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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA17-1326

Filed: 15 May 2018

Wake County, No. 15 JT 280

IN THE MATTER OF: T.L.B.

Appeal by respondent-mother from order entered 6 September 2017 by Judge Monica Bousman in Wake County District Court. Heard in the Court of Appeals 19 April 2018.

Wake County Attorney's Office, by Mary Boyce Wells, for petitioner-appellee Wake County Human Services.

Mercedes O. Chut for respondent-appellant mother.

Cranfill Sumner & Hartzog, by Laura E. Dean, for guardian ad litem.

ARROWOOD, Judge.

Respondent-mother appeals from an order terminating her parental rights to her daughter, Tracey.[1] After careful review, we affirm the order of the trial court.

I. Background

Respondent-mother has an extensive history with Child Protective Services ("CPS") dating back to 7 March 2000. Since that time, CPS has received sixteen

[1] A pseudonym is used to protect the identity of the juvenile and for ease of reading.

reports of neglect. Respondent-mother has given birth to seven children, all of whom have been removed from her custody. Respondent-mother's sixth child, Tracey, is the subject of this appeal.

On 18 September 2012, a CPS report alleged that respondent-mother and her boyfriend ("boyfriend") were abusing drugs in the presence of Tracey.[2] One of respondent-mother's children reported that the boyfriend was "violent and aggressive in the home" and that he punched holes in the walls. On 13 December 2012, a report was made after respondent-mother gave birth to a son at thirty weeks' gestation and tested positive for marijuana and cocaine at the time of her son's birth. On 5 July 2013, a neglect report indicated that the boyfriend smoked marijuana daily in front of the children. On or about 24 August 2015, a neglect report was made after a domestic violence protective order was filed. The boyfriend had been arrested and charged with assault after he bit respondent-mother's right arm and left side and threatened to kill the children. On 15 September 2015, another report was made after the boyfriend was released from jail and returned to respondent-mother's home. The boyfriend was re-arrested at respondent-mother's home the following weekend.

On 24 September 2015, Wake County Human Services ("WCHS") obtained nonsecure custody of Tracey and filed a juvenile petition alleging neglect. On 9 October 2015, WCHS filed an amended petition alleging that Tracey was neglected.

[2] Respondent-mother's boyfriend is not the biological father of Tracey and not a party to this appeal.

Respondent-mother stipulated to findings of fact for adjudication purposes. On 18 November 2015, the trial court entered an order adjudicating Tracey neglected. On 8 January 2016, the trial court entered a disposition order continuing legal custody of Tracey with WCHS, granting respondent-mother supervised visitation with Tracey, and ordering respondent-mother to comply with an Out of Home Family Services Agreement.

On 3 March 2017, WCHS filed a motion to terminate respondent-mother's parental rights to Tracey on the grounds that she neglected Tracey and that she willfully left Tracey in foster care or placement outside the home for more than 12 months without demonstrating she had made reasonable progress to correct the conditions which led to Tracey's removal. *See* N.C. Gen. Stat. § 7B-1111(a)(1), (2) (2017). The trial court heard the motion on 8 June 2017 and 10 July 2017. On 6 September 2017, the trial court entered an order terminating respondent-mother's parental rights based on both grounds alleged by WCHS. The trial court concluded that it was in the best interests of Tracey to terminate respondent-mother's parental rights. *See* N.C. Gen. Stat. § 7B-1110(a) (2017). Respondent-mother filed timely notice of appeal.[3]

II. Discussion

[3] The trial court also terminated the parental rights of Tracey's biological father, but he is not a party to this appeal.

