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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA26-63

Filed 19 August 2026

Chatham County, Nos. 23JA000047-180, 23JA000048-180

IN RE: S.R.L., J.P.L., JR.

Appeal by respondent-mother and respondent-father from orders entered 14 October 2025 by Judge Sherri Murrell in Chatham County District Court. Heard in the Court of Appeals 21 July 2026.

Stephenson & Fleming, LLP, by Jane R. Thompson, for petitioner-appellee Chatham County Department of Social Services.

Womble Bond Dickinson (US) LLP, by John E. Pueschel and Haley Hurst, for appellee guardian ad litem.

Anné C. Wright for respondent-appellant father.

Parent Defender Annick Lenoir-Peek, by Senior Assistant Parent Defender J. Lee Gilliam, for respondent-appellant mother.

ZACHARY, Judge.

Respondent-Mother and Respondent-Father appeal from orders terminating their parental rights to their children “John” and “Sadie.”¹ After careful review, we affirm the trial court’s orders.

¹ To protect the juveniles’ identities, we adopt the pseudonyms to which the parties have stipulated. See N.C.R. App. P. 42(b).

I. Background

Chatham County Department of Social Services (“DSS”) received reports concerning John and Sadie on 19 April and 16 June 2023; DSS filed juvenile petitions alleging that John and Sadie were neglected and dependent juveniles on 6 July 2023. The petitions detailed the family’s involvement with DSS during the previous three years, which included reports of neglect, domestic violence, sexual abuse on the part of Respondent-Father’s girlfriend, marijuana and methamphetamine abuse, and profound concerns with Respondent-Mother’s mental health. At that time, Respondent-Parents each had two other children no longer in their care; Respondent-Father’s were in DSS custody.

The petitions alleged that “the family ha[d] been unhoused for several months”; that both Respondent-Parents had tested positive for marijuana and amphetamines;² that DSS had received information that Respondent-Father had put his hands around Sadie’s neck; and that Respondent-Mother had been diagnosed with a “functional neurological disorder.” The report stated that the juveniles had, at different times, resided with their paternal grandmother and a childhood friend of Respondent-Mother as part of a temporary safety plan. However, due to Respondent-Mother’s

² DSS alleged in the petitions that although Respondent-Father “has a prescription for amphetamines, . . . Respondent[-M]other does not.” DSS further alleged, “[u]pon information and belief,” that “Respondent[-M]other is using Respondent[-F]ather’s amphetamine medication, possibly without his knowledge, and Respondent[-F]ather is not taking this medication as prescribed.”

verbal and physical altercations with these temporary caregivers, the juveniles' maternal grandmother eventually assumed care of Sadie and John.

DSS received nonsecure custody of the juveniles on 6 July 2023 and placed them with their maternal grandmother.

The trial court conducted an adjudication and disposition hearing on 14 September 2023, and in an order entered pursuant to the hearing, adjudicated the juveniles neglected and dependent. The trial court found that Respondent-Parents were "unable to provide care or supervision because they [did] not have stable housing, continuing to reside in various hotels." Although they had "identif[ied] an alternative childcare arrangement," that arrangement was "not appropriate." The court further found that the juveniles were "impaired or at substantial risk of impairment due to substance use and mental health disorders, domestic violence, lack of stable housing, inadequate parenting skills, prior child protective services history, and diminishing protective factors, along with the underlying causes."

At disposition, the trial court ordered Respondent-Mother to "complete a substance[-]use assessment . . . and follow all recommendations"; "engage in [a] domestic violence assessment and follow all recommendations"; and "obtain and maintain legal employment or disability income." Respondent-Father was ordered to "engage in programming to support [him] in parenting." Both Respondent-Parents were ordered to "complete a mental health assessment and follow all recommendations"; "submit to random urine, hair follicle, fingernail, and any other

drug screens”; “engage in medication management”; “engage in the Nurturing Parents Program and follow all recommendations”; and “obtain suitable housing for themselves and their children with all basic utilities.”

