An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority. Citation is disfavored, but may be permitted in accordance with the provisions of Rule 30(e)(3) of the North Carolina Rules of Appellate Procedure.

IN THE COURT OF APPEALS OF NORTH CAROLINA

2022-NCCOA-568

No. COA22-155

Filed 16 August 2022

Mecklenburg County, Nos. 19 JT 415–16

IN THE MATTERS OF:

A.R. and L.R.

Appeal by respondent from order entered 16 November 2021 by Judge Roy H. Wiggins in Mecklenburg County District Court. Heard in the Court of Appeals 14 July 2022.

Mecklenburg County Department of Social Services – Youth and Family Services, by Keith Strickland Smith, for petitioner-appellee.

Gillette Law Firm PLLC, by Jeffrey William Gillette, for respondent-appellant mother.

Poyner Spruill LLP, by John M. Durnovich, and Longleaf Law Partners, by Samuel Morris, for guardian ad litem.

DIETZ, Judge.

¶ 1 Respondent appeals the trial court's order terminating her parental rights to her two children. The trial court's order is based on three alternative grounds: dependency, neglect, and failure to make reasonable progress. Respondent challenges the sufficiency of the court's findings concerning one of those grounds—dependency—

but does not challenge the other two alternative grounds for termination. Because those two unchallenged grounds for termination are conclusively established on appeal, we need not address Respondent's challenge to the third alternative ground and instead affirm the trial court's order.

Facts and Procedural History

¶ 2 On 3 May 2019, the Mecklenburg County Department of Social Services received a report alleging that Respondent's two children were improperly supervised and in an injurious environment due to Respondent's substance abuse. In January 2020, the trial court adjudicated the children as neglected and dependent. The court held a number of review hearings over the next year and ultimately found that Respondent was not making sufficient progress on her case plan.

¶ 3 In May 2021, DSS petitioned to terminate Respondent's parental rights. Following a hearing, the trial court entered an order terminating Respondent's parental rights on three grounds: neglect, willfully leaving the children in foster care for more than 12 months without making reasonable progress to correct the conditions that led to their removal, and dependency.[1] *See* N.C. Gen. Stat. § 7B-1111(a)(1)–(2), (6). Respondent timely appealed.

[1] The trial court's order also terminated the parental rights of the children's putative biological father and presumptive legal father, who are not parties to this appeal.

Analysis

¶ 4 Respondent argues that the trial court erred by terminating her parental rights based on dependency under N.C. Gen. Stat. § 7B-1111(a)(6). Specifically, Respondent contends the trial court's findings of fact are insufficient to support its conclusion that Amalia and Lucas are dependent.[2] Importantly, Respondent only challenges the court's findings concerning dependency, and does not assert any error in the court's determinations concerning neglect and willfully leaving the children in foster care for more than 12 months without making reasonable progress to correct the conditions that led to their removal.

¶ 5 Uncontested grounds for termination "are binding on appeal." *In re J.A.A.*, 175 N.C. App. 66, 68, 623 S.E.2d 45, 46 (2005). Thus, the unchallenged grounds to terminate parental rights based on neglect and failure to make reasonable progress are conclusively established for purposes of this appeal.

¶ 6 "Under N.C. Gen. Stat. § 7B-1111(a), the trial court need only find that one statutory ground for termination exists." *In re L.O.K.*, 174 N.C. App. 426, 436, 621 S.E.2d 236, 243 (2005). Thus, when "the trial court finds multiple grounds on which to base a termination of parental rights, and an appellate court determines there is at least one ground to support a conclusion that parental rights should be terminated,

[2] We use pseudonyms to protect the juveniles' identities.

it is unnecessary to address the remaining grounds." *In re P.L.P.*, 173 N.C. App. 1, 8, 618 S.E.2d 241, 246 (2005), *aff'd per curiam*, 360 N.C. 360, 625 S.E.2d 779 (2006). Accordingly, we need not address Respondent's argument and instead affirm the trial court's order based on the grounds for termination that are unchallenged on appeal. *In re D.H.H.*, 208 N.C. App. 549, 552, 703 S.E.2d 803, 806 (2010).

AFFIRMED.

Judges DILLON and HAMPSON concur.

Report per Rule 30(e).