564 S.E.2d 599, 602 (2002). The trial court's adjudicatory order terminating parental rights must be based upon findings of fact, supported by clear, cogent and convincing evidence, which establish the existence of a statutory ground for termination of rights. *In re Young*, 346 N.C. 244, 247, 485 S.E.2d 612, 614-15 (1997). In reviewing the trial court's order, the appellate court determines whether the findings of fact are supported by "clear, cogent and convincing evidence" and whether the findings of fact support the conclusions of law. *In re Shepard*, 162 N.C. App. 215, 221-22, 591 S.E.2d 1, 6 (2004). The appellate court is bound by the trial judge's findings of fact "where there is some evidence to support those findings, even though the evidence might sustain findings to the contrary." *In re Montgomery*, 311 N.C. 101, 110-11, 316 S.E.2d 246, 252-53 (1984) (citation omitted). Even when findings are unsupported by evidence, reversible error will not result if the erroneous

findings are unnecessary to the court's ultimate adjudication. *In re T.M.*, 180 N.C. App. 539, 547, 638 S.E.2d 236, 240 (2006). Review of a conclusion of law is *de novo*. *In re J.S.L.*, 177 N.C. App. 151, 154, 628 S.E.2d 387, 389 (2006).

Grounds for Termination

The trial court found that each child was neglected. *See* N.C. Gen. Stat. § 7B-1111(a)(1). As defined by N.C. Gen. Stat. § 7B-101(15), a neglected juvenile is one

> 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.

N.C. Gen. Stat. § 7B-101(15) (2009). "A finding of neglect sufficient to terminate parental rights must be based on evidence showing neglect at the time of the termination proceeding." *Young*, 346 N.C. at 248, 485 S.E.2d at 615. If the child is removed from the parent before the termination hearing, then "[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).

The trial court also concluded that each parent willfully left the children in foster care or placement outside the home for more than twelve months without showing to the satisfaction of the court that reasonable progress has been made in correcting the conditions

which led to the removal of the children from the home. *See* N.C. Gen. Stat. § 7B-1111(a)(2). To support termination of parental rights on this ground, the trial court must find by clear, cogent and convincing evidence (1) that a child has been willfully left by the parent in foster care or placement outside the home for over twelve months, and (2) that as of the time of the hearing, the parent has not made reasonable progress under the circumstances to correct the conditions which led to the removal of the child. *In re O.C.*, 171 N.C. App. 457, 464-65, 615 S.E.2d 391, 396 (2005). Willfulness under this section is less than willful abandonment and does not require a finding of fault by the parent. *In re Oghenekevebe*, 123 N.C. App. 434, 439, 473 S.E.2d 393, 398 (1996). "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" in that endeavor. *In re Clark*, 159 N.C. App. 75, 84, 582 S.E.2d 657, 662 (2003) (internal quotation marks and citation omitted).

Mother's Appeal

Mother contends that the court erred by concluding as a matter of law that she neglected the children and that there was a high likelihood of repetition of neglect if the children were returned to her care. She argues that some of the trial court's findings of fact are not supported by evidence presented at the termination hearing. Mother further argues that the remaining findings of fact which are supported by evidence are not sufficient to support the

conclusion that Mother neglected the children and is likely to continue to neglect them.

Specifically, Mother challenges finding of fact number 49. This finding in each judgment states, as relevant to Mother, with regard to each child:

> 49. It is appearing to the court that the reason the Department took custody of the minor child on April 26, 2007 was due to the allegations of domestic violence and substance abuse by the respondent parents. ...The issues were allegations of domestic violence between the respondent father and the respondent mother, the respondent mother's substance abuse issues as well as substantiated allegations regarding sexual abuse as alleged by two of the minor children. Services were offered to the respondent parents. The respondent mother did get a psychological evaluation, but did not do anything else, particularly those services that address the issues that brought the minor child into the care of the Department. Substance abuse was an issue and the respondent mother continued to not comply with services and the court continued not to return the child to her care.

