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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA24-150

Filed 17 September 2024

Johnston County, Nos. 19 JT 234-500, 235-500, 236-500
IN THE MATTER OF: R.A.S, A.N.S, H.N.S.

Appeal by Respondent-Father and Respondent-Mother from orders entered 20 November 2023 by Judge Michael J. Onufer in Johnston County District Court.
Heard in the Court of Appeals 27 August 2024.

Mariamarta T. Conrad for Petitioner-Appellee Johnston County Department of Social Services.

Laura G. Hooks for Respondent-Appellant Father.

Anné C. Wright for Respondent-Appellant Mother.

Matthew D. Wunsche for guardian ad litem.

GRIFFIN, Judge.

Father and Mother independently appeal from the trial court's orders terminating their parental rights to their three minor children, Rachel, Amy, and Harry.¹ Father and Mother argue that there was insufficient evidence to support the

¹ We use a pseudonym for ease of reading and to protect the identity of the juvenile. See N.C. R. App. P. 42(b).

trial court's determination to terminate their parental rights on grounds of neglect, willful failure to make reasonable progress, and dependency. Additionally, Mother argues the trial court did not clearly state the standard of proof for its adjudicatory findings of fact. We affirm the trial court's order.

I. Factual and Procedural Background

Father and Mother are the biological parents of the three minor children at issue. On 26 August 2019, the Johnston County Department of Social Services received a Child Protective Services report alleging "neglect, injurious environment, improper care, and improper discipline" for Father and Mother's family. The report stated that utilities had been shut off and that the parents were without funds to pay bills and that they had "no other plan of care for their children." The report also noted mental health concerns for Father and Mother. Shortly thereafter, DSS intervened, and Father and Mother were not able to demonstrate "appropriate supervision, discipline, and parenting skills" in the DSS assessment. Mother confirmed that she had "kicked the juveniles once for discipline due to being very overwhelmed as a parent."

At that time, the family was residing with two other adults in the same residence. On more than one occasion, Mother was involved in domestic violence disputes with one of the adults and was subsequently arrested and voluntarily committed. DSS reported the children were present during the altercations. Father and Mother were unemployed. Their only income was Mother's disability check. "It

was noted that the family had received an \$80,000 inheritance in 2018,” but the parents had already spent it at the time DSS intervened. DSS had to provide crisis money for the family to support the children’s needs.

Due to the ongoing parenting, mental health, and domestic violence concerns, Father and Mother were instructed by DSS to identify a Temporary Safety Provider (TSP) for the minor children, and to relocate from the two other adults in the residence. A TSP was temporarily identified but became unavailable, and the parents did not make alternative care arrangements. As a result, on 17 October 2019, DSS filed Juvenile Petitions on all three children, and the children were placed into foster care. On 20 November 2019, all three children were adjudicated as neglected and dependent, which was stipulated to by Father and Mother.

Following the adjudication hearing, Father and Mother entered into a case plan with DSS. The plan instructed the parents to “complete parenting classes, anger management/domestic violence education, complete psychological evaluations and follow the recommendations therein, to include but not limited to individual therapy and medication management, couples counseling, acquire and maintain appropriate housing, obtain and maintain an appropriate support person, as well as address employment.”

Subsequently, Father and Mother submitted to psychological evaluations, and Father was diagnosed with Post-Traumatic Stress Disorder, Persistent Depressive Disorder (Dysthymia), and Specific Learning Disorder with Impairment in Reading

(Dyslexia by History). Mother was diagnosed with Bipolar 1 Disorder (Unspecified) and Borderline Intellectual Functioning. Father and Mother's evaluation reports contained specific recommendations for improvement. Father's recommendations included: mental health treatment services, a psychiatric evaluation, consistent and proper medical care, parenting classes, vocational rehabilitation, to maintain a clean home free of domestic violence, and for DSS to monitor for "utilization consistence of service referrals." Mother's recommendations included: individual counseling, mental health treatment services, a competent support person for the completion of daily activities and important decision making, parenting classes, to maintain a clean home free of domestic violence, and for DSS to monitor for "utilization consistency of service referrals."

