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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA24-530

Filed 19 March 2025

Pitt County, No. 23 JA 150

IN THE MATTER OF: A-A.H-T.

Appeal by Respondent-Mother from orders entered 29 December 2023 and 7 March 2024 by Judge Lee F. Teague in Pitt County District Court. Heard in the Court of Appeals 11 February 2025.

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

Administrative Office of the Courts, by GAL Staff Attorney Brittany T. McKinney, for Guardian ad Litem.

Anné C. Wright for Respondent-Mother Appellant.

WOOD, Judge.

Respondent-Mother (“Mother”) appeals from the trial court’s adjudication and disposition orders, adjudicating the juvenile abused, neglected, and dependent and

setting forth the requirements for reunification. On appeal, Mother argues the trial court erred by ordering Mother to engage in services not necessary to remedy the conditions that led to removal or necessary to remediate for reunification. For the reasons set forth below, we affirm the trial court's order.

I. Factual and Procedural Background

Abigail¹ was born on 14 September 2008. She lived alone with Mother, and Mother home-schooled her. Abigail was diagnosed with autism spectrum disorder, attention deficit hyperactivity disorder, anxiety, developmental delay, fine motor delay, hearing loss, neuralgia, obsessive compulsive disorder, and sleep disorder. She sought treatment for these diagnoses at ECU Pediatrics and also met with a child psychiatrist.

When Abigail was fourteen years old, on 9 July 2023, she texted the Crisis Text Line. She communicated to the crisis counselor that Mother sexually assaulted her six days prior, and that Mother had been doing things of a “sexual nature” to her since she was “very young.” The counselor informed Abigail that because she was under the age of eighteen, and because the counselor was a mandated reporter, any information she shared may be reported to a state agency. The counselor attempted to obtain Abigail's name, date of birth, and address, but Abigail stated that she wanted to gather “more evidence” first.

¹ A pseudonym is used to protect the identity of the juvenile pursuant to N.C. R. App. P. 42(b).

Later that day, Abigail contacted the Crisis Text Line again. She explained that she wanted to file a report and ultimately provided her information to the counselor. Abigail gave detailed recounts of interactions with Mother during which she explained how to perform sexual acts, and she further disclosed that Mother had her “restrained in a sitting position” on her bed while Mother pulled her shirt down, “she started rubbing up and down [on her] breasts while laughing,” and Mother told Abigail that “she wanted to see what [she’d] do if [she] was actually being sexually abused.” She also reported that Mother would hit her in the stomach and shoulders and would continue to hit her even after Abigail told her it was painful.

On 27 July 2023, Pitt County Department of Social Services (“DSS”) received a report concerning Abigail’s messages to the Crisis Text Line. Upon investigation, Mother admitted to law enforcement that she touched Abigail’s breasts “to train her about sexual assault.” Mother described it as “role playing.” Additionally, Mother admitted she showed Abigail “informative” videos on Youtube about human trafficking. Upon DSS’ request, Abigail was temporarily moved to her maternal grandmother’s home.

The day after DSS received the report, Mother spoke with an employee at Trillium Health Services. Mother reasoned that her actions were “teaching methods” to “inform [Abigail] about her body.” One of these methods consisted of Mother making Abigail take her shirt off to perform a breast examination, while Mother also took her shirt off and “grope[d]” herself in front of Abigail, in order to show her

daughter where and how to check on her breasts. Another method which Mother used was reportedly intended to teach Abigail how to defend herself, where Abigail pretended to be in a restroom and Mother pretended to be a male attacker. Mother would then “pretend” to attack Abigail to show her “what it is like.”

On 9 August 2023, Abigail attended a child medical evaluation at the Tedi Bear Clinic. As part of the evaluation, interviews were conducted with the social worker, Abigail’s grandmother, and Abigail. The medical provider at the Tedi Bear Clinic, Dr. Wright, generated a report containing his findings and conclusions following his evaluation. Dr. Wright concluded that Abigail has suffered from medical child abuse or Munchausen Syndrome by Proxy. He reported that Abigail had suffered both physical and sexual abuse since a young age. Mother would insert her hand into Abigail’s vagina with a “scrub glove,” which was “very painful.” This was confirmed by a bodily examination, which revealed poor genital hygiene and damage to Abigail’s vaginal area. Abigail also reported that Mother would rub her breasts in an attempt to stimulate her breasts for breastmilk. Dr. Wright additionally reported concerns of neglect, including withholding food and water, severe isolation, and lack of basic hygiene. Abigail’s hair had not been combed for a year and a half, she had long fingernails, and untreated acne on her face. As to medical abuse, he found that Mother “convinced her medical providers that [Abigail] has autism.” Dr. Wright disagreed with this diagnosis, noting that Abigail did not exhibit signs of autism, and that Mother had told Abigail to “go along with the story.” Lastly, Dr. Wright

concluded that Abigail was suffering from PTSD and developmental trauma. Abigail reported intrusive thoughts and that Mother frequently threatened her life. He ultimately recommended that (1) Abigail have no contact with Mother; (2) Abigail's prior diagnoses be re-evaluated and noted she was over medicated; (3) Mother receive a detailed mental health assessment; and (4) Mother "should be investigated for intrafamilial child torture."

