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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA24-776

Filed 21 May 2025

Haywood County, Nos. 22JT000009-430, 22JT000010-430, 22JT000011-430

IN THE MATTER OF: K.A.S., J.N.S., L.R.S.

Appeal by respondent-mother from an order entered 3 November 2023 by Judge Roy T. Wjiewickrama, and orders entered 3 June 2024 by Judge Monica H. Leslie, in Haywood County District Court. Heard in the Court of Appeals 19 March 2025.

Reeves Divenere & Wright, by Anné C. Wright, for respondent-appellant mother.

Rachael J. Hawes, for petitioner-appellee Haywood County Health & Human Services.

Michelle FormyDuval Lynch, for the guardian ad litem.

FLOOD, Judge.

Respondent-Mother appeals from: the trial court’s order eliminating reunification as the permanent plan for K.A.S. (“Katie”), J.N.S. (“Joy”), and L.R.S. (“Lexi”) (collectively, the “minor children”);¹ and the trial court’s orders terminating

¹ Pseudonyms are used to protect the juveniles’ identities, pursuant to N.C.R. App. P. 42(b).

her parental rights in the minor children. On appeal, Respondent-Mother argues the trial court erred in: first, eliminating reunification with Respondent-Mother as the permanent plan for the minor children; second, concluding grounds existed to terminate her parental rights based on neglect, dependency, and willful failure to make reasonable progress in correcting the conditions that led to the minor children's removal; and third, concluding terminating her parental rights was in the best interests of the minor children. Upon review, we conclude: first, the trial court did not abuse its discretion in eliminating reunification as the permanent plan for the minor children, because the trial court properly exercised its discretion upon considering the statutory factors required under N.C.G.S. § 7B-906.2(d); second, the trial court did not err in concluding grounds existed to terminate Respondent-Mother's parental rights based on neglect, because there is a showing of past neglect and a likelihood of future neglect by Respondent-Mother; and third, the trial court did not abuse its discretion in concluding termination of Respondent-Mother's parental rights was in the best interests of the minor children, because the trial court properly exercised its discretion upon considering the statutory factors required under N.C.G.S. § 7B-1110(a). We therefore affirm the trial court's orders.

I. Factual and Procedural Background

Respondent-Mother is the biological mother of the minor children: Katie, born on 3 June 2013; Joy, born on 21 May 2016; and Lexi, born on 3 May 2017. On 30 October 2020, Haywood County Department of Social Services ("DSS") became

involved with Respondent-Mother and the minor children when DSS received a report that Respondent-Mother and her boyfriend were arrested during a traffic stop for possession of methamphetamines and fentanyl. These substances were found in the vehicle within reach of the minor children, and methamphetamines were found on Respondent-Mother's person. The paternal grandmother arrived at the scene of the arrest and took the minor children; Respondent-Mother was later released on bond.

DSS initially met with Respondent-Mother, the boyfriend, and the minor children from 2 November 2020 through February 2022. During that time, Respondent-Mother: repeatedly failed to comply with drug screens, while denying any need for substance abuse treatment; failed to follow through with numerous attempts by social workers to assist her in obtaining housing; failed to follow through on referrals by social workers for subsidized daycare for Lexi; failed to follow through with referrals for mental health services for herself or the minor children, and for substance abuse assessments for herself; and lost her employment at a hospital following her 30 October 2020 arrest. Also during that time, social workers frequently had difficulty locating Respondent-Mother and the minor children, and Katie and Joy accrued dozens of absences and tardies from school.

On 7 February 2022, DSS learned that Katie was "telling school staff that the family was moving to Greensboro." On 8 February 2022, DSS filed petitions alleging the minor children were abused, neglected, and dependent juveniles; DSS, however,

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did not seek nonsecure custody. Respondent-Mother was arrested on 11 February 2022 for failure to appear on pending felony drug charges, and was incarcerated without bond. DSS filed new petitions for the minor children on 14 February 2022, and the trial court granted DSS nonsecure custody of the minor children that same day, although the location of the minor children was unknown. The minor children were eventually located and initially placed in a foster home.²

On 23 May 2022, the trial court adjudicated the minor children neglected and dependent, set a permanent plan of reunification, and ordered Respondent-Mother to enter into a case plan. On 13 June 2022, the minor children were placed in the physical custody of family friends, due to the minor children's relatives not being appropriate placements.

