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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA23-791

Filed 16 July 2024

Guilford County, No. 19JT118

IN THE MATTER OF: K.R.H., Jr.

Appeal by respondent mother from order entered 18 April 2023 by Judge Angela Foster in Guilford County District Court. Heard in the Court of Appeals 17 June 2024.

Mercedes O. Chut for petitioner-appellee Guilford County Department of Health and Human Services.

John Price for guardian ad litem.

Peter Wood for respondent-appellant mother.

FLOOD, Judge.

Respondent mother (“Mother”) appeals from an order terminating her parental rights to her minor child, K.R.H. (“Kevin”).¹ Mother argues the trial court’s adjudicatory findings of fact were unsupported by clear, cogent, and convincing

¹ The juvenile is referred to by a pseudonym to protect his privacy pursuant to N.C.R. App. P. 42.

evidence, and in turn did not support the trial court's conclusions that grounds existed to terminate her parental rights to Kevin. Because the trial court made sufficient findings and conclusions to terminate Mother's parental rights for neglect, we affirm.

I. Factual and Procedural Background

Kevin was born to Mother and respondent father ("Father") in November 2019. On 3 December 2019, the Guilford County Department of Health and Human Services ("DSS") took nonsecure custody of Kevin and filed a juvenile petition ("Juvenile Petition") alleging Kevin was neglected and dependent.² The Juvenile Petition alleged that at the time of Kevin's birth, Mother was "addicted to heroin and that she used heroin two hours before delivery." Mother reported that she consumed a gram of heroin per day, and "asked hospital staff if someone could bring her heroin in the hospital[.]" Mother provided contact information for her parents, but not herself, then left the hospital against medical advice and without first stopping to check on Kevin. Mother returned to the hospital later the same day and tested positive for, *inter alia*, cocaine. The Juvenile Petition also alleged Mother did not have stable housing; she had come to North Carolina in April 2019 and "stayed at various addresses that she d[id] not remember and/or did not wish to disclose to" DSS.

² The Juvenile Petition also alleged Father was homeless and living out of state. Because Father did not challenge any of the proceedings below, including the termination of his parental rights to Kevin, any allegations or findings related to Father are omitted.

On 25 June 2020, Kevin was adjudicated neglected and dependent based on Mother's unstable housing and substance abuse. Mother was granted two hours of weekly supervised visitation.

On 4 January 2021, the trial court entered a dispositional order finding Mother had entered into a case plan with DSS but had not made significant progress on the plan. Mother's case plan had four components: (1) "Housing/Environment/Basic Physical Needs[;]" (2) parenting skills; (3) employment; and (4) substance abuse. As to housing, the trial court found Mother did not have independent, stable housing and had been evicted from a recovery home due to nonpayment of rent. Mother had also advised DSS she "would be with her boyfriend, . . . on the road[,]" and had not provided any proof of housing to DSS. As to parenting skills, Mother had completed a parenting psychological evaluation and was recommended a psychiatric evaluation, which she did not complete, and parenting classes, in which she had not enrolled. Mother had also missed all visits with Kevin in the month preceding the dispositional hearing. As to Mother's employment, Mother reported working at a Dollar Tree but "ha[d] not provided the Department with any verification of employment, proof of income, unemployment benefits, job searches, and/or a monthly budget." Finally, as to substance abuse, Mother had been referred to complete a substance abuse assessment but left part way through the assessment. Mother was also having difficulty attending group therapy and had failed to submit to multiple drug screens. Mother was receiving substance abuse services, however, through Alcohol and Drug

Services (“ADS”), including attending a daily methadone clinic. The trial court ordered Mother to comply with her case plan and reduced Mother’s supervised visitation to one hour per week.

