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IN THE COURT OF APPEALS OF NORTH CAROLINA

2022-NCCOA-533

No. COA22-145

Filed 2 August 2022

Durham County, Nos. 11 JT 111-12; 17 JT 91-92

IN THE MATTER OF: D.C., F.S., J.H., D.S.

Appeal by Respondent from an order entered 1 November 2021 by Judge Doretta L. Walker in Durham County District Court. Heard in the Court of Appeals 13 July 2022.

Mary McCullers Reese, for Respondent-Appellant.

Senior Assistant County Attorney Keith Roberson, for Durham County Department of Social Services, Petitioner-Appellee.

K&L Gates LLP, by Maggie Dickens Blair, for Guardian ad Litem.

WOOD, Judge.

¶ 1 Respondent-Mother ("Mother") appeals an order terminating her parental rights to her minor children, D.C., F.S., J.H., and D.S. ("Dan," "Farah," "Jon," and "David")[1], born in April 2008, November 2009, September 2012, and February 2016, respectively, on the grounds of neglect and willful failure to correct the conditions that led to her children's removal from her care. *See* N.C. Gen. Stat. § 7B-1111(a)(1)-

[1] We use pseudonyms to protect the children's identity and for ease of reading.

(2) (2021). Because we hold the evidence and findings of fact support the trial court's conclusion that grounds existed to terminate Mother's parental rights, we affirm the order of the trial court.

I. Factual and Procedural Background

¶ 2 On April 26, 2017, the Durham County Department of Social Services ("DSS") filed a petition alleging that Mother's children were dependent and neglected based upon the grounds that the children's basic needs were not properly met because: 1) the children were "often hungry and [came] to school without baths or properly dressed[,]" lived in a hotel room with Mother and her boyfriend, and slept on the floor; 2) Mother allowed the children to live in a home with her boyfriend, who was a registered sex offender; 3) there were reports of domestic violence inflicted by Mother and her boyfriend upon the children, as well as upon each other; 4) Mother allegedly "smokes crack and marijuana and blows marijuana smoke in [9 month old] [David's] . . . face so he will go to sleep"; and 5) there was a previous adjudication of dependency due to Mother's mental health. At the time of the petition, DSS had received twenty-seven Child Protective Service reports regarding Mother and her children between April 2008 to April 2017. Eighteen of the reports were accepted as needing investigation and family assessment. The previous reports alleged domestic violence, physical abuse, sexual abuse, improper medical care, mental health concerns, and exposure to inappropriate caretakers. On April 28, 2017, the trial court issued a continued nonsecure custody order for the children to remain in DSS custody.

¶ 3 On February 12, 2018, the trial court adjudicated the children as neglected and dependent. At the disposition on May 9, 2018, the trial court ordered Mother to complete the following items to correct the conditions that led to her children's removal:

> (1) Complete a comprehensive parental capacity assessment (with collateral contacts including this Court's orders) and comply with any recommendations;
> (2) Follow all recommendations of all mental health assessments or evaluations;
> (3) Maintain contact and cooperate with the assigned foster care social worker and GAL and participate in ongoing case management[;]
> (4) Maintain stable, clean, and safe housing;
> (5) Complete a substance abuse assessment and follow recommendations to include random drug tests;
> (6) Complete a comprehensive domestic violence counseling and follow recommendations;
> (7) Complete an anger management counseling program and follow all recommendations;
> (8) Maintain stable source of income.

The trial court permitted Mother to have supervised visitation with her children every two weeks.

¶ 4 At a permanency planning hearing on August 6, 2018, the trial court found that Mother's boyfriend was killed in a car accident on July 5, 2018, and that Mother reported feeling emotionally distraught since his death. Mother completed a mental health assessment with B&D Integrated Health Services ("B&D") on May 18, 2018 and was referred to a therapist. The mental health assessment indicated Mother was experiencing symptoms of Major Depressive Disorder, due in part to the removal of

her children, and recommended she seek outpatient therapy, peer support services, and medication management.