On appeal, respondent-mother challenges the trial court's adjudication of grounds for termination of her parental rights. "This Court reviews a trial court's conclusion that grounds exist to terminate parental rights to determine whether clear, cogent, and convincing evidence exists to support the court's findings of fact, and whether the findings of fact support the court's conclusions of law." *In re A.B.*, 239 N.C. App. 157, 160, 768 S.E.2d 573, 575 (2015) (citation omitted). "If the trial court's findings of fact are supported by ample, competent evidence, they are binding on appeal, even though there may be evidence to the contrary." *In re S.C.R.*, 198 N.C. App. 525, 531, 679 S.E.2d 905, 909 (internal quotation marks and citation omitted), *appeal dismissed*, 363 N.C. 654, 686 S.E.2d 676 (2009). Unchallenged findings of fact "are conclusive on appeal and binding on this Court." *Id.* at 532, 679 S.E.2d at 909. "The trial court's conclusions of law are reviewable *de novo* on appeal." *In re J.S.L.*, 177 N.C. App. 151, 154, 628 S.E.2d 387, 389 (2006) (internal quotation marks and citation omitted).

First, respondent-mother argues that the trial court erred in terminating her parental rights to Tracey on the basis of neglect pursuant to N.C. Gen. Stat. § 7B-1111(a)(1). Specifically, respondent-mother contends that the prior adjudication of neglect was invalid, that several of the trial court's findings of fact are not supported by the evidence, and that the findings do not support the conclusion that a repetition of neglect was probable if Tracey were returned to respondent-mother.

N.C. Gen. Stat. § 7B-1111(a)(1) permits a trial court to terminate parental rights based upon a finding that "[t]he parent has . . . neglected the juvenile" within the meaning of N.C. Gen. Stat. § 7B-101. N.C. Gen. Stat. § 7B-101 defines a "neglected juvenile" as

> A juvenile who does not receive proper care, supervision, or discipline from the juvenile's parent, guardian, custodian, or caretaker; or who has been abandoned; or who is not provided necessary medical care; or who is not provided necessary remedial care; or who lives in an environment injurious to the juvenile's welfare . . . .

N.C. Gen. Stat. § 7B-101(15) (2017).

Generally, "[a] finding of neglect sufficient to terminate parental rights must be based on evidence showing neglect at the time of the termination proceeding." *In re Young*, 346 N.C. 244, 248, 485 S.E.2d 612, 615 (1997). However, "[w]here, as here, a child has not been in the custody of the parent for a significant period of time prior to the termination hearing, the trial court must employ a different kind of analysis to determine whether the evidence supports a finding of neglect." *In re Shermer*, 156 N.C. App. 281, 286, 576 S.E.2d 403, 407 (2003). Under such circumstances, "a prior adjudication of neglect may be admitted and considered by the trial court in ruling upon a later petition to terminate parental rights on the ground of neglect." *In re Ballard*, 311 N.C. 708, 713-14, 319 S.E.2d 227, 231 (1984). "The trial court must also consider any evidence of changed conditions in light of the evidence of prior neglect and the probability of a repetition of neglect." *Id.* at 715, 319 S.E.2d at 232. Thus, a

trial court may terminate parental rights based upon prior neglect of the juvenile only if "the trial court finds by clear and convincing evidence a probability of repetition of neglect if the juvenile were returned to her parents." *In re Reyes*, 136 N.C. App. 812, 815, 526 S.E.2d 499, 501 (2000).

In support of its conclusion that grounds existed to terminate respondent-mother's parental rights, the trial court made the following pertinent findings of fact:

> 10. [Tracey] was adjudicated neglected by order of the Court dated November 18, 2015.
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> 11. That the steps identified for [respondent-mother] to take before the Court would consider the return of [Tracey] to her care were:
> - comply with a Visitation Agreement to regularly visit [Tracey]. She was allowed Visitation of at least two hours every other week supervised by WCHS
> - obtain and maintain housing sufficient for herself and [Tracey] and free of domestic violence
> - maintain income sufficient to meet her needs and the needs of [Tracey]
> - follow all recommendations of her Substance Abuse Assessment including refraining from the use of impairing substances and submitting to random drug screens
> - complete a psychological assessment with a domestic violence component and follow all recommendations
> - complete Positive Parenting Class or its equivalent and demonstrate learned parenting skills
> - maintain regular contact with [WCHS], notifying the social worker of any change in situation or circumstance within five business days
>
> 12. [Respondent-mother] was diagnosed with Post Traumatic Stress Disorder and Depressive Disorder