On 22 January 2020, a Disposition Hearing was held and the court ordered that the minor children remain in the custody of DSS. The court noted that Father and Mother had completed their psychological evaluations and needed to follow the recommendations therein. The first Permanency Planning Hearing was held on 2 September 2020, and the court ordered that the custody plan remain the same. On 9 December 2020, a Permanency Planning Review Hearing was held, and the court ordered that the case remain the "status quo" and instructed DSS to continue working with Father and Mother towards reunification. DSS continued to work with Father and Mother and monitor their progress in accordance with the case plan. Another Permanency Planning Review hearing was held on 10 March 2021. The court ordered

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to remain the “status quo.” DSS instructed Father and Mother that it would be “changing its permanent plan for the children from reunification if housing was not secured before the next court date.”

On 22 April 2021, Father was placed on probation for one year for “felony breaking or entering a motor vehicle” and “misdemeanor larceny.” DSS instructed the parents to communicate with their support person, who at the time was identified as Pastor Vanessa Barr, but because Father and Mother failed to maintain their communication with her, Pastor Barr removed herself from that role.

On 16 June 2021, another Permanency Planning Review Hearing was held, at which the court recognized Father and Mother’s lack of progress with their case plan but ordered that they be given “more time to successfully meet their goals.” By the next Permanency Planning Review Hearing on 8 September 2021, the court found that the parents had been inadequately addressing their case plan. While Father and Mother had completed parenting classes, and Mother had completed anger management, Father and Mother were inconsistent with counseling services and medication management. “Father had failed to complete the HALT/BIP program” and was discharged for violating the attendance policy, failing to communicate, and failing to pay the associated service fees. The parents were still residing in a local motel, not suitable or safe housing, and Mother had not obtained a support person. Because the court found that more than enough time had been given to the parents to complete the activities on their case plan, the court approved that the permanent

custody plan change from reunification to a primary plan of adoption, with a secondary plan of guardianship.

On 30 September 2021, Mother gave birth to another child who was removed from the parents' custody after his birth because of the same ongoing issues. The child was adjudicated as neglected and dependent and has not been returned to the parents' custody.

Two additional Permanency Planning Review Hearings were held on 27 April 2022 and 9 November 2022, and the court maintained a primary plan of adoption with a secondary plan of guardianship because of Father and Mother's lack of progress on their case plan.

On 25 March 2022, DSS filed petitions to terminate the parental rights of Father and Mother for the three minor children at issue. After the petitions were filed and before the adjudication hearing, Mother's parental rights to her oldest child, not subject to this action, were terminated based on neglect. In that case, the court found that Mother did not comply with her mental health treatment, and she had failed to obtain appropriate housing and a support person.

On 22 May 2023, 24 May 2023, and 31 May 2023, the termination of parental rights hearings were held for Father and Mother. The trial court terminated Father and Mother's parental rights on grounds of neglect, willful failure to make reasonable progress, and dependency. Father and Mother timely appealed.

II. Standard of Review

A hearing on termination of parental rights consists of two stages: adjudication and disposition. *In re I.E.M.*, 379 N.C. 221, 223, 864 S.E.2d 346, 348 (2021). At the adjudication stage, the trial court determines if there is clear, cogent, and convincing evidence to support one or more of the statutory grounds for terminating parental rights. N.C. Gen. Stat. § 7B-1109 (2023); N.C. Gen. Stat. § 7B-1111 (2023). After an adjudication that one or more grounds exist for terminating a parent’s rights, the trial court determines if terminating the parent’s rights is in the best interest of the minor child. N.C. Gen. Stat. § 7B-1110(a) (2023). At the disposition hearing, a trial court “may consider any evidence, including hearsay evidence as defined in G.S. 8C-1, Rule 801, that the court finds to be relevant, reliable, and necessary to determine the best interests of the juvenile.” *Id.* After conducting both proceedings, the trial court shall enter an order as to the termination of parental rights. *Id.*