Mother contests the portion of the finding in which the trial court found that she did undergo a psychological evaluation but did not seek treatment for her mental health or substance abuse problems. Mother claims that she did not address her mental health or substance abuse problems because Petitioner failed to make referrals.

We first note that a department of social services is not obligated to provide services to a parent to assist a parent in correcting the conditions that led to the child's removal from the home. *In re Frasher,* 147 N.C. App. 513, 516-17, 555 S.E.2d 379, 382 (2001). Notwithstanding, the record shows that Petitioner did

make referrals. The trial court took judicial notice of all orders in the file. At a permanency planning and review hearing on 7 May 2008, the trial court found that Mother was referred for a neurological examination and was prescribed an anti-depressant, which Mother voluntarily discontinued taking because it made her feel "weird." Mother was then referred to a therapist to learn relaxation and stress reduction techniques. The record does not show that Mother ever attended the therapy sessions. At a permanency planning and review hearing on 19 September 2007 the court found that Mother was arrested and incarcerated for possession of marijuana. The court also found in this order that Mother, who was pregnant at the time, tested positive for drug usage on 12 September 2007, that she failed to attend hearings to qualify for acceptance into the SOAR court program, that she used marijuana approximately two weeks prior to the court hearing, and that she consumed marijuana during previous pregnancies. At a permanency planning and review hearing on 4 January 2008, the court found that Mother was dropped from the Pathways of Change (POC), a substance abuse treatment program, due to Mother's sporadic attendance and lack of participation. At the conclusion of the permanency planning and review hearing on 29 August 2008, the court found that Mother was referred by POC to a program named "Women at Risk" but Mother never participated in the program. The trial court also found that Mother has not obtained regular drug screens.

Moreover, Mother has not brought forth any argument with regard to finding of fact number 40 in termination of parental

rights judgments, and thus this finding is binding. *See In re P.M.*, 169 N.C. App. 423, 424, 610 S.E.2d 403, 404 (2005). By this finding, the trial court found that Mother resumed attendance of POC sessions on 25 February 2008 but abruptly stopped attending on 21 April 2008 after having attended almost every day. Mother never acknowledged that she had a problem with substance abuse.

Mother also challenges, as unsupported by evidence, the trial court's finding that she failed to participate in services addressing the issues that resulted in the removal of the children from the home. These services included, in addition to mental health services and substance abuse treatment, domestic violence counseling, the intensive family visitation program, and parenting classes. She argues that the evidence shows that she was prohibited from participating in the intensive family visitation program because of her purported lack of compliance with other programs or services aimed at reunification. Nevertheless, the evidence is uncontradicted that Mother failed to participate in the program. The finding is thus supported by clear and convincing evidence.

Mother also disputes any finding that she did not seek domestic violence counseling or attend parenting classes. The evidence shows that Mother was referred to Helpmate, a domestic violence agency. Of twenty-two contacts by Mother with Helpmate between 1 August 2001 and 12 May 2008, fourteen were with court advocates in connection with criminal and civil proceedings. Mother did attend sessions with the Helpmate counseling coordinator

on 28 September 2007 and 8 October 2007, and she did attend meetings of domestic violence support groups on 22 January 2008, 25 February 2008, and 12 May 2008; however, Mother did not complete the Helpmate program.

Mother was also referred to Women at Risk, another program for victims of domestic violence. Mother participated in Women at Risk, and despite participation in the Helpmate program, Mother continued to maintain romantic relationships with domestic partners who engaged in domestic violence. Mother exhibited a similar pattern with respect to parenting classes, as she would attend sessions of parenting education programs but would never attend all classes or complete the programs.

We conclude that there is ample evidentiary support for the findings of fact and that the findings of fact support the court's conclusion of law that the children were neglected and that it is likely the neglect will recur.

