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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA24-895

Filed 7 May 2025

Forsyth County, Nos. 22 JT 232, 22 JT 233

IN THE MATTER OF: A.R. & D.D.

Appeal by Respondent-Mother from order entered 3 June 2024 by Judge Theodore Kazakos in Forsyth County District Court. Heard in the Court of Appeals 23 April 2025.

Candler Law Group, LLC, by Attorney Emily Sutton Dezio, for the respondent-appellant mother.

Attorney Theresa A. Boucher, for the petitioner-appellee Forsyth County Department of Social Services.

Attorney Brittany T. McKinney, for the petitioner-appellee Guardian ad Litem.

STADING, Judge.

Respondent-Mother (“Mother”) appeals from an order terminating her parental rights to her minor children, A.R. (“Amy”) and D.D. (“David”).¹ On appeal, Mother argues the trial court’s dispositional findings of fact are not supported by competent evidence, and the trial court abused its discretion by concluding

¹ See N.C. R. App. P. 42(b) (pseudonyms are used to protect the identities of the minor children).

termination was in the best interests of Amy and David. For the reasons detailed below, we affirm the trial court's order.

I. Background

On 8 November 2022, the Forsyth County Department of Social Services ("DSS") filed a petition alleging that Amy and David were neglected juveniles. DSS obtained nonsecure custody of the minor children that same day. After conducting a hearing, the trial court entered an order on 18 January 2023, concluding that: (1) Amy and David are neglected juveniles; (2) "[i]t is in the best interest of [the minor children] that legal custody be granted to [DSS] and their placement be at the discretion of that Agency"; (3) DSS "has made reasonable efforts to prevent the need for placement of the juveniles; and (4) DSS "has made reasonable efforts to attempt to reunite this family and such reunification is not appropriate at this time"

The trial court ordered DSS to "conduct a thorough home stud[y] on [the] maternal grandmother . . . for possible placement of the juveniles." It also prescribed a detailed plan for Mother to effectuate reunification with her children:

- a) Complete a Parenting Capacity Assessment/ Psychological Evaluation and follow all recommendations.
- b) Identify parenting skills to ensure the safety and wellbeing of her children by completing parenting classes at Parenting Path, PACT, or another program approved by []DSS. [Mother] will be able to demonstrate those skills during her contacts with the children and provide insight on the skills learned when asked by []DSS.
- c) Complete mental health treatment and follow any

recommendations. . . .

d) Complete a substance abuse assessment and follow all recommendations. . . .

e) Complete random drug screens within the requested timeframe.

f) Complete domestic violence classes and provide an environment free of domestic violence for her children. . . .

g) Participate in consistent visitation with her children. . . .

h) Demonstrate the ability to meet the basic and therapeutic needs of her children. This would include obtaining and maintaining safe and stable housing that will provide adequate space for her and her children in addition to demonstrating her ability to provide for the financial needs of the children.

At a permanency planning hearing on 21 April 2023, the trial court found DSS completed the home study of the maternal grandmother. Placement with the maternal grandmother was denied due to the following safety concerns:

The agency is concerned about placing the children in this home when in November of 2022, the children were removed from [the maternal grandmother's] home by her request. [The maternal grandmother] stated that she was disabled and was unwilling and unable to care for the children and that they needed to leave her home by November 8, 2022. [The maternal grandmother] has a tumultuous relationship with the mother of these children . . . [The maternal grandmother] also has CPS history from 2005, where her children were taken into Forsyth County DSS custody. Additionally, there was a recent incident on February 17, 2023, of [the maternal grandmother] reporting suicidal ideation which caused her to be involuntarily committed. At this time, the agency cannot determine whether [the maternal grandmother's] mental health concerns have been appropriately addressed.

The trial court also found Mother had not: “completed the written portion of her psychological evaluation”; “enrolled in or completed parenting classes”; “completed any drug screens”; participated in consistent visitation; obtained safe and stable housing; attended all “medication management appointments”; and participated “in group therapy” The trial court therefore ordered reunification as the primary plan and adoption as the secondary plan for both minor children.

