NO. COA10-191

NORTH CAROLINA COURT OF APPEALS

Filed: 3 August 2010

IN THE MATTER OF:

D.P., D.P. and T.P.

Mecklenburg County
Nos. 06 JT 511-13

Appeal by respondents from order entered 24 November 2009 by Judge Rickye McKoy-Mitchell in Mecklenburg County District Court. Heard in the Court of Appeals 5 July 2010.

Senior Associate Attorney Kathleen Arundell Widelski for Mecklenburg County Department of Social Services petitioner-appellee.

Levine & Stewart, by James E. Tanner III, for respondent-mother appellant.

Michael E. Casterline for respondent-father appellant.

Pamela Newell for guardian ad litem.

HUNTER, JR., Robert N., Judge.

Respondent-mother and respondent-father (collectively, "respondents") appeal from the district court's order terminating their parental rights to nine-year-old D.P. ("Denise"), five-year-old D.P. ("Darla"), and four-year-old T.P. ("Teresa").[1] After careful review, we affirm.

I. Factual Background

[1] Pseudonyms are used to protect the identity of the juveniles and for ease of reading.

On or about 3 May 2006, the Mecklenburg County Department of Social Services, Youth and Family Services Division ("YFS"), filed a juvenile petition alleging that Denise, Darla, and Teresa were neglected and dependent juveniles. YFS filed an amended petition on 9 May 2006. The petitions alleged that YFS became involved with the family after receiving a referral on 20 April 2006. The petition alleged that, on 8 April 2006, respondents engaged in a physical fight in the presence of Denise, that respondent-mother was injured during the altercation, and that a warrant was issued for respondent-father based on the incident. According to the petition, YFS received a second referral on 1 May 2006, based on another incident of domestic violence on 27 April 2006, in which respondent-father attempted to assault respondent-mother with a fireplace poker and respondent-mother pulled a knife on him in self-defense. According to the petition, respondent-father hit respondent-mother with a lamp in the presence of the children and then left the home. The petition further alleged that respondent-mother had a history of substance abuse, was a recovering alcoholic, and admitted to relapsing and using marijuana. According to the petition, respondent-father also admitted to a substance abuse problem. Lastly, the petition alleged that YFS had a history of involvement with the family dating back to 2001. YFS had previously provided services to the family, but the family moved out of the state before completing the case plan. In a nonsecure custody order entered 3 May 2006, the trial court gave YFS custody of the children and they were placed in foster care.

On 20 June 2006, the trial court entered an order adjudicating the children neglected and dependent based on mediated agreements entered into by respondents and YFS. On the same day, the trial court entered a separate disposition order in which it kept custody of the children with YFS. In addition, each parent entered into a separate case plan with YFS. The trial court incorporated by reference the mediated case plans into the order and directed the parents to comply with their case plans. Both parents were required to complete F.I.R.S.T. (Families in Recovery to Stay Together) assessments and follow through on all recommendations. F.I.R.S.T. is a program designed to identify substance abuse, domestic violence, and mental health problems confronting parents in juvenile court cases. Based on respondent-mother's case plan and her F.I.R.S.T. assessment, she agreed to, among other things (1) complete outpatient substance abuse treatment at the Chemical Dependency Center ("CDC"); (2) complete mental health counseling at the Behavioral Health Center ("BHC"); (3) complete domestic violence counseling at the Women's Commission; (4) maintain safe and appropriate housing; and (5) maintain regular contact with YFS social worker Afranie Tuffour. At respondent-father's F.I.R.S.T. assessment, he tested positive for marijuana and cocaine. Based on his assessment and case plan, he agreed to, among other things, complete substance abuse treatment, participate in random drug testing, attend a mental health appointment and follow any recommendations, and complete a domestic violence assessment and follow any recommendations.

