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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA25-839

Filed 19 August 2026

Guilford County, No. 24JA001641-400

IN THE MATTER OF: N.J.

Appeal by Respondent-Mother from orders entered 6 January 2025 and 4 June 2025 by Judge Brian K. Tomlin in Guilford County District Court. Heard in the Court of Appeals 21 April 2026.

Sean P. Vitrano for Respondent-Appellant-Mother.

Mercedes O. Chut for Petitioner-Appellee Guilford County Department of Health and Human Services.

NC Guardian Ad Litem Program, by Michelle FormyDuval Lynch, for the Appellee Guardian ad Litem.

CARPENTER, Judge.

Respondent-Mother appeals from an order (the “Adjudication Order”) adjudicating her daughter, Nina,¹ as a neglected and dependent juvenile. She also appeals from the trial court’s disposition order (the “Disposition Order”), which ceased reunification efforts and suspended visitation. On appeal, Respondent-

¹ A pseudonym is used to protect the juvenile’s identity and for ease of reading. See N.C. R. App. P. 42(b) (2025).

Mother argues that the trial court: (1) erred in adjudicating Nina as dependent; and (2) abused its discretion in entering the Disposition Order without receiving evidence from the Guardian ad Litem (“GAL”). For the reasons discussed below, we affirm.

I. Factual & Procedural Background

In late May 2024, Nina was born to Respondent-Mother and father. In July 2024, father engaged in domestic violence against Respondent-Mother and Nina. On 1 October 2024, the Guilford County Department of Health and Human Services (“GCDHHS”) filed a juvenile petition, alleging that Nina was neglected and dependent. The same day, the trial court granted GCDHHS nonsecure custody of Nina. On 1 November 2024, the trial court conducted an adjudication hearing where the evidence tended to show the following.

On 3 July 2024, GCDHHS received a report alleging that father engaged in domestic violence against Respondent-Mother while Respondent-Mother was holding Nina. The report also alleged that father struck Nina—weeks old at the time—days before. A GCDHHS social worker immediately contacted Respondent-Mother, who was uncooperative, refused to meet, and declined to provide her address, stating “I’m in a whole other county and you cannot cross jurisdiction.” On 16 July 2024, Respondent-Mother contacted the Sampson County Department of Social Services (“SCDSS”) and represented that she was living with her father in Sampson County. On 25 July 2024, GCDHHS transferred the case to SCDSS. A SCDSS social worker substantiated the July 2024 domestic violence report.

On 26 July 2024, Respondent-Mother met with a SCDSS social worker and agreed to undergo a mental health evaluation, domestic violence counseling, and a parenting assessment. Respondent-Mother denied that domestic violence had occurred since 2022 but agreed to a temporary safety plan, which included temporarily placing Nina with her Paternal Grandmother in Guilford County. During the two months Nina resided with Paternal Grandmother, emergency services received two 911 calls concerning domestic disturbances at Paternal Grandmother's home. Unbeknownst to SCDSS, GCDHHS had previously determined that Paternal Grandmother was not an appropriate caregiver amidst separate investigations involving Nina's siblings.

Before Nina was born, her two older siblings were in GCDHHS custody and placed in foster care. The trial court had terminated Respondent-Mother's parental rights to one of those juveniles and suspended her visitation with the other juvenile because Respondent-Mother had not progressed on her case plan. Respondent-Mother's case plan with Nina's siblings included addressing issues related to housing, parenting education, employment, domestic violence, mental health, and substance abuse. According to GCDHHS, Respondent-Mother had not secured stable housing, had not completed parenting education, had not resolved her domestic violence issues, and had not engaged in mental health treatment.

In August 2024, a social worker conducted a home visit at Paternal Grandmother's home. Respondent-Mother attended the visit. Respondent-Mother

admitted that she and father were still in a relationship. Later that month, Respondent-Mother reported that she had moved back to Guilford County, prompting SCDSS to transfer Nina's case back to GCDHHS.

