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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA24-847

Filed 7 May 2025

Wake County, No. 21JA000074-910

IN THE MATTER OF:

M.J.B.M.

A Minor Child

Appeal by respondent-mother from an order terminating parental rights entered 31 May 2024 by Judge V.A. Davidian, III in Wake County District Court, No. 21JA000074-910. Heard in the Court of Appeals 19 March 2025.

Wake County Attorney's Office, by Mary Boyce Wells, for petitioner-appellee Wake County Health and Human Services.

Poyner Spruill LLC, by Stephanie L. Gumm, for appellee Guardian ad Litem.

Garron T. Michael for respondent-appellant mother.

FREEMAN, Judge.

Respondent-mother appeals from an order terminating her parental rights as to M.J.B.M. ("Mark").¹ On appeal, respondent-mother contends the trial court erred in concluding grounds existed to terminate her parental rights under N.C.G.S.

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

§§ 7B-1111(a)(1), (2), and (9) (2023). After careful review, we conclude the trial court did not err in determining grounds existed to terminate respondent-mother's parental rights under section 7B-1111(a)(2). As only one statutory ground is required to terminate parental rights, we affirm the trial court's order.

I. Factual and Procedural Background

On 21 March 2021, Wake County Health and Human Services ("WCHHS") received a child protective services report regarding respondent-mother and her son Mark. According to the report, respondent-mother was involved in an automobile accident on or about 19 February 2021 and two-year-old Mark was ejected from the vehicle. Respondent-mother fled the scene of the accident and failed to seek medical attention for her son. The report further alleged that on 20 March 2021, respondent-mother attended her daughter's birthday party uninvited, "grab[bed] [Mark] by his neck on the coat, slam[med], and cuss[ed] at him[.]" Law enforcement ultimately removed respondent-mother from her daughter's birthday party.

During its investigation, WCHHS learned that respondent-mother was arrested on 21 March 2021 on outstanding warrants for driving while impaired, hit and run, and driving with no operator's license. Respondent-mother also had pending charges for misdemeanor child abuse, filing a false police report, and felony possession of cocaine. WCHHS further discovered that Mark's maternal grandmother was awarded emergency custody of Mark on 31 March 2021. Because Mark's maternal grandmother had a known history of substance abuse, domestic

violence, non-cooperation with WCHHS, and multiple assault and drug charges, WCHHS became concerned for Mark's safety while in his grandmother's care.

On 5 April 2021, WCHHS filed a juvenile petition requesting non-secure custody and alleging that Mark was an abused and neglected juvenile. The trial court held adjudication and disposition hearings on 19 August, 27 September, and 29 October, and then entered its order on adjudication and disposition on 15 November 2021. The trial court adjudicated Mark as a neglected juvenile, ordered that he be placed in WCHHS's custody, and ordered respondent-mother to:

[E]nter into and comply with the Out of Home Family Services Agreement to include but not be limited to:

- a. Visitation agreement;
- b. Obtain and maintain housing sufficient for herself and her children;
- c. Obtain and maintain financial resources sufficient to meet the needs of herself and her children and provide documentation of such to the agency on a monthly basis;
- d. Complete a substance abuse assessment as recommended and follow all recommendations;
- e. Refrain from use of illegal or impairing substances and submit to random drug screens;
- f. Refrain from all criminal activity and comply with current criminal court requirements;
- g. Complete a psychological evaluation and follow recommendations;
- h. Complete a domestic violence assessment and follow all recommendations;

- i. Complete parenting education and demonstrate learned behaviors during visitation; and
- j. Maintain regular contact with the social worker at WCHSS, notifying WCHHS of any change in situation or circumstance within five business days.²

The trial court ordered minimum supervised visitation of one hour per week and required respondent-mother to “contact the social worker at least 24 hours prior to the scheduled visit to confirm her attendance[.]”

On 31 January 2022, the trial court held a permanency planning hearing. In its 27 March 2022 order following this hearing the trial court found in part:

5. The mother has engaged in some services, but needs to cooperate with WCHHS and the GAL. She has refused to comply with random drug screens and has missed multiple parenting classes. Furthermore, she has attended only half of her scheduled visits, many due to incarceration. The child was brought to one of those visits and he was upset [that] the mother failed to show up.

6. The mother does not have stable housing despite working with Shelter Plus for housing assistance. She has been evicted from her former home for unauthorized company and frequent police activity. When told about other available housing, the mother failed to save enough money to provide a security deposit. Another potential residence was lost when the lessor discovered that the mother did not qualify due to the child not residing with her in the home.

7. The mother does not work and does not have other sources of legal income.

² Quotations from the trial court’s orders are verbatim unless otherwise indicated. Despite the trial court’s use of the word “children,” these hearings only concerned Mark.

...

9. The parents are not making adequate progress on their case plans in a reasonable period of time. Their behaviors are contrary to the child's health and safety, and the mother is minimally available to the Court, GAL, and WCHHS. . . .

...

