

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority. Citation is disfavored, but may be permitted in accordance with the provisions of Rule 30(e)(3) of the North Carolina Rules of Appellate Procedure.

IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA25-1040

Filed 19 August 2026

Gaston County, Nos. 22JT000300-350, 22JT000301-350

In re:

A.M.K.,

A.L.K.,

Minor juveniles.

Appeal by respondent-father from order entered 8 July 2025 by Judge Edgar F. Bogle in Gaston County District Court. Heard in the Court of Appeals 21 July 2026.

J. Edward Yeager, Jr., for petitioner-appellee Gaston County Department of Health and Human Services.

Administrative Office of the Courts, by NC GAL Appellate Counsel Matthew D. Wunsche, for guardian ad litem.

Lisa Noda for respondent-appellant father.

ZACHARY, Judge.

Respondent-Father appeals from the trial court's order terminating his parental rights to his minor children "Alec" and "Anders."¹ On appeal, Respondent-

¹ To protect the juveniles' identities, we adopt the pseudonyms chosen by the parties. See N.C.R. App. P. 42(b).

Father asserts that the court erred when it found that (1) “there was a high likelihood of repetition of neglect if Alec and Anders were returned to” Respondent-Father; and (2) Respondent-Father “willfully left Alec and Anders in foster care for more than twelve (12) months without showing reasonable progress to correct the conditions which led to their removal.” After careful review, we affirm.

I. Background

On 20 October 2022, Alec, Anders, and their half-siblings were temporarily placed with their maternal grandmother after their mother failed a court-ordered drug test and was sent to jail. A few weeks later, on 11 November 2022, Mother assaulted the maternal grandmother in front of the children and was charged with simple assault. On 14 November 2022, the maternal grandmother informed the Gaston County Department of Social Services (“DSS”) that she could no longer serve as a temporary safety provider for the children.

On or about 15 November 2022, the trial court awarded nonsecure custody of the children to DSS, which attempted to place the children with a relative. Respondent-Father could not be approved for placement, due to his criminal record, history of substance abuse, and refusal to submit to a drug screen. No alternative suggested caregivers were deemed suitable placements, and consequently, DSS placed the children in foster care.

In an order entered on 1 June 2023, the trial court adjudicated the juveniles as neglected and dependent. On 16 June 2023, the court entered its disposition order,

in which Respondent-Father was ordered to complete his case plan. The case plan addressed the following needs: mental-health treatment, substance-abuse treatment, parenting skills, and stable housing and income. Additionally, the court ordered that Respondent-Father submit to random drug screens.

Over the next two years, the trial court monitored the case and consistently observed that Respondent-Father failed to make progress in completing his case plan. The court found that Respondent-Father maintained contact with DSS, completed parenting classes, provided proof of income when employed, and sporadically attended scheduled visitation with the children. However, he failed to timely complete his mental-health and substance-abuse assessments; participate in or complete mental-health and substance-abuse treatment; or maintain safe and stable housing. Significantly, Respondent-Father failed to maintain sobriety. He did not appear for more than half of his court-ordered drug screens. When he submitted to testing, he repeatedly tested positive for marijuana and cocaine, as well as other substances including oxycodone, methamphetamines, and benzodiazepines.

On 15 October 2024, after the children had been in foster care for almost two years, DSS filed a petition to terminate Respondent-Father's parental rights, alleging (1) neglect, and (2) that he had willfully left the children in foster care for more than 12 months without making reasonable progress toward correcting the conditions that led to their removal. The petition came on for hearing in Gaston County District Court on 5 June 2025.

By order entered on 8 July 2025, the trial court concluded that grounds existed to terminate Respondent-Father's parental rights pursuant to N.C. Gen. Stat. §§ 7B-1111(a)(1) and (2), and that it was in the children's best interest to do so. Accordingly, the trial court terminated Respondent-Father's parental rights.²

Respondent-Father entered timely notice of appeal.

II. Discussion

On appeal, Respondent-Father challenges several findings of fact as not supported by clear, cogent, and convincing evidence. He additionally asserts that the trial court erred by finding (1) that there is "a high likelihood of repetition of neglect if [the children] were returned to [Respondent-Father]"; and (2) that Respondent-Father "willfully left [the children] in foster care for more than twelve (12) months without showing reasonable progress to correct the conditions which led to their removal."

A. Standard of Review

"A termination of parental rights proceeding consists of an adjudicatory stage and a dispositional stage." *In re D.L.A.D.*, 375 N.C. 565, 567, 849 S.E.2d 811, 814 (2020); *see* N.C. Gen. Stat. §§ 7B-1109, -1110 (2023). "We review a trial court's adjudication to determine whether the findings are supported by clear, cogent and convincing evidence and the findings support the conclusions of law." *In re M.A.*, 378

² In a separate order, the trial court also terminated the parental rights of the juveniles' mother, but she did not appeal the order and is not a party to the proceedings before this Court.