On 18 March 2022, the trial court entered a permanency planning order finding Mother had made little progress on her case plan. As to housing, Mother reported residing in her boyfriend’s parent’s home, but that the home was not appropriate for Kevin. DSS had also been unable to conduct home visits at the address provided by Mother. As to parenting skills, Mother had failed to follow up with any recommendations from the parenting psychological evaluation, including attending individual therapy, completing a psychiatric evaluation, and enrolling in parenting classes. Mother had also attended only twenty-two of fifty-seven scheduled visits with Kevin since the dispositional hearing and missed several of these visits even after confirming the visits with DSS the day before. Furthermore, Mother was bringing to visits with Kevin food to which he was allergic. With respect to employment, Mother’s employment with Dollar Tree had terminated without Mother ever providing proof of employment. Mother reported having begun work at UPS on 22 March 2021, but only provided proof of employment for the periods between 11 April 2021 to 8 May 2021 and 11 July 2021 to 17 July 2021. Mother provided no additional proof of employment prior to the permanency planning hearing in November 2021. As to Mother’s substance abuse, Mother was not attending therapy but was still attending the ADS daily methadone clinic. Mother also failed to

regularly comply with drug testing and had tested positive for fentanyl and “[n]orfentanyl.” The trial court set a primary permanent plan of adoption with secondary plan of reunification for Kevin, ordered Mother to comply with her case plan, and reduced Mother’s supervised visitation to one hour, twice per month. The trial court ordered DSS to pursue termination of Mother’s parental rights within sixty days.

On 26 May 2022, DSS filed a petition to terminate Mother’s parental rights (“TPR Petition”), based on Mother’s inability to remedy her housing, parenting skills, employment, and substance abuse issues. DSS alleged grounds existed to terminate Mother’s parental rights for (1) neglect, (2) willfully leaving Kevin in foster care for more than a year without making reasonable progress on her case plan, and (3) dependency.

On 2 September 2022, the trial court entered a permanency planning order finding Mother had continued not to meet the requirements of her case plan. As to housing, Mother had been denied income-based housing because she did not work more than thirty hours per week, she had instead moved in with her boyfriend, and she had still not provided DSS with any proof of housing. As to Mother’s parenting skills, Mother had still not completed the psychiatric evaluation recommended in 2020 or engaged in individual therapy. Mother’s attendance at visitation was still intermittent, and she had attended only thirteen of the twenty-one visits offered to her since the last permanency planning hearing. Mother did, however, complete a

series of parenting classes in December 2021. With respect to employment, Mother reported that she was employed by FedEx, but had provided paycheck stubs only for 19 November 2021, 27 December 2021, and 22 June 2022. As to substance abuse, Mother had still not completed a substance abuse assessment, and was not complying with DSS's requests for drug testing. The trial court also found Mother was pregnant with her second child.

The TPR Petition was heard in February 2023, and on 18 April 2023, the trial court entered an order terminating Mother's parental rights ("TPR Order"). The TPR Order found Mother had been unable to resolve her housing, parenting skills, employment, and substance abuse issues and was not compliant with the various components of her case plan. Mother had also not provided any viable alternative childcare arrangement for Kevin. Based on these findings, the order concluded grounds existed to terminate Mother's parental rights for neglect, willfully leaving Kevin in foster care, and dependency, as alleged in the TPR Petition. The trial court also concluded it was in Kevin's best interest that Mother's rights be terminated, and accordingly terminated Mother's parental rights. Mother appealed.

II. Analysis

A. Standard of Review

At the adjudicatory stage, the trial court's findings must be supported by clear, cogent, and convincing evidence, and "[i]f a trial court's finding of fact is supported by clear, cogent, and convincing evidence, it will be deemed conclusive even if the

record contains evidence that would support a contrary finding.” *In re S.R.*, 384 N.C. 516, 520, 886 S.E.2d 166, 171 (2023) (citation, quotation marks, original brackets, and ellipsis omitted). “Unchallenged findings of fact are deemed supported by competent evidence and are binding on appeal.” *In re J.S.*, 374 N.C. 811, 814, 845 S.E.2d 66, 71 (2020) (citation and quotation marks omitted). The court’s conclusions of law are reviewed *de novo* for whether they are supported by the findings of fact. *See In re S.R.*, 384 N.C. at 520, 886 S.E.2d at 171.

