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IN THE COURT OF APPEALS OF NORTH CAROLINA

2022-NCCOA-504

No. COA21-790

Filed 19 July 2022

Union County, No. 19 JT 186

IN RE: L.T.

Appeal by Respondent from orders entered 13 January 2021 and 14 September 2021 by Judge William F. Helms, III in Union County District Court. Heard in the Court of Appeals 25 May 2022.

Perry, Bundy, Plyler & Long, LLP, by Ashley J. McBride, for Union County Department of Social Services, Petitioner-Appellee.

Matthew D. Wunsche, for Guardian ad Litem.

Edward Eldred, for Mother-Appellant.

WOOD, Judge.

¶ 1 Respondent-Mother ("Mother") appeals from the trial court's January 13, 2021 permanency planning order eliminating reunification as the permanent plan for her

daughter Lisa[1] and from the subsequent order terminating her parental rights to Lisa. On appeal, Mother argues the trial court erred by entering the permanency planning order because it failed to make the required findings under N.C. Gen. Stat. § 7B-906.2(d). After a careful review of the record and applicable law, we affirm the orders of the trial court.

I. Factual and Procedural Background

¶ 2 Mother and Father began a romantic relationship. As of 2018, the couple had four children together.[2] During this time, Mother and Father had an extensive history with the Union County Department of Social Services ("DSS"). In 2015, DSS received a report of injurious environment and substance abuse. In 2017, four reports were filed for 1) improper care, substance abuse, and injurious environment; 2) domestic violence and injurious environment; 3) improper care, substance abuse, and improper supervision; and 4) substance abuse. In 2018, two reports were filed with DSS for 1) improper care and injurious environment and 2) domestic violence, substance abuse, and injurious environment. Likewise, in 2019, two reports were filed with DSS for domestic violence and substance abuse and improper care and cruel/grossly inappropriate behavior modification. Additionally, from 2008 to 2019,

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[1] A pseudonym is used to protect the identity of the minor child. *See* N.C.R. App. P. 42(b).

[2] These four children are not the subject of this present appeal.

282 calls to law enforcement had been placed concerning the family's home relating to domestic disturbances, assaults, fights, larceny, wanted persons, traumatic injuries, discharge of a weapon, burglary, and overdose.

¶ 3 As a result, DSS was granted custody of Mother and Father's four children. Ultimately, three of the children were adjudicated neglected and dependent based upon domestic violence between Mother and Father and ongoing substance abuse. In September 2018, DSS filed motions to terminate Mother's and Father's parental rights to two of their other children.

¶ 4 Sometime in 2019, Mother became pregnant with Lisa. While Mother was pregnant with Lisa, Mother and Father interacted with DSS and were "evasive and untruthful about pregnancy status, prenatal care, drug use, living address, employment situations, and relationship status with each other." Throughout Mother's pregnancy with Lisa, she tested positive for Xanax, despite not having a prescription for it. Mother gave birth to Lisa on November 7, 2019 and tested positive for suboxone and Xanax at birth. Mother held a valid prescription for suboxone, but not for Xanax.

¶ 5 Eight days after Lisa's birth, DSS filed a juvenile petition alleging Lisa was a neglected juvenile in that she "does not receive proper care, supervision, or discipline from . . . [her] parent[]" and "lives in an environment injurious to . . . [her] welfare." The trial court granted DSS nonsecure custody of Lisa that same day. This case came

on before the trial court for a nonsecure custody hearing on November 20, 2019. Thereafter, the trial court entered an order continuing Lisa's custody with DSS and placement in foster care. The trial court granted Mother visitation with Lisa "for a minimum of two hours per week supervised by DSS." The trial court then conducted two more nonsecure custody hearings. In its orders, the trial court continued Lisa's placement with DSS and granted Mother visitation "three times per week for a minimum of one hour per visit supervised by DSS."

¶ 6 Domestic violence incidents between Mother and Father continued to occur. On January 9, 2020, a report to the court filed by DSS detailed the following incident: On January 6, 2020, Mother was residing with Stuart Cornwell.[3] That day, Cornwell overheard Mother arguing with someone on the phone. After she hung up the phone, Mother instructed Cornwell to lock the door, and shortly afterwards, Father arrived to Cornwell's house. Father remained outside the door and began yelling and accusing Mother of not working to reunite with their other children and only working to reunite with Lisa. After a few minutes of arguing, Cornwell asked both Mother and Father to leave his residence; in response, Father told Cornwell to "mind his own [expletive] business[.]" After Mother and Father's argument, Cornwell told Mother he "did not want to get involved with their domestic disputes" and she would not be

[3] A pseudonym is used to protect the identity of the minor child. *See* N.C.R. App. P. 42(b).

allowed to return to his residence "because of her and . . . [Father's] behavior."

