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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA22-753

Filed 19 September 2023

Cumberland County, Nos. 18 JA 128–29; 20 JA 205

IN THE MATTER OF: K.R., K.B., L.R.

Appeal by respondent-mother from an order entered 1 July 2022 by Judge Frances M. McDuffie in District Court, Cumberland County. Heard in the Court of Appeals 28 August 2023.

Patrick A. Kuchyt for petitioner-appellee Cumberland County Department of Social Services.

Parent Defender Wendy C. Sotolongo, by Assistant Parent Defender J. Lee Gilliam, for respondent-appellant-mother.

James N. Freeman, Jr. for guardian ad litem.

STROUD, Chief Judge.

Mother appeals from a permanency planning order that: awarded guardianship of her two-year-old child Karen¹ to the child's foster father; awarded guardianship of her six-and-a-half-year-old child Kobe² and custody of her eight-year-

¹ Pseudonyms are used to protect the juveniles' identities.

² Pseudonym

old child Lori³ to Kobe's paternal grandmother, a licensed foster parent; and ordered that Mother have no visitation with the juveniles.⁴ After careful review, we affirm the trial court's order.

I. Background

This matter started as two separate cases. We will first address the case involving Kobe and Lori, followed by the case regarding Karen. Cumberland County Department of Social Services ("DSS") first filed a petition on 9 April 2018 alleging that Kobe and Lori, who were then about two and a half years old and four years old, respectively, were neglected and dependent due to Respondent-Mother-Appellant's ("Mother") substance abuse, unemployment, and unstable housing. The petition alleged that DSS received a Child Protective Services ("CPS") referral on 31 March 2018 about the safety of the juveniles just weeks after a younger sibling⁵ was born prematurely and both the infant and Mother tested positive for THC. During DSS's investigation, Mother admitted to marijuana use and reported that her mother, with whom Mother and juveniles resided, had thrown them out of the house. DSS alleged Mother was unemployed, was unable to secure her own housing, and refused to

³ Pseudonym

⁴ None of the juveniles' fathers are parties to the appeal. Paternity of Karen and Lori was never established, and Kobe's father did not oppose guardianship.

⁵ The infant sibling included in the 9 April 2018 is not a subject of this appeal. Custody of the sibling was awarded to the sibling's father at a permanency planning hearing in October 2018, and the sibling's case was closed.

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inform DSS where, or with whom, she and the juveniles were staying. The juveniles' paternity was also in question. DSS obtained nonsecure custody of Kobe and Lori upon filing the petition.

Paternity testing confirmed the identity of Kobe's father before the petition was heard, but paternity of Lori remained unknown. When the petition was heard on 11 July 2018, DSS dismissed its dependency claim and proceeded only on neglect. In an Adjudication and Temporary Disposition Order entered on 10 September 2018, the trial court adjudicated Kobe and Lori neglected juveniles based on findings consistent with DSS's allegations about Mother's substance abuse, unemployment, and unstable housing. DSS retained custody of the juveniles, who were placed with their maternal grandmother.

The trial court entered a Disposition Order on 12 October 2018 after a full disposition hearing on 5 September 2018. The trial court found Mother completed a substance abuse assessment and a random drug screen in August 2018 and tested positive for THC. The trial court ordered Mother to engage in substance abuse treatment and counseling and follow recommendations; submit to random drug screens; obtain and maintain suitable and stable employment and housing; and enroll, complete, and demonstrate knowledge gained from age-appropriate parenting classes. The trial court allowed Mother one hour of supervised visitation per week. Following the initial permanency planning hearing on 17 October 2018, the court set

the permanent plan for Kobe and Lori as reunification, with a secondary plan of custody with suitable persons.

Orders from hearings throughout 2019 show Mother did not fully engage in services despite referrals. Mother lived with the maternal grandmother for much of the year, where Kobe and Lori were placed, under orders that she not be left unsupervised with the juveniles. During that time, Mother tested positive for THC and failed to submit to other requested drug screens.

A permanency planning hearing originally scheduled for 12 June 2019 was continued twice after the maternal grandmother stopped cooperating with the guardian *ad litem* (“GAL”) and refused to allow access to the juveniles. In late June 2019, Kobe and Lori were removed from their placement with the maternal grandmother and placed in a foster home because of concerns regarding the grandmother not cooperating with DSS and the GAL; Mother being allowed around the juveniles unsupervised; Kobe being disciplined with a belt; and the grandmother being in a car accident with the juveniles not properly restrained.