¶ 5 The trial court found Mother had missed several therapist appointments at AHB Center for Behavioral Health and Wellness ("AHB Center") since July 3, 2018 and that it was "not likely that the children [would] return home within the next six months" because Mother "is not accepting of the mental health conditions that she has been diagnosed with since 2011[,]" which included: "Posttraumatic [sic] Stress Disorder (PTSD), anxiety disorder, Borderline Personality Disorder, and suicidal ideation." Additionally, the trial court found that Mother had couch surfed for several weeks until a few days before the hearing when she secured an apartment and began receiving monthly SSI funds. From these findings, the trial court determined that the best interests of the children would be a primary permanency plan of adoption with an alternative plan of guardianship with an approved caretaker. The court reduced Mother's visitation with her children to monthly supervised visitations.

¶ 6 On August 22, 2018, Mother completed a parental capacity evaluation with a domestic violence component with Dr. April Harris-Britt ("Dr. Britt") of AHB Center. Dr. Britt evaluated Mother across several sessions, and noted Mother missed several appointments without calling. According to the evaluation, Mother's IQ tested in the borderline range of intellectual functioning. She noted Mother's ability to manage all five of her children independently could have presented a challenge "given her low cognitive abilities and difficulties during the observation, in which she was observed

being overwhelmed and unable to implement appropriate boundaries and structure." The evaluation further summarized that there were significant concerns about Mother's CPS history and her inability to acknowledge or accept responsibility for any of the reasons her children were placed in foster care. Dr. Britt found Mother had a pattern of engaging in unhealthy relationships and possessed extremely limited insight about individuals who she allowed in her life who may have posed a safety concern to herself or others. Dr. Britt opined that "[w]ith the right supports and services, it appears that [Mother] will be able to consistently implement appropriate parenting strategies and meet the needs of her children." Dr. Britt's parental capacity evaluation recommended Mother attend parenting classes including Triple P classes, Parent-Child Interactive therapy ("PCIT"), and a parenting class which provided education about the impact of domestic violence on children; continue individual therapy to maintain her symptoms and medication management; receive community support team services; and follow up with a psychiatrist regarding medication management.

¶ 7 Beginning in September 2018, Mother engaged in outpatient therapy with a therapist. According to an October 31, 2018 DSS permanency planning hearing report, Mother engaged in four sessions of cognitive behavior therapy with B&D and missed two out of six sessions. The report also detailed that DSS provided Mother with five bus passes in order for her to attend visitations with her children.

¶ 8 On March 15, 2019, Mother filed a motion seeking additional unsupervised visitation time with her children and suggested an individual as a possible placement for them. Mother's motion stated that her current visitation schedule "does not allow [her] enough time with the minor children[,]" "[she] has engaged in mental health services[,]" and the individual offered as a possible placement "is able and willing to provide care for the minor children." At a May 29, 2019 permanency planning review hearing, the court ordered an adjournment due to insufficient time to call additional witnesses present in court and left Mother's visitations as monthly supervised visits.

¶ 9 At the subsequent permanency planning review hearing on July 30, 2019, the trial court found it had "concerns about the mother's ability to comprehend the testimony and ramifications of the hearing[,]" given the testing and opinions expressed in Mother's parenting capacity evaluation, with such issues "impact[ing] the mother's ability to act in her own best interests." The court found that Mother was "not capable of adequately assisting her attorney" with her case and was in need of a GAL pursuant to Rule 17 of the North Carolina Rules of Civil Procedure. On August 26, 2019, the trial court entered an order appointing a GAL for Mother. Further, the court denied Mother's motion for more visitation and ordered she continue to receive supervised monthly visitation.