11. Return to the home of a parent or the custodian would be contrary to child's health and safety.

12. Return to the home of a parent or custodian is possible in the next six months if the parents and grandmother/custodian comply with their case plans and maintain positive interactions with the child. Reunification is the most appropriate primary plan and adoption is the most appropriate secondary plan.

Further permanency planning hearings were held on 25 July, 19 August, and 28 October 2022. In its 28 November 2022 order following these hearings, the trial court found in part:

5. The mother has continued to not participate in services. She was incarcerated in early July 2022 and has remained in jail since that time on a criminal sentence for assault. An updated psychological evaluation was completed in April 2022 wherein the mother was diagnosed with major depressive disorder. The assessor recommended that the mother participate in individual counseling, medication management, parenting education and domestic violence education. Currently, the mother's access to services is limited by her continued incarceration.

...

12. The mother is not making adequate progress on her case plan in a reasonable period of time. Her behavior is contrary to the child's health and safety, and the mother is

minimally available to the Court, GAL, and WCHHS.

. . .

15. Return to the home of a parent is not likely in the next six months. Adoption is the most appropriate primary plan for the child and reunification is the most appropriate secondary plan.

The trial court held another permanency planning hearing on 6 March 2023. In its 27 March 2023 order following that hearing the trial court found in part:

5. The mother resides in a Wake County rooming house that she acknowledges is not appropriate for the child. She works full-time in Garner, North Carolina and continues to seek safe, stable housing.

6. The mother states that she has been sober since July 2022. She attends treatment with a local service provider and has made progress with her substance use and therapy. However, she recently attended a New Year's Eve celebration in downtown Raleigh with her children . . . and appeared intoxicated during her live-streamed Facebook post of the event.

7. The mother denies being intoxicated and instead attributes her spirited behavior to joking around with family members. She does however admit to using excessive profanity in front of the children.

. . .

10. The mother is not making adequate progress on her case plan in a reasonable period of time. She is available to the Court, WCHHS, and the GAL and is now engaged in some services, but her progress is not sufficient to find that reunification could occur in the next six months.

11. Return to the home of a parent . . . would be contrary to the child's health and safety.

12. Adoption remains the most appropriate primary plan for the child and reunification remains the most appropriate secondary plan.

On 6 June 2023, WCHHS filed a motion to terminate respondent-mother's parental rights. Another permanency planning hearing was held on 28 August 2023. In its 6 December 2023 order following that hearing the trial court again found that respondent-mother was not making adequate progress on her case plan and adoption remained the most appropriate primary plan.

The trial court held another permanency planning hearing on 20 November 2023. In its 9 January 2024 order following that hearing the trial court found in part:

5. The mother continues to reside in a Wake County rooming house that she acknowledges is not appropriate for the child.

6. The mother has not complied with requested drug screens. She states that her work hours prevent her from going to LabCorp before the close of business and that she frequently lacks sufficient transportation. She has thus far refused to provide hair samples for drug testing because testing methods would require removal of her braids.

7. The mother is off work on Tuesdays and Saturdays. During this hearing, the mother stated that she could attend a drug screen on Tuesday, 21 November 2023. She has agreed to provide a sufficient hair sample to comply with testing.

8. Overall, visits between the mother and the child go well. She is appropriately interactive with the child and frequently provides full meals at the Wake House for the child to enjoy. However, there have been some interactions that have caused Wake House staff concern due to her grogginess that the mother may have been either impaired

or adjusting to new medication.

...

10. The mother is not making adequate progress on her case plan in a reasonable period of time. She is available to the Court, WCHHS and the GAL and is now engaged in some services, but her progress is not sufficient to find that reunification could occur in the next six months.

11. Return to the home of a parent . . . would be contrary to the child's health and safety.

12. Adoption remains the most appropriate primary plan for the child and reunification remains the most appropriate secondary plan.

Finally, on 28 February 2024—over two years after the trial court adjudicated Mark as neglected and ordered respondent-mother to comply with the services agreement, and almost three years after WCHHS had received the child protective services report—the trial court held a hearing on WCHHS' motion to terminate respondent-mother's parental rights. On 31 May 2024, the trial court entered an order terminating respondent-mother's parental rights. The trial court found in part that:

12. The Court adjudicated the child neglected based upon several factors, including the parents' continuing substance abuse, untreated mental health issues, and domestic violence. The Court has previously terminated the parents' rights as to two other minor children due to the same or substantially similar issues. A certified copy of the order terminating the mother's rights to those children was admitted into evidence without objection as the County's Exhibits 1 and 2. (TPR Dated May 5, 2020)

13. After adjudicating the child neglected, the Court

ordered that the mother comply with an Out of Home Family Services Agreement to include services to help her address the conditions that led to the child's removal from her care. Those services included a psychological evaluation, substance abuse treatment and parenting education.

14. The mother has been involved with WCHHS child welfare and this Court for many years. She has completed at least eight substance abuse assessments and has been referred for both inpatient and outpatient treatment. Throughout her history with WCHHS, she has rarely acknowledged her ongoing substance abuse and instead tends to blame other people or her environment for positive drug screens. See Conclusive findings in the TPR order referenced above from May 5, 2020, FoF 46-50. Fof #46 might as well have been in this hearing as well[].

