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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA17-950

Filed: 5 June 2018

Cabarrus County, Nos. 14 JT 146–48

IN THE MATTER OF: Z.R., J.R., C.R.

Appeal by respondents from orders entered 20 May 2016 and 18 May 2017 by Judges William G. Hamby, Jr. and Christy E. Wilhelm in Cabarrus County District Court. Heard in the Court of Appeals 21 February 2018.

*No brief filed for petitioner-appellee Cabarrus County Department of Health and Human Services.*

*Robert W. Ewing for respondent-appellant father.*

*Anné C. Wright for respondent-appellant mother.*

*Stephen M. Schoeberle for guardian ad litem.*

ELMORE, Judge.

Respondent parents appeal an order terminating their parental rights to Z.R., J.R., and C.R. ("Zelda," "Josh," and "Cody").[1] Father also appeals a prior permanency planning order ceasing parental reunification efforts. We affirm both orders.

[1] Pseudonyms are used to protect the minors' identities.

## *I. Background*

On 25 November 2014, the Cabarrus County Department of Human Services ("DSS") filed petitions alleging respondents' children—eight-year-old Josh, twin six-year-olds Cody and Zelda, and sixteen-year-old Kris[2]—were neglected and dependent. As to neglect, DSS alleged the children "d[id] not receive proper care, supervision, or discipline," and they "live[d] in an environment injurious to [their] welfare"; as to dependency, DSS alleged respondents were "unable to provide for the [children's] care or supervision and lack[ed] an appropriate alternative child care arrangement."

DSS further alleged that on 24 November 2014 it received a report that Josh and Cody "sexed" Zelda "in the butt and it was wet sex," and that Zelda has to sleep on the floor beside Father so Josh and Cody would leave her alone. Additionally, respondents' roommate reported that for several months respondents were sporadically locking their children in their bedrooms. A social worker observed a "seatbelt that would tie both bedroom doors closed so the children could not exit their bedrooms" and, while they were locked in, the children were forced to go to the bathroom on "puppy pads." The children "confirmed they were being locked in their bedrooms at night and on weekends." DSS received non-secure custody of the children.

[2] The order on appeal does not terminate respondents' parental rights to Kris. But DSS's petition alleged Father was inappropriately using Kris's Supplemental Security Income benefits, as he was wearing ill-fitting clothing and was not receiving nutritional supplements. Kris suffers from cerebral palsy, is non-verbal, and requires a wheelchair to ambulate.

After a separate hearing for each respondent, the trial court entered identical adjudication/disposition consent orders on 22 January and 12 February 2015 adjudicating the children neglected, based on respondents' stipulations to the allegations in DSS's petition; ordered both respondents to complete a variety of tasks to remedy the conditions that led to the children's removal; and ordered DSS to maintain custody pending future review hearings.

After an April 2015 review hearing, the trial court entered a 3 May 2015 order concluding respondents' progress was insufficient to safely return the children to their care but ordering DSS to continue reunification efforts as the primary goal for permanent placement. After a January 2016 permanency planning hearing, the trial court entered an order on 20 May 2016 ceasing reunification efforts, changing the primary goal to adoption with a secondary goal of legal guardianship ("CRE Order").

On 26 May 2016, DSS filed a petition to terminate respondents' parental rights based upon the grounds of (1) neglect, (2) willfully leaving the children in foster care without reasonable progress toward correcting the conditions that led to removal, (3) willfully failing to pay a reasonable portion of the costs for the children's placement with DSS, and (4) dependency. *See* N.C. Gen. Stat. §§ 7B-1111(a)(1), (a)(2), (a)(3), (a)(6).

After termination hearings on 27 October and 8 December 2016, the trial court entered an 18 May 2017 order terminating respondents' parental rights based upon

the grounds of (1) failure to make reasonable progress, (2) nonsupport, and (3) dependency ("TPR Order"). *See id.* §§ 7B-1111(a)(2), (a)(3), (a)(6). Both respondents appeal the TPR Order. Fathers appeals the CRE Order.