Mother next contends that the trial court erred by concluding as a matter of law that Mother willfully left her children in foster care for more than twelve months without making reasonable progress under the circumstances in correcting the conditions which led to the removal of the children from the home. Having upheld the trial court's conclusion that grounds existed to terminate Mother's parental rights pursuant to N.C. Gen. Stat. § 7B-1111(a)(1), we do not need to consider arguments relative to any other ground. *In re B.S.D.S.*, 163 N.C. App. 540, 546, 594 S.E.2d 89, 93-94 (2004). This argument is dismissed.

Father's Appeal

Father first contends that the trial court erred by concluding in the written judgment that neglect constituted a ground for terminating Father's rights to the youngest child, Jeb, when the court stated in open court that it could not find this ground because it had not been proved by clear, cogent and convincing evidence that there is a probability of repetition of neglect. Both Petitioner and the guardian ad litem concede error and agree that the judgment must be modified to exclude this particular ground as to this child. We therefore vacate this ground and remand for entry of a corrected judgment.

Father next contends that the court erred by concluding that he willfully left his children in placement outside the home without making reasonable progress in correcting the conditions which led to said placement.

Father challenges the trial court's findings that he failed to make reasonable progress and that he showed minimal compliance with his case plan. Father argues that he promptly addressed the allegations of sexual abuse by fully cooperating with the law enforcement investigation, which could not be substantiated. He further argues that he completed an anger management class and participated in individual counseling and that his progress was hindered by the investigation of the allegations of sexual abuse because he was not allowed to visit the children as a result of the investigation until October 2008. Finally he argues that he

completed one parenting class by August 2007, and that he started a second parenting class in the summer of 2008 and attended twelve of the twenty four sessions before he terminated his attendance in order to accept a job which required him to work on the only night the class was offered. Father resumed attendance of the classes at the first available opportunity, approximately ten weeks prior to the termination hearing. In summary, he argues he promptly and consistently addressed every aspect of his case plan from the moment the children were taken from him until the termination hearing. For these reasons, he contends that the trial court's finding that he failed to make reasonable progress is not supported by clear and convincing evidence.

Father further contends that even if the court's findings of fact are taken as true, they failed to establish that Father failed to make reasonable progress in correcting the anger management and domestic violence issues.

The evidence indisputably shows that Petitioner initially became involved in this case due to the domestic violence between the parents and remained involved in this case because of domestic violence. The trial court's findings of fact relevant to the issue of reasonable progress in correcting the domestic violence or anger management issues, for which we find ample evidentiary support, show the following:

> 18. The primary reason [Petitioner] became involved with this family is domestic violence between the parents. . . . Throughout the life of the case, the respondent father has repeatedly denied having any anger management or domestic violence problem although the

respondent father admits that he has violated a 50(b) restraining order in the past in regards to the respondent mother. The [Petitioner] has a history with this family dating back to 2002.

. . . .

20. At the January 4, 2008 permanency planning and review hearing . . . the respondent father admitted that domestic violence had occurred between him and the respondent mother but he claimed that he was acting in self defense and protecting the respondent mother from herself.

21. At the permanency planning and review hearing on May 7, 2008 the court found that the respondent father had been discharged from Carolyn Downey's program due to non-compliance with the program. Ms. Downey worked with the respondent father on the impact of domestic violence on children because the minor children have resisted visits with the respondent father based on their memories of violence in the home. According to Ms. Downey, the respondent father continues to seriously minimize his responsibility of the impact on the minor children that domestic violence had, even though he agrees what he did was wrong. Ms. Downey observed that the respondent father often treated the minor children as "short adults" rather than children.

22. Ms. Downey worked with the respondent father on incorporating into his own belief system that the best way he can help the minor children move through this trauma and trust him again is to begin acknowledging the minor children's perceptions of what happened without discounting, blaming, or avoiding his parental responsibility, by admitting that domestic violence did occur between him and the respondent mother, and domestic violence is not acceptable behavior and is far more traumatizing to children than most adults can comprehend, and that children of any age are often traumatized by domestic violence and that memories, even at the intuitive level, must be addressed. However, the respondent father never acknowledged the impact of

domestic violence had on his children. The respondent father started Intensive Family Visitation on January 9, 2008. He was discharged from the program due to noncompliance and his last visit was on March 6, 2008.

