

IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA26-131

Filed 16 September 2026

Pitt County, Nos. 21JA000192-730, 21JA000193-730, 21JA000194-730

IN THE MATTER OF:

A.J., J.C., & J.C.

Appeal by respondent-appellant mother from order entered 17 October 2025 by Judge Lee F. Teague in Pitt County District Court. Heard in the Court of Appeals 27 August 2026.

The Graham, Nuckolls, Conner Law Firm, PLLC, by Jon G. Nuckolls, for petitioner-appellee Pitt County Department of Social Services.

Parent Defender Annick Lenoir-Peek, by Assistant Parent Defender Jacky L. Brammer, for respondent-appellant mother.

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

GORE, Judge.

Respondent mother appeals the order adjudicating Amanda, Jade, and Juliet neglected and Jade and Juliet dependent.¹ Respondent mother argues there was a recusal order in place and therefore the adjudication order must be vacated and remanded for a new trial. Alternatively, respondent mother argues the trial court's

¹ Pseudonyms are utilized to protect the juveniles' identities.

findings are unsupported by the evidence, and therefore, the adjudication is unsupported. Upon review of the Supreme Court's opinion, the record, and the briefs, we affirm.

I.

DSS received reports alleging neglect and improper discipline of the juveniles in June 2021, November 2021, and December 2021. Jade and Juliet have not resided with respondent mother since 2016. Jade and Juliet reside with their great-aunt, Ms. Moyer. In June 2021, respondent mother and Jade had an argument while in the car. Jade locked herself in the car once they arrived at the house and called the police. While Jade was on the phone with the police, respondent mother broke the car window and took the phone to end the call. Respondent mother also beat Jade with a belt and slapped her after they went into the house. This beating left marks on Jade's body. Amanda, who was one year old at the time, was present for this incident.

After this incident, respondent mother agreed to discontinue use of physical discipline and to allow Jade and Juliet to continue living with family. Respondent mother also agreed to seek a mental health assessment. The social worker later testified he did not receive any information that respondent mother pursued an assessment.

A second alleged incident occurred in November 2021, however, the evidence presented at trial was based upon inadmissible hearsay statements. On initial

review with this Court, and later, on discretionary review with our Supreme Court, the evidence surrounding this incident was set aside.

The third report in December 2021 involved another argument during a car ride between respondent mother and Jade. Once they arrived at respondent mother's home, Jade either refused to go in the house or was left outside of the house. Jade was out in the cold long enough that neighbors took her into their home and the police were called. When the social worker arrived, he testified respondent mother had been "fussing, cussing, banging, and demanding that Jade come out of the [neighbor's] home." The social worker testified that at the time he arrived, respondent mother was handcuffed because of how angry she was. Amanda saw this incident, including her mother in handcuffs.

The social worker testified that respondent mother would become angry when communicating with them and would yell, curse, and sometimes hang up the phone. Respondent mother also was angry and resentful towards family members and would argue and curse when the social worker talked with the great aunt. The trial court initially heard the petition on 17 February 2022, adjudicated the juveniles neglected, and adjudicated Jade and Juliet dependent. The trial court placed the juveniles in DSS's custody.

Respondent mother alleges she made threats against the trial judge, Judge Teague, that resulted in him recusing himself from the case. Respondent mother appealed the initial adjudication to this Court, and we determined multiple

evidentiary findings were based upon inadmissible hearsay. Therefore, we vacated the adjudications and remanded for dismissal of the petition. The Supreme Court granted discretionary review, agreed multiple evidentiary findings in the order were based upon inadmissible hearsay, but reversed this Court's determination to dismiss the petition. Instead, our Supreme Court determined the case should be remanded for further proceedings to allow the trial court to make proper findings based upon the evidence available from the February 2022 trial.

On 16 September 2024, respondent mother moved for a new adjudicatory hearing based upon the Supreme Court's opinion and moved for a new hearing alleging Judge Teague was recused and could no longer rule on the matter. On 11 September 2025, Judge Teague heard the motions, denied the motion regarding recusal, and entered a new adjudication order with new findings and conclusions of law based upon the prior adjudication hearing. Respondent mother timely appealed the order.

II.

Respondent mother appeals of right pursuant to N.C.G.S. §§ 7A-27(b)(2) and 7B-1001(a)(3). Respondent mother initially seeks review as to the validity of the order because she alleges the trial judge previously entered a recusal order. We review challenges to the validity of an order after an alleged recusal de novo. *Green v. Branch*, 298 N.C. App. 677, 681 (2025).

Respondent mother argues the trial judge recused himself from the case prior to entering the 17 October 2025 order. We have previously established that once a trial judge enters a recusal order, the judge may not enter any subsequent orders in that matter. *Id.* at 685. However, “an order is not effective until it is written, signed, and filed.” *Hudson v. Hudson*, 293 N.C. App. 87, 89 (2024) (cleaned up).

In the present case, there is no recusal order in the record. Respondent mother only refers to her own motion in the record alleging the trial judge recused himself and to some discussion in the transcript. There is no recusal without evidence of a written order in the record. Consequently, the 17 October 2025 order is valid.

Because we determine the trial judge did not recuse himself and the 17 October 2025 order is valid, we consider respondent mother’s alternative argument. Respondent mother argues the trial court’s findings were unsupported by the evidence, and therefore, the findings did not support the adjudication for neglect. We review an adjudication order for neglect and dependency “to determine whether the findings of fact are supported by clear and convincing evidence and whether the legal conclusions are supported by the findings of fact.” *In re D.S.*, 286 N.C. App. 1, 11 (2022) (cleaned up).