First Permanency Planning Hearing

The trial court held the first permanency planning hearing on 12 September 2022. Prior to the hearing, Respondent-Mother: had been incarcerated for probation violations from 15 July 2022 until 31 August 2022, after she had tested positive for methamphetamines and marijuana following a probation drug screen; had refused to comply with five drug screens by DSS; had completed a mental health and substance abuse assessment, but “was untruthful in this assessment and denied any issues with drugs” and had not engaged in any substance abuse or mental health treatment; was

² The Record is unclear as to when, precisely, the minor children were located.

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unemployed; lived at her sister's home; had missed seven visits with the minor children while she was incarcerated; and had missed a scheduled visit on 1 September 2022 following her release from incarceration, only attending a visit on 8 September 2022. The trial court found Respondent-Mother had "not made adequate progress within a reasonable period of time" on her case plan and was "acting in a manner inconsistent with the health or safety of the" minor children. The trial court ordered Respondent-Mother to complete a new substance abuse and mental health assessment, comply with all recommendations from that assessment, and complete the same activities required under the case plan.

Second Permanency Planning Hearing

On 15 May 2023, the trial court held the second permanency planning hearing. Prior to the hearing, Respondent-Mother: had negative urine drug screens on 19 September 2022 and 13 January 2023, although Respondent-Mother's hair tested positive for methamphetamine during the September drug screen;³ continued to deny the need for substance abuse treatment; had completed an eight-class parenting course in December 2022, six months after starting the class; continued to live at her sister's home—which the trial court deemed "not an appropriate placement for the [minor] children"—and denied access to the home entirely to the social worker; and

³ Although the Record indicates that Respondent-Mother refused a hair drug screen on 13 January 2023, the trial court, in its order for the 15 May 2023 permanency planning hearing, found that—on the date of the drug screen—"Respondent[-]Mother was negative in her hair and urine for all substances."

remained unemployed. Due to her criminal charges, Respondent-Mother was ordered to attend a ninety-day inpatient substance abuse treatment program through “Black Mountain Treatment,” which she attended from 1 February 2023 until she successfully completed the program on 30 April 2023. Respondent-Mother had not visited with the minor children while in the program, only attending a visit on 9 May 2023 after completing the program.

The trial court, again, found that Respondent-Mother had “not made adequate progress within a reasonable period of time” on her case plan and continued to act “in a manner inconsistent with the health and safety of the” minor children. As a result of Respondent-Mother’s successful completion of the substance abuse treatment program, however, the trial court granted her “an additional amount of time to demonstrate significant progress on Case Plan objectives, by the next hearing.” The trial court updated Respondent-Mother’s case plan objectives, requiring Respondent-Mother to: comply with all recommendations of her substance abuse treatment, including regular attendance at “Women’s Recovery”; comply with all hair and drug screens requested by DSS; “[o]btain and maintain safe and appropriate housing[,]” including submitting “at least one [] housing application per week”; allow social workers to make “announced and unannounced home visits” and to take photographs “of wherever she is living”; show her current income by submitting paystubs weekly to DSS; submit regular job applications; “[o]btain and maintain stable transportation”; communicate with DSS biweekly; sign new releases for DSS and the

guardian ad litem (“GAL”); attend all probation appointments; and not “be at the foster or kinship placement of” the minor children.

Third Permanency Planning Hearing

On 16 October 2023, the trial court held the third permanency planning hearing, and entered its order on 3 November 2023. Prior to the hearing, Respondent-Mother: had obtained a vehicle and a phone; became employed; maintained regular communication with DSS; participated in Women’s Recovery—of which she missed three sessions, one on 14 July 2023, and two during the two weeks prior to 11 September 2023; participated in “TASC,” the latter of which she completed on 18 August 2023, sixteen months after having being ordered to complete the program; had negative drug screens on 16 May, 11 July, and 28 July 2023; and complied with her probation requirements. Starting in April 2022 and until the date of the hearing, however, the social worker repeatedly provided Respondent-Mother with housing lists and resources to assist her with obtaining housing; Respondent-Mother only began looking for housing and housing assistance approximately one year later, from May 2023 until September 2023.