On 12 July 2023, the trial court conducted another permanency planning hearing. It found on 22 May 2023, a “home study of . . . [David’s] maternal uncle was completed.” Placement with the maternal uncle was denied due to “CPS history in 2020,” substance abuse, and several instances of domestic violence. The trial court also found Mother had not: “enrolled in or completed parenting classes”; “completed any [drug] screens requested by [] DSS”; “participated in any visits” with Amy or David since the previous permanency planning hearing; and obtained “safe and stable housing and employment.” In addition, the trial court noted that at the time of this hearing, Mother was incarcerated and had “four pending charges . . . including a Misdemeanor Probation Violation, Failure to Appear, Driving While Impaired, and Driving with a Revoked License.” The trial court ordered adoption as the primary plan and reunification as the secondary plan for Amy. And for David, the trial court ordered guardianship as the primary plan and adoption as the secondary plan.

DSS filed a petition to terminate Mother’s parental rights on 2 January 2024, and the termination hearing commenced on 29 April 2024. At the adjudication phase, the trial court concluded that grounds existed to terminate Mother’s parental rights under N.C. Gen. Stat. § 7B-1111(a)(1)–(2) (2023). The trial court found Mother “willfully left the children in foster care or placement outside the home for more than [twelve] months without showing to the satisfaction of the court that reasonable progress under the circumstances has been made within [twelve] months in correcting those conditions which led to the removal of the child[ren].” It also found Mother “continued to neglect her children by failing to comply with the orders of the Juvenile Court and the recommendations of [DSS] which were specifically designed to facilitate reunification in a safe home.”

The trial court proceeded to the dispositional phase, where it concluded termination of Mother’s parental rights was in the best interests of Amy and David. In doing so, it made written findings about the age of the juveniles, the likelihood of adoption, whether termination would accomplish the permanent plans for the juveniles, the bond between the juveniles and their parents, and other relevant considerations. *See* N.C. Gen. Stat. § 7B-1110(a)(1)–(4), (6) (2023). Mother timely entered her notice of appeal on 2 July 2024.

II. Jurisdiction

This Court has jurisdiction over Mother’s appeal under N.C. Gen. Stat. §§ 7A-27(b)(2) (“From any final judgment of a district court in a civil action.”) and 7B-

1001(a)(7) (2023) (“Any order that terminates parental rights or denies a petition or motion to terminate parental rights.”).

III. Analysis

Mother presents two issues for our review: (1) whether certain dispositional findings of fact made by the trial court are supported by competent evidence; and (2) whether the trial court abused its discretion by concluding that termination was in the best interests of Amy and David. After careful consideration, we affirm the trial court’s order.

“Our Juvenile Code provides for a two-step process for termination of parental rights proceedings consisting of an adjudicatory stage and a dispositional stage.” *In re Z.A.M.*, 374 N.C. 88, 94, 839 S.E.2d 792, 796 (2020). At the adjudicatory stage, “[t]he petitioner bears the burden . . . of proving by ‘clear, cogent, and convincing’ evidence that one or more grounds for termination exist under section 7B-1111(a) of the North Carolina General Statutes.” *Id.* at 94, 839 S.E.2d at 797 (quoting N.C. Gen. Stat. § 7B-1109(f)). “If it determines that one or more grounds listed in section 7B-1111 are present, the court proceeds to the dispositional stage, at which the court must consider whether it is in the best interests of the juvenile to terminate parental rights.” *In re D.L.W.*, 368 N.C. 835, 842, 788 S.E.2d 162, 167 (2016).

A. Dispositional Findings

Mother contends Findings of Fact Nos. 57, 61, 63, 64, 70, 72, and 76 are not supported by competent evidence. Following a thorough review, we disagree.

“We review the trial court’s dispositional findings of fact to determine whether they are supported by competent evidence.” *In re C.B.*, 375 N.C. 556, 560, 850 S.E.2d 324, 328 (2020) (citation omitted); *see also In re S.M.*, 380 N.C. 788, 791, 869 S.E.2d 716, 722 (2022) (citations omitted) (“The trial court’s dispositional findings are binding . . . if they are supported by any competent evidence’ or if not specifically contested on appeal.”). “Competent evidence is evidence that a reasonable mind might accept as adequate to support the finding.” *In re J.M.*, 384 N.C. 584, 591, 887 S.E.2d 823, 828 (2023) (citations omitted). “Findings of fact supported by competent evidence are binding on appeal, despite evidence in the record that may support a contrary finding.” *In re D.W.P.*, 373 N.C. 327, 330, 838 S.E.2d 396, 400 (2020).

