NO. COA10-574

NORTH CAROLINA COURT OF APPEALS

Filed: 16 November 2010

IN THE MATTER OF:

L.B.

Wake County
No. 07 JT 253

Appeal by respondents from order entered 5 March 2010 by Judge Monica M. Bousman in Wake County District Court. Heard in the Court of Appeals 27 October 2010.

Roger A. Askew for petitioner-appellee Wake County Human Services.

Ryan McKaig for respondent-appellant mother.

Wyrick Robbins Yates & Ponton LLP, by Edward Eldred, for respondent-appellant father.

Pamela Newell for guardian ad litem.

HUNTER, Robert C., Judge.

Respondent parents appeal from an order terminating their parental rights to L.B.[1] After careful review, we affirm the district court's order.

Background

On 21 March 2007, Wake County Human Services ("WCHS") filed a petition alleging that L.B. was a neglected juvenile. WCHS stated

[1] The initials L.B. are used to protect the identity of the minor child.

that it had been working with respondents to address several issues, including inappropriate supervision, substance abuse, and domestic violence. WCHS recounted that on 11 September 2007, a Team Decision Making Meeting was held to address respondents' domestic violence and ongoing substance abuse. Respondents agreed to separate, with the juvenile to reside with respondent-father. Respondents both agreed to random drug screens. Another Team Decision Making Meeting was held on 9 January 2008, after respondent-father relapsed. Respondent-father agreed to update his substance abuse assessment and follow all recommendations, attend therapy, attend AA/NA meetings, and submit to random drug screens. Respondent-mother agreed to inpatient treatment at The Healing Place.

The petition alleging neglect was filed following another Team Decision Making Meeting held on 20 March 2007. At that time, respondents were residing together, neither parent was in therapy or in drug treatment, and neither parent had addressed their issues with domestic violence. First, WCHS alleged that respondent-father had failed to: (1) follow through with recommendations of a substance abuse assessment; (2) maintain sobriety; and (3) submit to random drug screens. WCHS claimed that respondent-father had admitted to using marijuana and cocaine in January 2007. Second, WCHS alleged that respondent-father had not completed any domestic violence treatment. Moreover, respondent-father had allowed the respondent-mother to return to his home in February 2007, despite their earlier agreement to separate due to recurring domestic

violence. Third, WCHS recounted respondent-father's history of unstable housing. WCHS noted that respondent-father had a history of homelessness and had resided in six different locations while involved with WCHS. WCHS stated that respondent-father had been living in a transitional housing program from December 2006 to February 2007, but was terminated from the program as a result of allowing respondent-mother to reside with him, failing to follow program rules, and for writing a bad check. Finally, WCHS alleged that respondent-father stated on 13 March 2007 that he would no longer comply with WCHS.

WCHS alleged that respondent-mother had continuing issues with substance abuse, domestic violence, and lack of stable housing and employment. First, WCHS claimed that respondent-mother had not followed through with the recommendations of her substance abuse assessment, which included inpatient treatment, participation in NA/AA groups, and random drug screens. Additionally, respondent-mother had been asked to leave The Healing Place as a result of rule violations. WCHS stated that respondent-mother would be allowed to return to the program if she apologized and agreed to fulfill her contract. WCHS claimed, however, that respondent-mother was unwilling to apologize and did not desire to return to The Healing Place. WCHS further alleged that respondent-mother had not completed individual therapy or any services to address domestic violence. Finally, WCHS claimed that respondent-mother was unemployed and residing with respondent-father and the

juvenile. Accordingly, a non-secure custody order was entered and WCHS assumed custody of the juvenile.

A hearing was held on the petition on 15 May 2007. Respondent-mother stipulated to many of the allegations made in the petition. In addition to the stipulations, the district court made findings regarding respondent-father's substance abuse, domestic violence issues, and other allegations in the petition. Based on the stipulations and findings of fact, the district court adjudicated L.B. a neglected juvenile. The court ordered respondents individually: (1) to obtain and maintain safe, stable housing that was adequate to meet the needs of themselves and the juvenile; (2) obtain and maintain employment; (3) comply with a referral to parenting education classes; (4) obtain a psychological evaluation and follow all recommendations; and (5) maintain weekly contact with WCHS. Respondent-mother was additionally ordered to participate in L.B.'s therapy, complete a drug treatment program, attend AA/NA meetings, and comply with random drug screens. Respondent-father was ordered to obtain an updated substance abuse assessment and follow all recommendations, including regular attendance at AA/NA meetings and compliance with random drug screens. The court granted custody to WCHS, and ordered that respondents be allowed supervised visitation.