¶ 10 According to a B&D report from June 20, 2019, a CPS worker reported Mother had received previous diagnoses of Panic Disorder, Major Depressive Disorder, Psychotic Disorder, Schizophrenia, Borderline Personality Disorder, Dependent

Personality Disorder, ADHD, and an unspecified Cognitive Disorder. It also reported Mother was assessed at Carolina Outreach in February 2018, where she was recommended to begin OPT therapy, but had refused to do so. The B&D report also stated that the provider from Carolina Outreach was concerned Mother was "likely minimizing her symptoms as she appeared to be concerned that reporting mental health symptoms would make it more difficult for her to regain custody of her children." Additionally, Mother continued in therapy until June 2019, at which point Mother was discharged because she moved to a different location outside of the county, no referrals were made by B&D at the request of Mother, and Mother's insurance served as a barrier.

¶ 11 DSS filed a motion for termination of Mother's parental rights pursuant to N.C. Gen. Stat. § 7B-1111(a)(1), (2), and (6) on August 14, 2019 and filed a supplemental motion, which included information regarding the trial court's appointment of Mother's GAL, on September 24, 2019.

¶ 12 At a permanency planning review hearing held on September 24 and 26, 2019, the trial court found that Mother completed the Triple P parenting class but was "unable to complete [the] PCIT due to her inability to control her anger when dealing with other people." The trial court also found that Mother requested the DSS social worker not to contact her outside of the presence of the social worker for the Public Defender's office. Further, the trial court found Mother refused to work with the DSS social worker and demanded the social worker not contact her after the social worker

sent Mother a text message photo of the children. The trial court determined Mother was working two jobs, which she stated minimized her ability to attend visitation and meetings regarding her children, and the trial court found she had the ability "to arrange time away from these jobs in order to accommodate visitations and other necessary meetings." The trial court also found that Mother failed to respond to requests for her consent to proposed IEP services from Farah's and Jon's schools. Further, the trial court received Mother's records through September 23, 2019 from B&D and found that: 1) her progress in therapy was minimal; 2) Mother did not address the reasons that her children were removed; and 3) that according to B&D records, Mother continued to "express that she doesn't need therapy and only engages because the court mandates it and that she has only made minimal progress." It was also determined that B&D made case management available to Mother as of September 2019 but it was cancelled due to Mother's failure to participate.

¶ 13 The parental rights termination hearing took place on June 14, 2021. At the hearing, the DSS social worker acknowledged Mother had taken some steps towards completing her case plan, including the completion of the parenting assessment, mental health assessment, individual therapy, and a parenting class. In addition, the social worker testified that Mother completed a domestic violence assessment through DSS early in the case and the domestic violence assessor had made no recommendations for additional treatment. The social worker also explained that Mother has maintained social security benefits throughout the life of the case, "which

would be enough to support her family."

¶ 14 However, Mother has not had direct contact with the social worker or DSS for over two years because Mother requested all correspondence go through her GAL or through the social worker for the Public Defender's office. Accordingly, DSS was unable to verify Mother's housing since 2019. DSS mailed letters to Mother at her last known address and none of the correspondence was returned by the U.S. Postal Service.

¶ 15 The social worker testified Mother regularly attended in-person visitations with her children from July 2019 to March 2020, but then in March, Mother sent a text message to her "indicating that she would no longer be visiting with the children, that she would find them on their 18th birthday[,] and that the Department could explain to them why they stayed in foster care." The social worker reported she had not received any communication from Mother requesting any visitation between March of 2020 and November of 2020; Mother's most recent visit was a virtual visit with Farah in November 2020; and Mother had not visited with all four of the children in person since March 2020.

¶ 16 The social worker testified that despite Mother's progress in addressing some elements of her case plan, DSS was requesting her parental rights be terminated because Mother

> has not shown the behavioral changes needed to show that . . . she has fully understood what was requested of her. We go back to the allegations from [Farah] that she was

> sexually abused that [Mother] does not endorse. With her mental health, [Mother] does not endorse the previous conditions outlined in a psychological assessment that was completed for her . . . [Mother] has indicated that during her parenting capacity assessment as well as communication with the Guardian ad Litem . . . as well as with B&D, not being compliant with all the services that they recommended for her.