and was meeting with her therapist Melvin Neal from August 2015 until July 2016. [Respondent-mother] did not attend therapy with Mr. Neal on a regular basis. They were working on coping skills, self-determination, and employment. During that time [respondent-mother] made what was described by her therapist as "intermittent progress". [Respondent-mother] was dealing with psycho-social factors, need for financial assistance, lack of employment, lack of transportation, unstable residence, need for medication management and a lack of stability. Her therapist referred her to a separate provider for substance abuse treatment in July 2016 and [respondent-mother] discontinued treatment with Melvin Neal.

13. [Respondent-mother] left therapy in July 2016 and did not re-engage in therapy until May 10, 2017 after having an updated Comprehensive Clinical Assessment. [Respondent-mother's] identified needs in May 2017 were substance abuse treatment and community support services. [Respondent-mother] still had many of the symptoms that were identified in August 2015 but based on her self-report her therapist believed that [respondent-mother] was coping better with her symptoms, "when she remembers" to use strategies that they have worked on in treatment.

14. [Respondent-mother] had not provided Melvin Neal a copy of the psychological evaluation of Dr. Robert Aiello and had represented to Mr. Neal that she had not had a substance abuse problem since 2010 while acknowledging cocaine use in 2015 to Dr. Aiello.

15. [Respondent-mother] submitted to a psychological evaluation March 18, 2016 and was diagnosed by Dr. Robert Aiello with Post Traumatic Stress Disorder with Dissociative Symptoms, Rule Out Unspecified Bipolar and Related Disorder, Stimulant (Cocaine)

Related Disorder-In apprant [sic] Sustained Remission, Cannabis Use Disorder-Mild, and Unspecified Neurocognitive Disorder.

16. The psychological evaluation recommended that [respondent-mother] continue mental health treatment services with Marvin Neal and that Mr. Neal be provided with a copy of the psychological evaluation, follow through with Marvin Neal's recommendation for a psychiatric consultation to assess her medication needs, to abstain from all substance use, have random drug screens, identify and maintain a stable and safe living environment, address the concerns with domestic violence, and complete a parenting curriculum.

17. [Respondent-mother] had psychiatric consultations October 3, 2016, January 23, 2017, February 23, 2017, and April 27, 2017. [Respondent-mother] was prescribed the mood stabilizers Depakote and Trazepam. [Respondent-mother] did not maintain medication management treatment as recommended despite her diagnoses.

. . . .

19. [Respondent-mother] submitted to random drug screens July 25, 2016, August 24, 2016, October 19, 2016, January 5, 2017, June 2, 2017 and those tests were negative for impairing substances.

20. On September 29, 2016 [respondent-mother] took a drug screen and tested positive for alcohol. On December 30, 2016 [respondent-mother] did not show for her drug screen. On January 20, 2017 [respondent-mother] did not show for her drug screen. On January 23, 2017 [respondent-mother] did not show for her drug screen. On January 31, 2017 [respondent-mother] was late for a random drug screen and the screen had to be rescheduled.