A permanency planning review hearing was on 8 May 2008. The district court found that respondent-father had exercised unsupervised visitation, including overnight visits. The court reported that the visits had gone well, and the juvenile looked

forward to the visits. Respondent-father was attending therapy with the child, and his home had been deemed safe and appropriate. Respondent-mother, on the other hand, was reported by respondent-father to be using crack cocaine and had been kicked out of a residential treatment program. Consequently, the court suspended visitation with respondent-mother.

Another review hearing was held on 1 August 2008. At this hearing, the district court noted that the juvenile had been removed from respondent-father's home due to: (1) the child seeing respondent-mother while with respondent-father; (2) respondent-father's failure to ensure the child regularly attended therapy; and (3) troubling behaviors exhibited by the juvenile, "such as finger sucking and masturbation." At the time of the hearing, respondent-mother's whereabouts were unknown. The court suspended unsupervised visitation between respondent-father and the child, but ordered WCHS to continue efforts towards reunification.

On 6 November 2008, the district court found that, after five months of no contact, respondent-mother had "re-engaged in her case plan" and desired to resume visitation with the juvenile. The court found that respondent-mother had completed an updated substance abuse assessment and begun out-patient substance abuse treatment. The court stated that it believed respondent-mother needed in-patient treatment, but respondent-mother refused because she wished to remain employed. Respondent-father had filed for divorce from respondent-mother, but the court found that he still had "unresolved issues with the mother and needed to engage in

therapy to address these issues." In particular, the court noted that respondent-father had sent respondent-mother "inappropriate" text messages that "contained abusive and offensive statements about [respondent-mother]." The court nevertheless continued the permanent plan of reunification of the juvenile with respondent-father.

On 2 January 2009, the district court entered an order finding that supervised visitation between respondent-father and the juvenile had "gone very well." The court further found that a home study of respondent-father's new residence had been approved as safe and appropriate. Accordingly, the court entered an order granting unsupervised visitation between respondent-father and the juvenile.

The district court held another review hearing on 2 July 2009. The court noted that reunification efforts with respondent-mother had ceased, and determined that respondent-mother had "provided no evidence to demonstrate that reunification efforts with her should be re-ignited." The court also found that the juvenile had been in the custody of WCHS for 27 months, and during that time, respondent-father had been unable to maintain financial independence or stable housing. The court noted that respondent-father had been laid off from his employment in March 2009, and had not obtained employment since that time. At the time of the hearing, respondent-father was temporarily living with a friend. The court found that respondent-father had "demonstrated that his

life skills are inadequate to provide the child with the stability and security he requires."

The court additionally found that, while respondent-father consistently attended his own therapy, he had not met with his child's therapist. Moreover, respondent-father had only "minimally participated" in services designed to assist respondent-father "in providing a structured, positive environment" for the juvenile. The court further noted that the juvenile exhibited a higher level of impulsive behavior than most children his age, and needed a "safe consistent home where he feels comfortable and safe." The court found, however, that the juvenile "recognizes that his father is not skilled at holding him accountable and providing him with structure." Accordingly, the court ceased reunification efforts between respondent-father and the juvenile, and changed the permanent plan for the juvenile to adoption.

On 13 October 2009, WCHS filed a petition to terminate respondents' parental rights. Petitioner alleged: (1) that respondents had neglected the juvenile within the meaning of N.C. Gen. Stat. § 7B-101(15) (2009), and pursuant to N.C. Gen. Stat. § 7B-1111(a)(1) (2009); (2) that respondents had willfully left the juvenile in foster care for more than 12 months without showing that reasonable progress under the circumstances had been made in correcting those conditions which led to the child's removal, pursuant to N.C. Gen. Stat. § 7B-1111(a)(2); and (3) that respondents, for a continuous period of six months immediately preceding the filing of the petition, had willfully failed to pay

a reasonable portion of the cost of care for the juvenile although physically and financially able to do so, pursuant to N.C. Gen. Stat. § 7B-1111(a)(3) (2009).

