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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA26-4

Filed 2 September 2026

Wake County, Nos. 23JA003370-910, 23JA003372-910, 23JA003373-910,
23JA003374-910

IN THE MATTER OF: J.D.A., S.A.A., A.Z.A., J.J.A.

Appeal by Respondent-Mother from order entered 23 September 2025 by Judge
Ashleigh S. Parker in Wake County District Court. Heard in the Court of Appeals 21
July 2026.

*Wake County Attorney's Office, by Mary Boyce Wells and David F. Hord, IV, for
Petitioner-Appellee Wake County Health and Human Services.*

Hooks Law, P.C., by Laura G. Hooks, for Respondent-Appellant Mother.

*Administrative Office of the Courts, by GAL Staff Attorney Brittany T.
McKinney, for Guardian ad Litem.*

GRIFFIN, Judge.

Respondent-Mother¹ appeals from the trial court's order terminating her
parental rights to her four minor children. Mother argues the trial court erred by
concluding Mother both neglected her children and willfully left them in foster care
without showing reasonable progress under the circumstances. Additionally, Mother

¹ Respondent-Fathers did not appeal.

contends the trial court abused its discretion in determining termination of her parental rights was in the children's best interests. We affirm the trial court's order terminating Mother's parental rights.

I. Factual and Procedural Background

Mother has four children subject to this appeal: Jared, born 9 July 2013; Amara, born 31 October 2015; Safina, born 30 May 2019; and Jace, born 28 November 2023.² The day after Jace was born, Wake County Health and Human Services ("WCHHS") received a report that, at the time of Jace's birth, he tested positive for THC, fentanyl, and cocaine. Mother concurrently tested positive for those substances. Jace was admitted to the neonatal intensive care unit due to withdrawal symptoms, feeding difficulties, and failure to thrive.

On 19 December 2023, WCHHS filed a juvenile petition alleging the children were neglected, and the trial court granted WCHHS nonsecure custody of the children. Following the hearing, the trial court adjudicated the children neglected. Ultimately, Jared and Amara were placed with their paternal grandmother while Safina and Jace were placed in a licensed foster home together.

As mandated by the order on adjudication and disposition, the trial court directed Mother to comply with an Out of Home Family Services Agreement requiring, among other things, that she maintain sufficient housing and income,

² We use pseudonyms for ease of reading and to protect the identity of the juveniles. See N.C. R. App. P. 42(b).

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complete substance abuse and psychological evaluations and follow all recommendations, refrain from using illegal or impairing substances and submit to random drug screens, complete parenting education, maintain regular contact with WCHHS, and participate in visitation.

During the early stages of the case, the guardian ad litem noted Mother's progress with maintaining positive relationships with the children, obtaining housing and a vehicle, enrolling in a recovery program, and more. WCHHS proceeded with a reunification plan for the children and Mother. At the 17 April 2024 permanency planning hearing, the trial court found Mother had made some progress toward reunification, but the children should not yet be returned to her care, in consideration, for example, of Mother's positive drug test results. The trial court maintained reunification as the primary permanent plan and adoption as the secondary permanent plan.

However, throughout the proceedings, Mother continued to struggle with substance abuse. Mother completed substance abuse assessments in January and September 2024, which identified a severe opioid use disorder and moderate cocaine use disorder and recommended medication-assisted treatment, counseling, random drug screening, and peer recovery services. Mother continued to test positive for fentanyl during multiple monthly drug screens from April through October 2024. At the second permanency planning hearing, the trial court maintained the primary

plan of reunification and adoption for Safina and Jace but custody for Amara and Jared as the alternate.

In October 2024, Dr. Kristy Matala completed a psychological evaluation for Mother and diagnosed her with severe opioid use disorder, moderate cocaine use disorder, cannabis use disorder in early remission, provisional bipolar disorder, and borderline intellectual functioning. Dr. Matala recommended intensive substance abuse treatment, counseling, psychiatric evaluation, parenting education, and continued stability in housing and employment.

At a later permanency planning hearing in December 2024, the trial court found that although Mother continued visitation, maintained appropriate housing, and completed parenting education, she continued to struggle with sobriety and had not fully complied with recommended substance abuse treatment. Consequently, the trial court changed the primary permanent plan to adoption and the secondary plan to reunification.

