IN THE COURT OF APPEALS OF NORTH CAROLINA

2022-NCCOA-317

No. COA21-555

Filed 3 May 2022

Jackson County, No. 20 JA 31

IN THE MATTER OF: P.L.

Appeals by respondent-mother and respondent-father from orders entered 12 May 2021 and 16 June 2021 by Judge Kristina Earwood in Jackson County District Court. Heard in the Court of Appeals 6 April 2022.

Jane R. Thompson for petitioner-appellee Jackson County Department of Social Services.

Parent Defender Wendy C. Sotolongo, by Deputy Parent Defender Annick Lenoir-Peek, for respondent-appellant mother.

Stam Law Firm, PLLC, by R. Daniel Gibson, for respondent-appellant father.

McGuireWoods LLP, by Anita M. Foss, for Guardian ad Litem.

ARROWOOD, Judge.

¶ 1 Respondent-mother and respondent-father (collectively, "respondent-parents") appeal from the trial court's orders adjudicating their minor child as neglected and continuing the juvenile in the nonsecure custody of the Jackson County Department

of Social Services ("DSS"). Both parents argue the trial court erred in concluding that DSS made reasonable efforts to prevent placement and in placing their child in DSS custody; respondent-mother additionally contends the trial court erred "in ordering that case plans be updated as the case progressed without the court having input on services needed[,]" and in adjudicating the juvenile neglected. For the following reasons, we affirm the trial court's orders.

I. Background

¶ 2 The juvenile ("Persephone")[1] was born on 13 January 2020, four weeks premature and weighing "5 pounds, 1 ounce." Persephone's weight was measured on 18 January and 11 March 2020, with measurements of 4 pounds, 9.37 ounces, and 5 pounds, 14.89 ounces, respectively, placing Persephone in less than the first percentile for each measurement. Persephone's pediatrician Dr. Ryan Wade ("Dr. Wade") expressed concern about Persephone's growth rate at the 11 March appointment and accordingly increased Persephone's formula concentration from the standard twenty calories per ounce to twenty-two calories per ounce and scheduled an appointment to check her weight the following week.

¶ 3 Persephone ultimately did not appear for the scheduled appointment "[d]ue to the pandemic" and was next seen by Dr. Wade for her six-month well child visit on

[1] This pseudonym, agreed upon by the parties, is used throughout the opinion to protect the identity of the juvenile and for ease of reading.

20 July 2020. At that time, Persephone weighed approximately "8 pounds, 9 ounces[,]" which was "well below the curve of normal growth for a 6-month-old child[.]" Dr. Wade specifically stated that Persephone was "two standard deviations below the mean[,]" making her "at least 95 percent smaller than children who would meet the mean range, . . . standardized based on the World Health Organization." Dr. Wade diagnosed Persephone with failure to thrive and admitted her to Harris Regional Hospital.

¶ 4 On 23 July 2020, DSS filed a juvenile petition alleging that Persephone was neglected. The petition included an attached exhibit ("Exhibit") outlining the allegations of neglect, primarily describing observations during Persephone's hospitalization on 22 July 2020.

¶ 5 The Exhibit included registered nurse Brittney Shuler's ("Shuler") opinion that respondent-mother "lacks a basic knowledge of child development[,]" and that "hospital staff could hear the respondent[-]mother 'screaming at the baby'." Shuler reported that respondent-mother "stated that [Persephone] was 'yelling at her so [respondent-mother] was yelling back'." The Exhibit also stated that respondent-mother "needed to be reminded when to feed [Persephone]" and "had not fully participated" in Persephone's care, including "sleep[ing] through [Persephone] screaming and crying[,]" and "not wak[ing] up to feed [Persephone]." The Exhibit further reported that respondent-mother told a social worker that " 'maybe it's

[respondent-mother's] fault[,]' in reference to [Persephone]'s lack of weight gain[,]" and when asked why she felt that way, respondent-mother allegedly stated, " '[m]aybe she's not eating enough. I don't know. I've never had a baby'."