The twice-continued permanency planning hearing was finally conducted on 14 August 2019. The trial court found that although Mother had been referred for substance abuse treatment and counseling, as well as assistance with finding housing and employment, she still lived with the maternal grandmother, was unemployed, failed to submit to drug screens, was extremely difficult to reach, and had not engaged in any services known to DSS. The trial court changed the permanent plan for Kobe

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and Lori to a primary plan of custody with relatives, and a secondary plan of guardianship, concurrent with custody with suitable persons. The trial court also ordered DSS to work with the maternal grandmother and conduct a home study to determine whether the juveniles could return to the grandmother's care on the conditions that Mother did not reside in the placement and that the placement was open to visits by DSS and the GAL. As a result of the home study, Kobe and Lori were again placed with the maternal grandmother in September 2019.

On 16 July 2020, DSS filed a motion for review in Kobe's and Lori's case requesting they be removed from the placement with the maternal grandmother based on allegations that the maternal grandmother was not following court orders, was hindering DSS's ability to provide services for the juveniles, had left juveniles unsupervised with Mother, had in 2018 been involved in a car accident with the juveniles not properly restrained, and was obstructing DSS's and the GAL's access to the juveniles. The trial court heard the motion the day it was filed and entered an order finding it was not in Kobe's and Lori's best interests to remain in the maternal grandmother's home, ending the placement, and authorizing law enforcement to assist DSS in locating and gaining access to the juveniles. Kobe and Lori moved through several placements before ultimately being placed with Kobe's paternal grandmother on 1 July 2021.

After Kobe and Lori were removed from the maternal grandmother's care, Mother and the maternal grandmother continued to have disputes with DSS and the

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GAL. DSS filed a motion for review on 9 September 2020 seeking to cease visitation between Mother and all three juveniles⁶, based on allegations that Mother allowed others to join visits (despite being advised not to), engaged in inappropriate conversations with the children, was disrespectful to the caretakers and social workers supervising visits, had sent disparaging and harassing messages to DSS personnel, and had escalated her confrontational behaviors. At a hearing on 14 September 2020, the court suspended visits and continued a full hearing on the matter because Mother had filed a federal lawsuit against DSS, the GAL program, and various employees and counsel of those entities.

Kobe's and Lori's case was next before the trial court for a permanency planning hearing on 8 and 9 February 2022. Following the hearing, the trial court entered orders finding Mother was not making adequate progress to alleviate the conditions leading to the juveniles' removal; she had acted inconsistently with the health, safety, welfare, and best interests of the juveniles; and it was not possible for the juveniles to return to her care in the next six months. The trial court set the primary permanent plans for all three juveniles to guardianship with a secondary plan of custody with a relative or other suitable person. The trial court ordered Mother to: complete intensive parenting classes, a substance abuse assessment, a psychological evaluation, anger management services, and comply with

⁶ Karen, discussed separately below, initially had a different case before her case was consolidated with Kobe and Lori's case.

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recommendations from those services; submit to random drug screens; complete therapy to specifically address her behavior and conversations around the juveniles; complete family therapy if not inconsistent with her probation; obtain and maintain suitable and stable housing and employment; and provide verification of all services. The trial court further ordered Mother be allowed supervised visitation in a therapeutic setting once she engaged in services and when visitation was therapeutically recommended.

Mother gave birth to Karen in June 2020. Within a week of Karen's birth, DSS obtained nonsecure custody of Karen upon filing a petition on 24 June 2020 alleging that Karen was a neglected and dependent juvenile due to Mother's substance abuse, unemployment, and unstable housing—the same concerns as in Kobe's and Lori's cases. The petition alleged that DSS had received a CPS referral concerning Karen's safety after Karen and Mother tested positive for THC and Mother admitted to marijuana use during the pregnancy. The petition further alleged that Mother was not living at the address where she reported to be living and gave differing reports of her employment status but provided no verification of any employment. Lastly, DSS recounted the history of its involvement in Kobe's and Lori's case. Karen's paternity was unknown, and DSS placed Karen in a foster home.

