

an injury to the juveniles' five-month-old half-sibling, W.P.³ According to the petitions, W.P. had been admitted to the hospital with a depressed skull fracture, which had occurred several days prior to her admission. The petition alleged that respondent-mother did not give a plausible explanation for the injury, failed to provide adequate supervision of W.P., lacked recognition of the severity of the injury, and delayed in seeking care for W.P. Respondent-mother was the children's sole caretaker at the time. Based on W.P.'s injuries, the petitions alleged that N.P. and S.P. lived in an environment injurious to their welfare. The petitions also alleged that respondent-mother suffered from mental health issues and had limited intellectual functioning. Furthermore, respondent-mother had a history of DSS involvement, dating back to April 2006, with extensive case management services. All three children were taken into nonsecure custody the same day and were placed in kinship arrangements. N.P. was placed with respondent-mother's aunt, Annie, and S.P. and W.P. were placed with respondent-mother's aunt, Linda. Shortly thereafter, W.P. was moved to a placement with respondent-mother's aunt, Bernice.⁴

³ W.P. was originally taken into custody with her siblings and was adjudicated neglected, but she is not part of the instant termination of parental rights action. During the pendency of the case, respondent-mother relinquished her rights to W.P., the trial court terminated the parental rights to W.P.'s unknown father, and respondent-mother's aunt adopted W.P. However, W.P.'s history is relevant to the factual and procedural background of the instant case.

⁴ The three aunts are referred to by pseudonyms to protect the anonymity of the minor children.

The trial court conducted an adjudication and disposition hearing on 21 November 2008 and entered an order on 8 January 2009. Respondent-mother consented to an adjudication of neglect, and the trial court made findings of fact related to W.P.'s injury, respondent-mother's mental health problems and intellectual limitations, and respondent-mother's inability to recognize the severity of W.P.'s injury and failure to seek medical attention. Therefore, the trial court concluded that the children did not receive proper care and supervision from respondent-mother and lived in an environment injurious to their welfare. In the dispositional portion of the order, the trial court found that all three children were doing well in their placements. S.P. had been moved to a placement with Annie, N.P. was still in a placement with Annie, and W.P. was still in a placement with Bernice. The court gave respondent-mother supervised visitation twice a month. On 22 August 2008, respondent-mother entered into a Family Services Agreement with DSS (hereinafter referred to as the "case plan"), in which respondent-mother agreed to continue therapy, participate in a psychological evaluation and follow recommendations, attend parenting classes, and maintain stable employment. As of the 21 November 2008 hearing, respondent-mother was not complying with her case plan.

The trial court conducted a permanency planning hearing on 16 January 2009. At that time, S.P. and N.P. had adjusted to their placement with Annie, and W.P. was doing well in her placement with Bernice. The trial court relieved DSS of further reunification

efforts and changed the children's permanent plans. The court adopted a permanent plan of adoption for W.P. and a permanent plan of guardianship with a relative for S.P. and N.P. The trial court concluded that these permanent plans were appropriate because respondent-mother had mental health problems and was inconsistent in attending therapy. Additionally, the trial court found that respondent-mother's psychological evaluation report stated that she was not capable of parenting independently.

By the next permanency planning hearing, held on 10 July 2009, W.P. had been cleared for adoption. Annie requested that S.P. and N.P. be moved from her home, and the court found that there were no other relatives who were able to take custody of the children. Respondent-mother's condition remained the same; therefore, the trial court changed S.P.'s and N.P.'s permanent plan to adoption. N.P. and S.P. were subsequently moved to a foster care placement, and the trial court ceased respondent-mother's visitation with the children.

On 11 August 2009, DSS filed a motion to terminate respondent-mother's parental rights to S.P. and N.P. based on the following grounds: (1) neglect pursuant to N.C. Gen. Stat. § 7B-1111(a)(1) (2009); (2) willfully leaving the juveniles in foster care or a placement outside the home for over 12 months without showing reasonable progress in correcting the conditions which led to removal pursuant to N.C. Gen. Stat. § 7B-1111(a)(2); and (3) willfully failing to pay a reasonable portion of the cost of care for the juveniles pursuant to N.C. Gen. Stat. § 7B-1111(a)(3).