15. Following the adjudication and disposition, the mother did not initially comply with services or random drug screens. The mother was arrested in early July 2022 for assault and remained incarcerated for several months.

16. Upon her release from jail, the mother obtained temporary housing and work. She continued her refusal to comply with consistent drug screening, but otherwise appeared to make some progress on her case plan. The child's foster parent, via WCHHS as legal custodian, allowed the mother and other biological family members to have more frequent contact with the child. The foster parent was open to this contact.

17. After a short period of progress, the mother again exhibited concerning behaviors while spending time with her other minor children on New Years' Eve 2022. The mother took her other two children to a New Years' celebration in downtown Raleigh and streamed herself and the children live on Facebook. The mother was impaired, and she became loud and confrontational with some other eventgoers. The mother denied that she was impaired, but this is not credible.

18. Throughout 2023, the mother continued to participate in some services. She maintained contact with WCHHS and attended visits with the child at the Wake House when she was able to do so. However, she refused to consistently comply with drug screens and resided in a room house that she described as inappropriate for the child.

19. WCHHS filed the motion to terminate the mother's parental rights on June 6, 2023.

20. The mother is currently receiving services through Pathways Treatment Center in Wake County. These services include housing assistance, substance abuse treatment, and therapy sessions. The social worker has been unable to consistently verify the mother's participation and progress with this provider throughout the life of this case.

21. Although staff members at Pathways recently verified the mother's participation in treatment, the mother has also continued to test positive for illegal or impairing substances. The mother tested positive for cocaine in November 2023 and positive for alcohol in January 2024. Instead of taking responsibility for the lapses, the mother flatly denies using illegal drugs. Rather, she says that she was inadvertently exposed to the drugs while living in what she described as a drug house. Again, her explanations are not credible and [are] untruthful.

22. The mother's alcohol levels at the time of the January 2024 test were very high, indicating, at a minimum, heavy short-term usage. The mother admits that she drinks alcohol occasionally despite her extensive history of alcohol abuse.

23. Prior to the November 2023 drug screen, the mother had complied with just a few other screens despite monthly requests. On February 23, 2023, she tested positive for cocaine and benzos; in April 2023, she tested positive for marijuana, and on July 27, 2023, she tested positive for marijuana. She refused to comply with other requested drug screens. Her failure to comply with drug screens and

positive screens, when taken, indicate clearly that she still does not have any insight into her drug usage and how this has led to the removal of this child from her care and how this continued drug use has a high degree of likelihood to lead to future neglect of this child. She has not learned or modified her behavior from the previous cases.

24. The mother's substance abuse directly impacts her ability to parent the child. When she is impaired, she becomes loud, confrontational, and makes decisions that places herself and those around her at a substantial risk of physical and emotional harm. These behaviors have repeated for years, and the mother is unwilling and unable to adequately acknowledge or address the risk she continues to pose.

25. The mother has been able to demonstrate short periods of sobriety. This Court has been moved by her past apparent progress and authorized unsupervised visitation within the last few years. The mother's visits with the child, to her credit, are usually appropriate. The visits mostly occur at the Wake House, a WCHHS-managed visitation center that offers a residential setting for families. The mother frequently cooks for the child and bring[s] other items for the child's benefit. The mother has been given extended time by this Court to demonstrate the progress necessary to move to more meaningful visits. Unfortunately, she is unable to maintain her progress for longer periods of time. Despite years of interventions, therapy and services, the mother continues to deny her drug and alcohol abuse and the effect her behaviors have had on the child.

26. The mother has recently missed several visits in February 2024 without providing adequate notice. As a result, the child has been transported from his day care to the Wake House to wait for his mother to show. The mother blames her job schedule for missing these visits.

27. WCHHS has attempted to accommodate the mother's work schedule for these visits, including changing the days

and times of the visits. However, the mother does not keep the same job long enough to establish a consistent routine. She changed jobs again in the last month and has recently requested another schedule change.

28. The mother has not maintained safe, stable housing. The mother recently moved from the residence she characterized as a “drug house” to a rooming house. She says she is the only current tenant in the residence, but she would share a living room, kitchen and bathroom with others once the space is rented. While the residence is structurally sound and appropriate, the overall inability to screen or control the activities of other tenants is concerning given the mother’s history.

29. There is a high likelihood of repetition of neglect if the child was returned to the mother’s care.

30. The mother lacks the ability or willingness to establish a safe home.

31. The mother’s failure to substantially comply with her case plan is not the result of poverty alone.

32. The conduct of the mother has been such as to demonstrate that she will not promote the healthy and orderly, physical and emotional wellbeing of the child.

33. The minor child needs a permanent plan of care at the earliest possible age which can be obtained only by the severing of the relationship between the child and his mother by termination of the parental rights of the mother.

34. The child, age five, has resided with his foster parents since the underlying petition was filed. He has bonded with his foster mother and looks to her to provide love and daily support. The foster mother has also adopted the child’s older sibling and they reside together in the same home.