The trial court conducted a series of permanency planning review hearings on 30 November 2023, 25 April 2024, 22 August 2024, and 13 February 2025. During the hearing on 22 August 2024, the court changed the primary plan from reunification to adoption, and at the 13 February 2025 hearing, the court concluded that “the criteria exist for []DSS to initiate a proceeding to terminate the parental rights of [Respondent-Parents].”

On 14 February 2025, DSS filed motions to terminate Respondent-Parents’ parental rights, alleging that the juveniles were neglected within the meaning of N.C. Gen. Stat. § 7B-101 and had been “willfully placed by [Respondent-Parents] in foster care or placement outside the home for more than 12 months without showing to the satisfaction of the court that[] reasonable progress under the circumstance[s] ha[d] been made correcting the conditions which led to the removal of the juvenile[s].” The motions reincorporated the findings of neglect made in the initial adjudications and included additional allegations based on the then-existing circumstances.

The motions for termination of parental rights came on for hearing in Chatham County District Court on 28 August 2025. In orders entered on 14 October 2025, the trial court found that in December 2023—while the children were in foster care in North Carolina—Respondent-Mother moved to Florida to live with Respondent-

Father, where she gave birth to another child, J.L., on 24 May 2024. On 25 November 2024, Respondent-Mother spent one night in a detox facility in Florida; she returned to North Carolina shortly thereafter. On 10 February 2025, Respondent-Mother entered a residential treatment facility called “Our House” in Robeson County, and on 1 July 2025, she gave birth to a sixth child. The Robeson County Department of Social Services was, at the time of the hearing, “conducting a child protective services assessment due to [the sixth child’s] prenatal exposure to substances.”

The trial court then concluded that Respondent-Mother’s neglect of the juveniles would “likely . . . repeat or continue if [they were] returned to [her] care and custody,” a determination supported by the following specific findings:

- a. Findings made elsewhere in this order are incorporated as though fully set out here.
- b. Respondent[-M]other has declined to participate in domestic violence services.
- c. The domestic violence between Respondent[-M]other and Respondent[-F]ather continued to exist while they were together, has not been addressed, and presents an ongoing safety concern.
- d. At the court hearing on 25 April 2024, Respondent[-M]other completed a urine drug test [that] was positive for marijuana and alcohol.
- e. Respondent[-M]other gave birth on 24 May 2024. Respondent[-M]other and the baby [J.L.] tested positive for marijuana at the time of birth. [J.L.] is in foster care in Jacksonville, FL after having been removed due to similar issues to those the family faced in North Carolina. Respondent[-M]other’s rights to [J.L.] have been

terminated.

f. Respondent[-M]other moved away from [J.L.], as she did from the [juveniles].

g. Respondent[-M]other tested positive for a benzodiazepine in May 2025 and has not provided drug screens for [DSS] since 25 April 2024.

h. Respondent[-M]other has not obtained safe, stable, substance free housing.

i. Respondent[-M]other has missed approximately one-third of her scheduled visits (virtual and in person) with the [juveniles]. One of the [juveniles] recently asked Respondent[-M]other who she was.

As to Respondent-Father, the trial court determined that the juveniles were “impaired and at a substantial risk of impairment as a result of Respondent[-F]ather’s neglect.” The court based this determination on its findings of Respondent-Father’s “failure to address his mental health and substance use disorders, his failure to maintain a safe and stable home, his failure to assure that the juvenile[s] receive[] necessary health/medical care, and his failure to maintain a relationship with the juvenile[s].” The court determined that Respondent-Father’s neglect would repeat or continue in that he “ha[d] not engaged in services necessary to provide a safe home,” “left . . . North Carolina instead of participating in reunification services,” “repeated this patter[n] when he left . . . Florida rather than working [on] reunification services with his younger son,” and “has no relationship whatsoever with the juvenile[s] due to his failure to participate in in-person or virtual visits.”