Respondent-mother had a fourth child, I.P., in June 2009, who is not the subject of this termination action. Respondent-mother married on or about 12 October 2009. Respondent-mother's husband is not the biological father of I.P., but he agreed to be listed as I.P.'s father on the birth certificate. A few days after I.P.'s birth, he was taken into nonsecure custody and DSS filed a petition alleging that I.P. was a neglected juvenile. In an adjudication and temporary disposition order entered 16 October 2009, the trial court concluded that I.P. was a neglected juvenile. The trial court gave DSS temporary custody of I.P., but ordered DSS to continue reunification efforts with I.P.'s parents. The trial court entered a separate disposition order on 23 October 2009, giving custody of I.P. to DSS, with placement authority, and again ordered DSS to continue reunification efforts.

On 15 January 2010 and 5 February 2010, the trial court conducted a termination of parental rights hearing as to N.P. and S.P. In an order entered 12 March 2010, the trial court found the existence of all three grounds for termination alleged by DSS. At disposition, the trial court concluded that it was in the children's best interests to terminate the parental rights of respondent-mother. From this order, respondent-mother appealed.

Discussion

It is well-established that termination of parental rights proceedings involve 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 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).

On appeal, respondent-mother does not challenge the trial court's conclusions that grounds existed to terminate her parental rights to N.P. and S.P., nor does she make any other challenges to the adjudicatory stage of the proceedings. Instead, respondent-mother only presents challenges to the dispositional stage.

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 juvenile's 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. Gen. Stat. § 7B-1110(a); *see, e.g., In re S.C.H.*, ___ N.C. App. ___, ___, 682 S.E.2d 469, 474 (2009), *aff'd per curiam*, 363 N.C. 828, 689 S.E.2d 858 (2010). 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) (quoting *Blankenship v. Town & Country Ford, Inc.*, 155 N.C. App. 161, 165, 574 S.E.2d 132, 134 (2002)).

In its order, the trial court made separate dispositional findings of fact, which specifically address factors two through six listed in N.C. Gen. Stat. § 7B-1110(a):

1. The juveniles have been first in the care of relatives and then in foster care or out of their mother's care for approximately seventeen [17] months at the time of the hearing of the motion seeking termination of respondent mother's rights.
2. The findings set forth above are hereby incorporated as findings for this stage of the court's proceedings.
3. The juveniles were placed and have remained in the same foster home since on or about July 7, 2009. The juveniles adjusted well and they have been accepted into the foster family and a bond has developed between the juveniles and the foster parents and their existing family. The relationship between them is good and stable.
4. The foster parents have expressed an interest in adopting the juveniles. This placement is considered by DSS to be a pre-adoptive placement. The social worker has testified that the juveniles are adoptable; they are healthy. The likelihood of the juveniles' adoption is good.
5. Relationship between the juveniles and respondent mother is more that of a friend or playmate than a parental relationship.

6. The juveniles are in need [of] a permanent plan which provides a safe and stable environment in which to live and grow. That plan continues to be one of adoption.
7. Terminating the respondent mother['s] parental rights will aid in the accomplishment of the permanent plan of adoption.
8. It is in the best interest of the juveniles to terminate the parental rights of the respondent mother.

From these findings of fact, it is evident that the trial court properly considered the statutory criteria. Finding of fact number 4 shows that the trial court considered the juveniles' likelihood of adoption; findings of fact 6 and 7 show that the trial court found that the termination would aid in the juveniles' permanent plan of adoption; findings of fact 1 and 5 show that the trial court considered the bond between the children and respondent-mother; and finding of fact number 3 shows that the trial court considered the bond between the foster parents and the juveniles. Additionally, in adjudicatory findings of fact 3 and 4, the trial court made findings regarding the birth dates of N.P. and S.P., from which one can infer that N.P. was five years old and S.P. was four years old at the time of termination. These findings satisfy the first factor.