DSS filed a juvenile petition on 11 August 2023, alleging Abigail to be abused, neglected, and dependent. The same day, DSS obtained an order for nonsecure custody and placed Abilgail in foster care after determining that continued placement in grandmother's care was no longer appropriate.

On 30 November 2023, the trial court held an adjudication hearing. The trial court heard testimony and admitted various records, including the report from the Tedi Bear Clinic. The trial court also admitted Abigail's medical records from ECU Pediatrics and her Pathways to Life records, which contained her treatment and disclosures since she was removed from Mother's care. The trial court made numerous findings regarding Mother's sexual, physical, emotional, and medical abuse of Abigail. By order entered 29 December 2023, the trial court adjudicated Abigail as abused, dependent, and neglected.

On 15 February 2024 the trial court conducted another hearing during which it heard testimony from the assigned social worker and the guardian ad litem supervisor. The trial court admitted into evidence the DSS and guardian ad litem

court reports, Abigail's transitional living plan, a letter from Abigail's therapist, and further Tedi Bear Clinic documentation. The trial court found that Abigail had adjusted well to her new therapeutic foster home but was suffering from flashbacks related to what had happened while she lived with Mother. She was placed in academically gifted classes and doing well in school but had panic attacks and post-traumatic episodes while at school. She consistently attended medical appointments and met with a therapist twice a week. The trial court determined that it was in Abigail's best interest to have no contact with Mother due to the post-traumatic stress she experienced with any reminder of Mother. The trial court additionally found that Mother remained in contact with DSS, continued to deny the allegations in the petition, and wished to have Abigail back home. Mother had completed a parenting program and was in therapy.

Following the hearing, the trial court entered a disposition order on 7 March 2024. The trial court concluded that visitation and contact between Abigail and Mother, as well as Mother's relatives, should remain suspended. However, the trial court ordered DSS to continue work towards reunification. Mother was ordered to obtain a psychological evaluation and comply with any recommendations; maintain a stable job or income; maintain stable housing; comply with random drug screens; maintain communication with DSS and sign any releases as requested. The trial court scheduled a permanency planning hearing for 23 May 2024.

On 27 March 2024 Mother filed notice of appeal from the 29 December 2023 adjudication order and the 7 March 2024 disposition order. On appeal, Mother asserts no argument in her brief as to the adjudication order. Thus, we deem any issue regarding the adjudication order to be abandoned and only address the 7 March 2024 disposition order. *See* N.C. R. App. P. 28(b)(6) (“Issues not presented in a party's brief, or in support of which no reason or argument is stated, will be taken as abandoned.”).

II. Analysis

On appeal Mother argues the trial court did not properly exercise its authority, pursuant to N.C. Gen. Stat. § 7B-904, when it ordered Mother to comply with random drug screen requests, maintain a stable job or income, and maintain stable housing.

This Court reviews a disposition order for abuse of discretion. *In re K.H.*, 281 N.C. App. 259, 270, 867 S.E.2d 757, 765 (2022) (citation omitted). “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.” *Id.*

The purpose of the dispositional phase is for the trial court to “design an appropriate plan to meet the needs of the juvenile and to achieve the objectives of the State in exercising jurisdiction.” *In re J.M.*, 384 N.C. 584, 592, 887 S.E.2d 823, 829 (2023) (citation omitted). The trial court is permitted to consider any evidence that “[it] finds to be relevant, reliable, and necessary to determine the needs of the juvenile and the most appropriate disposition.” *Id.* (citations omitted). Accordingly, the trial

court is given “broad discretion to fashion a disposition . . . based upon the best interests of the child.” *In re B.W.*, 190 N.C. App. 328, 336, 665 S.E.2d 462, 467 (2008) (citation omitted).

At its discretion, the trial court may require a parent to undergo treatment or comply with a plan of treatment “directed toward remediating or remedying behaviors or conditions that led to or contributed to the juvenile’s adjudication.” N.C. Gen. Stat. § 7B-904(c). Stated differently, it may “order a parent to take appropriate steps in order to achieve reunification.” *In re S.G.*, 268 N.C. App. 360, 368, 835 S.E.2d 479, 486 (2019) (cleaned up). When determining what steps are appropriate, “there must be a nexus between the step ordered by the court and a condition that is found or alleged to have led to or contributed to the adjudication.” *Id.* (citations omitted). “[T]he trial court is not limited to ordering services which directly address the reasons for the [juvenile]’s removal from a parent’s custody” as “[i]t may also order services which could aid ‘in both understanding and resolving the possible underlying causes’ of the actions that contributed to the trial court’s removal decision.” *Id.* (citation omitted).

Mother argues there were no findings in the adjudication order, or evidence admitted at the adjudication or disposition hearing, regarding substance abuse, unstable housing, or a lack of financial resources to care for Abigail. Mother asserts, absent record evidence, the disposition order must be remanded to the trial court for removal of these requirements. We disagree.