Hearings were held on the petition to terminate respondents' parental rights on 4 and 5 February 2010. The district court concluded that grounds existed pursuant to N.C. Gen. Stat. § 7B-1111(a)(1) and (2) to terminate respondents' parental rights. The court further concluded that it was in the juvenile's best interest that respondents' parental rights be terminated. Accordingly, on 5 March 2010, the court terminated respondents' parental rights. Respondents timely appealed to this Court.

Discussion

We first consider respondent-mother's argument that the district court erred by failing to appoint her a guardian *ad litem* pursuant to N.C. Gen. Stat. §7B-1101.1(c) (2009), which states:

> On motion of any party or on the court's own motion, the court may appoint a guardian ad litem for a parent . . . if the court determines that there is a reasonable basis to believe that the parent is incompetent or has diminished capacity and cannot adequately act in his or her own interest.

Pursuant to this statute, a trial judge has a duty to inquire into the competency of a party "'when circumstances are brought to the judge's attention, which raise a *substantial* question as to whether the litigant is *non compos mentis*.'" *In re C.G.A.M.*, 193 N.C. App. 386, 390, 671 S.E.2d 1, 4 (2008) (*quoting In re J.A.A. & S.A.A.*, 175 N.C. App. 66, 72, 623 S.E.2d 45, 49 (2005)). "'Whether the circumstances . . . are sufficient to raise a substantial

question as to the party's competency is a matter to be initially determined in the sound discretion of the trial judge.'" *J.A.A.*, 175 N.C. App. at 72, 623 S.E.2d at 49 (quoting *Rutledge v. Rutledge*, 10 N.C. App. 427, 432, 179 S.E.2d 163, 166 (1971)).

We conclude that the district court did not abuse its discretion by failing to appoint a guardian *ad litem*. First, respondent-mother did not request a guardian *ad litem*. *See In re D.H.*, 177 N.C. App. 700, 708-09, 629 S.E.2d 920, 925 (2006) (holding trial court did not err by failing to appoint a guardian *ad litem* pursuant to the predecessor statute, N.C. Gen. Stat. § 7B-1101, when the parent did not request appointment of a guardian *ad litem*). Second, the allegations in the petition did not automatically trigger a requirement that the district court appoint a guardian *ad litem*. We note that under prior law, a trial court was required to appoint a guardian *ad litem* for a parent in a termination proceeding when the petition alleged that, under N.C. Gen. Stat. § 7B-1111(a)(6), the parent was incapable of providing proper care for the child because of the parent's "substance abuse, mental retardation, mental illness, organic brain syndrome, or another similar cause or condition." N.C. Gen. Stat. § 7B-1101(1) (2003). However, following the enactment of N.C. Gen. Stat. § 7B-1101.1, which is applicable here, the portions of N.C. Gen. Stat. § 7B-1101 pertaining to appointments of guardians *ad litem* were deleted and the requirement that the parent must be alleged to be incapable under N.C. Gen. Stat. § 7B-1111(a)(6) as a precondition for the appointment of a guardian *ad litem* was

eliminated. 2005 N.C. Sess. Laws ch. 398, § 19; N.C. Gen. Stat. § 7B-1101.1(c). N.C. Gen. Stat. § 7B-1101.1 now provides that "a trial court *may* appoint a guardian ad litem for a parent, 'if the court determines that there is a reasonable basis to believe that the parent is [(1)] incompetent or [(2)] has diminished capacity and cannot adequately act in his or her own interest.'" *C.G.A.M.*, 193 N.C. App. at 390, 671 S.E.2d at 4 (emphasis added) (quoting N.C. Gen. Stat. § 7B-1101.1(c) (2007)).

Here, there were no allegations that respondent-mother suffered from any mental defect, mental illness, lack of understanding or a diminished capacity. Moreover, nothing in respondent-mother's conduct at the hearing raised a question about her competency. She testified on her own behalf and asserted her own interest in being reunited with the juvenile. Respondent-mother further testified that she had not consumed any controlled substances in nine months because she wanted to see L.B. Therefore, we conclude the district court acted within its discretion when it did not appoint a guardian *ad litem*.