¶ 6 The Exhibit described respondent-mother's attempts to feed Persephone, as well as assistance from healthcare workers and attempts to educate respondent-mother on proper feeding techniques. Specifically, the Exhibit stated that after a nurse prepared a bottle for Persephone, respondent-mother "attempted to feed [her] but quickly reported that [she] was not hungry[,]" and that "respondent[-]mother interpreted [Persephone]'s actions as 'playing around'." Social worker Jordyn Sessoms ("Sessoms") "continued to observe hunger cues" from Persephone, and eventually received permission to feed Persephone; Sessoms "attempted to show the respondent[-]mother how [Persephone] was moving the bottle and . . . Sessoms'[s] hand, but also how [Persephone] continued to eat despite moving a great deal."

¶ 7 Based on the petition, the Jackson County District Court entered an order on 23 July 2020 granting DSS nonsecure custody of Persephone pending adjudication. In the order, the trial court found:

> that there is a reasonable factual basis to believe that the matters alleged in the petition are true, that there are no other reasonable means available to protect the juvenile, and . . . [that] the juvenile is exposed to a substantial risk of physical injury . . . because the parent . . . has created conditions likely to cause injury or abuse or has failed to provide, or is unable to provide, adequate supervision or

protection.

Additionally, the trial court found that DSS made the following reasonable efforts to prevent or eliminate the need for placement: "[a]ssessed child safety, collaborate[d] with medical staff, safety planning with parents, explored family members for placement, education on feeding and safe sleeping/co-sleeping."

¶ 8 The trial court conducted an adjudication hearing on 10-11 December 2020. At the hearing, the trial court heard testimony from Dr. Wade, registered nurse Melanie Moody ("Moody"), and Sessoms.

¶ 9 Dr. Wade, who was received as an expert witness in the field of pediatric medicine, testified regarding his diagnosis of failure to thrive, including a description of the "significant workup" done to rule out other medical conditions. Dr. Wade stated that Persephone weighed "8 pounds, 9.5 ounces[,]" at her July appointment, and weighed "15 pounds, 10 ounces[,]" at a 20 October 2020 appointment, placing Persephone in "the tenth percentile."

¶ 10 Regarding Persephone's discharge from the hospital, Dr. Wade stated that Persephone's weight had sufficiently increased to warrant her discharge on 25 July 2020, and that if DSS "had not taken custody of [Persephone]" he "would have discharged" Persephone back to her parents. Dr. Wade later noted that he was not the discharging physician, but that the discharge was proper because her doctors "were not treating an infection or working up any further illness." Dr. Wade

concluded his testimony by stating that Persephone reached a "normal" weight range "between December, November[,] and October[,]" while she was in foster care.

¶ 11 Moody testified that she worked as a registered nurse at Harris Regional Hospital in late July 2020 and was assigned to care for Persephone. Moody stated that her responsibilities included "[a]ssessments, seeing how she's feeding, her intake and output, [and] interactions with [respondent-mother]." Trial counsel for both parents raised objections to Moody's testimony due to her uncertainty about the specific timeframe in which Moody worked, and Moody did not testify further.

¶ 12 Sessoms testified that she worked with Persephone on 22 July 2020. Sessoms stated that she spoke with respondent-mother about the reasons for Persephone's hospitalization and for insight into "their day to day lives." Sessoms stated that respondent-mother acknowledged that Dr. Wade had expressed concern about Persephone's weight in March, but had not brought Persephone back to a doctor "because of COVID." Respondent-mother also acknowledged the failure to thrive diagnosis and explained that she fed Persephone "every couple hours . . . 3 to 4 ounces[,]" but did "not have very much support in the home[.]" Sessoms further stated that respondent-mother "laid in the bed the entire time" that Sessoms was there. When respondent-mother was given a bottle to feed Persephone, "[s]he kept pulling the bottle away from [Persephone]. She would try to feed her again. She would do the same thing, pull it away, sigh, and then she just gave up and put it down."