### *II. CRE Order*

Father asserts the trial court erred by ceasing reunification efforts because it failed to make required findings under N.C. Gen. Stat. § 7B-906.2 before changing the permanent plan from reunification to adoption. We disagree.

We review a CRE order "to determine whether the trial court made appropriate findings, whether the findings are based upon credible evidence, whether the findings of fact support the trial court's conclusions, and whether the trial court abused its discretion with respect to disposition." *In re P.T.W.*, ___ N.C. App. ___, ___, 794 S.E.2d 843, 848 (2016) (citations and quotation marks omitted). Unchallenged findings "are deemed to be supported by sufficient evidence and are binding on appeal." *In re M.D.*, 200 N.C. App. 35, 43, 682 S.E.2d 780, 785 (2009) (citations omitted).

Under N.C. Gen. Stat. § 7B-906.2 (2015), parental reunification must remain a primary or secondary permanent plan for a child unless the trial court "makes written findings that reunification efforts would clearly be unsuccessful or would be inconsistent with the juvenile's health or safety." *Id.* § 7B-906.2(b). Additionally, subsection (d) provides that at any permanency planning hearing:

> The court shall make written findings as to each of the following, which shall demonstrate lack of success:

> (1) Whether the parent is making adequate progress within a reasonable period of time under the plan.
>
> (2) Whether the parent is actively participating in or cooperating with the plan, the department, and the guardian ad litem for the juvenile.
>
> (3) Whether the parent remains available to the court, the department, and the guardian ad litem for the juvenile.
>
> (4) Whether the parent is acting in a manner inconsistent with the health or safety of the juvenile.

*Id.* § 7B-906.2(d).

A permanency planning order must "make clear that the trial court considered the evidence in light of whether reunification 'would be futile or would be inconsistent with the juvenile's health, safety, and need for a safe, permanent home within a reasonable period of time.' The trial court's written findings must address the statute's concerns, but need not quote its exact language." *In re L.M.T.*, 367 N.C. 165, 167–68, 752 S.E.2d 453, 455 (2013) (quoting N.C. Gen. Stat. § 7B-507(b)(1) (2011)).[3] And where, as here, "a termination of parental rights order is entered, the appeal of the cease reunification order is combined with the appeal of the termination order[,]" and "[b]ecause we consider both orders 'together,' incomplete findings of fact in the

[3] The *In re L.M.T.* Court addressed the cessation of reunification efforts under N.C. Gen. Stat. § 7B-507(b)(1), repealed by S.L. 2015-136 § 7, effective 1 October 2015, and recodified at N.C. Gen. Stat. § 7B-906.1(d)(3).

cease reunification order may be cured by findings of fact in the termination order." *Id.* at 170, 752 S.E.2d at 457.

In the CRE Order, the trial court issued the following unchallenged, and thus binding, factual findings:

> 11. Although father has made progress in addressing the issues which led to the removal of the juveniles, this effort is not sufficient to insure the juveniles' safety or to meet the juveniles' needs if returned to his care. The father's progress is as follows:
>
> > [The trial court then lists twenty detailed findings, identified as 11(a)–(u), which highlight Father's progress but failure to demonstrate reasonable progress under the circumstances]
>
> . . . .
>
> 19. [DSS] has made reasonable efforts toward the primary permanent plan [of reunification]. . . prior to this hearing, . . . as follows:
>
> > [The trial court then lists twenty-one detailed findings, identified as 19(a)–(v), highlighting DSS's efforts to reunify respondents with the children]
>
> 20. . . . [The children] have been in the care of [DSS] for approximately 13 months. While [Father] . . . remain[s] available to the court, [DSS], and the GAL for the [children], [DSS] does not believe that it is possible for [the children] to be reunified with [Father] . . . within the next six months. [Father] . . . ha[s] not made adequate progress within a reasonable period of time under the plan. [DSS] believes the [children's] return home would be contrary to their health, safety, welfare and best interests and non-secure custody is necessary to protect the juveniles. The plan for [the children] should be changed to adoption. The

> plan of adoption is adequate and is consistent with the [children's] health, safety, and best interest[s].
>
> 21. Although [Father] . . . ha[s] actively participated in or [is] cooperating with the plan, [DSS] and the GAL for the juveniles, progress is not being made. [Father] . . . participate[s] in visitation, appointments for the children, and services yet there is cause for grave concern about [his] ability to meet the safety and supervision needs of [his] children. [Father] has displayed a willingness to learn how to make changes, but does not present with the current capacity to effectively follow through with cognitive and behavioral changes needed to manage the complex needs of his household and children. . . .