N.C. 462, 466, 862 S.E.2d 169, 173 (2021) (extraneity removed). When “the trial court’s findings of fact are supported by ample, competent evidence, they are binding on appeal, even though there may be evidence to the contrary. Unchallenged findings of fact are conclusive on appeal and binding on this Court. We review the trial court’s conclusions of law de novo.” *In re C.M.P.*, 254 N.C. App. 647, 654, 803 S.E.2d 853, 858 (2017) (extraneity removed) (citations omitted).

“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. Gen. Stat. § 7B-1110(a). We defer to the trial court’s decision to terminate parental rights, unless that determination was “manifestly unsupported by reason or one so arbitrary that it could not have been the result of a reasoned decision.” *In re K.N.L.P.*, 380 N.C. 756, 759, 869 S.E.2d 643, 646 (2022).

B. Analysis

On appeal, Respondent-Father challenges both grounds underlying the trial court’s termination of his parental rights. “However, an adjudication of any single ground for terminating a parent’s rights under [N.C. Gen. Stat.] § 7B-1111(a) will suffice to support a termination order.” *In re J.S.*, 374 N.C. 811, 815, 845 S.E.2d 66, 71 (2020). Thus, we limit our review to Respondent-Father’s arguments regarding the ground of neglect.

“A trial court may terminate parental rights when it concludes the parent has neglected the juvenile within the meaning of [N.C. Gen. Stat.] § 7B-101.” *M.A.*, 378

N.C. at 466, 862 S.E.2d at 173; *see* N.C. Gen. Stat. § 7B-1111(a)(1). For the purposes of § 7B-1111(a)(1), a “neglected juvenile” is defined, in applicable part, as “[a]ny juvenile . . . whose parent, guardian, custodian, or caretaker . . . [d]oes not provide proper care, supervision, or discipline” or “[c]reates or allows to be created a living environment that is injurious to the juvenile’s welfare.” N.C. Gen. Stat. § 7B-101(15)(a), (e).

“When it cannot be shown that a parent is neglecting his or her child at the time of the termination hearing because 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 Z.V.A.*, 373 N.C. 207, 211–12, 835 S.E.2d 425, 429 (2019) (extraneity removed). In “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 J.M.J.-J.*, 374 N.C. 553, 556, 843 S.E.2d 94, 99 (2020) (citation omitted). Continued substance-abuse issues, noncompliance with the recommended case plan, and failure to maintain stable housing and employment are all factors that may support a termination of parental rights on the grounds of neglect under N.C. Gen. Stat. § 7B-1111(a)(1). *See In re M.A.W.*, 370 N.C. 149, 153, 804 S.E.2d 513, 516–17 (2017); *see also In re T.B.*, 380 N.C. 807, 812, 870 S.E.2d 119, 123 (2022) (“A parent’s failure to make progress in completing a case plan is indicative of a likelihood of future neglect.” (citation omitted)).

In the present case, Respondent-Father does not challenge the prior adjudication of neglect but argues that the trial court failed to find “by clear, cogent, and convincing evidence” that there was a “high likelihood” of the repetition of neglect. To support this argument, Respondent-Father challenges the following findings of fact:

24. [Respondent-Father] has failed to correct the conditions that led to the removal of the juveniles from his custody, such that the neglect would continue if the juveniles were returned to [Respondent-Father]’s care. The neglect has continued through the date of this hearing and is not due to the poverty of [Respondent-Father].

. . . .

35. [Respondent-Father] has failed to maintain employment or sufficient financial resources to support the juveniles and provide verification to [DSS]. [Respondent-Father] is currently drawing unemployment and is unable to work.

. . . .

40. Substance abuse was a major issue when the juveniles were placed in the custody of [DSS], and [Respondent-Father] admits to continued marijuana usage, and he continues to test positive for illegal substances. The [c]ourt finds as not credible [Respondent-Father]’s explanation for testing positive for cocaine, which he states is due to his surroundings and close proximity to illegal substances.

. . . .

44. The [c]ourt finds that there is a high likelihood of a repetition of neglect; in that, none of the conditions that brought the juveniles into [DSS]’s custody have been corrected.

. . . .

