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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA24-870

Filed 19 February 2025

Cumberland County, Nos. 19 JT 162-63

IN THE MATTER OF C.C.B., A.L.B.

Appeal by Respondent-Mother from order entered 25 June 2024 by Judge Rosalyn Hood in Cumberland County District Court. Heard in the Court of Appeals 4 February 2025.

*Dawn M. Oxendine for Petitioner-Appellee Cumberland County Department of Social Services.*

*Richard Croutharmel for Respondent-Appellant Mother.*

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

PER CURIAM.

Respondent-Mother appeals from the trial court's order terminating her parental rights to her minor children C.C.B. ("Curtis") and A.L.B. ("Alice").<sup>1</sup> We

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<sup>1</sup> Pseudonyms have been used throughout the opinion to protect the identity of the juveniles and for ease of reading. See N.C. R. App. P. 42(b)(1).

affirm.

## **I. Background**

Alice was born in October 2015, and Curtis was born in April 2017, both in West Virginia. In 2017, the children's father passed away from a fentanyl overdose, and the children went into the custody of the Kanawha County Department of Social Services due to the substance abuse issues of their parents. Mother regained custody of the children in January 2018 soon after the family moved to Cumberland County.

In March 2019, Mother went to the hospital seeking pain medication due to cervical pain. During her visit, staff observed Mother yelling at her children and spanking one of them. She tested positive for cocaine and left the hospital before receiving treatment. Two days later, Mother met with DSS and agreed to let the maternal grandmother care for the children until she became mentally stable and sober.

On 28 April 2019, Mother was found unconscious and unresponsive by emergency personnel after four-year-old Alice had gone to a neighbor's house and that neighbor called 911. Mother later admitted that she had been caring for and supervising the children without the help of the maternal grandmother.

The next day, on 29 April 2019, the Cumberland County Department of Social Services ("DSS") filed a juvenile petition alleging neglect and dependency of the children. On 18 July 2019, after a hearing on the matter, the trial court entered an order adjudicating the juveniles to be neglected and dependent.

On 27 August 2019, after the disposition hearing, the trial court entered its disposition order, placing the children in DSS custody and ordered Mother to comply with a case plan to effect reunification. This plan required mother to complete a mental health assessment and follow recommendations, complete a parenting assessment and follow recommendations, complete parenting classes and the “Scream Free” class, complete an anger management class, complete substance abuse treatment, complete random drug screens, and maintain stable employment and housing. Mother was granted weekly supervised visits with the children.

In March 2020, after a hearing on the matter, the trial court found that Mother had failed to complete random drug screens and that she admitted she would test positive for cocaine if tested at that hearing. The trial court suspended Mother’s visits with the children until she could produce a negative drug screen.

On 12 April 2022, after a hearing on the matter, the trial court ceased reunification efforts with Mother and changed the children’s primary permanent plan to adoption. The trial court found that Mother had failed to complete multiple requested drug tests or to show proof of substance abuse treatment and that she lacked stable housing, lacked employment, failed to attend the “Scream Free” parenting class, and failed to produce a negative drug screen.

On 8 September 2023, DSS filed a termination of parental rights petition, alleging grounds of neglect, willfully leaving the children in foster care for more than 12 months with inadequate progress to reunify with them, and abandonment. A

hearing was held on 21 and 22 March 2024. At the hearing, a social worker testified that Mother had a history of substance abuse and was in methadone treatment throughout the case. Mother's visits with the children remained suspended to her prolonged inability to produce a negative drug screen until February 2024. She engaged in some substance abuse treatment; she had obtained employment, but never produced documentation to corroborate it; she completed a psychological evaluation a year into the case, but never completed the services recommended by the evaluator. Likewise, Mother completed a parenting assessment but never completed the "Scream Free" class. She obtained stable housing in June 2023.

Mother testified that she finished everything in her case plan except anger management; she had completed mental health assessments at a place called Communicare and signed releases for DSS to access her records; she never saw a psychiatrist because she was already seeing a medication management doctor at her methadone clinic; and she completed a parenting assessment at Communicare, which recommended counseling and substance abuse treatment, which she was getting through her methadone treatment. Finally, she claimed she took two parenting classes at Communicare and paid for them herself.

However, on cross examination Mother admitted that she had tested positive for fentanyl thirteen times and cocaine ten times between March and December 2023. She also admitted that she had given birth to two other children that had come into DSS custody during Alice's and Curtis's cases. She further admitted that one of those

children had been born drug positive and that she had engaged in domestic violence with that child's father.

By written order entered 25 June 2024, the trial court terminated Mother's parental rights to the children. The trial court found that while Mother made some progress in completing her case plan, she had not adequately or timely followed through with the objectives, nor did she demonstrate an ability to show that she gained knowledge from the services she engaged in. It further found that her failure was willful. Moreover, it found that Mother's substance abuse issues were of "a long-standing and enduring nature" and that she had not adequately addressed them, making them likely to recur and continue into the foreseeable future. The court concluded Mother neglected the children and willfully left them in the care of DSS for a period of more than twelve months and willfully failed to demonstrate reasonable progress under the circumstances to correct the conditions which led to the children's removal.

## **II. Analysis**

Counsel for Mother has filed a no-merit brief pursuant to Rule 3.1(e) of the North Carolina Rules of Appellate Procedure, asserting that "a conscientious and thorough review of the record and the relevant law and consultation with another experienced appellate attorney" has revealed no "issues with sufficient merit on which to base an argument for relief on appeal." Counsel requests that this Court conduct an independent examination of Mother's case. Counsel further shows he

advised Mother of her right to file a *pro se* brief in support of her appeal and provided her with the necessary materials to do so. Mother has submitted *pro se* arguments to this Court.

Rule 3.1(e) requires an independent review of any issues contained in a no-merit brief. *In re L.E.M.*, 372 N.C. 396, 402, 831 S.E.2d 341, 345 (2019).

Mother's counsel identified three issues that could arguably support an appeal but stated why he believed these issues lacked merit. We have also reviewed the document filed by Mother. Based upon our careful review of the record, as well as the issues raised by Mother's counsel and Mother's filing, we are satisfied that the trial court's termination order was supported by competent evidence and based on proper legal grounds. The termination order includes sufficient findings of fact supported by clear, cogent, and convincing evidence to support at least one statutory ground for termination. *See In re P.L.P.*, 173 N.C. App. 1, 8, 616 S.E.2d 241, 246 (2005) (citation and quotations omitted). Specifically, the evidence and findings demonstrate that the children were previously adjudicated neglected, and Mother failed to discontinue her substance abuse in violation of her case plan. *See* N.C. Gen. Stat. § 7B-1111(a)(1) (2023); *In re M.J.S.M.*, 257 N.C. App. 633, 636–37, 810 S.E.2d 370, 373 (2018). The trial court also made appropriate findings determining that termination of Mother's parental rights was in the children's best interests. *See* N.C.G.S. § 7B-1110(a). Accordingly, we affirm the trial court's order terminating Mother's parental rights.

IN RE: C.C.B., A.L.B.

*Opinion of the Court*

AFFIRMED.

Panel consisting of Judges COLLINS, GRIFFIN, and MURRY.

Report per Rule 30(e).