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NO. COA14-824  
NORTH CAROLINA COURT OF APPEALS

Filed: 17 February 2015

IN THE MATTER OF:

Cumberland County  
Nos. 12 JA 417-18

S.G. and O.G.

Appeal by mother from order entered 25 April 2014 by Judge Edward A. Pone in Cumberland County District Court. Heard in the Court of Appeals 26 January 2015.

*Christopher L. Carr for petitioner-appellee Cumberland County Department of Social Services.*

*Anna S. Lucas for mother-appellant.*

*Smith Moore Leatherwood LLP, by Carrie A. Hanger and Farris Martini, for guardian ad litem.*

STEELMAN, Judge.

Where a DSS court report was received into evidence without objection, and this report supported the trial court's finding of fact that V.W. understood the nature of a legal guardianship and had adequate resources to care for the juveniles, the trial court did not err in awarding guardianship of the juveniles to V.W.

I. Factual and Procedural Background

On 9 July 2012, the Cumberland County Department of Social Services ("DSS") filed a petition alleging that S.G. and O.G. were abused, neglected and/or seriously neglected, and dependent juveniles. DSS asserted that S.G. (mother) had emotionally and physically abused the juveniles, and that other family members had sexually abused the juveniles while in mother's care.<sup>1</sup> A non-secure custody order was not issued, but instead the juveniles were placed in the home of their maternal cousin and godmother, V.W., as a kinship placement.

On 2 October 2012, the juveniles were adjudicated neglected based upon stipulations made by the parties, and the allegations of abuse and dependency were dismissed. At disposition, the trial court ordered that DSS be awarded custody, but ordered that the juveniles remain with V.W.

On 25 April 2014, the trial court awarded custody of the juveniles to V.W. and named V.W. their guardian. The trial court declined to grant mother visitation and ordered that mother not have any contact with the juveniles.

Mother appeals.

II. Guardianship of V.W.

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<sup>1</sup> The juveniles' father was deceased.

Mother's sole argument on appeal is that the trial court erred by awarding guardianship to V.W. We disagree.

A. Standard of Review

"Appellate review of a permanency planning order is limited to whether there is competent evidence in the record to support the findings and the findings support the conclusions of law." *In re J.C.S.*, 164 N.C. App. 96, 106, 595 S.E.2d 155, 161 (2004). Pursuant to N.C. Gen. Stat. § 7B-906.1(g), at the conclusion of a permanency planning hearing, "the judge shall make specific findings as to the best plan of care to achieve a safe, permanent home for the juvenile within a reasonable period of time." N.C. Gen. Stat. § 7B-906.1(g) (2013). "[W]hen the court finds it would be in the best interests of the juvenile, the court may appoint a guardian of the person for the juvenile." N.C. Gen. Stat. § 7B-600(a) (2013). "We review a trial court's determination as to the best interest of the child for an abuse of discretion." *In re D.S.A.*, 181 N.C. App. 715, 720, 641 S.E.2d 18, 22 (2007).

B. Qualifications to Serve as Guardian

Mother contends that the trial court failed to properly verify whether V.W. understood the legal significance of being appointed guardian, and failed to determine whether V.W. had

adequate resources to care appropriately for the juveniles. See N.C. Gen. Stat. § 7B-906.1(j) (2013) and N.C. Gen. Stat. § 7B-600(c) (2013).

N.C. Gen. Stat. § 7B-600(c) requires the trial court to “verify that the person being appointed as guardian of the juvenile understands the legal significance of the appointment and will have adequate resources to care appropriately for the juvenile.” N.C. Gen. Stat. § 7B-600(c); see also N.C. Gen. Stat. § 7B-906.1(j) (appointment of a guardian at a permanency planning review hearing). This Court has previously held that the trial court is not required to “make any specific findings in order to make the verification.” *In re J.E.*, 182 N.C. App. 612, 616-17, 643 S.E.2d 70, 73, *disc. review denied*, 361 N.C. 427, 648 S.E.2d 504 (2007). When the trial court makes the required verification at a permanency planning review hearing, the court shall “consider information from the parents, the juvenile, the guardian, any person providing care for the juvenile, the custodian or agency with custody, the guardian ad litem, and any other person or agency that will aid in the court’s review.” N.C. Gen. Stat. § 7B-906.1(c) (2013). The trial court may also “consider any evidence, including hearsay evidence . . . that the court finds to be relevant, reliable,

and necessary to determine the needs of the juvenile and the most appropriate disposition." *Id.*

In the instant case, the trial court found as fact that DSS:

has had a guardianship conference with [V.W.], and she indicated that she understands the nature and legal significance of the appointment of guardianship. That the Court has verified the same on this date. The Court further finds that she has adequate resources and means to provide for the care of the juveniles, and has been doing so.

Mother argues that V.W. did not attend the permanency planning hearing, and asserts that the trial court relied solely upon the social worker's determination that V.W. understood the legal significance of guardianship and had adequate resources to care for the juveniles. Mother contends that there was insufficient competent evidence presented at the hearing to support the trial court's findings of fact on V.W.'s guardianship.

The trial court's findings of fact are supported by the DSS court report filed 15 October 2013, which was received into evidence without objection. Additionally, Bobbie Campbell, the social worker who completed the report, testified that she held a guardianship conference with V.W., that V.W. understood the

"the nature of guardianship[,]" and that she was willing and able to provide for the care of the juveniles for the foreseeable future. We conclude, based upon the DSS report and Campbell's testimony, that the trial court complied with N.C. Gen. Stat. §§ 7B-600(c) and -906.1(j).

AFFIRMED.

Chief Judge McGEE and Judge DAVIS concur.

Report per Rule 30(e).