On 1 October 2024, GCDHHS hosted a child and family team meeting in its office. During the meeting, a GCDHHS social worker expressed concerns that Paternal Grandmother's home was unsuitable for Nina, but Respondent-Mother provided no other placement options. Before the meeting ended, Respondent-Mother engaged in a physical altercation with security personnel and attempted to leave the building with Nina. That day, GCDHHS filed a juvenile petition alleging Nina was neglected and dependent, acquired nonsecure custody of Nina, removed Nina from Paternal Grandmother's care, and placed her in a foster home. On 2 October 2024, the trial court appointed a GAL volunteer and an attorney advocate to represent Nina's best interests. On 14 October 2024, the trial court entered an order continuing nonsecure custody with GCDHHS.²

On 21 October 2024, Respondent-Mother entered into a case plan that mirrored her case plan for Nina's siblings: she agreed to obtain and maintain stable housing; participate in parenting education; maintain employment; complete a

² In this order, the trial court also noted that Respondent-Mother requested GCDHHS perform a home study on Paternal Grandmother as well as Nina's paternal great grandmother. The trial court denied the home study "based on the conditions which lead to the juvenile's removal." On appeal, Respondent-Mother does not argue that paternal great grandmother would have been an appropriate placement.

substance abuse assessment and submit to random drug screens; complete a mental health assessment and follow all resulting recommendations; and address domestic violence concerns.

After the initial adjudication hearing on 1 November 2024, the trial court entered the Adjudication Order on 6 January 2025. In the Adjudication Order, the trial court found that Paternal Grandmother was not a suitable placement, Respondent-Mother was homeless, and Nina remained in GCDHHS custody because no appropriate relative placement had been identified. The trial court also found that Respondent-Mother's parental rights to one of Nina's siblings had been involuntarily terminated based on domestic violence and inadequate housing, Nina's other sibling remained in GCDHHS custody, and Respondent-Mother was not engaging in her case plan to address domestic violence or housing issues. Based on its findings, the trial court adjudicated Nina as neglected and dependent.

On 26 November 2024, the trial court held the initial disposition hearing. A GCDHHS social worker testified that Respondent-Mother: was homeless and unemployed; had not completed parenting education, a psychological assessment, mental health treatment, drug screens, or a substance abuse assessment; but had begun attending domestic violence classes. After presenting its evidence, GCDHHS requested that the trial court continue nonsecure custody and cease reunification efforts. The GAL attorney advocate did not present evidence but stated that she "concur[red]" with GCDHHS.

On 4 June 2025, the trial court entered the Disposition Order, maintaining custody of Nina with GCDHHS, ceasing reunification efforts, and suspending Respondent-Mother's visitation. In the Disposition Order, the trial court incorporated a GCDHHS report, which alleged that Nina and her siblings entered foster care due to a lack of an appropriate alternative caregiver. On 25 June 2025, Respondent-Mother timely appealed from the Adjudication Order and the Disposition Order.

II. Jurisdiction

This Court has jurisdiction under N.C. Gen. Stat. § 7B-1001(a)(3), (5) (2025).

III. Issues

The issues on appeal are whether the trial court: (1) erred in adjudicating Nina as a dependent juvenile; and (2) abused its discretion in entering the Disposition Order without receiving evidence from the GAL.

IV. Analysis

A. Dependency

Respondent-Mother argues that the trial court erred in adjudicating Nina as dependent because Respondent-Mother did not require an alternative child care provider. Specifically, Respondent-Mother argues that she, or alternatively, Nina's Paternal Grandmother, could have provided proper care and supervision for Nina at the time GCDHHS filed the petition. We disagree.

“‘When reviewing a trial court’s order adjudicating a juvenile abused, neglected, or dependent, this Court’s duty is to determine (1) whether the findings of fact are supported by clear and convincing evidence, and (2) whether the legal conclusions are supported by findings of fact.’” *In re W.C.T.*, 280 N.C. App. 17, 26–27, 867 S.E.2d 14, 22 (2021) (quoting *In re F.C.D.*, 244 N.C. App. 243, 246, 780 S.E.2d 214, 217 (2015)).

