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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA23-445

Filed 19 December 2023

Beaufort County, Nos. 22 JT 42-46

IN THE MATTER OF: I.G., P.G., S.G., B.G., L.G.

Appeal by Mother from orders entered 2 February 2023 by Judge Keith B. Mason in Beaufort County District Court. Heard in the Court of Appeals 21 November 2023.

J. Edward Yeager, Jr., for petitioner-appellee Beaufort County Department of Social Services.

Benjamin J. Kull for respondent-appellant mother.

Michelle FormyDuval Lynch for guardian ad litem.

PER CURIAM.

Mother appeals from the trial court's orders terminating her parental rights to her minor children—Isaac, Pamela, Stuart, Bruce, and Lucas¹—pursuant to N.C.G.S. § 7B-1111(a), based on the grounds of neglect and dependency. The trial court's unchallenged findings of fact are deemed supported by competent evidence and are binding on appeal, and these findings support the trial court's conclusion that

¹ We use pseudonyms to protect the juveniles' identities and for ease of reading.

Mother's parental rights could be terminated pursuant to N.C.G.S. § 7B-1111(a). We affirm.

BACKGROUND

Mother and Father² have five children: Bruce and Lucas, twins born in 2011; Pamela, born in 2012; Stuart, born in 2014; and Isaac, born in 2019. On 9 May 2022, the Beaufort County Department of Social Services ("DSS") filed five identical petitions alleging the children were neglected under N.C.G.S. § 7B-101(15), in that Mother and Father "d[id] not provide proper care, supervision, or discipline" for the juveniles and "create[d] or allow[ed] to be created a living environment that [was] injurious to" the children's welfare. N.C.G.S. § 7B-101(15) (2022). The petitions specifically alleged a history of chronic neglect that began in 2012, when Bruce and Lucas were just under one year old, and continued until 2022, when the petitions were filed.

The petitions alleged DSS received eleven separate child protective services reports between 2012 and 2022:

- a. On [18 February 2012], [DSS] received a report for neglect due to injurious environment for domestic violence. The report stated there was a physical altercation between [Father] and [Mother] in presence of the children wherein they had to be pulled apart by another adult. There were also concerns for drug abuse. The case decision was services provided, no longer

² Father is not a party to this appeal.

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needed.

- b. On [5 May 2017], [DSS] accepted a report for neglect due to injurious environment and substance abuse. The report stated the trailer had a broken sewage drain leaking throughout the home, that the children were missing excessive days from school, and there were concerns of the parents using drugs. The case decision was Services Needed. Case transferred to in home services.
- c. On [30 April 2018], [DSS] accepted a report for neglect due to improper supervision and injurious environment. The report alleged that [Father] appeared to be high on heroin with track marks on his arms, nodding off, driving at a high speed erratically with a child in the vehicle.
- d. On [23 October 2019], [DSS] accepted a report for neglect due to improper care. The children were missing excessive days of school, there was no siding nor underpinning on home, a broken window, hole in the floor by the front door, garbage everywhere, and children not bathed wearing dirty clothes.
- e. On [14 September 2020], [DSS] accepted a report for neglect due to improper care. The report stated there was a domestic violence incident between the parents and that both parents were using crystal meth, marijuana, Adderall, and Subutex. Reporter stated the yard was full of garbage, the home was unsanitary, and [Mother] crushes her drugs to snort.
- f. On [9 October 2020], [DSS] accepted a report for neglect due to improper discipline and injurious environment. The report stated there was no water or refrigerator in the home and that the [Father] was abusive.
- g. On [12 January 2021], [DSS] accepted a report for neglect due to improper care. The report stated there was ongoing attendance issues at school, the school was unable to reach parents, and that [Mother] did not

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respond to messages.