¶ 13 The trial court entered an order on adjudication on 12 January 2021. The trial court found that DSS had made the following reasonable efforts towards reunification: conducting family assessments; completing safety assessments, a risk assessment, and a "Strengths and Needs" assessment; providing food and nutritional services; providing a "Care Coordination for Children (CC4C) referral"; visiting Persephone and reviewing her chart while hospitalized; demonstrating feeding techniques to respondent-mother; interviewing Persephone's maternal grandmother regarding homecare; contacting Persephone's pediatrician regarding missed and unmissed appointments; and offering respondent-mother a safety plan. The trial court made further findings summarizing the testimony presented at the hearing. Based on testimony from Dr. Wade and Sessoms, the trial court found that "[t]here was no medical cause to [Persephone]'s Failure to Thrive [diagnosis] and is due solely to the [respondent-parents'] neglect." Accordingly, the trial court concluded that Persephone was a neglected juvenile and that it was in her best interest to remain in the nonsecure custody of DSS. The trial court also ordered DSS to "continue to make reasonable efforts to eliminate the need for placement of [Persephone] and to reunify the family following placement."

¶ 14 On 20 January 2021, respondent-mother filed a Motion for Review requesting to amend the adjudication order on the grounds that the findings of fact did not conform to the evidence and testimony presented at the hearing. On

21 January 2021, DSS filed a Motion to Alter or Amend Adjudication Order requesting an additional finding of fact describing Dr. Wade's testimony with respect to Persephone's discharge from the hospital. On 22 January 2021, respondent-father filed a Motion to Alter or Amend Adjudication Order requesting the trial court add seven new findings of fact and remove Findings of Fact 34 and 42.

¶ 15 The trial court conducted a hearing on the motions on 22 March 2021. The trial court entered an order on 12 May 2021 finding that the adjudication order should be amended to include the finding of fact requested by DSS and two of the findings requested by respondent-father but declining to remove Findings of Fact 34 and 42 because they "were not made in error." The trial court also entered the amended order on adjudication on 12 May 2021 which was identical to the 12 January 2021 order apart from the aforementioned added findings.

¶ 16 The trial court conducted a dispositional hearing on 12 May 2021 and entered an order on disposition on 16 June 2021. The trial court found that in addition to the reasonable efforts it previously found in the adjudication order, DSS made the following reasonable efforts to reunify the family: completed home visits with respondent-parents and with Persephone and her foster parents; developed case plans for respondent-parents; completed reunification assessments; completed a home study and contacted respondent-mother's sister about interest in placement; scheduled "Capacity to Parent" evaluations and offered transportation for

respondent-parents; and provided transportation to respondent-parents for visitation. The order also incorporated substantially all of the findings of fact from the adjudication order.

¶ 17 The trial court made a series of findings regarding respondent-parents' progress towards reunification. The trial court found that respondent-mother's case plan, developed on 17 August 2020, required her to complete substance abuse and mental health assessments and follow any recommendations from those assessments; follow all feeding instructions given by her social worker, the foster parents, or service providers; attend all visitation and bring necessary care items; participate in random hair and urine drug screens; and participate in treatment provided to Persephone. The trial court found that respondent-mother did not complete her assessments until 9 April 2021 and was diagnosed with borderline personality disorder and moderate cannabis use disorder.

¶ 18 The recommendations from the assessments were that respondent-mother use one of the following community supports: "Assisting in Community Engagement (ACE)[,]" "Supported Employment (SC)," "Recovery Education Center (REC)[,]" or engage in classes offered by the programs "Improving Self Esteem, Wellness Recovery Action Plan (WRAP), Recovery Discovery, and Parenting with Love and Logic." The trial court found "no evidence" that respondent-mother "attempted to follow any of the recommendations" from her assessments. The trial court later found respondent-

mother "missed all eleven drug screens requested by [DSS] between October 12, 2020 and April 28, 2021." The trial court also found that respondent-mother "has not attended any of [Persephone]'s medical appointments[,]" "has not communicated with [Persephone]'s service providers[,]" and "has not consistently engaged in mental health services."

¶ 19 Regarding visitation, the trial court found that respondent-mother visited Persephone consistently, attending thirty-six out of thirty-seven available supervised visitation sessions; respondent-father attended nineteen out of thirty-six available sessions. The trial court included a table noting feeding and diapering difficulties, concerning statements and behaviors made by respondent-parents, and positive observations from the visitation sessions.