This Court reviews a trial court’s adjudication “to determine whether the findings are supported by clear, cogent and convincing evidence and the findings support the conclusions of law.” *In re M.C.*, 374 N.C. 882, 886, 844 S.E.2d 564, 567 (2020) (quoting *In re Montgomery*, 311 N.C. 101, 111, 316 S.E.2d 246, 253 (1984)). “[A]ppellate courts are bound by the trial courts’ findings of fact where there is some evidence to support those findings, even though the evidence might sustain findings to the contrary.” *Montgomery*, 311 N.C. at 110–11, 316 S.E.2d at 252–53. Unchallenged findings of fact are considered binding on appeal. *Koufman v. Koufman*, 330 N.C. 93, 97, 408 S.E.2d 729, 731 (1991). We only review “those

[challenged] findings necessary to support the trial court’s determination that grounds existed to terminate [a] respondent’s parental rights.” *In re T.N.H.*, 372 N.C. 403, 407, 831 S.E.2d 54, 58-59 (2019). “The trial court’s conclusions of law are reviewed de novo.” *M.C.*, 374 N.C. at 886, 844 S.E.2d at 567.

III. Analysis

A. The standard of proof for adjudicatory findings of fact

Mother contends the trial court did not clearly state the standard of proof for its adjudicatory findings of fact. We disagree.

Pursuant to the North Carolina adjudication statute, trial courts are required to make findings supported by clear, cogent, and convincing evidence at the adjudication phase of a termination of parental rights hearing. N.C. Gen. Stat. §7B-1109(f). The North Carolina Supreme Court has previously held that the statute “‘implicitly includes a requirement that the trial court announce the standard of proof it is applying in making findings of fact in a termination proceeding’ . . . to avoid rendering portions of the statute ‘useless’ and . . . to ensure . . . the proper standard of proof was utilized by the trial court.” *In re J.C.*, 380 N.C. 738, 742, 689 S.E.2d 682, 685 (2022) (quoting *In re B.L.H.*, 376 N.C. 118, 122–24, 852 S.E.2d 91, 94–96 (2020)). Our Supreme Court has also clarified that “the trial court satisfies the announcement requirement of N.C.G.S. § 7B-1109(f) so long as it announces the clear, cogent, and convincing standard of proof either in making findings of fact in the written termination order *or* in making such findings in open court.” *Id.* at 742, 869 S.E.2d

at 686 (emphasis added).

In recognizing that only one announcement is required, here, the trial court announced in open court and in its written order that its findings were supported by clear, cogent, and convincing evidence. Although the trial court announced the standard in open court after reciting the termination grounds it was finding, the trial court stated, “I will find those grounds by clear, cogent and convincing evidence.” This was immediately before the court moved to the dispositional phase of the hearing. Thus, it was clear that the trial court’s announcement of its standard of proof was specific to the adjudication determination.

In its written order, the trial court stated the following before listing the findings of fact:

From the clear, cogent, and convincing evidence presented at the adjudicatory phase held pursuant to the provisions of G.S. 7B-1109, and further pursuant to the evidence considered in the best interest of the child presented at the dispositional phase held pursuant to the provisions of G.S. 7B-1110, the [c]ourt makes the following:

After listing 53 findings of fact that supported the trial court’s adjudication determination, finding of fact 54 explicitly states that it is “in the child’s best interest” to terminate Father and Mother’s parental rights. The findings following finding of fact 54 support the best interest standard as they demonstrate the trial court considered the dispositional criteria under N.C. Gen. Stat. § 7B-1110.

Thus, we hold that the trial court properly announced the standard for its

adjudication determination in open court and in its written order.

B. The termination of parental rights

Father and Mother contend the trial court erred in terminating their parental rights on grounds of neglect, willful failure to make reasonable progress, and dependency.

If a trial court determines that there is more than one statutory ground to terminate a respondent's parental rights, this Court need only address one if we determine that "one termination ground is supported by the evidence and the trial court's resulting determinations." *In re B.E.*, 381 N.C. 726, 739, 874 S.E.2d 524, 534 (2022). We conclude that there is sufficient evidence to terminate Father and Mother's parental rights based on neglect. *See* N.C. Gen. Stat. § 7B-1111.

