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NO. COA12-274  
NORTH CAROLINA COURT OF APPEALS

Filed: 4 September 2012

IN THE MATTER OF:

J.L.C.

Buncombe County  
No. 08 J 394

Appeal by respondent father from order entered 14 December 2011 by Judge Rebecca B. Knight in Buncombe County District Court. Heard in the Court of Appeals 20 August 2012.

*Matthew J. Putnam for Buncombe County Department of Social Services, petitioner-appellee.*

*M. Carridy Bender for guardian ad litem.*

*Robert W. Ewing for father, respondent-appellant.*

HUNTER, JR., Robert N., Judge.

Respondent father appeals from the trial court's order adjudicating J.L.C. ("John")<sup>1</sup> a neglected juvenile. We affirm the trial court's order.

On 19 July 2011, Buncombe County Department of Social Services ("petitioner") filed a juvenile petition alleging John

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<sup>1</sup> John is a pseudonym used to protect the privacy of the juvenile.

to be a neglected juvenile. The petition alleged that John "would be at risk if left in the care of [his mother] as she has a serious, ongoing substance abuse problem that prevents her from providing appropriate care for [John]." The petition further alleged "respondent father is a convicted sex offender and unable to provide appropriate care for [John]. The respondent father is only allowed supervised contact with [John]."

On 2 November 2011, the trial court conducted an adjudication hearing. The mother stipulated to allegations in the juvenile petition as amended in court. Thereafter, petitioner called respondent father to give testimony. Once respondent father's testimony was completed, the trial court took judicial notice of findings of fact in prior orders entered in the case. Petitioner rested and no further evidence was presented. By order entered 14 December 2011, the trial court adjudicated John neglected. Respondent father appeals.

Respondent father argues the trial court erred in concluding that John was a neglected juvenile based upon the mother's stipulations. Respondent father argues the mother's stipulations were not binding on him, and petitioner was not relieved from producing evidence of the allegations in the

petition. Respondent father states the trial court made multiple findings of fact (findings of fact 8, 10-23, and 26) concerning the mother and how her substance abuse issues resulted in John being in a state of neglect but contends petitioner failed to present any evidence of the mother's conduct to support these findings of fact. Therefore, respondent father argues that without findings based on clear and convincing evidence, the trial court could not conclude John was neglected, and the trial court's order should be reversed.

“[S]tipulations are judicial admissions and are therefore binding in every sense, preventing the party who agreed to the stipulation from introducing evidence to dispute it and relieving the other party of the necessity of producing evidence to establish an admitted fact.” *In re I.S.*, 170 N.C. App. 78, 86, 611 S.E.2d 467, 472 (2005) (alteration in original) (quoting *Thomas v. Poole*, 54 N.C. App. 239, 241, 282 S.E.2d 515, 517 (1981)). Here, John's mother stipulated to facts alleged in the petition concerning her conduct, and petitioner was relieved of the necessity of producing evidence to establish those facts. Respondent father did not object to the stipulations nor did he introduce evidence to dispute the stipulations. As for the allegations in the petition concerning respondent father,

petitioner put on evidence in the form of respondent father's testimony. We therefore conclude the trial court's findings of fact were supported by clear and convincing evidence.

Moreover, to the extent respondent father contends John could not be adjudicated neglected based upon respondent father's conduct, we note that "[t]he purpose of abuse, neglect[,] and dependency proceedings is for the court to determine whether the juvenile should be adjudicated as having the status of abused, neglected[,] or dependent." *In re J.S.*, 182 N.C. App. 79, 86, 641 S.E.2d 395, 399 (2007). The question before us on appeal is not the culpability regarding an individual parent's conduct but whether the trial court made proper findings and conclusions regarding the status of the juvenile. *Id.*

We find the trial court did not err in adjudicating John to be a neglected juvenile. The order of the trial court is affirmed.

Affirmed.

Judges BRYANT and BEASLEY concur.

Report per Rule 30(e).