We next consider respondents' arguments that the district court erred by concluding that grounds existed pursuant to N.C. Gen. Stat. § 7B-1111 to terminate their parental rights. N.C. Gen. Stat. § 7B-1111 sets out the statutory grounds for terminating parental rights. A finding of any one of the separately enumerated grounds is sufficient to support termination. *In re Taylor*, 97 N.C. App. 57, 64, 387 S.E.2d 230, 233-34 (1990). "The standard of appellate review is whether the trial court's findings of fact are

supported by clear, cogent, and convincing evidence and whether the findings of fact support the conclusions of law." *In re D.J.D.*, 171 N.C. App. 230, 238, 615 S.E.2d 26, 32 (2005) (citing *In re Huff*, 140 N.C. App. 288, 291, 536 S.E.2d 838, 840 (2000), *disc. review denied*, 353 N.C. 374, 547 S.E.2d 9 (2001)).

In the instant case, the trial court concluded that grounds existed pursuant to N.C. Gen. Stat. § 7B-1111(a)(1) to terminate respondents' parental rights based on neglect. The term "neglected juvenile" is defined in N.C. Gen. Stat. § 7B-101(15) as

> [a] juvenile who does not receive proper care, supervision, or discipline from the juvenile's parent, guardian, custodian, or caretaker; or who has been abandoned; or who is not provided necessary medical care; or who is not provided necessary remedial care; or who lives in an environment injurious to the juvenile's welfare; or who has been placed for care or adoption in violation of law.

Generally, "[a] finding of neglect sufficient to terminate parental rights must be based on evidence showing neglect at the time of the termination proceeding." *In re Young*, 346 N.C. 244, 248, 485 S.E.2d 612, 615 (1997) (citation omitted). However, "a prior adjudication of neglect may be admitted and considered by the trial court in ruling upon a later petition to terminate parental rights on the ground of neglect." *In re Ballard*, 311 N.C. 708, 713-14, 319 S.E.2d 227, 231 (1984). Where a prior adjudication of neglect is considered by the trial court, "[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." *Id.* at 715, 319 S.E.2d at 232 (citation omitted). Thus, where

> there is no evidence of neglect at the time of the termination proceeding . . . parental rights may nonetheless be terminated if there is a showing of a past adjudication of neglect and the trial court finds by clear and convincing evidence a probability of repetition of neglect if the juvenile were returned to [his or] her parents.

In re Reyes, 136 N.C. App. 812, 813, 526 S.E.2d 499, 501 (2000).

Here, the trial court found as fact that L.B. had been adjudicated a neglected juvenile. Following the adjudication of neglect, the court ordered respondents to obtain and maintain suitable and stable housing; obtain and maintain legal employment; obtain a psychological evaluation and follow all recommendations; complete parenting classes; and maintain weekly contact with WCHS. Furthermore, respondent-father was ordered to comply with an updated substance abuse assessment, while respondent-mother was ordered to follow the recommendations of her drug and alcohol treatment providers. However, respondents' efforts towards rectifying their issues were ultimately unsuccessful.

First, regarding the respondent-mother, the court found as fact:

> 12. That following adjudication, the mother moved between a homeless shelter and a halfway house. In November 2008, she moved to a home in Willow Springs, where she has remained since that time. She testified that she does not currently know the physical address of the home, though she has lived there in excess of a year. She does know the mailing address for the property, which is a post office box.

13. That the home in which the mother resides with her boyfriend is owned by her boyfriend's family. She has no lease or other legal claim to the home. The suitability of the home for the child is unknown.

14. That the mother has never produced any documentation to verify her employment. During the termination of parental rights hearing was the first the Court learned that she has been employed for over a year, and has reportedly been dependable in her job. She is employed by a residential cleaning company. The mother has never produced any documentation to Wake County Human Services to demonstrate stable employment.