- h. On [9 March 2021], [DSS] accepted a report for neglect due to improper supervision, improper discipline, injurious environment, substance abuse and domestic violence. The report stated there was no running water; holes where Father has hit walls with a baseball bat; kids do not take baths; [Father] walks around naked in front of the children, that Father is strung out on Meth, the children were told not to tell social workers anything, that Mother misuses Subutex and Adderall and sleeps for days, [Father] hit [Mother] with a cable wire in the stomach, Father picked up [Lucas] by his neck, and Father threatened to blow Mother's brains out.
 - i. On [7 July 2021], [DSS] accepted a report for neglect due to improper care and injurious environment. The report stated that the baby is in nasty, filthy diapers; that parents buy [Bruce] and [Lucas] cigarettes; that Father uses drugs, and Mother sleeps all day and sometimes for days.
11. On [24 February 2022], [DSS] accepted a report for neglect due to improper care. The report alleged ongoing issues with children being unclean, having dirt on their clothing, skin, black fingernails, and body odor. [Stuart] defecated in his pants at school leaving a trail of feces to his classroom. School staff cleaned [Stuart] and it took hours to reach someone on the phone to come pick him up. The parents did not answer. The following day, [Stuart] was wearing the same socks the school put on him the day before, he had the same dirt marks on his arm and there was still feces on him. [Stuart] had not gotten a bath from the day prior.
12. On [24 April 2022], Beaufort County DSS received another report for neglect due to improper care for the same allegations with the addition that [Stuart] and [Pamela] had head lice the day before school was out for Spring Break. [Pamela] had yet to return to school.

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Reporter stated that Mother had shaved [Stuart's] and [Pamela's] head[s].

The petitions further alleged that the parents were difficult to contact and that neither parent was employed; neither parent would allow DSS employees to enter the home; there was a camper in the yard that Mother would not allow anyone to enter; Father had “a pending possession of drug paraphernalia case, when narcotics officers raided his home in October 2021[;]” both parents refused to take drug tests and Father admitted to using marijuana and Subutex; “[c]ollaterals disclosed that there have been years of domestic violence in the home[,] stating that Father has put his hands on Mother, but when he does, she fights back[;]” “[c]ollaterals also disclosed concerns about years of substance abuse and believe[d] that Father use[d] and [sold] drugs from the home[;]” and each parent had four pending counts of misdemeanor “School Attendance Law Violations.” The petitions also alleged the children were chronically neglected and in need of services, the children continued to miss an excessive amount of school, the condition of the home had not improved in the past five years, and “[t]here [was still] garbage throughout the yard and piled about the property.” Finally, the petition alleged “[t]he juveniles are neglected within the meaning of N.C.G.S. § [7B-101(15)] in that the juveniles would reside in an injurious environment if returned to [Mother] and [Father's] home. And the juveniles do not receive proper care, supervision and discipline.” The trial court entered five separate orders on 9 May 2022 granting DSS nonsecure custody of each child.

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On 6 July 2022, the trial court entered an order in which it made findings of fact consistent with the allegations contained in the juvenile petitions and adjudicated all five children neglected.

On 3 August 2022, the trial court entered a disposition order. In this order, the trial court found all five children had been placed in foster homes, and that “the[] children would be subjected to an actual, imminent threat of harm [if placed] in Mother and Father’s care[.]” The trial court set a primary permanent plan of reunification with a concurrent plan of adoption for all five children and ordered both Mother and Father to comply with their proscribed case plans. DSS retained custody and placement authority for all five children.

On 26 October 2022, the trial court held a permanency planning hearing and entered a permanency planning order.³ The trial court found that, “[s]ince the last hearing, Mother and Father [had] made no progress towards resolving the need for [DSS’s] intervention.” The trial court also found a risk of harm if the children were placed in either parent’s care, based on the initial adjudication of neglect and the parents’ inability to provide an appropriate home environment. The trial court continued custody with DSS, again ordered “[t]he permanent plan shall be reunification with a concurrent plan of adoption[.]” and again ordered both parents

³ There is a handwritten notation on the permanency planning order that both Mother and Father were absent from the permanency planning hearing. A similar notation states counsel for both parents made a motion to continue, which was denied.

to comply with their case plans.