The trial court further concluded that grounds existed to terminate Respondent-Parents' rights in that they had not made reasonable progress in correcting the conditions that led to the removal of the juveniles after willfully leaving the juveniles in placements outside the home for more than 12 months. The court determined that an additional ground existed to terminate Respondent-Father's parental rights, in that his rights to another of his children had been involuntarily terminated and he "lack[ed] the ability or willingness to establish a safe home."

The court found that the juveniles' current placement providers wished to adopt them, and that the only barrier to adoption was the termination of Respondent-Parents' parental rights. The court concluded that grounds existed for the termination of parental rights, that this would be in the juveniles' best interest, and ordered Respondent-Parents' parental rights terminated.

Respondent-Parents timely appealed the orders.

II. Discussion

Respondent-Mother raises two issues on appeal: 1) that "[t]here was no clear and convincing evidence that [the juveniles] would likely be neglected again," and 2) that she "did not willfully fail to remedy removal conditions." Counsel for Respondent-Father has submitted a no-merit brief, identifying four issues that could arguably support an appeal but also acknowledging why those issues lack merit. We first address Respondent-Mother's appeal.

A. Standard of Review

“There are two stages involved in a termination of parental rights proceeding. These are the adjudication stage and the dispositional stage. A different standard of review applies to each stage.” *In re S.R.*, 384 N.C. 516, 520, 886 S.E.2d 166, 171 (2023) (citations omitted). “At the adjudication stage, the party petitioning for the termination must show by clear, cogent, and convincing evidence that grounds authorizing the termination of parental rights exist.” *Id.* (citation omitted). “If a trial court’s finding of fact is supported by clear, cogent, and convincing evidence, it will be deemed conclusive even if the record contains evidence that would support a contrary finding.” *Id.* (extraneity removed). “We review whether the findings of fact support the conclusions of law, and conclusions of law are reviewed de novo.” *Id.* (citation omitted).

“If the petitioner meets its burden of proving at least one ground for termination of parental rights exists under N.C. Gen. Stat. § 7B–1111(a), the court proceeds to the dispositional phase and determines whether termination of parental rights is in the best interests of the child.” *In re C.C., J.C.*, 173 N.C. App. 375, 380, 618 S.E.2d 813, 817 (2005). “The standard of review of the dispositional stage is whether the trial court abused its discretion in terminating parental rights.” *Id.* at 380–81, 618 S.E.2d at 817.

B. Respondent-Mother’s Appeal

Respondent-Mother first argues that “[t]here was no clear and convincing evidence that [the juveniles] would likely be neglected again,” such that the trial

court's finding of neglect as a ground for termination was in error. We disagree, and because a trial court is required to find only one ground to terminate parental rights, conclude that this issue is dispositive. *See In re J.S.*, 374 N.C. 811, 815, 845 S.E.2d 66, 71 (2020) (Because "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 . . . we need not review any remaining grounds.").

A "court may terminate parental rights upon a finding of one or more" of 11 statutory grounds for termination, including that "[t]he parent has abused or neglected the juvenile . . . within the meaning of [N.C. Gen. Stat. §] 7B-101." N.C. Gen. Stat. § 7B-1111(a)(1) (2025). Neglect must be shown "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, 788 S.E.2d 162, 167 (2016), *reh'g denied*, 789 S.E.2d 5 (N.C. 2016). "Termination of parental rights for neglect may not be based solely on past conditions which no longer exist." *In re Young*, 346 N.C. 244, 248, 485 S.E.2d 612, 615 (1997).

Respondent-Mother contends that of the trial court's findings of fact, only Findings 45, 64, 79, 80, 81, and 86 address Respondent-Mother's situation at the time of the hearing, and these findings show that "the neglect termination ground is unsupported." We disagree.

Finding 64 states that Respondent-Mother “entered residential treatment at Our House in Robeson County on 10 February 2025 Residential treatment at Our House is for mothers who are pregnant or have new babies and is designed to last for one year or until the baby is one year old.” Respondent-Mother submits that her treatment “was largely successful, and had been sustained for more than six months.” Respondent-Mother also cites her progress at Our House as evidence that Findings 81 and 86, which found that she had not addressed the underlying issues that led to the juveniles’ removal, were unsupported.