¶ 7 After Mother stopped residing with Cornwell, she began participating in counseling services for her mental health. Notwithstanding, DSS reported Mother had "not been attending her visitation [with Lisa] consistently[]" as she had missed three visits with Lisa in December 2019 and one visit with Lisa in January 2020. On January 8, 2020, this case came before the trial court for another nonsecure custody hearing. The trial court subsequently entered an order decreasing Mother's visitation time with Lisa to once a week for two hours. Mother continued to be inconsistent with visiting Lisa. DSS filed a report with the trial court on February 10, 2020, detailing how mother missed two visits with Lisa in January 2020. DSS further reported Mother "has been inconsistent with . . . her therapist. She . . . had sessions on December 3, 10, and 24, 2019. . . . [and she] cancelled sessions on December 17, 18[,] and 31, 2019[,] and January 7 and 15, 2020."

¶ 8 An adjudication hearing was scheduled for February 5, 2020 but for good cause was continued to April 1, 2020. The trial court conducted a hearing for a nonsecure custody hearing on February 5, 2020 and subsequently entered an order continuing Lisa's placement with DSS, granting Mother one visitation per week for two hours with Lisa, and scheduling another nonsecure custody hearing for March 9, 2020.

¶ 9 On March 9, 2020, the trial court entered another nonsecure custody order continuing Lisa's placement with DSS. On March 22, 2020, Mother told DSS she

intended to move to Florida. That same day, Lisa's maternal grandmother called 9-1-1 because she went to Father's house to pick up Mother from Father's home, but Father would not allow Mother to leave. During the call, "yelling could be heard inside the home." Police officers were dispatched to Father's home. When they arrived, Mother told the officers she was at Father's home by her own choice and Father was not prohibiting her from leaving. Mother began participating in weekly domestic violence counseling after this incident.

¶ 10 According to DSS, Mother was inconsistent in visiting with Lisa, and was missing in person visits. After Mother moved to Florida, Mother began conducting virtual visits with Lisa. Because of Lisa's age, DSS split Mother's virtual visits with Lisa into a 45 minute visitation time twice a week in lieu of a 2 hour virtual visitation time once per week. DSS reported Mother was "utilizing her time well and has been reading, singing, and talking to . . . [Lisa] during her visitations." Mother continued to regularly attend virtual visits with Lisa.

¶ 11 Mother continued to communicate with Father. On May 30, 2020, the guardian ad litem filed a report with the court. Therein, the guardian ad litem noted:

> Most therapy records available as of the writing of this report describe mother's lack of insight and dishonesty regarding this situation. Mother continued to live with the violent father and in-laws. During pregnancy with . . . [Lisa] she testified that she had purchased a home in SC. This home never materialized.

> [Mother] . . . testified under oath on 4/29/202 [sic] that she is *not* pregnant again, but recently admitted that she is in her second trimester. This GAL has noted . . . [Mother] hiding her belly over the past several months. This GAL asked for prenatal records and none were provided. . . . According to medical records, she continues to smoke. She takes prescribed Suboxone and has also missed most drug screenings in NC . . . .

¶ 12 The guardian ad litem also noted "[d]espite testifying that she is [sic] no-contact with . . . [Father], there are indications the two have been texting." Mother, furthermore, failed to provide documentations to demonstrate she had employment or show her relationship status. Thereafter, the trial court reduced Mother's visitation with Lisa to "10 minutes each on Monday and Thursday beginning at 3:00 PM . . . . The visits shall take place by electronic means and can be extended to an appropriate time considering the juveniles' age."[4]

¶ 13 Sometime in late May, Mother took the maternal grandmother's vehicle and drove from Florida to North Carolina. While in North Carolina, Mother visited Father and allowed him to drive the maternal grandmother's vehicle. Father destroyed the vehicle and suffered serious injuries. Law enforcement was not called during this incident.