By the June 2025 permanency planning hearing, the trial court found Mother had completed only one drug screen since December 2024, which was positive for fentanyl; had missed multiple requested drug screens; was “not engaged in substance abuse treatment”; and had made little progress on her court-ordered services apart from maintaining visitation. The trial court retained adoption as the primary permanent plan and reunification as the secondary plan.

On 9 July 2025, WCHHS filed a motion to terminate Mother’s parental rights, alleging the grounds of (1) neglect under N.C. Gen. Stat. § 7B-1111(a)(1) and (2) willfully leaving the children in foster care without making reasonable progress under N.C. Gen. Stat. § 7B-1111(a)(2). About two and a half months later, the trial court entered an order concluding grounds existed to terminate Mother’s parental rights pursuant to N.C. Gen. Stat. § 7B-1111(a)(1) and (a)(2) and further concluded that termination was in the children’s best interests. Mother timely appealed.

II. Analysis

A. Adjudication

Mother claims the trial court erred by concluding she both neglected her children and willfully left them in foster care without showing reasonable progress under the circumstances, pursuant to N.C. Gen Stat. § 7B-1111(a)(1) and (a)(2), respectively.

North Carolina law provides for a two-step process of adjudication and disposition for the termination of parental rights. *In re N.W.*, 381 N.C. 851, 854–55, 874 S.E.2d 498, 502 (2022) (citation omitted). At adjudication, the trial court determines whether the petitioner has demonstrated, by clear, cogent, and convincing evidence, the existence of at least one ground for the termination of parental rights. *Id.* at 855, 874 S.E.2d at 502–03 (citations omitted). This Court “reviews 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 L.C.*,

387 N.C. 475, 479–80, 915 S.E.2d 106, 110 (2025) (citation modified). Findings of fact left unchallenged are binding on appeal. *In re J.M.*, 275 N.C. App. 517, 521, 854 S.E.2d 158, 161 (2020) (citation omitted). Despite record evidence to the contrary, a finding of fact that is supported by clear, cogent, and convincing evidence is conclusive on appeal. *In re B.R.L.*, 381 N.C. 56, 58, 871 S.E.2d 491, 493 (2022) (citation omitted). Further, this Court only reviews findings necessary to support the trial court’s determination of the existence of grounds for the termination of parental rights. *Id.* (citation omitted). Moreover, we review the trial court’s conclusions of law de novo. *In re K.S.*, 380 N.C. 60, 64, 868 S.E.2d 1, 4 (2022). Findings of fact that are essentially conclusions of law are “treated as a conclusion of law.” *In re M.R.D.C.*, 166 N.C. App. 693, 697, 603 S.E.2d 890, 893 (2004) (citation omitted).

A trial court may terminate parental rights upon a finding of a single ground. N.C. Gen. Stat. § 7B-1111(a) (2025). A court may terminate parental rights upon a finding of the ground that a “parent has abused or neglected the juvenile.” N.C. Gen. Stat. § 7B-1111(a)(1). A neglected juvenile is defined, in part, as someone less than eighteen years of age whose parent:

- a. Does not provide proper care, supervision, or discipline.
- b. Has abandoned the juvenile
- c. Has not provided or arranged for the provision of necessary medical or remedial care.
- d. [H]as refused to follow the recommendations of the Juvenile and Family Team . . . [; or,]

- e. Creates 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) (2025). This ground requires “a showing of neglect at the time of the termination hearing,” and “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) (citing *In re Ballard*, 311 N.C. 708, 713–15, 319 S.E.2d 227 (1984)). “When determining whether such future neglect is likely, the [trial] court must consider evidence of changed circumstances occurring between the period of past neglect and the time of the termination hearing.” *In re Z.V.A.*, 373 N.C. 207, 212, 835 S.E.2d 425, 430 (2019) (citation omitted). “A parent’s failure to make progress in completing a case plan is indicative of a likelihood of future neglect.” *In re R.L.R.*, 381 N.C. 863, 869, 874 S.E.2d 579, 586 (2022) (citation omitted). However, “a parent’s compliance with his or her case plan does not preclude a finding of neglect.” *In re J.J.H.*, 376 N.C. 161, 185, 851 S.E.2d 336, 352 (2020) (citation omitted). Moreover, a mother must show an acknowledgement and understanding of why her children were taken from her custody “as well as changed behaviors.” *In re R.L.R.*, 381 N.C. at 875, 874 S.E.2d at 589 (citation omitted).