Yet Respondent-Mother’s evidence of progress rests primarily on a letter from the director of Our House that was introduced during the dispositional phase of the proceedings. It is well settled that “dispositional evidence cannot be used to support the trial court’s adjudicatory determinations.” *In re Z.G.J.*, 378 N.C. 500, 510, 862 S.E.2d 180, 188 (2021). Furthermore, and contrary to the statements in the letter from Our House, the trial court made an unchallenged finding that Respondent-Mother “tested positive for benzodiazepine in May 2025”; Respondent-Mother was enrolled at Our House at that time.

Respondent-Mother also contends that Our House “was also collaterally addressing the medication management, domestic violence, and parenting aspects of the case plan.” This is partially true. Jessica Weinkle, the foster care case worker assigned to John and Sadie’s case, testified that Respondent-Mother never engaged in a domestic violence assessment “despite a referral and despite her ability to do so.”

Ms. Weinkle explained that although Respondent-Mother enrolled in a domestic-violence victims' support group, the domestic violence between Respondent-Parents had been mutual in nature, which raises different issues that need to be addressed. Moreover, while Respondent-Mother engaged in medication management with Our House, Ms. Weinkle was unable to obtain those records despite numerous attempts.

Respondent-Mother next asserts that she had “practically addressed [the domestic violence] component of her case plan – there was no evidence that she had lived with [Respondent-Father] or had any incidents of domestic violence since leaving him in Florida in December 2024.” Whatever the merits of this argument may be, Ms. Weinkle testified that “[Respondent-Mother] also reported to Robeson County that her intention was to leave Our House to move in with [Respondent-Father] . . . at his residence in Durham and that they were still . . . in their relationship.” Thus, there was evidence that Respondent-Mother was actively considering living with Respondent-Father again, the precise type of situation which would necessitate the domestic violence classes ordered by the court.

Respondent-Mother also argues that “[t]he fact that she has a child in her care after having five removed shows positive, not neglectful current conditions.” For support, she cites *In re A.W.*, 280 N.C. App. 162, 173, 867 S.E.2d 235, 243 (2021) (“It is wholly inconsistent and inexplicable for an infant to be left in the care of [the respondent-parents], but for [the infant’s older sister] to remain in a placement with the foster parents.”).

Respondent-Mother's reliance on *In re A.W.* is misplaced. Here, DSS did not allow Respondent-Mother's infant "to be left in [her] care," *id.*; rather, at the time of the termination hearing, "Robeson County was conducting a child protective services assessment due to prenatal exposure to [controlled] substances." Respondent-Mother's relationship with her infant was under active assessment, and the fact that she had that infant in her care at the time of the termination hearing does not support her argument. Of Respondent-Mother's six children, two were in the care of relatives and two had been adjudicated neglected at the time of the hearing. Her parental rights to the fifth had been terminated by the State of Florida. Respondent-Mother's extremely poor history of caring for her children is a "historical fact[] of the case" that is critical to a prediction of "the probability of repetition of neglect." *In re M.C.*, 374 N.C. 882, 889, 844 S.E.2d 564, 569 (2020).

In sum, contrary to Respondent-Mother's argument that the trial court's orders should be reversed as to the ground of neglect based on her "efforts on her case plan and progress in recovery at Our House," she has failed to establish significant progress toward recovery while at Our House or toward completing the components of her case plan. The trial court's findings regarding the likelihood of Respondent-Mother's future neglect concerned, *inter alia*, her history of domestic violence and current failure to participate in domestic violence services; her history of drug use, including during her pregnancy; and her failure to attend "approximately one-third of her scheduled visits . . . with the juvenile[s]," a finding Respondent-Mother does

not address in her brief. These findings provide ample support for the court's conclusion that "[i]t is likely that the neglect experienced by the juvenile[s] in the care of Respondent[-Mother] will repeat or continue if the juvenile[s are] returned to Respondent[-Mother]'s care and custody."