“[E]videntiary facts are those subsidiary facts required to prove the ultimate facts.” *In re G.C.*, 384 N.C. 62, 66 n.3, 884 S.E.2d 658, 661 n.3 (2023) (quoting *Woodard v. Mordecai*, 234 N.C. 463, 470, 67 S.E.2d 639, 644 (1951)). “[A]n ultimate finding is a finding supported by other evidentiary facts reached by natural reasoning.” *Id.* at 66 n.3, 884 S.E.2d at 661, n.3. “The phrase ‘reached by natural reasoning’ means reached logically—in other words, the conclusion at which a reasonable person would arrive after considering all of the trial court’s evidentiary findings.” *In re L.C.*, 387 N.C. 475, 481, 915 S.E.2d 106, 111 (2025). “‘A trial court’s finding of an ultimate fact is conclusive on appeal if the evidentiary facts reasonably support the trial court’s ultimate finding [of fact].’” *In re G.C.*, 384 N.C. at 65, 884 S.E.2d at 661 (quoting *State v. Fuller*, 376 N.C. 862, 864, 855 S.E.2d 260, 263 (2021) (alteration in original)).

“The determination of whether a child is abused, neglected, or dependent is a conclusion of law.” *In re W.C.T.*, 280 N.C. App. at 27, 867 S.E.2d at 22 (citing *In re Ellis*, 135 N.C. App. 338, 340, 520 S.E.2d 118, 120 (1999)). “The trial court’s

conclusions of law are reviewed *de novo*.” *Id.* at 27, 867 S.E.2d at 22 (citing *In re Pope*, 144 N.C. App. 32, 40, 547 S.E.2d 153, 158 (2001)).

A dependent juvenile is one “in need of assistance or placement because . . . the juvenile’s parent, guardian, or custodian is unable to provide for the juvenile’s care or supervision and lacks an appropriate alternative child care arrangement.” N.C. Gen. Stat. § 7B-101(9) (2025). “‘Findings of fact addressing both prongs must be made before a juvenile may be adjudicated as dependent’” *In re R.B.*, 280 N.C. App. 424, 437, 868 S.E.2d 119, 128 (2021) (quoting *In re L.C.*, 253 N.C. App. 67, 80, 800 S.E.2d 82, 91–92 (2017)). “‘Unchallenged findings of fact are . . . binding on appeal.’” *In re H.R.P.*, 297 N.C. App. 339, 344, 910 S.E.2d 738, 743 (2024) (quoting *Durham Hosiery Mill Ltd. v. Morris*, 217 N.C. App. 590, 592, 720 S.E.2d 426, 427 (2011)).

Here, the trial court’s evidentiary findings support its ultimate finding that Respondent-Mother was unable to provide for Nina’s care or supervision when GCDHHS filed the juvenile petition. *See In re G.C.*, 284 N.C. at 66, 884 S.E.2d at 661; N.C. Gen. Stat. § 7B-101(9). Unchallenged evidentiary findings show the following. Nina’s older siblings were removed from Respondent-Mother’s custody and placed in foster care because Respondent-Mother failed to resolve concerns related to domestic violence, her mental health, and inadequate housing. *See In re H.R.P.*, 297 N.C. App. at 344, 910 S.E.2d at 743. When GCDHHS filed the juvenile petition as to Nina, Respondent-Mother denied that domestic violence had occurred and remained

in a relationship with father, despite ongoing domestic violence directly involving Nina. *See id.* at 344, 910 S.E.2d at 743. Additionally, Respondent-Mother was not participating in mental health treatment, had not completed parenting education, and did not have stable housing. *See id.* at 344, 910 S.E.2d at 743. These findings demonstrate the conditions that led to the removal of Nina's siblings remained substantially unresolved when Nina was placed in GCDHHS custody. *See In re L.C.*, 387 N.C. at 481, 915 S.E.2d at 111. In particular, Nina's exposure to domestic violence, coupled with Respondent-Mother's other unaddressed issues, left Respondent-Mother without the stability necessary to provide adequate care or supervision. *See id.* at 481, 915 S.E.2d at 111. Therefore, the evidentiary findings support the trial court's ultimate finding that Respondent-Mother was unable to provide for Nina's care and supervision. *See In re G.C.*, 284 N.C. at 66, 884 S.E.2d at 661.

