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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA23-903

Filed 21 May 2024

Davidson County, No. 21 JA 42

IN THE MATTER OF: K.L.D.

Appeal by respondent from order entered 16 June 2023 by Judge Carlos Jané in District Court, Davidson County. Heard in the Court of Appeals 30 April 2024.

Sheri A. Woodyard for petitioner-appellee Davidson County Department of Social Services.

Nelson Mullins Riley & Scarborough, LLP, by Chelsea K. Barnes, for guardian ad litem.

Jason R. Page for respondent-appellant.

STROUD, Judge.

Respondent-mother appeals from the trial court's permanency planning order awarding guardianship of her minor child to his maternal aunt and uncle. After review, we affirm.

I. Facts and Procedural History

Kevin¹ was born in September 2020. On 4 May 2021, the Davidson County

¹ A pseudonym is used for the minor child.

Department of Social Services (“DSS”) obtained nonsecure custody of Kevin and filed a petition alleging he was a neglected and dependent juvenile. The petition alleged that Respondent-mother (“Mother”) and Kevin’s father brought Kevin to Thomasville Medical Center on 27 April 2021 “due to concerns of fever and multiple circular lesions on his buttocks and back.” Kevin was “transferred to Brenner’s Children’s Hospital, where he was diagnosed with skin infections with cellulitis, impetigo, and an abscess.” A drainage tube was needed to drain the infection from the abscess. The doctors were also concerned Kevin had “failure to thrive” due to his weight measuring in the 4th percentile at the time of his admission to the hospital, despite measuring in the 53rd percentile at his birth.

The petition alleged that the parents allowed an acquaintance, Ms. G, to care for Kevin from about 18 April 2021 through 26 or 27 April 2021. However, the parents could not provide an address for Ms. G and did not know where the child was while in Ms. G’s care. The petition alleged the parents had only known Ms. G for less than one year, Ms. G did not know Mother’s last name, and Ms. G did not have a stable home but stayed with family and friends during her time caring for Kevin.

The petition also alleged concerns of substance use by the parents during their stay at the hospital with Kevin. After Kevin’s admission to the hospital, the parents disappeared into the bathroom of the hospital room where “they were observed with what appeared to be a black bag with syringes inside.” After they left the bathroom, the parents were observed to have slurred speech. During their stay at the hospital

with Kevin, the parents had difficulty waking on many occasions. The petition further alleged Mother had a history with child protective services regarding her two older children due to substance abuse and unstable housing. Mother no longer had custody of the two older children and did not have any contact or visitation with either of them.

Following a subsequent nonsecure custody hearing on 2 June 2021, Kevin was placed with his maternal aunt and uncle, Mrs. and Mr. B. The trial court held a hearing on the petition on 28 July 2021. In an order entered 1 September 2021, the trial court adjudicated Kevin to be a neglected and dependent juvenile based on the parents' stipulations to the petition allegations set forth above. In a separate disposition order entered 5 October 2021, the trial court ordered Mother to complete a Comprehensive Clinical Assessment to address substance abuse and mental health issues and follow all recommendations, enroll and participate in parenting classes, complete requested drug screens, obtain and maintain stable income to provide for herself and Kevin, pay child support, and sign a release of information for DSS from all of her treatment providers. The court granted Mother two hours of supervised visitation per week.

Following a 15 December 2021 hearing, the trial court entered a permanency planning order on 14 February 2022 setting the primary permanent plan as termination of parental rights and adoption, with a secondary plan of reunification with a parent. The trial court relieved DSS of further reunification efforts and

ordered no visitation between Mother and Kevin until Mother presented herself to the court and completed a drug screen.

After multiple continuances, the trial court held a subsequent permanency planning hearing on 28 September 2022. In an order entered 3 November 2022, the trial court changed the primary permanent plan to reunification with a parent with a secondary plan of termination of parental rights and adoption. The court found that Mother had made some progress within a reasonable period of time; was participating in and cooperating with her case plan; was making herself available to the court, DSS, and the guardian ad litem (“GAL”); was participating in treatment; and had a steady source of income. However, the court found Mother did not have stable housing and needed to continue with her mental health and substance abuse treatment. The court granted Mother a minimum of one hour and a maximum of three hours of supervised visitation twice per month.