On or about 5 December 2022,⁴ DSS filed a motion to terminate Mother and Father's parental rights. As to Mother, the motion alleged two grounds for termination of her parental rights:

- a. [Mother] has neglected these juveniles within the meaning of [N.C.G.S.] § 7B-101(15) as she is unable to provide proper care, supervision, or discipline for the juveniles; her home is an injurious environment for these juveniles; and she lacks the cognitive and physical capacity to ensure the juveniles' basic needs are met. Said neglect would continue into the foreseeable future. [N.C.G.S.] § 7B-1111(a)(1).
- b. [Mother] is incapable of providing for the proper care and supervision of the juveniles such that the juveniles are dependent within the meaning of [N.C.G.S.] § 7B-101(9) and that there is a reasonable probability that such incapability will continue for the foreseeable future. [Mother] lacks an appropriate alternative childcare arrangement. [N.C.G.S.] § 7B-1111(a)(6).

DSS alleged these grounds based on Mother's 10-year CPS history, including the 24 February 2022 and 24 April 2022 reports that led to the filing of the juvenile petition. DSS further alleged neglect and dependency because all five children had been "chronically neglected" and needed medical treatment. DSS also alleged Mother was in denial about why her children were removed from her care, was not complying with her case plan, and had made little to no progress toward rectifying the conditions that led to the removal of the children. Finally, DSS alleged:

⁴ The motion in the record on appeal has an illegible file stamp.

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63. Although parents have been advised and instructed numerous times by Beaufort County DSS, the issues of concern remain the same. The issues of concern have resulted in the juveniles being chronically neglected despite receiving services from [DSS] on and off since 2012.
64. There is abundant evidence that the neglect of these juveniles would continue into the foreseeable future.
65. There is abundant evidence that the respondent parents' incapability to parent will continue into the foreseeable future as there has been no progress in correcting their deficiencies.
66. [Mother and Father] lack an appropriate childcare arrangement.
67. [Mother and Father] have failed to make reasonable progress as the children have remained placed outside of their care, custody and control.
68. [Mother and Father's] failure to make progress towards reunification is willful.

Based on these allegations, DSS moved for the trial court to terminate Mother's parental rights.

The trial court held a bifurcated termination hearing on 30 January 2023, and entered separate adjudication and disposition orders on 2 February 2023. In its adjudicatory order, the trial court made findings consistent with the allegations in DSS's TPR motion. The trial court first found the children were chronically neglected and in need of medical care, particularly dental and dermatological care:

22. When [DSS] assumed custody of the children, each child had been chronically neglected.

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- a. [Isaac] needed immunizations and dental work for 8 cavities. He had not been to the doctor since he was an infant. He also had a serious skin infection (scabies) that needed treatment.
- b. [Pamela] had untreated ADHD, needed therapy for trauma, needed treatment for head lice, and needed eyeglasses and dental work.
- c. [Stuart] had untreated “pre-stage 2 diabetes” and dental decay. He needed dental surgery due to the decay. He needed therapy for trauma and behaviors.
- d. [Bruce] needed therapy for trauma. [Bruce] had head lice and dental decay that had to be treated. He also had a serious skin infection (scabies) and needed treatment.
- e. [Lucas] needed therapy for trauma. [Lucas] had untreated head lice. He also had a serious skin infection (scabies) that needed treatment.

The trial court further found “Mother and Father have had trouble ensuring the children’s cleanliness, the cleanliness of the home, [that] the children attend school[,] and [that] the children have a safe home environment . . . (free of domestic violence [and] substance abuse)[.]” The trial court also found that Mother still resided with Father in an abusive relationship in the home the children were removed from; that the home was still in a condition that was not appropriate for the children to live in; that Mother was in denial about why her children were removed from her care and this denial impacted her ability to make the necessary changes to cease the neglect of her children; and that Mother had not made progress toward rectifying the conditions that led to the children’s removal. The trial court then made ultimate

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findings consistent with the final allegations of the petition, including: Mother had been repeatedly advised by DSS of the issues that led to the children's removal; Mother's neglect of the children is likely to continue as she has not taken the termination proceeding seriously; Mother's case history is indicative of future neglect; Mother is incapable of caring for her children, and this incapability stems from the mental health concerns which originally led to the removal of the children; Mother's incapability is likely to continue; Mother had no alternative child care arrangement; and Mother had willfully failed to make progress on her case plan or engage in remedial services. Based on these findings, the trial court "conclude[d] as a matter of law . . . that grounds exist to terminate the parental rights of [Mother] and [Father], under [N.C.G.S. § 7B-1111(a)(1) and (6)]."