> [Respondent-mother] was ordered to have a hair strand drug screen in February 2017 and on February 23, 2017 [respondent-mother] went for a hair strand analysis drug screen but her hair was too short. On February 27, 2017 [respondent-mother] tested positive for Marijuana. On March 27, 2017 [respondent-mother] did not go for her drug screen. On May 5, 2017 [respondent-mother] did not go for her drug screen. On May 8, 2017 [respondent-mother] did not go for her drug screen.
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> 21. [Respondent-mother] contended at the hearing that her hair was damaged and would not grow so that she was unable to submit to a hair strand analysis for several months. The Court finds that [respondent-mother] cut her hair short to avoid taking hair strand tests that were offered for her over an extended period of time.
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> . . . .
>
> 23. [Respondent-mother] was referred to NC Recovery Support Services for substance abuse treatment but she did not comply with their recommendations.
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> 24. [Respondent-mother] obtained a four bedroom apartment based in part on her representation that three of her children were living with her. There are no children living with her currently, the children have never lived in this home with her, and the children had not lived with [respondent-mother] for an extended period of time when she listed them as occupants on her application for this housing.
>
> 25. [The boyfriend] is not listed as a resident on the lease to the home. [Respondent-mother] contends that [her boyfriend] does not live in the home but acknowledges that he is often in the home. [The boyfriend] has a felony conviction and as a result he is not allowed by the terms of [respondent-mother's] lease to reside in

> the home. [Respondent-mother] acknowledges that she remains in a romantic relationship with [her boyfriend]. [Respondent-mother and her boyfriend] have not addressed their issues with domestic violence and they remain a couple.
>
> 26. In June 2016 [respondent-mother] was present when [her boyfriend] became impaired. She told [her boyfriend] to go lay down in the room where two children were sleeping. [The boyfriend] at one point became extremely distraught and stabbed himself in the thigh and jumped off the second floor balcony. [The boyfriend] continues to have issues with alcohol abuse that by association with [respondent-mother] negatively impact the ability of [respondent-mother] to provide proper care and supervision for [Tracey].
>
> 27. [Respondent-mother] does not have safe, stable housing appropriate for herself and [Tracey].
>
> 28. [Respondent-mother] has just started her fourth job since the child was placed in foster care and she provided documentation of her income. [Respondent-mother] has not had stable employment but she has consistently kept employment working in the restaurant industry. Her income is sufficient to meet her needs and the needs of [Tracey] but it is concerning that [respondent-mother] has changed jobs so often.

First, respondent-mother contends that the prior adjudication of neglect "remains an order of no substance" because her stipulations were invalid. Rule 3(d) of the North Carolina Rules of Civil Procedure requires that the notice of appeal "shall designate the judgment or order from which appeal is taken[.]" N.C.R. App. P. 3(d) (2018). "An order remains final and valid when no appeal is taken from it." *In re*

D.R.F., 204 N.C. App. 138, 141, 693 S.E.2d 235, 238, *disc. review denied and appeal dismissed*, 364 N.C. 616, 705 S.E.2d 358 (2010) (declining to review an adjudication order from which the respondent-mother had failed to appeal). Because respondent-mother did not appeal from the 8 November 2015 adjudication order, we do not address this argument.

Second, respondent-mother contends that several findings of facts are not supported by clear, cogent, and convincing evidence. After careful review, we conclude that the challenged findings either have adequate support in the record or that the error does not invalidate the termination of respondent-mother's parental rights. *See In re T.M.*, 180 N.C. App. 539, 547, 638 S.E.2d 236, 240 (2006) (holding that even if some findings of fact are not supported by evidence in the record, "[w]hen . . . ample other findings of fact support an adjudication of neglect, erroneous findings unnecessary to the determination do not constitute reversible error").

Respondent-mother challenges findings of fact dealing with domestic violence issues. Respondent-mother contests the portion of finding of fact number 25 where the trial court found that respondent-mother and her boyfriend "have not addressed their issues with domestic violence" and the portion of finding of fact number 26 where the trial court found that the boyfriend "continues to have issues with alcohol abuse that by association with the mother negatively impact the ability of the mother to provide proper care and supervision for the child." Specifically, respondent-mother

argues that there is no evidence that WCHS required her to end her relationship with her boyfriend and that there was "insufficient recent evidence" that her boyfriend's presence would render respondent-mother's home inappropriate for Tracey. We are not convinced.