The trial court held a review hearing on 2 January 2007. By this time, the parents reported that they were no longer in a relationship. Respondent-mother appeared to be making progress on her case plan, but respondent-father had made no progress on his case plan. He had failed to enroll in a substance abuse program, and a show cause order had been issued against respondent-father. Therefore, he agreed to allow the trial court to suspend its requirement that YFS make reasonable efforts at reunification. The order provided that YFS was required to work with respondent-father if, in the future, he contacted YFS and requested reunification. Despite his failings, respondent-father was allowed supervised visitation.

By the time of the 2 April 2007 permanency planning hearing, respondent-mother had continued to make progress on her case plan. She successfully graduated from her substance abuse treatment program at the CDC, was attending domestic violence counseling sessions, and was employed at Bob Evans restaurant. Based on respondent-mother's progress, the trial court maintained a permanent plan of reunification with respondent-mother and encouraged transitioning the girls to her home.

Denise, Darla, and Teresa began a trial placement with respondent-mother on 11 May 2007. Several months before the placement, YFS held a meeting with respondent-mother to develop a transition plan, including a safety plan. In the safety plan, respondent-mother agreed to renew the domestic violence protective

order ("DVPO")[2] she had in place against respondent-father. She also agreed to contact law enforcement if respondent-father came to her home, to secure all doors in the home, and to continue working with the Women's Commission.

However, the trial placement did not go smoothly. Denise was late to school on several occasions, came to school with body odor, dirty clothes, and dirty hair, and slept during class. Respondent-mother failed to take children to scheduled medical and therapy appointments. Respondent-mother admitted to being overwhelmed, and she consented to having the children return to foster care on 28 June 2007. On 7 July 2007, the trial court conducted a review hearing, and continued the permanent plan of reunification. The trial court kept legal custody of the children with YFS, but again ordered another trial placement with respondent-mother.

After the girls were removed, respondent-mother obtained subsidized housing, which allowed her to cut back on her hours of employment. Respondent-mother had been working at both Bob Evans and IHOP. However, with subsidized housing, she was able to quit her job at Bob Evans. In anticipation of a second trial placement, respondent-mother entered into a new case plan with YFS on 18 June 2007, in which she agreed, among other things, to take the girls to all medical and therapy appointments, ensure that the girls were bathed and received a proper amount of sleep, and transport the children to school and daycare on time each day. Respondent-mother

[2] The domestic violence protective order is often referred to as the "50B restraining order" throughout the record and transcript.

also agreed to maintain stable housing and employment, attend her therapy appointments at the BHC, and stay in contact with YFS. The girls were returned to respondent-mother for a second trial placement on 25 August 2007.

On 24 October 2007, the trial court held a permanency planning hearing. At that time, respondent-mother had continued to make progress on her case plan, and the trial placement seemed to be going well. However, she had not followed through with some services for Darla and had failed to contact the girls' therapist to schedule further appointments. Unfortunately, circumstances had become worse by 10 December 2007, the date of the next review hearing. The girls' school attendance was poor, and they were not attending therapy. Once again, the trial court ordered respondent-mother to resolve the girls' school attendance problems and to take them to their therapy appointments.

The trial court conducted another permanency planning hearing on 28 February 2008. In advance of the hearing, YFS had recommended that the girls be returned to the custody of respondent-mother. However, prior to the hearing, YFS received a referral on the girls. The report alleged that respondent-mother had picked up the girls from daycare one afternoon with alcohol on her breath and that an unidentified man had picked up the girls from daycare on occasion. Social Worker Lisa DiPaolo received and investigated the report. She went to respondent-mother's home on 19 February 2008 and questioned respondent-mother. Respondent-mother admitted that she had gone to a restaurant with some coworkers one day after work

and drank some vodka before picking the girls up from daycare. Ms. DiPaolo asked respondent-mother who was in the apartment, and she responded that just she and the girls were home. However, one of the girls told Ms. DiPaolo that respondent-father was upstairs, and respondent-mother then admitted that he was in the apartment. Ms. DiPaolo interviewed respondent-father, and he admitted to picking up the girls from school and daycare on occasion. Following the hearing, the trial court entered an order allowing the children to remain in a placement with respondent-mother. However, the trial court expressly prohibited respondent-mother from using alcohol or controlled substances and from allowing respondent-father contact in the home.