The trial court also entered its dispositional order on 2 February 2023, finding "[i]t is in the children's best interests for the parental rights of [Mother] . . . to be terminated" and terminating Mother's parental rights. Mother appealed.

ANALYSIS

On appeal, Mother argues the trial court erred by terminating her parental rights based on grounds of neglect and dependency under N.C.G.S. § 7B-1111(a)(1) and (a)(6). Mother asserts that DSS's claims are more appropriately brought under N.C.G.S. § 7B-1111(a)(2), but that DSS "repackaged" the grounds for termination as falling under N.C.G.S. § 7B-1111(a)(1) and (a)(6) to circumvent the timing requirement contained in N.C.G.S. § 7B-1111(a)(2).

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The grounds for which Mother's parental rights were terminated read as follows:

(a) The court may terminate the parental rights upon a finding of one or more of the following:

(1) The parent has abused or neglected the juvenile. The juvenile shall be deemed to be abused or neglected if the court finds the juvenile to be an abused juvenile within the meaning of [N.C.G.S. §] 7B-101 or a neglected juvenile within the meaning of [N.C.G.S. §] 7B-101.

.....

(6) That the parent is incapable of providing for the proper care and supervision of the juvenile, such that the juvenile is a dependent juvenile within the meaning of [N.C.G.S. §] 7B-101, and that there is a reasonable probability that the incapability will continue for the foreseeable future. Incapability under this subdivision may be the result of substance abuse, intellectual disability, mental illness, organic brain syndrome, or any other cause or condition that renders the parent unable or unavailable to parent the juvenile and the parent lacks an appropriate alternative child care arrangement.

N.C.G.S. § 7B-1111(a)(1), (6) (2022).

Mother, however, contends that DSS should have petitioned the court to instead terminate her parental rights under N.C.G.S. § 7B-1111(a)(2), which allows a trial court to terminate a parent's rights if

[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. No parental rights, however, shall

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be terminated for the sole reason that the parents are unable to care for the juvenile on account of their poverty.

N.C.G.S. § 7B-1111(a)(2) (2022). While neither N.C.G.S. § 7B-1111(a)(1) nor (a)(6) contain any specific time requirements over which the parent must display the statutorily proscribed behaviors, N.C.G.S. § 7B-1111(a)(2) requires that the trial court find that “[t]he parent has willfully left the juvenile in foster care or placement outside the home for *more than 12 months . . .*” N.C.G.S. § 7B-1111(a)(2) (2022) (emphasis added). Mother contends that DSS could not demonstrate this by clear, cogent, and convincing evidence at the time of termination, and therefore, DSS instead alleged violations of N.C.G.S. § 7B-1111(a)(1) and (a)(6) to avoid fulfilling this requirement.

Mother also asserts that, since reunification was set as the primary plan for the juveniles, the trial court must first have ceased reunification efforts before allowing termination on any grounds other than N.C.G.S. § 7B-1111(a)(2). Before reaching the merits of Mother’s appellate argument, we address the guardian ad litem’s (“GAL”) *Motion to Dismiss Appeal*.

A. GAL’s Motion to Dismiss Appeal

The GAL argues we should dismiss Mother’s appeal because Mother only “presents one issue in her brief before this [C]ourt, arguing that termination of her parental rights under the statutes for neglect and dependency is an ‘untenable interpretation of the Juvenile Code[.]’” and this argument is (1) unpreserved and (2)

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a policy argument more appropriately addressed by the General Assembly. The GAL asserts Mother “asks this [C]ourt to totally rewrite the statute as to grounds for [termination of parental rights], despite the fact that the statute is unambiguous and does not violate any of the tenets of the Juvenile Code.”