It is undisputed that domestic violence was one of the issues that brought Tracey into WCHS custody. On 24 August 2015, there was a domestic violence incident between respondent-mother and her boyfriend wherein he assaulted respondent-mother and threatened to kill the children. After WCHS obtained custody of Tracey in September 2015, the boyfriend continued to abuse alcohol and engage in disorderly behavior. In June 2016, the boyfriend was drinking alcohol when he jumped off a second floor balcony, stated he was going to commit suicide, and stabbed himself in the leg with a knife. In unchallenged finding of fact number 31, the trial court found that the boyfriend attended a WCHS meeting in September 2016 where he was asked to leave after he became agitated and disruptive. The boyfriend also became agitated and was asked to leave a Child Family Team Meeting in May 2017.

A WCHS social worker testified that she discussed her concerns with respondent-mother about how her continued involvement with her boyfriend might negatively affect the reunification plan with Tracey. Despite these concerns, at the time of the termination hearing, respondent-mother remained in a relationship with

her boyfriend and admitted that he lived part-time with her. Furthermore, the WCHS social worker testified that if respondent-mother continued to reside with her boyfriend, it would be a concern that further acts of domestic violence may occur. Based on the foregoing, we conclude that clear, cogent, and convincing evidence supports the findings that domestic violence and alcohol abuse remained an issue, and the trial court reasonably inferred that these issues negatively impacted the ability of respondent-mother to provide proper care and supervision for Tracey. *See In re Hughes*, 74 N.C. App. 751, 759, 330 S.E.2d 213, 218 (1985) ("The trial judge determines the weight to be given the testimony and the reasonable inferences to be drawn therefrom. If a different inference may be drawn from the evidence, he alone determines which inferences to draw and which to reject.").

Respondent-mother also challenges findings of fact that relate to her substance abuse issues. As to finding of fact number 19, respondent-mother argues that she had six negative drug screens instead of five and that one of the dates is incorrect. We agree with respondent-mother that the record demonstrates she had six negative drug screens on: 31 March 2016, 25 July 2016, 24 August 2016, 19 October 2016, 5 January 2017, and 2 June 2017. Thus, the trial court correctly identified five negative drug screen dates and omitted respondent-mother's negative drug screen on 31 March 2016. Notwithstanding, we conclude that the omission of this date was not prejudicial.

With respect to finding of fact number 20, respondent-mother argues that the WCHS social worker did not testify that respondent-mother "no-showed" for drug screens. However, the transcript from the termination hearing clearly indicates otherwise. The WCHS social worker testified that although there were sixteen referrals made for respondent-mother to undergo drug screens, she only completed eight. For each of the dates the trial court found respondent-mother "did not show" or "did not go" for her drug screen, there was testimony from the WCHS social worker that respondent-mother was a "no-show" to the drug screen.

As to finding of fact number 21, respondent-mother argues that there was no evidence that hair strand tests were offered over an extended period of time, that WCHS or the trial court ever told respondent-mother to refrain from cutting her hair, or that respondent-mother cut her hair to evade the drug test. We find no merit to respondent-mother's arguments. Testimony at the hearing demonstrates that respondent-mother had an extended amount of time to undergo a hair strand test. On 30 January 2017, respondent-mother was ordered to submit to a hair strand test no later than 4:00 p.m. on 31 January 2017. Respondent-mother did not comply with the order and the test was rescheduled. Subsequently, respondent-mother cut her hair. The WCHS social worker testified that on 23 February 2017, respondent-mother attempted to submit to a hair strand test but her hair "was too short[.]" As of the 8 June 2017 hearing, respondent-mother had not completed a hair strand test.

Furthermore, it was reasonable for the trial court to infer that respondent-mother cut her hair to evade the drug test because of conflicting testimony at the termination hearing.