The trial court's evidentiary findings similarly support its ultimate finding that no appropriate, alternative child care arrangement existed. *See In re G.C.*, 284 N.C. at 66, 884 S.E.2d at 661; N.C. Gen. Stat. § 7B-101(9). The record and unchallenged findings indicate that Respondent-Mother suggested no additional suitable caregivers. *See id.* at 344, 910 S.E.2d at 743. Unchallenged findings also reflect that Nina's older siblings were in foster placements because Paternal Grandmother was not a suitable placement. *See id.* at 344, 910 S.E.2d at 743. The trial court, however, did not exclusively base its assessment on outdated information.

During the two months Nina was placed with Paternal Grandmother, two 911 calls were made concerning domestic disturbances at Paternal Grandmother's residence. *See id.* at 344, 910 S.E.2d at 743. These evidentiary findings support the trial court's ultimate finding that Respondent-Mother lacked an appropriate, alternative child care arrangement. *See In re G.C.*, 284 N.C. at 66, 884 S.E.2d at 661; N.C. Gen. Stat. § 7B-101(9).

Accordingly, the trial court's ultimate findings addressing both dependency prongs support the trial court's conclusion that Nina was a dependent juvenile. *See In re W.C.T.*, 280 N.C. App. at 26–27, 867 S.E.2d at 22; N.C. Gen. Stat. 7B-101(9).

B. Disposition

Respondent-Mother next argues that the trial court abused its discretion by entering the Disposition Order without receiving evidence from the GAL. At the outset, Respondent-Mother contends that the issue is automatically preserved. We disagree.

To preserve an issue for appellate review, a party must make a timely request, objection, or motion and obtain a ruling from the trial court. N.C. R. App. P. 10(a)(1) (2025). “The specificity requirement in Rule 10(a)(1) prevents unnecessary retrials by calling possible error to the attention of the trial court so that the presiding judge may take corrective action if it is required.” *State v. Bursell*, 372 N.C. 196, 199, 827 S.E.2d 302, 305 (2019) (citing *Dogwood Dev. & Mgmt. Co., LLC v. White Oak Transp. Co.*, 362 N.C. 191, 195, 657 S.E.2d 361, 363 (2008)). Yet, an issue may be

automatically preserved for appellate review when a trial court acts contrary to a statutory mandate, *see In re B.E.*, 375 N.C. 730, 747, 851 S.E.2d 307, 319 (2020), because we view “mandatory statutes as legislative enactments of public policy which require the trial court to act, even without a request to do so,” *see State v. Hucks*, 323 N.C. 547, 579–80, 374 S.E.2d 240, 244 (1988).

Under section 7B-601(a), one of the duties of the GAL program is to “explore options with the court at the dispositional hearing.” N.C. Gen. Stat. § 7B-601(a) (2025). In *S.D.H.*, this Court concluded that, in the context of a termination of parental rights disposition hearing, section 7B-601 “imposes an implicit duty upon the trial court to ensure the role(s) of the guardian ad litem are performed as required by statute.” 296 N.C. App. 392, 402, 908 S.E.2d 868, 877 (2024). We reasoned that the GAL’s pre-trial investigation, reports, or input at such a critical stage provides the trial court with “family dynamics and circumstances which are necessary to permit the trial court to make an informed decision as to the best interest of the [j]uveniles.” *Id.* at 404, 908 S.E.2d at 878. Thus, in the termination context, the trial court must receive evidence from the GAL to inform its weighty decision regarding whether a juvenile’s best interest is served by “‘permanent[ly] sever[ing] the parent-child relationship and . . . extinguish[ing] . . . an individual’s constitutional status as a parent.’” *Id.* at 402, 908 S.E.2d at 877 (quoting *In re O.E.M.*, 379 N.C. 27, 34, 864 S.E.2d 257, 263 (2021)).