1. Finding of Fact No. 57

Mother asserts Finding of Fact No. 57 is “contrary to the evidence presented.” She also asserts the trial court “is unable to rely upon findings from prior orders without taking judicial notice of them.” Finding of Fact No. 57 provides: “Relative placements have been proposed by the parents for possible placement of the children[,] and all have either declined to be considered or have been found to be inappropriate for placement of the children.”

Contrary to Mother’s urging, this challenged finding is supported by ample competent evidence. *See In re J.M.*, 384 N.C. at 591, 887 S.E.2d at 828. At the hearing, a social worker from DSS testified that she looked into several relative

placements, including the paternal grandmother and the maternal grandmother. As to the paternal grandmother, DSS attempted to contact her from July to November 2023. The social worker testified that when she managed to make contact, the paternal grandmother “would say, ‘I’ll call you back’”; yet the social worker did not receive a call back until much later. Additionally, the social worker noted that “the paternal grandmother stated she did not want [David].” And with respect to the maternal grandmother, the social worker testified “she was denied [placement] by the court three times.”

Moreover, when looking at the trial court’s prior permanency planning orders, DSS conducted home studies on the maternal grandmother and the maternal uncle. Following completion of the home studies, the trial court determined placement with either the maternal grandmother or the maternal uncle would be inappropriate due to: (1) the maternal grandmother’s mental health concerns; (2) the maternal grandmother’s and the maternal uncle’s prior CPS history; (3) the maternal uncle’s substance abuse; and (4) the maternal uncle’s prior instances of domestic violence. Thus, Finding of Fact No. 57 is supported by competent evidence.

With respect to Mother’s judicial notice contention, “[c]ourts may take judicial notice of prior court orders in termination proceedings.” *In re S.W.*, 175 N.C. App. 719, 725, 625 S.E.2d 594, 598 (2006); *see also In re Isenhour*, 101 N.C. App. 550, 553, 400 S.E.2d 71, 73 (1991) (“A trial court may take judicial notice of earlier proceedings in the same cause.”). “[T]he trial court may not rely solely on prior court orders and

reports but must receive some oral testimony at the hearing and make an independent determination regarding the evidence presented.” *In re T.N.H.*, 372 N.C. 403, 410, 831 S.E.2d 54, 60 (2019).

Here, DSS admitted its Exhibit #2 into evidence, without objection, consisting of “all the orders in the underlying case.” The exhibit included the adjudication order from 18 January 2023 and the subsequent permanency planning orders on 21 April 2023 and 12 July 2023. Moreover, the trial court’s termination order expressly included a statement indicating it had considered all prior court orders admitted into evidence:

[DSS], in its presentation, introduced into evidence the following documents, which were carefully considered by the court during the presentation of evidence:

. . . .

b. All of the previous Court orders related to the children, [Amy] and [David] in Forsyth County Juvenile Court files 22 JA 232 and 233.

We hold that such a statement is sufficient to convey judicial notice since “the trial court did make it plain that it had reviewed the file and was considering the history of the case in conducting the hearing.” *In re Isenhour*, 101 N.C. App. at 553, 400 S.E.2d at 73. Although the trial court considered “the prior court orders and reports,” it also received “oral testimony at the hearing and ma[d]e an independent determination regarding the evidence presented.” *In re T.N.H.*, 372 N.C. at 410, 831 S.E.2d at 60. Mother’s judicial notice argument is overruled.

2. Finding of Fact No. 61

Mother next asserts Finding of Fact No. 61 is not supported by competent evidence since “DSS had not established any competent plan for the children” However, Mother misinterprets Finding of Fact No. 61, which provides: “Melissa Bell is the Guardian ad Litem for [Amy] and [David]. Ms. Bell recommended to the Court that it was in the best interest of [Amy] and [David] to terminate the parental rights of [Mother] . . . so that the children could be freed for Adoption.”

Our review of the record reveals the Guardian ad Litem (“GAL”) testified it would be in the best interests of Amy and David to terminate Mother’s parental rights:

[DSS ATTORNEY]: Do you have a recommendation to this Court as to what’s in the best interest of both of these children?

[GAL]: Termination of the parental rights for [Mother]

[DSS ATTORNEY]: And do you believe that’s in the best interest of the children?

[GAL]: I do.

[DSS ATTORNEY]: Why?

[GAL]: I don’t see a path for reunification with any of the parents, as demonstrated by the past 18 months. And at this point forward, there’s not even a time line of when that could be achieved. And these children need and deserve permanence. They’ve had an immense amount of instability in their lives. And they deserve the ability to have permanence and stability.

