IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA15-773

Filed: 5 January 2016

Cabarrus County, No. 12 JA 32, 33, 14 JA 93

IN THE MATTER OF: G.J., A.J., E.J.

Appeal by Respondent-Mother from orders entered 8 January 2015 and 25 March 2015 by Judge William G. Hamby, Jr. in Cabarrus County District Court. Heard in the Court of Appeals 16 December 2015.

Hartsell & Williams, P.A., by Stephen A. Moore and H. Jay White for petitioner-appellee Cabarrus County Department of Social Services.

Smith Moore Leatherwood LLP, by Carrie A. Hanger for guardian ad litem.

Appellate Defender Glenn Gerding, by Assistant Appellate Defender J. Lee Gilliam for respondent-appellant mother.

INMAN, Judge.

Respondent-Mother, mother of George, Ava, and Ethan,[1] contends that her stipulation before the trial court, through counsel, that her three children were neglected was ineffective to support adjudication and disposition orders. She also contends that the trial court had no authority to enter the orders because it had

[1] Pseudonyms are used to protect the privacy of the juveniles.

previously returned custody to Respondent-Mother and transferred jurisdiction. After careful review, we affirm.

I. Factual & Procedural Background

On 14 March 2012, Cabarrus County Department of Social Services ("DSS") filed a petition alleging George and Ava,[2] children of Respondent-Mother and Father,[3] were abused and neglected.[4] DSS obtained nonsecure custody and George and Ava were placed together in a licensed foster home.

The trial court held adjudication and disposition hearings and entered consent orders adjudicating George neglected and abused and Ava neglected. On 19 April 2012, Father signed a consent adjudication/disposition order; on 10 May 2012, Respondent-Mother signed a consent adjudication/disposition order. In each consent order, the trial court found that "the allegations in the petition *have been stipulated and agreed upon* that support a finding that [George is] abused and neglected and [Ava] is neglected." In each consent order, the court concluded "it is in the juveniles' best interest to remain in the custody of [DSS] with placement in a [DSS] licensed foster home" and noted that issues which led to such placement were "physical abuse, domestic violence and drug usage."

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[2] Ethan was not born at the time of this petition.

[3] The father of George, Ava and Ethan, also a party to the proceedings below, does not appeal.

[4] The petition also alleged that the children's older half siblings, "Nicole" and Kyle," (pseudonyms) were abused and neglected. Their cases were resolved through a different order and are not the subject of this appeal.

In each consent order, Respondent-Mother and Father agreed to complete the following tasks in order to be reunified with their children: maintaining regular contact with the assigned social worker; maintaining housing and employment; abiding by the visitation plan entered into by DSS; submitting to a psychological evaluation through a provider; attending an approved parenting course and in-home parenting program once the parenting course is completed; attending a domestic violence treatment program approved by DSS and following through with treatment recommendations (for Respondent-Mother); submitting to a domestic violence offender evaluation through a provider approved by DSS and following through with treatment recommendations (for Father); submitting to random drug screens; and completing a substance abuse assessment with a treatment program.

On 12 January 2013, Ethan was born to Respondent-Mother. Father was incarcerated at that time. On 1 May 2013, George and Ava began trial placement with Respondent-Mother.

On 18 July 2013, the trial court conducted a permanency planning hearing. By order entered 31 October 2013 *nunc pro tunc* to 18 July 2013, the trial court found that Father had not completed certain tasks that he had agreed upon in the 19 April 2012 order. Specifically, the court found Father did not complete parenting classes, psychological evaluations, and substance abuse assessments. The court also found

Father had failed to maintain any contact with DSS and had no visitation with his children since his incarceration on 6 November 2012.