. . . .

34. Laurie Burmeister . . . evaluated BLR in June, July and August of 2008. . . . When she told BLR that his father had said that BLR had not seen him hit [Respondent mother] BLR took a deep breath and in a loud voice with great force exclaim[], "Yeah, we were standing right there the whole time!" He further disclosed that "[Respondent father] hit her . . . they were hitting and slapping . . . she cried a bunch." BLR seemed to get agitated, threw toys, and had dolls hitting one another. Ms. Burmeister told him that his father said he had not heard fighting to which BLR shouted, "Oh yeah, I heard it right through the wall.'" He balled his fists . . . [Ms. Murmeister] asked him about the emotions he felt, and he said "he was always scared when it was happening."

35. Ms. Burmeister further testified that she had an intensive interview with the respondent father for 90 minutes on July 10, 2008. . . . The respondent father minimized the domestic violence between him and the respondent mother and the effect it could have on the minor children, but later on said that he might have shoved and punched the respondent mother in an effort to restrain her. During the interview the respondent father initially denied any domestic violence between he [sic] and the respondent mother; however, he later stated that there was domestic violence between him and the respondent mother, which was initiated by the respondent mother.

36. Carolyn Downey with the Intensive Family Visitation program testified that the Intensive Family Visitation program is an 8-12 week program with slots of 2 hours once a week. This program began with the respondent father on January 9, 2008. The respondent father was discharged on March 13, 2008 due to non-compliance. He missed 2 session and came

> in late for two other sessions. . . . The respondent father used his religion to minimize the domestic violence and stated that "God has forgiven me and that is enough.". . .
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> 38. Gail Azar, therapist with the Relationship Center [,] testified that she has been seeing the minor children ALB, BJR and BLR since may of 2007 and is currently their therapist. . . . Ms. Azar confirmed that Mark Stewart 'Zeem' did some anger management with the respondent stepfather [2] in Zeem's office about 3 months ago. At that time, the respondent father continued to deny his need for anger management. The respondent stepfather could not acknowledge his anger issues or apply what he had learned in anger management with 'Zeem.'. . . .
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> 52. Gail Azar testified that in her 1.5 years working with this family the respondent father never acknowledged the issue of the minor children's feelings due to the domestic violence that they witnessed. His attitude toward this issue has not changed during this time. In May of 2008 the respondent father denied that the domestic violence would have any impact on the minor children. He could not verbalize what he had learned in anger management.
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> 54. The respondent father's therapist and his girlfriend both testified that there have been changes in the respondent father's behaviors. There is no evidence of current domestic violence between the respondent father and his girlfriend. He has been unsupervised with the children of his girlfriend and the children of his sister-in-law. The respondent father reported that he did not always respond

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[2]The trial court interchangeably referred to Father as "respondent father" or "respondent stepfather" in the judgments. All references to "respondent stepfather" in this opinion are to Father.

appropriately to stress and that he might have gotten out of control. The fault was not always his or hers, it was sometimes mutual. The children saw the violence absolutely one time; however, at other times they could hear the domestic violence firsthand. The respondent father felt that he was not out of control at the Child and Family Team meeting in June of 2008. At said meeting the respondent father stated that he does not believe the minor children were traumatized and does not believe they are fearful of him. The respondent father did not understand how the minor children can benefit from not having visits with him and he became very agitated when positive reports were given from the minor children's case manager and the minor children's therapist. He became so agitated when asking questions of Ms. Azar that both Ms. Azar and social worker Nordland had to ask the respondent father to stop interrupting so that Ms. Azar could answer the respondent father's questions. The respondent father was unable to stop his aggressive questioning and the team meeting had to be ended. The court finds this credible. The court finds that his behavior could be contingent to failure of social awareness and social functioning. The respondent father was unable to appreciate the impact his actions were having on the people at the Child and Family Team.