The social worker further testified that Mother has not participated in permanency planning review meetings, has only attended one child and family team meeting, has not been involved in her children's medical appointments, and has indicated multiple times she is not going to participate in 6 pm virtual visits with her children because that time frame is inconvenient for her.

¶ 17 On November 1, 2021, the trial court entered an order terminating Mother's parental rights. The trial court found that Mother willfully left her children in foster care for more than twelve months without making reasonable progress in correcting the conditions which led to the children's removal. The trial court also found Mother neglected her children and there is a reasonable likelihood of neglect if they are returned to Mother. Mother was served with the order on November 5, 2021, and timely filed and served her notice of appeal on December 3, 2021.

II. Discussion

¶ 18 Mother contends the trial court erred in terminating her parental rights on the grounds of neglect and willful failure to make progress, because these grounds are not supported by clear, cogent, and convincing evidence. For the reasons discussed

herein, we disagree.

A. Standard of Review

¶ 19 Termination of parental rights consists of a two-stage process: adjudication and disposition. N.C. Gen. Stat. §§ 7B-1109, -1110 (2021); *In re A.U.D.*, 373 N.C. 3, 5, 832 S.E.2d 698, 700 (2019). In the case before us, Mother challenges only the trial court's adjudication of grounds for terminating her parental rights under N.C. Gen. Stat. § 7B-1111(a)(1)-(2). Mother does not contest the trial court's dispositional assessment of the children's best interests under N.C. Gen. Stat. § 7B-1110(a).

¶ 20 At the adjudicatory stage, "the petitioner bears the burden of proving by 'clear, cogent, and convincing evidence' the existence of one or more grounds for termination under section 7B-1111(a) of the General Statutes." *In re A.U.D.*, 373 N.C. at 5-6, 832 S.E.2d at 700. "We review a trial court's adjudication that grounds exist to terminate parental rights to determine whether the trial court's findings of fact are supported by clear, cogent, and convincing evidence and whether those findings support the trial court's conclusions of law." *In re A.B.C.*, 374 N.C. 752, 760, 844 S.E.2d 902, 908 (2020) (cleaned up). "Unchallenged findings of fact made at the adjudicatory stage, however, are binding on appeal." *In re D.W.P.*, 373 N.C. 327, 330, 838 S.E.2d 396, 400 (2020) (citation omitted). Additionally, we review "only those findings necessary to support the trial court's determination that grounds existed to terminate respondent's parental rights." *In re T.N.H.*, 372 N.C. 403, 407, 831 S.E.2d 54, 58-59 (2019) (citation omitted).

¶ 21 In this case, the trial court determined that clear, cogent, and convincing evidence existed to terminate Mother's parental rights pursuant to N.C. Gen. Stat. § 7B-1111(a)(1) and (2). We note that "an adjudication of any single ground for terminating a parent's rights under N.C.G.S. § 7B-1111(a) will suffice to support a termination order." *In re J.S.*, 374 N.C. 811, 815, 845 S.E.2d 66, 71 (2020). Therefore, "if this Court upholds the trial court's order in which it concludes that a particular ground for termination exists, then we need not review any remaining grounds." *Id.* Accordingly, we limit our review of the trial court's adjudication order under N.C. Gen. Stat. § 7B-1111(a)(2).

¶ 22 Pursuant to section 7B-1111(a)(2), a trial court may terminate parental rights upon a finding that "[t]he parent has willfully left the juvenile in foster care or placement outside the home for more than 12 months without showing to the satisfaction of the court that reasonable progress under the circumstances has been made in correcting those conditions which led to the removal of the juvenile." N.C. Gen. Stat. § 7B-1111(a)(2); *In re A.M.*, 377 N.C. 220, 2021-NCSC-42, ¶ 16.

