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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA24-472

Filed 19 November 2024

Henderson County, Nos. 21 JT 103-105

IN THE MATTER OF: A.L.S.R., C.N.S.R., A.S.S.R.

Appeal by Mother from order entered 20 February 2024 by Judge Abe Hudson in Henderson County District Court. Heard in the Court of Appeals 8 October 2024.

*Deputy County Attorney Sara Player for petitioner-appellee Henderson County Department of Social Services.*

*Mary McCullers Reece for respondent-appellant mother.*

*N.C. Administrative Office of the Courts, by Staff Counsel Michelle FormyDuval Lynch, for guardian ad litem.*

MURPHY, Judge.

The trial court’s unchallenged findings support its conclusion that grounds for termination exist under N.C.G.S. § 7B-1111(a)(2).

**BACKGROUND**

On 8 November 2021, Henderson County Department of Social Services (“DSS”) filed a juvenile petition alleging Mother’s three minor children, A.L.S.R. (“Erika”), born in May 2016; C.N.S.R. (“Grace”), born in May 2018; and A.S.S.R.

(“Isabel”), born in September 2019, to be neglected juveniles.<sup>1</sup> DSS alleged that it had been “working with the family since the summer of 2021 to address issues of parenting, domestic violence, untreated mental health [concerns], and injurious environment[]” after learning that the three children were temporarily residing in West Virginia with known “perpetrators.” DSS further alleged that, on 7 November 2021, DSS received a report that Mother was suicidal and unable to care for the children. Upon DSS investigation, Isabel reported witnessing Mother attempting to cut her arms and legs while the juveniles were present in the room, Mother’s then-boyfriend intervene by choking Mother, and Mother stating that “she wanted to die” and “did not want the children around anymore.” Neither Mother nor Father were able to provide an alternative caretaker for the children.<sup>2</sup> The trial court granted DSS non-secure custody of all three children.

On 16 December 2021, the parties consented to the juveniles being adjudicated neglected. The trial court imposed the following requirements, *inter alia*, upon Mother to achieve reunification:

- a. Mother shall obtain a Comprehensive Clinical Assessment . . . , provide the assessor with truthful and accurate information, and successfully complete all the recommendations of the assessment.
- b. Mother shall submit to random drug screens.

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<sup>1</sup> We use pseudonyms to protect the juveniles’ identities and for ease of reading.

<sup>2</sup> Father is not a party to this appeal.

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- c. Mother shall attend and successfully complete an Anger Management/Domestic Violence prevention program with a provider acceptable to [DSS].
- d. Mother shall complete parenting classes . . . which [address] the ability to identify age-appropriate behaviors, needs and discipline for the juveniles.
- e. Mother shall cooperate with and pay Child Support . . . .
- f. Mother shall cooperate and/or ensure that the juveniles' medical, dental, developmental evaluations and treatment needs are met and comply with recommendations.
- g. Mother shall visit with the juveniles as allowed by the [c]ourt and demonstrate the ability to provide appropriate care for the juveniles.
- h. Mother shall obtain stable income that is sufficient to meet the family's basic needs . . . .
- i. Mother shall obtain and maintain an appropriate and safe residence for the juveniles.
- j. Mother shall maintain face-to-face contact with the Social Worker as requested, including but not limited to Child & Family Team Meetings and Permanency Planning Meetings.

On 28 August 2023, the trial court ordered that the primary permanent plan be changed from reunification to termination with subsequent adoption. On 3 November 2023, DSS filed a motion to terminate parental rights, alleging grounds for termination pursuant to N.C.G.S. § 7B-1111(a)(1), (a)(2), and (a)(3). On 20 February 2024, the trial court entered an order terminating Mother's parental rights to the three juveniles. Mother appealed.

**ANALYSIS**

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Mother appeals as a matter of right from the trial court's order terminating her parental rights to Erika, Grace, and Isabel pursuant to N.C.G.S. § 7B-1111(a)(1) ("neglect"), (a)(2) ("failure to make reasonable progress"), and (a)(3) ("failure to pay"). The only issue for our review is whether the trial court properly terminated Mother's parental rights pursuant to any single alleged ground for termination:

We review the trial court's adjudicatory order to determine whether the findings are supported by clear, cogent, and convincing evidence and the findings support the conclusions of law, with the trial court's conclusions of law being subject to de novo review.

. . . .

The issue of whether a trial court's findings of fact support its conclusions of law is reviewed de novo. However, an adjudication of any single ground for terminating a parent's rights under N.C.G.S. § 7B-1111(a) will suffice to support a termination order. Therefore, if this Court upholds the trial court's order in which it concludes that a particular ground for termination exists, then we need not review any remaining grounds.

