

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority. Citation is disfavored, but may be permitted in accordance with the provisions of Rule 30(e)(3) of the North Carolina Rules of Appellate Procedure.

NO. COA07-827

NORTH CAROLINA COURT OF APPEALS

Filed: 18 December 2007

IN THE MATTER OF:

J.T.E.

Harnett County
No. 05 J 108

Appeal by respondents from order entered 27 April 2007 by Judge Albert A. Corbett, Jr., in Harnett County District Court. Heard in the Court of Appeals 15 November 2007.

E. Marshall Woodall and Duncan B. McCormick, for Harnett County Department of Social Services, petitioner-appellee.

Elizabeth Myrick Boone, for Guardian ad Litem.

Robin E. Strickland, for respondent-appellant, mother.

Mercedes O. Chut, for respondent-appellant, father

JACKSON, Judge.

K.W. ("respondent-mother") and C.E. ("respondent-father") (collectively, "respondents"), parents of the minor child J.T.E., appeal from a permanency planning review order entered 27 April 2007 awarding guardianship of J.T.E. to Kathy L., the juvenile's paternal grandmother. For the following reasons, we affirm.

J.T.E. was born in 2002 to respondents, who are unmarried. Since birth, J.T.E. has lived intermittently with Kathy L. While

J.T.E. was living with respondents in early 2005, the Lee County Department of Social Services investigated the family based upon reports of respondents' drug usage and bringing J.T.E. to drug houses. Respondents were arrested, and J.T.E. resumed living with Kathy L. in Harnett County.

After being released from jail, respondents failed to retrieve J.T.E., allowing J.T.E. to remain with Kathy L. Respondents moved to Virginia to live with J.T.E.'s maternal grandmother. Notwithstanding pending criminal charges in Lee County, and without either suitable housing or means of support for J.T.E., respondents threatened to remove J.T.E. from Kathy L.'s home.

On 7 July 2005, the Harnett County Department of Social Services ("DSS") filed a juvenile petition alleging neglect and obtained a non-secure custody order authorizing J.T.E. to be placed with Kathy L. Neither parent attended the 23 September 2005 adjudicatory hearing, during which J.T.E. was adjudicated a neglected juvenile. By order entered 28 November 2005, the trial court ordered that (1) full custody of J.T.E. should be given to Kathy L.; (2) respondents could have visitation with J.T.E.; and (3) reunification efforts should cease until respondents requested reunification services.

A review hearing was held on 8 December 2005. Respondent-mother was present for the hearing, but respondent-father was not present because he was being held in jail in Virginia.

Respondent-mother filed notice of appeal from a 17 February 2006 order entered by the trial court, but on 8 March 2006, the

trial court reviewed its earlier order and determined that it was entered in error. The court vacated its prior order and entered a new order that (1) continued custody of J.T.E. with Kathy L.; (2) allowed visitation between J.T.E. and respondents; (3) relieved DSS of further reunification efforts unless respondents returned to North Carolina and sought reunification services; and (4) restrained respondents from making harassing telephone calls to Kathy L. On 20 March 2006, respondents both filed notices of appeal. On 12 May 2006, the trial court entered an order dismissing respondents' appeals, and respondent-mother appealed to this Court. This Court dismissed her appeal on 28 September 2006.

On 27 October 2006, the trial court entered an order (1) continuing custody of J.T.E. with Kathy L.; (2) ordering the social worker, her supervisor, respondents, and respondents' attorneys to meet and establish a visitation plan; (3) relieving DSS of reunification efforts; and (4) granting respondent-mother's request for a home study by Virginia authorities.

On 20 April 2007, the trial court entered an order (1) continuing custody of J.T.E. with Kathy L.; (2) specifying a visitation schedule for unsupervised visits between respondents and J.T.E.; (3) continuing cessation of reunification efforts until further orders from the court; and (4) requiring respondents to cooperate with DSS workers and to release information requested by DSS workers.