¶ 14 This case came before the trial court for adjudication and disposition on May

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[4] We struggle to understand how a ten minute, virtual visitation with a child of Lisa's age allows for appropriate visitation to maintain the bond between the parent and child.

27, 2020. By order entered June 2, 2020, the trial court found Lisa to be a neglected juvenile. A Child and Family Team meeting for Lisa was held a few days later.

¶ 15 On August 25, 2020, DSS filed a report with the trial court. Therein, DSS noted that on July 14, 2020, a termination of parental rights hearing was held for Lisa's older siblings. After the hearing concluded, social worker Amanda Shelton ("Shelton") was inside her vehicle in the courthouse parking lot when she observed Mother crossing the parking lot "making hand gestures and yelling." Social worker Shelton was unable to determine what Mother was saying but observed she was yelling at Father. Father was standing in a parking lot with his family members and entered into a vehicle, and Mother approached the vehicle and "continued to make aggressive gestures . . . outside the front driver's side of the vehicle." Mother ultimately calmed down, got into the back seat of the vehicle, and left with Father. Around the same time, the paternal grandmother informed DSS Father would be moving to Florida. Thereafter, DSS began receiving reports Mother and Father were residing together. Notwithstanding, Mother denied having any communication with Father or being aware he had moved to Florida.

¶ 16 On September 28, 2020, the trial court entered a review hearing order. Therein, the trial court continued Lisa's placement with DSS but granted Mother one hour of supervised visitation per week. Another permanency planning hearing was scheduled to take place on September 22, 2020 but was continued multiple times until

December 1, 2020. After the December hearing, the trial court entered a permanency planning order wherein it ordered Lisa's permanent plan be changed to a primary plan of adoption with a secondary concurrent permanent plan of custody or guardianship with a court-approved caretaker (the "Permanency Planning Order"). Mother timely filed a notice to preserve her right of appeal of this order.

¶ 17 On March 22, 2021, DSS filed a petition to terminate Mother's and Father's parental rights to Lisa. The trial court conducted a hearing on the petition to terminate parental rights on August 10, 2021. On September 14, 2021, the trial court entered an order terminating Mother's and Father's parental rights to Lisa. Mother filed a timely notice of appeal of the Permanency Planning Order and the order terminating her parental rights.[5]

II. Jurisdiction

¶ 18 Mother timely filed a notice of appeal from the Permanency Planning Order and the order terminating her parental rights. Under N.C. Gen. Stat. §7B-1001, this Court "review[s] the order eliminating reunification together with an appeal of the order terminating parental rights. If the order eliminating reunification is vacated or reversed, the order terminating parental rights shall be vacated." N.C. Gen. Stat. § 7B-1001(a2) (2021); *see In re L.R.L.B.*, 377 N.C. 311, 2021-NCSC-49, ¶ 9. In other

[5] Father did not appeal these orders.

words, when reviewing an order which eliminates reunification and an order terminating parental rights, "we consider both orders together as provided in N.C.G.S. § 7B-1001(a2)." *Id.* at ¶ 22 (internal quotation marks omitted) (quoting *In re L.M.T.*, 367 N.C. 165, 170, 752 S.E.2d 453, 457 (2013)).

¶ 19 Although Mother's appeal does not address any issue in the order terminating her parental rights, she contends the trial court erred in eliminating reunification as a permanent plan and entering the Permanency Planning Order such that the order terminating her parent rights must also be vacated pursuant to N.C. Gen. Stat. § 7B-1001(a)(2). Therefore, the primary issue before this court is whether the trial court erred by entering the Permanency Planning Order.

III. Standard of Review

¶ 20 We review a permanency planning order to determine "whether there is competent evidence in the record to support the findings [of fact] and whether the findings support the conclusions of law." *In re L.M.T.*, 367 N.C. at 168, 752 S.E.2d at 455 (quoting *In re P.O.*, 207 N.C. App. 35, 41, 698 S.E.2d 525, 530 (2010)); *see In re L.R.L.B.*, at ¶ 11. A finding of fact not specifically challenged is deemed binding on appeal. *In re K.N.L.P.*, 2022-NCSC-39, ¶ 11; *see Koufman v. Koufman*, 330 N.C. 93, 97, 408 S.E.2d 729, 731 (1991). The conclusions of law are reviewed *de novo*. *In re P.O.*, 207 N.C. App. at 41, 698 S.E.2d at 530. When reviewing a trial court's dispositional choices, "including the decision to eliminate reunification from the

permanent plan . . . [, they] are reviewed only for abuse of discretion, as those decisions are based upon the trial court's assessment of the child's best interests." *In re L.R.L.B.*, at ¶ 11; *see In re J.H.*, 373 N.C. 264, 267, 837 S.E.2d 847, 850 (2020).

