

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA26-157

Filed 19 August 2026

Forsyth County, Nos. 22JT000045-330, 22JT000046-330

In the matter of: B.B., G.B.

Appeal by respondent-mother from order entered 13 November 2025 by Judge Thomas W. Davis, V in Forsyth County District Court. Heard in the Court of Appeals 21 July 2026.

Hooks Law, P.C., by Laura G. Hooks, for the respondent-appellant-mother.

Forsyth County Department of Social Services, Assistant County Attorney by Melissa Starr Livesay, petitioner-appellee.

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

TYSON, Judge.

Respondent-Mother appeals from the trial court's order terminating parental rights to her children. We affirm.

I. Background

“Bobby” and “Greg,” twin boys born in April 2010, were cared for by their paternal grandparents since they were a year old. *See* N.C. R. App. P. 42(b) (pseudonyms used to protect the identity of the minors). A consent custody order filed

on 3 August 2018 awarded sole legal and physical custody of Bobby and Greg to their paternal grandparents.

On 28 March 2022, the Forsyth County Department of Social Services (“DSS”) received a report asserting Bobby and Greg had arrived at school with red marks and duct tape residue on their skin. The children were examined and found to have extensive bruises all over their bodies. The matter was investigated and it was determined their grandmother would routinely bind the children with duct tape and beat them. Both children were undersized and diagnosed with failure to thrive. Respondent-Mother was incarcerated in Knoxville, Tennessee when the children were removed from the grandparents’ home and placed into DSS’s custody.

The children were adjudicated as neglected and abused on 22 February 2023. The court established the permanent plan for them as adoption with a secondary plan of reunification with Respondent-Mother. In order to reunify with the children, Respondent-Mother was ordered to complete a parenting capacity assessment and a psychological evaluation, demonstrate an ability to meet the basic and therapeutic needs of the children, and to complete a substance abuse assessment and follow the recommendations.

Respondent-Mother was incarcerated shortly after the adjudication hearing. She was released and out of custody when the first permanency planning hearing was held in May of 2023. Respondent-Mother was on probation and had other pending charges in Tennessee.

Respondent-Mother was incarcerated again in Tennessee at the time of the 17 November 2023 permanency planning hearing and participated virtually. The permanent plan for the children was changed to adoption with a secondary plan of guardianship.

Respondent-Mother remained incarcerated awaiting trial in Tennessee and participated virtually in the next permanency planning hearing on 19 April 2024. She was subsequently convicted of criminal charges and was incarcerated at West Tennessee State Penitentiary at the next permanency planning hearing held on 4 October 2024. She was permitted to participate in the hearing by telephone. The trial court ordered DSS to file a petition to terminate parental rights following that hearing.

A final permanency planning hearing was held on 21 April 2025. Respondent-Mother remained incarcerated and her attorney was unable to secure her presence for the hearing. Respondent-Mother's projected release from prison is December 2027.

DSS filed a petition to terminate both parents' parental rights on 9 May 2025. The matter was heard before the trial court on 24 September 2025. The father wished to relinquish his parental rights to the twins, who were then fifteen years old.

Respondent-Mother was not present at the hearing. Respondent-Mother's attorney explained to the court, that over the previous several weeks, she had taken the steps necessary to permit Respondent-Mother to participate in the hearing.

Respondent-Mother's attorney stated she was unsure why Respondent-Mother did not log on for the hearing.

The court found the termination of parental rights motion had been pending for 139 days, Respondent-Mother had ample time to communicate with her attorney regarding her wishes, and there were no assurances Respondent-Mother would participate in the hearing if it were continued.

The trial court denied Respondent-Mother's attorney's motion to continue the hearing. The court found grounds to terminate Respondent-Mother's parental rights based upon N.C. Gen. Stat. §§ 7B-1111(a)(1) (neglect) and (2) (failure to make reasonable progress to correct the conditions which led to the children's removal).

