

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority. Citation is disfavored, but may be permitted in accordance with the provisions of Rule 30(e)(3) of the North Carolina Rules of Appellate Procedure.

IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA24-170

Filed 5 November 2024

McDowell County, Nos. 20 JT 101-03, 21 JT 23

IN RE: R.S.P., J.R.P., Jr., D.M.P., N.B.J.P., Minor Children.

Appeal by respondent-mother from order entered 21 August 2024 by Judge Robert K. Martelle in McDowell County District Court. Heard in the Court of Appeals 9 October 2024.

*Aaron G. Walker for petitioner-appellee McDowell County Department of Social Services.*

*Ewing Law Firm, P.C., by Robert W. Ewing, for respondent-appellant mother.*

*Raleigh Divorce Law Firm, by Heather Williams Forshey, Jennifer Sinclair Simpkins, and Xavier McLean, for Guardian ad Litem.*

PER CURIAM.

Respondent-mother (“Mother”) is the mother of four minor children: R.S.P (“Rachel”), J.R.P., Jr. (“James”), D.M.P. (“Donna”), and N.B.J.P. (“Nancy”).<sup>1</sup> Mother appeals from the order terminating her parental rights. We affirm.

In October 2020, McDowell County DSS responded to a report regarding

---

<sup>1</sup> Pseudonyms used for the minor children’s privacy and ease of reading.

*Opinion of the Court*

Mother's care for her children. DSS noted hygiene issues, exposure to domestic violence, lack of medical care, and the unsanitary nature of the home. DSS was granted nonsecure custody and placed the children in foster care. The youngest child, Nancy, was placed in foster care following her birth in February 2021.

The children were adjudicated to be neglected juveniles, and the trial court ordered reunification as the primary permanency plan. The trial court changed the plan to adoption for several months, but then returned to reunification after Mother made reasonable progress on her case plan.

DSS was granted discretion to allow Mother to have unsupervised visitation with the children. Mother had several unsupervised visits with the children beginning in May 2022, though there were still concerns about Mother's care for the children after the children returned from the visits. Specifically, the foster parents noted that the children returned hungry, filthy, exhausted, and with feces on them.

Following a surprise home visit by DSS during one of the unsupervised visits, the primary permanency plan was changed back to adoption, DSS ceased all visitation with Mother, and DSS pursued a termination of parental rights action. During the home visit, DSS noted the children's feet were "black and dirty," the home had a "horrific smell of cat litter," and Donna had blood on her nose, amongst other issues. And the next day, Donna's daycare noticed that Donna was injured, so her foster mother took her to a pediatrician specializing in child abuse, who diagnosed

*Opinion of the Court*

Donna with blisters caused by a chemical or thermal agent.

Following a hearing on the matter, the trial court found three statutory grounds to terminate Mother's parental rights: neglect, willful failure to make reasonable progress toward correcting the conditions which led to the children's removal, and dependency. *See* N.C.G.S. § 7B-1111(a)(1), (2), (6) (2023). The trial court further determined that it was in the children's best interest to terminate Mother's parental rights. Accordingly, the trial court entered an order terminating Mother's parental rights. Mother appeals.<sup>2</sup>

On appeal, Mother argues that the court erred in terminating her parental rights based on each of the three grounds relied upon by the trial court. However, Mother does not appeal the trial court's determination that the termination of Mother's parental rights was in the best interest of the children.

"Findings of fact not challenged by respondent are deemed supported by competent evidence and are binding on appeal. Moreover, we review only those findings necessary to support the trial court's determination that grounds existed to terminate respondent's parental rights." *In re T.N.H.*, 372 N.C. 403, 407 (2019) (cleaned up). "The issue of whether a trial court's findings of fact support its conclusions of law is reviewed de novo." *In re J.S.*, 374 N.C. 811, 814 (2020).

---

<sup>2</sup> Father's parental rights were also terminated, but Father has not appealed.

*Opinion of the Court*

Section 7B-1111(a)(2) authorizes the trial court to terminate parental rights if the parent “has willfully left the juvenile in foster care or placement outside the home for more than 12 months without showing to the satisfaction of the court that reasonable progress under the circumstances has been made in correcting those conditions which led to the removal of the juvenile.” N.C.G.S. § 7B-1111(a)(2). “A parent’s reasonable progress is evaluated for the duration leading up to the hearing on the motion or petition to terminate parental rights.” *In re Z.G.J.*, 378 N.C. 500, 511 (2021) (cleaned up).

In this case, the children have been outside the home for more than twelve months (since October 2020 for the three older children and since February 2021 for the youngest child), thus satisfying the first prong of Section 7B-1111(a)(2).

Regarding the second prong, we conclude that Mother has failed to make reasonable progress to correct the conditions which led to the children’s removal. Specifically, Mother has failed to make reasonable progress in correcting the following issues: maintaining “a safe, clean, sanitary, risk free and stable home;” “properly parent[ing] the children and keep[ing] the children clean and properly fed and clothed;” and “seek[ing] proper medical attention for the children.”

Several unchallenged findings support the conclusion that Mother has failed to make reasonable progress on these issues. First, Finding of Fact 40 notes “consistent concerns about the care of the children” following unsupervised visits,

*Opinion of the Court*

such as children returning with dirty diapers, being hungry or thirsty, soiling themselves, being dirty, and having animal feces on clothing or shoes. Findings of Fact 43 and 44 note that Donna suffered thermal or chemical burns sufficient to cause severe blisters while in the exclusive care of Mother and Father, that the parents offered no explanation for the burns, and that the burns would have caused Donna severe pain that should have caused the parents to immediately take Donna to the hospital. And Finding of Fact 52 notes that two social workers visited Mother's home in July 2023—less than one month prior to the termination hearing—and found that “the condition of the house and unsanitary conditions [at the July 2023 visit] illustrate how [Mother is] currently incapable of maintaining a clean, safe, and sanitary home even without the children residing in the home.”

Because we conclude the trial court did not err in terminating Mother's parental rights based on her willful failure to make reasonable progress, we need not address the other contested grounds. *See In re J.S.*, 374 N.C. at 815 (“[I]f this Court upholds the trial court's order in which it concludes that a particular ground for termination exists, then we need not review any remaining grounds.”). In sum, we affirm the trial court's termination of Mother's parental rights.

AFFIRMED.

Panel consisting of Chief Judge DILLON and Judges COLLINS and CARPENTER.

IN RE: R.S.P., J.R.P., JR., D.M.P., N.B.J.P.

*Opinion of the Court*

Report per Rule 30(e).