[DSS ATTORNEY]: Do you believe that any of the parents

can provide stability for their child in a reasonable period of time?

[GAL]: I do not.

[DSS ATTORNEY]: Okay. Do you believe that these children should be adopted together?

. . . .

[GAL]: [David's] therapist does believe that they should be together. That is her recommendation.

Accordingly, we hold Finding of Fact No. 61 is supported by competent evidence. *See In re S.M.*, 380 N.C. at 791, 869 S.E.2d at 722 (citations omitted) (“The trial court’s dispositional findings are binding . . . if they are supported by any competent evidence’ . . .”).

3. Finding of Fact No. 63

Mother next asserts Finding of Fact No. 63 is not supported by competent evidence since “it omits the secondary plan of guardianship.” She also maintains a trial court “is never required to order the termination of parental rights.” Finding of Fact No. 63 provides: “The permanent plan established for [Amy] by the Juvenile Court is Adoption. The termination of the parental rights of [Mother] and [Father] is the only way to accomplish the permanent plan of Adoption.”

In re S.M. is particularly instructive on this issue. 380 N.C. 788, 869 S.E.2d 716 (2022). In that case, the respondent-father argued a certain finding of fact failed “to take account of [the juvenile’s] concurrent permanent plan of guardianship which, unlike adoption, would not require the termination of his parental rights.” *Id.* at 796,

869 S.E.2d at 725. Our Supreme Court disagreed, noting, “[u]nquestionably, the termination of respondent[s’] parental rights was a necessary precondition of [the child’s] adoption.” *Id.* (second and third alterations in original) (citation omitted). It determined competent evidence “supports the trial court’s finding that termination would aid in accomplishing the permanent plan.” *Id.* The Court added that the respondent-father did not offer any “authority for his assertion that N.C. [Gen. Stat.] § 7B-1110(a)(3) requires the trial court to address the secondary plan.” *Id.* at 797, 869 S.E.2d at 725.

Here, termination of Mother’s parental rights “was a necessary precondition of [Amy’s] adoption.” *Id.* at 796, 869 S.E.2d at 725 (citation omitted). And like *In re S.M.*, there is competent record evidence demonstrating the permanent plan for Amy was adoption, and that termination of Mother’s parental rights would help accomplish the permanent plan. Indeed, the social worker testified that the permanent plan for Amy was adoption, and termination of Mother’s parental rights would help accomplish the permanent plan. Moreover, Mother has offered no authority supporting the proposition that a trial court must consider the secondary plan when making findings under N.C. Gen. Stat. § 7B-1110(a)(3) (emphasis added) (“Whether the termination of parental rights will aid in the accomplishment of *the permanent plan* for the juvenile.”). We thus hold Finding of Fact No. 63 is supported by competent evidence.

4. Findings of Fact Nos. 64 and 72

Mother next asserts Finding of Fact No. 64 is not supported by competent evidence since “[t]here were no identified families presented that had met the children or determined that they could, in fact, accept Amy and David together.” However, Mother’s argument misstates the language of Finding of Fact No. 64, which provides: “The likelihood of Adoption for [Amy] is very high. There are multiple prospective adoptive families interested in adopting [Amy] and [David] together.” She also challenges Finding of Fact No. 72, which similarly states: “The likelihood of Adoption for [David] is very likely. There are multiple prospective adoptive families interested in adopting [Amy] and [David] together. A potential adoptive home would also consider Guardianship of [David].”

At the hearing, the social worker testified there are “two potential adoptive homes that are wanting to adopt [Amy].” And with respect to David, the social worker testified that the same two adoptive homes “would like to keep the siblings together and adopt them together.” In the event David did not want to be adopted, those same two homes were willing to take guardianship of him. We thus hold Findings of Fact Nos. 64 and 72 are supported by competent evidence. *See In re S.M.*, 380 N.C. at 791, 869 S.E.2d at 722 (citations omitted) (“The trial court’s dispositional findings are binding . . . if they are supported by any competent evidence’ . . .”).

5. *Finding of Fact No. 70*

Mother next asserts Finding of Fact No. 70 is not supported by competent evidence since it “ignores the strong bond [David] had with his maternal grandmother.” Finding of Fact No. 70 provides: “[David] is [twelve] years old. He has been in foster care for the past [seventeen] months. Throughout his lifetime he has lacked the permanence he deserves.”