B. Findings of Fact

We preliminarily note we address only Mother’s challenges to the findings to the extent she articulates a specific argument about each challenged finding. *See In re N.P.*, 374 N.C. 61, 65, 839 S.E.2d 801, 804 (2020) (“[F]indings of fact not specifically challenged by a respondent are presumed to be supported by competent evidence and binding on appeal.”); *see also* N.C. R. App. P. 28(b)(6) (stating we “review only those findings necessary to support the trial court’s determination that grounds existed to terminate respondents’ parental rights”). To the extent the trial court made mixed findings of fact and conclusions of law, we separately address Mother’s challenges to the factual and legal components of each finding. *See In re J.O.D.*, 374 N.C. 797, 807, 844 S.E.2d 570, 578 (2020) (“[F]indings of fact which are essentially conclusions of law will be treated as such on appeal.” (citation, quotation marks, original brackets, and ellipsis omitted)).

1. Finding of Fact 12

Finding of Fact 12 (“FOF 12”) addresses Mother’s compliance with all four components of her case plan. The trial court made findings as to each component, and ultimately found Mother “ha[d] done some parts of her case plan, but she ha[d] not completed the terms of her case plan. Further, she ha[d] willfully chosen not to do parts of the case plan, despite being recommended to do so. [] Mother is not in compliance with her case plan.” Mother asserts separate arguments for each component.

a. Substance Abuse

The trial court found Mother was required to submit to a substance abuse assessment, follow any recommendations from that assessment, and submit to random drug screens with the understanding that refusal to do so would be considered a positive test. The trial court then found Mother had intermittently complied with DSS’s requests for drug screens, and further found:

Mother has obtained substance abuse treatment since 2020. However, she has exhibited withdraw symptoms and has been unable to taper down or receive take-home doses. Respondent Mother requested an increase of her dosage of Methadone in January 2023 from the provider, despite the plan being to taper down to take-home doses. Respondent Mother is not in compliance with this component of her case plan.

Mother challenges this finding by quoting favorable portions of the transcript and asserting she was in compliance with her case plan because there were “no lapses” in her substance abuse treatment.

Mother's argument is meritless, and this portion of FOF 12 is supported by clear, cogent, and convincing evidence. First, to the extent Mother quotes favorable portions of the transcript, contradictory evidence alone does not render the trial court's findings unsupported by clear, cogent, and convincing evidence. *See In re S.R.*, 384 N.C. at 520, 886 S.E.2d at 171. Second, Mother's "no lapses" argument is taken out of context. At the termination hearing, the social worker testified:

Q[:] And so she has been actively engaged with ADS since April of 2020?

A[:] Yes.

Q[:] Have there been any lapses in her treatment?

A[:] There have been no lapses in her treatment; however, they are requesting that she participates in a 12-step program. She has not participated in that as of yet.

While this testimony supports Mother's contention that there were "no lapses" in her regular attendance at the ADS daily methadone clinic, it does not indicate that she had "no lapses" in her substance abuse treatment generally. Third, the unchallenged portion of FOF 12 clearly establishes Mother was not in compliance with the substance abuse requirements of her case plan.

Mother was required to submit to random drug screens, and "underst[ood] that refusal to submit to a random drug screen w[ould] be counted as a positive drug screen." The trial court found that, of the forty-two drug screens DSS requested between March 2020 and February 2023, Mother only complied with twenty requests

by submitting to testing then testing negative or only testing positive for her prescribed methadone. On three occasions, when Mother did comply with DSS's requests for a drug test, Mother tested positive for fentanyl and norfentanyl. Mother failed to complete a drug test nineteen times, including the final eight tests DSS requested between 23 March 2022 and 9 February 2023 in the year preceding the termination hearing. Furthermore, Mother articulates no argument against FOF 12 to the extent the trial court found Mother had requested a higher dose of methadone, even though her plan required her to taper down.

Because FOF 12 is supported by evidence that indicates Mother did not comply with the substance abuse requirements of her case plan, aside from attending the ADS daily methadone clinic, the trial court did not err in finding "Mother [was] not in compliance with this component of her case plan."

b. Employment

The trial court found Mother was required to maintain verifiable employment, provide written documentation of her employment to DSS, and report to DSS any changes in her employment. The court, however, also found, in relevant part:

Mother has not maintained consistent employment. . . .
Mother has not provided paystubs or updated employment
information to the Social Worker. [] Mother is not in
compliance with this component of her case plan.