IV. Discussion

¶ 21 In her sole argument on appeal, Mother argues the Permanency Planning Order failed to address all four required findings under N.C. Gen. Stat. § 7B-906.2 and the one finding it did address is unsupported by credible evidence. We are unpersuaded.

A. Challenged Findings

¶ 22 Mother challenges multiple findings of fact made by the trial court in the Permanency Planning Order. Specifically, Mother argues findings of fact numbers 16, 17, 20-24, 28-33, 40-41, and 47 are not supported by competent evidence. We address each of these challenged findings in turn.

1. Finding of Fact Number 16

¶ 23 Mother first challenges the Permanency Planning Order's finding of fact number 16, which states Mother

> presented letters from the Dawn Center regarding domestic violence treatment. The letters are not signed, nor is it verified in any way. None of the parties objected to the letter, however, the court, on its own finds that the letter is not credible. The Font is different within the letters. There are inconsistencies between the summaries. One letter is showing attendance for 20 days and the later dated letter shows 15 although 28 days are spelled out in

> the 2nd letter. The information looks as if it has been pasted and cut.

¶ 24 As a general rule, a trial court judge has a duty in a nonjury trial to "consider and weigh all of the competent evidence, and to determine the credibility of the witnesses and the weight to be given their testimony." *In re Gleisner*, 141 N.C. App. 475, 480, 539 S.E.2d 362, 365 (2000); *see Knutton v. Cofield*, 273 N.C. 355, 359, 160 S.E.2d 29, 33 (1968) ("[The trial court judge] passes upon the credibility of the witnesses and the weight to be given their testimony and the reasonable inferences to be drawn therefrom."). "If different inferences may be drawn from the evidence, he determines which inferences shall be drawn and which shall be rejected." *Knutton*, 273 N.C. at 359, 160 S.E.2d at 33 (citing *Hodges v. Hodges*, 257 N.C. 774, 127 S.E.2d 567 (1972)).

¶ 25 Here, while the trial court heard evidence regarding the letters from the Dawn Center, finding of fact number 16 reflects the trial court's finding as to the credibility of the evidence and its own determination of fact. At the hearing, the trial court heard testimony from Mother detailing her attendance at the Dawn Center for domestic violence counseling. Although letters were introduced into evidence by Mother and no party objected, the trial court also had copies of two letters from Jodie Anderson ("Anderson"), an employee at Dawn Center, discussing Mother's attendance at domestic counseling and was required to determine the credibility of

the evidence and what weight, if any, to give them. The trial court found these letters contained discrepancies, including lack of any signature, lack of verification, incorrect e-mail addresses, and inconsistent summaries.

¶ 26 Therefore, finding of fact number 16 shows the trial court exercised its judicial discretion by "consider[ing] and weigh[ing] all of the competent evidence," *In re Gleisner*, 141 N.C. App. at 480, 539 S.E.2d at 365, and "determin[ing] which inferences shall be drawn and which shall be rejected." *Knutton*, 273 N.C. at 359, 160 S.E.2d at 33. The trial court judge properly exercised his judicial role as a fact finder when he determined the Dawn Center letters admitted by Mother were not credible. Accordingly, we hold finding of fact number 16 is supported by competent evidence.

2. Finding of Fact Number 17

¶ 27 Mother next challenges finding of fact number 17, which provides,

> [t]he therapist at the Dawn Center is reluctant to discuss conversations and treatment with DSS. The court is weighing the inconsistencies in the letter with the therapist's reluctance. The therapist is not licensed and therefore the court does not know what program the therapist provides. The court finds it strange that the email at the bottom of the page is not correct.

¶ 28 In addition to finding of fact number 16 and the evidence stated *supra*, social worker Shelton testified at the hearing that Anderson "has not been willing to speak with me on the phone because of the level of confidentiality . . . ." However, a careful

review of the record[6] does not reveal any evidence to support that portion of finding of fact number 17 which states "[t]he therapist is not licensed and therefore the court does not know what program the therapist provides." Therefore, we hold finding of fact number 17, with the exception of this one provision, is supported by competent evidence.