Also on 20 April 2007, the trial court held a permanency planning review hearing, at which it heard testimony from both

respondents and adopted, without objection, a DSS court report ("the DSS Report") and a home study report from the City of Norfolk, Virginia Department of Human Services ("the Norfolk Home Study"). On 27 April 2007, the court entered an order (1) appointing Kathy L. J.T.E.'s legal guardian pursuant to North Carolina General Statutes, section 7B-600; (2) establishing guardianship as J.T.E.'s permanent plan; (3) providing a visitation plan; (4) continuing cessation of reunification efforts; (5) releasing the guardian *ad litem* and attorney advocate from further involvement; and (6) waiving further hearings unless and until a motion for review was filed. Thereafter, respondents filed timely notices of appeal from the 27 April 2007 order as well as notices to preserve their right to appeal the trial court's 20 April 2007 order ceasing reunification efforts.

On appeal, respondent-father first contends that the trial court lacked subject matter jurisdiction because he was not properly served with a summons. We disagree.

"Our Court has [] held that where no summons is issued the court acquires jurisdiction over neither the persons nor the subject matter of the action." *Conner Bros. Mach. Co., Inc. v. Rogers*, 177 N.C. App. 560, 562, 629 S.E.2d 344, 345 (2006) (citing *In re Mitchell*, 126 N.C. App. 432, 433, 485 S.E.2d 623, 624 (1997)) (internal quotation marks omitted). However, in the instant case, the undisputed evidence shows that the summons was sent to respondent-father on 7 July 2005 by certified mail, and the record includes a copy of the return receipt signed by respondent-father

on 9 July 2005. As noted by counsel for DSS in an affidavit filed on 2 September 2005, "a copy of the Summons . . . was in fact received by [] C.E. on the 9th day of July, 2005." The record demonstrates that respondent-father received a summons, and therefore, respondent-father's argument that the trial court lacked subject matter jurisdiction is without merit. Accordingly, this assignment of error is overruled.

Next, both respondents assign error to the following findings of fact:

[13(n)] It appears that [respondents] are living with the maternal grandmother at her expense. There appears to be no reason for [respondent-mother] to be unemployed.

[13(o)] The record herein discloses a history of non-cooperation between [respondents] and the DSS social worker (early failure to communicate and later revoking the social worker's source of communication with the probation officers and therapist). That failure of cooperation by [respondents] seems to continue.

[13(p)] There is no evidence of [respondents]' involvement with on-going substance abuse treatment.

. . . .

[13(v)] A return of custody or care of the juvenile to [respondents] at this time would be contrary to his welfare. It is not probable that custody of the juvenile will be returned or placed with either [respondent] within the next six (6) months.

[13(w)] It is in the best interest of the juvenile that [Kathy L.] be appointed his guardian as the permanent plan for the juvenile.

. . . .

[13(z)] [DSS] has made reasonable efforts in carrying out the plan of the court and did in the past make attempt[s] to encourage [respondents] to become involved in a plan of reunification with their child and further [DSS] has made reasonable efforts to formulate a permanent plan for the juvenile.

. . . .

[13(aa)(ii)] The placement has been stable and a continuation of [the] same is in the best interest of the juvenile

Respondents contend that the challenged findings of fact are not supported by competent evidence. We disagree.

"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 S.J.M.*, __ N.C. App. __, __, 645 S.E.2d 798, 801 (2007) (internal quotation marks and citation omitted). Even when there is evidence to the contrary, a trial court's findings of fact are binding on appeal if they are supported by competent evidence in the record. See *In re C.M.*, __ N.C. App. __, __, 644 S.E.2d 588, 593 (2007). "The trial court's 'conclusions of law are reviewable *de novo* on appeal.'" *In re D.M.M.*, 179 N.C. App. 383, 385, 633 S.E.2d 715, 716 (2006) (quoting *In re D.H.*, 177 N.C. App. 700, 703, 629 S.E.2d 920, 922 (2006)).