Mother asserts this section of FOF 12 is unsupported because "the undisputed evidence" at the termination hearing showed Mother was employed by FedEx.

Mother's argument ignores additional evidence presented at the termination hearing, because the evidence about Mother's employment was not "undisputed." The social worker testified at the termination hearing that Mother "advises that she is currently working at FedEx; however, she has not provided us any documentation." The social worker testified Mother provided no documentation before or after her second child was born in October 2022. The social worker also testified that in December 2022, Mother told ADS that she was unemployed while simultaneously telling DSS she was employed by FedEx.

Additionally, the trial court took judicial notice of all prior orders, including the 18 March 2022 and 2 September 2022 permanency planning orders in which the court found Mother had provided only a few paycheck stubs to verify her employment. In the 18 March 2022 order, the trial court found Mother had verified her employment at UPS for the periods between 11 April 2021 to 8 May 2021, and 11 July 2021 to 17 July 2021. In the 2 September 2022 order, the trial court found Mother had "provided paycheck stubs for her employment on November 19, 2021, December 27, 2021 and June 22, 2022." A portion of these paystubs were included in the Record and indicate Mother worked at UPS from 28 March 2021 to 17 July 2021, and again from 21 November 2021 to 18 December 2021. Mother then worked at FedEx from 20 March 2022 to 26 March 2022, and again from 1 May 2022 to 11 June 2022.

Mother also testified regarding her employment, but her testimony is inconsistent with her own paystubs. Mother testified that she started working at

FedEx on 21 March 2022, but that she was on maternity leave for five or six months before her son was born in October 2022. Therefore, Mother's maternity leave would have lasted from approximately mid-April 2022 or mid-May 2022 to October 2022. Mother provided paystubs indicating that she was working during this period of time, however, in May and June 2022. Mother also testified that she was working at FedEx at the time of the termination hearing in February 2023, but there is no evidence in the record to indicate she verified this employment with DSS.

The evidence at the termination hearing was not undisputed. But conflicting evidence alone is not fatal to the trial court's findings. *See In re S.R.*, 384 N.C. at 520, 886 S.E.2d at 171. Here, Mother was required to obtain and maintain verifiable employment, and there is clear, cogent, and convincing evidence in the Record to support FOF 12 to the extent the trial court found Mother had failed to do so.

c. Housing, Parenting Skills, and Mental Health Assessment

Mother was required to find and maintain appropriate housing, provide DSS with written verification of her housing, complete a parenting psychological evaluation and comply with all recommendations, take parenting classes, and attend all visits with Kevin. The trial court found "Mother has done some parts of her case plan, but she has not completed the terms of her case plan. Further, she has willfully chosen not to do parts of the case plan, despite being recommended to do so. [] Mother is not in compliance with her case plan." Mother asserts this portion of FOF 12 is unsupported because she "substantially complied with her case plan" and "attended

parenting classes, visited with her child, and had completed her mental health evaluation.” Additionally, Mother argues that she had housing, and “DSS visited her home and found it adequate for her younger child.”

A review of the Record shows that the trial court’s finding is supported by clear, cogent, and convincing evidence, and Mother’s argument is meritless. As to housing, the trial court found:

Mother has not resolved the issue of housing. [] Mother is residing in the Days Inn but did not advise the Social Worker of relocating from the Studio 6. The social worker has not been able to complete a home visit due to the lack of communication with [] Mother. [] Mother testified that she intended to reach out to housing in High Point on Wednesday. [] Mother resides in the Days Inn with her new boyfriend and their new baby, born in October . . . 2022. [] Mother has not provided a residential lease to the Department. [] Mother is not in compliance with this component of her case plan.