3. Finding of Fact Number 20

¶ 29 Mother also contends finding of fact number 20 is not supported by competent evidence. Finding of fact number 20 states, Mother "has actively misled the court on numerous occasions when presenting evidence to the court. She responds with an explanation that she did not understand what was being asked and 'thought it meant something else.' "

¶ 30 Finding of fact number 20 is supported by ample competent evidence. Mother testified at trial she had "masked" her testimony to the court about her and Father's relationship. During cross-examination, the crossing attorney elicited the following:

> Q. And finally, well, . . . you just testified that you had in the past from the witness stand kind of masked your relationship, I guess, issue with . . . [Father], is that how you categorized it?
>
> A. Yes, I did.
>
> Q. So I don't know if you recall, but you mentioned an incident where he pushed you and you hit the side of the

[6] The transcript of the Permanency Planning Hearing on December 1, 2020 contains omissions of many words and at times, omissions of answers altogether.

> door. Do you recall previously me asking you about a black eye, showing you pictures about that, and you stated that he had not assaulted you?
>
> A. That was a different case.
>
> Q. But I'm asking you, do you recall that testimony?
>
> A. I do.
>
> Q. You recall denying that he assaulted you?
>
> A. I do.
>
> Q. And is that an example of you stating, or when you state that you were masking the issues in the relationship?
>
> A. Yes.

¶ 31 Additionally, Mother was evasive during cross examination and, often times, would not provide a direct answer to the questions. For instance, when Mother was asked whether she or social worker Shelton had alerted Anderson about her contact with Father in July, when she got into Father's vehicle after a court hearing, Mother would not clearly answer the question and then twice responded "I'm not sure." Furthermore, during cross-examination, Mother rectified why she did not state her newborn baby lived in her house by saying "[o]h, I meant [indiscernible] adults, I'm sorry." Accordingly, based on the evidence presented at the Permanency Planning hearing, we conclude finding of fact number 20 is supported by competent evidence.

4. Finding of Fact Number 21

¶ 32 Mother also contends a portion of finding of fact number 21 is not supported

by competent evidence. This challenged portion provides "[m]ost parents would likely say their baby's name first[]" when asked who they live with. We agree. There is no competent evidence in the record to support what "most parents" would likely say in response to such an inquiry. Accordingly, we hold this portion of finding of fact number 21 is not supported by competent evidence.

5. Finding of Fact Number 22

¶ 33 Additionally, Mother asserts finding of fact number 22 is not supported by competent evidence. Finding of fact number 22 provides, "[t]he amount of time that . . . [Mother] has had to address Domestic Violence concerns has been going on for almost 3years, [sic] including the time she was involved with DSS and her other three children. She has had a gracious amount of time to address this issue." Notably, Mother makes no argument within her brief as to why finding of fact number 22 is not supported by competent evidence. An appellant's brief must "present the arguments and authorities upon which the parties rely in support of their respective positions thereon." N.C. R. App. P. 28(a). Therefore, by failing to make such an argument, Mother's assignment of error as to finding of fact number 22 is "deemed abandoned." *Lewis v. Orkand Corp.*, 147 N.C. App. 742, 746, 556 S.E.2d 685, 688 (2001).

6. Finding of Fact Number 23

¶ 34 Mother also argues a portion of finding of fact number 23 is unsupported by

competent evidence. The challenged portion of finding of fact number 23 provides, Mother "has steadfastly denied Domestic Violence with . . . [Father]."

¶ 35 DSS's October 15, 2020 report to the court stated,

> [i]t does not appear . . . [Lisa] can be reunified with . . . [Mother] now or within the next 6 months. There continue to be concerns that . . . [Mother] is associating with . . . [Father], whom she is known to have had severe domestic violence with. . . . There is a long history of . . . [Mother] and . . . [Father] engaging in domestic violence leading to DSS involvement. Throughout this case, . . . [Mother] has not been forthcoming about her continued involvement with . . . [Father].

At the hearing, Mother was asked if she could speak about the domestic violence between her and Father and she replied, "[a]s far as what [indiscernible] . . . we had communication problems that went a little bit [indiscernible] scary at times[] . . . ." Furthermore, when asked if she was "still not willing to admit" Father was abusive towards her, Mother responded,

> I have [indiscernible] all that information with my counselor, my therapist that I speak with, that I have a relationship with, that I feel comfortable with disclosing that type of information [indiscernible]. As far as that goes, I learned a lot from the therapist [indiscernible] and like I said, I feel more comfortable with disclosing that information to her . . . .