In its order, the trial court made the following, relevant findings of fact:

21. [] Respondent[-]Mother reports she is staying in an apartment in Asheville also occupied by her sister Respondent[-]Mother reports sleeping on a couch in the home and keeping her belongings in the laundry room. . . . [Respondent-Mother] did not allow [the social worker] to enter one of the bedrooms in the apartment and did not allow her to photograph the bedrooms.

. . . .

23. As of this hearing . . . Respondent[-]Mother reports she has purchased a trailer. She provided a copy of the Certificate of Title for this trailer. [DSS] has not seen this trailer nor any photographs of it, and has no further information about where the trailer is placed or any address information. [] Respondent[-]Mother reports that a man is still living in this trailer. [] Respondent[-]Mother has not entered into any sort of lease as to where she could place the trailer. She did report . . . that the trailer cannot stay in its present location, and she would have to have it moved.

. . . .

28. As of this hearing, [] Respondent[-]Mother does not have what can be described as stable housing. . . . This home is not an appropriate placement for the minor children, as there is no room in this residence. [] Respondent[-]Mother has refused to allow the social worker for [DSS] to review all of the bedrooms of this residence.

. . . .

32. The [trial c]ourt has significant concerns about [] Respondent[-]Mother's lack of stable housing for over twenty [] months and the fact that there is no guarantee that [] Respondent[-]Mother can obtain stable housing, even with this purchase of an occupied mobile home.

33. In the event that the [minor] children were placed with [] Respondent[-]Mother . . . [she] has no realistic plan for how to transport the children to school.

. . . .

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34. The [trial c]ourt has questions about the Title presented to the [trial c]ourt in that the Seller's name does not appear on this Title.

....

36. [] Respondent[-]Mother has made promises to the [minor] children in the last several months about getting to come home, which have caused a great deal of confusion, sadness, and distress to the [minor] children. She was advised by [DSS] to stop discussing potential reunification or getting a home, but [] Respondent[-]Mother continued to engage in these discussions with at least one of the minor children.

37. [] Respondent[-]Mother has not made adequate progress within a reasonable period of time under the plan. She is somewhat participating in or cooperating with the plan, [DSS], and the [GAL] for the [minor children]. [] Respondent[-]Mother has remained available to the [trial c]ourt, [DSS], and the [GAL] for the [minor children]. [] Respondent[-]Mother is acting in a manner inconsistent with the health or safety of the [minor children] in that she has still not achieved vital and necessary objectives of her Case Plan in over twenty [] months.

....

42. [] Respondent[-]Mother's extremely late progress on many aspects of her case plan, coupled with her ongoing lack of housing as of the date of the hearing, do not indicate reasonable progress by [] Respondent[-]Mother.

The trial court also made Findings of Fact 25, 29, and 31, which include further findings regarding the housing issues described previously.

The trial court found, again, that Respondent-Mother had "not made adequate progress within a reasonable period of time" on her case plan, and that Respondent-

Mother was “acting in a manner inconsistent with the health or safety of the [minor children] in that she ha[d] still not achieved vital and necessary objectives of her Case Plan in over twenty [] months.” As a result, the trial court changed the permanent plan to adoption. Respondent-Mother timely filed a notice to preserve her right to appeal from a permanency planning order that eliminated reunification.

Termination of Parental Rights

On 12 January 2024, DSS filed petitions to terminate Respondent-Mother’s parental rights in the minor children. The matter came on for hearing on 30 April 2024. Prior to the hearing, Respondent-Mother: continued to live at her sister’s home; had, in six months since reporting purchasing the trailer, not found a permanent location for it, and had not searched for any suitable location to place the trailer; and had refused to allow the social worker to visit the trailer in its temporary location. The trailer was “not set up with” electricity, water, or sewer; had no major appliances; had extensive damage; and “was not livable[.]”