In the permanency planning order, the court also found that Respondent-Mother had completed the tasks required of her and concluded that "[i]t is in the best interest of the juveniles to be returned to the care of [Respondent-Mother] at this time because [Respondent-Mother] has demonstrated she is able to emotionally, physically and financially care for the juveniles." The court then ordered the following:

> 1. The custody of the juveniles should be granted to [Respondent-Mother], and this matter shall be transferred to a Chapter 50 action.
>
> 2. [Father] shall be allowed supervised visitation with the juveniles upon completion of his court-ordered tasks.
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> 3. All parties and counsel are hereby released.

On 10 July 2014, DSS received a Child Protective Service ("CPS") report "alleging neglect due to concerns of improper supervision of the juveniles, substance abuse, improper care, improper medical care, improper discipline, and injurious environment." On 14 July 2014, Cabarrus County Department of Human Services ("DHS")[5] filed a petition alleging George, Ava, and Ethan were neglected because, by Respondent-Mother's admission, Father "had been with the juveniles on multiple occasions and that he had been unsupervised with the children while she was at

[5] The record is not clear as to when the name of the agency was changed.

work." Father also admitted that "he had regular and daily contact with the juveniles; had not completed his court ordered services; and was concerned with how [Respondent-Mother] improperly disciplined the juveniles, caused emotional abuse of the juveniles, and [Respondent-Mother's] substance use and abuse around the juveniles." Father also told DHS that "he and [Respondent-Mother] had gotten into recent instances of domestic discord in the presence of the children" and "he had continued to use illegal substances after his release from prison."

On 14 July 2014, DHS was granted nonsecure custody and placed George, Ava, and Ethan in foster care. On 8 January 2015, the trial court entered an order—consented to by Respondent-Mother and Father—adjudicating George, Ava, and Ethan, as neglected. The court found "[t]he status of the juveniles is determined to be neglected, based on [Respondent-M]other's violation of restrictions regarding the children being in the presence of [F]ather." On 25 March 2015, the trial court entered a disposition order which ceased reunification efforts with both parents. The trial court ordered a concurrent plan of adoption and guardianship. Respondent-Mother timely appealed from the adjudication and disposition orders.

II. Adjudication Order

Respondent-Mother contends the trial court lacked jurisdiction to adjudicate the children as neglected based upon unsupervised contact with Father as prohibited by the 31 October 2013 order. Alternatively, she contends that the trial court erred

by failing to make a sufficient inquiry to show that she understood the legal consequences of her stipulation that her children were neglected and failed to make sufficient findings of fact. We disagree for the reasons stated below.

A. Jurisdiction

At the outset, we first must address whether the trial court in its 31 October 2013 order terminated its jurisdiction over Respondent-Mother, George, and Ava, so that the trial court had no authority to adjudicate the children as neglected based upon a violation of that order. Respondent-Mother argues that in the 31 October 2013 order, the trial court terminated its jurisdiction over George and Ava's custody, and therefore "returned to [Respondent-Mother] the right to choose George and Ava's associations."

It is undisputed that the trial court[6] had jurisdiction over the case on 19 April 2012 and 10 May 2012, when it entered orders adjudicating George abused and neglected and Ava neglected. It is also undisputed that the trial court had jurisdiction on 31 October 2013 when it returned custody to Respondent-Mother, allowed supervised visitation between Father and the children on certain conditions, and prohibited any unsupervised visitation between Father and the children. *See*

[6] In *Sherrick v. Sherrick*, this Court explained that "[a]lthough both juvenile proceedings and custody proceedings under Chapter 50 are before the District Court division, jurisdiction is conferred and exercised under separate statutes for the two types of actions." 209 N.C. App. 166, 169, 704 S.E.2d 314, 317 (2011).

N.C. Gen. Stat. § 7B-200(a)(2013) ("The [trial] court has exclusive, original jurisdiction over any case involving a juvenile who is alleged to be abused, neglected, or dependent.").