Based on these findings, the trial court issued the following conclusions:

> 3. [DSS] has made reasonable efforts toward the primary permanent plan [of reunification] . . . prior to this hearing[.] . . . [DSS's] efforts to finalize the permanent plan were reasonable to timely achieve permanence for the [children].
>
> 4. . . . [F]ather's progress is insufficient that the [children] could safely return to the care of [him].
>
> 5. The [children's] return to his . . . home would be contrary to the[ir] health and safety . . . .
>
> 6. . . . [T]he current primary goal ought to change to adoption, with a secondary goal of legal guardianship, as that plan for permanent placement is adequate and consistent with the [children's] health, safety and best interest.

In its TPR Order, the trial court issued the following unchallenged, and thus binding, factual findings:

> 26. On May 12, 2016, both Respondents and their attorneys

> appeared in court for the review hearing and regarding the Motion for a change in visitation. The Court accepted the [DSS] and GAL court reports into evidence without objection. The Court's findings included . . . the following:
>
> > a. The children have been in [DSS custody] for approximately 16 months. [DSS] has no evidence to support the belief that the juveniles will be reunified with . . . [Father] within the next six months. [Father] is [not] making adequate progress within a reasonable period under the plan. Visitation is no longer appropriate with [Father]. Although [Father] . . . ha[s] made [himself] available to the court, [DSS], and the GAL, little gains have been made by [him]. [Father] has [not] acted in a manner consistent with the health, safety and best interest of the juveniles. After a year of individualized parenting education, services are now being discontinued with no progress by [Father]. . . . [Father] denies the need for individual mental health services, despite great stressors and poor interpersonal relationships.
> >
> > b. Although [Father] love[s] [his] children, reunification efforts clearly would be unsuccessful, futile and inconsistent with the juveniles' safety and need for a safe, permanent home within a reasonable period of time.

As reflected, both orders contain requisite findings under N.C. Gen. Stat. § 7B-906.2 to change the permanent plan from reunification. The unchallenged findings in the CRE Order concerning Father's prolonged inability to show reasonable progress under the circumstances, and his inability "to effectively follow through with cognitive and behavioral changes needed to manage the complex needs of his household and children," which demonstrated to the trial court "grave concern about

[his] ability to meet the safety and supervision needs of [his] children," support its conclusions that Father's progress has been inadequate for the children to "safely return" to his care and that return to his care "would be contrary to the[ir] health and safety. . . ." The unchallenged findings in the TPR Order concerning these same matters buttresses the conclusion that "reunification efforts would be unsuccessful or would be inconsistent with the juvenile's health and safety." Because "[t]he trial court's [unchallenged] written findings . . . address the statute's concerns," *In re L.M.T.*, 367 N.C. at 168, 752 S.E.2d at 455, we affirm the CRE Order.

### *III. TPR Order*

Both respondents appeal the TPR Order and challenge all three termination grounds. We review a TPR order to determine "whether the trial court's findings of fact were based on clear, cogent, and convincing evidence, and whether those findings of fact support a conclusion that parental termination should occur[.]" *In re Oghenekevebe*, 123 N.C. App. 434, 435–36, 473 S.E.2d 393, 395 (1996) (citation omitted). If the trial court's findings and conclusions support one termination ground, we need not review other grounds. *In re Humphrey*, 156 N.C. App. 533, 540, 577 S.E.2d 421, 426–27 (2003) (citation omitted). After reviewing the record, we conclude the trial court properly determined grounds existed to terminate respondents' parental rights under N.C. Gen. Stat. § 7B-1111(a)(2) due to their prolonged failures

to make reasonable progress toward correcting the conditions which led to the children's removal.