Respondent-Mother had also not engaged in any mental health treatment, falsely claiming to social workers she had a therapy appointment scheduled with “Appalachian Community Services” on 23 February 2024, yet had not received services on that date. The social worker was unable to contact Respondent-Mother from 16 October 2023 until 27 November 2023, and again from 8 December 2023 until 2 February 2024. Respondent-Mother had ceased attending Women’s Recovery after 6 October 2023, and had otherwise not engaged in any substance abuse treatment.

By the time of the termination hearing, the minor children had been in the family friends' care for twenty-two months; the family friends desired to adopt the minor children; and the minor children were eligible for adoption assistance benefits.

On 3 June 2024, the trial court entered orders terminating Respondent-Mother's parental rights in the minor children based on neglect, dependency, and failure to make adequate progress in correcting the conditions that led to the removal of the minor children. The trial court concluded it was in the minor children's best interests to terminate Respondent-Mother's parental rights. Respondent-Mother timely appealed from both the 3 November 2023 permanency planning order that removed reunification as the permanent plan, and from the 3 June 2024 termination of parental rights orders.

II. Jurisdiction

This Court has jurisdiction to review the permanency planning order eliminating reunification as the permanent plan, and the termination of Respondent-Mother's parental rights, pursuant to N.C.G.S. §§ 7A-27(b)(2) and 7B-1001(a)(7)–(8) (2023).

III. Analysis

On appeal, Respondent-Mother argues the trial court erred in: (A) eliminating reunification with Respondent-Mother as the permanent plan for the minor children; (B) concluding grounds existed to terminate her parental rights based on neglect, dependency, and willful failure to make reasonable progress in correcting the

conditions that led to the minor children’s removal; and (C) concluding terminating her parental rights was in the best interests of the minor children. We address each argument, in turn.

A. Reunification

Respondent-Mother first argues the trial court erred in eliminating reunification with Respondent-Mother as the permanent plan for the minor children. We disagree.

When reviewing an order that ceases reunification efforts:

This Court reviews [the] order . . . to determine whether the trial court made appropriate findings, whether the findings are based upon credible evidence, whether the findings of fact support the trial court’s conclusions, and whether the trial court abused its discretion with respect to disposition.

In re C.M., 183 N.C. App. 207, 213 (2007). “The trial court’s findings of fact are conclusive on appeal if supported by any competent evidence.” *In re J.H.*, 373 N.C. 264, 267 (2020) (citation omitted). “This is true even where some evidence supports contrary findings. Unchallenged findings are deemed to be supported by sufficient evidence and are also binding on appeal.” *In re Q.J.P.*, 907 S.E.2d 442, 445 (N.C. Ct. App. 2024) (citation omitted) (cleaned up).

“The trial court’s dispositional choices—including the decision to eliminate reunification from the permanent plan—are reviewed only for abuse of discretion, as those decisions are based upon the trial court’s assessment of the child’s best

interests.” *In re L.R.L.B.*, 377 N.C. 311, 315 (2021); *see also In re J.H.*, 373 N.C. at 267–68. “An abuse of discretion occurs when the trial court’s ruling is so arbitrary that it could not have been the result of a reasoned decision.” *In re J.H.*, 373 N.C. at 268 (citation omitted). “The trial court’s conclusions of law are reviewable *de novo* on appeal.” *In re P.O.*, 207 N.C. App. 35, 41 (2010) (citation omitted). “Under the *de novo* standard, th[is] Court considers the matter anew and freely substitutes its own judgment for that of the lower court.” *In re A.M.*, 220 N.C. App. 136, 137 (2012) (citation omitted).

“At any permanency planning hearing . . . [r]eunification shall be a primary or secondary plan unless . . . the court makes written findings that reunification efforts clearly would be unsuccessful or would be inconsistent with the juvenile’s health or safety.” N.C.G.S. § 7B-906.2(b) (2023); *see also In re J.H.*, 373 N.C. at 268. “The[se] finding[s] . . . may be made at any permanency planning hearing, and if made, shall eliminate reunification as a plan.” N.C.G.S. § 7B-906.2(b). The trial court “shall make written findings as to each of the following, which shall demonstrate the degree of success or failure toward reunification”:

- (1) Whether the parent is making adequate progress within a reasonable period of time under the plan.
- (2) Whether the parent is actively participating in or cooperating with the plan, the department, and the guardian ad litem for the juvenile.
- (3) Whether the parent remains available to the court, the department, and the guardian ad litem for the juvenile.