After the February permanency planning hearing, respondent-mother's situation began to deteriorate further. In March and April 2008, respondent-mother tested positive for cocaine and admitted using cocaine to the guardian ad litem ("GAL"). During this time, the girls again began to miss medical and therapy appointments. On or about 15 April 2008, YFS filed a motion for an emergency hearing to change the girls' placement and permanent plan, and the girls were removed from respondent-mother's care and returned to foster care on 21 April 2008. Respondent-mother completed another F.I.R.S.T. assessment on 24 April 2008, and agreed to attend a second course of substance abuse treatment at the CDC, participate in random drug screens, and attend a mental health assessment at the BHC. She began attending the CDC treatment, but did not finish, and tested positive for cocaine in June 2008. The trial

court conducted a permanency planning hearing on 26 June 2008, and found that respondent-mother had failed to alleviate the issues leading to the children's removal. Based on developments between February and June 2008, the trial court ceased reunification efforts and changed the permanent plan to adoption.

According to Ms. Tuffour, respondent-mother has not contacted YFS since 26 June 2008. Additionally, she failed to complete substance abuse treatment following her relapse in February 2008. Although respondent-mother testified that she went to detoxification for four to five days, she did not provide any documentation of her stay and did not follow through on treatment. Additionally, she failed to complete domestic violence treatment and failed to follow through with her mental health appointments.

On or about 21 August 2008, YFS filed motions to terminate respondents' parental rights to Denise, Darla, and Teresa. YFS alleged the following grounds for termination as to both parents: (1) neglect; (2) willfully leaving the juveniles in foster care for more than twelve months without showing reasonable progress to correct the conditions that led to removal; and (3) willfully failing to pay a reasonable portion of the cost of care for the juveniles. YFS also alleged that respondent-father had willfully abandoned the juveniles.

The trial court conducted a termination hearing on 23 and 30 April 2009, 4 August 2009, and 9 and 15 September 2009. Following the hearing, the trial court entered an order on 24 November 2009 terminating respondents' parental rights to Denise, Darla, and

Teresa. The court first found the existence of the following grounds against both respondent-mother and respondent-father: (1) neglect and (2) willfully leaving the juveniles in foster care for more than twelve months without showing reasonable progress to correct the conditions that led to removal. The trial court found the existence of two additional grounds against respondent-father: (1) willful abandonment and (2) willfully failing to pay a reasonable portion of the cost of care for the juveniles. The trial court then determined that it was in the children's best interest to terminate respondents' parental rights. From this order, respondents appeal.

II. Termination of Respondents' Parental Rights

It is well established that a termination of parental rights proceeding involves a two-stage process: (1) the adjudication stage, where the petitioner is required to prove the existence of grounds for termination by clear, cogent, and convincing evidence, and (2) the disposition stage, where the court's decision of whether to terminate parental rights is discretionary. N.C. Gen. Stat. §§ 7B-1110, -1111 (2009); *In re White*, 81 N.C. App. 82, 85, 344 S.E.2d 36, 38, *disc. review denied*, 318 N.C. 283, 347 S.E.2d 470 (1986). Initially, we note that respondent-mother and respondent-father filed separate briefs to this Court, and that their arguments are different. Respondent-mother challenges both stages in the proceeding, but respondent-father only challenges the second stage of the proceeding. Therefore, the trial court's adjudicatory conclusions that grounds exist to terminate

respondent-father's parental rights are binding on appeal. However, respondent-mother did challenge the trial court's adjudicatory conclusions that grounds exist to terminate her parental rights, as well as some adjudicatory findings of fact, and we will address respondent-mother's adjudicatory arguments first. In section two, we address both respondents' challenges to disposition.