Under N.C. Gen. Stat. § 7B-1111, a trial court may terminate the parental rights of a parent upon a finding of neglect. N.C. Gen. Stat. § 7B-1111(a)(1). In relevant part, a neglected juvenile is one whose parent "does not provide proper care, supervision, or discipline" or whose parent "has refused to follow the recommendations of the Juvenile and Family Team" or whose parent "creates or allows to be created a living environment that is injurious to the juvenile's welfare." *See* N.C. Gen. Stat. § 7B-101(15) (2023). "[T]his statutory ground requires a showing of neglect at the time of the termination hearing or, if the child has been separated from the parent for a long period of time, there must be a showing of . . . a likelihood of future neglect by the parent." *In re R.L.D.*, 375 N.C. 838, 841, 851 S.E.2d 17, 20

(2020).

“When determining whether such future neglect is likely, the district court must consider evidence of changed circumstances occurring between the period of past neglect and the time of the termination hearing.” *In re Z.V.A.*, 373 N.C. 207, 212, 835 S.E.2d 425, 430 (2019) (citing *In re Ballard*, 311 N.C. 708, 715, 319 S.E.2d 227, 232 (1984)). “A parent’s failure to make progress in completing a case plan is indicative of a likelihood of future neglect.” *In re M.A.*, 374 N.C. 865, 870, 844 S.E.2d 916, 921 (2020) (citing *In re M.J.S.M.*, 257 N.C. App. 633, 637, 810 S.E.2d 370, 373 (2018)). Trial courts have “the authority to decide whether a parent’s limited progress toward compliance with the provisions of his or her case plan was reasonable.” *M.A.*, 374 N.C. at 873, 844 S.E.2d at 923 (citing *In re B.O.A.*, 372 N.C. 372, 385, 831 S.E.2d 305, 314 (2019)).

Here, Father and Mother do not dispute the children were previously neglected. Rather, they both challenge the trial court’s determination of a likelihood of future neglect if the children were returned to them.

We hold the trial court’s findings demonstrate the court considered evidence of changed circumstances occurring between the period of past neglect and the time of the termination hearing. The trial court documented circumstances that existed at the time DSS intervened and the children were adjudicated as neglected and dependent. The children were living in inadequate housing with Father and Mother and two other adults. Utilities had been previously turned off for lack of payment.

Father and Mother were unable to demonstrate “appropriate supervision, discipline, and parenting skills” in the DSS assessment. Mother confirmed that she had “kicked the juveniles once for discipline due to being very overwhelmed as a parent.” On more than one occasion, Mother was involved in domestic violence disputes with one of the adults living in the residence and was subsequently arrested and voluntarily committed. Both Father and Mother had mental health concerns and were unemployed. “It was noted that the family had received an \$80,000 inheritance in 2018,” but the parents had already spent it at the time DSS intervened. DSS had to provide crisis money for the family to support the children’s needs.

After the children were adjudicated as neglected and dependent, Father and Mother agreed to a DSS case plan. The plan instructed the parents to “complete parenting classes, anger management/domestic violence education, complete psychological evaluations and follow the recommendations therein, to include but not limited to individual therapy and medication management, couples counseling, acquire and maintain appropriate housing, obtain and maintain an appropriate support person, as well as address employment.”

For a period of four years—from 2019, when DSS intervened, until 2023, the termination of parental rights hearing—the court gave Father and Mother time and opportunity to address their situation and follow the case plan, and Father and Mother failed to do so. During the four years, there were several permanency planning review hearings, and many times the court ordered the case plan to remain

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the “status quo” and “that [Respondents] be given more time to successfully meet their goals.” Notably, five district court judges presided over this case at different points in time, and none of them ordered the juveniles be “returned to the parents’ care, custody or control.”

The trial court made the following findings of facts to support termination based on neglect, and more specifically the likelihood of future neglect because Father and Mother failed to make progress completing their case plan. *See M.A.*, 374 N.C. at 870, 844 S.E.2d at 921.

43. As of today’s date, neither parent is cooperating with nor completed the services on their previously developed case plan. The mother is not engaged in mental health services, does not have appropriate housing and does not have a support person. The father is not engaged in nor completed mental health services, completed a psychiatric evaluation, completed anger management/domestic violence counseling nor obtained appropriate housing.

