

On 29 October 2004, Jacob was adjudicated abused, neglected, and dependent. Jacob had been taken into non-secure custody by Pender County Department of Social Services ("Pender County DSS") after it received a report that respondent-mother, with whom the juvenile was then residing, was inappropriately disciplining the juvenile by biting him. Additionally, Pender County DSS had substantiated three reports of neglect: (1) on 4 April 2004, Jacob had been left alone in a car while respondent-mother attended to business; (2) on 22 June 2004, Jacob had been left unsupervised in an apartment; and (3) on 24 August 2004, Jacob had been left unsupervised in the apartment and blew up the microwave. Following the adjudication, the trial court granted custody of Jacob to respondent-father.

New Hanover County Department of Social Services ("DSS") filed a second petition, this time alleging neglect, on 23 November 2010. At the time, Jacob was eight years old and living with respondent-father, the paternal grandmother ("Ms. F."), and the paternal great-grandmother. DSS reported that law enforcement had been to respondent-father's home on at least ten occasions during the prior two weeks due to domestic disputes between respondent-father and Ms. F. On 17 October 2010, law enforcement was called to the home when respondent-father held a

knife to his own throat and threatened suicide in the presence of the juvenile. On 21 November 2010, respondent-father assaulted Ms. F. by throwing her to the ground and warrants were issued for his arrest. Ms. F. later admitted to being intoxicated when respondent-father assaulted her. Law enforcement was again called to the home on 22 November 2010 due to a "stand off" between respondent-father and police which required the presence of a hostage negotiator. The incident ended peacefully and respondent-father was taken to the hospital for evaluation and commitment after threatening to kill himself and others. DSS alleged that respondent-father had a long history of mental illness and was not taking his medications. Additionally, Ms. F. admitted to drinking five to seven beers every two or three days. Furthermore, on the day of the standoff, Ms. F. admitted to drinking beer, and a DSS social worker observed Ms. F. drink additional beers, "to the point of slurring her speech and apparent intoxication." DSS obtained non-secure custody of the juvenile. On 15 March 2011, the trial court adjudicated Jacob a neglected juvenile after the parties stipulated to the allegations contained within the petition.

On 30 April 2012, the trial court ceased reunification efforts and changed the permanent plan for the juvenile to

adoption. On 21 May 2012, DSS filed a petition to terminate respondents' parental rights. DSS alleged that grounds existed to terminate respondents' parental rights pursuant to N.C. Gen. Stat. § 7B-1111(a)(1) (neglect) and (6) (dependency). On 11 March 2013, the trial court entered an order terminating respondents' parental rights. Respondents appeal.

Respondents argue that the trial court erred by concluding that grounds existed to terminate their parental rights and that several of the trial court's findings of fact were unsupported by substantial evidence. We disagree.

N.C. Gen. Stat. § 7B-1111 sets out the grounds for terminating parental rights. A finding of any one of the statutory 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) (citation omitted).

In the instant case, the trial court concluded that grounds existed to terminate respondents' parental rights pursuant to

N.C. Gen. Stat. § 7B-1111(a)(6). Pursuant to this subsection, the trial court may terminate a parent's parental rights where:

the parent is incapable of providing for the proper care and supervision of the juvenile, such that the juvenile is a dependent juvenile within the meaning of G.S. 7B-101, and that there is a reasonable probability that such incapability will continue for the foreseeable future. Incapability under this subdivision may be the result of substance abuse, mental retardation, mental illness, organic brain syndrome, or any other cause or condition that renders the parent unable or unavailable to parent the juvenile and the parent lacks an appropriate alternative child care arrangement.

N.C. Gen. Stat. § 7B-1111(a)(6) (2011). A dependent juvenile is defined as "[a] juvenile in need of assistance or placement because the juvenile has no parent, guardian, or custodian responsible for the juvenile's care or supervision or whose parent, guardian, or custodian is unable to provide for the care or supervision and lacks an appropriate alternative child care arrangement." N.C. Gen. Stat. § 7B-101(9) (2011). "In determining whether a juvenile is dependent, the trial court must address both (1) the parent's ability to provide care or supervision, and (2) the availability to the parent of alternative child care arrangements." *In re B.M.*, 183 N.C. App. 84, 90, 643 S.E.2d 644, 648 (2007) (citation and quotation marks omitted).

Here, respondent-father concedes that there was evidence he could not parent Jacob on his own. Respondent-father argues, however, that the trial court erred by finding that respondent-father lacked an appropriate alternative caregiver. Specifically, respondent-father asserts that Ms. F. was an appropriate caregiver. We are not persuaded.