Following a 22 February 2023 permanency planning hearing, the trial court entered an order on 27 March 2023 changing the primary permanent plan to “guardianship with a relative or court approved caretaker . . . and a secondary plan of reunification with a parent.”

The trial court held another permanency planning hearing on 17 May 2023. In the resulting permanency planning order entered 16 June 2023, the trial court granted guardianship of Kevin to Mrs. and Mr. B and relieved DSS of further obligations in the matter. The court found that Mother “ha[d] made some progress,

but not adequate progress within a reasonable period of time[;]” was not participating in and cooperating with her case plan; and was “acting in a manner inconsistent with the health or safety of the juvenile.” The court also found that visitation with Mother was not in Kevin’s best interests and did not grant Mother any visitation. Mother appeals.

II. Analysis

Mother argues that the trial court erred by (1) denying her motion to continue, (2) ceasing visitation, and (3) “applying the best interest standard and granting guardianship, because the evidence failed to show that [Mother] lost her constitutionally protected status.” (Capitalization altered.)

A. Motion to Continue

Mother first argues the trial court erred by denying her motion to continue made at the beginning of the permanency planning hearing based on her absence from the proceeding. Mother contends there were “extraordinary circumstances” to warrant the continuance “because DSS had notified [Mother] that it would seek court approval of guardianship” and the court “offered only a 2.5-hour delay to protect [Mother’s] fundamental right to the care, custody, and control of her child.” We disagree.

“Ordinarily, a motion to continue is addressed to the discretion of the trial court, and absent a gross abuse of that discretion, the trial court’s ruling is not subject to review.” *In re A.L.S.*, 374 N.C. 515, 516-17, 843 S.E.2d 89, 91 (2020) (citation

omitted). “If, however, the motion is based on a right guaranteed by the Federal and State Constitutions, the motion presents a question of law and the order of the court is reviewable.” *Id.* at 517, 843 S.E.2d at 91 (citation omitted).

While Mother’s counsel objected to holding the permanency planning hearing in Mother’s absence because an award of guardianship would “potentially affect her constitutionally protected status[,]” our appellate courts have determined that “[a] parent’s absence from termination proceedings does not itself amount to a violation of due process.” *In re J.E.*, 377 N.C. 285, 290, 856 S.E.2d 818, 822 (2021); *see also In re C.M.P.*, 254 N.C. App. 647, 652, 803 S.E.2d 853, 857 (2017) (“[T]his Court has held that a parent’s due process rights are not violated when parental rights are terminated at a hearing at which the parent is not present.” (citation omitted)). Thus, Mother’s motion to continue the permanency planning hearing due to her absence was not based on a constitutional right, and we review only for an abuse of discretion. *See In re S.M.*, 375 N.C. 673, 679, 850 S.E.2d 292, 299 (2020) (citation omitted).

“Abuse of discretion results where the [trial] court’s ruling is manifestly unsupported by reason or is so arbitrary that it could not have been the result of a reasoned decision.” *In re A.L.S.*, 374 N.C. at 516-17, 843 S.E.2d at 91 (citation omitted). To prevail on appeal, Mother must not only show the court erred, but that she “suffered prejudice as a result of the error.” *In re C.C.G.*, 380 N.C. 23, 26, 868 S.E.2d 38, 41 (2022) (citation omitted). “Continuances are not favored and the party seeking a continuance has the burden of showing sufficient grounds for it. The chief

consideration is whether granting or denying a continuance will further substantial justice.” *In re L.G.*, 274 N.C. App. 292, 295, 851 S.E.2d 681, 685 (2020) (citation omitted).

The standard for granting a motion to continue a hearing in an abuse, neglect, and dependency proceeding is set out in North Carolina General Statute Section 7B-803, which provides:

The court may, for good cause, continue the hearing for as long as is reasonably required to receive additional evidence, reports, or assessments that the court has requested, or other information needed in the best interests of the juvenile and to allow for a reasonable time for the parties to conduct expeditious discovery. Otherwise, continuances shall be granted only in extraordinary circumstances when necessary for the proper administration of justice or in the best interests of the juvenile.

N.C. Gen. Stat. § 7B-803 (2023).

Here, the transcript from the 17 May 2023 permanency planning hearing shows Mother’s counsel moved to continue due to Mother’s absence. Counsel advised the trial court that Mother had

emailed [her] this morning, said that she was having car problems. Apparently, this has been going on for a few weeks. In just reading the report on the social worker, it appears she missed a couple of visits because of these car issues. She lives quite a long ways away

Counsel informed the court that Mother

said she had been trying to find a vehicle to purchase and that at this point she could not afford a Lyft to get to court.