44. The parents have not maintained regular contact with JCDSS and have not been consistent in providing gifts, cards or provisions for the minor children. The parents have not utilized their visitations, and the visits they have attended have required the assistance of the social worker to properly supervise and interact with the child. As the case has gone on, the parents’ attendance at visitation has decreased.

45. The [c]ourt, therefore, finds that neither of the biological parents made reasonable progress in resolving the issues which led to the juvenile’s removal. The [c]ourt finds that the juvenile, if given to any of his parents’ care, would be at a probability of repetition of neglect.

...

48. The [c]ourt finds, based upon the foregoing findings of fact, that the parents would not currently be able to provide a safe environment or provide proper care and supervision for the child. The [c]ourt further finds that, at the time of this Termination of Parental Rights hearing, neither of the child's parents would be fit to parent the minor child.

49. The [c]ourt finds that the JCDSS has been involved with the family consistently since 2019. The [c]ourt further finds from the evidence presented that since the Agency's involvement, neither of the parents have been able to demonstrate an ability to maintain a home free from protective issues or the reoccurrence of the same. The parents have withheld their love, presence, care and opportunity to display filial affection by not utilizing their visitations afforded to them.

Of these findings, Father and Mother both challenge findings 43, 44, and 49, alleging they are not supported by clear, cogent, and convincing evidence.

In addressing challenged findings 43, 44, and 49, Father specifically argues that he engaged in "extensive efforts" to obtain housing, had completed two psychological evaluations, had done some anger management classes and mental health treatment, and that he did in fact maintain his communication with DSS and utilize his visitation. Mother argues that she completed parenting and anger management classes, that she was either employed or seeking employment during the time the children were in DSS custody, that she made efforts to secure housing, and that she maintained contact with DSS and regularly visited the children.

Despite Father and Mother's assessment of their own progress, DSS presented

evidence to the court showing that Father and Mother did not make consistent or substantial progress in completing the requirements of the case plan. *See M.J.S.M.*, 257 N.C. App. at 637, 810 S.E.2d at 373 (holding that “[w]hile [the] [r]espondent-[m]other is correct she did not completely fail to work on her case plan, the evidence presented at the termination hearing shows this work was only sporadic and inadequate”).

Here, the testimony of the DSS permanency planning advisor, Alice Jones, and social worker, Challen Clark, demonstrate that Father and Mother made sporadic and inadequate progress with their case plan. Jones and Clark testified that Father and Mother failed to attend mental health appointments and complete their treatments. They failed to obtain an appropriate support person and maintain consistent employment. DSS identified and approved at least one support person, Pastor Vanessa Barr, but Jones testified that Father and Mother failed to maintain contact with her, and as a result Pastor Barr removed herself from that role. Father and Mother failed to secure adequate housing as they both resided at the Deluxe Inn, a motel not suitable for housing, and they were inconsistent in visiting with the children. In fact, Clark testified that Father and Mother had only visited the children five times in the past year. Additionally, DSS court reports were admitted into evidence without objection and show the lack of progress Father and Mother made with their case plan over the course of four years. Thus, we hold that the trial court’s findings pertaining to a likelihood of future neglect are supported by clear, cogent,

and convincing evidence.

This Court and the North Carolina Supreme Court have recognized that failing to adequately address an issue that existed at the time DSS intervened is indicative of future neglect. *See M.J.S.M.*, 257 N.C. App. at 638, 810 S.E.2d at 374 (holding that a social worker’s testimony considered in conjunction with the trial court’s finding that the respondent-mother failed to “adequately address issues that resulted in the removal of the juvenile (particularly her mental health)” was sufficient to show lack of progress on her case plan, which in turn supported a likelihood of future neglect); *see also In re D.M.*, 375 N.C. 761, 773, 851 S.E.2d 3, 13 (2020) (holding that the “respondent-father’s failure to address . . . substance abuse and domestic violence . . . two central problems that led DSS to intervene . . . and that resulted in the children’s removal from the family home . . . are sufficient, standing alone, to support the trial court’s determination that there was a likelihood [of future neglect]”). Similar to *In re M.J.S.M.* and *In re D.M.*, Father and Mother failed to appropriately address primary concerns, concerns that specifically existed at the time DSS intervened and led to the children’s removal. Father and Mother failed to appropriately address their mental health concerns, have not secured adequate housing, and have failed to obtain an appropriate support person and maintain consistent employment.