The trial court found as fact:

9. That both [Ms. F] and [respondent-father] admit that during the time period [respondent-father] had legal custody of [Jacob], [Ms. F.] was [Jacob's] primary caretaker and an active alcoholic. That [Ms. F.] admits to a problem with alcohol, that she is an alcoholic, and that she was intoxicated the day [Jacob] was removed from the home. That [Ms. F.] also admits to a period of time wherein she used crack cocaine, and that the man she was married to during at least part of the time [Jacob] resided with her. . . .was a crack cocaine addict and that there were periods of time wherein [Jacob] was left alone with him. That [Ms. F.] admits that for a period of time before the Department's involvement, she was afraid of her son's unstable behavior but did not seek the help of the Department or law enforcement. That on more than one occasion, [Jacob] expressed to his therapist and to social workers that his grandmother's drinking was extremely upsetting to him, and that during the time of his father's decline, [Jacob] had been afraid of his father. That due in large part to [Ms. F.'s] drinking and [respondent-father's] unstable behavior, the child lived in an injurious environment, and is still suffering from the effects of the trauma he

experienced while in the care of his father and paternal grandmother. *That while [Ms. F.] claims to be sober at the present time, she continues to deny [Jacob's] diagnosis of Post-Traumatic Stress Disorder and fails to take any responsibility for it. That she demonstrates a complete lack of insight into her role in the neglect of her grandson by maintaining that the child was never exposed to neglect while in her care.*

(Emphasis added) Additionally, the trial court made findings of fact that all of the adults in Jacob's life "engaged in a contentious, antagonistic and combative relationship with one another, fraught with physical and verbal aggression and domestic discord[,] " and that Jacob's exposure to such discord caused trauma and resulted in his needing weekly therapy to address his diagnosis of post-traumatic stress disorder (PTSD). The trial court further found as fact that upon Jacob coming into DSS custody, he was "socially, academically, and emotionally delayed to the point that one professional who evaluated him early on diagnosed Asperger's Syndrome." Jacob was later diagnosed with PTSD, which his therapist concluded was likely the result of "social impoverishment and possible trauma" and that the trauma Jacob experienced in his home was "intense and long-lasting." Respondent does not contest these findings on appeal. Therefore, they are binding. *Koufman v. Koufman*, 330 N.C. 93, 97, 408 S.E.2d 729, 731 (1991) (unchallenged

findings are deemed supported by competent evidence and are binding on appeal).

Respondent-father contends that Ms. F. is an appropriate caregiver because she maintained sobriety for an extended period of time preceding the filing of the petition to terminate his parental rights. Despite Ms. F.'s admirable progress on this front, there was substantial evidence that she has wholly failed to take responsibility for Jacob's neglect while she was his primary caregiver. Her unwillingness to admit that she had neglected Jacob while she had been abusing alcohol and crack cocaine or that she had permitted him to be neglected by his father was clearly of great concern to the trial court and supports the inference that neglect would continue in the future. See *In re P.M.*, 169 N.C. App. 423, 427, 610 S.E.2d 403, 406 (2005) (holding that the trial court properly concluded there was substantial risk of future abuse or neglect of a child where the parent refused to take responsibility for harm that befell her children as a result of her conduct). Therefore, we conclude the trial court did not err by finding that Ms. F. was an inappropriate alternative caregiver, and that grounds existed pursuant to N.C. Gen. Stat. § 7B-1111(a)(6) to terminate respondent-father's parental rights.

Respondent-mother challenges both the trial court's conclusion that she was incapable of providing proper care and supervision to the juvenile and its conclusion that she lacked an appropriate alternative caregiver.

First, respondent-mother challenges the court's finding that she neglected her child in 2004 by biting him as a form of discipline and leaving him unsupervised on multiple occasions. By order entered 28 January 2004, the trial court found those facts when it adjudicated Jacob abused, neglected, and dependent. Respondent-mother cannot now re-litigate the issues decided in the 2004 adjudication. *In re Wheeler*, 87 N.C. App. 189, 194, 360 S.E.2d 458, 461 (1987).