Accordingly, the trial court's findings are supported by ample evidence and are sufficient to support both a conclusion of neglect and a conclusion that Respondent-Mother's neglect of Sadie and John will likely repeat. The court therefore did not err in concluding that grounds existed to terminate Respondent-Mother's parental rights. Respondent-Mother does not challenge the court's determination that terminating her parental rights was in the juveniles' best interest. Thus, we affirm the court's orders terminating Respondent-Mother's parental rights.

C. Respondent-Father's Appeal

Respondent-Father's counsel has submitted a no-merit brief, stating that "[a]fter a thorough review, [Respondent-Father's counsel] has concluded that there is no issue of merit on which to base an argument for relief and that this appeal would be frivolous." Counsel requests that we "[r]eview the case to determine whether [she] overlooked a valid issue that requires reversal."

"When counsel for the appellant concludes that there is no issue of merit on which to base an argument for relief, counsel may file a no-merit brief." N.C.R. App. P. 3.1(e). "In the no-merit brief, counsel must identify any issues in the record on

appeal that arguably support the appeal and must state why those issues lack merit or would not alter the ultimate result.” *Id.*

“Rule 3.1(e) of the Rules of Appellate Procedure plainly contemplates appellate review of the issues contained in a no-merit brief.” *In re K.M.S.*, 380 N.C. 56, 59, 867 S.E.2d 868, 870 (2022) (extraneity removed). “When a no-merit brief is filed pursuant to Rule 3.1(e), it will, in fact, be considered by the appellate court and an independent review will be conducted of the issues identified therein.” *Id.* (extraneity removed). We conduct “a careful review of the issues identified in the no-merit brief in light of our consideration of the entire record.” *Id.* (extraneity removed).

Here, counsel for Respondent-Father has identified four potential issues: 1) whether the trial court had subject-matter jurisdiction and personal jurisdiction; 2) whether the “trial court ma[d]e sufficient and competent findings of fact to adequately support the conclusion that clear and convincing evidence had been proven as to the existence of grounds to terminate Respondent[-]Father’s parental rights pursuant to [N.C. Gen. Stat.] § 7B-1111(a)(2)”; 3) whether Respondent-Father was provided effective assistance of counsel; and 4) whether “the trial court err[ed] in determining that it was in John and Sadie’s best interests that [Respondent-]Father’s parental rights be terminated.” We have reviewed these issues and are satisfied that the trial court had jurisdiction; that it made sufficient and competent findings of fact; that Respondent-Father was provided effective assistance of counsel; and that the trial

court did not err in determining that termination of Respondent-Father's parental rights was in John and Sadie's best interest.

Rule 3.1(e) further requires that counsel "provide the appellant with a copy of the no-merit brief, printed record, transcripts, copies of exhibits and other items included in the record on appeal pursuant to Rule 9(d), and any supplement prepared pursuant to Rule 11(c)." N.C.R. App. P. 3.1(e). "Counsel must inform the appellant in writing that the appellant may file a pro se brief and that the pro se brief is due within thirty days after the date of the filing of the no-merit brief. Counsel must attach evidence of this communication to the no-merit brief." *Id.*

In the present case, Respondent-Father's counsel attached the letter sent to Respondent-Father at the end of the no-merit brief filed with this Court. The letter stated that a copy of the brief was attached, that Respondent-Father had a right to file his own brief within 30 days, and that counsel had attached "a copy of the record and the trial transcripts." Respondent-Father has not filed an independent brief with this Court, and a reasonable time in which he could have done so has passed.

Accordingly, we affirm the orders terminating Respondent-Father's rights.

III. Conclusion

For the foregoing reasons, we affirm the trial court's orders terminating Respondent-Mother's and Respondent-Father's parental rights to Sadie and John.

AFFIRMED.

Judges CARPENTER and FLOOD concur.

IN RE: S.R.L., J.P.L., JR.

Opinion of the Court

Report per Rule 30(e).