15. That the mother sporadically participated in substance abuse treatment. She has not provided any documentation that she has successfully completed or participated in any treatment program other than a program she was enrolled in late 2008. The mother testified that the last AA/NA meeting she attended was in January 2009. She also reports completing a 12 week intensive out-patient program through Fellowship in January 2009; she did not produce documentation to support that assertion at this hearing.

16. That the mother does not believe that using drugs makes her an unfit parent.

17. That the mother testified that she has been diagnosed with bi-polar disorder, for which she is not receiving any treatment.

18. That the mother testified that she does not have appropriate coping mechanisms to deal with stressors.

. . . .

20. That the mother completed a psychological evaluation on August 30, 2007. It was recommended that she "strongly consider" admission to a long-term substance abuse residential treatment program. It was also recommended that she: participate in individual therapy, combined with psychiatric services; submit to random drug screens; and maintain employment and housing.

> 21. That during an interpretive session to review the results of the psychological evaluation with the psychologist, for which the social worker was present, the mother failed to accept any responsibility for the child's being removed from her care.
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> 22. That the mother began individual therapy, but her attendance [was] inconsistent. She has not participated in any therapy since May 2008.
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> 23. That the mother visited with her child consistently until approximately May 2008. During the visits, the child demonstrated aggression toward his mother, which was not present during visits with his father. The mother had difficulty setting and enforcing limits during visits.
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> 24. That in August 2008, it was ordered that visitation between the mother and child was suspended until such time that she enter a residential drug treatment center, and submit to two negative drug screens. In November 2008, reunification efforts with the mother were ceased, as she had demonstrated no progress on the court-ordered services targeted at reunification.

Respondent-mother does not contest any of the above findings of fact on appeal. Therefore, the findings of fact are deemed to be supported by competent evidence, and are deemed binding on appeal. N.C.R. App. P. 28(b)(6); *In re P.M.*, 169 N.C. App. 423, 424, 610 S.E.2d 403, 404-05 (2005) (concluding respondent had abandoned factual assignments of error when she "failed to specifically argue in her brief that they were unsupported by evidence").

Based on its findings of fact, the court made an ultimate finding that there would be a repetition of neglect should L.B. be returned to respondent-mother's care. We conclude that the trial

court's unchallenged findings of fact support this ultimate finding. Furthermore, when coupled with the juvenile's prior adjudication of neglect, the finding that there would likely be a repetition of neglect supports the trial court's conclusion of law that grounds existed to terminate respondent-mother's parental rights pursuant to N.C. Gen. Stat. § 7B-1111(a)(1).

Respondent-father challenges several of the trial court's findings of fact, claiming that they are unsupported by the evidence. Respondent-father argues that, absent these unsupported findings, the court's findings of fact do not warrant a conclusion that grounds existed to terminate his parental rights. We address only those findings necessary to support the trial court's conclusion that grounds existed pursuant to N.C. Gen. Stat. § 7B-1111(a)(1) to terminate respondent-father's parental rights. Regarding the respondent-father, the court found:

> 28. That in May 2008, the Court allowed placement of the child with his father, due to the progress the father had demonstrated toward reunification. [WCHS] retained placement authority over the child.
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> . . . .
>
> 30. That the child's emotional and mental health needs are greater than most children his age, and his need to consistently participate in treatment services are heightened by those needs. The child has been diagnosed with Post-Traumatic Stress Disorder (PTSD) and Attention Deficit Hyperactivity Disorder (ADHD).
>
> 31. That the father has struggled to maintain housing. Shortly after adjudication, he was evicted and went to live with his mother. He then went to live in transitional housing. From the Fall of 2007 until November 2008, he

lived with a friend in Clayton, North Carolina.

32. That in October 2008, the father's mother and step-father rented a house for him. His name was not on the lease. He moved into this house in November 2008. In January 2009, his parents reneged on the deal; they had the power turned off, and removed the refrigerator from the home. For a short time, the father continued to take the child to the home for overnight visits, even after it had no power an no refrigerator. Upon his return to his foster home, the child questioned whether he and his dad should be staying in an unheated home.

33. The father has been unable to maintain housing since January 2009. He has moved between friends and family since that time.

34. That while the child was placed with his father, the father did not maintain the child's therapy appointments. The father said the child did not want to go, so he did not make him go. The father told the social worker that taking the child to therapy was a "pain in the butt."