Here, Mother argues the trial court made unsupported findings of fact and failed to make sufficient findings to support its conclusion there was a likelihood of future neglect.

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Mother contends the trial court's Findings of Fact 30, 31, and 44 are unsupported by the evidence:

30. When Dr. Matala asked [M]other how abusing substances affects a person's ability to parent, [M]other stated it didn't affect her because she loves her kids and she makes sure they have everything. [M]other didn't see any negative consequences to her substance abuse. [M]other's complete lack of insight into the connection between her substance abuse and the neglect of her children makes the probability of neglect very high should they return to her care.

31. [M]other did not attend an interpretive session with Dr. Matala. This session would have given [M]other an opportunity to discuss findings and recommendations to get a better understanding of her diagnoses and how best to treat them. [M]other's lack of follow through is evidence of her lack of interest in making meaningful change in her circumstances such that she could parent her children safely.

44. The conduct of the parents has been such as to demonstrate that they will not promote the physical and emotional well-being of the children. The children's primary plan is adoption, and they are in need of a permanent plan of care at the earliest possible age which can be obtained only by severing of the relationship between the parents and the children by termination of the parental rights of the parents.

The record contains clear, cogent, and convincing evidence supporting these findings. Finding of Fact 30 is based on Dr. Matala's testimony regarding her psychological evaluation of Mother. Dr. Matala diagnosed Mother with multiple substance use disorders, unspecified bipolar disorder, and provisional borderline intellectual functioning. Dr. Matala testified that reunification could not occur until

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Mother addressed her substance abuse and maintained at least six months of sobriety. Dr. Matala also testified that Mother denied her substance use affected her parenting, stating, “It don’t affect me to parent. I love my kids[.]” Dr. Matala expressed she did not believe Mother had insight into the connection between her substance abuse and its negative effects to her parenting. Finding of Fact 30 demonstrates Mother’s lack of acknowledgment and understanding of one of the main reasons why her children were taken from her. Consequently, in light of Dr. Matala’s testimony and assessment as well as Mother’s failure to complete her case plan, we hold there was clear, cogent, and convincing evidence to support the trial court’s Finding of Fact 30.

Mother also claims the last sentence of Finding of Fact 31 is not supported by evidence. However, in analyzing the likelihood of future neglect, a trial court considers changed circumstances and completion, or lack thereof, of Mother’s case plan. Mother’s failure to attend an interpretive session with Dr. Matala demonstrates a lack of interest. While she made some progress from the beginning of her case plan to the hearing on termination of her parental rights, Mother’s substance abuse and other psychological diagnoses did not meaningfully change because of Mother’s lack of follow-through. Thus, there is clear, cogent, and convincing evidence to support the entirety of the trial court’s Finding of Fact 31.

Mother also challenges Finding of Fact 44. Specifically, she argues her conduct was sufficient because she submitted to two substance abuse assessments and a

psychological evaluation, submitted to drug screens, attended and received counseling from New Seasons, completed parent education, maintained housing, and visited her children. However, notably, Mother fails to acknowledge her severe opioid use disorder and moderate cocaine use disorder. Also, Mother continued to test positive at drug screens. Mother's substance abuse remained a behavioral constant. Even though there is record evidence to the contrary, Finding of Fact 44, including that Mother will not promote the children's wellbeing, is supported by clear, cogent, and convincing evidence. *In re B.A.J.*, 295 N.C. App. 593, 604, 907 S.E.2d 52, 61 (2024) (citation omitted) (explaining that a parent's failure to show sustained necessary behavioral change to ensure a juvenile's safety and welfare may support a likelihood of repetitive neglect).

Further, although Mother visited her children and completed substance abuse and psychological assessments, unchallenged findings such as Findings of Fact 23, 24, 25, 26, 32, and 36 reflect that she continued to use illegal substances including fentanyl, irregularly cooperated with drug screen referrals, failed to comply with the recommended substance abuse treatment, did not demonstrate insight into the effect of her substance abuse on her ability to parent, and lost contact with social workers for multiple months. As our Supreme Court recognized in *In re J.D.O.*, findings of a respondent's continued substance abuse, combined with a refusal to comply with case plan requirements addressing that substance abuse, support a conclusion that the respondent is likely to neglect the children if they are returned to the respondent's

custody. *In re J.D.O.*, 381 N.C. 799, 820, 874 S.E.2d 507, 523 (2022). Similarly, the findings here demonstrate Mother failed to resolve her substance abuse issues such that it would allow her to reliably care for her children.