Each portion of this finding is supported by the evidence. The social worker testified the last home visit DSS was able to complete was at “the Studio 6[,]” where Mother was residing in a motel room with her boyfriend and baby. At the termination hearing, the social worker believed Mother was still residing at the Studio 6. The social worker testified Mother has not kept DSS up to date with address changes and had provided incorrect and inconsistent information. Mother testified that she intended to reach out to housing in High Point but had not yet applied. Mother also testified that she had relocated from the Studio 6 to the Days Inn but asserted she had told DSS. There is no indication in the Record that Mother provided a lease to

DSS. The housing portion of FOF 12 is supported by the evidence.

As to parenting classes and visitation, the trial court found Mother was required to complete a parenting/psychological evaluation, attend parenting classes, follow any other recommendations from the evaluation, and attend all visits with Kevin. The trial court found Mother had completed the psychological evaluation and parenting classes but chose not to attend individual therapy and only

attended [twenty-two] out of [fifty-seven] visits with her son between November 16, 2020 and October 20, 2021, which were all virtual. [] Mother regularly failed to confirm the in-person visits or failed to show up for visits. [] Mother is not in compliance with this component of her case plan.

The visitation portion of FOF 12 is supported by the social worker's testimony that Mother completed the psychological evaluation and parenting classes but did not attend individual therapy. The social worker also testified Mother's attendance at visitation was inconsistent, and that Mother regularly failed to show up for visits after confirming her attendance. The social worker further testified that Mother missed ten additional visits between 15 November 2021 and 1 February 2023, even after confirming her attendance. Mother herself also testified that she did not attend all visits, and that she used to simply not show up at scheduled visits. Mother's attendance at twenty-two out of fifty-seven visits was based, however, on outdated information. The trial court made the same finding in its March 2022 permanency planning order, but Mother was still permitted visitation between that order and the

termination hearing. In the trial court's September 2022 permanency planning order, it found Mother had attended thirteen of twenty-one additional scheduled visits. Therefore, the majority of FOF 12, including to the extent the trial court found Mother was not in compliance with her case plan because she did not attend every visit with Kevin, is supported by the social worker's and Mother's testimony. *See In re S.R.*, 384 N.C. at 520, 886 S.E.2d at 171. But, to the extent the trial court specifically found Mother attended only twenty-two visits with Kevin, that portion of FOF 12 is unsupported, and we do not consider it further.

As to Mother's mental health assessment, the trial court found Mother was required to complete a mental health assessment, but had not done so. Mother testified that she completed a mental health assessment at "Bethany Medical," but admitted she did not provide a copy of the assessment to DSS. The social worker testified that Mother did not attend a scheduled appointment in 2021 for her mental health assessment, "then advised that she went to Bethany Medical, but the reason she went to Bethany Medical was for weight loss medication." To the extent the trial court found Mother had not complied with the mental health portion of her case plan, FOF 12 is supported by the evidence.

Finally, Mother argues, based on this Court's opinion in *In re A.W.*, 280 N.C. App. 162, 867 S.E.2d 235 (2021), that "[t]he most compelling evidence that she had complied with her case plan was that DSS allowed her younger child to remain in her custody. If she had not corrected the conditions that led to removal of Kevin, DSS

would not have permitted the younger child to remain with her.” In *In re A.W.*, this Court held the trial court could not find the respondent parents unfit to exercise their constitutionally protected status as parents with respect to one child, but fit with respect to another child, without some evidence to differentiate the needs or circumstances of the children. *See id.* at 168, 867 S.E.2d at 240.

Mother’s argument is not persuasive. Mother’s argument ignores the majority of FOF 12, as addressed above, in which the trial court specifically found Mother had not corrected the conditions that led to Kevin’s removal. Additionally, *In re A.W.* is immediately distinguishable from the present case. In *In re A.W.*, (1) the respondent parents appealed from a permanency planning order relieving DSS of reunification efforts and granting guardianship to their child’s foster parents; (2) the parents had completed their case plans; (3) there was undisputed evidence that the circumstances that led to the juvenile’s removal from the home had been corrected by the parties; and (4) DSS had filed a petition for both of the parents’ children but dismissed the petition for the younger child after a permanency planning hearing for the older child. *See id.* at 164-73, 867 S.E.2d at 238-43. Here, (1) the trial court had found Mother unfit and changed Kevin’s permanent plan to adoption almost a year before the termination hearing in the 18 March 2022 permanency planning order; (2) Mother had not completed her case plan; (3) Mother had not corrected the conditions that led to Kevin’s removal; and (4) there is no evidence DSS was involved with Mother’s younger child. The only evidence of Mother’s other child is that he was born between