(4) Whether the parent is acting in a manner inconsistent with the health or safety of the juvenile.

N.C.G.S. § 7B-906.2(d).

Where a parent has made only partial progress on her case plan or has not completed it prior to the order that eliminated reunification as the permanent plan, the trial court does not abuse its discretion in ceasing reunification efforts. *See In re J.H.*, 373 N.C. at 268–70 (concluding that the trial court did not abuse its discretion in “determining that ceasing reunification efforts was in the best interests of the children” where the mother demonstrated only “some progress” on her parenting skills and remained unemployed); *see also In re M.T.*, 285 N.C. App. 305, 326, 335 (2022) (concluding that the trial court did not abuse its discretion in ceasing reunification efforts where the mother “had not completed her case plan”).

Additionally, this Court has concluded that a trial court does not abuse its discretion in ceasing reunification efforts where, among other factors, a parent fails to make progress on the housing component of the case plan by failing to secure housing. *See In re K.S.*, 183 N.C. App. 315, 330 (2007) (concluding that the parent’s failure to secure housing, along with other factors, did not constitute an abuse of discretion in ceasing reunification efforts). In *In re J.A.K.*, the trial court held a permanency planning hearing whereupon it ceased reunification efforts. 258 N.C. App. 262, 264 (2018). The trial court made various findings, including that the father: “had not progressed on his case plan”; had “refused home visits by the social worker”;

and “was still trying to obtain housing[.]” *Id.* at 268. On appeal to this Court, we concluded:

The uncontested findings of fact demonstrate that [the f]ather had not made progress on the housing component of his case plan and was uncooperative with DSS. Given that housing was an area of concern for DSS, and that a year had passed since [the f]ather became involved in the case, we conclude that the trial court’s findings are sufficient to show a lack of initiative by [the f]ather to demonstrate that reunification would be successful and consistent with [the minor child’s] health and safety.

Id. at 268.

Here, Respondent-Mother challenges several findings of fact, including Finding of Fact 37, which is merely a recitation of the findings the trial court is required to make under N.C.G.S. § 7B-906.2(d). The remaining unchallenged findings of fact, however, support the findings made under Finding of Fact 37, which in turn supports the trial court’s elimination of reunification as the permanent plan for the minor children. *See* N.C.G.S. § 7B-906.2(d); *In re Q.J.P.*, 907 S.E.2d at 445; *see also In re C.M.*, 183 N.C. App. at 213.

Respondent-Mother does not challenge Findings of Fact 21, 23, 25, 28, 29, 31, 32, 33, 34, 36, and 42; thus, they are binding on appeal. *See In re Q.J.P.*, 907 S.E.2d at 445. Unchallenged Findings of Fact 21, 28, 31, and 32 detail Respondent-Mother’s housing issues, including that: she lived at her sister’s apartment; she slept on a couch and kept her belongings in the laundry room; the apartment had no room for the minor children; she had not obtained “stable and appropriate housing for herself

and the [minor] children”; and the trial court was concerned about Respondent-Mother’s lack of stable housing for over twenty months, and her ability to obtain stable housing. Unchallenged Findings of Fact 21 and 28 also describe Respondent-Mother’s refusal to let the social worker review or take photographs of the bedrooms in the apartment, as was required by her case plan. Further, unchallenged Findings of Fact 23, 25, 29, and 34 demonstrate the issues with the trailer as a potential housing solution: a man continued to live in the trailer; Respondent-Mother had no location where to place the trailer; and there were issues with the certificate of title where the seller’s name was not on the title.