The petition for Karen was heard on 19 October 2020, and the trial court entered an Adjudication and Disposition Order on 24 March 2021. Based on findings detailing Mother's continued substance abuse, unemployment, and unstable housing,

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the court adjudicated Karen a neglected juvenile.⁷ The trial court found that, as of the hearing, Mother had obtained employment, reported housing, completed a substance abuse assessment, and began substance abuse treatment at Elite Services. However, the court also found that Mother sent inappropriate emails to both DSS and the GAL, and the maternal grandmother was interfering with Mother's reunification. The trial court ordered Mother to comply with recommendations of her substance abuse assessment by attending individual therapy once a week until successfully discharged, group therapy sessions twice a week, submit to random drug screens, submit to a psychological evaluation and a parenting assessment and follow recommendations, complete anger management classes, sign releases of information to allow DSS to obtain information from service providers, and provide verification of all services to DSS. Karen's placement in foster care continued.

The trial court initially allowed Mother one hour of weekly supervised visitation with Karen at the DSS office following the 19 October 2020 hearing. However, on 26 October 2020, DSS filed a motion for review to cease visitation until a resource could be found to supervise visits in the community due to Mother's continued disparaging remarks about the social worker and because, unbeknownst to DSS and the trial court at the prior hearing, Mother had been banned from all Cumberland County buildings by Cumberland County Human Resources. Following

⁷ This Court affirmed Karen's adjudication on appeal. *In re K.R.*, 280 N.C. App. 560, 865 S.E.2d 902 (2021) (unpublished).

a 2 November 2020 hearing, an order was entered suspending Mother's in-person visits with Karen and only allowing supervised telephonic and video contact.

Hearings in cases for all three children scheduled in December 2020 and throughout 2021 were repeatedly continued for various reasons, including: the withdrawal, waiver, and appointment of counsel for Mother after Mother filed complaints with the State Bar; the recusal of judges and the filing of motions by DSS and the GAL to address conflicts of interest caused by Mother filing federal lawsuits in September 2020 and February 2021 against several judges and DSS, the GAL program, and their employees; COVID-19 restrictions; and Mother's incarceration after being charged with kidnapping for absconding with Kobe and Lori to Myrtle Beach in February 2021.

Both cases were scheduled for a joint permanency planning hearing on 3 May 2022. On 1 July 2022, the trial court entered its order awarding guardianship of Karen to her foster father, guardianship of Kobe and custody of Lori to Kobe's paternal grandmother and ordered there be no visitation between Mother and the juveniles. Mother timely filed a notice of appeal from that order on 11 July 2022.

II. Analysis

Mother does not challenge the trial court's findings as unsupported by the evidence but instead argues the trial court did not make sufficient findings of fact to support its denial of visitation and its determination that Mother was unfit and had

acted inconsistently with her constitutionally protected status as a parent. We address both arguments in turn.

A. Standard of Review

In general, “appellate review of a permanency planning order is limited to whether there is competent evidence in the record to support the findings of fact and whether the findings support the conclusion of law[.]” *In re B.R.W.*, 381 N.C. 61, 77, 871 S.E.2d 764, 775 (2022) (citations and quotation marks omitted). “The trial court’s findings of fact are conclusive on appeal if unchallenged, or if supported by competent evidence in the record.” *In re I.K.*, 377 N.C. 417, 422, 858 S.E.2d 607, 611 (2021) (citations omitted).

“This Court reviews an order disallowing visitation for abuse of discretion.” *In re J.L.*, 264 N.C. App. 408, 421, 826 S.E.2d 258, 268 (2019). “A trial court may be reversed for abuse of discretion only upon a showing that its ruling was so arbitrary that it could not have been the result of a reasoned decision.” *In re N.L.M.*, 283 N.C. App. 356, 372, 873 S.E.2d 640, 649 (2022) (citation omitted).

“The trial court’s legal conclusion that a parent acted inconsistently with [her] constitutionally protected status as a parent is reviewed *de novo* to determine whether the findings of fact cumulatively support the conclusion and whether the conclusion is supported by clear and convincing evidence.” *In re I.K.*, 377 N.C. at 421, 858 S.E.2d at 611 (citation omitted). “The clear and convincing standard requires evidence that should fully convince.” *Id.* (citation omitted).

B. Denial of Visitation

Mother first challenges the trial court's denial of visitation. Under the Juvenile Code, "[a]n order that removes custody of a juvenile from a parent, guardian, or custodian or that continues the juvenile's placement outside the home shall provide for visitation that is in the best interests of the juvenile consistent with the juvenile's health and safety, including no visitation." N.C. Gen. Stat. § 7B-905.1(a) (2021). "The order must establish a visitation plan for parents unless the trial court finds that the parent has forfeited their right to visitation or that it is in the child's best interest to deny visitation." *In re N.L.M.*, 283 N.C. App. at 372, 873 S.E.2d at 650 (2022) (citation and quotation marks omitted). "[T]he court must make appropriate findings to support an order denying visitation." *In re N.K.*, 274 N.C. App. 5, 11, 851 S.E.2d 389, 394 (2020).