¶ 23 A finding that a parent acted willfully for purposes of N.C. Gen. Stat. § 7B-1111(a)(2) "does not require a showing of fault by the parent"; instead, a parent's "prolonged inability to improve her situation, despite some efforts in that direction, will support a finding of willfulness regardless of her good intentions, and will support a finding of lack of progress sufficient to warrant termination of parental rights." *In re B.J.H.*, 378 N.C. 524, 2021-NCSC-103, ¶ 12 (quoting *In re J.S.*, 374 N.C. at 815,

845 S.E.2d at 71.

¶ 24 To assess the reasonableness of Mother's progress in correcting the conditions which resulted in the removal of the children from her care, Mother's progress is evaluated "for the duration leading up to the hearing on the motion or petition to terminate parental rights." *In re A.C.F.*, 176 N.C. App. 520, 528, 626 S.E.2d 729, 735 (2006). We also note that "a trial court has ample authority to determine that a parent's extremely limited progress in correcting the conditions leading to removal adequately supports a determination that a parent's parental rights in a particular child are subject to termination" pursuant to N.C. Gen. Stat. § 7B-1111(a)(2). *In re B.O.A.*, 372 N.C. 372, 385, 831 S.E.2d 305, 314 (2019) (cleaned up).

¶ 25 The trial court placed Dan, Farah, Jon, and David in DSS custody on April 28, 2017 through a nonsecure order and adjudicated the children as neglected and dependent on February 12, 2018. At the time DSS filed the motion to terminate Mother's parental rights, the children had been in the care and custody of DSS and outside of the parental home for more than twelve months. *In re B.J.H.*, ¶ 13.

¶ 26 We next examine Mother's progress in correcting those conditions which resulted in the removal of the children from her care. Our Supreme Court has held that " 'parental compliance with a judicially adopted case plan is relevant in determining whether grounds for termination exist pursuant to N.C.G.S. § 7B-1111(a)(2)' provided that 'the objectives sought to be achieved by the case plan provision in question address issues that contributed to causing the problematic

circumstances that led to the juvenile's removal from the parental home.' " *Id.*, ¶ 62 (quoting *In re B.O.A.,* 372 N.C. at 384, 831 S.E.2d at 313-14).

B. Challenged Findings of Fact

¶ 27 Mother challenges several of the trial court's findings of fact, contending that they are not supported by competent evidence. The trial court's adjudicatory findings recount the reasons for the children's removal from the home and address Mother's progress after Dan, Farah, Jon, and David entered DSS custody and were adjudicated to be neglected. Specifically, the findings of fact describe that DSS has been involved with the family for several years due to reports of improper supervision, lack of food in the home, domestic violence between Mother and her partner, mental health issues, and a general lack of appropriate care for the children. The findings also indicated that after the children were adjudicated to be neglected in February 2018, Mother signed a Family Services Case Plan which was developed for Mother to address the conditions that led to her children's removal from the home. The trial court made the following contested findings:

> 25. [Mother] willfully left the children in foster care for more than twelve months without showing to the court that reasonable progress under the circumstances has been made in correcting those conditions which led to the removal of the children as follows:
>
> a. [Mother] failed to fully and completely engage in mental health services with [B&D]. Her treatment and follow through with the recommendations are inconsistent. Her progress records from December 2018 through April 2019 show that [Mother's] attendance was sporadic, and she was

making minimal progress towards her mental health goals. The assessor was concerned that [Mother] was minimizing her symptoms.

. . .

c. [Mother] has failed to cooperate with case management and with the social worker in that she goes for long periods of time refusing to speak with the social worker or other allied professionals on the case in order to complete services or to visit with the children. In March 2020, [M]other stated that she would no[] longer visit the children and that she would just wait until their 18th birthday.

d. [Mother] completed a domestic violence assessment on May 21, 2018. It was recommended that she seek domestic violence therapy. She did not receive this therapy either through the Domestic Crisis Response Center (DCRC), [B&D], or any other provider known to this Court.