Under N.C. Gen. Stat. § 7B-1111(a)(2) (2015), a trial court may terminate parental rights based upon a finding that "[t]he parent has willfully left the juvenile in foster care or placement outside the home for more than 12 months without showing to the satisfaction of the court that reasonable progress under the circumstances has been made in correcting those conditions which led to the removal of the juvenile." Support for this ground requires the trial court to find by clear, cogent, and convincing evidence that (1) "a child has been willfully left by the parent in foster care or placement outside the home for over twelve months" and (2) "as of the time of the hearing, . . . the parent has not made reasonable progress under the circumstances to correct the conditions which led to the removal of the child." *In re L.L.O.*, ___ N.C. App. ___, ___, 799 S.E.2d 59, 64 (2017) (citation and quotation marks omitted). In this context, "[w]illfulness is established when the respondent had the ability to show reasonable progress, but was unwilling to make the effort." *In re McMillon*, 143 N.C. App. 402, 410, 546 S.E.2d 169, 175 (2001) (citations omitted).

Although a "parent's failure to fully satisfy all elements of the case plan goals is not the equivalent of a lack of 'reasonable progress,' a parent's prolonged inability to improve his or her situation, despite some efforts in that direction, will support an adjudication under N.C.G.S. § 7B-1111(a)(2)." *In re A.B.*, ___ N.C. App. ___, ___, 799

S.E.2d 445, 449 (2017) (citations and internal quotation marks omitted); *see also In re J.L.H.*, 224 N.C. App. 52, 54, 741 S.E.2d 333, 335 (2012) ("[A] finding of this ground may be made even when the parent has made some effort to regain custody of the child because the parent must also show *reasonable and positive progress* in correcting the conditions which led to the juvenile's removal." (emphasis added) (citation omitted)).

Here, the primary conditions leading to the children's removal were neglect, due to respondents' inability to provide "proper care, supervision, or discipline" and to provide "an environment [not] injurious to the juvenile's welfare." To remedy these conditions, the trial court ordered both respondents to complete a variety of tasks. We address each appeal separately.

**A. Father's Appeal**

Father asserts the trial court improperly terminated his parental rights under N.C. Gen. Stat. § 7B-1111(a)(2) because (1) he "took steps to get his children out of foster care as shown by his efforts to improve his parenting skills by his participation with his case plan," and (2) "the trial court failed to properly consider [his] continuing efforts to perform the tasks of his case plan when determining if [he] willfully left his children in foster care." Father challenges only that portion of FOF no. 44, which he argues is actually a legal conclusion, in which the trial court determined he "failed to address the issues that led to placement . . . by completing court ordered tasks."

On 22 January 2015, Father entered into a case plan that required he complete, *inter alia*, the following tasks:

> [A]ttend an approved parenting course [where] . . . [h]e will learn how to utilize appropriate discipline, and how abuse and neglect can affect the children; . . . demonstrate an understanding of appropriate sexual and social boundaries for children, developmental milestones, and age appropriate expectations and demonstrate the ability to make decisions in order to protect the children.

On 9 April, the trial court ordered Father to, *inter alia*, "[a]ttend and successfully complete an approved parenting course" to address these same concerns. On 8 October, the trial court ordered Father to "participate in individualized therapy as recommended by his psychological evaluation, to increase his knowledge of child sexualized behavior, responding to children's mental health concerns, and to improve his individual functioning as a parent and adult."

In its TPR Order, the trial court recited findings previously made after review hearings on 9 April, 8 October, and 10 December 2015; and on 14 January and 12 May 2016. These findings acknowledge Father has "participated in or [is] cooperating with the plan" but "progress is not being made." Relevant here, on 12 May, the trial court found "[a]fter a year of individualized parenting education, services are now being discontinued with no progress by [Father]," and that Father "denies the need for individual mental health services, despite great stressors and poor interpersonal

relationships." These findings demonstrate Father failed to show progress in parenting classes, and failed to acknowledge the need for individual therapy.