The record in this case shows that Mother's visitation with the juveniles was disallowed following the February 2022 permanency planning hearing until such time that visitation was therapeutically recommended for the children and mother engaged in the required services. The appealed order continued the denial of visitation, ordering that "Respondent Mother shall not be allowed visitation with the juveniles. . . . She shall complete previously ordered services." The order provided that Mother could return to court if she desired to modify visitation. In support of the denial of visitation, the trial court determined in both finding of fact 43 and conclusion of law 9 that "Respondent Mother should not be allowed visitation with

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the juveniles. Visitation with Respondent Mother is not in the best interest of the juveniles and is not consistent with their health, safety, and welfare. Respondent Mother is not a fit and proper person for visitation with the juveniles.”

Mother contends finding of fact 43 should be disregarded because it is really a conclusion of law. Mother additionally argues the trial court’s findings were insufficient to support its determination that visitation was not in the juveniles’ best interests, and the court thus abused its discretion in denying visitation. We disagree.

The inclusion of the trial court’s determination of the best interests of the juveniles in finding of fact 43 is not reversible error. “We are obliged to apply the appropriate standard of review to a finding of fact or conclusion of law, regardless of the label which it is given by the trial court.” *In re J.S.*, 374 N.C. 811, 818, 845 S.E.2d 66, 73 (2020). Moreover, the trial court made the same determination in conclusion of law 9. We review the trial court’s order to determine whether its “best interest” determination is supported by the findings of fact, regardless of the label assigned to the determination. *See id.*

Here, the trial court made unchallenged findings that the juveniles had been adjudicated neglected and were removed from Mother’s care because of substance abuse, unemployment, and unstable housing. The trial court also made findings detailing the services Mother was ordered to complete, including intensive parenting classes, a substance abuse assessment and recommendations, random drug screens, a mental health assessment, anger management services, therapy to specifically

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address her behavior and conversations around the juveniles, and family therapy as therapeutically recommended. The trial court also found Mother was ordered to obtain stable employment and housing and provide verification of participation in all services. Despite finding DSS offered referrals for services, the trial court found the following regarding Mother's engagement:

18. The Social Worker's last contact with Respondent Mother was April 7, 2022 wherein they discussed her court ordered services and visitation with the juveniles. Respondent Mother has failed to complete any intensive parenting class and a parenting assessment.

19. Respondent Mother completed a mental health assessment and a substance abuse assessment and was recommended in-patient treatment. She was diagnosed with cannabis use disorder, severe. Since the last hearing, the Social Worker made attempts for random drug screens from Respondent Mother on February 17, 2022, February 24, 2022, March 9, 2022, March 17, 2022, March 31, 2022, April 7, 2022, April 8, 2022, April 20, 2022, and April 27, 2022. Respondent Mother did not comply with any of these requests for random drug screens. Respondent Mother has not provided verification of successful completion of inpatient substance abuse treatment or successful completion of any other substance abuse treatment. Respondent Mother has failed to comply with the Department's request for random drug screens. Respondent Mother submitted herself for a psychological evaluation. However, the evaluator did not perform a psychological. Instead, a comprehensive clinical assessment was performed and contained recommendations. Respondent Mother did not comply with the recommendations.

20. Respondent Mother was required to engage[] in family therapy when deemed therapeutically appropriate by [Kobe's] and [Lori's] therapist. Respondent Mother was not

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contacted for said therapy. Respondent Mother was also ordered to engage in individual therapy. She did not.

The trial court additionally found Mother had not provided verification of housing or employment, and still needed to complete previously ordered services. Mother does not challenge the above findings of fact. Those findings are thus binding on appeal. *See In re I.K.*, 377 N.C. at 422, 858 S.E.2d at 611.

