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IN THE COURT OF APPEALS OF NORTH CAROLINA

2022-NCCOA-385

No. COA21-756

Filed 7 June 2022

Davie County, No. 19 JT 10

IN THE MATTER OF: B.V.

Appeal by Respondent Father from order entered 11 August 2021 by Judge Mary F. Covington in Davie County District Court. Heard in the Court of Appeals 10 May 2022.

Clemmons Family Law, by Holly M. Groce, for Petitioner-Appellee Davie County Department of Social Services.

Michelle F. Lynch for Appellee Guardian ad Litem.

Kimberly Connor Benton for Respondent-Appellant Father.

COLLINS, Judge.

¶ 1 Respondent-Appellant Father ("Father") appeals from the trial court's order terminating his parental rights to his minor child B.V. ("Briley")[1] on the grounds of neglect and willfully leaving the minor in a placement outside of the home for more than 12 months without showing reasonable progress in correcting the conditions which led to the minor's removal. We affirm.

[1] A pseudonym is used to protect the minor's identity.

I. Background

¶ 2 In March 2019, Petitioner Davie County Department of Social Services ("DCDSS") filed a petition alleging that Briley was neglected and dependent and received nonsecure custody. Both Father and Briley's mother[2] stipulated that Briley was neglected and dependent. On 10 June 2019, the trial court entered an Adjudication Order adjudicating Briley neglected and dependent. Father stipulated to the following allegations, which the trial court incorporated in its Adjudication Order as findings of fact:

> (a) Davie DSS received a Child Protective Services report on November 16, 2018, that alleged that [Briley] was Googling Respondent Father at school and found an article about Respondent Father . . . . The report alleged that [Briley] spoke to her classmates about drug use, being afraid of Respondent Father when he drank alcohol and Respondent Father "drinking a lot." The report stated that [Briley] saw Respondent Father choke his girlfriend . . . , crack her head open and throw her down. The report also stated that Respondent Father prohibited her or anyone in the home from calling law enforcement or leaving the property. It was alleged that the grandparents who reside in the home were present for the incident. It was also alleged that [Briley] observed Respondent Father crush a pill with a lighter and snort it in his nose while using a straw.
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> (b) Upon initiating the CPS report, social worker Miranda Nkwor learned that the alleged domestic violence incident between Respondent Father and his girlfriend occurred in a cabin while they were staying in Boone

[2] Respondent Mother has relinquished her parental rights and is not party to this appeal.

and [Briley] witnessed the incident. Respondent Father was allegedly drunk at the time of the incident and [Briley] reported being fearful that Respondent Father had harmed [his girlfriend] to the point of her possibly dying due to so much blood. . . .

(c) On February 4, 2019, the agency received information that Respondent Father had located a cell phone that he provided to [Briley] and found videos on this phone of the child performing what appeared to be sexual acts and speaking to an unknown subject. This information was reported to law enforcement and prompted an investigation by Detective Hannah Whittington. Detective Whittington scheduled an appointment at the Dragonfly House for the minor child . . .[but] Respondent Father did not ensure the child attended this appointment. Subsequently the appointment was rescheduled . . . .

(d) On February 23, 2019, Respondent Father was arrested for Communicating Threats. The agency received multiple incident reports in which [Respondent Father's girlfriend] allegedly expressed that Respondent Father was drinking all day long and needed to go to the hospital due to having a drinking problem. [Respondent Father's girlfriend] allegedly reported on this date that Respondent Father threatened to kill himself and slapped [her] in the face. Law enforcement made contact with Respondent Father who was visibly impaired and still drinking when they arrived. [Respondent Father's girlfriend] attempted to obtain a commitment by the magistrate and was denied. Law Enforcement had to return to the home a second time on this date due to Respondent Father being verbally abusive towards [his girlfriend] and his mother . . . . Law Enforcement observed him to be impaired due to slurred speech, glassy eyes and difficulty maintaining his balance. Respondent Father allegedly threatened to "knock [his girlfriend's] head off" and was arrested for Communicating Threats due

to this.

(e) On March 6, 2019, Social Worker Osborne developed an In-Home Family Services Agreement (IHFSA) with the family in which Respondent Father agreed to ensure the minor child attended the scheduled Forensic Interview and CME at the Dragonfly House, to ensure the minor child enrolled in therapy services, to cooperate with Parenting Path for Intensive Family Preservative Services, to cooperate with Davie Assessments for substance abuse and to cooperate with T&T Counseling for Batterer's Intervention. . . .

