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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA24-782

Filed 2 April 2025

Iredell County, Nos. 23 JA 289-90

In re: R.E., C.E., Jr.

Appeal by Respondent-Mother from orders entered 14 March 2024 and 8 May 2024 by Judge Thomas R. Young in Iredell County District Court. Heard in the Court of Appeals 18 March 2025.

*Lauren Vaughan for Petitioner-Appellee Iredell County Department of Social Services.*

*Edward Eldred for Respondent-Appellant Mother.*

*Parker Poe Adams & Bernstein LLP, by Charles G. Middlebrooks and Stephen V. Carey, for guardian ad litem.*

GRIFFIN, Judge.

Respondent-Mother appeals from the trial court's orders adjudicating her two minor children to be neglected juveniles and placing legal and physical custody of both children with Petitioner-Appellee Iredell County Department of Social Services.

Mother contends the trial court erred by making findings of fact unsupported by clear, cogent, and convincing evidence, and by making conclusions of law unsupported by sufficient findings of fact. We affirm.

### **I. Factual and Procedural Background**

In May 2023, Mother and her two minor children, Ruth and Chip,<sup>1</sup> were riding in Mother’s vehicle when Chip jumped out of the vehicle. At the time, Ruth was five years old and Chip was fifteen. Mother tried to make Chip get back in, but Chip refused and hit Mother. Chip was involuntarily committed for one day because of the incident. About one week later, Chip and Mother got into an argument when Mother told Chip not to leave their house and that she would not let him back in if he left. Chip assaulted Mother, threatened to kill her, and left the house. Mother locked Chip out of the house. Law enforcement later found Chip “pretty much w[a]ndering the neighborhood.”

On 30 May 2023, Iredell County Department of Social Services received a report that Chip and Ruth were neglected juveniles following the May 2023 incidents between Chip and Mother. The report alleged improper discipline and care, and lack of supervision by Mother. Chip was diagnosed with “unspecified disruptive, impulse-control, conduct disorder, attention-deficit hyperactivity disorder, and conduct disorder” and Mother expressed concerns about his “gang activity.” Mother’s family

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<sup>1</sup> We use pseudonyms for ease of reading and to protect the anonymity of the juveniles. *See* N.C. R. App. P. 42(b).

also had a history of involvement with DSS. Mother previously lost custody of Chip from 2013 to 2015 and from December 2016 to August 2021. Mother's parental rights to three other children were terminated in 2021, as well.

Due to the May 2023 report, Mother and Chip began receiving services from the Child Focused Assertive Community Treatment Team ("ACT") for approximately six months. The ACT sessions provided mental and behavioral health services aiming to teach Mother and Chip communication skills to avoid conflicts between them. The sessions were largely unsuccessful, as Mother "would speak over [Chip] and yell at him when he tried to speak or tell his side of the story," causing Chip to angrily leave the sessions before their completion. Mother did not consistently attend the ACT sessions and little progress was made.

Despite the availability of ACT services and DSS's involvement, Mother and Chip continued to engage in verbal and physical altercations. On 11 October 2023, Mother hit Chip during an argument. On 9 November 2023, Mother threw water on Chip prompting Chip to place Mother in a headlock. On one occasion, Mother and Chip had an argument in front of Ruth, during which Mother threatened to kill Chip while brandishing a knife. Ruth was often present for these incidents, and Chip started to become aggressive toward her as well as Mother.

On 22 December 2023, DSS filed petitions alleging Ruth and Chip were neglected juveniles. On 28 December 2023, DSS obtained nonsecure custody of both juveniles.

On 14 March 2024, following a hearing on the matter, the trial court entered a written order adjudicating Ruth and Chip to be neglected juveniles. On 8 May 2024, following a hearing, the court entered a written disposition order granting legal and physical custody of both juveniles to DSS, but instructing Mother to comply with a number of recommendations in order to “remedy the conditions in the home that led to or contributed to the juvenile[s] adjudication and to the [c]ourt’s decision to remove custody of the juveniles[.]”

Mother filed notice of appeal on 7 June 2024 signed only by her attorney. On 27 June 2024, Mother filed a supplemental notice of appeal signed by her and her attorney.

## **II. Analysis**

Mother appeals the trial court’s orders adjudicating Ruth and Chip to be neglected juveniles and entering its resulting disposition.

