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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA24-533

Filed 16 April 2025

Gaston County, Nos. 22JT000041-350, 22JT000042-350

IN RE: M.H.B., J.C.B.

Minor Juveniles

Appeal by respondent-mother from order entered 29 January 2024 by Judge Craig R. Collins in Gaston County District Court. Heard in the Court of Appeals 18 March 2025.

Diepenbrock Law Office, P.A., by J. Thomas Diepenbrock, for respondent-appellant mother.

Gaston County Department of Social Services by J. Edward Yeager, Jr. for petitioner-appellee.

Brooks, Pierce, McLendon, Humphrey & Leonard, LLP, by William A. Robertson, for Guardian ad Litem.

PER CURIAM.

Respondent-mother is the mother of M.H.B. (“Matthew”) and J.C.B. (“Joseph”), as well as a third child who is not a subject to this action.¹ Mother appeals from the order terminating her parental rights to Matthew and Joseph. We affirm.

¹ Pseudonyms.

I. Background

In April of 2021, Gaston County Department of Social Services (“DSS”) first became involved with this family after receiving a report alleging a domestic violence incident between Mother and her boyfriend. Joseph and Matthew were just six and four years old, respectively. During its investigation, DSS received multiple reports alleging Mother was using illegal substances, was struggling with homelessness, there were truancy issues with her minor children, and Joseph was found with drug paraphernalia and methamphetamine residue in his school bookbag.

DSS attempted to help the family address the issues of domestic violence, substance abuse, housing, and the children’s truancy, but Mother refused to comply with requested drug screens and evading social workers.

By July of 2021, Mother was incarcerated. Eventually, the children were placed in the care of their maternal grandmother (“Grandmother”) as their temporary safety placement. During this time, Mother refused to sign a medical affidavit to help Grandmother secure medical appointments for the boys, and Grandmother was noncompliant with social workers. Ultimately, DSS obtained nonsecure custody of the children on 9 February 2022 and placed them in foster care. At that time, Mother had over fifteen criminal charges pending against her.

II. Analysis

On appeal, Mother argues that the court erred in terminating her parental rights based on each of the two grounds relied upon by the trial court.

We must affirm the trial court's termination order if we conclude that any one ground relied upon by the trial court is supported. Here, we need only address the ground of neglect as we affirm termination on this ground. *See In re J.S.*, 374 N.C. 811, 815 (2020). We review to determine whether the *challenged* findings of fact are supported by clear and convincing evidence and whether the unchallenged findings support the conclusions of law. *See In re T.H.T.*, 185 N.C. App. 337, 343 (2007).

Here, the trial court determined that Mother had neglected Joseph and Matthew. The trial court may terminate the parental rights of a parent upon a finding that the parent has neglected a juvenile. *See* N.C.G.S. § 7B-1111(a)(1) (2024). If the parent has been separated from the child for a significant period of time, the court must find that there has been a past showing of neglect and a likelihood of future neglect. *See In re J.M.J.-J.*, 374 N.C. 553, 556 (2020). The court looks to the historical facts of the case to predict the probability of a repetition of future neglect. *See In re M.C.*, 374 N.C. 882, 889 (2020). "A parent's failure to make progress in completing a case plan is indicative of a likelihood of future neglect." *In re M.S.E.*, 378 N.C. 40, 48 (2021).

We conclude that there is substantial evidence to support the trial court's findings concerning Mother's neglect of Matthew and Joseph. The trial court found, and there is evidence showing, that Mother failed to maintain sobriety, failed to obtain and maintain safe and stable housing, failed to show proof of employment, failed to refrain from criminal activity, failed to complete a release of information

which would have allowed her counselor to speak with DSS, failed to complete anger management counseling, and in general failed “to complete the objectives on her case plan.” Moreover, she “made minimal, if any effort . . . to take steps to re-establish visitation” with Joseph and Matthew.

Mother challenges nineteen findings of fact by the trial court as irrelevant, in error, improper conclusions of law, or unsupported by clear and convincing evidence. We disagree with her arguments. We have carefully reviewed the record and conclude that the trial court did not err in making these findings.

As to her contention that findings 24, 52, 54, 55, 56, and 57 are improper conclusions of law, our Supreme Court has clarified that “[a] trial court’s finding of an ultimate fact is conclusive on appeal if the evidentiary facts reasonably support the trial court’s ultimate finding of fact.” *Matter of G.C.*, 384 N.C. 62, 65 (2023). We have reviewed the record and conclude that the trial court did not err in making these ultimate findings since numerous evidentiary findings support them.

Based on our review of the record, we conclude the unchallenged findings and challenged findings supported by the evidence support the trial court’s conclusion that Mother neglected Joseph and Matthew. Furthermore, we cannot say the trial court abused its discretion by determining it was in their best interest for Mother’s parental rights to be terminated. Accordingly, we affirm the trial court’s order.

AFFIRMED.

Panel consisting of Chief Judge DILLON and Judges CARPENTER and

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Opinion of the Court

GRIFFIN.

Report per Rule 30(e).