*In re E.Q.B.*, 290 N.C. App. 51, 55 (2023) (cleaned up). "Any unchallenged findings are deemed supported by competent evidence and are binding on appeal." *In re Z.G.J.*, 378 N.C. 500, 508-09 (2021) (cleaned up).

Pursuant to N.C.G.S. § 7B-1111(a)(2), the trial court could terminate Mother's parental rights to Erika, Grace, and Isabel upon a finding that

[t]he parent has willfully left the juvenile[s] 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

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made in correcting those conditions which led to the removal of the juvenile[s].

N.C.G.S. § 7B-1111(a)(2) (2023).

Termination under N.C.G.S. § 7B-1111(a)(2)

requires the trial court to perform a two-step analysis where it must determine by clear, cogent, and convincing evidence whether (1) a child has been willfully left by the parent in foster care or placement outside the home for over twelve months, and (2) the parent has not made reasonable progress under the circumstances to correct the conditions which led to the removal of the child.

*In re Z.A.M.*, 374 N.C. 88, 95 (2020). Our Supreme Court has held that

willfulness of a parent's failure to make reasonable progress toward correcting the conditions that led to a child's removal from the family home is established when the parent had the ability to show reasonable progress, but was unwilling to make the effort.

*In re A.S.D.*, 378 N.C. 425, 428 (2021) (cleaned up). "[T]he reasonableness of the parent's progress is evaluated for the duration leading up to the hearing on the motion or petition to terminate parental rights." *In re T.M.L.*, 377 N.C. 369, 372 (2021).

Mother does not challenge the trial court's findings on appeal; instead, Mother argues that the trial court's findings "do not support a conclusion that [Mother] was *willfully* failing to address her mental health or that her progress was *unreasonable under the circumstances*." We disagree.

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The trial court found that “[t]he primary issues for the family” at the time that the juveniles were adjudicated neglected “were parenting, domestic violence, and untreated mental health issues, which created an injurious environment for the juveniles.” In its termination order, the trial court made an unchallenged, binding finding of fact that the “conditions which led to the removal of the juveniles from their home still exist.”

The trial court imposed the following requirements, *inter alia*, upon Mother to achieve reunification:

- a. Mother shall obtain a Comprehensive Clinical Assessment . . . , provide the assessor with truthful and accurate information, and successfully complete all the recommendations of the assessment.
- b. Mother shall submit to random drug screens.
- c. Mother shall attend and successfully complete an Anger Management/Domestic Violence prevention program with a provider acceptable to [DSS].
- d. Mother shall complete parenting classes . . . which [address] the ability to identify age-appropriate behaviors, needs and discipline for the juveniles.
- e. Mother shall cooperate with and pay Child Support . . . .
- f. Mother shall cooperate and/or ensure that the juveniles’ medical, dental, developmental evaluations and treatment needs are met and comply with recommendations.
- g. Mother shall visit with the juveniles as allowed by the [c]ourt and demonstrate the ability to provide appropriate care for the juveniles.

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h. Mother shall obtain stable income that is sufficient to meet the family's basic needs . . . .

i. Mother shall obtain and maintain an appropriate and safe residence for the juveniles.

j. Mother shall maintain face-to-face contact with the Social Worker as requested, including but not limited to Child & Family Team Meetings and Permanency Planning Meetings.

Mother contends that her “mental health was the central issue throughout the case,” and “[a]ddressing that serious issue was key to every aspect of her case plan, including parenting skills, appropriate relationships, employment, and stable housing.” Mother concedes that her “progress on her case goals was incomplete at the time of the termination hearing[]” but argues that the trial court’s “findings did not reflect failures that were willful or unreasonable under the circumstances.” Instead, Mother argues that the trial court’s findings “reflect that [Mother] persevered in treatment and that she was making progress sufficient to justify reducing her treatment frequency, even as she confronted the growing possibility of losing her children[.]”

The trial court acknowledged Mother’s progress in therapy, finding that, “[t]owards the end of 2023, [Mother’s therapist] reported that [Mother] was making good progress and would be stepped down to bi-weekly individual therapy appointments.” The trial court further found that Mother’s therapist wrote a letter in January 2024 which indicated that Mother’s reduction in therapy was due “to her

demonstrated ability to regulate her emotions[]” and that she “has developed insight into events leading to DSS involvement as well as commitment to improving her overall wellbeing and that she has made significant progress towards therapy goals.”

However,

a trial court has ample authority to determine that a parent’s extremely limited progress in correcting the conditions leading to removal adequately supports a determination that a parent’s parental rights in a particular child are subject to termination pursuant to N.C.G.S. § 7B-1111(a)(2) . . . .

*In re B.O.A.*, 372 N.C. 372, 385 (2019) (cleaned up).