35. The child also has a bond with his mother. The mother brings food to cook for the child, bring gifts, and is generally loving and appropriate. However, the mother is sometimes

confrontational in the child's presence and attempts to sabotage the relationship between the child and the foster parent.

36. . . . [T]he mother's older biological child that was adopted by the foster parent[] is currently experiencing some significant behavioral issues that resulted in temporary hospitalization. The foster mother and [the child's] treatment provider attribute much of [the child's] behavior to his ongoing contact with his mother and other biological family members.

37. Given [Mark's] age, development and strong relationship with his foster mother, there is a high likelihood of adoption.

38. Adoption is the child's primary plan, and termination of parental rights is necessary to accomplish the primary plan. The Court finds that termination of parental rights and adoption by the foster parent is in the child's best interests despite the relationship the child and mother share. The child is thriving in the home of the foster mother and deserves permanence.

Based on these findings, the trial court concluded that grounds existed to terminate respondent-mother's parental rights under N.C.G.S. §§ 7B-1111(a)(1), (2), and (9), and that such termination was in the juvenile's best interests. Respondent-mother timely appealed to this Court, arguing the trial court erred in concluding grounds existed to terminate her parental rights under N.C.G.S. § 7B-1111(a)(1), (2), and (9) (2023).

II. Jurisdiction

This Court has jurisdiction to consider an appeal of "[a]ny order that terminates parental rights or denies a petition or motion to terminate parental

rights.” N.C.G.S. § 7B-1001(a)(7) (2023). Accordingly, we have jurisdiction to review the trial court’s order terminating respondent-mother’s parental rights.

III. Standard of Review

“We review a district court’s adjudication under N.C.G.S. § 7B-1111(a) to determine whether the findings are supported by clear, cogent and convincing evidence and the findings support the conclusions of law.” *In re J.S.*, 374 N.C. 811, 814 (2020) (cleaned up). “If a trial court’s finding of fact is supported by clear, cogent, and convincing evidence, it will be deemed conclusive even if the record contains evidence that would support a contrary finding.” *In re S.R.*, 384 N.C. 516, 520 (2023) (cleaned up). “Unchallenged findings of fact are deemed supported by competent evidence and are binding on appeal.” *In re J.S.*, 374 N.C. at 814 (cleaned up).

“The issue of whether a trial court’s findings of fact support its conclusions of law is reviewed de novo.” *Id.* at 814–15. Because “an adjudication of any single ground . . . under N.C.G.S. § 7B-1111(a) will suffice to support a termination order,” if this Court affirms a trial court’s conclusion “that a particular ground for termination exists, then we need not review any remaining grounds.” *Id.* at 815 (cleaned up).

IV. Discussion

On appeal, respondent-mother argues that the trial court erred in concluding grounds existed to terminate her parental rights under N.C.G.S. §§ 7B-1111(a)(1), (2), and (9) (2023). Respondent-mother first contends the trial court “erred in

concluding that a ground existed to terminate [her] parental rights pursuant to N.C.G.S. § 7B-1111(a)(2)” because “the trial court’s order contains findings which are not properly supported by the evidence presented” and because the “totality of” respondent-mother’s “progress at the time of termination hearing was reasonable under the circumstances.” We disagree.

A. Factual Findings

Respondent-mother first argues that “the trial court’s order contains findings of fact that lack the requisite support of clear, cogent, and convincing evidence either in part or in their entirety.” Specifically, respondent-mother challenges portions of findings 21, 23, 24, and 28, and contends that findings 29–32 “are more accurately characterized as conclusions of law[.]”

As an initial matter, we agree with respondent-mother that “findings” 29–32 “require[e] the exercise of judgment or the application of legal principles” and are therefore “more properly classified a[s] conclusion[s] of law.” *In re B.W.*, 190 N.C. App. 328, 335 (2008) (cleaned up). We review the challenged portions of findings 21, 23, 24, and 28 to determine if they are “supported by clear, cogent, and convincing evidence”; if so, these findings “will be deemed conclusive even if the record contains evidence that would support a contrary finding.” *In re S.R.*, 384 N.C. at 520 (cleaned up).

Respondent-mother first challenges the portion of finding 21 italicized below:

21. Although staff members at Pathways recently verified

the mother's participation in treatment, the mother has also continued to test positive for illegal or impairing substances. The mother tested positive for cocaine in November 2023 and positive for alcohol in January 2024. *Instead of taking responsibility for the lapses, the mother flatly denies using illegal drugs.* Rather, she says that she was inadvertently exposed to the drugs while living in what she described as a drug house. Again, her explanations are not credible and untruthful.

Specifically, respondent-mother argues this portion is unsupported because “[a]lthough [she] consistently denied cocaine use, during her testimony, [she] acknowledged a history of marijuana use and at no time denied use of this illegal substance when confronted with a positive screen.” WCHHS notes in its brief that respondent-mother’s argument “seems to suggest that she should receive credit for admitting to her continued use of marijuana.”