Respondents first challenge finding of fact number 13(n), in which the trial court found that respondents were living with J.T.E.'s maternal grandmother at her expense and that there was no reason for respondent-mother to be unemployed. Although respondents contend that respondent-mother helps with her mother's

antique business and internet sales, the Norfolk Home Study states that "[respondent-mother] is unemployed. She relies on the income of her paramour [respondent-father] and her mother to survive. Since [respondent-mother] resides at home with her mother[,], she does not have any expenses other than her child support obligations." The Norfolk Home Study further notes that the maternal grandmother is the sole owner of the home and has no mortgage on the home. Additionally, the DSS Report expresses concern with respondents' "lack of steady employment" and "[lack of] income sufficient to independently support [J.T.E.]." Therefore, the trial court's finding of fact number 13(n) is supported by competent evidence. Accordingly, respondents' argument is overruled.

Next, respondents assign error to finding of fact number 13(o), in which the court found a history of respondents' non-cooperation with DSS and specifically cited respondents' failure to communicate as well as their revocation of permission for DSS to speak with their probation officers. Contrary to respondents' contention, this finding of fact is supported by competent evidence in the record.

Although both respondents received the summons, neither respondent attended the adjudicatory hearing on 23 September 2005. The trial court noted in its 8 March 2006 order that respondents failed to respond to phone calls from DSS and failed to initiate contact with DSS to establish a plan for reunification. Beginning in December 2005, respondent-mother visited J.T.E. twice per month,

but her visits tapered off to once per month, with the last visit being on 27 July 2006. In September 2006, DSS suspected that respondents had relapsed into drug abuse and requested that each respondent submit to a drug test. Respondents refused testing, and the social worker stated, "About the time this social worker started suspecting drug use, [respondent-mother] contacted all of her collaterals (Probation, Mental Health) advising them not to speak with me regarding her progress or lack thereof." Respondent-father also revoked his permission for DSS to speak with his probation officer. Respondents later gave permission to DSS to resume speaking with their respective probation officers, during which time DSS learned that respondents both had tested positive for cocaine in drug screens administered in September 2006. Therefore, the trial court's finding of fact number 13(o) concerning respondents' history of failing to cooperate with DSS is supported by competent evidence. Accordingly, this argument is overruled.

Respondents next assign error to finding of fact number 13(p), in which the trial court found no evidence of respondents' involvement with on-going substance abuse treatment. The record demonstrates that respondent-father completed an eighteen session substance abuse treatment program on 19 July 2006. The record also indicates that, as of 21 March 2006, respondent-mother had participated in a substance abuse treatment program through her church. Notwithstanding their prior treatment, both respondents tested positive for cocaine use in September 2006, and neither

resumed substance abuse treatment on a continuous basis. Respondent-father admitted at the hearing that he had not attended a Narcotics Anonymous ("NA") meeting for approximately six weeks. When asked how often he had attended NA meetings, respondent-father stated, "I mean I don't go. I might go once a month." Although respondents continue to participate in drug tests through their probation officers, nothing in the record indicates ongoing substance abuse treatment, and the guardian *ad litem* expressly noted that "[n]either participates in a support group nor attends individual or group therapy." Finding of fact number 13(p) is supported by competent evidence, and therefore, this argument is overruled.

Next, respondents challenge findings of fact numbers 13(v) and 13(w), in which the trial court found that (1) it would be contrary to J.T.E.'s welfare to return care or custody of J.T.E. to either respondent; (2) such a return would be unlikely to occur within the next six months; and (3) it is in J.T.E.'s best interest that his permanent plan be guardianship with Kathy L. Respondents also assign error to finding of fact number 13(aa)(ii), in which the court found that J.T.E.'s placement with Kathy L. has been stable and that continuing placement with her is in J.T.E.'s best interest. Contrary to respondents' contentions, these findings of fact are supported by competent evidence.