N.C. Gen. Stat. § 7B–201(a) provides: "When the court obtains jurisdiction over a juvenile, jurisdiction shall continue until terminated by order of the court or until the juvenile reaches the age of 18 years or is otherwise emancipated, whichever occurs first." N.C. Gen. Stat. § 7B–201(a) (2013). However, "[i]n certain cases which have originated as abuse, neglect, or dependency proceedings under Chapter 7B of the General Statutes, a time may come when involvement by the Department of Social Services is no longer needed and the case becomes a custody dispute between private parties which is properly handled pursuant to the provisions of Chapter 50." *Sherrick*, 209 N.C. App. at 169, 704 S.E.2d at 317.

The procedures for transferring a Chapter 7B juvenile proceeding to a Chapter 50 civil action are prescribed in N.C. Gen. Stat. § 7B–911. *See id.* Specifically, N.C. Gen. Stat. § 7B–911(c)(2) provides that a trial court must make a specific finding that "[t]here is not a need for continued State intervention on behalf of the juvenile through a juvenile court proceeding" before it may enter a civil custody order and terminate its jurisdiction over a juvenile case. N.C. Gen. Stat. § 7B–911(c)(2)(a) (2013). Here, the trial court did not make the requisite findings in its 31 October 2013 order to terminate its jurisdiction. Accordingly, the trial court had the authority

to restrict contact between the children and Father and to adjudicate the children as neglected because Respondent-Mother violated that restriction.[7]

B. Review on the Merits

1. Standard of Review

In reviewing a trial court's adjudication of neglect, the role of this Court "is to determine (1) whether the findings of fact are supported by clear and convincing evidence, and (2) whether the legal conclusions are supported by the findings of fact." *In re T.M.*, 180 N.C. App. 539, 544, 638 S.E.2d 236, 239 (2006) (internal quotation marks and citation omitted). "Clear and convincing evidence is evidence which should 'fully convince.'" *In re J.A.G.*, 172 N.C. App. 708, 712, 617 S.E.2d 325, 329 (2005) (internal quotation marks and citation omitted). "If such evidence exists, the findings of the trial court are binding on appeal, even if the evidence would support a finding to the contrary." *In re T.H.T.*, 185 N.C. App. 337, 343, 648 S.E.2d 519, 523 (2007), *aff'd as modified,* 362 N.C. 446, 665 S.E.2d 54 (2008).

2. Respondent-Mother's Consent to Adjudication of Neglect

An adjudication of abuse, neglect, or dependency does not require a hearing if the statutory requirements provided in N.C. Gen. Stat. § 7B-801(b1) are met. *See In*

[7] Respondent-Mother contends the fact that the 31 October 2013 order did not contain proper findings to support the transfer to a chapter 50 case does not mean that it can be collaterally attacked now, *citing In re Wheeler*, 87 N.C. App. 189, 193, 360 S.E.2d 458, 460-61 (1987). *Wheeler* is distinguishable because it involved an outcome that was not supported by statute, whereas this case involves jurisdictional requirements that were not met.

re Shaw, 152 N.C. App. 126, 129, 566 S.E.2d 744, 746 (2002).[8] N.C. Gen. Stat. § 7B-801(b) provides that the trial court can "enter[] a consent adjudication order, disposition order, review order, or permanency planning order when each of the following apply: (1) All parties are present or represented by counsel, who is present and authorized to consent[;](2) [t]he juvenile is represented by counsel[;](3) [t]he court makes sufficient findings of fact." N.C. Gen. Stat. § 7B-801(b) (2013).

Here, all parties were present and represented by counsel. All parties stipulated that the finding of neglect was based upon Respondent-Mother allowing the children to be with Father before he had completed his court-ordered tasks. Counsel for Respondent-Mother stated:

> I have discussed this with my client, as well as [counsel for DHS], and we are agreeing to the stipulation that the finding of neglect is based upon my client allowing the children to be around [Father] when he had been under order to not have unsupervised visitation until he was done with his Court-ordered tasks. That's agreed.