. . .

f. Mother's communication with the social worker was through [the social worker] in the Public Defender's Office or the GAL. She refused or rarely communicated with the social worker on her case.

. . .

26. [Mother] completed Parental Capacity Evaluation (PCE) with Dr. [Britt] and there are some indications she did some therapy. However, the therapy she did was stop and go and very inconsistent. There is no evidence that . . . Mother has participated in a mental health assessment and no evidence that she has in fact complied with any mental health services. What . . . Mother said she did do was inconsistent. There is no evidence . . . Mother completed a substance abuse assessment. The Court did receive evidence that . . . Mother completed something regarding domestic violence and that there were no recommendations. This court has no evidence that . . . Mother completed an anger management counseling, and . . . Mother has not demonstrated participation/completion

by anything observed by her demeanor . . . . Mother receives a social security check which is more than enough to take care of [her] children. There is some indication that she has worked, but . . . Mother has not provided any documentation of any work . . . . Mother has not maintained contact or participated in ongoing case management and indicated she would not . . . . Mother did complete Triple P parenting program.

27. In [Dr. Britt]'s Parental Capacity Evaluation report, in addition to the recommendations, the report included issues she observed with . . . Mother. While [Dr. Britt] did observe nurturing and love, the report also highlighted . . . Mother's inability to in fact care for the children, struggling at time[s] to manage all of the children while in her care. Specifically, the PCE found, and the Court agrees with and adopts as findings that:

a. "[Mother] seems to love her children very much and her hope is to have her parental rights reinstated and obtain custody of all . . . five children. [Mother's] ability to manage all five children independently may present as a challenge given her low cognitive abilities and difficulties during the observation, in which she was observed being overwhelmed and unable to implement appropriate boundaries and structure. In addition, there are significant concerns about her extensive CPS history and her inability to acknowledge or accept responsibility for any of the reasons that her children [have] been in foster care, past or present. She has extremely limited insight regarding her children's individual and collective needs. She seems to minimize or be unaware of how she plans to manage the children's needs, along with her own. Most significantly, she has a pattern of engaging in unhealthy relationships with others and has extremely limited insight about individuals who she allows in her life, who may pose a safety concern to either herself or others."

28. [Mother] expressed a desire to see her children more at times during the case, but at other times her work schedule constantly took priority over her visits with her children

> and participation in services . . . . Mother was offered visitation, even during Covid, and did not take advantage . . . . Mother has continued to not want to maintain contact with DSS unless the social worker has provided . . . Mother with a specific personal benefit to . . . Mother.
>
> 29. [Mother] is still not accepting that her child [Farah] was sexually abused. This is unreasonable in light of all the evidence presented during the years.

¶ 28 Mother first challenges a portion of sub-finding 25(a) relating to her compliance to her mental health treatment plan. Mother challenges the following: "Her progress records from December 2018 through April 2019 show that [Mother's] attendance was sporadic, and she was making minimal progress towards her mental health goals." Mother argues that her counseling records show that she received treatment from September 2018 to July 2019 and that she had decreased her symptoms through therapy so that the evidence does not reflect that only minimal progress in therapy has been made. However, the testimony at the termination hearing reflects that once Mother stopped attending therapy in June 2019, she never again returned to it. The record shows a nearly two-year gap in Mother undergoing mental health services. Additionally, the assessor at Carolina Outreach expressed concern that Mother minimized her symptoms, and there is no indication in the record that Mother is receiving treatment for her May 2018 diagnosis of Major Depressive Disorder. Therefore, the record reflects competent evidence to support the trial court's finding.

¶ 29 Mother also challenges sub-finding 25(d) which states, "[Mother] completed a domestic violence assessment on May 21, 2018. It was recommended that she seek domestic violence therapy. She did not receive this therapy either through the Domestic Crisis Response Center (DCRC), [B&D], or any other provider known to this Court." Mother argues that there is no clear and convincing evidence showing that the assessment recommended domestic violence therapy for Mother. We agree.