Mother filed a response to the GAL’s motion, contending that “[t]he issue here is one that is automatically preserved under Appellate Rule 10(a)(1)[.]” as Mother asserts the argument that “the judgment for termination is not properly supported by the [trial court’s] findings of fact and conclusions of law[.]” *See* N.C. R. App. P. 10(a)(1) (2023). Mother contends that in “a case in which the claim for termination is rooted in the parent’s case plan noncompliance, and in which reunification was the primary plan throughout the life of the case[,] the judgment for termination cannot be properly supported absent findings of fact and conclusions of law” establishing grounds for termination under N.C.G.S. § 7B-1111(a)(2). Mother argues that her parental rights were *actually* terminated for failure to make sufficient case plan progress under N.C.G.S. § 7B-1111(a)(2), even though DSS’s motion to terminate Mother’s parental rights only alleged grounds under N.C.G.S. § 7B-1111(a)(1) and (a)(6), and the trial court only concluded grounds to terminate her parental rights existed under these theories.

We agree with Mother that her argument is, in essence, an argument about “whether the judgment is supported by . . . the findings of fact and conclusions of law[.]” and is therefore automatically preserved for our appellate review. N.C. R.

App. P. 10(a)(1) (2023). We interpret Mother’s argument as to the improper grounds for terminating her parental rights as a blanket challenge to the adjudicatory conclusions regarding these grounds. Mother asserts that, in the absence of cessation of reunification efforts by the trial court, Chapter 7B does not yet allow termination under N.C.G.S. § 7B-1111(a)(1) or (a)(6); that is, ceasing reunification is a procedural bar before the court can conclude either ground exists. We agree that Mother’s argument can be fairly characterized as one of statutory interpretation and legislative intent, not necessarily a request that we judicially amend Chapter 7B, and therefore is a question appropriate for our courts to address. *In re E.D.H.*, 381 N.C. 395, 398 (2022) (“A question of statutory interpretation is ultimately a question of law for the courts.”). Therefore, we deny the GAL’s motion to dismiss and proceed to assess the merits of Mother’s appeal.

B. Termination of Parental Rights

We next address Mother’s argument challenging the adjudication of grounds for termination of her parental rights.

The North Carolina Juvenile Code sets out a two-step process for termination of parental rights: an adjudicatory stage and a dispositional stage. At the adjudicatory stage, the trial court takes evidence, finds facts, and adjudicates *the existence or nonexistence of the grounds for termination* set forth in N.C.G.S. § 7B-1111. If the trial court adjudicates *that one or more grounds for termination exist*, the trial court then proceeds to the dispositional stage where it determines whether terminating the parent’s rights is in the juvenile’s best interests.

In re V.S., 380 N.C. 819, 821 (2022) (emphasis added) (citations omitted).

On appeal,

[t]he standard of review in termination of parental rights cases is whether the findings of fact are supported by clear, cogent and convincing evidence and whether these findings, in turn, support the conclusions of law. If the trial court's findings of fact are supported by ample, competent evidence, they are binding on appeal, even though there may be evidence to the contrary. Unchallenged findings of fact are conclusive on appeal and binding on this Court. We review the trial court's conclusions of law *de novo*.

In re C.M.P., 254 N.C. App. 647, 654 (2017) (citations and marks omitted). “[T]he trial court’s finding of any one of the . . . enumerated grounds [in N.C.G.S. § 7B-1111(a)] is sufficient to support a termination.” *In re N.T.U.*, 234 N.C. App. 722, 733, *disc. rev. denied*, 367 N.C. 826 (2014) (omission in original) (citation and marks omitted). Thus, “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 [for the purposes of this appeal].” *In re E.Q.B.*, __ N.C. App. __, __ (2023).

1. Cessation of Reunification Efforts

Mother’s argument is novel; in her own words, Mother asserts

[w]hen reunification is still the primary permanent plan for a family, and when the lone claim for termination is squarely rooted in the parent’s case plan noncompliance, then that claim must be adjudicated under [N.C.G.S.] § 7B-1111(a)(2)—because adjudicating it as any other type of claim (*e.g.*, a claim under [N.C.G.S.] § 7B-1111(a)(1) or (6)) would undermine a critical overarching purpose of the

Juvenile Code: the reunification of families.