Our review of the record leads us to hold this finding is supported by competent evidence. At the hearing, the social worker testified that David is twelve years old, and he first came into DSS custody on 8 November 2022. Although David has a strong bond with his maternal grandmother, the social worker testified “she was denied [placement] by the court three times.” *See In re K.L.T.*, 374 N.C. 826, 843, 845 S.E.2d 28, 41 (2020) (“It is the province of the trial court when sitting as the fact-finder to assign weight to particular evidence and to draw reasonable inferences therefrom.”).

With respect to Mother, the social worker noted that several issues gave rise to the removal of Amy and David, including “[s]ubstance use, homelessness, some housing and mental health concerns, and employment and domestic violence.” The social worker added that Mother failed to “demonstrate the ability to meet the basi[c] and therapeutic needs of her children,” including obtaining and maintaining safe housing and providing for their financial needs. The GAL also testified about the lack of permanence in Amy and David’s lives:

[GAL]: I don’t see a path for reunification with any of the

parents, as demonstrated by the past 18 months. And at this point forward, there's not even a time line of when that could be achieved. And these children need and deserve permanence. They've had an immense amount of instability in their lives. And they deserve the ability to have permanence and stability.

[DSS ATTORNEY]: Do you believe that any of the parents can provide stability for their child in a reasonable period of time?

[GAL]: I do not.

Moreover, the adjudication order, admitted into evidence without objection, demonstrates Mother and the maternal grandmother could not provide David permanence:

[Mother] does not have a permanent address to live with her children and she has a period of years residing in the home of [the maternal grandmother]. The relationship between [Mother] and [the maternal grandmother] is contentious. [The maternal grandmother] agrees to provide care for the children in the absence of their mother and other times reports to law enforcement sources that [Mother] has abandoned her children. [Mother] has frequently left the home for weeks and sometimes months at a time without notifying anyone of her location or planned time for return. . . . [The maternal grandmother] has notified [Mother] and []DSS she is disabled and is no longer willing or able to provide care for [David] and [Amy].

And at a subsequent permanency planning hearing, the trial court found the maternal grandmother “was disabled and was unwilling and unable to care for the children and that they needed to leave her home by November 8, 2022.” We therefore hold Finding of Fact No. 70 is supported by competent evidence.

6. *Finding of Fact No. 76*

Lastly, Mother asserts Finding of Fact No. 76 is contrary to the evidence presented at the hearing. Mother maintains “David wanted be adopted” by his maternal grandmother. However, Mother misinterprets Finding of Fact No. 76, which provides: “[David] has a comfortable and adjusted relationship with his foster parents. He looks to them for comfort and guidance. [David] is not currently interested in being adopted.”

A review of the social worker and GAL’s testimony shows that David did not want to be adopted. Indeed, the social worker testified that David is comfortable with his current placement and “has adjusted extremely well.” She added that David “does not want to move because he is comfortable there. He’s attached to them. And he goes to them for comfort and guidance.” The social worker also testified that David is not interested in adoption unless it is with his maternal grandmother. The GAL similarly stated that David is not interested in being adopted unless it is by his maternal grandmother or another family member. Yet, as noted above, the maternal grandmother is no longer willing or able to provide care for David, and she was denied placement on three prior occasions. Moreover, this testimony is consistent with the GAL’s report: “[David] reports that he is comfortable in his current placement. Also, David reports that “if he is to be adopted[,] he wants it to be by his grandmother.” Competent record evidence thus shows David did not want to be adopted.

B. Best Interests Determination

Mother next argues the trial court abused its discretion by concluding that termination was in the best interests of Amy and David because DSS failed to finalize an adoptive placement at the time of the hearing.² Since no adoptive placement was finalized, Mother maintains the trial court abused its discretion by considering the GAL's testimony concerning whether adoption would serve Amy's and David's best interests. Mother also contends the trial court abused its discretion by failing to consider and make written findings on all of the statutorily enumerated criteria under N.C. Gen. Stat. § 7B-1110(a) ("Determination of best interests of the juvenile."). After careful consideration, we disagree.