¶ 30 According to the testimony of the social worker at the termination hearing, Mother completed a domestic violence assessment through DSS early in the case and the domestic violence assessor had made no recommendations for additional treatment. In fact, the social worker opined Mother had completed the domestic violence prong of her case plan.

¶ 31 While it is the trial court's duty to consider all the evidence, "pass[ ] upon the credibility of the witnesses and the weight to be given their testimony and the reasonable inferences to be drawn therefrom," *In re D.L.W.*, 368 N.C. 835, 843, 788 S.E.2d 162, 168 (2016) (alteration in original) (citation omitted), we hold that the competent evidence shows that Mother did complete the domestic violence assessment portion of her case plan and that the DSS assessor did not require Mother to undergo additional therapy. Therefore, we overrule that portion of the finding which states that Mother was recommended to seek domestic violence therapy and that she did not receive this therapy.

¶ 32 Next, Mother challenges a portion of finding of fact 26, and contests the

following: "There is no evidence that . . . Mother has participated in a mental health assessment and no evidence that she has in fact complied with any mental health services." Mother argues that the clear and convincing evidence shows that Mother underwent two assessments pertaining to her mental health. We agree.

¶ 33 The record indicates Mother underwent a parental capacity evaluation with Dr. Britt, which featured a mental health component. The record also illustrates Mother completed a mental health assessment through B&D on May 18, 2018 and was referred to a therapist. The record further reflects Mother received an additional mental health assessment with Carolina Outreach in February 2018. Therefore, we overrule that portion of the trial court's finding which suggests there is no evidence that Mother participated in a mental health assessment. We affirm that portion of the trial court's finding which suggests there is no indication Mother in fact complied with any mental health services. The record reflects that Carolina Outreach recommended Mother to attend additional OPT services, but Mother refused to follow through with this recommendation. The record illustrates that B&D recommended Mother seek outpatient therapy, peer support services, and medication management. While Mother participated in therapy until June 2019, Mother was discharged because she moved outside of the county, no referrals were made by B&D at the request of Mother, and Mother's insurance served as a barrier. B&D had not made the determination to discharge Mother because she had completed all necessary mental health services, but rather because she moved and requested a referral not be

made. After Mother's discharge from B&D, there is no record evidence indicating Mother received additional mental health services. Therefore, we hold there was competent evidence to support this portion of the trial court's finding.

¶ 34 Next, Mother contends that the trial court's finding of fact 27 was a recitation and incorporation of Dr. Britt's assessment of Mother's parental capacities. Mother argues the assessment was nearly three years old at the time of the termination hearing so that it does not encompass the change or improvements Mother made in her parenting abilities. The trial court incorporated several of Dr. Britt's findings as her report noted,

> [Mother's] ability to manage all five children independently may present as a challenge given her low cognitive abilities and difficulties during the observation, in which she was observed being overwhelmed and unable to implement appropriate boundaries and structure. In addition, there are significant concerns about her extensive CPS history and her inability to acknowledge or accept responsibility for any of the reasons that her children [have] been in foster care . . . . She has extremely limited insight regarding her children's . . . needs, along with her own. Most significantly, she has a pattern of engaging in unhealthy relationships with others and has extremely limited insight about individuals who she allows in her life, who may pose a safety concern to either herself or others.

We hold the competent evidence in the record supports the trial court's finding that Mother has made little change or improvement since her 2018 evaluation with Dr. Britt.