II. Jurisdiction

Jurisdiction lies in this Court pursuant to N.C. Gen. Stat. § 7B-1001(a)(3) (2025).

III. Motion to Continue

In her sole argument on appeal, Respondent-Mother argues the trial court erred by denying her motion to continue the termination of parental rights hearing.

A. Standard of Review

"Continuances are generally disfavored, and the burden of demonstrating sufficient grounds for continuation is placed upon the party seeking the continuation." *In re J.B.*, 172 N.C. App. 1, 10, 616 S.E.2d 264, 270 (2005) (citations omitted). The trial court's ruling on a motion to continue is ordinarily reviewed for an abuse of discretion. *Id.* "However, if 'a motion to continue is based on a

constitutional right, then the motion presents a question of law which is fully reviewable [*de novo*] on appeal.” *In re D.Q.W.*, 167 N.C. App. 38, 40-41, 604 S.E.2d 675, 677 (2004) (quoting *State v. Jones*, 342 N.C. 523, 530-31, 467 S.E.2d 12, 17 (1996)).

Respondent-Mother argues the denial of her motion to continue implicates her due process rights and should be reviewed under the *de novo* standard. *See id.* “[R]egardless of whether the motion raises a constitutional issue or not, a denial of a motion to continue is only grounds for a new [hearing] when [the parent] shows both the denial was erroneous, and that [s]he suffered prejudice as a result of the error.” *In re A.L.S.*, 374 N.C. 515, 517, 843 S.E.2d 89 91 (2020).

B. Prejudice

Presuming the denial was erroneous, “[p]rejudicial error is defined as whether ‘there is a reasonable possibility that, had the error in question not been committed, a different result would have been reached at the trial out of which the appeal arises.’” *In re I.S.*, 170 N.C. App. 78, 85, 611 S.E.2d 467, 471 (2005) (quoting N.C. Gen. Stat. § 15A-1443(a) (2003)). Here, the evidence and unchallenged findings of fact support the grounds and conclusion for termination.

The boys were fifteen years old at the time of the hearing. The record shows they had been outside of Respondent-Mother’s care since they were a year old. The custodial parental grandparents subjected them to severe abuse and neglect. The trial court found it is likely the abuse would have been discovered and stopped much

sooner if the parents had regularly checked in on or visited with the children while they were in the grandparents' custody.

Respondent-Mother acknowledged she did not maintain contact with her twin sons prior to their removal from the grandparents, which contributed to their abuse. She has not seen nor spoken to the boys since 2023. There were periods of time when Respondent-Mother was not incarcerated, and she did not contact DSS to inquire about visitation with them. During the entirety of the case, she had sent only one letter to them.

Respondent-Mother was ignorant of the children's extensive psychological and other needs. The overwhelming evidence and uncontroverted findings of fact show Respondent-Mother neglected the children and there is a likelihood of future neglect. *See In re D.L.W.*, 368 N.C. 835, 843, 788 S.E.2d 162, 167 (2016) (citing *In re Ballard*, 311 N.C. 708, 713-15, 319 S.E.2d 227, 231-32 (1984)).

We need not address the other ground upon which the trial court terminated rights. *See In re J.S.*, 374 N.C. 811, 815, 845 S.E.2d 66, 71 (2020). "[A]n 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." *Id.* Respondent-Mother has failed to show a reasonable possibility her presence at the termination of parental rights hearing would have resulted in a different outcome to demonstrate prejudice. *In re I.S.*, 170 N.C. App. at 85, 611 S.E.2d at 471. The brothers will achieve majority in April 2028, four months after Respondent-Mother's scheduled release from prison.

IV. Conclusion

Respondent-Mother cannot demonstrate prejudice from the trial court's denial of her motion to continue. *Id.* The trial court's order terminating her parental rights is affirmed. *It is so ordered.*

AFFIRMED.

Judges STROUD and WOOD concur.

Report per Rule 30(e).