Respondent-mother’s argument fails because the trial court did not find that “respondent-mother flatly denies using *marijuana*” or that “respondent-mother flatly denies using *any* drugs.” Rather, the trial court found that “[i]nstead of taking responsibility for the lapses,” i.e., positive drug tests, specifically for cocaine, respondent-mother “flatly denies using illegal drugs.” Respondent-mother concedes, and the record evidence before us conclusively establishes, that respondent-mother consistently denied her use of the illegal drug cocaine. Accordingly, respondent-mother’s challenge to finding 21 is without merit.

Next, respondent-mother challenges the portions of findings 23 and 24 italicized below:

23. Prior to the November 2023 drug screen, the mother had complied with just a few other screens despite monthly requests. On February 23, 2023, she tested positive for cocaine and benzos; in April 2023, she tested positive for marijuana, and on July 27, 2023, she tested positive for marijuana. She refused to comply with other requested drug screens. Her failure to comply with drug screens and positive screens, when taken, indicate clearly that *she still does not have any insight into her drug usage and how this has led to the removal of this child from her care and how this continued drug use has a high degree of likelihood to lead to future neglect of this child. She has not learned or modified her behavior from the previous cases.*

24. *The mother's substance abuse directly impacts her ability to parent the child.* When she is impaired, she becomes loud, confrontational, and makes decisions that place[] herself and those around her at a substantial risk of physical and emotional harm. *These behaviors have repeated for years, and the mother is unwilling and unable to adequately acknowledge or address the risk she continues to pose.*

Specifically, respondent-mother contends these portions are unsupported because: (1) she “was actively engaged in . . . substance abuse services”; (2) she had returned two negative drug screens in January and February 2024; and (3) “there was no evidence of any recent incidents involving drugs or alcohol where [her] behavior or decision making was negatively impacted.” Contrary to respondent-mother’s assertions, these portions of findings 23 and 24 are supported by clear, cogent, and convincing evidence and are therefore “conclusive even if the record contains evidence that would support a contrary finding.” *In re S.R.*, 384 N.C. at 520 (cleaned up).

Ken White, a substance abuse clinician with WCHHS who had worked with respondent-mother for “four of five years,” testified at the termination of parental rights hearing. When asked whether he had “seen anything throughout the social worker’s notes or your contact directly with [respondent-mother]” that would lead him “to believe that she is in real effective substance abuse treatment at this time,” Mr. White said “No.”

Jessica Roper, Mark’s assigned permanency planning social worker, testified regarding respondent-mother’s non-compliance with her substance abuse treatment:

Q. Starting with the random drug screens, Jessica, since you’ve had the case, how many random drug screens have you requested, would you guess, her to complete?

A. At least over 20.

Q. How many of those requests have resulted in her attending and producing a result for you?

A. Five.

Q. Those five screens that she’s complied with since early 2022, can you give us a date of those, of what the results were?

A. Yes, ma’am. February 23rd of 2023, she was positive for cocaine and benzo[s]. That was a hair strand. On July 27th of 2023, she was positive for marijuana, and that was a hair strand. . . . November 22nd was a hair sample, and she was positive for cocaine. January 18th, 2024, which was urine, she was positive for alcohol, which Mr. Ken advised that the levels were high. And on February 21st of 2024, which was a urine sample, it came back negative.

. . .

Q. Do [the treatment providers] have any insight on why the continued substance abuse is happening?

A. They do not.

. . .

Q. Have you talked to [respondent-mother] about testing positive for cocaine in November of last year, and then the alcohol in January?

A. I have.

Q. [W]hat has been her explanation for that?

A. So I would call her and let her know the results of the drug screen. For the times that she came up positive for cocaine, she advised that she does not use cocaine at all, and even for—when I call her about her alcohol, that it was positive for alcohol, she didn't deny, but she didn't really have much to say.

. . .

Q. Is it fair to say that the mother makes progress but then takes steps back?

A. Yes, ma'am. That's fair.

Q. Can you just give, in your own words, what your overall assessment of her progress has been on her case plan?

A. So, overall, I would say . . . she would do good for a little while and then she's like, she'll fall by the wayside. That's even with her urinalysis. She'll go to some, and then won't report to others. . . .

Q. Have you noticed any kind of pattern now that was the same as it was in her earlier case?

A. Yes.

Q. And do—in your opinion, do you think that she has

addressed the reasons why the other two kids—the Court terminated the rights [as to] those other two kids? Do you think that she’s addressed those reasons why they were removed and then the rights were terminated?

A. I do not.

Q. Jessica, is there anything else that you want to add that you think is significant for the Court to be aware of regarding the grounds for the TPR?

A. Just going back to [respondent-mother’s] history, I think it’s very important that we point out, like, in regards to her parenting, like, this has been a pattern for her. Even when . . . before her rights [were] terminated for [her other children], with the substance use, it was times where she would show—like, she showed up to the school under the influence.