This Court has upheld the denial of visitation as being in the best interests of juveniles based on a parent's "unsuccessful parenting" and "lack of progress in working with DSS to parent." *In re C.M.*, 183 N.C. App. 207, 215, 644 S.E.2d 588, 595 (2007). This Court has specifically recognized that "[it] has affirmed orders denying visitation when parents have failed to comply with mental health and substance abuse treatment services." *In re N.L.M.*, 283 N.C. App. at 374, 873 S.E.2d at 651 (citation omitted). Here, the trial court's findings reflect Mother's long history with DSS and establish that she had not complied with previously ordered services, including substance abuse, mental health treatment, and parenting classes; at the time of the hearing she had neither engaged in family nor individual therapy. The trial court's findings regarding Mother's lack of progress support its determination that visitation was not in the juveniles' best interests and was inconsistent with their health, safety, and welfare. Thus, the trial court did not abuse its discretion in denying visitation. Mother's challenge to the trial court's denial of visitation is overruled.

C. Constitutionally Protected Status as a Parent

Mother next challenges the trial court's award of guardianship of Karen and Kobe.⁸ It is well established that:

[n]atural parents have a constitutionally protected interest in the companionship, custody, care, and control of their children. A natural parent may lose [her] constitutionally protected right to the control of [her] children in one of two ways: (1) by a finding of unfitness of the natural parent, or (2) where the natural parent's conduct is inconsistent with [her] constitutionally protected status. Therefore, the trial court must clearly address whether respondent is unfit as a parent or if her conduct has been inconsistent with her constitutionally protected status as a parent, should the trial court consider granting custody or guardianship to a nonparent.

In re J.L., 264 N.C. App. at 418–19, 826 S.E.2d at 266 (citations and quotations omitted).

Here, the trial court determined in findings of fact 29 and 31, respectively, that Mother “has acted inconsistent[ly] with her constitutionally protected status as a parent and has abrogated her parental duties to the juveniles[,]” and she “is not a fit and proper person for continued care, custody or control of the juveniles.” Mother argues the trial court's determinations in findings 29 and 31 are conclusions of law and not findings of fact. Mother additionally argues the trial court's determinations that she was unfit and had acted inconsistently with her constitutionally protected

⁸ Mother does not specifically challenge the trial court's award of custody of Lori to Kobe's paternal grandmother. Nevertheless, we note that the analysis upholding the award of guardianship of Karen and Kobe equally applies to uphold the award of custody of Lori.

status were not supported by its findings of fact.

Before reaching the merits of Mother’s arguments, we address preservation of Mother’s constitutional issue on appeal, since both DSS and the GAL argue Mother waived her arguments by failing to raise her constitutionally protected status in the trial court. “[A] parent’s argument concerning his or her paramount interest to the custody of his or her child, although afforded constitutional protection, may be waived on review if the issue is not first raised in the trial court.” *In re J.N.*, 381 N.C. 131, 133, 871 S.E.2d 495, 497–98 (2022). “[F]or waiver to occur the parent *must have been afforded* the opportunity to object or raise the issue at the hearing.” *In re C.P.*, 258 N.C. App. 241, 246, 812 S.E.2d 188, 192 (2018) (emphasis added) (citation omitted). This court has explained that a party cannot object at a hearing to findings and conclusions in an order not yet entered:

[A] trial court’s findings of fact are not evidence, and a parent may not “object” to a trial court’s rendition of an order or findings of fact, even if these are announced in open court at the conclusion of a hearing. If a party has presented evidence and arguments in support of her position at trial, has requested that the trial court make a ruling in her favor, and has obtained a ruling from the trial court, she has complied with the requirements of Rule 10 and she may challenge that issue on appeal. An appeal is the procedure for “objecting” to the trial court’s findings of fact and conclusions of law.

In re B.R.W., 278 N.C. App. 382, 399, 863 S.E.2d 202, 215 (2021) (overruling contentions that a mother waived challenges to determinations she was unfit and had acted inconsistently with her constitutionally protected status as a parent made in a

permanency planning order entered months after the hearing concluded), *aff'd*, 381 N.C. 61, 871 S.E.2d 764 (2022).

Here, Mother challenged evidence from DSS about her participation in services and testified about her recent progress; she testified her goal was to be reunified with the juveniles and that she had “hesitation” with guardianship; and she argued that she was actively engaged in services, was working towards reunification, and requested that guardianship not be granted. The trial court found in the order that Mother did not consent to guardianship. The trial court then determined Mother was unfit and had acted inconsistently with her constitutionally protected status. Mother could not object at the hearing to the trial court’s determinations not yet entered in a written order. *See id.* After a review of the record, we are satisfied Mother sufficiently preserved her challenges to the trial court’s determinations that she was unfit and acted inconsistently with her constitutionally protected status “by her evidence, arguments, and opposition to guardianship at the trial.” *Id.* at 399, 863 S.E.2d at 216.