(f) On March 18, 2019, Laticia Wooten, social worker and Lauren Campbell, social worker, conducted a home visit with . . . Respondent Father's girlfriend and minor child. [Respondent Father's girlfriend] reported that the home was not a good place[] for [Briley] and that Respondent Father and the grandfather yell and curse often in the home. [Respondent Father's girlfriend] reported that the grandmother curses at the minor child and calls her stupid. [Respondent Father's girlfriend] stated that Respondent Father and the grandmother call each other names in the presence of the child. [Respondent Father's girlfriend] reported that Respondent Father had been drinking the previous night and had been yelling at people in the home. At this visit, [Respondent Father's girlfriend and Briley] reported that Respondent Father goes to great lengths to hide and consume alcohol in the home in various locations. [Respondent Father's girlfriend] has expressed ongoing, significant concerns about [Briley's] safety in the home . . . .

(g) On March 19, 2019, social worker Osborne spoke with Detective Hannah Whittington who reported that she had just met with Respondent Father and [his girlfriend]. It was reported that they agreed to the appointment at the Dragonfly House. Detective Whittington reported that [Respondent Father's girlfriend] admitted to being addicted to her Klonopin

and reportedly had taken two pills the night before. She also allegedly reported that Respondent Father "does nothing but drink all of the time". It was reported to Detective Whittington that Respondent Father hits [his girlfriend] . . . . Detective Whittington also reported that [Respondent Father's girlfriend] indicated she planned to "kidnap" [Briley] if she was returned to her mother's care. This same statement was also made to social worker's Wooten and Campbell on March 18, 2019.

(h) On March 20, 2019, the minor child had her appointment at the Dragonfly House. At this appointment, [Briley] reported being fearful of Respondent Father, that she has repeatedly witnessed Respondent Father be physically abusive towards [Respondent Father's girlfriend] and drinks all of the time. . . . During the interview it was learned that [Briley] has a second cell phone that possibly has additional sexually explicit videos taken by [Briley] of herself. Detective Whittington expressed concern that [Respondent Father's girlfriend] was impaired on this date as well. Detective Whittington reported that on the original cell phone a video was recorded by [Respondent Father's girlfriend] of Respondent Father appearing very impaired and completely nude walking through the bedroom to the glass door, stepping outside and facing [Respondent Father's girlfriend] and the phone while nude and urinating on the door. This cell phone was given to the child with this video still on it.

(i) [Respondent Father's girlfriend] has previously reported to the Department that Respondent Father's mother call[s] the minor child a "bitch, whore and stupidest child in the world".

(j) Respondent Father has an extensive criminal history which includes a pending Communicating Threats charge, convictions of a Felony Indecent Liberties with Child, Misdemeanor Assault, Misdemeanor Assault on

> a Female, DWI and Felony Cruelty to Animals.
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> (k) Respondent Mother has previously had two children placed in foster care in Davie County in 2004 who were ultimately adopted in 2006. Respondent Mother reportedly has a history of significant substance, which allegedly includes heroin use. The Department has attempted to verify the existence of a civil custody order . . . restricting Respondent Mother's access to [Briley] to supervised visits. Respondent Father maintains the existence of this order, yet has allowed [Briley] to have continuous unsupervised contact with her mother.

The trial court entered a Disposition Order maintaining custody of Briley with DCDSS.

¶ 3 In August 2019, the trial court held a review and permanency planning hearing and ordered a primary plan of reunification and a secondary plan of guardianship with a relative. In April 2020, the trial court ordered a primary plan of guardianship with a secondary plan of reunification. The trial court maintained this permanent plan in orders entered July and December 2020. In March 2021, the trial court changed Briley's primary plan to adoption with a secondary plan of guardianship. The trial court relieved further reunification efforts.

¶ 4 DCDSS filed a Petition to Terminate Parental Rights on 12 March 2021. Mother relinquished her parental rights in June 2021. Following a hearing, the trial court entered a Consolidated Order of Adjudication and Disposition in Termination of Parental Rights Proceedings terminating Father's parental rights ("Termination

Order"). The trial court concluded there were two grounds to terminate Father's parental rights: Respondent had neglected Briley and "it is probable that there would be a repetition of the neglect . . . if [she] was returned to" Respondent's care, N.C. Gen. Stat. § 7B-1111(a)(1), and Respondent had "willfully left [Briley] in placement outside of 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 minor child," *id.* § 7B-1111(a)(2).