III. Grounds for Termination of Respondent-Mother's Parental Rights

Pursuant to N.C.G.S. § 7B-1111(a), a trial court may terminate parental rights upon a finding of one of the ten enumerated grounds. "'So long as the findings of fact support a conclusion [that one of the enumerated grounds exists] the order terminating parental rights must be affirmed.'" *In re Humphrey*, 156 N.C. App. 533, 540, 577 S.E.2d 421, 426 (2003) (citation omitted). Here, the trial court found that two grounds existed to terminate respondent-mother's parental rights to the children. Although respondent-mother challenges both grounds for termination, "[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, if we determine that the findings of fact support one of the grounds, we need not review the other ground. *See Humphrey*, 156 N.C. App. at 540, 577 S.E.2d at 426.

On appeal, we review the trial court's orders to determine "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) (citation omitted). We initially note that respondent-mother challenges findings of fact numbers 7, 14, 18, 19, 37-41, 49, 50, 52, and 57, but does not object to the remaining findings of fact. Accordingly, the remaining unchallenged findings of fact are presumed to be supported by competent evidence and are, therefore, binding on appeal. *See In re J.D.S.*, 170 N.C. App. 244, 252, 612 S.E.2d 350, 355, *cert. denied*, 360 N.C. 64, 623 S.E.2d 584 (2005); *see also In re M.D.*, ___ N.C. App. ___, ___, 682 S.E.2d 780, 785 (2009) ("Respondent-Father has not challenged any of the above findings of fact made by the trial court as lacking adequate evidentiary support. As a result, these findings of fact are deemed to be supported by sufficient evidence and are binding on appeal.")

Of the challenged findings, respondent-mother challenges numbers 19 and 40 as lacking adequate evidentiary support.[3] As further explained, we disagree, and find that each statement is supported by clear and convincing evidence. Both findings of fact concern the DVPO that respondent-mother secured against respondent-father. First, respondent-mother challenges finding of fact number

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[3] Respondent-mother also challenges findings of fact numbers 7, 14, 18, 37, 38, 39, 41, and 49 as lacking in evidentiary support. Based on our review of the trial court's order, we have determined that these findings are not necessary to support the trial court's conclusions of law. Thus, for sake of brevity, we decline to address respondent-mother's challenges to these findings of fact. Respondent-mother also challenges findings of fact 50 and 52, which we address separately, as they pertain to the trial court's ultimate findings on neglect, rather than specific evidence. Finally, respondent-mother challenges finding of fact 57. This finding is unnecessary to support the existence of the neglect ground for termination. However, we will address this finding in our section pertaining to disposition.

19, in which the trial court found that respondent-mother was required to renew the 50B restraining order against respondent-father as part of a safety plan she entered into before the second trial placement. Respondent-mother argues that this finding is not supported by the evidence because nothing in the trial court's April and July review and permanency planning orders specifies that respondent-mother was required to renew her 50B restraining order against respondent-father. We disagree. Although respondent-mother is correct in pointing out that the trial court's orders do not specifically direct respondent-mother to renew her 50B restraining order, we find support for this finding in the testimony at the hearing. Ms. Tuffour testified that YFS held a team decision meeting with respondent-mother in February 2007, and the minutes from the meeting were attached to YFS's 2 April 2007 court summary. She testified that the team created a safety plan for respondent-mother at the meeting, in which respondent-mother agreed to the following:

> [I]f [the DVPO] expired, she was going to renew it. [M]other was also advised to . . . contact . . . 911 if Mr. Phillips came around . . . the house.

Ms. Tuffour further testified that this plan was in place to protect the children during the transition in the event respondent-father showed up at the house. Lastly, Ms. Tuffour testified that, to her knowledge, respondent-mother had never renewed the 50B restraining order. Later in the hearing, respondent-mother admitted that, as part of the new safety plan, she agreed to renew the restraining order, but failed to do so.