In assessing a juvenile's best interests at the dispositional phase, a trial court must consider the following statutory criteria:

- (1) The age of the juvenile.
- (2) The likelihood of adoption of the juvenile.
- (3) Whether the termination of parental rights will aid in the accomplishment of the permanent plan for the juvenile.
- (4) The bond between the juvenile and the parent.
- (5) The quality of the relationship between the juvenile and the proposed adoptive parent, guardian, custodian, or other

² Mother cites N.C. Gen. Stat. §§ 48-3-201 and 7B-1112.1 (2023) and raises an additional argument that "DSS had a responsibility to prepare the children for adoption," and the "GAL should safeguard and promote the child's best interests during the adoption process by participating in the adoption selection process." However, our courts do not require a finalized adoptive placement at the time of the termination hearing. *See In re L.G.G.*, 379 N.C. 258, 274, 864 S.E.2d 302, 312 (2021).

permanent placement.

(6) Any relevant consideration.

N.C. Gen. Stat. § 7B-1110(a)(1)–(6). “Although the trial court must consider each of the factors in N.C. [Gen. Stat.] § 7B-1110(a), written findings of fact are required only ‘if there is conflicting evidence concerning the factor, such that it is placed in issue by virtue of the evidence presented before the district court.’” *In re S.M.*, 380 N.C. at 791, 869 S.E.2d at 722 (citations omitted); *see also In re A.R.A.*, 373 N.C. 190, 199, 835 S.E.2d 417, 424 (2019) (alterations in original) (“It is clear that a [district] court must *consider* all of the factors in section 7B-1110(a). . . . The statute does not, however, explicitly require written findings as to each factor.”).

“The district court’s assessment of a juvenile’s best interest at the dispositional stage is reviewed only for abuse of discretion.” *In re A.R.A.*, 373 N.C. at 199, 835 S.E.2d at 423. “[A]buse of discretion results where the court’s ruling is manifestly unsupported by reason or is so arbitrary that it could not have been the result of a reasoned decision.” *In re A.U.D.*, 373 N.C. 3, 6, 832 S.E.2d 698, 700–01 (2019) (citations omitted) (alteration in original).

1. Lack of Adoptive Placement

With respect to Mother’s first contention—the lack of a finalized adoptive placement—our courts have determined “[t]he absence of an adoptive placement for a juvenile at the time of the termination hearing is not a bar to terminating parental rights.” *In re L.G.G.*, 379 N.C. at 274, 864 S.E.2d at 312 (quoting *In re A.J.T.*, 374

N.C. 504, 512, 843 S.E.2d 192 (2020)). Additionally, “the trial court need not find a likelihood of adoption in order to terminate parental rights.” *In re C.B.*, 375 N.C. at 562, 850 S.E.2d at 328.

In re J.C.L. is particularly instructive as to Mother’s contention on this basis. 374 N.C. 772, 845 S.E.2d 44 (2020). In that case, the respondent faulted the trial court since the evidence merely demonstrated that the minor child was placed in a “pre-adoptive home” as opposed to a “*potential* pre-adoptive home.” *Id.* at 786, 845 S.E.2d at 56. The Court disagreed, noting the “argument rests upon a distinction without a difference, as all pre-adoptive homes are by their nature inherently potential.” *Id.* It added the evidence at trial showed the juvenile’s “current placement providers had expressed an interest in adopting” him. *Id.* The Court thus concluded the “evidence supports the trial court’s findings that [the juvenile] had been placed in a pre-adoptive home, and that there was a high likelihood of [his] adoption.” *Id.*

In the instant case, the DSS social worker testified there are “two potential adoptive homes that are wanting to adopt [Amy].” And with respect to David, the social worker testified that the same two adoptive homes “would like to keep the siblings together and adopt them together.” In the event David did not want to be adopted, those same two homes were willing to take guardianship of him. Although DSS had not finalized an adoptive placement for the minor children, “[t]he absence of an adoptive placement for a juvenile at the time of the termination hearing is not a bar to terminating parental rights.” *In re L.G.G.*, 379 N.C. at 274, 864 S.E.2d at

312 (citation omitted). Accordingly, the trial court's decision to terminate Mother's parental rights, on this basis, did not amount to an abuse of discretion.

2. N.C. Gen. Stat. § 7B-1110(a)(1)–(6)

As her final contention, Mother argues the trial court abused its discretion by failing to make the requisite written findings under N.C. Gen. Stat. § 7B-1110(a). More specifically, Mother maintains: (1) there is limited evidence about David's age; (2) there is no evidence that the children were in adoptable situations; (3) there is no discernable plan for the children; (4) there is no finding as to how termination of Mother's parental rights would impact the bond between the minor children and Mother; (5) there are no findings about the relationship between the minor children and the proposed adoptive parents; and (6) there is conflicting evidence concerning the availability of a potential relative placement.