As in *In re J.A.K.*, where the trial court found that the father’s failure to make progress on the housing component of the case plan, along with other factors—including refusing home visits by the social worker—did not, in the trial court’s discretion, demonstrate “that reunification would be successful and consistent with [the minor child’s] health and safety[,]” the unchallenged findings of fact in the instant case support a finding that reunification would be inconsistent with the health and safety of the minor children. 258 N.C. App. at 268; *see also In re L.R.L.B.*, 377 N.C. at 315; N.C.G.S. § 7B-906.2(b). Respondent-Mother had not made adequate progress on the housing component of her case plan when, for over twenty months, she had failed to secure adequate housing, and Respondent-Mother had refused to let the social worker review or take photographs of the bedrooms in the apartment—in

direct contravention of her case plan's requirement that she let the social worker take photographs "of wherever she is living[.]" *See In re J.A.K.*, 258 N.C. App. at 268.

Respondent-Mother did make some progress in attempting to obtain adequate housing. Competent Record evidence demonstrates that: Respondent-Mother was working towards obtaining housing, it was extremely difficult for her to obtain housing because of her felony drug conviction, and Respondent-Mother actively searched for housing and followed DSS' suggestions. Record evidence also demonstrates, however, that DSS provided Respondent-Mother with housing lists and resources starting in April 2022, yet Respondent-Mother only began looking for housing and housing assistance nearly a year later, from May 2023 until September 2023. As such, despite evidence of Respondent-Mother's progress in attempting to obtain adequate housing, Respondent-Mother did not ultimately "[o]btain and maintain safe and appropriate housing" as was required by her case plan, and the trial court could consider Respondent-Mother's "adequate progress within a *reasonable period of time* under the plan" in determining whether to cease reunification efforts. *See* N.C.G.S. § 7B-906.2(d)(1) (emphasis added).

Additionally, unchallenged Findings of Fact 33 and 36 describe additional factors that demonstrate Respondent-Mother was acting "in a manner inconsistent with the health or safety" of the minor children: Respondent-Mother had no plan on how to get the minor children to school, and she had made promises to the minor children that had "caused a great deal of confusion, sadness, and distress[.]" *See*

N.C.G.S. § 7B-906.2(d)(4). Finally, unchallenged Finding of Fact 42 encapsulates the trial court’s findings regarding Respondent-Mother’s case plan progress, in that her progress was both late and unreasonable. These unchallenged findings of fact further demonstrate additional factors, along with the housing issues described previously, that the trial court, in its discretion, could consider in determining whether to cease reunification efforts. *See In re K.S.*, 183 N.C. App. at 330; *In re J.A.K.*, 258 N.C. App. at 268; *see also In re L.R.L.B.*, 377 N.C. at 315; N.C.G.S. § 7B-906.2(d).

All of the unchallenged findings of fact directly support challenged Finding of Fact 37. As described previously, the unchallenged findings of fact support a finding that Respondent-Mother had “not made adequate progress within a reasonable time” on her case plan and that Respondent-Mother had acted “in a manner inconsistent with the health or safety of the” minor children, thus supporting the findings contained in Finding of Fact 37, which in turn support the findings required under N.C.G.S. § 7B-906.2(d). *See* N.C.G.S. § 7B-906.2(d). Because the trial court made unchallenged findings of fact that Respondent-Mother—although she had made progress on many aspects of her case plan—had not obtained adequate housing, had not made adequate progress within a reasonable time on her case plan, and acted in a manner inconsistent with the health and safety of the minor children, the trial court could properly consider these factors in deciding to eliminate reunification as the permanent plan. *See In re J.H.*, 373 N.C. at 268–70; *In re K.S.*, 183 N.C. App. at 330;

In re J.A.K., 258 N.C. App. at 268; *see also In re M.T.*, 285 N.C. App. at 326, 335; *In re L.R.L.B.*, 377 N.C. at 315.

The trial court had the discretion to cease reunification as the permanent plan if reunification “would be unsuccessful or would be inconsistent with the juvenile’s health or safety”; and the trial court made all the findings required under N.C.G.S. § 7B-906.2(d), supported by the unchallenged findings of fact. *See In re Q.J.P.*, 907 S.E.2d at 445; *In re L.R.L.B.*, 377 N.C. at 315; N.C.G.S. § 7B-906.2(d). Accordingly, the trial court did not abuse its discretion in ceasing reunification efforts. *See In re C.M.*, 183 N.C. App. at 213. We therefore affirm the trial court’s order changing the permanent plan to adoption.