Thus, finding of fact number 19 is based directly on competent testimony offered at trial and is supported by clear and convincing evidence.

Similarly, finding of fact number 40 states that respondent-mother failed to renew the 50B restraining order and allowed respondent-father back in her life. The testimony cited above supports the finding that respondent-mother failed to renew the 50B. The second part of this finding is supported by undisputed findings of fact 27, 28, and 29, which detail YFS's discovery that respondent-father was staying in the apartment and occasionally picked the girls up from daycare. We note that the GAL's brief points out that DSS has been involved with respondents' family since 2001 when respondent-father poured gasoline around the family's house and tried to set the home on fire. As such, these events support the finding that respondent-mother allowed respondent-father back in her life, and that such contact between the juveniles and respondent-father is detrimental to the safety of the juveniles. Accordingly, respondent-mother's challenges to these findings are without merit.

After determining that findings of fact 19 and 40 are supported by clear and convincing evidence, we conclude that the trial court's findings of fact are sufficient to support the conclusion that grounds for termination existed pursuant to N.C.G.S. § 7B-1111(a)(1). North Carolina General Statute § 7B-1111 lists neglect as one of the grounds for terminating parental rights and provides, in pertinent part:

> (a) The court may terminate the parental rights upon a finding of one or more of the following:
>
> > (1) The parent has abused or neglected the juvenile. The juvenile shall be deemed to be . . . neglected if the court finds the juvenile to be . . . a neglected juvenile within the meaning of G.S. 7B-101.

N.C.G.S. § 7B-1111(a)(1). Neglect, in turn, is defined as follows:

> Neglected juvenile. — 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.

N.C. Gen. Stat. § 7B-101(15) (2009).

We review the trial court's findings of fact to determine whether they support the trial court's conclusion that Denise, Darla, and Teresa were neglected juveniles, within the meaning of N.C.G.S. § 7B-1111(a)(1). When a child has not been in the custody of a parent for a significant amount of time prior to the termination hearing "the trial court must employ a different kind of analysis to determine whether the evidence supports a finding of neglect." *In re Shermer*, 156 N.C. App. 281, 286, 576 S.E.2d 403, 407 (2003) (citing *In re Pierce*, 146 N.C. App. 641, 651, 554 S.E.2d 25, 31 (2001), *aff'd*, 356 N.C. 68, 565 S.E.2d 81 (2002)). Because the determinative factor is the parent's ability to care for the child at the time of the hearing, we previously have explained that "requiring the petitioner in such circumstances to show that the

child is currently neglected by the parent would make termination of parental rights impossible." *Id.* at 286, 576 S.E.2d at 407 (citing *In re Ballard*, 311 N.C. 708, 714, 319 S.E.2d 227, 232 (1984)). "Thus, the trial court must also consider evidence of changed conditions[.]" *Id.* The trial court may then "find that grounds for termination exist upon a showing of a 'history of neglect by the parent and the probability of a repetition of neglect.'" *In re L.O.K.*, 174 N.C. App. 426, 435, 621 S.E.2d 236, 242 (2005) (quoting *Shermer*, 156 N.C. App. at 286, 576 S.E.2d at 407). Although respondent-mother had two trial placements with the children, the children have been in the legal custody of YFS since 2 May 2006 and have been in a foster care placement since 21 April 2008 until the present date. Therefore, we must employ the above-described analysis to determine whether the girls are neglected within the meaning of N.C.G.S. § 7B-1111(a)(1).

Here, the following findings of fact support the conclusion that the children were neglected:

> 3. The primary issues that led YFS to file a Juvenile Petition to assume custody of the children were the domestic violence between the parents, the parents' substance abuse issues, the mother's mental health concerns, and the mother's lack of stable housing and employment.
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> 4. Mediated agreements were reached with both parents on the allegations in the juvenile petitions. The agreements were accepted by the court and formed the basis of the court's findings of fact. On 19 June 2006, the children were adjudicated to be neglected and dependent.
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> * * * *

6. Both parents admitted to substance abuse. They also admitted to a recent incident of domestic violence where the father pulled a fireplace poker and the mother pulled a knife. Two of the children were present at this incident.