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[8] In *Shaw*, this Court held:

> Nothing in this Article precludes the court from entering a consent order or judgment on a petition for abuse, neglect, or dependency when all parties are present, the juvenile is represented by counsel, and all other parties are either represented by counsel or have waived counsel, and sufficient findings of fact are made by the court.

152 N.C. App. at 129, 566 S.E.2d at 746. *Shaw* was decided under N.C. Gen. Stat. § 7B-902, which has since been replaced by N.C. Gen. Stat. § 7B-801(b1). Section 801(b1) substantially reproduced Section 902, except for allowing the appearance of trial counsel "who is authorized to consent" to substitute for the personal appearance of the parent. 2011 N.C. Sess. Laws §§ 5,8.

"[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) (internal quotation marks and citations omitted). In addition to stipulating to the basis of the finding of neglect, Respondent-Mother did not object or otherwise express any disagreement with her counsel's statements.

Respondent-Mother argues that consent orders in family matters are given a "cloak of protection" and are subject to certain procedural protections that are not expressly stated in N.C. Gen. Stat. § 7B-801(b1) but, as required by constitutional due process rights, must be applied to juvenile proceedings. Respondent-Mother cites *McIntosh v. McIntosh*, 74 N.C. App. 554, 556, 328 S.E.2d 600, 602 (1985) for the contention that the "cloak of protection" means a consent order must either be "be reduced to writing, duly executed and acknowledged" or the record must affirmatively show that "the parties understood the legal effects of their agreement and the terms of their agreement, and agreed to abide by those terms of their own free will."

McIntosh, an equitable distribution case, is inapplicable on these facts. N.C. Gen. Stat. § 7B-801(b), unlike the statute at issue in *McIntosh*, provides procedural protections by requiring all parties be present or represented by a counsel (who is

present and authorized to consent) for a valid consent adjudication order to be entered on a petition for neglect.

We hold that the trial court entered a proper consent adjudication order pursuant to N.C. Gen. Stat. § 7B-801(b) as: (1) all parties were present and represented by counsel (who was present and authorized to consent); (2) the juveniles were represented by counsel; and (3) as discussed below, the court made sufficient findings of fact.

3. Sufficient Findings of Fact and Conclusions of Law

A neglected juvenile is one "who does not receive proper care, supervision, or discipline from the juvenile's parent, guardian, custodian, or caretaker . . . or who lives in an environment injurious to the juvenile's welfare[.]" N.C. Gen. Stat. § 7B-101(15) (2013). In order for a child to be adjudicated neglected, "[t]his Court has consistently required that there be some physical, mental, or emotional impairment of the juvenile or a substantial risk of such impairment as a consequence of the failure to provide 'proper care, supervision, or discipline[.]'" *In re S.H.*, 217 N.C. App. 140, 142, 719 S.E.2d 157, 158-59 (2011) (*quoting In re Safriet*, 112 N.C. App. 747, 752, 436 S.E.2d 898, 901-02 (1993)). Although a trial court should make a finding as to harm or substantial harm to the particular child, *Safriet* allowed an exception to the general rule, affirming an order without a finding as to harm or substantial risk of

harm to the child when "all the evidence support[ed] such a finding." 112 N.C. App. at 753, 436 S.E.2d at 902.

Respondent-Mother argues that the trial court's findings do not support its conclusion of neglect because the children's circumstances did not pose a substantial risk of physical, mental, or emotional harm due to her conduct.