35. . . . [Respondent-father] is no longer participating in any mental health therapy.

36. That the foster mother actively engaged in shared-parenting with the father. The father was unable to demonstrate an ability to manage the child's behavior, keep the child on task or focused during homework sessions, and was unable to provide consistency between households. The father would not enforce consequences during his visitation period. For instance, he took the child to Adventure Landing one afternoon even though he had been made aware the child was being disciplined for poor behavior at school.

37. That the father has not demonstrated an ability to function independently. He has relied on his parents for housing, and depended on service providers to locate a new refrigerator for him and manage some of his bills.

> 38. That the child is very intelligent and is able to manipulate care-givers. The father has not demonstrated an ability to resist the child's manipulative behaviors. The father has not been able to build upon previous suggestions and redirection from service providers, instead, the same concerns have to be revisited.
>
> 39. That the child takes on a parenting role in relation to his father.

Additionally, in finding of fact number 29, the trial court found that respondent-father had "failed to maintain the child's therapy appointments." Respondent-father argues that findings of fact numbers 29, 31, 33, 36, 37, and 38 are not supported by the evidence. We address each in turn.

First, respondent-father contends that finding of fact number 29 is not supported by the evidence; however, respondent-father does not specifically challenge that part of the court's finding that he did not take L.B. to his therapy appointments. Respondent-father's failure to take L.B. to therapy is relevant to the trial court's finding that there would be a repetition of neglect should L.B. be returned to respondent-father's home.

In findings of fact numbers 31 and 32, respondent-father challenges the court's determination that he has "struggled to maintain housing" and "has been unable to maintain housing since January 2009." Although respondent-father may not have been homeless at any point following the filing of the petition, the record is replete with evidence that he was unable to maintain independent, suitable housing. The foster mother testified that in January 2009, the power was turned off in respondent-father's home.

Nevertheless, respondent-father continued to live in the home, and hosted L.B. for unsupervised visits there on at least two weekends. At the time of the July 2009 review hearing, respondent-father was temporarily living with a friend in Cary, North Carolina. At the time of the termination hearing, respondent-father was living with a friend in Knightdale, North Carolina. Respondent-father did not have a lease, and was planning on staying "maybe a couple of more months." Accordingly, we find no error in these findings of fact.

In findings of fact numbers 36, 37, and 38, respondent-father argues that the court erred by finding that: (1) "he was unable to demonstrate an ability to manage the child's behavior, keep the child on task or focused during homework sessions, and was unable to provide consistency between households"; (2) "he has not demonstrated an ability to function independently"; and (3) "has not demonstrated an ability to resist the child's manipulative behaviors and has not been able to build upon previous suggestions and redirection from service providers." Respondent-father contends that these findings "are eviscerated by WCHS reports and findings the court made in other orders." We are not persuaded.

At the hearing, Elizabeth Summers, a provisionally licensed Clinical Social Worker with the Institute for Family-Centered Services ("the Institute"), testified that, in regards to L.B.'s relationship with respondent-father, L.B. was "going to get away with whatever he wants[.]" Ms. Summers further testified that respondent-father was unable to provide L.B. with either structure or discipline. Raisha Hill, a marriage and family therapist with

the Institute, testified that she had to repeatedly assist respondent-father in keeping L.B. focused on his homework, whereas no redirection was necessary when L.B. did his homework with his foster parent. Additionally, the foster mother testified that it was very difficult for respondent-father "to be the disciplinarian and set clear-cut boundaries[,]" and that respondent-father "felt bad" about disciplining L.B. It is the trial judge's duty to "weigh and consider all competent evidence, and pass upon the credibility of the witnesses, the weight to be given their testimony and the reasonable inferences to be drawn therefrom." *In re Whisnant*, 71 N.C. App. 439, 441, 322 S.E.2d 434, 435 (1984). Based on the above testimony, we conclude that respondent-father has failed to demonstrate error in findings of fact numbers 36, 37, and 38.

The above findings, along with those unchallenged by respondent-father, support the trial court's ultimate finding that there would be a repetition of neglect should L.B. be returned to respondent-father's care. This probability of repetition of neglect, coupled with the prior adjudication of neglect, supports the court's conclusion of law that grounds existed to terminate respondent-father's parental rights pursuant to N.C. Gen. Stat. § 7B-1111(a)(1).