* * * *

15. The [first] trial home placement did not go well. [Denise] missed school. [Denise] and [Darla] missed therapy and medical appointments. [Teresa] missed day care.

16. The mother admitted to being overwhelmed. On 28 June 2007, the children were returned to a foster home with the consent of all parties.

* * * *

19. Before this second trial home placement began, [respondent-mother] entered into a new case plan with Ms. Tuffour. The new case plan included a specific safety plan that the mother was to renew the 50B Restraining Order she had obtained against [respondent-father] and was to call 911 if he came to her home. [Respondent-mother] verified her signature on the case plan at trial.

* * * *

22. [Respondent-mother] began to have financial problems. Both YFS and the GAL helped the mother by paying some of her bills, but the mother was never able to develop a budget. The father paid no child support during this time.

23. In preparation for a Permanency Planning Review hearing in February 2008, YFS's written report recommended the girls be returned to their mother's legal custody. Prior to the hearing on 26 February 2008, YFS received a new referral on the girls.

24. The referral alleged the mother had picked up the girls from day care one afternoon with alcohol on her breath.

Also, an unidentified man was picking up the girls. YFS afterhours social worker Lisa DiPaolo was assigned to investigate the referral.

25. Ms. DiPaolo went to the family's apartment on 19 February 2008 and asked the mother about the allegations. [Respondent-mother] admitted when she had left work and had gone to a restaurant with some co-workers and had some vodka before picking up the girls from daycare the day in question.

26. Ms. DiPaolo asked [respondent-mother] who was in the apartment. The mother told her just her and the girls.

27. One of the girls told Ms. DiPaolo their father was upstairs. Ms. DiPaolo confronted the mother with this and [respondent-mother] admitted [respondent-father] was upstairs.

28. Ms. DiPaolo interviewed the father. [Respondent-father] admitted he had picked up the girls from daycare and school on occasions.

29. [Respondent-father] had not addressed any issue in his case plan. He was not supposed to be around the mother or the children except at authorized visits.

* * * *

32. In early March and in April 2008, [respondent-mother] tested positive for cocaine. The mother admitted to using cocaine . . . on 11 April 2008. During this time, the girls began to miss therapy and medical appointments.

40. The mother failed to renew the 50B Protective Order she secured against [respondent-father]. She allowed [respondent-father] to re-enter her life and her children's lives even though he had made no progress on his case plan.

* * * *

> 42. The mother was to enroll in therapy at Behavioral Health. Because she never signed a release, neither Ms. Tuffour nor the court have any information whether she attended therapy and what issues, if any, were addressed.
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> 43. As of the last day of this trial, [respondent-father] was in jail. He was arrested for violating his probation for a 2007 conviction for possessing cocaine. He was arrested in June 2009 for some traffic offenses and possession of marijuana.

Here, the trial court's findings of fact establish that Denise, Darla, and Teresa were previously adjudicated neglected and dependent. This satisfies the first prong of our analysis. Respondent-mother does not appear to challenge this prong of the neglect analysis.