B. Termination of Parental Rights: Neglect

Respondent-Mother next argues the trial court erred in concluding grounds existed to terminate her parental rights based on neglect, dependency, and willful failure to make reasonable progress in correcting the conditions that led to the minor children’s removal. We disagree, and as explained below, need only discuss neglect.

This Court reviews “a trial court’s adjudication under N.C.G.S. § 7B-1111 [(2023)] to determine whether the findings are supported by clear, cogent and convincing evidence and the findings support the conclusions of law.” *In re E.H.P.*, 372 N.C. 388, 392 (2019) (citation and internal quotation marks omitted). “A trial court’s findings of fact are binding on appeal if supported by competent evidence. Unchallenged findings of fact are also binding on appeal.” *In re H.R.P.*, 910 S.E.2d

738, 743 (N.C. Ct. App. 2024) (citation omitted). “Conclusions of law made by the trial court are reviewable de novo on appeal.” *Id.* at 744 (citation omitted).

Pursuant to N.C.G.S. § 7B-1111(a)(1), a parent’s rights may be terminated if “[t]he parent has abused or neglected the juvenile.” N.C.G.S. § 7B-1111(a)(1).

Termination of parental rights based upon this statutory ground requires a showing of neglect at the time of the termination hearing or, if the child has been separated from the parent for a long period of time, there must be a showing of past neglect and a likelihood of future neglect by the parent.

In re D.L.W., 368 N.C. 835, 843 (2016). “When determining whether such future neglect is likely, the district court must consider evidence of changed circumstances occurring between the period of past neglect and the time of the termination hearing.”

In re O.W.D.A., 375 N.C. 645, 648 (2020) (citation omitted). “A parent’s failure to make progress in completing a case plan is indicative of a likelihood of future neglect.”

In re K.B., 378 N.C. 601, 608 (2021) (citation omitted).

Here, Respondent-Mother does not challenge Findings of Fact 48–59,⁴ which are thus binding on appeal. *See In re H.R.P.*, 910 S.E.2d at 743. These Findings of

⁴ Respondent-Mother, in her reply brief, has included “Appendix A,” which purports to list the challenged findings of fact in the adjudication and disposition orders. While we normally appreciate such an organizational chart, Respondent-Mother has included “challenged” findings of fact that were not, in Respondent-Mother’s original brief to this Court, originally challenged in relation to the adjudication or disposition orders, but were rather challenged in relation to the permanency planning order that eliminated reunification as the permanent plan. Because a “reply brief is not an avenue to correct the deficiencies contained in the original brief[.]” *see Thomas v. Vill. of Bald Head Island*, 290 N.C. App. 670, 676 (2023) (citation omitted), we refer only to the challenged findings of fact as contained in Respondent-Mother’s original brief.

Fact demonstrate, as described previously, that Respondent-Mother: had not engaged in any mental health treatment; had “refused to engage in substance abuse treatment for a length period of time”; continued to live at her sister’s home; did not have a vehicle in her own name; had “not consistently provided for her children throughout this case”; and had, in six months since reporting purchasing the trailer, not found a permanent location for it. Further, the trailer had no electricity, water, or sewer; had no major appliances; had extensive damage; and “was not livable[.]”

Although Respondent-Mother challenges portions of Finding of Fact 46, it is undisputed that Respondent-Mother did not attend Women’s Recovery after 6 October 2023, and Record evidence demonstrates Respondent-Mother was not engaged in “any other form of substance abuse” treatment. Further, Respondent-Mother challenges only a portion of Finding of Fact 81, but does not challenge the portion that provides Respondent-Mother had “not maintained consistent contact with [DSS,]” which is additionally supported by competent Record evidence that the social worker was unable to get in contact with Respondent-Mother from 16 October 2023 until 27 November 2023, and again from 8 December 2023 until 2 February 2024.