Here, the trial court made the following dispositional findings under N.C. Gen. Stat. § 7B-1110(a)(1)–(6):

57. Relative placements have been proposed by the parents for possible placement of the children and all have either declined to be considered or have been found to be inappropriate for placement of the children.

61. Melissa Bell is the Guardian ad Litem for [Amy] and [David]. Ms. Bell recommended to the Court that it was in the best interest of [Amy] and [David] to terminate the parental rights of [Mother] . . . so that the children could be freed for Adoption.

62. [Amy] is 4 years old. She has been in foster care for the past 17 months.

63. The permanent plan established for [Amy] by the Juvenile Court is Adoption. The termination of the parental rights of [Mother] . . . is the only way to accomplish the permanent plan of Adoption.

64. The likelihood of Adoption for [Amy] is very high. There are multiple prospective adoptive families interested in adopting [Amy] and [David] together.

66. There is a bond between [Amy] and [Mother].

67. [Amy] is very attached to her foster parents and she looks to them for comfort and guidance. [Amy] is thriving in this home. This home is not a prospective adoptive home for [Amy].

68. [Amy] does have some developmental delays and she is receiving some services to address these issues. She will potentially require an Individual Education Plan (IEP).

69. [Amy] acts and speaks older than her age should allow and . . . she has exhibited these behaviors since her removal from her mother's care.

70. [David] is 12 years old. He has been in foster care for the past 17 months. Throughout his lifetime he has lacked the permanence he deserves.

71. The secondary permanent plan established for [David] by the Juvenile Court is Adoption. The termination of the parental rights of [Mother] . . . is the only way to accomplish the permanent plan of Adoption.

72. The likelihood of Adoption for [David] is very likely. There are multiple prospective adoptive families interested in adopting [Amy] and [David] together. A potential adoptive home would also consider Guardianship of [David].

74. There is a bond between [David] and [Mother].

75. [David] is very bonded to [Amy] and he had to take on

a parentified role with her while they resided with their mother and grandmother.

76. [David] has a comfortable and adjusted relationship with his foster parents. He looks to them for comfort and guidance. [David] is not currently interested in being adopted.

78. There was no evidence presented in opposition to the termination of parental rights.

Upon review, the trial court made the requisite findings pertaining to the age of the juveniles, the likelihood of adoption, whether termination of Mother's parental rights will aid in the accomplishment of the permanent plan for the juveniles, the bond between the juveniles and Mother, and other relevant considerations. N.C. Gen. Stat. § 7B-1110(a)(1)–(4), (6). We thus discern no merit to Mother's second and third arguments.

Mother first alleges the trial court abused its discretion since there was limited evidence of David's age. Mother maintains since David did not consent to being adopted and is twelve years old, the trial court should have made a written finding under N.C. Gen. Stat. § 48-3-601 (2023) ("Persons whose consent to adoption is required."). See *In re M.A.*, 374 N.C. 865, 880, 844 S.E.2d 916, 927 (2020) ("N.C. [Gen. Stat.] § 48-3-601 provides that a juvenile over the age of twelve must consent to an adoption.").

Even if Mother is correct, a close review of the trial court's order demonstrates it found David "is not currently interested in being adopted." *In re A.J.T.* provides

guidance on this issue. 374 N.C. 504, 843 S.E.2d 192 (2020). There, the respondent-father argued the trial court abused its discretion in making its best interests determination since “a child over the age of twelve is required to consent to his adoption.” *Id.* at 510, 843 S.E.2d at 196. The Court disagreed, concluding: “[E]ven assuming *arguendo* that [the minor child] fails to consent at the time of an adoption, his lack of consent would not preclude him from being adopted.” *In re A.J.T.*, 374 N.C. at 510–11, 843 S.E.2d at 196–97. Further instruction is provided by *In re M.A.*, 374 N.C. at 880, 844 S.E.2d at 927. There, “given that a refusal on the part of one or more of the children to consent would not necessarily preclude their adoption,” the Court held “that the trial court was not required to make findings and conclusions concerning the extent, if any, to which [the children] were likely to consent to any adoption that might eventually be proposed.” *Id.* It noted, “[o]n the other hand, N.C. G[en]. S[tat]. § 48-3-601 governs adoption, rather than termination of parental rights, proceedings.” *Id.* Accordingly, we hold the trial court did not abuse its discretion by not making written findings about David’s consent to an adoption that might eventually be proposed.