With respect to finding of fact number 23, which provides respondent-mother was referred to NC Recovery Support Services for substance abuse treatment and failed to comply with their recommendations, respondent-mother contends that the testimony of the WCHS social worker cannot support this finding because the social worker was "very confused about this topic[.]" However, the WCHS social worker unequivocally testified that respondent-mother was referred to North Carolina Recovery Support Services for substance abuse and failed to complete the program. Accordingly, we reject respondent-mother's challenge.

Next, respondent-mother challenges portions of findings of fact that concern her mental health treatment. Respondent-mother argues that the following portion of finding of fact number 12 is not supported by the evidence: "[Respondent-mother] did not attend therapy with Mr. [Melvin] Neal on a regular basis." After reviewing the record, we are not convinced. Mr. Neal testified at the termination hearing that he began therapy with respondent-mother in August 2015. Respondent-mother was attending weekly therapy appointments from August 2015 until July 2016. Mr. Neal further testified that he did not provide any therapeutic services to respondent-mother from July 2016 until May 2017. Therefore, the foregoing portion of finding of

fact number 12 is supported by competent record evidence. Respondent-mother also challenges another portion of finding of fact number 12 which states, "[h]er therapist referred her to a separate provider for substance abuse treatment in July 2016[.]" We acknowledge that while Mr. Neal testified that respondent-mother was "referred to a different agency for substance abuse" in July 2016, it appears that Mr. Neal was not the one who made this referral. Mr. Neal testified that he recommended respondent-mother receive "enhanced community support services[.]" Thus, Mr. Neal's testimony only partially supports this portion of finding of fact number 12. Nonetheless, it is undisputed that respondent-mother was referred to substance abuse treatment in July 2016 and any discrepancy in the source of that referral is harmless. *See T.M.*, 180 N.C. App. at 547, 638 S.E.2d at 240.

Respondent-mother challenges the portion of finding of fact number 13 which states that she "left therapy in July 2016 and did not re-engage in therapy until May 10, 2017[.]" However, as summarized above, Mr. Neal's testimony directly supports this finding. Respondent-mother also argues that Mr. Neal's testimony does not support the portion of finding of fact number 13 which states that one of her "identified needs in May 2017 w[as] substance abuse treatment and community support services." This portion of finding of fact number 13 contains a discrepancy in the date only. Mr. Neal testified that on 24 July 2016 it was determined that she needed substance abuse treatment and community support services. Nevertheless,

we conclude that because this discrepancy was not necessary to the trial court's ultimate findings of neglect and failure to make reasonable progress as grounds for termination, any error was harmless. *See id.*

Respondent-mother contests finding of fact number 14, "[respondent-mother] had not provided Melvin Neal a copy of the psychological evaluation of Dr. Robert Aiello and had represented to Mr. Neal that she had not had a substance abuse problem since 2010 while acknowledging cocaine use in 2015 to Dr. Aiello." Respondent-mother argues that nothing in the record indicates that it was her responsibility to provide Mr. Neal with a copy of her psychological evaluation. Respondent-mother misconstrues this finding and has not demonstrated that this portion of finding of fact number 14 is erroneous. The trial court did not find that it was respondent-mother's responsibility to provide the copy.

Respondent-mother further contends that she never hid her substance abuse problem from Mr. Neal and that she did not acknowledge cocaine use in 2015 to Dr. Aiello. Yet, Mr. Neal testified that when he began providing therapy to respondent-mother in August 2015, he was aware that she had a history of cocaine use, but because "[s]he denied she was using at that time," he felt no need to make a substance abuse treatment recommendation. In addition, respondent-mother later testified that in October 2015, she disclosed to a substance abuse assessor that "from 2010 to the present, she has smoked crack cocaine maybe every other month . . . She last

smoked crack one – one week ago." Because the crux of the challenged portion of finding of fact number 14 is that respondent-mother hid her substance abuse problem from her therapist, while admitting to using cocaine from 2010 until October 2015 to a substance abuse assessor, we conclude that any error was harmless.

