

IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA26-112

Filed 16 September 2026

Wayne County, Nos. 25 JT 001039-950, 25 JT 001040-950

IN THE MATTER OF:
S.A. & K.A.

Appeal by Petitioners from order entered 17 November 2025 by Judge Jonathan L. Sargeant in Wayne County District Court. Heard in the Court of Appeals 21 July 2026.

Law Office of Barbara I. Jones, by Barbara I. Jones, for Petitioners–Appellants.
Parry Law, PLLC, by Edward Eldred, for Respondent–Appellee.

MURRY, Judge.

Petitioners–Grandparents (Petitioners) appeal the trial court’s order dismissing their petition to terminate Respondent–Mother’s (Mother) parental rights to the two remaining children in her care, S.A. (Sheila) and K.A. (Katie).¹ Petitioners argue that the record shows sufficient evidence of past neglect and insufficient evidence of changed circumstances as of the termination hearing date. Proof of these accusations would otherwise merit the order’s reversal. We disagree with Petitioners on both points and affirm the trial court’s order.

¹ In accordance with North Carolina Rule of Appellate Procedure 42(b), we refer to the minor children by a pseudonym to protect their respective identities. *See* N.C. R. App. P. 42(b).

I. Background

This case stems from the 2019 death of Mother’s son, Jackson.² At the time, Jackson and his two sisters were in the physical custody of Mother and Lamell, Mother’s boyfriend. Both the autopsy and law-enforcement reports documented evidence of abdominal trauma that resulted in the Jackson death, while interviews of the two daughters indicated that “someone told [Sheila] to say her daddy hit ‘[Jackson]’ with his car.” Investigators found no other evidence of the parents neglecting either Sheila or Katie. Police arrested Mother for first-degree murder and felony child abuse in 2019; she later entered an *Alford* plea to involuntary manslaughter and felony child abuse on 14 November 2023. As a result, she served time in prison from November 2023 to May 2025 while Petitioners cared for the daughters.

Prior to her incarceration, Mother took steps to address the conditions that led to Jackson’s death. Soon after posting bond from the initial murder arrest, she moved for visitation with Sheila and Katie on 25 August 2021. In accordance with Wayne County Department of Social Services (DSS) policy, therapists engaged with all of the family members—child and adult alike. Mother engaged in regular therapy sessions and mental-health assessments, and began an anti-depressant regimen as part of her mental-health treatment. Therapist reports over this same period indicated no

² Also a pseudonym.

serious problems with the daughters in the home or at school.

Several months after Mother left prison, the trial court heard arguments on 31 October 2025 as to Petitioners' attempt to terminate Mother's parental rights (TPR) to Sheila and Katie. Relying in part on the various investigatory reports prior to Mother's incarceration, the trial court documented certain findings. It found that, although Mother had "tested positive for THC" in the past, "the visits with the juveniles we[nt] . . . well and the[y] . . . bonded with [her]." It further found that "she was making adequate progress in her case plan at the time." Based on these findings, the trial court concluded that (1) the "likelihood of . . . Mother repeating [her] behavior and causing future neglect is not present" and that (2) "grounds to terminate [her] parental rights" to either Sheila or Katie "do not exist." Petitioners timely appealed.

II. Jurisdiction

This Court has jurisdiction to hear Petitioners' appeal from trial court's order because the order "denies a petition . . . to terminate [Mother's] parental rights" to Sheila and Katie. N.C.G.S. § 7B-1001(a)(7) (2025).

III. Analysis

On appeal, Petitioners argue that the trial court erred in concluding that grounds of neglect did not exist to terminate Mother's parental rights to Katie and Sheila under N.C.G.S. § 7B-1111(a)(1). They assert that its findings established both the "past neglect and ongoing conditions" necessary to conclude that "future neglect"

is likely to occur. We review the final order of a TPR proceeding only for whether “clear, cogent, and convincing evidence” supports its findings and whether those findings, in turn, “support [its] conclusions of law.” *In re Montgomery*, 311 N.C. 101, 111 (1984). Having done so here, we disagree with Petitioners and instead affirm the trial court’s order.

TPR proceedings consist of two distinct stages: “adjudication and disposition.” *In re D.W.P.*, 373 N.C. 327, 330 (2020) (citing N.C.G.S. §§ 7B-1109 to -1110; *Montgomery*, 311 N.C. at 1100). Under § 7B-1109’s adjudicatory stage, a petitioner must adduce “clear, cogent, and convincing evidence” of at least one ground for termination specified in § 7B-1111. *See* N.C.G.S. § 7B-1109(e)–(f); *id.* § 7B-1111(a)(1)–(11). If the trial court finds one of these statutory grounds, it executes § 7B-1110’s disposition stage by “determin[ing] whether terminating the parent’s rights” would serve “the juvenile[s] best interests.” *Id.* § 7B-1110(a). Where neglect justified the earlier adjudication, the trial court “consider[s] any evidence of changed conditions in light of the evidence of prior neglect *and* the probability of [its] repetition.” *In re Ballard*, 311 N.C. 708, 715 (1984) (emphasis added). When a TPR claim relies on noncompliance with a case plan, the petitioner must show “a nexus between the” “case plan[s] allegedly . . . [un]met components and the conditions which led to the child’s removal” in the first place. *In re A.N.H.*, 381 N.C. 30, 35 (2022).

In applying this “two-part *Ballard* test,” *In re K.C.T.*, 375 N.C. 592, 599 (2020), the trial court must also “consider evidence of [those] changed circumstances . . .

between the period of past neglect and . . . the termination hearing” itself, *In re Z.V.A.*, 373 N.C. 207, 212 (2019) (citing *Ballard*, 311 N.C. at 715). The two most important factors in this assessment are “the best interests of the child[ren] and the [parent’s] fitness to care for the[m] at the time of the termination proceeding.” *Id.* (emphasis and ellipses omitted). All told—“the circumstances and conditions surrounding the *child[ren]* are what matters, not the fault or culpability of the parent.” *In re Z.K.*, 375 N.C. 370, 373 (2020) (emphasis added) (citing *Montgomery*, 311 N.C. at 109).