We are guided by the holdings of *In re A.R.* in which arguments similar to Mother's here were addressed. There, respondent-parents' children were initially removed from their custody due to issues with domestic violence. *In re A.R.*, 227 N.C. App. 518, 521-22, 742 S.E.2d 629, 632-33 (2013). The trial court ordered the parents to comply with a number of conditions, which the parents alleged on appeal, "had nothing to do with the conditions which led to the children's removal." *Id.* This Court held that the conditions of following recommendations of mental health assessments and taking prescribed medications, completing substance abuse evaluations, and submitting to drug screens were "reasonably related to aiding respondents in remedying the conditions which led to the children's removal; all of these requirements assist respondents' in both understanding and resolving the possible underlying causes of respondents' domestic violence issues." *Id.* at 522, 742 S.E.2d at 632-33. Similarly, the conditions of providing copies of deeds or leases of any new residence, providing documentation of employment or income, and maintaining contact with DSS, were also reasonable requirements, "as it is a manner in which both [DSS] can stay in contact with respondents and ensure that they are making progress toward having their children returned home." *Id.*

In the present case, the trial court removed Abigail from Mother's custody due to allegations that Mother inflicted physical injury, sexual abuse, and serious emotional damage upon the juvenile; Mother did not provide proper care, supervision or discipline; Mother created an injurious living environment; and Mother subjected

the juvenile to medical abuse. We acknowledge the trial court did not initially remove Abigail from Mother's care due to the lack of income, housing, or concerns of substance abuse. However, "the trial court is free to impose any conditions it believes are *relevant* to addressing the issues that led to a child's removal—at any time and *based upon new or existing evidence*—so long as it does not abuse its discretion." *In re S.G.*, 268 N.C. App. at 372, 835 S.E.2d at 488 (emphasis added) (citation omitted).

We first address the condition of maintaining a stable job or income. Dr. Wright was of the opinion that Mother "convinced [Abigail's] medical providers that she has autism. . . . [M]other would get [Abigail] to go along with the story that she wanted the doctors to hear. There is likely some fraudulent claim to SSI." The DSS court report admitted into evidence at the disposition hearing stated "[DSS] is the payee of [Abigail's] Social Security Income Disability check. [Mother] has no income in the home." The guardian ad litem report, also admitted into evidence, stated Abigail is being seen at the Tedi Bear Clinic twice a week, is in trauma focused therapy once a week, and is in regular sessions at Heart Maps to deal with her severe anxiety. Additionally, the trial court found in the disposition order that Abigail is being consistently evaluated at medical and dental appointments.

The condition of maintaining a stable job or income is directly related to whether Mother has the financial ability to ensure Abigail's welfare by addressing her medical needs and to alleviate the concern that Mother will engage in behavior to defraud SSI. The importance of this is further emphasized by the fact that

Mother's potential fraudulent behavior regarding SSI came at the expense of Abigail, as Dr. Wright concluded that she was suffering from medical child abuse or Munchausen Syndrome by Proxy. Furthermore, a reportable income would ensure that Mother is making reasonable progress toward having Abigail returned home. The trial court did not abuse its discretion by imposing this condition. *In re A.R.*, 227 N.C. App. at 522, 742 S.E.2d at 632-33.

The condition of maintaining stable housing is also supported. Mother's ability to maintain housing and a suitable living environment is likely dependent upon her ability to maintain a job or income. Other than Abigail's SSI checks, Mother had no other source of income. After Abigail was removed from the home, Mother ceased receiving SSI checks for Abigail. These basic requirements, *i.e.*, a suitable home and having the means to care for the child, are essential for a child to be returned home. Thus, the trial court did not abuse its discretion in imposing this condition.

Lastly, Mother challenges the condition of complying with random drug screens. The juvenile petition stated, "[Mother] has put alcohol, herbs, beer/wine in [Abigail's] medicine and made her take it." The trial court made a similar finding in its adjudication order. Abigail's therapist noted, "[p]er [Abigail], her [Mother] also forced her to drink alcohol and referred to it as a medicine concoction." Dr. Wright reported Abigail's statements that Mother made her drink a "herbal mixture with wine" and "try some medicine." Dr. Wright also expressed concerns with Mother's stability and mental health. This evidence is sufficient to support a requirement that

Mother submit to drug screens, as it is relevant to determine what “medicines” or “herbs” Mother is consuming and whether she is able to provide a safe environment for Abigail.

The trial court did not abuse its discretion by ordering Mother to comply with random drug screen requests, to maintain a stable job or income, and to maintain stable housing. The record evidence demonstrates each requirement is a necessary and appropriate step toward reunification. Requiring Mother to demonstrate her ability to provide appropriate care for Abigail by maintaining a stable income and appropriate housing, while ensuring that Mother complies with drug screens, would aid DSS and the trial court in determining what is in the best interests of Abigail.

III. Conclusion

For the foregoing reasons, the conditions imposed by the trial court’s disposition order were appropriate steps to achieve reunification. We affirm the trial court’s order.

AFFIRMED.

Judges GORE and STADING concur.

Report per Rule 30(e).