Mother also asserts that, after reunification is established as a permanent plan for a juvenile, the trial court must first enter an order ceasing reunification efforts pursuant to N.C.G.S. §§ 7B-901(c) or 7B-906.2(b) before DSS may file a motion or petition to terminate parental rights, or the trial court may terminate parental rights on any grounds other than N.C.G.S. § 7B-1111(a)(2). That is, Mother argues that, once reunification is established as a permanent plan for a juvenile, cessation of reunification efforts pursuant to N.C.G.S. § 7B-906.2(b) is a procedural prerequisite to termination of a parent's rights on any grounds other than N.C.G.S. § 7B-1111(a)(2). Otherwise, DSS and the trial court must have waited the twelve months required by N.C.G.S. § 7B-1111(a)(2) before terminating Mother's parental rights for failure to make reasonable progress on her case plan. Mother's argument fails for several reasons.

First, Mother's argument fails to recognize almost the entirety of the juvenile proceedings below. The "lone claim for termination" was not for Mother's case plan noncompliance. In all of the pleadings and orders in the underlying juvenile and termination matters, Mother's habitual neglect of her children is consistently at the forefront of DSS's allegations and the trial court's findings. Notably, the entire reason that DSS was involved at all was because of Mother's constant neglect, and Mother does not once in her brief argue that any allegation or finding regarding this neglect is unsupported by the evidence. Mother fixates on a few of the allegations and

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findings that detail her “willful” failure to make progress on her case plan, but in doing so fails to acknowledge the plethora of findings regarding the constant neglect of her children.

Mother’s argument also fails to recognize “the procedural reality of matters within the jurisdiction of the district court[.] Motions in the cause and original petitions for termination of parental rights may be sustained *irrespective* of earlier juvenile court activity.” *In re E.X.J.*, 191 N.C. App. 34, 45 (2008). “A termination proceeding is separate and distinct from an underlying adjudication proceeding[.]” *In re A.S.M.R.*, 375 N.C. 539, 542 (2020), and our appellate courts have emphasized “a termination order rests on its own merits.” *In re E.X.J.*, 191 N.C. App. at 45.

Nothing in Chapter 7B establishes cessation of reunification efforts as a prerequisite to pursuing termination of a parent’s parental rights on any grounds. Termination proceedings are governed by Chapter 7B, Article 11 of the General Statutes. *See* N.C.G.S. § 7B-1100 (2022), *et seq.* (governing “Termination of Parental Rights”). DSS was permitted by statute to file a motion to terminate Mother’s parental rights, *see* N.C.G.S. § 7B-1103(a)(3) (2022), and DSS’s motion contained the requisite information to satisfy the statute governing the content of a motion to terminate a parent’s parental rights. *See* N.C.G.S. § 7B-1104 (2022). The trial court adjudicated two grounds for termination identified and permitted by N.C.G.S. § 7B-1111(a), neither of which identifies cessation of reunification as a prerequisite. *See* N.C.G.S. § 7B-1111(a)(1), (6) (2022). Nor do the statutory sections governing hearing

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procedures and entry of orders for the adjudication and disposition stages of a termination proceeding contain such a requirement. *See* N.C.G.S. §§ 7B-1109 to 1110 (2022).

Further, this Court has not held that cessation of reunification efforts under N.C.G.S. § 7B-906.2(b) is a prerequisite to termination of a parent's parental rights. N.C.G.S. § 7B-906.2(b) expressly requires DSS to pursue concurrent permanent plans for a juvenile, and this Court has affirmed terminations of parental rights even where one of the concurrent plans for a juvenile was still reunification. *See, e.g., In re A.R.A.*, 373 N.C. 190, 193, 200 (2019) (affirming termination of parental rights while the permanent plan was adoption and concurrent secondary plan was reunification); *see also In re D.C.*, 236 N.C. App. 287, 292, 294 (2014) (affirming termination order and noting "the Permanency Planning Order did not order DSS to cease its reunification efforts with [the] respondent, despite changing the permanent plan to adoption; thus, [the] respondent had the benefit of continued access to the services and assistance of DSS in attempting to correct the conditions which led to the child's removal even though the permanent plan had been changed to adoption").