Unchallenged findings of fact are binding on appeal. *In re K.H.*, 281 N.C. App. 259, 266 (2022). Where there is some evidence to support the findings, we are bound by those findings “even though the evidence might sustain findings to the contrary.” *In re A.D.*, 278 N.C. App. 637, 641 (2021) (citation omitted). “The trial court

determines the weight to be given the testimony and the reasonable inferences to be drawn therefrom. If a different inference may be drawn from the evidence, the trial court alone determines which inferences to draw and which to reject.” *In re M.M.*, 272 N.C. App. 55, 69 (2020) (citation omitted).

Respondent mother argues Findings of Fact 20, 23, 36, 45, 53, 54, 55, 57, 59, 60, and 61 are unsupported by the evidence. These findings are the trial court’s inferences drawn from the evidence presented at the hearing. Such inferences included determinations that respondent mother’s actions during each incident were due to anger, provoked anger, and appeared unusual, erratic and unstable. It inferred that she is “prone to anger, aggression, and physical violence when provoked.” Further, it inferred from the evidence that she exhibited extremely hostile and aggressive behavior, and she refused to demonstrate any compliance with case plans to remedy the behavior. While respondent mother might disagree with the trial court’s inferences, it is the trial court alone who “determines which inferences to draw and which to reject.” *Id.* These inferences are supported by evidence in the record of the social workers’ interactions with respondent mother surrounding the reported incidents as well as their contacts with her when attempting to work out a case plan. Accordingly, these findings are supported by the record.

Respondent mother also challenges Finding of Fact 35 regarding the December 2021 incident. Our Supreme Court affirmed that the portion of this finding that was supported by the record was that respondent mother left Jade outside alone or

allowed her to stay in the cold long enough that the neighbors took Jade into their home. Respondent mother testified she attempted to enroll Jade in a different school district. She also testified about her daughter wanting to live with the great aunt. Accordingly, these portions of Finding of Fact 35 are supported by the record evidence.

These findings, along with the unchallenged findings, support the trial court's adjudication order for neglect. A neglected juvenile is one whose "parent . . . does not provide proper care, supervision, or discipline . . . or creates or allows to be created a living environment that is injurious to the juvenile's welfare." N.C.G.S. § 7B-101(15) (2021). For an adjudication of neglect, the court must find "some physical, mental, or emotional impairment of the juvenile or a substantial risk of such impairment as a consequence of the failure to provide proper care, supervision, or discipline." *In re Stumbo*, 357 N.C. 279, 283 (2003) (cleaned up). Under section 7B-101(15), the trial court has discretion when "determining whether children are at risk for a particular kind of harm given their age and the environment in which they reside." *In re A.L.T.*, 241 N.C. App. 443, 451 (2015) (cleaned up).

The trial court made the following unchallenged findings:

19. Respondent Mother reported being upset with Ms. Moye and being under the stress of having to go to work. When they arrived at the Respondent Mother's home, Jade and the Respondent Mother began arguing in the vehicle about Jade staying there. Jade refused to exit the vehicle. The argument turned into a physical altercation, and Jade locked herself inside the vehicle, with Respondent Mother

on the outside of the vehicle. Jade called the police while she was inside the vehicle. Respondent Mother broke a window out of the vehicle to unlock it. Respondent Mother then took the phone from Jade while Jade was talking to the police.

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22. The altercation moved inside the Respondent Mother's home, where Respondent Mother beat Jade with a belt and slapped Jade.

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24. Pitt County DSS social workers later took photographs of marks on Jade's body resulting from the altercation, which included marks where Respondent Mother struck Jade with a belt.

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26. During the investigation of this incident, Respondent Mother agreed to discontinue use of physical discipline of the juveniles in a safety plan and agreed to allow Jade and Juliet to continue to reside with family in Greene County.

27. Respondent Mother also agreed to pursue a mental health assessment and was provided with contact information to do so.

28. The case worker was unaware of the Respondent Mother having completed any mental health assessment or follow up at the time of the hearing.

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38. Upon his arrival, Mr. Hill saw that the Respondent Mother had acted in such a manner that the police had placed her in handcuffs. The Respondent Mother had been "fussing, cussing, banging, and demanding that the child come out of the home."

...

42. Respondent Mother was angry and resentful toward family members that had taken care of Jade and Juliet, and she started arguing and cussing whenever the social worker was on the phone with Ms. Moye (the great aunt).

...

44. Initially, Respondent Mother had Amanda in her arms when she was banging on the neighbors' house and upset.

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47. Respondent Mother becomes upset when communicating with social workers. She yells at them and cusses them. Respondent Mother also, at times, hangs up the phone on the social workers.

48. Respondent Mother threatens Jade with being put in a "group home," and admits that she would rather place her children in a group home than allow them to remain with other family members.

These unchallenged findings alongside the previously discussed findings support the trial court's adjudication for neglect. The trial court drew inferences from the incidents that demonstrate its ultimate findings: that the juveniles are neglected and that respondent mother "created a living environment that [wa]s injurious to the juveniles' welfare by acting in a manner that repeatedly put the Juveniles in potentially harmful situations and fail[ed] to appropriately address and correct those behaviors."

III.

We affirm the trial court's order adjudicating the juveniles as neglected.

AFFIRMED.

IN RE: A.J., J.C., & J.C.

Opinion of the Court

Judges ARROWOOD and FLOOD concur.