Mother’s recent therapeutic progress is admirable; however, the trial court properly evaluated the reasonableness of Mother’s progress for the duration leading up to the termination hearing. *See In re T.M.L.*, 377 N.C. at 372. The trial court found that Mother missed medication management appointments on 13 September 2023, 20 September 2023, and 18 October 2023 and failed to make any medication management appointment for November 2023; and Mother “had no explanation [on the date of the termination hearing] as to why she was missing the medication management appointments.” After an extensive recounting of Mother’s history of struggles and successes in mental health treatment, the trial court made an unchallenged, binding finding that, “[d]espite [Mother’s] therapist reporting progress on therapeutic goals, [Mother] has not demonstrated that she can meet her own needs or the juveniles’ needs.”



At the time of the hearing, the trial court found that “[Mother] has a difficult time meeting the needs of all three (3) juveniles during the supervised visitations[,]” “struggles to redirect and discipline the juveniles[,]” and “often gets overwhelmed and shuts down.” In spite of Mother’s partial completion of one online parenting program and successful completion of a Nurturing Parenting class in July 2023, the trial court found that, as of the date of the termination hearing, DSS “has not been able to observe any benefits from [Mother’s] parenting classes during her supervised visits with the juveniles[,]” and, when Mother’s boyfriend had participated during visits, “[h]e did all of the parenting . . . and was much better with the juveniles than [Mother].” Throughout the pendency of the case, Mother canceled 24 of the 86 available visits with the juveniles. Furthermore, Mother “showed an ability to maintain consistent contact with [DSS] . . . but did not demonstrate this at the end of the case.”

The trial court’s unchallenged findings also reflect that Mother was given additional opportunities and support to engage with the juveniles but failed to do so:

194. [Mother] was allowed to attend a show at [Isabel]’s school on [3 April 2023] but showed up late and missed the juvenile’s part.

. . . .

211. [Mother] had additional opportunities to contact the juveniles outside of the supervised visitations at [DSS].

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212. At the beginning of the foster care case, [Mother] was allowed to call the juveniles on Sunday afternoons and the foster parents agreed to supervise the phone calls.

213. However, [Mother] did not take advantage of these calls and the foster parents stopped agreeing to the additional contact.

. . . .

220. [Mother] went to the emergency room for one of the juveniles but has not attended most scheduled appointments, although she is informed of the appointments in advance.

. . . .

223. [DSS] has offered her bus passes and gas vouchers for her to attend the juveniles' appointments. [Mother] has also been informed she can utilize Medicaid transportation to attend appointments.

224. Additionally, [Mother] has not exhibited knowledge of the juveniles' providers, their treatment schedules, or otherwise.

Furthermore, the trial court found that, as of the date of the hearing, Mother was not working, and that, throughout the case, Mother failed to maintain a job, despite receiving assistance in doing so from DSS. When Mother informed DSS that her vehicle needed repairs, DSS offered to pay for repairs if she provided an invoice; however, Mother never provided an invoice. Although Mother "reported experiencing financial issues[]" throughout the pendency of the case, she failed to submit recertification paperwork for food stamps and to follow through on her application, despite her knowledge that DSS could assist her. Mother had no stable housing

throughout the case. The trial court found that, although DSS assisted her in filling out housing applications and by referring her to various shelters and housing resources, she failed to utilize them. Mother submitted her first two applications to income-based housing approximately one week before the termination hearing.

The trial court's unchallenged findings reflect that, as of the date of the termination hearing, Mother continued to be unable to meet her own needs and the juveniles' needs due to her continued struggle with mental health issues, failed to reliably attend medication management appointments to treat her mental health concerns, completed some parenting classes but was not observed to have improved parenting abilities, failed to reliably attend visitation with the juveniles and to take advantage of additional opportunities for contact provided by the foster family, had an unstable housing and financial situation not "sufficient to meet the family's basic needs[.]" was not working, and missed multiple Child and Family Team Meetings. Throughout the pendency of the case, DSS offered assistance in obtaining stable housing, transportation, employment, and social services; however, Mother failed to utilize this assistance.

The trial court's ultimate finding that "[Mother] has willfully left the juveniles in foster care or placement outside the home for more than twelve (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 juveniles" is supported by its "evidentiary findings of fact and

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reached by natural reasoning from the evidentiary findings of fact.” *In re G.C.*, 384 N.C. at 67. These findings support the trial court’s conclusion that grounds exist for termination of Mother’s parental rights for failure to make reasonable progress under N.C.G.S. § 7B-1111(a)(2).

**CONCLUSION**

The trial court’s unchallenged findings support its conclusion that it may terminate Mother’s parental rights pursuant to N.C.G.S. § 7B-1111(a)(2). Thus, we need not review any remaining grounds for termination and affirm.

AFFIRMED.

Judges GRIFFIN and THOMPSON concur.

Report per Rule 30(e).