Even the reason as to why the—you know, [Mark] came into care, she was under the influence that day when he—when they were in the accident, as well as it was other times where, even when [a different child] was born, [the child] was born positive to marijuana, as well as [respondent-mother] was. So all of this is, you know, is just part of her history. And I don’t think she has fully addressed the substance use piece as it relates to this case.

. . .

Q. Jessica, last question. There have been some times where she appeared for a visit in the last year, at least one time, where there have been at least concerns that she may have been impaired; is that correct?

A. Correct.

Respondent-mother appears to contend that because the urine (not hair) drug tests in January and February 2024 were negative for illegal drugs, and because there was no “recent” evidence of inappropriate behavior involving drugs, the trial

court's findings regarding her continued drug use lack evidentiary support. This is simply not true. Respondent-mother's emphasis on evidence in the record that could conceivably support a different finding does not equate to a successful showing that the trial court's findings were unsupported. *See In re S.R.*, 384 N.C. at 520. Our review of the record demonstrates that the challenged portions of findings 23 and 24 are supported by clear, cogent, and convincing evidence, including Mr. White's and Ms. Roper's testimony regarding respondent-mother's failure to engage in effective substance abuse treatment. Accordingly, respondent-mother's challenges to these findings are without merit.

Finally, respondent-mother challenges the portion of finding 28 italicized below:

28. The mother has not maintained safe, stable housing. The mother recently moved from the residence she characterized as a "drug house" to a rooming house. She says she is the only current tenant in the residence, but she would share a living room, kitchen and bathroom with others once the space is rented. While the residence is structurally sound and appropriate, the overall inability to screen or control the activities of other tenants is concerning given the mother's history.

Specifically, respondent-mother argues this portion is unsupported because "the evidence showed that at the time of the termination hearing, [she] was the only resident and . . . [she] indicated the ability to rent the other room in the home herself," and that "[n]o evidence was offered to refute this statement[.]" Respondent-mother again appears to misapprehend the scope of this Court's review. This Court does not

weigh evidence or judge witness credibility to determine whether we agree or disagree with a trial court's factual finding. We simply review whether the trial court's factual findings are supported by clear, cogent, and convincing evidence. As is relevant to this portion of finding 28, Ms. Ropar testified as follows:

A. . . . Recently, she did move last month. And she is currently staying in another rooming house, but this time she only shares it with one other person. And this—the rooming house that she currently resides in now, it kind of resembles, like, an extended stay. So in her room, she has her room. Like, her bed. And she has her own private bathroom. There is no living room in this setting. They just share a kitchen. She does have a sink in her bedroom, as well she has, like, a small refrigerator.

And as of when I saw her on Monday, she did advise that she is the only one currently living that rooming house. But she shares it with one other person.

Q. So there is a space for one other tenant in that space. It's just not occupied right now?

A. Correct.

Q. She is not the landlord of that space, I'm assuming?

A. She is not.

Q. So would she have any input into who would be staying in that other space once that comes available or someone moves in?

A. She does not.

. . .

Q. Has she spoken to you about what her future plans are regarding the place?

A. Yes. So to my knowledge, she is just there temporarily. She is trying to secure housing and Pathways, which is one of the programs that she is currently working with, is trying to help her secure housing.

Here, Ms. Ropar’s testimony regarding respondent-mother’s inability to influence who else may reside in her rooming house, and respondent-mother’s own testimony that she “lived in a drug trap house” prior to moving into the rooming house, adequately support the trial court’s finding that respondent-mother “has not maintained safe, stable housing.” Accordingly, respondent-mother’s challenge to finding 28 is without merit.

B. Termination Under Section 7B-1111(a)(2)

In addition to challenging portions of the trial court’s findings, respondent-mother also argues the trial court erred in concluding a ground existed to terminate her parental rights under section 7B-1111(a)(2) because she “made at least reasonable progress on her case plan as a whole.” We disagree.

Our General Statutes provide that a court may terminate an individual’s parental rights “upon a finding of one or more” of eleven statutory grounds. N.C.G.S. § 7B-1111(a) (2023). The second of these statutory grounds contemplates termination where the parent has “willfully left the juvenile in foster care or placement outside the home for more than 12 months without showing to the satisfaction of the court that reasonable progress under the circumstances has been made in correcting the conditions which led to the removal of the juvenile.” *Id.* § 7B-1111(a)(2) (2023).

An adjudication under this statutory ground “requires that a child be left in foster care or placement outside the home . . . for more than a year at the time the petition to terminate the parental rights is filed.” *In re J.S.*, 374 N.C. at 815 (cleaned up).³ “This is in contrast to the nature and extent of the parent’s *reasonable progress*, which is evaluated for the duration leading up to the hearing on the motion or petition to terminate parental rights.” *Id.* (quoting *In re A.C.F.*, 176 N.C. App. 520, 528 (2006)).

A trial court’s finding that a parent acted “ ‘willfully’ for purposes of N.C.G.S. § 7B-1111(a)(2) ‘does not require a showing of fault by the parent.’ ” *Id.* (quoting *In re Oghenekevebe*, 123 N.C. App. 434, 439 (1996)). “Willfulness is established when the respondent had the ability to show reasonable progress, but was unwilling to make the effort.” *In re K.D.C.*, 375 N.C. 784, 793 (2020) (cleaned up).