Thus, based on the DSS report and Mother's testimony at the hearing, we hold competent evidence existed to support finding of fact number 23.

7. Finding of Fact Number 24

¶ 36 Next, Mother challenges finding of fact number 24, which states, Mother's "choice in the Permanency Planning has been to continue her relationship with . . . [Father] and deny the Domestic Violence between them. She has made that relationship more of a priority than her relationship with her other 3 children and . . . [Lisa]."

¶ 37 In addition to the evidence stated above, three reports filed by DSS all note "[t]here continue to be concerns that . . . [Mother] is associating with . . . [Father], whom she is known to have had severe domestic violence with." The guardian ad litem's December 3, 2020 report to the court explained,

> Mother's promises to separate from . . . [Father] are not reliable. She has testified repeatedly in the past that she has separated from him, only to return to him. She testified that she was not in contact with him when she became pregnant by him, with their sixth child.

Additionally, the unchallenged, binding finding of fact number 18 provides, "[t]he court is weighing the Domestic Violence concerns throughout the course of the hearings not only involving this juvenile but [sic] the other three children of . . . [Mother] and . . . [Father]." Likewise, finding of fact number 19 states, Mother "is not credible or forthright regarding her relationship and communications with . . . [Father]. The parties possess a history of domestic violence in this matter and the DSS cases involving the juvenile's siblings." Therefore, we hold DSS's and the guardian ad litem's reports and the trial court's other findings of fact, provide ample

competent evidence to support finding of fact number 24.

8. Finding of Fact Number 29

¶ 38 Mother also contends a portion of finding of fact number 29 is merely a supposition and thus not supported by competent evidence. In reference to the incident when Father destroyed her vehicle, the challenged portion of finding of fact number 29 states, Mother "is either in fear of asking for assistance from Law Enforcement or she is on good enough terms with . . . [Father] that she did not resolve the situation."

¶ 39 Here, there is ample competent evidence to support the challenged portion of finding of fact number 29. At the hearing, social worker Shelton testified Mother "took a nap" at Father's house while Father had her vehicle. Social worker Shelton further testified law enforcement was never called after Father wrecked the maternal grandmother's vehicle, and Mother also testified she never called law enforcement after Father took the vehicle. Regarding domestic violence between Mother and Father, Mother described a domestic violence incident "when . . . [Father] had pushed me up against the wall in the hallway and my head hit the side of the door." Thus, based upon the foregoing evidence, coupled with the findings of fact and evidence stated above, we conclude competent evidence existed to support the challenged portion of finding of fact number 29.

9. Findings of Fact Numbers 28 and 30

¶ 40 Mother next argues portions of findings of fact numbers 28 and 30 are not supported by competent evidence. The portion of finding of fact number 28 challenged by Mother provides, Mother "has never been protected by anyone in . . . [the Father's family's] home . . . ." The portion of finding of fact number 30 as challenged by Mother states, "[t]he . . . [paternal grandparents have] never had a calming effect on . . . [Mother] and . . . [Father]." After careful review of the record, we conclude there is no competent evidence to support these portions of findings of fact numbers 28 and 30. Thus, we hold these portions are not binding on appeal.

10. Finding of Fact Number 31

¶ 41 Mother also argues the following portion of finding of fact number 31 is not supported by competent evidence: The trial court would not "have ever known" about the contact between Mother and Father when Mother entered Father's vehicle after a court hearing if not for social worker Shelton's observation of the incident.

¶ 42 At the hearing, social worker Shelton testified Mother was telling DSS she was having no contact with Father prior to the incident of getting into his vehicle. Furthermore, in addition to the evidence and findings of fact stated *supra*, the trial court found the following, relevant findings of fact in support of finding of fact number 31: "19. . . . [Mother] is not credible or forthright regarding her relationship and communications with . . . [Father] . . . 29. . . . [Mother] has never been forthright . . . ." Therefore, we hold social worker Shelton's testimony, findings of fact number 19

and 29, and the findings of fact and evidence stated above provides ample competent evidence to support finding of fact number 31.