46. The [c]ourt finds that [Respondent-Father] neglected the juveniles within the meaning of [N.C. Gen. Stat. §] 7B-1111(a)(1) and [N.C. Gen. Stat. §] 7B-101(15); in that, the neglect has continued through the date of this hearing and is not due solely to the poverty of [Respondent-Father]. [Respondent-Father] has failed to correct the conditions that led to the removal of the juveniles from his custody, specifically substance abuse, such that neglect would continue if the juveniles were returned to his care. The juveniles were previously adjudicated neglected and there is a high probability of the repetition of neglect if the juveniles were returned to the custody of [Respondent-Father].

Notably, however, the trial court made other germane findings to which Respondent-Father does not raise a challenge, including:

20. The main issues that led to the juveniles entering [DSS]'s custody [were] truancy, substance abuse, and Respondent/mother's criminal charges.

. . . .

23. The [c]ourt has regularly reviewed [Respondent-Father]'s progress toward regaining custody of the juveniles, and the [c]ourt has never concluded at any hearing that [Respondent-Father] has made reasonable progress to warrant returning custody to [Respondent-Father].

. . . .

26. [Respondent-Father] has failed to submit to all requested drug screens.

. . . .

31. [Respondent-Father] has failed to maintain sobriety as evidenced in the . . . drug screens. [Respondent-Father]

admits to continued marijuana usage. Despite positive drug screens, [Respondent-Father] denies opioid usage in the last two (2) years and any cocaine usage.

32. The [c]ourt finds and [Respondent-Father] admits to interacting with individuals that are not appropriate to be in the presence of the juveniles. He contends that the positive drug tests for cocaine are a result of his surrounding environment, including his close proximity and contact with individuals associated with drug usage.

33. [Respondent-Father] recently obtained a substance abuse and mental health assessment in October 2024 but has not completed the recommendations of the assessment. Despite the recent assessment in October 2024, [Respondent-Father] continues to test positive for illegal substances, with the most recent positive result being on May 5, 2025.

34. [Respondent-Father] has failed to obtain and maintain a safe, clean and stable housing situation appropriate for the juveniles. He admits, and the [c]ourt finds, that he did not allow [DSS] to assess his housing because it was inappropriate for the juveniles, and he was ashamed of his housing.

....

38. Since the juveniles have been in foster care, [Respondent-Father] has failed to demonstrate the ability to meet the juveniles' basic needs for food, shelter, clothing, education, and health care.

....

41. Substance abuse treatment has never been completed by [Respondent-Father], and he has never demonstrated a period of sobriety since the juveniles were placed in custody of [DSS].

42. There was never a time that the [c]ourt deemed it appropriate for the return of the juveniles to [Respondent-

Father].

43. The juveniles have been in the custody of [DSS] for thirty (30) months and [Respondent-Father] is no closer to reunification [than] he was at the beginning of the case.

These unchallenged findings of fact “are deemed supported by competent evidence and are binding on appeal.” *J.M.J.-J.*, 374 N.C. at 556, 843 S.E.2d at 99 (citation omitted). Accordingly, “we review only those findings necessary to support the trial court’s determination that grounds existed to terminate [the] respondent’s parental rights.” *M.A.*, 378 N.C. at 466, 862 S.E.2d at 173.

Here, the unchallenged findings evidence that Respondent-Father consistently failed to report for scheduled drug screens, and that when he did attend, he routinely tested positive for illegal substances. Despite having approximately two years to do so, Respondent-Father neglected to obtain a mental health and substance abuse assessment until October 2024; he never completed the recommendations of the assessment, enrolled in substance-abuse treatment, or obtained safe, clean, and stable housing. Moreover, by Respondent-Father’s admission, as of the date of the hearing, he was still “interacting with individuals that [were] not appropriate to be in the presence of the juveniles.”

It is clear that Respondent-Father failed to make progress on his case plan; ultimately, the same issues that prevented Alec and Anders from being placed with Respondent-Father in November 2022 still existed at the time of the termination hearing. Therefore, the trial court’s unchallenged findings of fact are sufficient to

support a conclusion of neglect as well as a conclusion that there was a likelihood of future neglect. *See* N.C. Gen. Stat. § 7B-101(15)(a), (e). As such, the challenged findings “need not be reviewed on appeal.” *In re C.J.*, 373 N.C. 260, 262, 837 S.E.2d 859, 860 (2020).

The trial court therefore did not err in concluding that grounds existed to terminate Respondent-Father’s parental rights for neglect pursuant to N.C. Gen. Stat. § 7B-1111(a)(1). Respondent-Father does not challenge the court’s conclusion that termination of his parental rights was in the juveniles’ best interest. Accordingly, we affirm the trial court’s order.

III. Conclusion

For the foregoing reasons, the trial court’s order terminating Respondent-Father’s parental rights is affirmed.

AFFIRMED.

Judges CARPENTER and FLOOD concur.

Report per Rule 30(e).