¶ 5 The trial court proceeded to disposition, concluded that termination of Father's parental rights was in Briley's best interests, and ordered termination of Father's parental rights. Father appealed.

II. Discussion

¶ 6 A termination-of-parental-rights proceeding is a two-step process. *In re D.A.H.-C.*, 227 N.C. App. 489, 493, 742 S.E.2d 836, 839 (2013). In the initial adjudication phase, the petitioner has the burden to "show by clear, cogent and convincing evidence that a statutory ground to terminate exists" under N.C. Gen. Stat. § 7B-1111. *Id.* (quotation marks and citation omitted). If the petitioner meets its evidentiary burden with respect to a statutory ground and the trial court concludes that the parent's rights may be terminated, then the matter proceeds to the disposition phase, at which the trial court determines whether termination is in the best interests of the child. *In re T.D.P.*, 164 N.C. App. 287, 288, 595 S.E.2d 735,

736-37 (2004). If, in its discretion, the trial court determines that it is in the child's best interests, the trial court may then terminate the parent's rights. *In re Howell*, 161 N.C. App. 650, 656, 589 S.E.2d 157, 161 (2003).

¶ 7 Pursuant to N.C. Gen. Stat. § 7B-1111(a), a trial court may terminate parental rights upon a finding of one of eleven enumerated grounds. We review the trial court's order to determine "whether the trial court's findings of fact were based on clear, cogent, and convincing evidence." *In re Oghenekevebe*, 123 N.C. App. 434, 435-36, 473 S.E.2d 393, 395 (1996) (citation omitted). "Any unchallenged findings of fact are presumed to be supported by competent evidence and are therefore binding on appeal." *In re J.A.K.*, 258 N.C. App. 262, 268, 812 S.E.2d 716, 720 (2018) (citation omitted).

¶ 8 If satisfied that the record contains the requisite evidence supporting the findings of fact, the reviewing court must then determine whether the findings of fact support the trial court's conclusions of law. *In re S.N.*, 194 N.C. App. 142, 146, 669 S.E.2d 55, 58-59 (2008). This Court reviews the trial court's legal conclusions de novo. *Id.* Finally, with respect to the disposition phase, this Court reviews a trial court's decision that termination is in the best interests of the child for abuse of discretion and will reverse only where the trial court's decision is "'manifestly unsupported by reason.'" *Id.* (quoting *Clark v. Clark*, 301 N.C. 123, 129, 271 S.E.2d 58, 63 (1980)).

A. Grounds for Termination

¶ 9 Father first argues that the trial court erred by terminating his parental rights on the basis of prior neglect "as no findings support the conclusion Respondent Father continued to neglect Briley."

¶ 10 A trial court "may terminate the parental rights upon a finding . . . [that t]he parent has . . . neglected the juvenile." N.C. Gen. Stat. § 7B-1111(a)(1) (2021). A neglected juvenile is one "whose parent, guardian, custodian, or caretaker . . . [d]oes not provide proper care, supervision, or discipline[,] . . . [or who 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) (2021). Where 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 may find that a parent's parental rights in a child are subject to termination on the grounds of neglect in the event that the petitioner makes a showing of past neglect and a likelihood of future neglect by the parent." *In re N.D.A.*, 373 N.C. 71, 80, 833 S.E.2d 768, 775 (2019) (quotation marks and citation omitted). "When determining whether future neglect is likely, the trial court must consider evidence of changed circumstances occurring between the period of past neglect and the time of the termination hearing." *In re Z.A.M.*, 374 N.C. 88, 95, 839 S.E.2d 792, 797 (2020).

¶ 11 In its Termination Order, the trial court made the following findings of fact relevant to neglect:

9. Clear and convincing facts exist which are sufficient to terminate the parental rights of Respondent Father as follows:

   a. At the time of the filing of the underlying petition, [Briley] was residing with Respondent Father and his parents. Respondent Father's girlfriend . . . also lived in the home. The child had witnessed domestic violence in the home between Respondent Father and [his girlfriend]. There were also concerns for significant alcohol use by Respondent Father that led to the domestic violence.

   b. A Juvenile Petition was filed on March 20, 2019 and the child was placed into the custody of Davie County Department of Social Services. The child has remained placed in the Department's custody since that time and has never returned to the custody of either parent.