11. Finding of Fact Number 32

¶ 43 Next, Mother alleges a portion finding of fact number 32 is not supported by competent evidence. This challenged portion of finding of fact number 32 provides, "[b]ased on . . . [Mother's] prior misleading information, it appears . . . [that getting into Father's car] in July could have been pre-arranged[] . . . ." Although Mother testified that her getting into Father's vehicle in July 2020 was not pre-arranged, as we stated above, DSS's and the guardian ad litem's reports all illustrate Mother is not honest about her interactions with Father. Furthermore, the trial court's findings of fact that Mother is not a credible witness further bolster finding of fact number 32. Accordingly, we hold the challenged portion of finding of fact number 32 is supported by competent evidence.

12. Finding of Fact Number 33

¶ 44 Mother further contends the portion of finding of fact number 33 which states Mother is "faking an employment" is not supported by competent evidence. We agree. Our careful review of the record reveals there is no competent evidence to support this finding. DSS reports that Mother did not provide verification of her employment; however, there is no evidence that she is "faking an employment." Therefore, this portion of finding of fact number 33 is not binding on appeal.

13. Finding of Fact Number 40

¶ 45 Mother also argues a portion of finding of fact number 40 is not supported by competent evidence. The challenged portion of finding of fact number 40 states, Mother "is denying knowing where . . . [Father] is out of fear or for protecting him. She is not willing to [sic] his location . . . ." At the hearing, Mother testified she did not know where Father was and does not maintain contact with him. However, the guardian ad litem's report stated:

> Although mother denies knowing [sic] whereabouts of . . . [Father], she has not been forthcoming about their communications or living arrangements in the past. It appears as though parents could be together again in Florida. . . . [the paternal grandmother] advised DSS caseworker he was moving to Florida.
>
> On September 29, 2020 . . . [Mother's] FaceBook profile picture was of her with . . . [Father].

Therefore, Mother's testimony, the guardian ad litem's report, evidence and findings of fact stated above provide competent evidence to support finding of fact number 40.

14. Finding of Fact Number 41

¶ 46 Next, Mother argues finding of fact number 41 is unsupported by competent evidence. Finding of fact number 41 provides, Father "and . . . [Mother] have never resolved the core issue in this matter which is Domestic Violence." As stated *supra*, this finding of fact is supported by evidence presented by DSS, the guardian ad litem,

and Mother herself. We hold this finding of fact is supported by ample competent evidence and thus binding on appeal.

15. Finding of Fact Number 47

¶ 47 Finally, Mother argues finding of fact number 47, which states, *inter alia*, "[t]he parents are not making adequate progress within a reasonable period of time[,]" is not supported by competent evidence. We disagree.

¶ 48 In addition to the findings of fact stated above, the trial court's following findings of fact provide further support for finding of fact number 47:

> 10. . . . [Mother] is relying on parenting classes she previously attended . . . in 2019.
>
> . . .
>
> 25. Since this court became involved with . . . [Mother's] first three children by a petition filed in February of 2018, . . . [Mother] has had 3 more children with . . . [Father]. She has had enough contact with . . . [Father] to become pregnant.
>
> . . .
>
> 27. On June 8, 2020, [Mother] chose to go to the . . . [Father's] home on June 8, 2020 . . . [Father] took the vehicle from . . . [Mother] and the vehicle was destroyed. The evidence before the court is being weighed and the court has weighed . . . [Mother's] explanation of how . . . [Father] got the vehicle from her.
>
> 32. . . . [Mother] has not been honest about the actual conflict between herself and . . . [Father].
>
> . . .

> 35. . . . [Mother's] testimony concerning her suboxone is not verifiable regarding what she is supposed to be doing.
>
> . . .
>
> 37. . . . [Mother's] main problem in this case is her history of being victimized by . . . [Father].

Therefore, the trial court possessed competent evidence to support finding of fact number 47.

B. N.C. Gen. Stat. § 7B-906.2

¶ 49 Lastly, Mother argues the trial court erred by eliminating reunification from Lisa's permanent plan because it failed to address the four required findings pursuant to N.C. Gen. Stat. § 7B-906.2. We disagree.

N.C. Gen. Stat. § 7B-906.2 permits a trial court to eliminate reunification as a primary or secondary plan if it "makes written findings that reunification efforts clearly would be unsuccessful or would be inconsistent with the juvenile's health or safety." N.C. Gen. Stat. § 7B-906.2(b) (2021). Under subsection (d),

> [a]t any permanency planning hearing[,] . . . the court shall make written findings as to each of the following, which shall demonstrate the degree of success or failure toward reunification:
>
> > (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.