The DSS Report indicates that respondents (1) failed to make any attempt to retrieve J.T.E. from Kathy L. upon their release from jail; (2) failed to respond to early communications from DSS;

(3) tested positive for cocaine use as recently as September 2006; (4) have not maintained steady employment; (5) failed to establish sufficient income to support J.T.E. independently; (6) failed to pay any child support; and (7) either failed to show or arrived late for visitations with J.T.E. The DSS Report also shows that (1) respondent-mother's brother lives with respondents in the maternal grandmother's home and has a substance abuse problem; (2) respondent-mother has an "explosive temper"; and (3) respondent-mother recently "verbally attacked" both Kathy L. and the guardian *ad litem*. In contrast, the DSS Report notes that (1) Kathy L. has provided all medical care, daycare, and transportation for the juvenile at her own expense; (2) J.T.E.'s shots are current and Kathy L. keeps all appointments; (3) it is improbable that J.T.E. will return home in the next six months; (4) it is in J.T.E.'s best interest to remain with Kathy L.; and (5) guardianship of J.T.E. with Kathy L. should be the permanent plan. Furthermore, the trial court's findings of fact numbers 13(a) and 13(c) both are uncontested and support findings of fact numbers 13(v) and 13(w):

[13(a)] The juvenile continues in the custody of [Kathy L.] and resides in her home. [The juvenile] has lived with her since the spring of 2005 and was legally placed there by the court on July 7, 2005. [The juvenile] has adjusted well and [the juvenile's] medical and dental needs have been adequately met by [Kathy L.] (at her expense).

. . . .

[13(c)] [Respondents] have not made any payments to the child support office for the support of the juvenile. [Kathy L.] has informed [DSS] that [respondents] have made no

payments of child support to her since the last court hearing (October 27, 2006).

Accordingly, the trial court's findings of fact numbers 13(v), 13(w), and 13(aa)(ii) are supported by competent evidence, and respondents' arguments are without merit.

Respondents next challenge finding of fact number 13(z), in which the trial court found that DSS (1) had made reasonable efforts in carrying out the plan of the court; (2) had attempted to encourage respondents to become involved in reunification with the juvenile; and (3) had made reasonable efforts to formulate a permanent plan for the juvenile. The record demonstrates that throughout the proceedings, DSS complied with the trial court's orders, such as establishing schedules for respondents to visit with J.T.E. and coordinating the Norfolk Home Study. As discussed *supra*, respondents failed to respond to early communications by DSS and failed to attend the adjudicatory hearing. Respondents failed to take advantage of the services and assistance offered by DSS, and only after the trial court relieved DSS of making further reunification efforts did respondents seek case management services from DSS. Although reunification efforts had been ceased, the trial court ordered DSS to coordinate the Norfolk Home Study, and DSS, on its own accord, continued to contact respondents' respective probation officers until respondents closed that line of communication. DSS also requested drug tests from respondents in September 2006, but respondents refused. Finally, DSS has satisfied its burden of making reasonable efforts to formulate a permanent plan for J.T.E., since DSS formulated and consistently

advocated a permanent plan of guardianship for J.T.E. with Kathy L., which the trial court ultimately granted. The trial court's finding of fact number 13(z) is based on competent evidence, and accordingly, respondents' arguments are overruled.

Respondent-mother further assigns error to the trial court's finding of fact number 13(t) on the grounds that the finding of fact is not supported by competent evidence. We disagree.

Finding of fact number 13(t) states:

The court released DSS from efforts to reunite the juvenile with [respondents] at the dispositional hearing on September 23, 2005. Since that time, the court has continued that directive at each review of custody. The social worker has extended case management services to assist the court in review hearings, with visitation between [respondents] and the juvenile and with coordination for a home study and information about the progress being made by [respondents] in seeking services in Virginia.

In orders entered 28 November 2005, 8 March 2006, and 27 October 2006, the trial court ordered cessation of reunification efforts. Without a duty to make reunification efforts, and notwithstanding respondents' lack of cooperation with DSS, DSS formulated a visitation plan that the trial court adopted without objection in finding of fact number 13(y), which states, in pertinent part, that "[t]he visitation plan as set forth in the [DSS Report] . . . should be approved." Additionally, the Norfolk Home Study states that "[t]he Norfolk Department of Human Services received a referral from the North Carolina Department of Social Services to complete a home study on the home of [the maternal grandmother]." In addition, the DSS Report indicates that DSS contacted

respondents' treatment resources in Virginia, but respondents prevented those resources from communicating with DSS. In sum, DSS assisted the trial court in review hearings by extending case management services to establish a visitation plan, to coordinate a home study with Virginia authorities, and to gather information about respondents' progress in Virginia. Finding of fact number 13(t) is supported by competent evidence, and accordingly, respondent-mother's assignment of error is overruled.