Your Honor, the Department would be seeking today to give guardianship to the placement. So this would potentially affect her constitutionally protected status. She and I previously talked about her testifying in this matter as to the progress that she's made on her case plan and things she's done.

Counsel further argued that Mother

had told the Department she was having transportation issues and could not make at least two of [the] visits. Some people can't just buy a car in a matter of weeks, Your Honor. So, again, this affects – and she and I have talked about the ramifications of this hearing and proceeding with an appeal. So it's not that she wasn't aware of what could potentially happen today and we didn't have a game plan going forward.

The trial court denied the motion but took a break from 11:52 a.m. until 2:46 p.m. to allow DSS to set up a WebEx connection so Mother could participate in the hearing remotely. DSS tried to call Mother during the break but could not get in touch with her or leave a voicemail due to the mailbox being full. DSS also sent Mother a text message and an email; however, Mother did not reply to either message. The court then moved forward with the permanency planning hearing in Mother's absence.

Mother has not shown the trial court abused its discretion. By her counsel's own admission, Mother was aware of her car troubles before the hearing, having missed a couple visits with Kevin due to car issues. Mother did not contact DSS to ask for transportation assistance to ensure her attendance. Even after denying the motion, the trial court allowed additional time so Mother could participate in the

hearing remotely. Despite knowing the hearing was happening that day, Mother did not answer her phone or respond to any messages sent by DSS after informing her counsel that morning of her inability to attend. In denying the motion, the trial court found Mother was aware of the court's hearing date for over three months, and although she had been having transportation issues, she "had ample time to arrange transportation." Mother's known transportation issues were not an extraordinary circumstance warranting a continuance.

Moreover, the mere fact Mother was not present for the hearing is not *per se* prejudicial. See *In re C.M.P.*, 254 N.C. App. at 653, 803 S.E.2d at 857. Where a parent is represented during the hearing, and her counsel advocates for her interests in an effective manner, "the parent must demonstrate some actual prejudice in order to prevail upon appeal." *In re Murphy*, 105 N.C. App. 651, 658, 414 S.E.2d 396, 400, *aff'd per curiam*, 332 N.C. 663, 422 S.E.2d 577 (1992) (citation omitted).

Mother contends "[h]er inability to testify or otherwise participate in the trial resulted in prejudice." Mother argues that "[d]elaying a decision until [Mother] could be located, or until the next available court session, to allow her testimony to be considered on this issue is a 'modest request which should have been granted to assure fundamental fairness.'" But when making the oral motion, Mother's counsel did not indicate Mother intended to testify, but stated only that she had talked with Mother "about her testifying in this matter as to the progress that she's made on her case plan and things she's done." Nor did counsel offer a forecast of Mother's potential

testimony. *See In re C.C.G.*, 380 N.C. at 27, 868 S.E.2d at 42. The trial court did not abuse its discretion in denying Mother's motion to continue.

B. Guardianship

Mother challenges the trial court's award of guardianship of Kevin to Mrs. and Mr. B. She challenges several of the trial court's findings of fact and argues the court erred in determining she acted inconsistently with her constitutionally protected status as a parent. As a result, she contends the court erroneously applied the best interests standard in awarding guardianship.

"[A]ppellate review of a permanency planning order is limited to whether there is competent evidence in the record to support the findings of fact and whether the findings support the conclusion of law[.]" *In re B.R.W.*, 381 N.C. 61, 77, 871 S.E.2d 764, 775 (2022) (citation and quotation marks omitted). "The trial court's findings of fact are conclusive on appeal if unchallenged, or if supported by competent evidence in the record." *In re I.K.*, 377 N.C. 417, 422, 858 S.E.2d 607, 611 (2021) (citations omitted). "The trial court's legal conclusion that a parent acted inconsistently with [their] constitutionally protected status as a parent is reviewed de novo to determine whether the findings of fact cumulatively support the conclusion and whether the conclusion is supported by clear and convincing evidence." *Id.* at 421, 858 S.E.2d at 611. "The clear and convincing standard requires evidence that should fully convince." *Id.* (citation omitted). The trial court's determination of a child's best

interests is reviewed for an abuse of discretion. *In re C.P.*, 252 N.C. App. 118, 122, 801 S.E.2d 647, 651 (2017).