¶ 20 With respect to respondent-father, the trial court found that he entered into a case plan with DSS on 17 August 2020 and completed his assessments on 2 September 2020, with recommendations to comply with drug screen requests and attend classes at Recovery Education Center. The trial court found that respondent-father failed to attend all eleven scheduled drug screens, and he had "been receptive to information given to him about feeding [Persephone], but he does not appear to understand that [Persephone] is now eating table food and no longer drinks formula."

¶ 21 Based on the aforementioned findings, the trial court concluded that "the conditions that led to the removal of [Persephone] from the home continue to exist[,]"

and that placing Persephone in respondent-parents' home would be contrary to Persephone's welfare. The trial court further concluded that DSS had made reasonable efforts "to either prevent or eliminate the need for placement . . . to reunify this family following placement and to implement the permanent plan of family reunification," and "should continue to make reasonable efforts to prevent or eliminate the need for placement . . . and to reunify the family following placement, as the same would be in [Persephone]'s best interest."

¶ 22 Based on these conclusions, the trial court ordered that Persephone remain placed in DSS nonsecure custody and that DSS continue to make reasonable efforts to eliminate the need for placement, with a review hearing scheduled for 29-30 June 2021.

¶ 23 Respondent-mother and respondent-father each filed notice of appeal on 30 June 2021.

II. Discussion

¶ 24 Respondent-mother and respondent-father both contend the trial court erred in concluding that DSS made reasonable efforts to prevent placement and in placing Persephone in DSS custody; respondent-mother additionally contends the trial court erred "in ordering that case plans be updated as the case progressed without the court having input on services needed[,]" and in adjudicating the juvenile neglected. We address each issue in turn.

A. Standard of Review

¶ 25 This Court reviews dispositional orders "to determine whether the trial court made appropriate findings, whether the findings are based upon credible evidence, whether the findings of fact support the trial court's conclusions, and whether the trial court abused its discretion with respect to disposition." *In re C.M.*, 183 N.C. App. 207, 213, 644 S.E.2d 588, 594 (2007) (citations omitted).

> We review an adjudication under N.C. Gen. Stat. § 7B-807 to determine whether the trial court's findings of fact are supported by clear and convincing competent evidence and whether the court's findings support its conclusions of law. The clear and convincing standard is greater than the preponderance of the evidence standard required in most civil cases. Clear and convincing evidence is evidence which should fully convince. Whether a child is dependent is a conclusion of law, and we review a trial court's conclusions of law de novo.

In re N.K., 274 N.C. App. 5, 8, 851 S.E.2d 389, 392 (2020) (quoting *In re M.H.*, 272 N.C. App. 283, 286, 845 S.E.2d 908, 911 (2020)).

B. Reasonable Efforts

¶ 26 Our Juvenile Code provides that an order placing a juvenile in the nonsecure custody of DSS

> shall be made only when there is a reasonable factual basis to believe the matters alleged in the petition are true, and . . . the juvenile is exposed to a substantial risk of physical injury . . . because the parent, guardian, custodian, or caretaker has created the conditions likely to cause injury or abuse or has failed to provide, or is unable

> to provide, adequate supervision or protection.

N.C. Gen. Stat. § 7B-503(a)(3) (2021). When a juvenile is taken into the nonsecure custody of DSS, the order must "contain specific findings as to whether [DSS] has made reasonable efforts to prevent the need for placement of the juvenile." N.C. Gen. Stat. § 7B-507(a)(2) (2021). "In determining whether efforts to prevent the placement of the juvenile were reasonable, the juvenile's health and safety shall be the paramount concern." *Id.* Additionally, "[t]he court may find that efforts to prevent the need for the juvenile's placement were precluded by an immediate threat of harm to the juvenile." N.C. Gen. Stat. § 7B-903(a3) (2021). "A finding that reasonable efforts were not made by [DSS] shall not preclude the entry of an order authorizing the juvenile's placement when the court finds that placement is necessary for the protection of the juvenile." *Id.*

¶ 27 N.C. Gen. Stat. § 7B-101(18) defines "reasonable efforts" as:

> [t]he diligent use of preventive or reunification services by a department of social services when a juvenile's remaining at home or returning home is consistent with achieving a safe, permanent home for the juvenile within a reasonable period of time. If a court of competent jurisdiction determines that the juvenile is not to be returned home, then reasonable efforts means the diligent and timely use of permanency planning services by a department of social services to develop and implement a permanent plan for the juvenile.