Turning to the merits, we agree with Mother that the trial court’s determinations that she was unfit and acted inconsistently with her constitutionally protected status as a parent in findings of fact 29 and 31 are conclusions of law. *See In re B.R.W.*, 278 N.C. App. at 405, 863 S.E.2d at 219 (noting that a determination that a parent is unfit is a conclusion of law); *see also In re I.K.*, 377 N.C. at 421, 858 S.E.2d at 611 (noting a determination that a parent acted inconsistently with their

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constitutionally protected status is a conclusion of law). Therefore, we review the determinations “de novo to determine whether the findings of fact cumulatively support the conclusion and whether the conclusion is supported by clear and convincing evidence.” *In re I.K.*, 377 N.C. at 421, 858 S.E.2d at 611; *see also In re J.S.*, 374 N.C. at 818, 845 S.E.2d at 73 (applying the appropriate standard of review to findings and conclusions despite the labels assigned by the trial court).

In challenging the trial court’s conclusions that she was unfit and acted inconsistently with her constitutionally protected status as a parent, Mother contends the trial court’s findings focus on her relationship with DSS and argues her conflict with DSS is not evidence of unfitness or acts inconsistent with her protected status. Mother asserts “[t]he trial court made no findings relevant to [her] current ability to care for her children or provide for their welfare.” We disagree.

“[T]here is no bright line beyond which a parent’s conduct’ amounts to action inconsistent with the parent’s constitutionally protected paramount status.” *In re A.C.*, 247 N.C. App. 528, 536, 786 S.E.2d 728, 735 (2016) (quoting *Boseman v. Jarrell*, 364 N.C. 537, 549, 704 S.E.2d 494, 503 (2010)). “Unfitness, neglect, and abandonment clearly constitute conduct inconsistent with the protected status parents may enjoy. Other types of conduct, which must be viewed on a case-by-case basis, can also rise to this level so as to be inconsistent with the protected status of natural parents.” *Price v. Howard*, 346 N.C. 68, 79, 484 S.E.2d 528, 534–35 (1997). “[E]vidence of a parent’s conduct should be viewed cumulatively.” *Owenby v. Young*,

357 N.C. 142, 147, 579 S.E.2d 264, 267 (2003).

In reviewing the trial court's denial of visitation, the court made unchallenged findings in this case about the reasons for the juveniles' removal from Mother's care, their adjudication as neglected juveniles, and the services Mother was ordered to complete to address concerns. The trial court's findings show that: Mother did not comply with the ordered services; she did not complete a parenting assessment and intensive parenting classes; she had not verified completion of any substance abuse treatment; she did not comply with repeated requests for drug screens; she did not follow the recommendations from a comprehensive clinical assessment; she did not engage in individual therapy; and she had not verified housing or employment. The trial court's unchallenged evidentiary findings are binding, *see In re I.K.*, 377 N.C. at 422, 858 S.E.2d at 611, and support its ultimate findings that Mother "has acted in a manner inconsistent with the health and safety of the juveniles," "the conditions that led to the removal of the juveniles have not been alleviated[.]" and "[M]other has failed to demonstrate that she is capable of providing a safe environment for the juveniles."

Viewing the evidence and findings cumulatively, *see In re I.K.*, 377 N.C. at 421, 858 S.E.2d at 611, we hold the trial court's findings regarding Mother's failure to address substance abuse, mental health, parenting, housing, and employment sufficiently support its determination that Mother is unfit and has acted inconsistently with her constitutionally protected status as the juveniles' parent. *See*

id. at 429, 858 S.E.2d at 616 (holding findings that a parent failed to adequately address substance abuse, housing, and domestic violence concerns supported the determination that the parent acted inconsistently with his constitutionally protected status); *see also In re J.R.*, 279 N.C. App. 352, 360–61, 866 S.E.2d 1, 6–7 (2021) (holding findings that the children had been adjudicated neglected and the parent had failed to comply with her case plan supported the conclusion that the parent acted in a manner inconsistent with her constitutionally protected status). Mother’s challenge to the trial court’s conclusion she acted inconsistently with her constitutionally protected status as a parent is overruled. Mother does not otherwise challenge the trial court’s award of guardianship of Karen and Kobe, and the guardianships are upheld.

III. Conclusion

The trial court’s permanency planning order is affirmed.

AFFIRMED.

Judges GORE and STADING concur.

Report per Rule 30(e).