1. Challenged Findings

Mother first challenges several of the trial court's findings of fact as unsupported. Mother first challenges finding of fact 32 in which the court found that Mother did not comply with the trial court's order that she attend Narcotics Anonymous ("NA") three days a week because she completed only twenty-one virtual meetings when she should have completed twenty-four sessions during an eight-week period. Mother has not explained how this finding is unsupported. The trial court found "[o]n September 28, 2022, the Court ordered [Mother] to attend [NA] at least three times per week and provide proof of her attendance and what she [was] learning to [DSS] monthly." The court found Mother provided documentation she attended twenty-one virtual NA meetings between 14 November 2022 and 8 January 2023. Mother does not challenge this part of the finding, and therefore it is binding on appeal. *In re K.W.*, 282 N.C. App. 283, 286, 871 S.E.2d 146, 149 (2022). If Mother attended NA three times a week during the eight-week period as ordered, she should have attended twenty-four sessions. She attended only twenty-one. Therefore, Mother's challenge to finding of fact 32 is overruled.

Mother next challenges finding of fact 35, which states she is not currently participating in substance abuse treatment or counseling. Mother argues the evidence at the hearing "was that the social worker did not know" whether Mother

was participating in the treatment. At the hearing, the social worker testified that Mother did not give DSS “any documentation or proof of [NA] meetings” since 8 January 2023. The social worker further testified that Mother informed her during a phone call she was going to gather all her NA meeting log sheets from January to March 2023 to give to DSS, but Mother never sent the information. Thereafter, the following exchange then occurred:

Q. Has she engaged in any substance abuse treatment since the last court date that you’re aware of?

A. Not that I’m aware of.

Thus, the evidence shows Mother was ordered to complete the NA meetings and provide DSS with the documentation. Unchallenged finding of fact 33 states that “[t]he [c]ourt has no evidence that [Mother] has attended any NA meetings after January 8, 2023.” Mother had not provided DSS with any documentation since January 2023 to show she was engaging in substance abuse treatment as required, and the social worker had no other knowledge of her participation in NA. Therefore, the social worker was not aware of Mother having participated because Mother failed to provide the required documentation. We conclude the court’s finding is supported by the evidence.

Mother challenges finding of fact 68 in which the court found that Mother “no showed” for a visit on 16 May 2023. She contends the evidence showed DSS cancelled the visit because Mother did not confirm that she was coming within DSS’s required

timeframe. The social worker testified that Mother informed DSS she would not be able to attend her visits on 18 April 2023 and 2 May 2023 because of car troubles. However, Mother did not confirm the 16 May 2023 visit by 9:30 a.m. on the day of the visit as required, and DSS cancelled the visit. The social worker testified that Mother had no contact with her about the 16 May 2023 visit. Mother's failure to confirm her attendance with DSS before the visit as required or to offer any explanation to DSS as to why she was not able to participate in the visit supports a finding that she "no showed" on 16 May 2023. *See In re J.A.J.*, 381 N.C. 761, 773, 874 S.E.2d 563, 573 (2022) (stating that it is the duty of the trial court "to determine the weight and veracity of evidence and the reasonable inferences to be drawn therefrom"). Therefore, we overrule Mother's challenge.

Mother next challenges finding of fact 100, which states she "has shown an inconsistent commitment to substance abuse treatment." Mother asserts "the finding also notes that she has consistently tested negative for illegal substances." She also asserts she told DSS she went to NA meetings, but acknowledges she had not provided proof of her attendance at the time of the hearing. Mother's challenge is meritless. By her own admission, she failed to provide the required documentation of her participation in NA since the last court date in January 2023. Additionally, although the court found her past drug screens were negative for illegal substances, the court found that she had not complied with recent requests to complete drug screens. Therefore, we overrule Mother's challenge.

The trial court found in finding of fact 111 that Mother “was ordered to participate in shared parenting, but only communicates through Facebook or text messages.” Mother has not specifically challenged this finding. However, she asserts “[t]he court found that although [Mother] was ordered to participate in shared parenting, she only communicates through Facebook text message[,]” and argues “the DSS social worker testified that [Mother] sends text messages almost every day inquiring about Kevin.” To the extent Mother has challenged this finding, her contention is meritless. The trial court’s finding states Mother “communicates through Facebook *or* text messages.” (Emphasis added.) Moreover, sending a daily text message asking about Kevin does not equate to shared parenting.