N.C. Gen. Stat. § 7B-101(18) (2021).

¶ 28 Although our statutes do not specifically define what services must be used, this Court has previously found that DSS made reasonable efforts where DSS "(1) created and implemented case plans for Respondents, (2) provided bus passes to Respondents, (3) organized and supervised visitation between Respondents and the children, and (4) arranged for drug screens of Respondents." *In re A.A.S.*, 258 N.C. App. 422, 430, 812 S.E.2d 875, 882 (2018). "Our General Assembly requires social service agencies to undertake reasonable, not exhaustive, efforts towards reunification." *Id*.

¶ 29 In this case, each of the trial court's orders, including the initial order for nonsecure custody, include specific findings that DSS made reasonable efforts to prevent or eliminate the need for placement. In the initial order, the trial court found that DSS had done the following: "[a]ssessed child safety, collaborate[d] with medical staff, safety planning with parents, explored family members for placement, education on feeding and safe sleeping/co-sleeping." In the order on adjudication, the trial court found that DSS's reasonable efforts included: conducting family assessments; completing safety assessments, a risk assessment, and a "Strengths and Needs" assessment; providing food and nutritional services; a "Care Coordination for Children (CC4C) referral"; visiting Persephone and reviewing her chart while hospitalized; demonstrating feeding techniques for respondent-mother; interviewing Persephone's grandmother regarding homecare; contacting Persephone's

pediatrician regarding missed and unmissed appointments; and offering respondent-mother a safety plan. In the order on disposition, the trial court found that in addition to previously found efforts, DSS had: completed home visits with respondent-parents and with Persephone and her foster parents; developed case plans for respondent-parents; completed reunification assessments; completed a home study and contacted respondent-mother's sister about interest in placement; scheduled "Capacity to Parent" evaluations; offered transportation for respondent-parents; and provided transportation to respondent-parents for visitation.

¶ 30 Accordingly, the ultimate question is whether there was competent evidence to support the trial court's findings that DSS made reasonable efforts to prevent placement, with Persephone's health and safety as the paramount concern.

¶ 31 Respondent-mother's argument begins with the assertion that DSS did not take any basic steps, including referrals for respondent-parents to family care services, to prevent removal. Although respondent-mother does not directly argue that DSS is categorically required to make reasonable efforts before a juvenile is removed from a parent's custody, much of her argument focuses on whether DSS made reasonable efforts to prevent *removal*.

¶ 32 Our statutes and caselaw, however, are concerned with whether there was credible evidence that DSS made reasonable efforts to prevent *placement*. *See* N.C. Gen. Stat. § 7B-507(a)(2). A juvenile's placement in nonsecure DSS custody is

ongoing, and accordingly our review focuses on whether DSS made reasonable efforts to reunify the family and eliminate the need for placement over that period of time. These efforts may begin before a juvenile is removed from parental custody, but our statutes also contemplate situations where a juvenile may be removed from parental custody even without a showing that DSS made reasonable efforts. *See, e.g.,* N.C. Gen. Stat. § 7B-500(a) (2021) ("A juvenile may be taken into temporary custody without a court order by a law enforcement officer or a department of social services worker if there are reasonable grounds to believe that the juvenile is abused, neglected, or dependent and that the juvenile would be injured or could not be taken into custody if it were first necessary to obtain a court order."); N.C. Gen. Stat. § 7B-903(a3) ("A finding that reasonable efforts were not made by a county department of social services shall not preclude the entry of an order authorizing the juvenile's placement when the court finds that placement is necessary for the protection of the juvenile."). Although this case involves an order for nonsecure custody, which does require a showing of reasonable efforts, we reject respondent-mother's assertions that this case turns on DSS efforts prior to removal.

¶ 33 The remainder of respondent-mother's argument on this issue remains focused on DSS's efforts prior to removal, presenting several contradictions. For example, respondent-mother acknowledges the trial court's finding that DSS efforts "included completing various assessments, making referrals, interviewing witnesses, and

observing and demonstrating how to feed [Persephone]." Respondent-mother then follows with the assertion that DSS could "have made referrals to the Head Start Program or CC4C . . . . DSS took none of these basic steps to prevent removal." Contrary to this assertion, however, and as the trial court found, DSS *did* make a referral to CC4C at some time prior to the adjudicatory hearing.