Respondent-mother also assigns error to finding of fact number 12 and contends that the trial court violated North Carolina General Statutes, section 7B-907. We disagree.

Pursuant to section 7B-907,

[a]t any permanency planning review, the court shall consider information from the parent, the juvenile, the guardian, any foster parent, relative or preadoptive parent providing care for the child, the custodian or agency with custody, the guardian ad litem, and any other person or agency which will aid it in the court's review.

N.C. Gen. Stat. § 7B-907(b) (2005). In the case *sub judice*, respondent-mother contends that the trial court improperly incorporated findings from prior court orders in finding of fact number 12.¹

¹Respondent-mother also argues in this section of her brief that "the trial court simply adopted the recommendations of DSS as listed in its court summaries, thus avoiding its responsibility to find facts and make its own determination." This argument, however, is unrelated to the assignment of error, which states that finding of fact number 12 is based upon prior court orders, not that the finding is an adoption of DSS recommendations. Therefore, we decline to consider this argument. See N.C. R. App. P. 10(a) (2006) (limiting appellate review to assignments of error).

Although a trial court may not delegate its fact-finding duty by relying *wholly* on prior court orders, trial courts nevertheless may consider all written reports and materials submitted in connection with juvenile proceedings. See *In re Z.J.T.B.*, ___ N.C. App. ___, ___, 645 S.E.2d 206, 211 (2007); see also *In re Isenhour*, 101 N.C. App. 550, 553, 400 S.E.2d 71, 73 (1991) ("A trial court may take judicial notice of earlier proceedings in the same cause."). This Court has held only that "the trial court's factual findings must be more than a recitation of allegations." *In re Anderson*, 151 N.C. App. 94, 97, 564 S.E.2d 599, 602 (2002). In the instant case, the trial court specifically noted that it only "partially relied upon previous findings of the court."

In addition to finding of fact number 12, the court made twelve other findings of fact, and finding of fact number 13 includes twenty-seven individual findings. When, as in the instant case, the trial court makes sufficient findings of fact relating to the situation at the time of the proceeding, the trial court is permitted to incorporate facts found by the court in previous orders. See *In re As.L.G.*, 173 N.C. App. 551, 553 n.2, 619 S.E.2d 561, 563 (2005) (noting that "the district court may rely on and incorporate previous orders or reports submitted to it, but it cannot delegate its role as an independent finder of ultimate facts."), *disc. rev. improvidently allowed*, 360 N.C. 476, 628 S.E.2d 760 (2006). Accordingly, respondent-mother's assignment of error is overruled.

Respondents next assign error to the following conclusions of law:

2. A return of custody to [respondents] would be contrary to the juvenile's welfare.

3. It is in the best interest of the juvenile for [Kathy L.] to be appointed his guardian pursuant to [section] 7B-600 as his permanent plan.

. . . .

6. [DSS] exercised reasonable efforts in attempting to previously encourage and extend services to [respondents] and establish a plan of reunification and has exercised reasonable efforts to perform the duties assigned by the court.

Respondents contend that the challenged conclusions of law are not supported by the findings of fact. We disagree.

First, conclusion of law number 2 is supported by portions of findings of fact numbers 12 and 13. These findings demonstrate, *inter alia*, evidence of respondents' past and present (1) substance abuse, (2) noncooperation with DSS, (3) failure to provide child support, (4) failure to obtain stable employment, and (5) failure to obtain independent housing. The findings also show (1) respondents' current probationary status for convictions for grand larceny; and (2) respondent-mother's displacement of blame on Kathy L. for respondents' failure to obtain custody of J.T.E. These findings adequately support the conclusion that "[a] return of custody to the parents would be contrary to the juvenile's welfare." Accordingly, this argument is overruled.