As of the TPR hearing, the trial court issued the following unchallenged, and thus binding, findings concerning Father's inability to show reasonable progress on his case plan under the circumstances to correct the removal conditions:

> 7. . . . [T]he conditions which led to the removal of the juveniles from the home as well as the accruing conditions have not been alleviated.
>
> 8. . . . [Father] demonstrated a pattern of failing to provide appropriate care for the juveniles . . . .
>
> 9. [Father] ha[s] not improved the situation that led to the placement of the juveniles and based on the evidence presented on this date, the juveniles would be subjected to irreparable harm if the juveniles would be returned to . . . [Father].
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> . . . .
>
> 27. . . . [Father] is incapable of providing for the proper care and supervision of the juveniles . . . .
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> . . . .
>
> 29. Visits are chaotic in nature, Father demonstrates an active effort to spend time engaging each child but not in a parental role. Father prefers to be on the same level of his youngest child to the extent the children start parenting Father.
>
> 30. Father struggles with discipline, dividing his attention between the children, following through with a command or activity if the children express any resistance, and showing interest in the lives of the children outside of the

visitation time. At times Father becomes so absorbed in the play or fun activity he will continue it by himself when the children wander off.

31. At times visitation with . . . Father was inappropriate when the boys began riding one another in a sexualized manner. [Father never] addressed this behavior instead found humor in it and joked.

32. During a visit, Father worked on math homework inappropriately in that Father created his own math problems instead of the math homework that he had in his book bag. When the child did not correctly answer a math problem, Father would loudly exclaim WRONG! and help the child understand what he was doing wrong in the math problem(s). After a few problems, Father continued making and working problems as the child went onto play with his siblings unbeknownst to Father.

. . . .

38. During the life of this case, [Father] has [not] made behavioral changes sufficient to warrant the return of the children to [him] in that . . . Father failed to properly address the sexual behavior and tendencies of the children or show to the court that [he] would properly protect the children individually or from one another. [Father] has [not] shown that [he] understand[s] the developmental needs of [Josh] or [Cody] and made a conscious effort to recognize their needs and change their behavior to the extent necessary to provide for their best interests.

. . . .

40. Over the course of the 25 months the children were in [DSS] custody, . . . [F]ather regressed in the minimal skills [he] displayed in November[ ] 2014 to address the children's needs, health and safety.

As reflected, Father's prolonged inability to demonstrate any reasonable and positive behavioral changes, the capacity to exercise proper judgment, or to exhibit consistent improvement, demonstrates a failure to adequately rectify the conditions that led to the children's removal. These unchallenged findings support the challenged part of FOF no. 44 that Father "failed to address the issues that led to placement with [DSS] by completing [c]ourt ordered tasks"—specifically, his inability to successfully complete parenting classes or demonstrate an understanding of "appropriate discipline"; "appropriate sexual and social boundaries for children, developmental milestones, and age appropriate expectations"; or "the ability to make decisions in order to protect the children." Because these unchallenged findings support the trial court's conclusion that termination grounds existed under N.C. Gen. Stat. § 7B-1111(a)(2), we affirm the TPR Order as to Father.

**B. Mother's Appeal**

Mother asserts the trial court erred by concluding grounds existed to terminate her parental rights under N.C. Gen. Stat. § 7B-1111(a)(2) because (1) she "exhibited a willingness to address the children's sexual inappropriateness and related trauma, but there was not adequate opportunity for her to demonstrate an ability to do so," (2) she "did her best to learn how to better help her children address their sexual behavior and related trauma[,]" (3) she "struggled with disciplining the children and enforcing boundaries . . . but was receptive to education and prompting and made

reasonable progress concerning her health issues and visitation dynamics"; and (4) she "responded to the best of her ability to concerns regarding housing, employment, and her personal life, even though these things were not factors in the children's removal from her care."

On 12 February 2015, Mother entered into a case plan that required she complete, *inter alia*, the following tasks

> a. . . .[A]ttend the juveniles' medical and dental appointments to stay abreast of their individual medical needs. . . .
>
> b. . . . [C]omplete a psychological evaluation and parenting capacity evaluation with an approved service provider to determine her level of functioning and the need for additional servicers . . . [and] follow all recommendations.
>
> c. . . . [A]ttend an approved parenting course appropriate for the age of her children after completing her evaluations. She will learn how to utilize appropriate discipline, and how abuse and neglect can affect the children; she will also demonstrate an understanding of appropriate sexual and social boundaries for children, developmental milestones, and age appropriate expectations and demonstrate the ability to make decisions in order to protect the children.