“[P]arental compliance with a judicially adopted case plan is relevant in determining whether grounds for termination exist pursuant to N.C.G.S. § 7B-1111(a)(2).” *In re B.O.A.*, 372 N.C. 372, 384 (2019). However, “a trial judge should refrain from finding that a parent has failed to make reasonable progress in correcting those conditions which led to the removal of the juvenile simply because of

³ Respondent-mother does not dispute that Mark was left “in foster care or placement outside the home . . . for more than a year,” *In re J.S.*, 374 N.C. at 815 (cleaned up), when the motion to terminate her parental rights was filed.

his or her failure to fully satisfy all elements of the case plan goals.” *In re K.D.C.*, 375 N.C. at 794 (cleaned up). Thus, “in order for a respondent’s noncompliance with her case plan to support the termination of her parental rights, there must be a nexus between the components of the court-approved case plan with which the respondent failed to comply and the conditions which led to the child’s removal[.]” *Id.* (cleaned up).

A respondent-parent’s “prolonged inability to improve her situation, despite some efforts in that direction, will support a finding of willfulness regardless of her good intentions, and will support a finding of lack of progress sufficient to warrant termination of parental rights under section 7B-1111(a)(2).” *In re J.S.*, 374 N.C. at 815 (cleaned up); *see also In re Bishop*, 92 N.C. App. 662, 669 (1989) (discussing how the respondent’s failure to demonstrate “willingness to correct the conditions which led to the removal of her children,” despite being afforded “almost double the statutory” time-period, supported “a finding of willfulness”); *In re Nolen*, 117 N.C. App. 693, 699 (1995) (affirming a finding of willfulness where the respondent “had more than three and one-half times the statutory period of twelve months in which to take steps to improve her situation, yet she ha[d] failed to do so.”).

Here, the trial court’s 15 November 2021 order adjudicating Mark as a neglected juvenile set forth the components of respondent-mother’s case plan. Specifically, the trial court ordered respondent-mother to

enter into and comply with the Out of Home Family

Services Agreement to include but not be limited to:

- a. Visitation agreement;
- b. Obtain and maintain housing sufficient for herself and her children;
- c. Obtain and maintain financial resources sufficient to meet the needs of herself and her children and provide documentation of such to the agency on a monthly basis;
- d. Complete a substance abuse assessment as recommended and follow all recommendations;
- e. Refrain from use of illegal or impairing substances and submit to random drug screens;
- f. Refrain from all criminal activity and comply with current criminal court requirements;
- g. Complete a psychological evaluation and follow recommendations;
- h. Complete a domestic violence assessment and follow all recommendations;
- i. Complete parenting education and demonstrate learned behaviors during visitation; and
- j. Maintain regular contact with the social worker at WCHSS, notifying WCHHS of any change in situation or circumstance within five business days.

Respondent-mother contends that she completed and/or complied with following components of her case plan: domestic violence, mental health, parenting, housing, financial resources, criminal activity, and contact with WCHHS. Respondent-mother further argues she was “largely in compliance” with the visitation component and “had made progress on” the substance abuse component.

Because “there must be a nexus between the components of the court-approved case plan with which the respondent failed to comply and the conditions which led to the child’s removal,” *In re K.D.C.*, 375 N.C. at 794 (cleaned up), our analysis focuses on the components of respondent-mother’s case plan that address the conditions which led to Mark’s removal. The trial court noted in its order terminating respondent-mother’s parental rights that it had previously adjudicated Mark as neglected “based upon several factors, including the parents’ continuing substance abuse, untreated mental health issues, and domestic violence.” As the trial court’s order terminating respondent-mother’s parental rights does not explicitly discuss the mental health or domestic violence factors, we review whether the trial court’s factual findings support its conclusion that respondent-mother failed to make reasonable progress on the substance abuse component of her case plan.

Respondent-mother argues that although she had “positive screens in 2023 for illegal substances, there were no such positives in 2024, and the last indicated use of an illegal substance was at least three to six months prior to the termination hearing.” Therefore, according to respondent-mother, she made reasonable progress on this component of her case plan because she “demonstrated a period of abstaining from illegal drugs” and was “actively engaged in services[.]”

The trial court’s relevant factual findings regarding respondent-mother’s substance abuse are:

20. The mother is currently receiving services through

Pathways Treatment Center in Wake County. These services include . . . substance abuse treatment The social worker has been unable to consistently verify the mother's participation and progress with this provider throughout the life of this case.

21. Although staff members at Pathways recently verified the mother's participation in treatment, the mother has also continued to test positive for illegal or impairing substances. The mother tested positive for cocaine in November 2023 and positive for alcohol in January 2024. Instead of taking responsibility for the lapses, the mother flatly denies using illegal drugs. Rather, she says that she was inadvertently exposed to the drugs while living in what she described as a drug house. Again, her explanations are not credible and untruthful.