Next, conclusion of law number 3 is supported by findings of fact numbers 12(c), 12(g), 12(j)(iii), 12(j)(iv), 13(a), 13(w),

13(aa)(i), and 13(aa)(ii). These findings demonstrate that (1) J.T.E. has resided with Kathy L. continuously since February 2005 and by order of the court since 7 July 2005; (2) Kathy L. "has sustained the costs of [J.T.E.'s] daycare, medical, [dental,] food, clothing, shelter and transportation needs"; (3) J.T.E. "has adjusted well in [Kathy L.]'s home and has been thriving in that placement"; (4) Kathy L.'s home is adequate to meet J.T.E.'s needs; and (5) Kathy L. understands the legal significance of maintaining custody of J.T.E. The court's conclusion that it is in J.T.E.'s best interest for Kathy L. to be his guardian is supported by the findings of fact, and accordingly, this argument is overruled.

Finally, conclusion of law number 6 is supported by findings of fact numbers 12(e), 12(f), 12(j)(i), 12(j)(ii), 12(j)(vii), 12(k), 13(b), 13(f), 13(j), 13(o), 13(t), and 13(z). These findings show that (1) DSS served respondents with a summons, but neither respondent attended the 23 September 2005 adjudicatory hearing; (2) at the dispositional hearing, DSS was relieved by the trial court of reunification efforts "until such time as the parents requested services"; (3) DSS attempted to contact respondents, but respondents were non-responsive; (4) respondents failed to contact DSS on their own accord to establish a reunification plan; (5) DSS offered respondents services, which the trial court deemed appropriate, including case management services and contact with respondents to solicit help for J.T.E.; (6) respondent-mother did not request any services from DSS until her counsel's argument on her behalf on 8 December 2005; (7)

respondent-father failed to contact DSS after his release from jail in Virginia on 17 July 2006; (8) DSS referred respondents to the IV-D child support agency in July 2006, but neither respondent has paid any support; (9) DSS has arranged for visitation, but respondents occasionally arrived late or failed to attend; (10) DSS requested a drug test on 8 September 2006, but both respondents refused; (11) respondents are not engaged in current substance abuse treatment; (12) DSS assisted with coordinating the Norfolk Home Study as ordered by the trial court; and (13) respondents have demonstrated and continue to demonstrate noncooperation with DSS. Based upon these findings, the trial court properly concluded that DSS had exercised reasonable efforts in (1) extending services to the parents, (2) attempting to establish a plan of reunification, and (3) performing duties assigned by the court. Accordingly, respondents' arguments are overruled.

Respondent-mother next assigns error to the trial court's decision to cease reunification efforts. Respondent-mother, however, has failed to preserve this issue for appellate review.

Both respondent-mother's notice of appeal and her assignment of error refer to the permanency planning order entered 27 April 2007. In the argument section of her brief, however, respondent-mother quotes from and cites to the dispositional order entered 28 November 2005. This order "released [DSS] from further efforts to re-unite [J.T.E.] with [respondents] until such time as [respondents] request services." Neither respondent appealed this order, and therefore, this issue is not properly before this Court.

See *In re Laney*, 156 N.C. App. 639, 644, 577 S.E.2d 377, 380, *disc. rev. denied*, 357 N.C. 459, 585 S.E.2d 762 (2003). Accordingly, this assignment of error is dismissed.

Next, with respect to the award of guardianship, respondent-father argues that the trial court failed to make the findings required pursuant to North Carolina General Statutes, section 7B-907(b) and (c). Respondent-father concedes that the trial court entered the required findings, but argues that those findings were not supported by competent evidence. Respondent-father states in his brief, "[I]f this Court agrees with [respondent-father]'s arguments with respect to findings of fact 13v and 13w, the [t]rial [c]ourt's order granting guardianship to [Kathy L.] must be reversed." Because, as discussed *supra*, we have held that findings of fact numbers 13(v) and 13(w) are supported by competent evidence, respondent-father's argument is without merit. Accordingly, this assignment of error is overruled.