   c. On May 6, 2019, the juvenile was adjudicated to be a neglected and dependent juvenile. The Department introduced a copy of said Order . . . . Both Respondent Father and Respondent Mother were present and stipulated to the finding.

   d. On May 2, 2019, Respondent Father entered into a case plan with the Department. Respondent Father agreed to address his alcohol consumption, complete parenting classes, have a mental health and substance abuse assessment and communicate with the child.

   e. Excessive alcohol use was the primary concern for Respondent Father. Respondent Father had attended substance use classes because of criminal cases prior to the removal of the child. His drivers license was restored in 2019 and his car was equipped with an ignition interlock device. While Respondent Father was in substance abuse education, he did not stop drinking and there were further incidents of domestic violence.

f. In February 2020, Respondent Father tested positive for methamphetamines. Following this, Respondent Father took another test on his own that was negative for all substances. In May 2020, Respondent Father tested positive for meth and alcohol.

g. On April 7, 2020, Respondent Father was arrested and charged with assault on a female and sexual battery. Respondent Father was allegedly intoxicated at the time of the incident with his girlfriend . . . . Respondent Father was released on 5/28/20 but was arrested again on June 1, 2020 and his bond was revoked. Respondent Father has remained incarcerated since that time.

h. Respondent Father states that he has been clean since the time he was incarcerated over a year ago. While in jail, Respondent Father has participated in over 57 classes related to substance use. Respondent Father today testified that he does not have a drinking problem and that he does not drink to the point of intoxication. The Court is concerned that after all the classes Respondent Father has taken, he still does not understand the severity of his problem and the impact it has on those living with him.

i. Respondent Father expects to be released from jail next month. If that happens, Respondent Father will return to his father's home where he lived at the time the child was removed. Respondent Father's mother has since passed away.

j. Prior to his incarceration, Respondent Father reported working in construction but did not provide proof of employment.

k. Respondent Father has completed online parenting classes. The Department remains concerned that Respondent Father continues to have inappropriate conversations with the child such as facts about his

criminal case. Respondent Father does not respond well when the child tells him her wishes. The Department contends that Respondent Father hung up on the child when she told him she wanted to be adopted. Respondent Father denies that he hung up on her.

l. Respondent Father completed a domestic violence assessment in May 2019 but did not regularly attend Batterers Intervention as the court ordered. Respondent Father has continued to state that there is no violence between he and [his girlfriend]. The child has observed the violence between the two.

m. Respondent Father communicates often with the social worker but has exhibited anger towards her as well. Respondent Father has continually stated that he does not know why the child is in the Department's custody.

n. The Department introduced a certified copy of Respondent Father's criminal record . . . . Convictions have included crimes related to alcohol use and Taking Indecent Liberties with a Child.

o. A prior placement for the child disrupted because Respondent Father was aggressive with the foster parents. Respondent Father no longer has a good relationship with his paternal cousin even though Respondent Father suggested the placement for the child.

p. The child is currently enrolled in counseling to address what she has witnessed in Respondent Father's home.

q. The Court finds that Respondent Father failed to protect the child as she has been exposed to ongoing substance use and domestic violence. Respondent Father does not accept responsibility for his part in the removal of the child and has not made reasonable progress in the conditions that led to the removal as he continues to say he does not

> understand why the child was removed.
>
> r. Respondent Father introduced certificates showing completion of 57 classes related to substance use. . . . The Court is concerned, however, that Respondent Father has not learned anything from these classes as today he denies any incidences of domestic violence. Acceptance of one's actions should be the first thing that is taught in Respondent Father's classes and he does not acknowledge it.
>
> s. Respondent Father is unable to identify what domestic violence is. Respondent Father does not see the need to change anything as he does not see a problem. Respondent Father appears to be intellectual, lucid and articulate but does not have a good understanding of the consequences of his actions. Respondent Father appears to be a functioning alcoholic.
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> t. The child has witnessed acts of violence as found at adjudication. Yet, Respondent Father continues to deny it.
>
> u. There is a high likelihood that substance use and domestic violence will continue to exist in Respondent Father's life as he fails to see that it is a problem. While he may be sober now because he is in jail, the Court finds that nothing has changed over the course of the case as Respondent Father does not see his alcohol use as a problem.
>
> v. After more than two years since the child was removed and after Respondent Father has attended some treatment, Respondent Father takes no responsibility for where his child is and where he is.