Mother also challenges finding of fact 116 in which the court found that she “has not complied with her child support obligation in that she still owes arrears.” She asserts that she “made payments each month, even when she did not pay the full amount” and she paid \$697.00 in April 2023. Mother was ordered to pay \$406.00 per month beginning 1 December 2022. The court found that Mother paid \$106.84 per month from December 2022 to March 2023, resulting in a total arrears amount of \$905.10. Although Mother paid \$697.00 in April 2023, she still failed to pay the required child support as ordered from December 2022 to March 2023 and was behind in her overall child support obligation, resulting in arrears. Therefore, finding of fact 116 is supported by the evidence.

2. *Acting in a Manner Inconsistent with Constitutionally Protected Status*

Mother argues there was insufficient evidence and factual findings to support the court's determination that she acted inconsistently with her constitutionally protected status as a parent, and the court erred in awarding guardianship of Kevin to Mrs. and Mr. B.

The Due Process Clause of the Fourteenth Amendment to the United States Constitution protects a natural parent's paramount constitutional right to custody and control of his or her children and ensures that the government may take a child away from his or her natural parent only upon a showing that the parent is unfit to have custody or where the parent's conduct is inconsistent with his or her constitutionally protected status.

In re B.R.W., 381 N.C. at 77, 871 S.E.2d at 775-76 (citation and quotation marks omitted). However, a "natural parent may lose his constitutionally protected right to the control of his children in one of two ways: (1) by a finding of unfitness of the natural parent, or (2) where the natural parent's conduct is inconsistent with his or her constitutionally protected status." *In re D.A.*, 258 N.C. App. 247, 250, 811 S.E.2d 729, 731-32 (2018). Only after finding either that the parent is unfit or that his or her conduct is inconsistent with a parent's constitutionally protected status may the trial court apply the "best interest of the child test" to award guardianship to a nonparent. *Id.* at 250, 811 S.E.2d at 732.

While "unfitness, neglect, and abandonment clearly constitute conduct inconsistent with the protected status parents may enjoy. . . . other types of conduct,

which must be viewed on a case-by-case basis, can rise to this level so as to be inconsistent with the protected status of natural parents.” *In re B.R.W.*, 381 N.C. at 82, 871 S.E.2d at 779 (emphasis in original) (citations, quotation marks, and brackets omitted). Therefore, “there is no bright line rule beyond which a parent’s conduct meets this standard; instead, we examine each case individually in light of all of the relevant facts and circumstances and the applicable legal precedent.” *Id.* at 82-83, 871 S.E.2d at 779 (citations and quotation marks omitted).

When examining a legal parent’s conduct to determine whether it is inconsistent with his or her constitutionally-protected status, the focus is not on whether the conduct consists of good acts or bad acts. Rather, the gravamen of inconsistent acts is the volitional acts of the legal parent that relinquish otherwise exclusive parental authority to a third party.

Mason v. Dwinnell, 190 N.C. App. 209, 228, 660 S.E.2d 58, 70 (2008) (quotation marks omitted).

Mother argues the trial court erred in determining that she was acting inconsistent with her constitutionally protected status as a parent because there was insufficient evidence and findings to support the court’s determination. Here, the trial court found “by clear and convincing evidence that the [Mother] ha[s] acted inconsistently with [her] constitutionally protected status as [a] parent[].” In support of this finding, the court found that Kevin had been in DSS custody for over two years and Mother failed to make the required progress to reunify with Kevin despite being aware that the court was considering appointing a guardian for Kevin. The court

found that Mother had shown an inconsistent commitment to substance abuse treatment, which was an issue that led to Kevin's removal from the home, was not participating in shared parenting as ordered, did not have stable housing, was not complying with her child support obligation and was in arrears, had recently stopped responding to the social worker, and had missed the last three visits with Kevin. The court also considered that Mother had other children who were not in her care and with whom she had no contact. Based on these findings, we conclude the trial court did not err in determining Mother was acting inconsistent with her constitutionally protected status as a parent. Accordingly, the trial court did not err in applying the best interests standard and awarding guardianship to Mrs. and Mr. B.

C. Ceasing Visitation

Finally, Mother argues the trial court erred in ceasing her visitation with Kevin because the evidence does not support the court's finding that visits with Mother were adversely affecting Kevin and not in his best interests.