On 8 October 2015, the trial court also ordered Mother to "participate in individual therapy to increase her knowledge of child sexualized behavior and responding to children's mental health concerns."

In its TPR Order, as discussed above, the trial court recited findings it made in orders after review hearings on 9 April, 8 October, and 10 December 2015; and on

14 January and 12 May 2016. Because Mother has challenged the sufficiency of findings supporting the trial court's ultimate determination, we address these findings in greater detail. Relevant here, the trial court found, unchallenged on appeal, that as of 9 April 2015, "[w]hile the mother has made progress in the service as previously ordered, the progress made is insufficient for the court to be assured that the juveniles could safely return to her care." It found, *inter alia*, Mother missed 11 of 17 medical appointments because of "court, not feeling well and distance of the appointment;" she missed her scheduled psychological evaluation because "she overslept;" and

> Mother's visits with the children are chaotic and mother struggles with discipline, dividing her attention between the four children, and showing interest in the lives of the children outside of the visitation. Mother directs the visitation from a seated position with Father providing a more active parenting.

As of 14 January 2016, the trial court found Mother "has not made adequate progress within a reasonable period of time under the plan," and "[a]lthough [Mother] ha[s] participated in or [is] cooperating with the plan, . . . progress is not being made." It found Mother "has not demonstrated cognitive and behavioral changes, nor the desire to follow through with recommendations, in visitation or her personal life." As of 12 May 2016, the trial court found Mother was still not "making adequate progress within a reasonable period under the plan," and "[a]lthough [Mother] ha[s] made

[her]sel[f] available to court . . . , little gains have been made by [her]." Specifically, the trial court found:

> After a year of individualized parenting education, services are now being discontinued with no progress by [Mother]. [Mother] demonstrated her inability to take care of her own mental health needs, by being discharged from NorthEast Psychiatric services, and being in danger of being discharged from RHA for noncompliance.

These findings demonstrate Mother failed to consistently attend to the children's medical appointments, failed to successfully complete parenting classes, was discharged from recommended individual therapy sessions, and was in danger of being discharged from another outpatient therapy program for noncompliance. The trial court also made the following other relevant findings concerning Mother's failure to make reasonable case plan progress and rectify the removal conditions:

> 7. . . . [T]he conditions which led to the removal of the juveniles from the home as well as the accruing conditions have not been alleviated.
>
> 8. . . . [Mother] demonstrated a pattern of failing to provide appropriate care for the juveniles . . . .
>
> 9. [Mother] ha[s] not improved the situation that led to the placement of the juveniles and based on the evidence presented on this date, the juveniles would be subjected to irreparable harm if the juveniles would be returned to . . . [Mother].
>
> . . . .
>
> 27. . . . [Mother] is incapable of providing for the proper care and supervision of the juveniles[.] . . .

. . . .

29. Visits are chaotic in nature[.] . . .

. . . .

31. At times visitation with Mother . . . was inappropriate when the boys began riding one another in a sexualized manner. [Mother never] addressed this behavior instead found humor in it and joked.

. . . .

33. At times during the 25 months of the children being in [DSS's] care, there are concerns with who [Mother] allow[s] to reside in [her] home and expose [her] children to. Since the children have come into care, there have been 3 people that have moved into the home that [Mother] claims to be great friends and/or family, and advises that these people are great supports to her and her family. [Mother's] previous roommate and roommate[']s boyfriend, stole from her, and were allegedly regularly smoking marijuana.

34. [Mother's] fictive brother, Mr. Clayton, resided with [her] . . . . Mr. Clayton has [a] criminal history with recent charges of assault on a female from earlier this year. This behavior supports concerns noted in [Mother's] psychological evaluation.

35. On December 3, 2015, [a] probation officer . . . completed a pill count for [Mother's] medications with [DSS] present. [Mother] was not taking her medications as prescribed at the time. [Mother] had a prescription for Prozac that belonged to someone else. [Mother's] prescription for Prozac had not been refilled so she used someone else's.

