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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA24-312

Filed 3 December 2024

Pitt County, Nos. 21JA52–53

IN THE MATTERS OF:

N.J.

J.J.

Appeal by respondent-mother from order entered 5 January 2023 by Judge Lee F. Teague in Pitt County District Court. Heard in the Court of Appeals 6 November 2024.

Batch, Poore & Williams, PC, by Sydney J. Batch, for respondent-appellant-mother.

Miller & Audino, LLP, by Jay Anthony Audino, for petitioner-appellee Pitt County Department of Social Services.

Womble Bond Dickinson (US) LLP, by Jacob S. Wharton and Allison T. Pearl, for appellee guardian ad litem.

GORE, Judge.

On 4 May 2021, Pitt County Department of Social Services (“DSS”) filed a

petition alleging the juveniles, Nancy and John¹, were neglected. Following a hearing on 22 July 2021, the trial court adjudicated the children neglected. On 7 September 2021, DSS was granted nonsecure custody of the minors. At the permanency planning hearing on 7 September 2023, the court changed the permanent plan from reunification to guardianship, with custody by an approved caregiver as a secondary plan. During a 7 December 2023 permanency planning hearing, the court awarded guardianship to the children's court-appointed caretaker—Ms. Lambert.² The order was filed on 5 January 2024, and respondent-mother appealed on 1 February 2024. Respondent-father did not appeal.

The issue is whether the trial court abused its discretion in awarding guardianship to the caregiver. Respondent-mother argues the proposed guardian, Ms. Lambert, lacks the financial means to care for the minor children and has expressed a lack of commitment to their permanent care. She also disputes several findings of fact as lacking competent evidence and challenges the conclusions of law as unsupported by those findings.

This Court has jurisdiction under N.C.G.S. §§ 7A-27(b)(2) and 7B-1001(a)(5), and we affirm.

This Court's review of a permanency planning review order is limited to whether there is competent evidence in the record to support the findings of fact and whether the findings support the conclusions of law. The

¹ Pseudonyms.

² A pseudonym.

trial court's findings of fact are conclusive on appeal if supported by any competent evidence. Uncontested findings are binding on appeal. The trial court's dispositional choices . . . are reviewed for abuse of discretion. An abuse of discretion occurs when the trial court's ruling is so arbitrary that it could not have been the result of a reasoned decision.

In re A.P.W., 378 N.C. 405, 410 (2021) (cleaned up).

Before appointing a guardian for a juvenile, the trial court must confirm that the guardian understands the legal responsibilities of the role and has sufficient resources to care for the juvenile. *In re C.P.*, 252 N.C. App. 118, 124 (2017); N.C.G.S. §§ 7B-600(c), 7B-906.1(j) (2023). While specific findings are not required, the record must include competent evidence of the guardian's financial resources and awareness of their duties. *In re C.P.*, 252 N.C. App. at 124. A stable placement for at least six months can demonstrate that a prospective guardian has adequate resources. §§ 7B-600(c), 7B-906.1(j).

By the time of the seventh and final permanency planning hearing on 7 December 2023, Ms. Lambert had been caring for the minor children, Nancy and John, for 822 days since their placement with her on 7 September 2021. The children were placed with Ms. Lambert after DSS removed them from respondent-mother's custody due to unsafe living conditions and educational neglect. Throughout this time, Ms. Lambert consistently met the children's needs, ensuring they attended school and received necessary medical and dental care. A social worker testified that the Lamberts had cared for the children well and that the children were happy to

remain in their care. At the final hearing, Ms. Lambert testified that she fully understood the responsibilities of guardianship, treated the children as her own, and was prepared to assume all financial and other duties associated with the role. The trial court found competent evidence, including Ms. Lambert's sworn testimony and the stable care she had provided for over six months, as supporting its conclusion that Ms. Lambert was financially capable of caring for the children.

Ms. Lambert's sworn testimony, along with the fact that the children had been in her care for over six consecutive months, supports the trial court's finding that she is financially capable of providing for the children. *See In re J.R.*, 279 N.C. App. 352, 363 (2021) (determining that the trial court did not err in finding that the maternal grandfather understood the legal significance of guardianship, as required by §§ 7B-600(c) and 7B-906.1(j)). This conclusion was supported by the court's colloquy with him, his testimony, and evidence showing that the children had lived with him for a year, during which he took them to medical appointments and provided for them financially.); *In re B.H.*, 278 N.C. App. 183, 195 (2021) (holding that "the testimony from the social worker, and the home study report each provided competent evidence from which the trial court could verify that both [the minor child's] guardians understood the legal significance of the guardianship appointment[,]” including verification that the appointed guardians have adequate resources to appropriately care for the juvenile.); *In re N.H.*, 255 N.C. App. 501, 507 (2017) (cleaned up) (evidence supported a finding that the child's aunt had adequate resources to care for the child

where “her sworn statement that she was willing to care for [the minor child] and possessed the financial resources to do so constituted competent evidence, which in turn supported the trial court’s finding that she has adequate resources to care appropriately for the minor child.”).

Respondent-mother selectively cites isolated comments from the record to undermine the substantial evidence supporting the trial court’s findings. The most relevant evidence, however—testimony and court reports from the final permanency planning hearing—fully supports the trial court’s conclusion that Ms. Lambert understood the legal significance of becoming the children’s guardian and had the financial means to fulfill that role. Although respondent-mother highlights instances where Ms. Lambert expressed frustration with the children’s behavioral issues, she overlooks Ms. Lambert’s consistent commitment to caring for the children for over two years, including meeting their educational, medical, and basic needs. The trial court properly performed its statutory duty to verify the guardians pursuant to §§ 7B-600(c) and 7B-906.1(j).

For the above stated reasons, we affirm the trial court’s Permanency Planning Order entered 5 January 2024.

AFFIRMED.

Judges FLOOD and THOMPSON concur.

Report per Rule 30(e).