the filing of the termination petition and the termination hearing, and that when DSS completed a home visit at a hotel at which Mother had previously resided, the child was in the hotel room with Mother. The presence of the younger child alone does not preclude the trial court's findings of fact or conclusions of law regarding grounds to terminate Mother's parental rights to Kevin. For those reasons, *In re A.W.* is inapplicable to the present case.

2. Finding of Fact 11

Mother also challenged Finding of Fact 11 ("FOF 11"), in which the trial court found past neglect, ongoing neglect, and the likelihood of future neglect, based on Mother's failure to "address[] all of the issues that caused the juvenile to be taken into custody." Mother "disputes the entirety" of FOF 11, but her entire argument relates to the component of FOF 11 that is a conclusion of law. As such, the factual component of FOF 11 is binding on appeal, *see In re N.P.*, 374 N.C. at 65, 839 S.E.2d at 804; N.C.R. App. P. 28(b)(6), and we discuss the trial court's conclusions below. *See In re J.O.D.*, 374 N.C. at 807, 844 S.E.2d at 578.

C. Conclusions Regarding Neglect

The trial court concluded grounds for terminating Mother's parental rights existed under N.C. Gen. Stat. § 7B-1111(a)(1), (a)(2), and (a)(6). We need only discuss grounds under N.C. Gen. Stat. § 7B-1111(a)(1) for neglect, because "[i]n termination of parental rights proceedings, the trial court's finding of any one of the enumerated grounds [in N.C. Gen. Stat. § 7B-1111(a)] is sufficient to support a termination." *See*

In re N.T.U., 234 N.C. App. 722, 733, 760 S.E.2d 49, 57 (2014) (citation, quotation marks, and ellipses omitted).

A trial court may terminate parental rights pursuant to N.C. Gen. Stat. § 7B-1111(a)(1) upon finding “[t]he parent has . . . neglected the juvenile[,]” as defined in N.C. Gen. Stat. § 7B-101. N.C. Gen. Stat. § 7B-1111(a)(1) (2023). A neglected juvenile is, in relevant part, 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. Gen. Stat. § 7B-101(15)(a), (15)(e) (2023). Furthermore, such “neglect must exist at the time of the termination hearing.” *In re B.S.O.*, 234 N.C. App. 706, 714, 760 S.E.2d 59, 65 (2014) (citation, quotation marks, and original brackets omitted). As such, “if the child has been separated from the parent for a long period of time, there must be a showing of past neglect and a likelihood of future neglect by the parent.” *In re V.S.*, 380 N.C. 819, 822, 869 S.E.2d 698, 701 (2022) (citation and quotation marks omitted). This Court has expressly held “[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. 647, 655, 803 S.E.2d 853, 859 (2017).

Here, Kevin was previously adjudicated neglected, and Mother does not dispute the prior adjudication; therefore, the first requirement of past neglect is satisfied. *See In re V.S.*, 380 N.C. at 822, 869 S.E.2d at 701.

As to a likelihood of future neglect, Mother asserts the trial court’s findings,

specifically FOF 11, are inadequate as a matter of law to support its determination that there is a likelihood of future neglect. The relevant portion of FOF 11 states:

Pursuant to N.C.G.S. § 7B-1111(a)(1), grounds exist to terminate the parental rights of [Mother] . . . given that the parents neglected the juvenile, the neglect continues to date, and there is a likelihood of the repetition of neglect if the juvenile was returned to any parent, as follows:

- a. Respondent Mother’s ongoing neglect of the juvenile, which continues to the present, includes, but is not limited to failure to perform the natural and legal parental obligations of care and support for the juvenile, including but not limited to her failure to adequately address her mental health issues, substance abuse, parenting issues and housing issues specifically from December 3, 2019, up to the filing of the Termination of Parental Rights Petition. Respondent Mother entered into a case plan on January 3, 2020 but has not addressed all of the issues that caused the juvenile to be taken into custody.