When reviewing the trial court’s adjudicatory determination, “[t]he sole question for the reviewing court is whether the trial court’s conclusions of law are supported by adequate findings and whether those findings, in turn, are supported by clear, cogent, and convincing evidence.” *Matter of A.J.L.H.*, 384 N.C. 45, 53, 884 S.E.2d 687, 693 (2023) (citation omitted). “A trial court’s finding of fact that is supported by clear, cogent, and convincing evidence is deemed conclusive even if the record contains evidence that would support a contrary finding.” *In re B.O.A.*, 372 N.C. 372, 379, 831 S.E.2d 305, 310 (2019) (citation omitted). If a finding is found to

lack sufficient supporting evidence, “the reviewing court must disregard that finding and examine whether the remaining findings support the trial court’s determination.” *Matter of A.J.*, 386 N.C. 409, 412, 904 S.E.2d 707, 711 (2024). “[E]rroneous findings unnecessary to the determination do not constitute reversible error where an adjudication is supported by sufficient additional findings grounded in clear and convincing evidence.” *In re C.B.*, 245 N.C. App. 197, 199, 783 S.E.2d 206, 208–09 (2016) (citation and quotation marks omitted). “Where no exception is taken to a finding of fact by the trial court, the finding is presumed to be supported by competent evidence and is binding on appeal.” *Koufman v. Koufman*, 330 N.C. 93, 97, 408 S.E.2d 729, 731 (1991) (citation omitted). “The trial court’s conclusions of law are reviewable de novo on appeal.” *In re C.B.C.*, 373 N.C. 16, 19, 832 S.E.2d 692, 695 (2019) (citation omitted).

“A neglected juvenile is one whose parent, guardian, custodian, or caretaker ‘does not provide proper care, supervision, or discipline’ or who ‘creates or allows to be created a living environment that is injurious to the juvenile’s welfare.’” *A.J.*, 386 N.C. at 416, 904 S.E.2d at 714 (quoting N.C. Gen. Stat. § 7B-101(15) (2023)). “In order to adjudicate a child to be neglected, the failure to provide proper care, supervision, or discipline must result in some type of physical, mental, or emotional impairment or a substantial risk of such impairment.” *In re C.M.*, 183 N.C. App. 207, 210, 644 S.E.2d 588, 592 (2007) (citation omitted).

Mother argues “[t]he trial court’s substantive findings of fact are not supported

by clear, cogent, and convincing evidence” and “[t]he supported findings do not support the conclusion that Ruth and Chip are neglected juveniles.” In support, Mother challenges select portions of findings of fact 6, 9, 10, and 12, and the entirety of finding of fact 13. Even if each finding challenged by Mother is unsupported by clear, cogent, and convincing evidence, and disregarding the challenged language, the trial court’s remaining, unchallenged findings are sufficient to support its adjudication of neglect. The unchallenged findings include the following:

6. [Chip] suffers from mental and behavioral health issues that require treatment . . . . [Mother] refused or failed to provide consistent mental and behavioral health treatment for . . . [Chip] which exacerbated the already present mental and behavioral health issues in the home.

. . .

8. [ACT] was attempting to teach [Mother] ways to parent [Chip] that would de-escalate his behaviors. Despite [their] efforts to teach [Mother] over a six-month period, [ACT] did not see a positive change in [Mother’s] responses. For instance, [Mother] would try to “talk over” and otherwise escalate disagreements with [Chip]. This would lead to yelling and volatile behaviors. [Mother] failed to keep appointments with the [ACT] team and would miss appointments and fail to reschedule appointments.

. . .

10. [Mother] admitted . . . she hit [Chip]. She also admitted to several occasions where [Chip] hit her causing injuries. These instances often occurred in the presence of [Ruth]. In addition to actual physical violence, there were instances of threats of violence and even death.

11. On one occasion, [Mother] told [Chip] not to leave her

home but he did anyways. [Mother's] response was to lock him out of the home and not let him back into the house. [Chip] wandered around the neighborhood and law enforcement responded.

12. The violence and tensions in the home negatively impacted [Chip] to the extent that he was involuntarily committed . . . .

These findings show Mother failed to properly care for, supervise, and discipline Chip, and created an injurious living environment for Chip and Ruth. Chip and Mother repeatedly engaged in arguments both in and out of Mother's home which evolved into screaming matches, threats of physical violence, and, at times, actual instances of physical violence between them. These altercations occurred in Ruth's presence and Chip began to show aggressive behaviors toward Ruth as well as Mother. Mother's conduct did not tend to alleviate these concerns, and her engagement with Chip often exacerbated their arguments. Despite DSS's intervention and ACT's attempts to provide mental and behavioral health services and to teach Mother appropriate parenting skills, Mother did not consistently attend ACT sessions and would often refuse to follow ACT's recommendations when she did attend. Mother was aware that Chip had mental health issues which, at least in part, caused his behaviors, but she did not provide consistent treatment for those issues and did not participate in good faith in ACT's services. Her failure to provide proper care and discipline for Chip allowed his behavior to worsen, increasing the risk of violent instances toward both Mother and Ruth in the home. The findings show that,

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if allowed to persist, Mother and Chip's behaviors create a substantial risk of physical, mental, and emotional impairment to both Ruth and Chip in Mother's home.

### **III. Conclusion**

For the foregoing reasons, we hold the trial court did not err in adjudicating Chip and Ruth to be neglected juveniles, and in entering its subsequent disposition.

**AFFIRMED.**

Chief Judge DILLON and Judge CARPENTER concur.

Report per Rule 30(e).