¶ 34 In addition to the referral to CC4C, DSS completed several assessments, assisted with Persephone's care at the hospital, and offered respondent-mother a case plan, as established by Sessoms's testimony. After placement, DSS continued to make efforts towards reunification, including developing case plans for both parents, facilitating visitation, scheduling drug screens, providing food and nutritional services, and scheduling parenting evaluations. The order on disposition included a table listing observations made during visitation sessions between 5 August 2020 and 25 April 2021, and additional observations from home visits and assessments.

¶ 35 The efforts made by DSS in this case were substantially similar to the efforts made by DSS in *In re A.A.S.*, which this Court found reasonable. *In re A.A.S.*, 258 N.C. App. at 434, 812 S.E.2d at 884. Furthermore, the determination of whether DSS efforts were reasonable must be balanced with the health and safety of the juvenile, and respondent-mother's arguments fail to acknowledge the factual basis for the initial order placing Persephone in DSS custody. The petition established, and the trial court accordingly found, that Persephone was exposed to a substantial risk of

physical injury due to inadequate supervision or protection. Persephone was diagnosed with failure to thrive and had a "profoundly low" weight when she was placed in DSS custody, and, as Dr. Wade testified, her hospital stay indicated no medical causes for her low weight. Testimony and medical records received by the trial court established that Persephone began gaining weight at a healthy rate and reached a normal weight while in DSS custody.

¶ 36 As previously stated, "[i]n determining whether efforts to prevent the placement of the juvenile were reasonable, the juvenile's health and safety shall be the paramount concern." N.C. Gen. Stat. § 7B-507(a)(2). In light of Persephone's condition at the time of her hospitalization as well as her drastic improvement in DSS custody, we hold that the trial court properly determined that DSS's efforts were reasonable.

C. Placement at Disposition

¶ 37 Respondent-mother next argues the trial court erred in failing to place Persephone with her parents at the conclusion of the disposition hearing. Again, respondent-mother primarily focuses on the initial decision to remove Persephone and places great emphasis on Dr. Wade's testimony that he would have discharged Persephone to her parents if DSS had not been involved.

¶ 38 "The district court has broad discretion to fashion a disposition from the prescribed alternatives in N.C. Gen. Stat. § 7B-903(a), based upon the best interests

of the child." *In re J.W.*, 241 N.C. App. 44, 52, 772 S.E.2d 249, 255 (2015) (citation and quotation marks omitted). One of the available alternatives is placement in DSS custody. N.C. Gen. Stat. § 7B-903(a)(6).

> In placing a juvenile in out-of-home care under this section, the court shall first consider whether a relative of the juvenile is willing and able to provide proper care and supervision of the juvenile in a safe home. If the court finds that the relative is willing and able to provide proper care and supervision in a safe home, then the court shall order placement of the juvenile with the relative unless the court finds that the placement is contrary to the best interests of the juvenile.

N.C. Gen. Stat. § 7B-903(a1). A disposition order must also include findings as to whether "the juvenile's continuation in or return to the juvenile's own home would be contrary to the juvenile's health and safety[,]" and "whether the department has made reasonable efforts to prevent the need for placement of the juvenile." N.C. Gen. Stat. § 7B-903(a2)-(a3).

¶ 39 "We review a dispositional order only for abuse of discretion . . . when the trial court's ruling is so arbitrary that it could not have been the result of a reasoned decision." *In re B.W.*, 190 N.C. App. 328, 336, 665 S.E.2d 462, 467 (2008) (citations and quotation marks omitted).