36. On January 4, 2016, [Mother] submitted to a random drug screen. [Mother] tested positive for TCA, opiates and

> OxyContin.
>
> . . . .
>
> 38. During the life of this case, [Mother] has [not] made behavioral changes sufficient to warrant the return of the children to [her] in that [Mother] failed to properly address the sexual behavior and tendencies of the children or show to the court that [she] would proper[l]y protect the children individually or from one another. [Mother] has [not] shown that [she] understand[s] the developmental needs of [Josh] or [Cody] and made a conscious effort to recognize their needs and change their behavior to the extent necessary to provide for their best interests.
>
> 39. Mother never followed through with her drug treatment and medicine management.
>
> 40. Over the course of the 25 months the children were in [DSS] custody, [M]other . . . regressed in the minimal skills [she] displayed in November[ ] 2014 to address the children's needs, health and safety.

Because Mother only specifically challenges the sufficiency of FOF nos. 9, 10, 38, 40, and 47, the remaining findings are binding on appeal. Further, because only challenged FOF nos. 9, 38, and 40 concern Mother's case plan progress in rectifying the removal conditions, our review centers on whether the evidence supported those findings. We conclude it did.

At the termination hearing, social worker Alicia Miller, assigned to monitor respondents' case plan compliance, testified Mother (1) did not consistently attend medical and dental appointments; (2) missed several recommended therapy appointments; (3) did not treat the children in an age appropriate manner; (4) "tended

to parent from the couch and not notice concerns that were observed from [DSS] with the way the children interacted with each other"; (5) was inconsistent in attending parenting education classes and would often reschedule last minute; and (6) after parenting classes, Mother might show improvement during one or two visits but "then it would always . . . decline, and it would stop."

As to Mother's progress toward correcting other parenting behavior, Miller testified she observed no "behavior change in regards to [Mother's] parenting capacity, to listen, to overcome mental health needs, or address the mental health needs of her children"; no "behavioral changes" concerning Mother's ability to "deal with the children's sexual abuse needs"; although Miller observed "attempts" to "help[ ] the children in their developmental needs" she saw no "progress"—for instance, if there was "any sort of pushback from the children," "[Mother] would pretty much give up[ ]" instead of . . . trying to redirect or trying to work and figure out a way to consistently do things."

Miller further testified she "did not see any improvements" with respect to Mother's "ability to make decisions in order to protect the children"; that when she observed visits, it was "very rare" Mother "truly show[ed] concern or interest in [the children's] day-to-day activities from the time she saw them last"; Mother failed to learn from parenting classes by reverting to "parent[ing] from the couch"; and that Mother reflected a behavioral pattern of rationalizing "why she cannot continue on

something and ultimately no following through." Ultimately, Miller testified that, throughout her involvement in the case, "[u]nfortunately, what [she] saw was a regression [of Mother] in being actively involved."

The record evidence, particularly Miller's testimony, established clear, cogent, and convincing evidence to support the challenged relevant findings. Those findings, combined with other unchallenged findings, adequately supported the trial court's conclusion that grounds existed to terminate Mother's parental rights under N.C. Gen. Stat. § 7B-1111(a)(2) based on her prolonged inability to make reasonable progress toward correcting the conditions that led to the children's removal. We therefore affirm the TPR Order as to Mother.

## *IV. Conclusion*

As to Father's appeal, the CRE Order and the TPR Order contained sufficient findings to support ceasing reunification efforts, and the TPR Order contained sufficient findings to support the trial court's conclusion that grounds existed under N.C. Gen. Stat. § 7B-1111(a)(2) to terminate Father's parental rights. As to Mother's appeal, the relevant challenged findings were supported by clear, cogent, and convincing evidence. Those findings, combined with other relevant unchallenged findings, supported the trial court's conclusion that grounds existed under N.C. Gen. Stat. § 7B-1111(a)(2) to terminate Mother's parental rights. Accordingly, we affirm both the CRE Order and the TPR Order.

AFFIRMED.

Judges INMAN and BERGER concur.

Report per Rule 30(e).