¶ 12 Father does not challenge the trial court's original findings of neglect from June 2019 and challenges only the following portions of the above findings of fact:

- The last sentence of finding of fact #9h: "The Court is concerned that after all the classes Respondent Father has taken, he still does not

understand the severity of his problem and the impact it has on those living with him."

- The second portion of finding of fact #9r: "The Court is concerned, however, that Respondent Father has not learned anything from these classes as today he denies any incidences of domestic violence. Acceptance of one's actions should be the first thing that is taught in Respondent Father's classes and he does not acknowledge it."
- The portion of finding of fact #9q: "Father failed to protect the child as she has been exposed to ongoing substance use and domestic violence."
- The portion of finding of fact #9u: "There is a high likelihood that substance use and domestic violence will continue to exist in Respondent Father's life as he fails to see that it is a problem. . . . [T]he Court finds that nothing has changed over the course of the case as Respondent Father does not see his alcohol use as a problem."

¶ 13 The challenged portions of findings 9h and 9r address the trial court's evaluation of Father's progress, or lack thereof, in addressing the issues of substance abuse and domestic violence. The underlying facts addressed in the unchallenged findings of fact support the trial court's evaluation. Father is asking this Court to reconsider the credibility and weight of the evidence, but that role is reserved to the trial court. *See In re G.G.M.*, 377 N.C. 29, 2021-NCSC-25, ¶ 18 ("It is the trial court's responsibility to pass upon the credibility of the witnesses and the weight to be given their testimony and the reasonable inferences to be drawn therefrom.") (quotation marks, brackets, and citations omitted). Because "the trial court is uniquely situated to make this credibility determination . . . appellate courts may not reweigh the underlying evidence presented at trial." *In re J.A.M.*, 372 N.C. 1, 11, 822 S.E.2d 693, 700 (2019). Thus, these findings are supported by the evidence and the unchallenged

findings of fact.

¶ 14 Father challenges the portion of finding of fact 9q "to the extent any of these incidences occurred after the petition was filed as she was no longer residing in his home and had not been exposed to any domestic violence by Respondent Father after the petition was filed." However, Father does not challenge the trial court's findings that Briley "has observed the violence between" Father and his girlfriend and, despite Father's denial, Briley "has witnessed acts of violence as found at adjudication." Even disregarding incidents of domestic violence occurring after the child was removed from Father's home, finding of fact 9q is supported by clear, cogent, and convincing evidence.

¶ 15 Father's challenge to finding of fact 9u likewise asks this Court to reweigh the evidence and the inferences to be drawn therefrom. The trial court's unchallenged and properly supported findings of fact support the challenged portion of finding of fact 9u. These findings show a clear history of neglect, including the fact that Briley was removed from the home in March 2019 and adjudicated neglected in June 2019. Furthermore, these findings show a probability of a repetition of such neglect: Even while Father was in substance abuse education "he did not stop drinking and there were further incidents of domestic violence"; Father tested positive for methamphetamines and alcohol in 2020; Father testified that he does not have a drinking problem and does not drink to the point of intoxication; "Father continues

to have inappropriate conversations with the child such as facts about his criminal case" and "does not respond well when the child tells him her wishes"; "Father has continued to state that there is no violence" between him and his girlfriend but the child has observed the violence between the two; Father's criminal record includes convictions for crimes related to alcohol and taking indecent liberties with a child; Father disrupted one of Briley's foster placements with his aggressive behavior and "has exhibited anger towards" a social worker; Briley is in counseling to address what she witnessed while in Father's home; "Father does not accept responsibility for his part in the removal of the child and has not made reasonable progress in the conditions that led to the removal as he continues to say he does not understand why the child was removed"; "Father is unable to identify what domestic violence is" and "does not see the need to change anything as he does not see a problem"; Briley "has witnessed acts of violence as found at adjudication" yet "Father continues to deny it"; and "[t]here is a high likelihood that substance use and domestic violence will continue to exist in Respondent Father's life as he fails to see that it is a problem." The unchallenged and properly supported findings of fact show that Respondent does not provide proper care of Briley and that Respondent "[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)(a), (e). The findings support the trial court's conclusion that Briley was neglected and that it is probable that there would be a repetition of the neglect

if Briley was returned to Father's care such that grounds exist to terminate Respondent's parental rights pursuant to N.C. Gen. Stat. § 7B-1111(a)(1).