Finally, both respondents argue that the trial court failed to make the necessary inquiries of Kathy L. to determine whether Kathy L. both understands the legal significance of guardianship and has adequate resources to care for J.T.E. as required by North Carolina General Statutes, sections 7B-600 and 7B-907(f). We disagree.

Pursuant to section 7B-907(f),

[i]f the court determines that the juvenile shall be placed in the custody of an individual other than the parents or appoints an individual guardian of the person pursuant to [section] 7B-600, the court shall verify that the person receiving custody or being appointed as guardian of the juvenile understands the legal significance of the

placement or appointment and will have adequate resources to care appropriately for the juvenile.

N.C. Gen. Stat. § 7B-907(f) (2005).

Respondent-father first argues that the trial court's order contains no findings of fact directed toward the requirements of section 7B-907(f). However, as this Court has explained, "neither [section] 7B-600(c) nor [section] 7B-907(f) require that the court make any specific findings in order to make the verification." *In re J.E.*, __ N.C. App. __, __, 643 S.E.2d 70, 73, *disc. rev. denied*, 361 N.C. 427, 648 S.E.2d 504 (2007).

Both respondents argue that Kathy L. did not testify at the 20 April 2007 hearing and that no inquiry was made of her at that time. A trial court is not required, however, to conduct an inquiry of the proposed guardian at the hearing during which guardianship is awarded. In *In re J.E.*, this Court upheld a guardianship award when (1) the trial court's order showed that it considered a home study, and (2) the home study demonstrated that the proposed guardians were in good health, financially capable of providing for the juvenile, had experience caring for children, understood "the enormity of the responsibility of caring for [the juvenile]," and were ready and willing to assume the responsibility of caring for the juvenile. *Id.* at __, 643 S.E.2d at 73.

In the case *sub judice*, the trial court considered and incorporated the DSS Report, which indicated that "[Kathy] L. has sustained all costs for medical and dental expenses for J[.T.E.] His shots are current and she keeps all appointments." The court

also considered, without objection, the guardian *ad litem*'s report, which noted that (1) Kathy L.'s home is comfortable and contains a number of toys for J.T.E.; (2) J.T.E. has "received a considerable amount of stimulation" and has been "meeting developmental milestones" while in Kathy L.'s home; and (3) Kathy L. "is willing and feels that she is quite able to provide a permanent home for J[.T.E.]" The trial court also made a finding of fact that J.T.E. "has adjusted well and his medical and dental needs have been adequately met by [Kathy L.]" Finally, the court incorporated findings from prior court orders and noted in finding of fact number 12(j)(iv) that it previously had found that Kathy L.'s home was adequate for J.T.E. and that Kathy L. understood the significance of the custodial requirements placed upon her. This finding was based upon a finding from the 8 March 2006 order,² which provided that

[Kathy L.] lives . . . in a two (2) bedroom single wide manufactured housing unit. The social worker reports that the home is adequate, that there are a lot of educational toys present and the child appears happy at the times she has visited in the home. It is apparent to the court that [Kathy L.] understands the legal significance of the custodial requirement placed on her by the

²Respondent-mother contends in her brief that finding of fact number 12(j)(iv) "was cut and pasted from the 8 December 2005 order which was vacated and void at the time the trial court entered its 27 April 2007 order." There was no "8 December 2005 order" but rather two orders based upon the 8 December 2005 hearing — one from 17 February 2006 and another from 8 March 2006. The 17 February 2006 order was vacated, but the 8 March 2006 order was valid, and the 8 March 2006 order contained findings, including a finding upon which finding of fact number 12(j)(iv) was based, that mirrored those in the 17 February 2006 order.

court and further she has demonstrated adequate resources to appropriately care for [J.T.E.].

Based upon the foregoing, the trial court satisfied its responsibility pursuant to sections 7B-600 and 7B-907(f) to verify that Kathy L. could adequately care for J.T.E. and that she understood the legal significance of being his guardian. Accordingly, respondents' arguments are overruled.

Respondents' remaining assignments of error not argues in their briefs are deemed abandoned. See N.C. R. App. P. 28(b)(6) (2006).

Affirmed.

Judges TYSON and STROUD concur.

Report per Rule 30(e).