Respondent-mother also challenges the last sentence in finding of fact number 17 which provides, "[Respondent-mother] did not maintain medication management treatment as recommended despite her diagnoses." Respondent-mother argues that there was no evidence that she was not compliant. We are not persuaded. In the trial court's 13 September 2016 review order, the trial court found that respondent-mother had missed two appointments for medication management and was not taking the mood stabilizer, Depakote. A WCHS social worker also testified that respondent-mother admitted she was not taking her prescribed medications on a consistent basis.

Respondent-mother excepts to findings of fact dealing with her housing. Respondent-mother challenges the portion of finding of fact number 25 which states that "[the boyfriend] has a felony conviction and as a result he is not allowed by the terms of the mother's lease to reside in the home." This finding is supported by the testimony of the WCHS social worker who testified that the boyfriend could not be listed on the lease "due to having felonies." Respondent-mother also contests finding of fact number 27 which provides that she "does not have safe, stable housing

appropriate for herself and [Tracey]." This finding is also supported by the WCHS social worker's testimony. She testified that although respondent-mother obtained housing through the Wake County Housing Authority in September 2016, the housing was in jeopardy because the boyfriend resided there.

In her last evidentiary challenge, respondent-mother argues that the trial court mischaracterized her employment history as unstable in finding of fact number 28. In the unchallenged portion of finding of fact number 28, the trial court found that respondent-mother had started her fourth job since Tracey was placed in foster care on 24 September 2015. Because respondent-mother held four different jobs within twenty months, the trial court properly made the reasonable inference that her employment history was unstable.

In her remaining argument, respondent-mother contends the trial court's findings do not support the conclusion that it is probable there would be a repetition of neglect if Tracey was returned to respondent-mother's care. We disagree.

The trial court concluded that "[respondent-mother] neglected the child within the meaning of N.C.G.S. § 7B-101(15), and it is probable that there would be a repetition of the neglect if the child were returned to the care of [respondent-mother]." "A parent's failure to make progress in completing a case plan is indicative of a likelihood of future neglect." *In re C.M.P.*, __ N.C. App. __, __, 803 S.E.2d 853, 859 (2017) (citing *In re D.M.W.*, 173 N.C. App. 679, 688-89, 619 S.E.2d 910, 917 (2005)

(Hunter, J., Dissenting) ("[R]espondent needed to successfully treat her substance abuse and domestic violence issues, demonstrate appropriate parenting skills, and maintain a stable, appropriate home. Respondent provided little evidence that she has achieved any of these objectives."), *rev'd for reasons stated in dissenting opinion*, 360 N.C. 583, 635 S.E.2d 50 (2006)).

Here, respondent-mother had an extensive CPS history dating back to March 2000. WCHS removed Tracey from respondent-mother's care due to domestic violence, substance abuse issues, lack of proper supervision, and lack of stable housing. The trial court's findings reflected respondent-mother's failure to substantially comply with her case plan by: (1) failing to address issues of domestic violence; (2) failing to obtain stable housing; (3) failing to address her substance abuse issues; and (4) failing to engage in consistent mental health treatment and medication management as recommended by her psychological evaluation. The trial court's findings provided sufficient support for the trial court's determination that there would be a probable repetition of neglect if Tracey was returned to her care. Accordingly, the trial court properly terminated respondent-mother's parental rights to Tracey on the basis of neglect.

Because we conclude that termination on this ground was proper, we need not address respondent-mother's arguments regarding the remaining ground found by the trial court. *See In re Humphrey*, 156 N.C. App. 533, 540, 577 S.E.2d 421, 426

(2003) ("A finding of any one of the enumerated grounds for termination of parental rights under N.C.G.S. 7B-1111 is sufficient to support a termination."). Accordingly, the order of the trial court terminating respondent-mother's parental rights is affirmed.

AFFIRMED.

Judges CALABRIA and INMAN concur.

Report per Rule 30(e).