Mother's argument also fails to acknowledge our standard of review. On appeal, we assess the findings and conclusions the trial court made and do not necessarily review the trial court's orders for every conceivable ground that a parent's rights may be terminated upon. *See In re C.M.P.*, 254 N.C. App. at 654. A "finding of *any one* of the . . . enumerated grounds" in N.C.G.S. § 7B-1111 is sufficient to

support a termination of Mother's parental rights. *In re N.T.U.*, 234 N.C. App. at 733 (omission in original) (emphasis added). The grounds under N.C.G.S. § 7B-1111 are independent of one another, and if grounds exist under one subsection of N.C.G.S. § 7B-1111, "we need not address the remaining grounds" under any other subsection. *Id.*

For the reasons above, Mother's contentions that we should review the Adjudicatory Order for whether grounds existed under N.C.G.S. § 7B-1111(a)(2), and that findings under N.C.G.S. § 7B-906.2(b) were a prerequisite to termination of her parental rights, are without merit. We need only review the grounds under which the trial court terminated Mother's parental rights, because the existence of either ground is sufficient to terminate Mother's rights. *See id.*

2. Termination of Parental Rights

The trial court adjudicated grounds for termination of Mother's parental rights under N.C.G.S. § 7B-1111(a)(1) and (a)(6). The existence of grounds under one subsection of N.C.G.S. § 7B-1111 means we need not address any other grounds for termination of a parent's parental rights. *See In re N.T.U.*, 234 N.C. App. at 733. We conclude that the trial court properly terminated Mother's parental rights under N.C.G.S. § 7B-1111(a)(1) and need not discuss whether it erred by terminating Mother's parental rights under N.C.G.S. § 7B-1111(a)(6) for the purposes of this appeal. *See In re E.Q.B.*, ___ N.C. App. at ___.

Pursuant to N.C.G.S. § 7B-1111(a)(1), the trial court may terminate a parent's

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parental rights upon finding “[t]he parent has . . . neglected the juvenile[,]” as defined in N.C.G.S. § 7B-101. N.C.G.S. § 7B-1111(a)(1) (2022). In relevant part, a neglected juvenile is defined as one whose parent “[d]oes not provide proper care, supervision, or discipline” or “[c]reates or allows to be created a living environment that is injurious to the juvenile’s welfare.” N.C.G.S. § 7B-101(15)(a), (e) (2022).

Mother highlights some of the trial court’s findings that she had not made progress toward rectifying the conditions which led to the adjudication of her children as chronically neglected, and which led to the removal of her children from her home, and asserts “[b]oth the termination motion and the termination order make clear that the decision to terminate [Mother’s] parental rights was rooted in her failure to make sufficient progress [in] addressing her family’s underlying issues, in light of her failure to make sufficient progress on the many elements of her case plan.” Mother’s argument implies findings related to case plan noncompliance are only relevant in an adjudication for failure to make reasonable progress on a case plan, but not in a neglect adjudication. But Mother’s own cited authority explains why the trial court must necessarily assess Mother’s case plan compliance when adjudicating grounds for termination for neglect:

Where, as here, the child has not been in the custody of the parent for a significant period of time, the trial court must employ a different kind of analysis to determine whether the evidence supports a finding of neglect. This is because requiring the petitioner in such circumstances to show that the child is currently neglected by the parent would make termination of parental rights impossible. *In re Ballard*,

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311 N.C. 708, 714 (1984) (overturning the termination of the respondent-mother's parental rights where the court failed to make an independent determination of whether neglect existed at the time of termination hearing). "The determinative factors must be the best interest of the child and the fitness of the parent to care for the child *at the time of the termination proceeding.*" *Id.* at 715.

Thus, when a child has been separated from their parent for a long period of time, the petitioner must prove (1) prior neglect of the child by the parent and (2) *a likelihood of future neglect of the child by the parent.* *In re M.A.W.*, 370 N.C. 149, 152 (2017) (quoting *In re D.L.W.*, 368 N.C. 835, 843 (2016)). . . . [O]ur Court has recognized that a termination of parental rights for neglect cannot be based solely on past conditions that no longer exist. *In re M.A.W.*, 370 N.C. at 152.