¶ 35 Next, Mother contests several findings of fact pertaining to her lack of

communication with her DSS social worker. Mother challenges sub-finding of fact 25(c) which states: "[Mother] has failed to cooperate with case management and with the social worker in that she goes for long periods of time refusing to speak with the social worker or other allied professionals on the case in order to complete services or to visit with the children. In March 2020, [M]other stated that she would no[] longer visit the children and that she would just wait until their 18th birthday. Mother also challenges sub-finding of fact 25(f) which states, "Mother's communication with the social worker was through [the social worker] in the Public Defender's Office or the GAL. She refused or rarely communicated with the social worker on her case." Finally, Mother challenges finding of fact 28, which states:

> [Mother] expressed a desire to see her children more at times during the case, but at other times her work schedule constantly took priority over her visits with her children and participation in services . . . . Mother was offered visitation, even during Covid, and did not take advantage . . . . Mother has continued to not want to maintain contact with DSS unless the social worker has provided . . . Mother with a specific personal benefit to . . . Mother.

¶ 36 Mother argues that she asked for DSS and her social worker to communicate through her GAL or her counsel, and that her reliance on these two sources "was a reasonable strategy for better understanding communications about her case." The record demonstrates that Mother was appointed a GAL in July 2018. With the appointment of Mother's GAL, the social worker testified that Mother has not had direct contact with DSS for over two years because Mother requested that all

correspondence with her go through her GAL or through the social worker for the Public Defender's office. Further, the trial court found that Mother refused to work with the DSS social worker and demanded she not be contacted after the social worker sent Mother a text message photo of the children.

¶ 37 However, Mother's reliance on her GAL and the social worker for the Public Defender's office does not negate the reality that Mother was inconsistent in her visitation with her children, with her last in-person visitation occurring in March 2020 and her last virtual visitation occurring in November 2020. In fact, the social worker's testimony indicates that Mother was hostile towards DSS and that her outright rejection of communication with the social worker also meant no further visitation with her children. The record illustrates that in March 2020, Mother sent a text message to the social worker "indicating that she would no longer be visiting with the children, that she would find them on their 18th birthday and that the Department could explain to them why they stayed in foster care."

¶ 38 Despite Mother's outward refusal to communicate directly with DSS, the record demonstrates that DSS gave Mother opportunities in 2021 to have virtual visits with her children. The social worker's testimony reveals that in April 2021, a virtual visit was arranged for Mother and her four children, but Mother did not show up for the visit because of her work schedule. Additionally, Mother refused to engage in virtual visitations with her children at a scheduled 6 pm session because of her work schedule, and instead requested that her children be taken out of school in the

afternoon so they could visit with Mother when she was available. Therefore, the record reflects competent evidence to support the trial court's findings.

¶ 39 Next, Mother challenges the trial court's finding of fact 29 that "[Mother] is still not accepting that her child [Farah] was sexually abused. This is unreasonable in light of all the evidence presented during the years." Mother argues that it is not clear what evidence of abuse the trial court considered and what evidence indicated that Mother did not accept the abuse. We disagree.

¶ 40 According to the testimony of the social worker at the termination hearing, Mother has never endorsed Farah's allegations that she was sexually abused by Mother's former boyfriend and has indicated that it is not true. The social worker further explained that Farah "does not want her mom to know [about the sexual abuse] because her mom will be upset with her." The evidence from the record reflects these sexual abuse allegations were a finding of fact in the trial court's order adjudicating the children as neglected and dependent. Based upon the competent evidence in the record from the trial court's adjudication order and the social worker's testimony, we hold that the trial court did not err in this finding of fact.

¶ 41 Our careful review of the record reveals that the trial court's conclusion that Mother willfully failed to make reasonable progress under the circumstances to correct the conditions which led to the children's removal is supported by its findings, which in turn are supported by clear, cogent, and convincing evidence.

III. Conclusion

¶ 42 We hold that the trial court's findings are supported by competent evidence and the trial court's conclusion that grounds existed to terminate Mother's parental rights pursuant to N.C. Gen. Stat. § 7B-1111(a)(2) are supported by its findings of fact. Accordingly, we affirm the trial court's order terminating Mother's parental rights to her minor children.

AFFIRMED.

Judges ZACHARY and GRIFFIN concur.

Report per Rule 30(e).