¶ 40 Here, the trial court exercised its discretion in placing and continuing to place Persephone in DSS custody and made the necessary findings to support the disposition. Finding of Fact 4 provides that it was "contrary to the welfare of

[Persephone] to be returned to the custody of [respondent-parents]." The trial court made further findings that respondent-mother had not completed her assessments, which were developed in a 17 August 2020 case plan, until 9 April 2021, and that there was "no evidence" that respondent-mother had "attempted to follow any of the recommendations" from her assessments. Additionally, both parents missed "all eleven drug screens requested by [DSS]" and respondent-mother "has not attended any of [Persephone]'s medical appointments[,]" "has not communicated with [Persephone]'s service providers[,]" and "has not consistently engaged in mental health services." Although respondent-mother engaged consistently in visitation, respondent-father missed approximately half of the visitation sessions, and the trial court included a table of observations from visitation sessions, several of them describing concerning parenting behaviors and lapses.

¶ 41 Based on these findings, the trial court found that it was in Persephone's best interests to remain in DSS custody. Considering Persephone's condition at the time of the initial order, her improvement in DSS custody, and respondent-parents' lack of progress and compliance with DSS involvement, we hold that the trial court did not abuse its discretion in disposition.

D. Case Plans

¶ 42 Respondent-mother argues the trial court improperly delegated its authority to DSS to supplement her case plan without the trial court's approval. Respondent-

mother cites the trial court's decree that respondent-parents "shall comply with the terms and conditions of their case plans, . . . [and] shall update their plans due as new information is gathered about their situation."

¶ 43 The trial court "has the authority to order a parent to take any step reasonably required to alleviate any condition that directly or indirectly contributed to causing the juvenile's removal from the parental home." *In re B.O.A.*, 372 N.C. 372, 381, 831 S.E.2d 305, 312 (2019) (citation omitted). Pursuant to N.C. Gen. Stat. § 7B-904(d1)(3) (2021), trial judges are authorized, as they "gain[ ] a better understanding of the relevant family dynamic, to modify and update a parent's case plan in subsequent review proceedings conducted pursuant to N.C.G.S. § 7B-906.1." *Id.*

¶ 44 Although respondent-mother argues that the trial court has passed off its discretion to DSS, the trial court's order does not have this effect. The order simply reflects the trial court's understanding that, pursuant to our statutes, case plans must be modified in the course of an ongoing examination of the circumstances. The order does not grant DSS any authority to update respondent-mother's case plan, and accordingly we hold that the trial court did not err in its decree.

E. Adjudication

¶ 45 Our Juvenile Code defines "neglected juvenile" to include:

> [a]ny juvenile less than 18 years of age . . . whose parent, guardian, custodian, or caretaker . . . [d]oes not provide proper care, supervision, or discipline[,] . . . [h]as not

> provided or arranged for the provision of necessary medical or remedial care[,] . . . [or] [c]reates or allows to be created a living environment that is injurious to the juvenile's welfare.

N.C. Gen. Stat. § 7B-101(15).

¶ 46 Respondent-mother's brief "adopts by reference" respondent-father's argument regarding the order adjudicating Persephone as neglected. The cited portion of respondent-father's brief, however, concerns the trial court's conclusion that DSS made reasonable efforts to prevent placement, asserting the trial court erred in adjudicating Persephone as neglected without requiring reasonable efforts from DSS. As previously discussed, the trial court did require reasonable efforts from DSS and made findings based on evidence and testimony presented at the hearings. To the extent that either parent argues the trial court erred in adjudicating Persephone as neglected based on DSS efforts, those arguments are rejected.

¶ 47 Neither parent squarely addresses the trial court's findings that support the conclusion that Persephone was neglected because "she did not receive proper care, supervision[,] or discipline from her parents." The trial court made extensive, detailed findings regarding Persephone's condition prior to and throughout her placement in DSS custody, reflecting that Persephone's weight was extremely low in July 2020, that the low weight was not due to other medical conditions, and that respondent-parents exhibited difficulties in providing appropriate care even after

prompting and education. The findings were supported by medical records admitted into evidence, as well as testimony from Persephone's doctor and care providers. The trial court's conclusion that Persephone was neglected due to a lack of "proper care, supervision, or discipline" was supported by the findings of fact and the evidence presented at the hearing, and the trial court did not err in adjudicating Persephone accordingly.

III. Conclusion

¶ 48 For the foregoing reasons, we affirm the trial court's orders on disposition and adjudication.

AFFIRMED.

Judges COLLINS and JACKSON concur.

Report per Rule 30(e).