55. The respondent father stated that he had not seen the children in 2 years and in his perception the minor children were fine toward him at the date of separation. At the permanency planning and review hearing of May 7, 2008 the respondent father said he had no idea why they changed their mind and disputed Carolyn Downey's report which was entered at that hearing. In Ms. Downey's opinion the respondent father has not demonstrated his understanding of the issue of domestic violence and she stated that a large amount of work needs to be done prior to moving forward with a plan of reunification blaming, denial and minimizing previous problems, in conjunction with his limited insight into how he would deal with even one child causes concerns with regard to his ability to be responsibly realistic. Since the filing of the petition for the termination of parental

> rights on October 31, 2008 the respondent father has continued to demonstrate some progress in his understanding of domestic violence and has acknowledged the extent of what occurred in the relationship with the respondent mother. The statement of the respondent father that he takes ownership of his involvement with domestic violence is not credible to the court at this time. The statement of the respondent father that, "I do believe my children were having behavior issues, I don't believe my children are afraid of me" is not credible and the court finds that the children are afraid of him. The respondent father showed some progress during a course of group treatment when the respondent father came back to Zeem and has made some progress in individual counseling.

The foregoing findings show that while Father acknowledged that he engaged in domestic violence, he attempted to minimize his culpability and the negative impact it had upon the children. This Court has held a parent's failure to acknowledge any responsibility for the child's behavior or harm to the child is a factor to support a conclusion that the parent failed to make reasonable progress in correcting the conditions which led to the removal of the child. *In re B.D.*, 174 N.C. App. 234, 250, 620 S.E.2d 913, 923 (2005). The fact that Father took some actions in an attempt to be reunified with the children does not preclude a conclusion that he willfully left the children in foster care without making reasonable progress in correcting the conditions that contributed to the children's removal from his custody. *In re Oghenekevebe*, 123 N.C. App. 434, 439, 473 S.E.2d 393, 398 (1996). Moreover, although Father made some progress, such progress may not amount to reasonable progress if there is no demonstration that the parent's

efforts are obtaining or have obtained significant positive results. *In re Nolen*, 117 N.C. App. 693, 700, 453 S.E.2d 220, 225 (1995). Father's efforts in the present case do not amount to reasonable progress. Father's contentions are overruled as to this ground.

Father lastly contends that the trial court erred by reciting testimony and making findings of fact that were not supported by clear and convincing evidence. Under this contention he specifically argues the court improperly considered a court report prepared by the guardian ad litem and recited the testimony of several witnesses. "Where there is directly conflicting evidence on key issues, it is especially crucial that the trial court make its own determination as to what pertinent facts are actually established by the evidence, rather than merely reciting what the evidence may tend to show." *In re Gleisner*, 141 N.C. App. 475, 480, 539 S.E.2d 362, 366 (2000). It is permissible in juvenile cases for the trial court to consider all written reports in connection with the proceeding but it "should not broadly incorporate these written reports from outside sources as its findings of fact." *In re J.S.*, 165 N.C. App. 509, 511, 598 S.E.2d 658, 660 (2004). As long as the findings "show the trial court made its own determination with respect to the facts established by the evidence presented at trial," the findings will not be overruled merely because they may adopt or incorporate reports or recite evidence in parts. *In re C.M.*, 183 N.C. App. 207, 212, 644 S.E.2d 588, 593 (2007). Here, while the trial court recited some

evidence in its findings, the trial court made findings of fact about the evidence it found credible and the court made its own determination of the facts. We reject this argument.

Father also argues under this contention that the following findings are not supported by clear and convincing evidence: (1) that Father relied on his religion to minimize the domestic violence; (2) that Father denied his need for anger management and failed to apply or articulate what he had learned; (3) that Father's conduct showed a lack of social awareness or inability to understand the impact of his conduct upon others; (4) that the children suffered during and after their visits with the parents; and (5) that Father did not accept responsibility for his involvement in the domestic violence, and denied his role in the children's traumatization, and that Father cannot be a good parent.