However, respondent-mother argues that the trial court erred in concluding that there was a high probability of future neglect because (1) substance abuse *per se* is not sufficient to support a finding of neglect and there is no showing that the children were harmed by her substance abuse, (2) the only evidence of domestic abuse was from 2006, and (3) respondent-mother completed her first round of substance abuse treatment and abstained for two years. As explained below, we disagree with her contentions and conclude that the evidence contained in the findings of fact listed above are sufficient to establish the second prong, that repetition of neglect was likely if the children were returned to respondent-mother. The findings establish that, although respondent-mother made some progress on her case plan, she relapsed several months after her children were returned to her for a trial placement and

respondent-mother's substance abuse worsened through the spring of 2008. Although respondent-mother's substance abuse certainly contributed to the trial court's conclusion, her substance abuse was not the only factor. In addition, respondent-mother failed to renew her DVPO against respondent-father, allowed him in the home, and allowed him to have unauthorized contact with the girls. Although there was no evidence of current domestic violence between respondent-mother and respondent-father, it nevertheless remained an issue and neither parent had completed domestic violence treatment. Given that respondent-mother had a difficult time taking care of the girls' needs during the trial placement, then relapsed and allowed respondent-father back into her life, we find clear and convincing evidence for the trial court's ultimate findings on neglect:

> 50. Because these fundamental issues have not been resolved, the risk of repetition of neglect is high.
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> * * * *
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> 52. [The parents] have neglected [Denise], [Darla], and [Teresa]. They have failed to address and resolve the issues that led the children to be adjudicated to be neglected.

Accordingly, respondent-mother's challenges to findings of fact 50 and 52 are also without merit. We therefore affirm the trial court's order terminating respondent-mother's parental rights to the children.

IV. Best Interest of the Children

Next, respondents argue that the trial court erred in concluding that it was in the children's best interest to terminate their parental rights. We disagree.

After an adjudication determining that grounds exist for terminating parental rights, the trial court is required to consider the following factors in determining whether termination is in the juveniles' best interest:

> (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.G.S. § 7B-1110(a)(1)-(6). We review the 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). "Abuse 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) (citation omitted).

First, both parents generally argue that the findings of fact do not support the conclusion that it was in the children's best interest to terminate the parents' parental rights. Respondent-father specifically argues that the findings of fact establish a

history of the case and reunification failures, but do not establish that termination of parental rights is in the children's best interest. We disagree. In its order, the trial court made the following findings of fact, which specifically address the criteria listed in N.C.G.S. § 7B-1110(a):

> 33. The children were removed from the mother's home and returned to foster care on 21 April 2008. The court upheld the change of placement at the hearing on 25 April 2008.
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> * * * *
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> 36. After the goal changed to termination of parental rights and adoption, [respondent-mother] quit calling and reporting on her efforts to Afranie Tuffour. The father never maintained contact with Ms. Tuffour on a regular basis.
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> * * * *
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> 53. . . . The children had been in foster care from 2 May 2006 to 10 May 2007, 28 June 2007 to 25 August 2007, and 27 April 2008 to 21 August 2008 when the petitions to terminate the parents' rights were filed. That is over eighteen months in foster care. They continue to be in foster care as of 9 September 2009.
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> * * * *
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> 56. The children are not in an adoptive home, but they are young and the prospects are good that an adoptive home can be found for them.
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> 57. Two of the girls have medical issues that the mother was unable to address. The same girls have therapy appointments that were often missed when they were placed with the mother. They have made nearly

> every appointment since being returned to foster care.[4]
>
> 58. No relatives have stepped forward to offer to provide placement for the girls. The only alternative to adoption is to remain in foster care. A former foster parent offered to be the placement for the girls instead of an adoptive home, but it is unrealistic to place three girls with her with little hope of support from either parent. Based on this and Ms. Tuffour's testimony, [the former foster parent's] home would not be an acceptable placement.

In addition, the trial court made a finding of fact which specifies each child's birth date and from which one can infer that Denise was nine years old, Darla was five years old, and Teresa was nearly four years old at the time of the termination hearing.[5]

Here, the trial court made findings which demonstrate that it considered the age of the juveniles, the likelihood of adoption, and whether termination will aid in the accomplishment of a permanent plan for the juveniles. The trial court did not make any findings regarding the bond between the children and the current foster parents, but such a finding was not necessary because the children's foster home was not an adoptive or permanent placement.