Respondents additionally argue that the trial court erred by concluding that grounds existed pursuant to N.C. Gen. Stat. § 7B-1111(a)(2) to terminate their parental rights. However, because we conclude that grounds existed pursuant to N.C. Gen. Stat. § 7B-

1111(a)(1) to support the trial court's order, we need not address the remaining grounds found by the court to support termination. *Taylor*, 97 N.C. App. at 64, 387 S.E.2d at 233-34.

We next consider respondents' arguments that the trial court erred by concluding it was in the best interest of the juvenile to terminate their parental rights. After careful review of the record, briefs, and contentions of the parties, we disagree. "The trial court has discretion, if it finds that at least one of the statutory grounds exists, to terminate parental rights upon a finding that it would be in the [juvenile's] best interests." *In re Nesbitt*, 147 N.C. App. 349, 352, 555 S.E.2d 659, 662 (2001). Factors to consider in determining the juvenile's best interests include: (1) the age of the juvenile; (2) the likelihood of adoption; (3) the impact on the accomplishment of the permanent plan; (4) the bond between the juvenile and the parent; (5) the relationship between the juvenile and a proposed adoptive parent or other permanent placement; and (6) any other relevant consideration. N.C. Gen. Stat. § 7B-1110(a) (2009). The court is to take action "which is in the best interests of the juvenile" when "the interests of the juvenile and those of the juvenile's parents or other persons are in conflict." N.C. Gen. Stat. § 7B-1100(3) (2009). Absent an abuse of discretion, the trial court's disposition order will not be disturbed. *In re J.B.*, 172 N.C. App. 747, 751, 616 S.E.2d 385, 387, *aff'd per curiam*, 360 N.C. 165, 622 S.E.2d 495 (2005).

In the instant case, the trial court's dispositional order reveals that the court considered the factors required by N.C. Gen. Stat. § 7B-1110(a). The court found as fact:

> 45. That the minor child is in need of a permanent plan of care at the earliest possible age which can be obtained only by severing of the relationship between the child and his parents by termination of the parental rights of the parents.
>
> 46. That the permanent plan for the child is adoption, and termination of parental rights aids in accomplishing that plan.
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> 47. That the child is seven (7) years old. He has been out of his parents' custody for approximately 34 months.
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> 48. That the child is in a prospective adoptive home. He has a strong, appropriate parent/child bond with his prospective adoptive parent/family. There is a very high likelihood that he will be adopted.
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> 49. That in an exercise with his therapist, the child drew a picture of his family. The family included only the members of his prospective adoptive family.
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> 50. That the child received much needed structure and routine in his prospective adoptive home.
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> 51. That the child has expressed to his therapist the desire to "just get adopted already."
>
> 52. That the child has no memories of his mother. He has a picture in his room of himself with his mother and his maternal aunt; he refers to the picture and asks if his aunt is his mother.
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> 53. That the removal of the child from his prospective adoptive home and a return to either of his parents would likely cause a great deal of anxiety for the child, and would likely trigger his PTSD.

> 54. That the child feels the need to protect his father. He is afraid to hurt his father's feelings.
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> 55. That the child has a bond with his father, but that bond is not a healthy parent-child bond.
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> 56. That reintroducing the mother into the child's life would likely cause the child to regress to the age he was when last parented by his mother.
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> 57. That the child is making progress in therapy. He is learning to talk about difficult topics, his attention span is increasing, and his impulsiveness is decreasing.
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> 58. That the prospective adoptive parent has created and maintains strong bonds with maternal grandparents, which she intends to continue.
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> 59. That neither parent has demonstrated an ability to parent the child.
>
> 60. That there are no major barriers to the child's ability to be adopted.

The trial court thus concluded that the best interest of the juvenile would be served by termination of respondents' parental rights. Based on the findings of fact made by the trial court after an extensive termination hearing, we discern no abuse of discretion. Accordingly, we affirm the trial court's order terminating respondents' parental rights.

Affirmed.

Judges CALABRIA and GEER concur.

Report per Rule 30(e).