A. Past Neglect

To be sure, the record demonstrates Mother’s clear neglect of the deceased son, Jackson. Both his own autopsy and his siblings’ TEDI BEAR (TB) Report document “blunt force” trauma and excessive “vomiting” that immediately preceded his death. Law enforcement’s investigation documents Mother’s failure to provide Jackson with regular healthcare leading up to his death and her attempt to blame the then-boyfriend for “hit[ting] ‘[Jackson]’ with her car” in its immediate aftermath. Mother eventually entered an *Alford* plea to both involuntary manslaughter and felony child abuse in connection with his death; she served two years in prison for these convictions. Mother has also shown a predilection for marijuana and alcohol throughout much of her adult life. Were the analysis to stop here, the decision before us would be easy.

In drawing attention to these well-founded concerns in the abstract, Petitioners point to our Supreme Court’s decisions of *In re D.W.P.*, 373 N.C. 327 (2020), and *In re L.G.G.*, 379 N.C. 258 (2021). In *D.W.P.*, the respondent–mother “entered an *Alford* plea to misdemeanor child abuse” in return for twelve months of probation after her year-old son was hospitalized for multiple bone fractures. *Id.* at 328–29. After providing multiple contradictory explanations for the injuries to the trial court, it terminated her parental rights to the child. *Id.* at 329. She also “fail[ed] to complete a psychiatric evaluation” and violated multiple “conditions of her probation” over that time. *Id.* at 339. The *D.W.P.* Court affirmed her TPR for her failure to make “reasonable progress in correcting the conditions that led to the child[’s] removal.” *Id.* at 340.

In *L.G.G.*, the respondent–father similarly lost parental rights to his three sons after several egregious examples of noncompliance with his reunification case plan. *L.G.G.*, 379 N.C. at 261–63. After receiving reports of “inappropriate discipline and . . . supervision of the children” in January 2017, the Watauga County DSS “observed respondent[’s] home to be in ‘in an extreme state of despair and filth.’” *Id.* at 260. DSS took the children into nonsecure custody a year later and the trial court ordered his case plan. *Id.* at 261. In part due to regular methamphetamine use, he exhibited only sporadic compliance. *Id.* at 262. Even though he “attend[ed] visitations and behav[ed] appropriately,” his sons’ “behaviors . . . regressed [on]ce the visitations resumed” to the extent that they “appear[ed] to be out of control.” *Id.* The *L.G.G.*

Court agreed that these conditions evinced the statutorily required “neglect” necessary to terminate the father’s parental rights to his sons. *Id.* at 274. Not so with Mother’s two remaining daughters here.

The record here fails to show any *other* instance of Jackson’s neglect, as well as any instance of either Sheila or Katie’s neglect at any point. Indeed, the trial court found as much when it confirmed that “Mother had no history of criminal child abuse or criminal behavior other than traffic violations” “prior to the death of young” Jackson in its 2025 order. The TB Report further evinces Lamell’s contemporaneous concern for the children, whom “[then-]neighbors report[ed] that he spent a lot of time with the kids and was a good caretaker” to them as of Jackson’s death. Thus, clear, cogent, and convincing evidence supports the trial court’s findings that Mother neglected Jackson at one point but did not similarly neglect her other two children to a similar degree in the past.

B. Circumstantial Changes

The record shows a sufficiently progressive change in Mother’s circumstances with her two remaining children to support the trial court’s findings. The trial court considered the likelihood of future neglect from both Mother and the daughters’ vantage points. After she posted bond, Mother moved for visitation with her daughters on 25 August 2021. Three different therapist reports over the next year document Sheila’s progress in “work[ing] on alternative ways to think about and manage frustration of situations out of her control that deal with family matters.”

Reports from Katie’s therapist indicate no behavioral issues more serious than “some concerns about [her] hyperactivity” and “short attention span.” These same therapists also reported “no negative reports from school” over that time.

Over this same time, Mother participated “in therapy,” “completed a mental health assessment,” and regularly took “tricyclic anti-depressants” in an attempt to buttress these support mechanisms. An assessment by DSS confirmed Mother’s “compl[iance] with the orders of the [trial] court” and “adequate progress . . . under [its] plan” for reunification prior to her incarceration. Respondent correctly notes that Mother “tested positive for THC” on at least one occasion. But in light of Respondent’s own past marijuana use documented by DSS as part of its wholistic investigation, an isolated positive test among far more negatives over that same period does not destroy the reunification plan here. *See A.N.H.*, 381 N.C. at 47 (“The remaining findings indicate some positive drug screens but also reflect respondent’s completion of most of the other requirements of [hi]s case plan . . .”). This clear, cogent, and convincing evidence supports the trial court’s findings related to those positively changed “circumstances and conditions surrounding [Mother’s] child[ren]” as of the termination hearing’s date. *Z.K.*, 375 N.C. at 373. This evidence of prior neglect, changed circumstances, and resulting unlikelihood of *future* neglect thus “in turn support[s] the conclusion that” grounds did not exist to terminate Mother’s parental rights to her two daughters under N.C.G.S. § 7B-1111.

IV. Conclusion

IN RE: S.A & K.A.

Opinion of the Court

For the above reasons, this Court affirms the trial court's order dismissing Petitioners' petition to terminate Mother's parental rights to Sheila and Katie.

AFFIRMED.

Judges ARROWOOD and COLLINS concur.