The trial court made the following pertinent findings of fact:

> 4. The parties consent and agree there is a reasonable factual basis to believe that the parents have failed to provide or are unable to provide adequate supervision or protection.
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> 5. [Respondent-Mother] and [Father] have an extensive CPS history with CCDHS since 2006 due to multiple allegations of domestic violence, injurious environment and improper supervision. In March, 2012, a juvenile petition was filed by CCDHS due to concerns regarding [Respondent-Mother's] ability to protect her children from [Father] due to ongoing domestic violence and findings of physical abuse, injurious environment, substance abuse, and improper supervision. As ordered by the court, [Respondent-Mother] completed a psychological evaluation and followed recommendations for individual therapy, parenting classes, a substance abuse assessment, random drug screens, and a domestic violence evaluation and therapy.
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> 6. In July, 2013, [Respondent-Mother] was granted custody of the juveniles. [Father] was ordered not to have unsupervised contact with the juveniles until he completes his court ordered services. [Father] was incarcerated from August 29, 2012, to March 4, 2014, at Brown Creek Correctional Institute where services were not offered. [Father] has not completed the services as ordered.

7. On July 10, 2014, CCDHS received a CPS report alleging neglect due to concerns of improper supervision of the juveniles, substance abuse, improper care, improper medical care, improper discipline, and injurious environment. CCDHS met with [Respondent-Mother] to discuss the allegations in the report. [Respondent-Mother] stated that she and the juveniles had limited contact with [Father] since his release from prison and that [Father] visiting with the juveniles was a violation of the court order. On an additional meeting with [Respondent-Mother] she corrected her earlier statement by saying that [Father] had been with the juveniles on multiple occasions and that he had been unsupervised with the children while she was at work.

8. CCDHS met with [Father] to discuss the allegations in the report. [Father] stated that he had regular and daily contact with the juveniles; had not completed his court ordered services; and was concerned with how [Respondent-Mother] improperly disciplined the juveniles, caused emotional abuse of the juveniles, and [Respondent-Mother's] substance use and abuse around the juveniles.

9. Due to [Respondent-Mother] and [Father's] extensive history with CCDHS as well as continued concerns regarding [Father's] interactions with the children and [Respondent-Mother's] inability to recognize unsafe and harmful interactions involving the children, CCDHS filed properly signed and verified petitions requesting non-secure custody of the juveniles and non-secure custody was granted on July 14, 2014.

10. There is a reasonable factual basis to believe that no reasonable means other than non-secure custody is available to protect the juveniles.

11. The status of the juveniles is determined to be neglected, based on the mother's violation of restrictions regarding the children being in the presence of [Father].

The trial court made the following pertinent conclusion of law:

> 2. The juveniles are adjudicated neglected, based on the aforesaid stipulation regarding [Respondent-Mother's] violation of restrictions regarding having the children in the presence of [Father].

The findings in the adjudication order entered 8 January 2015 and the record reflect that George, Ava, and Ethan were at substantial risk of harm during unsupervised visitation with Father. The findings also reflect that Respondent-Mother, who had exclusive custody of the children, caused the substantial risk of harm by leaving her children with Father.

Respondent-Mother contends that "the neglect adjudication of Ethan must be reversed as there was no evidence at all that he had been neglected in the past or that [Father] was ordered not to visit him." She argues that because Ethan was not included in the 31 October 2013 order, that order logically could not apply to prohibit Ethan from being with Father unsupervised. This argument rings hollow in the face of Respondent-Mother's stipulation, with the advice of counsel, that Ethan was neglected because of his unsupervised visitation with Father. Given the history of these parents' neglect of the older children, the trial court's order may be affirmed without further findings as to Ethan because "all the evidence support[ed] such a finding" of harm or substantial risk of harm. *Safriet*, 112 N.C. App. at 753, 436 S.E.2d at 902.

II. Disposition Order

Respondent-Mother contends that the trial court erred in ceasing reunification efforts without making proper findings. We disagree for the following reasons.