. . . .

- d. Given that many of the conditions which led to the removal still exist, there is a great likelihood of the repetition of neglect of the juvenile by the parents, as they have failed at this point to correct the issues causing the neglect of the juvenile.
- e. Given that Respondent Mother has not availed herself of all of the referrals and services afforded to her to address the above issues, has not communicated with the Department regarding her residence to allow a home visit, there is a likelihood of the repetition of neglect by Respondent Mother.

(Emphasis removed). Mother asserts FOF 11 “dealt almost exclusively with events before the filing of the termination petition[,]” and the trial court “apparently did not

consider recent events in the instant case.”

Mother’s argument is without merit. First, FOF 11 is not based wholly on past events. Although the trial court does appear to have erroneously stated Mother’s failure to complete elements of her case plan continued up until the *petition* to terminate her parental rights was filed, instead of up until the termination *hearing*, see *In re B.S.O.*, 234 N.C. App. at 714, 760 S.E.2d at 65 (“[n]eglect must exist at the time of the termination hearing”), the trial court also found that Mother’s inability to complete her case plan was “ongoing[.]” “the neglect continues to date,” and “that many of the conditions which led to [Kevin’s] removal still exist[.]” While it would have been error for the trial court to only consider evidence up until the time the petition was filed, the trial court’s findings show that it properly considered evidence of Mother’s progress up until the time of the termination hearing. See *id* at 714, 760 S.E.2d at 65.

Second, as discussed above, Mother failed to complete the requirements of her case plan and correct the deficiencies that led to Kevin’s removal from the home. As evidenced by FOF 12, the trial court extensively considered, and made findings on, Mother’s ongoing inability to resolve her substance abuse, housing, mental health, parenting, and employment deficiencies. The conclusory component of FOF 11 is, in turn, predicated on Mother’s case plan noncompliance, and the trial court expressly concluded that Mother’s failure to address the various components of her case plan indicated “a likelihood of the repetition of neglect” by Mother.

This Court has repeatedly held that a parent's failure to address the conditions that led to the juvenile's removal is indicative of future neglect. *See In re M.S.E.*, 378 N.C. 40, 58, 859 S.E.2d 196, 210 (2021) (upholding ground of neglect because the respondent failed to take advantage of remedial services and "failed to demonstrate progress in addressing her mental health and substance abuse issues"); *see also In re S.R.F.*, 376 N.C. 647, 658, 853 S.E.2d 415, 423 (2021) (upholding ground of neglect where "the trial court's findings of fact demonstrate[d] an extended period of respondent-mother's failure to comply with the DSS case plan"); *In re C.M.P.*, 254 N.C. App. at 660, 803 S.E.2d at 861 (upholding ground of neglect based on the parent's inadequate engagement in remedial services; lack of stable, independent housing; and inability to maintain stable employment). Here, the trial court made extensive findings detailing Mother's inability to address the conditions that led to Kevin's removal, and that these conditions still existed at the time of the termination hearing. The trial court did not err by concluding there was a probability of future neglect should Kevin be returned to Mother's care, based on Mother's failure to obtain and maintain stable housing, obtain and maintain stable employment, obtain a mental health assessment and follow any recommendations, regularly attend visitation, regularly comply with substance abuse testing, and taper off of her methadone treatment after two and a half years of case services.

Because the court's findings support its conclusions that Kevin was previously neglected and there was a likelihood of future neglect if Kevin was returned to

Mother's care, the court did not err in determining grounds existed to terminate Mother's parental rights under N.C. Gen. Stat. § 7B-1111(a)(1). *See In re V.S.*, 380 N.C. at 822, 869 S.E.2d at 701.

III. Conclusion

The trial court made sufficient adjudicatory findings of fact, supported by clear, cogent, and convincing evidence, to support its conclusions of law that grounds existed to terminate Mother's parental rights for neglect pursuant to N.C. Gen. Stat. § 7B-1111(a)(1). The TPR Order is affirmed.

AFFIRMED.

Judges STROUD and STADING concur.

Report per Rule 30(e).