An order that . . . continues the juvenile's placement outside the home shall provide for visitation that is in the best interests of the juvenile consistent with the juvenile's health and safety, including no visitation. The court may specify in the order conditions under which visitation may be suspended.

N.C. Gen. Stat. § 7B-905.1(a) (2023). "The order must establish an adequate visitation plan for the parent in the absence of findings that the parent has forfeited their right to visitation *or that it is in the child's best interest to deny visitation.*" *In*

re T.W., 250 N.C. App. 68, 77, 796 S.E.2d 792, 798 (2016) (emphasis in original) (citations, quotation marks, and brackets omitted)). “We review an order denying visitation to a respondent-parent only for abuse of discretion.” *Id.* at 77-78, 796 S.E.2d at 798.

“When the question of visitation rights of a parent arises, the court should determine from the evidence presented whether the parent by some conduct has forfeited the right or whether the exercise of the right would be detrimental to the best interest and welfare of the child.” *In re R.J.P.*, 284 N.C. App. 53, 66, 875 S.E.2d 1, 10 (2022).

When wholly denying visitation between a parent and their child, this Court has previously considered factors such as: (1) whether the parent denied visitation has a long history with CPS; (2) whether the issues which led to the removal of the current child are related to previous issues which led to the removal of another child; (3) whether a parent minimally participated, or failed to participate, in their case plan; (4) whether the parent failed to consistently utilize current visitation; and, (5) whether the parent relinquished their parental rights.

In re M.S., 289 N.C. App. 127, 146, 888 S.E.2d 242, 253 (2023) (citation and quotation marks omitted). “Findings describing a parent’s failure to engage with a case plan or services, even if previously agreed to, does not compel, but *may* support a finding that visitation is inconsistent with a child’s health and safety[.]” *Id.* at 147, 888 S.E.2d at 254 (emphasis in original) (citation omitted).

Mother challenges the trial court’s finding of fact 117 in which the court found

that “[v]isits with . . . [M]other are adversely affecting [Kevin]. It is not in the best interest of [Kevin] to have visits with . . . [M]other.” Mother acknowledges that Kevin was diagnosed with Separation Anxiety and Stranger Anxiety and was recommended to participate in play therapy. She asserts, however, there is no evidence a doctor connected the decline in Kevin’s behavior to his visitation, and rather “DSS made its own diagnoses” of Kevin “and [his] treatment plan” in recommending Mother not have any visitation.

The trial court’s unchallenged findings state that Kevin’s behaviors began to deteriorate in October 2022 and “became worse in February 2023 when the visits between [Kevin] and [Mother] became one on one[.]” Kevin “displayed behavioral issues at daycare and in the home including throwing toys, having tantrums, throwing himself to the ground, banging his head on the floor, crying, and hiding from Mrs. B.” The court found that DSS “is concerned that these behaviors occurred after visits with [Mother].”

The court also made additional findings that Mother was not participating in and cooperating with her case plan; was not participating in shared parenting as ordered; had not consistently made herself available to the court, DSS, and the GAL; and was “acting in a manner inconsistent with the health or safety of the juvenile.” The court found Mother was not making adequate progress within a reasonable period of time despite being aware the court was considering guardianship, had missed three visits since the last court hearing, and had not contacted the social

worker in the month before the hearing. The court also found that Mother has three other children not in her custody.

These findings support the trial court's finding that Kevin's visits with Mother were adversely affecting him and that it was not in Kevin's best interests to have visitation with Mother. Therefore, we conclude the trial court made the necessary findings to deny Mother visitation, and it did not abuse its discretion in doing so. *See In re J.L.*, 264 N.C. App. 408, 422, 826 S.E.2d 258, 268 (2019).

III. Conclusion

The trial court did not err in denying Mother's motion to continue the permanency planning hearing. The trial court made sufficient findings to support its determination that Mother acted inconsistently with her constitutionally protected status as a parent, and as a result, did not err in applying the best interests standard in awarding guardianship to Mrs. and Mr. B. Finally, the court made the necessary findings to deny Mother visitation and did not abuse its discretion in doing so. Accordingly, we affirm the trial court's permanency planning order.

AFFIRMED.

Judge COLLINS concurs.

Judge WOOD concurs in result only.

Report per Rule 30(e).