N.C. Gen. Stat. § 7B-906.2(d).

¶ 50 Although the "trial court's written findings must address the statute's concerns, . . . [it] need not quote its exact language." *In re L.R.L.B.*, at ¶ 21 (quoting *In re L.M.T.*, 367 N.C. 165, 168, 752 S.E.2d 453, 455 (2013)). In other words, "the 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." *Id.* (internal quotation marks omitted) (quoting *In re L.E.W.*, 375 N.C. 124, 130, 846 S.E.2d 460, 465 (2020)); s*ee In re L.M.T.*, 367 N.C. at 167-68, 752 S.E.2d at 455.

¶ 51 Therefore, the primary issue before us is not whether the trial court's findings of fact quoted the specific language of N.C. Gen. Stat. § 7B-906.2, but rather, whether the findings of fact clearly show it considered this statute. In this case, finding of fact number 47 specifically quotes and addresses N.C. Gen. Stat. 7B-906.2(d)(1). Therefore, we conclude this finding of fact constitutes a required finding under N.C. Gen. Stat. § 7B-906.2(d)(1).

¶ 52 Although the trial court's remaining findings of fact do not specifically state

the language of N.C. Gen. Stat. § 7B-906.2(d)(2)-(4), these findings of fact do "adequately address the issues reflected in" the statute. *In re L.R.L.B.*, at ¶ 25. In regards to N.C. Gen. Stat. § 7B-906.2(d)(2), the trial court's findings of fact numbers 19, 22, 23, 31, 32, and 33, adequately address the issue of whether "the parent is actively participating in or cooperating with the plan, the department, and the guardian ad litem for the juvenile." N.C. Gen. Stat. § 7B-906.2(d)(2) (2021). Likewise, findings of fact numbers 20, 21, and 31-33, as stated *supra*, adequately address the issue stated in subsection (d)(3), "the parent remains available to the court, the department, and the guardian ad litem for the juvenile." N.C. Gen. Stat. § 7B-906.2(d)(3) (2021). Finally, the trial court's findings of fact adequately address the issue raised in subsection (d)(4): "[T]he parent is acting in a manner inconsistent with the health or safety of the juvenile." N.C. Gen. Stat. § 7B-906.2(d)(4) (2021). Specifically, this subsection is supported by findings of fact number 18, 19, 21, 24, 28, 29, and 41 as discussed *supra* and, additionally, the following findings of fact:

> 25. Since this court became involved with . . . [Mother's] first three children by a petition filed in February of 2018, . . . [Mother] has had 3 more children with . . . [Father]. She has had enough contact with . . . [Father] to become pregnant. There is no evidence that the contact was not consensual regarding conception of . . . [Lisa] and her newborn.
>
> . . .
>
> 27. On June 8, 2020, . . . [Mother] chose to go to the

> . . .[Father's] home on June 8, 2020 . . . [Father] took the vehicle from . . . [Mother] and the vehicle was destroyed. The evidence before the court is being weighed and the court has weighed . . . [Mother's] explanation of how . . . [Father] got the vehicle from her.

¶ 53 Thus, notwithstanding that the trial court's findings of fact did not use the precise language of N.C. Gen. Stat. § 7B-906.2(d)(2)-(4), the trial court's findings of fact adequately addressed the issues therein. Therefore, we hold the trial court's findings of fact clearly show it made the appropriate findings required under N.C. Gen. Stat. § 7B-906.2(d) when it eliminated reunification as a permanent plan of care for Lisa.

V. Conclusion

¶ 54 Although some of the findings of fact by the trial court were not supported by competent evidence and thus not binding on appeal, the trial court made ample findings of fact that were supported by competent evidence which support its ultimate decision to eliminate reunification from Lisa's permanent plan. Furthermore, the trial court adequately addressed the required findings in N.C. Gen. Stat. § 7B-906.2(d) when it eliminated reunification as a permanent plan. Accordingly, we discern no abuse of discretion by the trial court and affirm the Permanency Planning Order entered January 13, 2021. Because we affirm the Permanency Planning Order and Mother's appeal does not raise any issue in the order terminating her parental rights, we affirm the order terminating Mother's parental rights.

AFFIRMED.

Judges DIETZ and GORE concur.

Report per Rule 30(e).