¶ 16 In light of this conclusion, we need not address whether grounds to terminate existed because Father "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" under N.C. Gen. Stat. § 7B-1111(a)(2). *See J.A.K.*, 258 N.C. App. at 268, 812 S.E.2d at 720 ("If this Court determines that the findings of fact support one ground for termination, we need not review the other challenged grounds.") (citation omitted).

B. Disposition

¶ 17 Father argues that the trial court erred in concluding that termination of his parental rights was in the best interests of Briley.

¶ 18 In determining whether termination of parental rights is in the juvenile's best interests, the trial court must consider the following criteria and make written findings regarding those that are relevant:

> (1) The age of the juvenile.
> (2) The likelihood of adoption of the juvenile.
> (3) Whether the termination of parental rights will aid in the accomplishment of the permanent plan for the juvenile.
> (4) The bond between the juvenile and the parent.
> (5) The quality of the relationship between the juvenile and the proposed adoptive parent, guardian, custodian, or other

> permanent placement.
> (6) Any relevant consideration.

N.C. Gen. Stat. § 7B-1110(a) (2021). It is the province of the trial court to weigh these factors, and it may assign more weight to one or more factors over others. *In re C.L.C.*, 171 N.C. App. 438, 448, 615 S.E.2d 704, 709-10 (2005).

¶ 19 The trial court made the following findings of fact relevant to its best interests determination:

> 17. The Court heard testimony of the social worker and received into evidence the report of the Guardian ad Litem regarding the best interest of the child and finds as follows:
>
> a. [Briley] is 12 years old.
>
> b. The child is placed in a kinship placement with the paternal cousin and his wife. The kinship is committed to adopting the child if permitted. The likelihood of adoption is high.
>
> c. Termination of the parental rights of Respondent Father will aid in accomplishing the plan of care for the juvenile which is currently adoption.
>
> d. The child is very bonded to the kinship family. They have a parent/child relationship with them. The needs of the child are met at this home. The child has stated that she now wants to be adopted. Her grades in school have improved with the assistance of the kinship family. She has a close[] bond with the people and the animals in the home. The child feels like she is part of the family.
>
> e. The child's bond with Respondent Father is diminishing. The child once wanted to go home with Respondent Father badly. However, she now recognizes that Respondent Father is not able to

> meet her needs. The child gets frustrated when Respondent Father is inappropriate during telephone calls. She has not seen Respondent Father in over a year because of his incarceration. While the child still loves her father, the bond has diminished over time. The Court finds that the bond between Respondent Father and the child is now superficial as a result of the child wanting to please her father.
>
> f. There are no barriers to this adoption except for this termination of parental rights. The likelihood of adoption is high.
>
> g. The child deserves permanence as she has lingered in the custody of the Department for too long. The child is in therapy and reports that counseling is valuable to her. She has confidence to express what she wants and that is to be adopted.
>
> h. The kinship family meets the needs of the child. Because they are her biological family, the child is able to participate in family gatherings and maintains a relationship with family members.
>
> i. In the past, the child has expressed that she wanted to go home to Respondent Father but recognizes now that he has not changed and cannot meet her needs. The child has expressed her wishes in writing which has been reviewed by the Court and admitted as an attachment to the report of the GAL.
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> j. Respondent Mother has relinquished her parental rights. The time for revocation has expired.

¶ 20 Respondent argues that "[t]here was insufficient evidence to support the court's finding of fact the bond between them was diminished, diminishing, or superficial." While we disagree, even if we omit this challenged finding, the remaining findings support the trial court's ultimate finding and conclusion that

termination of Respondent's parental rights was in Briley's best interests. These findings show that the trial court considered and made findings on each of the statutory criteria required by N.C. Gen. Stat. § 7B-1110(a).

¶ 21 The trial court's determination of the child's best interests at disposition is reviewed only for abuse of discretion; the court's assessment may only be overturned if it "is manifestly unsupported by reason or is so arbitrary that it could not have been the result of a reasoned decision." *In re C.J.C.*, 374 N.C. 42, 47, 839 S.E.2d 742, 746 (2020). The trial court made the required findings under N.C. Gen. Stat. § 7B-1110(a), including that Briley had been in DSS custody for over 2 years, was doing well in her kinship placement, desired to be adopted, had a high likelihood of adoption, and deserved permanence. We cannot say that the trial court abused its discretion in the dispositional phase.

III. Conclusion

¶ 22 The trial court's Termination Order is affirmed.

AFFIRMED.

Chief Judge STROUD and Judge CARPENTER concur.

Report per Rule 30(e).