The purpose of the dispositional stage of a termination-of-parental-rights proceeding fundamentally differs from an initial disposition hearing. At the termination stage, the trial court must determine whether *permanently* severing the parent-child relationship is in the juvenile's best interests. *See id.* at 402, 908 S.E.2d at 877 (recognizing "the stakes are considerably higher for a respondent in a termination proceeding than in an abuse, neglect, or dependency proceeding . . ."). Because that determination carries enduring consequences, the trial court must consider section 7B-1110(a), which includes considerations like the likelihood of the juvenile's adoption, the bond between the juvenile and the parent, and the quality of the juvenile's relationship with the proposed permanent placement. *See id.* at 402, 908 S.E.2d at 877; N.C. Gen. Stat. § 7B-1110(a) (2025).

An initial disposition hearing serves a different, less-final purpose. Rather than deciding whether "permanent severance of the parent-child relationship and the extinguishment of an individual's constitutional status as a parent" is in the juvenile's best interest, *see In re S.D.H.*, 296 N.C. App. at 404, 908 S.E.2d at 877, the trial court's task is to fashion "an appropriate plan to meet the needs" of the juvenile, *see* N.C. Gen. Stat. § 7B-900 (2025). In doing so, the trial court may select from a combination of statutorily-authorized dispositional alternatives that serve the juvenile's immediate best interests, including an appropriate placement. *See id.* §§ 7B-901,-903; *In re K.W.*, 272 N.C. App. 487, 493, 846 S.E.2d 584, 589 (2020). The more flexible framework of section 7B-901 permits the trial court to hold an

“informal” initial disposition hearing where it *may* consider written reports, evidence concerning the juvenile’s needs, and any other evidence it finds relevant, reliable, and necessary to determine the most appropriate, immediate disposition. N.C. Gen. Stat. § 7B-901(a); *see also In re A.N.L.*, 213 N.C. App. 266, 269, 714 S.E.2d 189, 192 (2011) (“Although the GAL’s presence at the [abuse and neglect] hearing may be preferable, the language of the statute does not mandate the nonlawyer volunteer’s attendance.”) (modification in original) (quoting *In re J.H.K.*, 365 N.C. 171, 176, 711 S.E.2d 118, 121 (2011)).

At an initial disposition hearing, the trial court should seriously consider the GAL recommendations flowing from its investigation. Given the statutory differences between the two types of disposition hearings, however, we decline to adopt a bright-line rule requiring automatic reversal when a trial court enters an initial disposition order without receiving evidence from the GAL. Therefore, any party with concerns that the trial court would rule on initial disposition with an incomplete understanding of the facts must comply with Rule 10, providing the trial court an opportunity to take corrective action and preserving the issue for review. *See Bursell*, 372 N.C. at 199, 827 S.E.2d at 305.

Here, the trial court held an initial disposition hearing, where it was permitted to select from several statutory options, rather than a disposition hearing in a termination proceeding, where the trial court decides whether termination of parental rights is in the best interests of the child. Accordingly, the trial court did

not violate a statutory mandate by entering the Disposition Order absent evidence from the GAL. *See In re A.N.L.*, 213 N.C. App. at 269, 714 S.E.2d at 192; N.C. Gen. Stat. § 7B-901. Because the trial court did not explicitly violate a statutory mandate, Respondent-Mother was required to preserve this issue for appellate review. *See* N.C. R. App. P. 10(a)(1); *In re B.E.*, 375 N.C. at 747, 851 S.E.2d at 319. As she failed to do so, we dismiss this argument as unpreserved.

V. Conclusion

In sum, we affirm the Adjudication Order because the trial court's findings support its conclusion that Nina was a dependent juvenile. We dismiss Respondent-Mother's unpreserved argument concerning the Disposition Order.

AFFIRMED.

Judges WOOD and STADING concur.

Report per Rule 30(e).