Mother also argues Findings of Fact 42 and 43 are essentially conclusions of law. Even if we agreed with Mother that these findings are essentially conclusions of law, the other findings of fact sufficiently support the conclusion of law that Mother neglected her children.

Findings of Fact 30, 31, and 44 are supported by clear, cogent, and convincing evidence. The unchallenged findings of fact, and especially Findings of Fact 30, 31, and 44, support the trial court's existence of the ground of neglect. The findings demonstrate not only prior neglect, but also a probability of repeated neglect in the future. We need not address the other ground for termination of parental rights as only one ground is necessary.

B. Disposition

Mother argues the trial court abused its discretion by terminating her parental rights.

"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) (2025). We review the trial court's decision of a juvenile's best interest for abuse of discretion. *In re B.B.A.*, 299 N.C. App. 179, 182, 917 S.E.2d 471, 474 (2025) (citation omitted). An abuse of

discretion occurs only when the trial court's ruling is "manifestly unsupported by reason or is so arbitrary that it could not have been the result of a reasoned decision." *In re T.L.H.*, 368 N.C. 101, 107, 772 S.E.2d 451, 455 (2015) (citing *State v. Hennis*, 323 N.C. 279, 285, 372 S.E.2d 523, 527 (1988)).

In making its best interest determination, the trial court must consider all the factors in N.C. Gen. Stat. § 7B-1110(a), even though it is not required to expressly make written findings as to each. *In re A.R.A.*, 373 N.C. 190, 199, 835 S.E.2d 417, 424 (2019) (citation omitted). Such factors include: "[t]he age of the juvenile"; the likelihood of the juvenile's adoption; whether termination of parental rights will support the juvenile's permanent plan; the bond between the parent and juvenile; the "quality of the relationship between the juvenile and the proposed adoptive parent, guardian, custodian or other permanent placement"; as well as any relevant consideration. N.C. Gen. Stat. § 7B-1110(a)(1)-(6).

Here, Mother argues the trial court abused its discretion by terminating her parental rights because it is "not in the children's best interests to have their mother permanently extricated from their lives when the children were very bonded with their mother and saw her often." However, "the bond between parent and child is just one of the factors to be considered under N.C.G.S. § 7B-1110(a), and the trial court is permitted to give greater weight to other factors." *In re Z.L.W.*, 372 N.C. 432, 437, 831 S.E.2d 62, 64 (2019) (citation omitted).

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The trial court found that although Mother and the children shared a positive relationship and enjoyed their visits, the children required more than enjoyable interactions, and Mother had not demonstrated an ability to provide the consistency and stability they needed. The trial court further found that the children were in stable placements, including pre-adoptive homes, and that adoption would provide the long-term stability necessary for their continued development. Additionally, the termination of Mother's parental rights is aligned with the children's permanent plan of adoption. Moreover, the trial court considered the juveniles' ages of teen and pre-teen to determine that they especially need stability and consistent care from a reliable adult.

Mother relies on *In re A.U.D.* for its principle of law, but our case at hand is distinguishable. Unlike in *In re A.U.D.*, the issue here was not whether Mother shared a positive bond with the children, but whether she had remedied the conditions that prevented her from providing them with safe, stable, and consistent care. See *In re A.U.D.*, 373 N.C. 3, 10, 832 S.E.2d 698, 702–03 (2019). Here, the trial court found that Mother continued to use illegal substances throughout the case, failed to comply with recommended substance abuse treatment, and lacked insight into the connection between her substance abuse and the neglect of her children. The trial court further found that, as a result, the probability of future neglect was high if the children were returned to her care. Thus, while the trial court recognized the bond between Mother and the children, it did not abuse its discretion in determining

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that this factor did not outweigh the children's need for permanency and stability. We hold the trial court's decision was not manifestly unsupported by reason.

III. Conclusion

We hold there was clear, cogent, and convincing evidence that supported the findings and those findings support at least one ground existed to terminate Mother's parental rights under N.C. Gen. Stat. § 7B-1111(a)(1). The trial court did not abuse its discretion in its consideration of the best-interest factors under N.C. Gen. Stat. § 7B-1110(a) and its determination that termination was in the children's best interests. We affirm the trial court.

AFFIRMED.

Judges HAMPSON and GORE concur.

Report per Rule 30(e).