22. The mother's alcohol levels at the time of the January 2024 test were very high, indicating, at a minimum, heavy short-term usage. The mother admits that she drinks alcohol occasionally despite her extensive history of alcohol abuse.

23. Prior to the November 2023 drug screen, the mother had complied with just a few other screens despite monthly requests. On February 23, 2023, she tested positive for cocaine and benzos; in April 2023, she tested positive for marijuana, and on July 27, 2023, she tested positive for marijuana. She refused to comply with other requested drug screens. Her failure to comply with drug screens and positive screens, when taken, indicate clearly that she still does not have any insight into her drug usage and how this has led to the removal of this child from her care and how this continued drug use has a high degree of likelihood to lead to future neglect of this child. She has not learned or modified her behavior from the previous cases.

24. The mother's substance abuse directly impacts her ability to parent the child. When she is impaired, she becomes loud, confrontational, and makes decisions that places herself and those around her at a substantial risk of

physical and emotional harm. These behaviors have repeated for years, and the mother is unwilling and unable to adequately acknowledge or address the risk she continues to pose.

25. . . . The mother has been given extended time by this Court to demonstrate the progress necessary to move to more meaningful visits. Unfortunately, she is unable to maintain her progress for longer periods of time. Despite years of interventions, therapy and services, the mother continues to deny her drug and alcohol abuse and the effect her behaviors have had on the child.

These conclusive findings of fact demonstrate that in the more than two-year period between Mark's neglect adjudication and the termination of parental rights hearing, respondent-mother refused to comply with most drug screens. On the rare occasions when she did comply, she "continued to test positive for illegal or impairing substances." This included positive tests for cocaine three months before and alcohol one month before the termination of parental rights hearing.

Respondent-mother appears to argue that her admitted continued use of marijuana and her positive test for "very high" levels of alcohol one month before the hearing somehow "demonstrated a period of abstaining from illegal drugs" because she tested positive only for alcohol. This argument misses the point. The nexus between Mark's adjudication as a neglected juvenile and the component of respondent-mother's case plan which she failed to comply with was respondent-mother's "continuing *substance* abuse," not merely respondent-mother's continuing *illegal* substance abuse. Therefore, the January positive test for very high levels of

alcohol supports, rather than weakens, the trial court's conclusion that respondent-mother willfully failed to make reasonable progress in correcting the conditions which led to Mark's removal.

While respondent-mother's ability to "pass" a single drug test one month before the termination hearing, coupled with the trial court's finding that she "has been able to demonstrate short periods of sobriety," may constitute some progress in addressing her substance abuse issues, we cannot conclude the trial court erred in determining such progress was not *reasonable* under the circumstances. Respondent-mother was afforded more than double the statutory twelve-month period to make progress on her substance abuse issues, yet she "refused to consistently comply with drug screens," tested positive for cocaine, benzos, and marijuana throughout 2023, and tested positive for "very high" levels of alcohol one month before the termination hearing.

A respondent-parent's "prolonged inability to improve her situation, despite some efforts in that direction, will support a finding of willfulness regardless of her good intentions, and will support a finding of lack of progress sufficient to warrant termination of parental rights under section 7B-1111(a)(2)." *In re J.S.*, 374 N.C. at 815 (cleaned up); *see also In re Bishop*, 92 N.C. App. 662, 669 (1989) (discussing how the respondent's failure to demonstrate "willingness to correct the conditions which led to the removal of her children," despite being afforded "almost double the statutory" time-period, supported "a finding of willfulness").

Here, the trial court's conclusive factual findings demonstrate that respondent-mother has consistently evaded drug screens and, on rare occasions when she participated in drug screens, she consistently tested positive for impairing substances. As respondent-mother's substance abuse was one of the conditions that led to Mark's removal, the trial court did not err in concluding that respondent-mother willfully failed to make "reasonable progress under the circumstances . . . in correcting the conditions which led to the removal of the juvenile." N.C.G.S. § 7B-1111(a)(2). Accordingly, we affirm the trial court's conclusion that grounds existed to terminate respondent-mother's parental rights under section 7B-1111(a)(2) and decline to reach respondent-mother's remaining arguments. *See In re J.S.*, 374 N.C. at 815 ("[I]f this Court upholds the trial court's order in which it concludes that a particular ground for termination exists, then we need not review any remaining grounds.").

V. Conclusion

The trial court afforded respondent-mother twenty-six months to address the conditions, including her substance abuse issues, that led to Mark's adjudication as a neglected juvenile and his removal from her care. The trial court's properly supported and conclusive factual findings show, despite clear instructions from the trial court and multiple permanency planning hearings, respondent-mother continued to either evade drug screens or test positive for impairing substances.

IN RE: M.J.B.M.

Opinion of the Court

Under these circumstances, the trial court did not err in concluding that respondent-mother's parental rights were subject to termination under section 7B-1111(a)(2).

AFFIRMED.

Judges TYSON and STADING concur.

Report per Rule 30(e).