In addition to the above findings that we hold are supported by clear, cogent, and convincing evidence, Father challenges findings 21, 36-38, 42, 45, 47, 48, and 52. Of these findings, we hold that findings 21, 36-38, and 42 are encapsulated by

findings 43, 44, and 49; are supported by the same clear, cogent, and convincing evidence; and this Court need not specifically address them.

Father argues that findings 45, 47, 48, and 52 are conclusions of law. We hold that findings 45, 47, 48, are ultimate findings of fact and finding 52 is a conclusion of law. “Whether a statement is an ultimate fact or a conclusion of law depends upon whether it is reached by natural reasoning or by an application of fixed rules of law.” *In re: G.C.*, 384 N.C. 62, 66 n.3, 884 S.E.2d 658, 661 (2023). “Ultimate facts are the final resulting effect reached by the processes of logical reasoning from the evidentiary facts.” *In re Anderson*, 151 N.C. App. 94, 97, 564 S.E.2d 599, 602 (2002) (citation and internal marks omitted); *see also G.C.*, 384 N.C. at 67, 384 S.E.2d at 662 (“[T]he ultimate finding of fact that [the minor child] does not receive the proper care, supervision, or discipline from her parents is supported by the trial court’s evidentiary findings of fact and reached by natural reasoning from the evidentiary findings of fact.”); *In re: C.J.B.*, 290 N.C. App. 303, 308–09, 892 S.E.2d 216, 221 (2023) (holding that the trial court’s finding regarding the father’s “reasonable efforts” is an ultimate finding of fact supported by the trial court’s evidentiary findings). “A trial court’s finding of an ultimate fact is conclusive on appeal if the evidentiary facts reasonably support the trial court’s ultimate finding of fact.” *G.C.*, 384 N.C. at 65, 384 S.E.2d at 661 (citation and internal marks omitted).

Findings 45, 47, 48, and 52 state the following:

45. The [c]ourt, therefore, finds that neither of the

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biological parents made reasonable progress in resolving the issues which led to the juvenile's removal. The [c]ourt finds that the juvenile, if given to any of his parents' care, would be at a probability of repetition of neglect.

47. The [c]ourt finds that the parents have had the ability to make reasonable progress to correct the conditions which led to the child's placement in foster care but did not do so. While the parents have at times during the pendency of this case made some efforts to correct the conditions, those efforts have not been reasonable nor have they been consistent. The [c]ourt, in contemplation of any change of conditions or circumstances, finds that due to the parents' failure to make reasonable progress under the circumstances to correct the protective issues which led to the juvenile's placement in foster care, there has been no change of circumstances for the better.

48. The [c]ourt finds, based upon the foregoing findings of fact, that the parents would not currently be able to provide a safe environment or provide proper care and supervision for the child. The [c]ourt further finds that, at the time of this Termination of Parental Rights hearing, neither of the child's parents would be fit to parent the minor child.

52. The [c]ourt further finds at this hearing, by clear, cogent, and convincing evidence, that grounds exist for termination of the parental rights of [Father]. . . as follows "that he has previously abused or neglected the child, within the meaning of G.S. 7B-101, with little improvement in the father's ability to care for the child since removal and a probability of a repetition of the abuse or neglect if the child is returned to the home of the father, pursuant to the provisions of G.S. 7B-1111(a)(1).

Findings 45, 47, and 48 reach a logical conclusion based on evidentiary findings that we previously held to be supported by clear, cogent, and convincing evidence. The ultimate findings that the parents failed to make "reasonable progress" or that

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the parents “would not currently be able to provide a safe environment or provide proper care and supervision for the child[ren]” are supported by the evidentiary findings that neither parent is cooperating with nor completed the services on their previously developed case plan. Mother is not engaged in mental health services, does not have appropriate housing and does not have a support person. Father is not engaged in nor completed mental health services, completed a psychiatric evaluation, completed anger management/domestic violence counseling nor obtained appropriate housing. Because ultimate findings 45, 47, and 48 are sufficiently supported by the evidentiary findings, these findings are conclusive on appeal, and the trial court’s written findings support its conclusion of law that grounds exist to terminate Father’s parental rights on based on neglect.