The unchallenged findings of fact demonstrate that “between the period of past neglect and the time of the termination hearing” Respondent-Mother failed to make progress in completing her case plan, evidenced in particular by her: failure to obtain and maintain appropriate housing; failure to follow through with mental health and

substance abuse treatment recommendations; and failure to maintain consistent contact with DSS. *See In re O.W.D.A.*, 375 N.C. at 648 (citation omitted); *see also In re K.B.*, 378 N.C. at 608. By failing to complete critical portions of her case plan, Respondent-Mother's actions are "indicative of a likelihood of future neglect." *See In re K.B.*, 378 N.C. at 608 (citation omitted).

Accordingly, because there is a showing of past neglect and a likelihood of future neglect by Respondent-Mother, the trial court did not err in terminating Respondent-Mother's rights based on neglect. *See In re D.L.W.*, 368 N.C. at 843; *see also In re O.W.D.A.*, 375 N.C. at 648. We therefore affirm the trial court's order concluding grounds existed to terminate Respondent-Mother's parental rights based on neglect, and because one ground existed to terminate Respondent-Mother's parental rights, we do not reach Respondent-Mother's additional arguments as to the trial court's adjudication of the minor children. *See In re H.R.P.*, 910 S.E.2d at 747–48 (“[A] finding of only one ground is necessary to support a termination of parental rights[.]” (citation omitted)).

C. Best Interests

Respondent-Mother finally argues the trial court erred in concluding terminating her parental rights was in the minor children's best interests. We disagree.

“The trial court's assessment of a juvenile's best interests at the dispositional stage is reviewed for abuse of discretion.” *In re E.H.P.*, 372 N.C. at 392. “After an

adjudication that one or more grounds for terminating a parent’s rights exist, the court shall determine whether terminating the parent’s rights is in the juvenile’s best interest.” N.C.G.S. § 7B-1110(a) (2023). The trial court must make written findings regarding the following criteria that are relevant:

- (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 permanent placement.
- (6) Any relevant consideration.

N.C.G.S. § 7B-1110(a). “The trial court is permitted to give greater weight to” some factors over others. *In re A.H.F.S.*, 375 N.C. 503, 514 (2020) (citation omitted).

Here, the trial court made all of the findings required under N.C.G.S. § 7B-1110, and Respondent-Mother challenges none of the required dispositional findings of fact on appeal. Unchallenged Findings of Fact 116–123 demonstrate, in relevant part, that: “the likelihood of the [minor children’s] adoption is excellent”; there is a strong connection with the minor children’s current permanent placement with the family friends; the family friends wish to adopt the minor children; and the minor children would qualify for adoption assistance benefits. Even though some of the

findings of fact could weigh against a determination that it was in the minor children's best interests to terminate Respondent-Mother's parental rights—such as Finding of Fact 119, that “[t]here is a bond between the [minor children] and [] Respondent[-]Mother[,]” or Finding of Fact 74, that demonstrates some concern over the family friends’ financial resources—the trial court properly exercised its discretion in giving greater weight to some findings of fact over others. *See id.* at 514.

Accordingly, the trial court did not abuse its discretion in concluding it was in the minor children's best interests to terminate Respondent-Mother's parental rights. *See In re E.H.P.*, 372 N.C. at 392; *see also* N.C.G.S. § 7B-1110(a). We therefore affirm the trial court's order terminating Respondent-Mother's parental rights.

IV. Conclusion

Upon review, we conclude: first, the trial court did not abuse its discretion in eliminating reunification as the permanent plan for the minor children, because the trial court properly exercised its discretion upon considering the statutory factors required under N.C.G.S. § 7B-906.2(d); second, the trial court did not err in concluding grounds existed to terminate Respondent-Mother's parental rights based on neglect, because there is a showing of past neglect and a likelihood of future neglect by Respondent-Mother; and third, the trial court did not abuse its discretion in concluding termination of Respondent-Mother's parental rights was in the best interests of the minor children, because the trial court properly exercised its discretion upon considering the statutory factors required under N.C.G.S. § 7B-

1110(a). Because we conclude one ground existed to terminate Respondent-Mother's parental rights, we do not reach Respondent-Mother's additional arguments, and we therefore affirm the trial court's orders.

AFFIRMED.

Judge ARROWOOD concurs.

Judge WOOD concurs in result only.

Report per Rule 30(e).