We find ample evidentiary support for these findings. With regard to Father's use of religion to minimize the domestic violence, Father, himself, testified at the termination of parental rights hearing that he made statements that "God has helped [him] cure [his] anger management problem." Ms. Downey also testified at this hearing that Father made the statement that "God has forgiven me. That's enough[.]" Ms. Downey also testified that she was concerned that Father was not using any of the skills he may have learned, and she explained why:

> In regard to minimizing and putting more blame on Mel - [Mother's] boyfriend, I believe it was, Melvin. And continuing to compare and "he was worse than me" et cetera. Also, at one point saying that - he had said he was sorry to his kids and according to the Bible

> that should be enough. And so I did explain that when a child is traumatized saying I'm sorry isn't enough, it's an ongoing process. And then we had every single one of our discussions with the parenting piece, we dealt with domestic violence and the impact of domestic violence on children.

When asked how Father dealt with or participated in sessions where the impact of domestic violence was discussed, Ms. Downey responded:

> I feel like he was trying to listen and hear. I think that was very hard for him. Even the very final team meeting on 3/13/08 when I did terminate services, he was still minimizing, wanting to have sessions with [Billy] where he explained, "I did this, Melvin did that." And I said, "This would not be helpful. [Billy] is a child. What he understands is the power of that domestic violence that affected and traumatized him. It really doesn't matter whether it was you or Melvin. The fact that it happened is his perception, and that's what we have to deal with." It was very hard for [Father] to understand from a child's perspective how huge that was. In fact, on one occasion I did give him the example of if I stood - I mean if I had him get on the floor and I stood in this chair and another person stood in a chair and we yelled and screamed at one another, how powerful that is when you are this tall. Like I said, at times I think he was trying to grasp the ideas, but there was not staying power with what I was trying to explain.

Ms. Azar testified at the termination hearing that Father "really done [sic] a lot of denying that there was any real domestic violence. And any kind of anger was always directed at it was [Mother's] fault." She further testified that the Team's "biggest frustration with [Father] was that he in over a year and a half was not able to acknowledge that these children had been affected by any of the interactions that he'd had with [Mother]." She also

testified that Father attended a Team meeting and was asked to leave. She testified that Father "became very angry, began to accuse everyone of lying. He was demanding that . . . he be shown video of these children saying that they did not want to have visits with him, and that they were doing better. . . . [H]is anger just escalated to the point where - where Ms. Nordland had to ask him to leave." She noted that Father was very angry at her and generally angry at everyone, and that she felt threatened by him when he began to act out.

The foster mother of all four children testified that after visits with Father,

> Multiple children have soiled themselves. All children are much more easily agitated. There is a chart at school pertaining to behaviors during the day, multiple children have had poor behaviors at school. Temper tantrums at home, laying on the floor kicking, screaming. [Difficulties] [s]leeping at night, not staying in your room - in their room.

She testified that after visitations with Father were stopped, these behaviors improved.

As there is evidence to support the findings, they are binding. *Montgomery*, 311 N.C. at 110-11, 316 S.E.2d at 252-53. We hold the findings support the conclusion of law.

Results

All of the judgments terminating the parental rights of Mother are affirmed. The judgments in case numbers 08 JT 361, 08 JT 362, and 08 JT 363 terminating the parental rights of Father are affirmed. The judgment in case number 07 JT 213 with respect to

the termination of parental rights of Father is remanded for modification of the judgment to delete the ground of termination on the basis of neglect.

07 JT 213: modified and affirmed; remanded for modification of judgment.

08 JT 361, 08 JT 362, 08 JT 363: affirmed.

Chief Judge MARTIN and Judge HUNTER, Robert C. concur.

Report per Rule 30(e).