Mother challenges findings 21, 33, 42, 45, 51, and 57-60. We hold that findings 21, 33, and 42 are encapsulated by findings 43, 44, and 49; are supported by the same clear, cogent, and convincing evidence; and this Court need not specifically address them. Finding 45 is an ultimate finding and finding 51 is a conclusion of law reciprocal to finding 52, and both are addressed in the paragraph immediately preceding this section. Finding 51 addresses Mother as finding 52 addresses Father. The trial court’s written findings support its conclusion of law that grounds exist to terminate Father and Mother’s parental rights on based on neglect. We agree with Mother that findings 57-60 are based on dispositional evidence in consideration of the child’s best interest, and this Court did not consider them in reviewing the trial

court's adjudication determination. *See In re K.J.E.*, 378 N.C. 620, 624, 862 S.E.2d 620, 623 (2021) (“[W]e do not consider the trial court’s findings of fact that are clearly labeled as dispositional findings to support the adjudication of grounds to terminate respondent’s parental rights.”). Because the challenged findings pertinent to the trial court’s adjudication determination are supported by clear, cogent, and convincing evidence, the trial court did not err in reaching a conclusion that Mother’s parental rights be terminated based on neglect.

In addition to the challenged findings that we hold are supported by clear, cogent, and convincing evidence, there are unchallenged findings that also support the trial court’s conclusions of law. Specifically, there were additional circumstances during the four-year period that the trial court considered in determining a likelihood of future neglect. The trial court’s findings of fact supporting these circumstances are not challenged on appeal and are therefore binding. *See Koufman*, 330 N.C. at 97, 408 S.E.2d at 731.

After the DSS case plan was implemented, in 2021 Father acquired criminal charges and was placed on probation for one year for “felony breaking or entering a motor vehicle” and “misdemeanor larceny.” *See In re J.E.*, 377 N.C. 285, 297, 856 S.E.2d 818, 826 (2021) (holding that the respondent’s criminal activity, combined with his “failure to complete his case plan requirements for substance abuse, mental health, and housing, and his failure to regularly visit with the children or check on their wellbeing supported a likelihood of repeated neglect”). Similar to the facts of *In*

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re J.E., Father failed to complete the requirements of his case plan and engaged in criminal activity during the course of improvement. Thus, the trial court did not err in finding that the evidence presented to the court supported a likelihood of future neglect and appropriately terminated Father's parental rights.

Additionally, Mother lost her parental rights to another child, not subject to this action, after DSS filed its petition to terminate Father and Mother's parental rights to the three children at issue. *See In re C.G.R.*, 216 N.C. App. 351, 361, 717 S.E.2d 50, 56 (2011) (holding that the trial court had discretion to consider evidence of the respondent's neglect of another child born to the respondent). Here, the trial court appropriately considered Mother losing her parental rights to another child. The trial court made findings that DSS became involved with Mother's other child in 2014 for the same reasons that existed in the present case: parenting issues, stable housing, and mental health challenges. Because there was "no successful mental health treatment or compliance with treatment . . . [M]other did not have proper housing . . . [and] [M]other did not have a support person," the court found that there was strong likelihood of neglect if the child was returned to her and terminated her parental rights. The same issues that existed for Mother's other child are present and relevant for the three children at issue in the present case. Mother has made inconsistent and sporadic progress on improving her mental health, she is not currently "engaged in mental health services, does not have appropriate housing, and does not have a support person." Thus, the trial court did not err in concluding that

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there was a likelihood of future neglect and appropriately terminated Mother's parental rights.

IV. Conclusion

For the aforementioned reasons, we affirm the trial court's order terminating Father and Mother's parental rights.

AFFIRMED.

Judges HAMPSON and CARPENTER concur.

Report per Rule 30(e).