A. Standard of Review

"This Court reviews an order that ceases reunification efforts to determine whether the trial court made appropriate findings, whether the findings are based upon credible evidence, whether the findings of fact support the trial court's conclusions, and whether the trial court abused its discretion with respect to disposition." *In re C.M.*, 183 N.C. App. 207, 213, 644 S.E.2d 588, 594 (2007). "The trial court's findings of fact are conclusive on appeal if supported by any competent evidence." *In re L.M.T.,* 367 N.C. 165, 168, 752 S.E.2d 453, 455 (2013). A trial court abuses its discretion only when its "ruling is so arbitrary that it could not have been the result of a reasoned decision." *In re N.G.,* 186 N.C. App. 1, 10–11, 650 S.E.2d 45, 51 (2007) (internal quotation marks and citation omitted), *aff'd per curiam*, 362 N.C. 229, 657 S.E.2d 355 (2008).

B. Sufficient Findings of Fact

Respondent-Mother contends the trial court's findings in the disposition order do not support cessation of reunification efforts. N.C. Gen. Stat. § 7B-507(b) provides that a trial court may cease reunification efforts upon a finding that "[s]uch efforts clearly would be futile or would be inconsistent with the juvenile's health, safety, and

need for a safe, permanent home within a reasonable period of time[.]" N.C. Gen. Stat. § 7B-507(b) (2013).[9]

In the disposition order, the trial court made the following findings:

> 1. A CCDHS Court Summary Report was received into evidence and is incorporated by reference as this Court's findings of fact as if more fully set forth herein.
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> . . . .
>
> 6. CCDHS has extensive history with [Respondent-Mother] and [Father] since 2009 involving repeated incidents of domestic violence, physical abuse, injurious environment and improper supervision. CPS In-Home Services were provided to the family from August, 2009, to May, 2010, and again from November, 2010, to April, 2011. Despite services provided by CCDHS and community partners to avoid removal of the children from the home, the children were placed in foster care in March, 2012, due to continued concerns regarding domestic violence, unaddressed mental health needs of [Father], substance abuse, injurious environment and improper supervision.
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> 7. [Father] was incarcerated much of the time the children were in foster care; however, [Respondent-Mother] successfully completed services as requested, including individual therapy, parenting classes and domestic violence therapy, resulting in custody being returned to her in July, 2013.
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> 8. The children, however, were again placed in foster care on July 14, 2014, due to continued concerns with [Father's] interactions with the children and his creating an unsafe environment for the children, as [Father] had not

[9] The grounds for cessation of reunification efforts were recently amended and moved from N.C. Gen Stat. § 7B-507(b) to N.C. Gen. Stat. § 7B-901 and N.C. Gen. Stat. § 7B-906.2. 2015 N.C. Sess. Laws 136, secs/ 7, 9, 14. The new provisions take effect 1 October 2015 and are not applicable to this appeal.

> completed services as agreed in the 2012 consent adjudication/disposition order, together with [Respondent-Mother's] inability to recognize the safety risk for her children. [Respondent-Mother] continually placed her children at risk despite extensive services to educate her on the effects of domestic violence/injurious environment on her children and [Father] has not participated in or completed services since CCDHS involvement began in 2009, in part due to his continuing incarcerations.
>
> . . . .
>
> 13. CCDHS made reasonable efforts toward the current goal and to prevent or eliminate the need for placement of the juveniles as follows:
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> > a. CCDHS has previously provided services to [Respondent-Mother] after her children were placed in foster care in March, 2012.
> >
> > b. CCDHS and the courts have ordered that [Father] complete services to address his mental health issues, anger management concerns, domestic violence concerns, and substance abuse concerns. [Father] has yet to complete his court ordered services.
> >
> > c. CCDHS has contacted family members and friends of the family who indicated that they are unwilling to provide long term care for the juveniles. The juveniles are currently placed in a CCDHS licensed foster home. [Respondent-Mother] and [Father] indicated that they have no one else who can care for or provide supervision of their children.
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> . . . .
>
> 17. The juveniles' return to home would be contrary to their health, safety, welfare and best interests and non-secure custody is necessary to protect the juveniles.