Although the trial court did not specifically make a finding regarding the bond between parents and the children, we find the

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[4] In her challenge to the trial court's adjudication, respondent-mother challenges this finding as lacking in evidentiary support. However, there is ample support in the trial court's previous review and permanency planning orders, as well as Ms. Tuffour's testimony that respondent-mother had difficultly taking the girls to therapy and medical appointments.

[5] We choose not to reproduce this finding, in order to protect the identity of the juveniles.

evidence sufficient to demonstrate that the trial court considered this factor. First, the trial court made several findings regarding the amount of time the girls were in foster placements, which is certainly relevant to the bond between parent and child. Second, Anne Rex, the GAL, offered dispositional testimony regarding her interactions with and observations of the family, and she ultimately was of the opinion that termination of respondents' parental rights was in the best interest of the children. Although Ms. Rex felt that familial relationships are an important factor to consider in such cases, she was of the opinion:

> And - and I think . . . it became clear after a while that, no matter how good her intentions were, and how much she had loved those children and wanted them back, that she wasn't able to do what she needed to do to provide a safe . . . home for them.

Additionally, the GAL's court report contains a subheading specifically addressing the bond between the biological parents and the children. Although the GAL described the bond as "very loving," the GAL nonetheless recommended termination of parental rights. Lastly, we find it relevant that respondent-father made no progress on his case plan and consented to the cessation of reunification efforts by YFS. Moreover, we have previously found that it is not an abuse of discretion for the trial court to omit a finding on a statutory factor, so long as it is apparent that the trial court considered all relevant factors. *See In re S.C.H.*, ___ N.C. App. ___, ___, 682 S.E.2d 469, 475 (2009) (holding that the trial court did not abuse its discretion where there was no specific finding regarding the bond between the parent and the

child), *aff'd per curiam*, 363 N.C. 828, 689 S.E.2d 858 (2010). In light of the above-referenced findings of fact, the GAL's testimony at trial, and the GAL court report, it is apparent the trial court properly considered the bond between the parents and children before terminating respondents' parental rights. Therefore, we conclude that the trial court did not abuse its discretion in this regard.

Additionally, respondent-mother argues that the trial court abused its discretion in concluding that termination was in the best interest of the children because (1) YFS had not identified a potential adoptive placement, (2) the findings do not indicate whether the trial court considered placements with family members or a previous foster parent, and (3) the trial court failed to consider the possibility of guardianship which would allow the children to retain a relationship with respondent-mother. As further explained, respondent-mother's arguments are without merit.

First, we note that a trial court is not required to find that a child is adoptable before terminating a parent's parental rights. *See In re Norris*, 65 N.C. App. 269, 275, 310 S.E.2d 25, 29 (1983) ("It suffices to say that such a finding [of adoptability] is not required in order to terminate parental rights.") Here, the trial court recognized that the girls did not have a prospective adoptive family, but nevertheless found that their adoptive prospects were good. This finding is based on the testimony of the GAL, as well as her court report. Therefore, the trial court's determination on this factor is supported by reason.

We also find respondent-mother's arguments regarding alternative placements and the possibility of guardianship unavailing. A similar argument was raised in *In re J.A.A.*, 175 N.C. App. 66, 75-76, 623 S.E.2d 45, 51 (2005). In *J.A.A.*, the mother argued that termination of her parental rights was not in the best interest of her children because the mother's sister offered to take custody of her children. *Id.* at 74-75, 623 S.E.2d at 50-51. However, we rejected this argument, noting that "the trial court is not required to make findings of fact on all the evidence presented, nor state every option it considered." *Id.* at 75, 623 S.E.2d at 51. Moreover, the YFS court summary demonstrates that alternative placements with the former foster parent and family members were considered, but ultimately rejected. Accordingly, we conclude that the trial court did not abuse its discretion determining that termination of parental rights was in the children's best interest.

Affirmed.

Judges WYNN and ELMORE concur.

Report per Rule 30(e).