In re D.W.P., 373 N.C. 327, 339 (2020) (second emphasis added) (parallel citations omitted). Further, this Court has expressly stated "[a] parent's failure to make progress in completing a case plan is indicative of a likelihood of future neglect." *In re C.M.P.*, 254 N.C. App. at 655. Although the trial court labeled it as a finding of fact, whether there is a likelihood of future neglect is a conclusion of law reviewed de novo. *See In re J.O.D.*, 374 N.C. 797, 807 (2020) ("[T]he trial court's determination that neglect is likely to reoccur if [the juvenile] was returned to his [father's] care is more properly classified as a conclusion of law.").

The trial court made numerous findings of fact regarding the first requirement to terminate a parent's rights for neglect, "prior neglect," in that Mother had chronically neglected her children over a ten-year period. *See In re D.W.P.*, 373 N.C. at 339. Mother does not specifically challenge any of the trial court's findings. These

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findings are therefore binding on appeal, *see In re C.M.P.*, 254 N.C. App. at 654, and conclusively establish “prior neglect of the child[ren] by” Mother. *In re D.W.P.*, 373 N.C. at 339.

As to the second requirement, “a likelihood of future neglect of the child[ren] by” Mother, *id.*, the trial court’s findings that Mother had failed to make progress on her case plan support a determination that Mother would continue to neglect her children if they were returned to her care. *See In re C.M.P.*, 254 N.C. App. at 655. The trial court’s findings show that Mother had done nothing to remedy her inability to “provide proper care, supervision, or discipline” of her children or fix those conditions that “created a living environment that is injurious to the juvenile[s] welfare[.]” *see* N.C.G.S. § 7B-101(15)(a), (e) (2022), *i.e.*, the conditions of the home, the domestic violence between Mother and Father, Mother’s substance abuse, and Mother’s mental health. Mother does not challenge these findings, and therefore, they are binding on appeal. *See id.* at 654.

As to the condition of the home, the court found “Mother and Father continue to reside in the home from which the children were removed.” Social workers were still unable to view the home; “[h]owever, Mother indicate[d] that the home [was] not appropriate for the children to live in.” When DSS was last able to observe the home, it was “unkept. There [was] garbage piled throughout the yard[] [and] on the property.”

As to domestic violence, the trial court found Mother was still in a relationship

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with Father, and the relationship “consist[ed] of ongoing domestic violence.” Mother also still lived with Father. After the children were placed in their foster homes, “Mother ha[d] appeared at visits with the children with a black-eye, blood on her face, and bruises. These injuries [were] observed over multiple visits.” Mother was referred to domestic violence relief services but refused to follow through with any services.

As to substance abuse, the trial court first made findings about the parents’ history of CPS reports indicating Mother and Father abused various substances at home. The trial court also found that, after the children were removed from the home, Mother had completed a psychological evaluation and “was diagnosed with Opioid Use Disorder, on Maintenance Therapy[.]” The trial court then found Mother had engaged in no further services to address, among anything else, her substance abuse issues.

Further, the trial court found “Mother continues to be in denial regarding the reasons for the removal of her children. Specifically, she does not appreciate the chronic neglect [] which the children received in her care.” During a psychological assessment, “Mother did not admit to having any issues with domestic violence or neglect of her children. She also denied the concerning conditions of her home.” The court found the psychological assessor “opined that[,] given [Mother’s] denial of the issues, the overall willingness to make the needed changes would likely be impacted.”

All these findings clearly support the trial court’s conclusions that “Mother and

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Father's neglect of the children is likely to continue into [the] foreseeable future as the parents have not taken this process seriously" and "[t]he past history of this case indicates that there is a high likelihood of the repetition of Mother and Father's neglect of these children." *See In re D.W.P.*, 373 N.C. at 339. Because the trial court made unchallenged findings that Mother previously neglected her children, and the court's conclusion that there was likelihood of future neglect if the children were returned to her care is supported by these unchallenged findings, both requirements for adjudicating neglect as grounds for termination of Mother's parental rights are satisfied. *See id.* The trial court did not err in concluding grounds existed for terminating Mother's parental rights under N.C.G.S. § 7B-1111(a)(1).

CONCLUSION

The trial court's findings support its conclusion that grounds existed for terminating Mother's parental rights under N.C.G.S. § 7B-1111(a)(1).

AFFIRMED.

Panel consisting of: Judges MURPHY, COLLINS, and HAMPSON.

Report per Rule 30(e).