With respect to the bond between Mother and the minor children, previous decisions reflect, “the trial court adequately addresses the parent-child bond when it finds ‘that any previous bond or relationship with the [respondent parent] [i]s outweighed by [the child’s] need for permanence.’” *In re C.S.*, 380 N.C. 709, 715, 869 S.E.2d 650, 655 (2022) (quoting *In re A.R.A.*, 373 N.C. at 200, 835 S.E.2d at 424).

Here, the trial court found Amy and David have a bond with Mother. On the other hand, it also determined both minor children needed permanence, both minor children were comfortable with their respective foster parents, and both minor children looked to their foster parents for comfort and guidance. Given the overwhelming need of permanence for the minor children, evidenced at the termination hearing, we hold the trial court did not abuse its discretion. *See In re B.E.*, 375 N.C. 730, 749, 851 S.E.2d 307, 320 (2020) (“[T]he weight assigned to particular evidence, and to the various dispositional factors in N.C. [Gen. Stat.] § 7B-1110(a), is the sole province of the trier of fact.”). Mother’s fourth argument is overruled.

Mother next submits there are no findings about the relationship between the minor children and the proposed adoptive parents. But a trial court is “not required to make a finding regarding the quality of the relationship between [the juvenile] and the proposed adoptive parent, guardian, custodian, or other permanent placement, [if] there was no potential adoptive parent at the time of the hearing.” *In re A.R.A.*, 373 N.C. at 200, 835 S.E.2d at 424. Here, DSS had not secured an adoptive family for Amy or David at the time of the termination proceeding. As in *In re A.R.A.*, the trial court need not make written findings under N.C. Gen. Stat. § 7B-1110(a)(5). In any event, there was no conflicting evidence as to whether there were potential adoptive placements during the termination proceeding since there “was no evidence presented in opposition to the termination of parental rights.” Written findings were

therefore not required for this reason either. See *In re S.M.*, 380 N.C. at 791, 869 S.E.2d at 722 (citations omitted) (“[W]ritten findings of fact are required only ‘if there is conflicting evidence concerning the factor, such that it is placed in issue by virtue of the evidence presented before the district court.’”). Accordingly, Mother’s fifth argument is meritless.

Lastly, Mother maintains since there was conflicting evidence about the availability of a potential relative placement, the trial court should have made a written finding under N.C. Gen. Stat. § 7B-1110(a)(6) (“Any relevant consideration”). Contrary to Mother’s urging, Finding of Fact No. 57 speaks directly to the availability of a potential relative placement as follows:

57. Relative placements have been proposed by the parents for possible placement of the children and all have either declined to be considered or have been found to be inappropriate for placement of the children.

Recent decisions indicate that a trial court need not make written findings as to the availability of potential relative placements under N.C. Gen. Stat. § 7B-1110(a)(6); however, it “may” make written findings if “the record contains evidence tending to show whether such a relative placement is, in fact, available.” See *In re S.D.C.*, 373 N.C. 285, 290, 837 S.E.2d 854, 858 (2020) (citation omitted) (“Although the trial court is not expressly directed to consider the availability of a relative placement in the course of deciding a termination of parental rights proceeding, it may treat the availability of a relative placement as a ‘relevant consideration’ in

determining whether termination of a parent's parental rights is in the child's best interests, . . . with the extent to which it is appropriate to do so in any particular proceeding being dependent upon the extent to which the record contains evidence tending to show whether such a relative placement is, in fact, available.”); *see also In re H.R.S.*, 380 N.C. 728, 736, 869 S.E.2d 655, 661 (2022) (citation omitted) (“Under N.C. [Gen. Stat.] § 7B-1110(a), however, ‘the trial court is not expressly directed to consider the availability of a relative placement in the course of deciding a termination of parental rights proceeding.’”). Mother’s final argument therefore lacks merit and is overruled.

Upon careful examination, hold the trial court did not abuse its discretion in concluding that termination of Mother’s parental rights was in the best interests of Amy and David. *See In re A.U.D.*, 373 N.C. at 6, 832 S.E.2d at 700–01.

IV. Conclusion

For the foregoing reasons, we hold the trial court’s dispositional findings of fact are supported by competent evidence, and the trial court did not abuse its discretion in concluding that termination of Mother’s parental rights was in the best interests of Amy and David.

AFFIRMED.

Chief Judge DILLON and Judge WOOD concur.

Report per Rule 30(e).