Respondent-mother contends that the trial court failed to follow the mandate of N.C. Gen. Stat. § 7B-1110(a) by making inadequate findings of fact. First, we note that several of the factors argued by respondent-mother are not mandated by statute. Respondent-mother argues that the court abused its discretion by

failing to indicate the relevance of the children's ages, by failing to consider whether the children's foster parents were good caregivers, and by failing to consider whether the children were happy in their placement. While some of these factors may certainly be relevant to a trial court's best interest determination, they are not mandated by statute. As such, we find no abuse of discretion in the trial court's failure to make the findings argued by respondent-mother.

Next, respondent-mother contends that the trial court's finding regarding the bond between the children and respondent-mother does not support the conclusion that termination was in the children's best interests. In finding of fact number 5, the court found that the "[r]elationship between the juveniles and respondent mother is more that of a friend or playmate than a parental relationship." Respondent-mother claims that this finding was insufficient because it was "a semantic observation, not a conclusion about the quality of the relationship." She also argues that, in light of the help offered by her extended family, it is not clear that her relationship with the children should be severed merely because she is "more like a friend." We disagree. This finding, which is supported by the social worker's testimony, is sufficient to show that the trial court properly considered the bond between respondent-mother and the juveniles. Moreover, we conclude that the finding supports the conclusion that it was in the children's best interest to terminate respondent-mother's parental rights. Although the social worker acknowledged that the

children did have some bond with respondent-mother, any bond between them was not strong enough, in light of the other evidence, to overcome the conclusion that termination was in the children's best interests. Therefore, the trial court's determination in this regard was not an abuse of discretion.

Lastly, respondent-mother contends that the trial court did not adequately consider her family members as placements for S.P. and N.P. Respondent-mother further argues that Bernice had already adopted W.P. and wished to have S.P. and N.P. placed with her as well. Therefore, respondent-mother argues, the trial court failed to consider Bernice as a kinship placement for the children.

As an initial matter, we note the following regarding potential kinship placements raised at a termination proceeding:

During the adjudicatory phase, the trial court does not consider whether there is a relative who can take custody of the minor child, but focuses on whether there is evidence to support termination on the grounds alleged in the petition. If a fit relative were to come forward and declare their desire to have custody of the child, the court could consider this during the dispositional phase as grounds for why it would not be in the child's best interests to terminate the respondent's parental rights.

In re J.A.A. & S.A.A., 175 N.C. App. 66, 75, 623 S.E.2d 45, 51 (2005). Furthermore, even if the trial court considers a potential relative placement "the trial court is not required to make findings of fact on all the evidence presented, nor state every option it considered." *Id.*

After reviewing the record, we disagree with respondent-mother's contentions and hold that the trial court properly

considered any possible kinship placements, including Bernice. First, the social worker's testimony provides evidence that the trial court considered possible kinship placements for N.P. and S.P. The social worker testified that DSS discussed relative placements with respondent-mother from the beginning of the case. Indeed, N.P. and S.P. had been in relative placements until July 2009, when Annie asked that they be removed. The social worker also testified that she had spoken with Bernice about N.P. and S.P., but Bernice declined because her husband did not consent to having N.P. and S.P. in their home. Additionally, the social worker testified that respondent-mother did not suggest Bernice as a placement for S.P. and N.P. until the day after the first termination hearing date. Finally, the social worker testified that she did not feel comfortable placing S.P. and N.P. with Bernice, because Bernice had asked that S.P. and N.P. be returned to respondent-mother. Although the trial court did not make specific findings of fact regarding Bernice as a placement, it appears that the court considered her as an option. *See id.* at 75-76, 623 S.E.2d at 51. (holding that the trial court did not abuse its discretion by failing to make findings rejecting a relative placement).

Moreover, several of the trial court's findings of fact demonstrate that the trial court considered respondent-mother's extended family. In adjudicatory findings of fact 33 through 36, the trial court found that respondent-mother was unable to independently parent her children, refused services to improve her

parenting skills, and failed to participate in therapy and take prescribed medication. Furthermore, the trial court found that neither her extended family nor her husband comprehend her needs or provide her with appropriate support. Therefore, we cannot say that the trial court abused its discretion by terminating respondent-mother's parental rights to N.P. and S.P. in lieu of placing the children with a relative.

Affirmed.

Judges CALABRIA and GEER concur.

Report per Rule 30(e).