Respondent-mother also challenges Finding 12, the central finding of fact concerning the likelihood that she would neglect Jacob in the future. The trial court found:

12. That [respondent-mother] has consistently demonstrated poor parenting choices throughout her son's life. Despite therapeutic intervention, the consistent intervention of trained social workers, as well as the completion of two parenting classes, [respondent-mother] remains incapable of behaving appropriately in the presence of her son or demonstrating appropriate parenting skills. Her inability to appropriately discipline a two and a half year old child led to the removal of [Jacob] from her care. For many years afterward, she blamed the Department for his removal

and was incapable of acknowledging her role in the events that led to his removal. That she took no steps to liberate her son from a neglectful environment in which he lived with his father and paternal grandmother. That not only did she fail to seek the intervention of the Court or [DSS], she was often an active participant in the verbal and physical altercations that took place in her son's presence. That despite individual therapy and medication management, she has remained incapable of putting her son's welfare and best interests before her own need to lash out in anger at the Department. That two home studies were performed in the home of the maternal grandparents, with whom [respondent-mother] resides and on whom she is completely dependent. Both times the maternal grandfather communicated his refusal to lock up loaded guns in the home, despite those loaded guns being one of the barriers to [Jacob's] placement there. That [respondent-mother] has not taken full advantage of the resources available to her [to] find employment and attain any level of independence, such that she is unable to care for herself let alone a child. That despite therapeutic and other interventions, [respondent-mother] remains combative and unwilling to take responsibility for her behavior, and has made little to no progress in correcting the conditions that presented as a barrier to reunification with her son. That [respondent-mother] is incapable of parenting [Jacob] on her own, and such incapability will exist for the foreseeable future, and [respondent-mother] lacks an appropriate alternative child care arrangement.

There is substantial evidence in the record to support the trial court's challenged findings. First, respondent-mother

admitted to taking pictures of Jacob's penis and anus. Respondent-mother stated that she took the pictures to prove that Jacob came to visit her covered in bruises, and to also prove that she did not inflict the bruises. This occurred on two or three occasions. She also testified that she suspected that Jacob had been sexually abused while in respondent-father's care. Despite these concerns, respondent-mother never sought the intervention of the court or DSS.

Second, respondent-mother was examined by Dr. Len Lecci, a clinical psychologist. Dr. Lecci diagnosed respondent-mother with Paranoid Personality Disorder. Respondent-mother repeatedly manifested her paranoia by accusing others of conspiring against her, including allegations that she lost custody of Jacob as a result of a concerted effort by Pender County DSS. She believed that DSS hated her because she is white and they are black. She also believed that DSS drugged Jacob with injections to calm him down, claiming that she had found "needle tracks." Additionally, she reported visual hallucinations, stating that she saw "angels." While Dr. Lecci stated that he believed, with therapy, respondent-mother could "mitigate her paranoia," he also concluded that "change will be limited and progress will be slow." Moreover, Dr. Lecci also

stated that respondent-mother had limited insight into her condition and a "low motivation for change[.]" Based on this evidence, we conclude that the trial court did not err by determining that respondent-mother was incapable of parenting the juvenile. Respondent-mother's arguments concerning other findings of fact and that there was evidence to support contrary findings are unavailing. See *In re C.I.M.*, 214 N.C. App. 342, 345, 715 S.E.2d 247, 250 (2011) ("Findings of fact supported by competent evidence are binding on appeal, despite evidence in the record that might support a contrary finding." (citation omitted)).

We also find substantial evidence in the record to support the trial court's finding that respondent-mother had no appropriate alternative caregiver. Respondent-mother suggests that her parents, with whom she resides, are appropriate alternative caregivers. The trial court found that Jacob's maternal grandparents were not appropriate primarily due to the presence of loaded guns in the home, and the maternal grandfather's refusal to safely secure the weapons. Pender County DSS had conducted a Kinship Care Assessment on the home and determined the home to be an inappropriate placement due to the "refusal to secure the weapons." Furthermore, at the time

of the termination hearing, respondent-mother admitted that they were still "floating" around the house. We conclude that the trial court did not err in determining that the maternal grandparents were inappropriate alternative caregivers. Consequently, we hold the trial court did not err by concluding that grounds existed pursuant to N.C. Gen. Stat. § 7B-1111(a)(6) to terminate respondent-mother's parental rights.

Respondents additionally argue that the trial court erred by concluding that grounds existed pursuant to N.C. Gen. Stat. § 7B-1111(a)(1) to terminate their parental rights. However, because we conclude that grounds existed pursuant to N.C. Gen. Stat. § 7B-1111(a)(6) to support the trial court's order, we need not address the remaining ground found by the trial court to support termination. *Taylor*, 97 N.C. App. at 64, 387 S.E.2d at 233-34. Accordingly, we affirm.

AFFIRMED.

Chief Judge MARTIN and Judge GEER concur.

Report per Rule 30(e).