Based on these findings, the trial court concluded:

> 4. [Respondent-Mother's] and [Father's] progress is insufficient that the juveniles could safely return to the care of either.
>
> 5. The juveniles' return to his/her own home would be contrary to the juveniles' best interest.

Respondent-Mother argues that the trial court's findings do not support cessation of reunification efforts because finding of fact number seventeen that "[t]he juveniles' return to home would be contrary to their health, safety, welfare and best interests and non-secure custody is necessary to protect the juveniles[,]" is actually a conclusion of law and thus, there were insufficient facts to support the order ceasing reunification. This argument is without merit because the trial court included substantial findings of fact, as discussed below, to support its conclusion that renunciation efforts should cease.

In *In re L.M.T.,* our Supreme Court affirmed an order that "embrace[d] the substance of the statutory provisions requiring findings of fact" and held that:

> [w]hile trial courts are advised that use of the actual statutory language [of N.C. Gen. Stat. § 7B–507(b)] would be the best practice, the statute does not demand a verbatim recitation of its language[.] . . .Put differently, the order must make clear that the trial court considered the evidence in light of whether reunification 'would be futile or would be inconsistent with the juvenile's health, safety, and need for a safe, permanent home within a reasonable period of time.'

367 N.C. at 167-68, 69, 752 S.E.2d at 455, 456.

Although the statute only requires a finding that reunification efforts "would be futile *or* would be inconsistent with the juvenile's health, safety, and need for a safe, permanent home within a reasonable period of time[,]" here the trial court made sufficient findings that address the substance of both factors. *See* N.C. Gen. Stat. § 7B-507(b) (emphasis added).

First, the disposition order addresses the factor that further reunification efforts would be inconsistent with the children's health, safety, and need for a safe, permanent home. Specifically, the court's findings reflect Respondent-Mother and Father's "extensive history" with DHS "involving repeated incidents of domestic violence, physical abuse, injurious environment and improper supervision." The court also found that although CPS provided in-home services to the family for various time spans starting in 2009, the "children were placed in foster care in March, 2012, due to continued concerns regarding domestic violence, unaddressed mental health needs of [Father], substance abuse, injurious environment and improper supervision." The court also found the children were placed in foster care on 14 July 2014 due in part to "[Respondent-Mother's] inability to recognize the safety risk for her children." Finally, the court found that "[Respondent-Mother] continually placed her children at risk despite extensive services to educate her on the effects of domestic violence/injurious environment on her children and [Father] has not participated in

or completed services since CCDHS involvement began in 2009, in part due to his continuing incarcerations."

Based on these findings, the court concluded that "[Respondent-Mother's] and [Father's] progress is insufficient that the juveniles could safely return to the care of either" and "[t]he juveniles' return to his/her own home would be contrary to the juveniles' best interest." The disposition order reflects on its face that the trial court "considered the evidence in light of whether reunification 'would be . . . inconsistent with the juvenile's health, safety, and need for a safe, permanent home within a reasonable period of time.'" *In re L.M.T.*, 367 N.C. at 167-68, 752 S.E.2d at 455.

The disposition order also addresses the substance of its finding of futility. The trial court incorporated by reference the summary report submitted by DHS on 12 February 2015, which describes in more detail the efforts toward permanency that had been undertaken without success. The court additionally found that "[DHS] has previously provided services to [Respondent-Mother] after her children were placed in foster care" and concluded that "[t]he juveniles' return to home would be contrary to their health, safety, welfare and best interests[.]" The evidence contained in the summary report amply supports the finding that further attempts at reunification would be futile. Additionally, Respondent-Mother's "repeated failures at creating an acceptable and safe living environment certainly suggest that reunification efforts 'would be futile.'" *In re L.M.T.,* 367 N.C. at 169, 752 S.E.2d at 456.

III. Conclusion

For the aforementioned reasons, we affirm the orders of the trial court.

AFFIRMED.

Judges STEPHENS and HUNTER concur.

Report per Rule 30(e).