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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA22-472

Filed 06 June 2023

Pitt County, Nos. 16 JA 16, 19 JA 6, 21 JA 181, 182

Greene County, Nos. 21 JA 4-7

IN THE MATTERS OF: M.N., A.C., L.P., AND P.P.

Appeal by respondent-mother from orders entered 15 November 2021 by Judge Beth Heath in Greene County District Court and 9 March 2022 by Judge Lee Teague in Pitt County District Court. Heard in the Court of Appeals 10 May 2023.

Jon G. Nuckolls, Pitt County Department of Social Services and Gay Parker Stanley, Greene County Department of Social Services for petitioner-appellee.

Matthew D. Wunsche for guardian ad litem.

Edward Eldred for respondent-appellant mother.

DILLON, Judge.

Respondent Ashley Pelt (“Mother”) is the mother of minor children M.N. (“Mary”)¹, L.P. (“Luna”), and P.P. (“Pip”).² While her notice of appeal references

¹ Pseudonyms are used to protect the juveniles’ identities and for ease of reading.

² This case involves a fourth child, “Amy.” Mother is not Amy’s mother and was not a respondent in Amy’s case. Amy’s father was a party to this appeal, but on 15 August 2022 this Court allowed his motion to withdraw his appeal.

several orders, in her brief she asks only that the Pitt County disposition order entered 9 March 2022 concerning Luna and Pip be vacated. The Pitt County order granted physical and legal custody of Luna and Pip to their father Rudolph Pelt. We affirm.

I. Background

The children lived with Mother and her fiancé, Carter Craft. The children were eventually removed from the home. Luna and Pip eventually came to live with their father.

On 15 November 2021, the trial court in Greene County adjudicated the children neglected, finding (1) Mother overdosed while the children were present, (2) there was domestic violence in the home, and (3) Mother and her fiancé emotionally abused the children by using the threat of psychiatric hospitalization as coercion.

The evidence before the Greene County Court showed as follows:

Prior to their removal from the home, the children denied physical abuse or domestic violence was occurring. However, after their removal, they disclosed both had occurred. For example, Craft routinely beat up Mother. Craft once hit Mary with a belt and held her down causing her breathing difficulties when Mary tried to protect Mother from an attack. Craft once kicked Luna in the head, pulled her hair, and put hand sanitizer in her mouth. Mother used the threat of hospitalizing Mary as a form of coercion, which amounted to emotional abuse. Specifically, Mother provided false information to a hospital of erratic behavior by Mary in an attempt to have Mary

admitted to the hospital for psychiatric evaluation.

The Greene County Court determined that the Greene County Department of Social Services (“DSS”) had made reasonable efforts to prevent or eliminate the need for placement of the children outside the home. DSS provided services for the family including: (1) visiting the home on numerous occasions while the children were in the home, (2) making a temporary safety plan for the children, (3) holding Child and Family Team meetings to advise the parents on the status of the children and assist in obtaining services, (4) referring the children to the TEDI BEAR Child Advocacy Center for evaluation, (5) maintaining contact with the children and the caretakers, and (6) maintaining contact with the parents and visits to the parents’ homes.

On 16 November 2021, the day after the Greene County Court entered its adjudication orders, venue was transferred by consent to Pitt County for entry of the dispositional orders, as all parties had moved to Pitt County.

After a hearing on the matter on 9 March 2022, the court in Pitt County entered dispositional orders. In one order, the trial court ordered that “[l]egal and physical custody” of Luna and Pip “shall remain with [Father],” granting Mother supervised visits for two hours twice a month. Mother timely appeals.

II. Analysis

Mother’s only argument on appeal concerns the Pitt County Court’s dispositional order regarding Luna and Pip. She contends the order must be vacated because it rests on an unsupported finding that Pitt County DSS was making

reasonable efforts to reunify Mother with children. We disagree and conclude that the finding is supported by the evidence.

Generally, the trial court must direct reasonable efforts for reunification as defined in G.S. 7B-101. *See* N.C. Gen. Stat. § 7B-901(c) (2021). “Reasonable efforts” is defined as “[t]he diligent and timely use of permanency planning services by a department of social services to develop and implement a permanent plan for the juvenile.” N.C. Gen. Stat. § 7B-101(18) (2021). “In determining whether efforts to prevent the placement of the juvenile were reasonable, the juvenile’s health and safety shall be the paramount concern.” N.C. Gen. Stat. § 7B-903(a3) (2021).

Here, the trial court’s order was supported by findings concerning DSS’s repeated attempts to reunify Mother with her children during the initial dispositional hearing. These attempts at reunification were contingent upon Mother’s willingness to support the children’s health and safety. And there was evidence to support these findings.

At the hearing, Pitt County social workers testified about various efforts to reunify Mother with her children as outlined in the “Background” section above. The district administrator for the Guardian Ad Litem (“GAL”) testified that she observed visits between the children and Mother and submitted a report which contained multiple references to efforts towards reunification. The report referenced Pitt County DSS’s review of the information from the Greene County DSS, ongoing communication between Pitt County DSS and Mother, the GAL’s observations of

visitations between Mother and children, drug screens for Mother, Mother's completion of the SAFE Program, and psychological evaluations for both the children and Mother.

Even if Pitt County DSS could have done even more towards reunification, we conclude the trial court did not err in determining that it made reasonable efforts in this regard, including becoming familiar with the efforts the Greene County DSS had made before venue was changed.

III. Conclusion

We have reviewed Mother's contentions regarding the 9 March 2022 dispositional order. We affirm that order, and conclude that the trial court did not err in its disposition regarding custody of Luna and Pip. As Mother does not make any argument concerning the other orders from which she appeals, we affirm those orders.

AFFIRMED.

Judges COLLINS and STADING concur.

Report per Rule 30(e).