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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA25-1005

Filed 16 September 2026

Johnston County, Nos. 24JA000080-500, 24JA000081-500

In re: K.C., A.C.

Appeal by respondent-father from adjudication order entered 10 June 2025 by Judge Travis N. Wheeler and disposition order entered 18 June 2025 by Judge Joy A. Jones in Johnston County District Court. Heard in the Court of Appeals 26 August 2026.

Deputy County Attorney Marie Coats and Sr. Assistant County Attorney Mariamarta T. Conrad, for petitioner-appellee Johnston County Department of Social Services.

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

J. Thomas Diepenbrock for respondent-appellant father.

ZACHARY, Judge.

Respondent-Father appeals from 1) the trial court's order adjudicating his juvenile daughter, "Kalifa,"¹ neglected and dependent; and 2) the trial court's initial disposition order, directing that Respondent-Father have no contact with Kalifa and

¹ We refer to the juveniles by the pseudonyms to which the parties have stipulated. See N.C.R. App. P. 42(b).

relieving the Johnston County Department of Social Services (“DSS”) of the obligation to make reasonable efforts toward his reunification with her. After careful review, we affirm.

I. Background

This case concerns allegations of sexual abuse committed by Respondent-Father against juvenile “Amadi,”²—Kalifa’s half-sister—and witnessed by Kalifa, which ultimately resulted in Amadi being adjudicated abused, neglected, and dependent, and Kalifa being adjudicated neglected and dependent.

On 7 May 2024, DSS received a Child Protective Services report alleging that Respondent-Father was sexually abusing Amadi. The report came after Kalifa “pulled her pants down and showed her butt and private parts to another student” at school and was “making ‘sexual noises’ ” in class.

The same day that DSS received the report, an assigned DSS social worker conducted an unannounced interview at the sisters’ school. Amadi reported that Respondent-Father had touched her genitals in an inappropriate manner, and Kalifa reported that she had seen Respondent-Father unclothed in bed with Amadi and that they “make[] babies together.” Respondent-Father, Mother, and the sisters’ maternal

² The trial court’s orders regarding Amadi are not at issue in this appeal. Respondent-Father is not the biological father of Amadi, and thus he does not have standing to appeal the orders relating to Amadi. *See, e.g., In re J.C.B.*, 233 N.C. App. 641, 643, 757 S.E.2d 487, 489, *disc. review denied*, 367 N.C. 524, 762 S.E.2d 213 (2014) (declining to address the respondent-father’s argument that the trial court erred in adjudicating his stepdaughter abused because, as the respondent-father did not have parental rights with respect to the stepdaughter, he “lack[ed] standing to appeal”).

grandmother—who was reportedly Respondent-Father’s long-term girlfriend—denied the allegations.

On 30 May 2024, Respondent-Father—who had previously pleaded no contest to lewd or lascivious assault upon a child and had been on the sex offender registry since 2001—was arrested and charged with statutory rape of a child by an adult, ten counts of statutory sex offense with a child by an adult, and two counts of taking indecent liberties with a child.³ Respondent-Father and a second individual were identified as putative fathers of Kalifa. Genetic testing was thereafter completed, and the trial court ultimately found at a later hearing that genetic testing had “determined [Respondent-Father] to be the biological father of” Kalifa.

On 4 June 2024, DSS filed two petitions alleging that Kalifa was neglected and dependent, and that Amadi was abused, neglected, and dependent. That same day, the trial court entered an order granting DSS nonsecure custody of Kalifa. In its order, the trial court stated that Mother had found a voluntary temporary shelter for the sisters under a safety plan developed by DSS, but that once she violated the safety plan, there were no other appropriate placements available.

Beginning on 5 February 2025, the trial court held adjudication hearings on the juvenile petitions in this matter. DSS called Respondent-Father as a witness. Respondent-Father asserted his Fifth Amendment privilege against self-

³ At the time the trial court entered its disposition order on 18 June 2025, Respondent-Father remained incarcerated pending resolution of the criminal charges.

incrimination when asked whether he engaged in any sexual activity with Amadi. The trial court inferred from this testimony “that Respondent[-]Father’s truthful testimony would have been unfavorable to him.”

Ann Parsons, a pediatric nurse practitioner at the Tedi-Bear Children’s Advocacy Center, testified regarding the Child Medical Evaluation (“CME”) she performed on Amadi. Respondent-Father objected to Parsons’s testimony on hearsay grounds, arguing that the statements did not fall under the medical treatment or diagnosis exception to the hearsay rule because they were made primarily for investigative purposes, an objection which the trial court overruled.

In her testimony, Parsons described her meeting with Amadi, in which she explained to Amadi that she was a nurse who took care of “checkups,” asked Amadi questions about her hearing, vision, sleep, appetite, mood, and whether she was engaging in any “risky behavior,” such as drug or alcohol use. Amadi disclosed that she had suicidal thoughts, sleep disturbances, and that she “fe[lt] very upset almost all the time[.]” Parsons explained that, as part of her duties, if a child discloses symptoms consistent with trauma, she will then make a diagnosis and recommend treatment. Parsons testified that Amadi’s reported symptoms were consistent with a child who had been exposed to sexual abuse.

During the hearing on 5 February 2025, Kalifa was called as a witness, but she gave muted answers, some of which were unintelligible due to a speech impediment. DSS made an oral motion to have Kalifa declared incompetent to testify due to her

speech impediment, which the court ultimately granted. By written order entered 12 February 2025, the trial court ruled that Kalifa was not competent to testify at the hearing and was thus unavailable as a witness.

Following this ruling, on 13 February 2025, DSS filed notice of its intent to introduce out-of-court statements by Kalifa under the residual hearsay exception, including Kalifa’s statements during a Comprehensive Clinical Assessment (“CCA”) in which she described an incident of sexual abuse perpetrated by Respondent-Father against Amadi at a relative’s house. Respondent-Father objected to this proffered testimony, arguing that it did not fall within the residual hearsay exception. After making oral findings regarding Kalifa’s unavailability, the necessity of the evidence, its probative value, and its trustworthiness, the trial court permitted Kirsten Warner, a clinical social worker, to testify to the statements that Kalifa made to her during Kalifa’s CCA. Warner described Kalifa’s statements detailing the sexual abuse that Kalifa had witnessed, including her statements that “Daddy was with sissy in [Relative]’s bed – under the bed, and they were doing something real weird,” and that when Kalifa “went and told [her] mommy[,] [her] mommy was really mad.”

Amadi also testified at the adjudication hearing. Amadi detailed various instances in which Respondent-Father gave her a “bad touch”; she testified that Respondent-Father had forced her to have sexual intercourse with him and confirmed Kalifa’s account of the incident of abuse at the relative’s house.

On 10 June 2025, the trial court entered its written adjudication order, in which it concluded that Kalifa was a neglected and dependent juvenile. The court detailed Amadi’s previous statements and her testimony at trial, found her “sworn testimony in this matter to be credible,” and noted that it afforded “great weight to the fact that [her] disclosures to the CME providers and to the [DSS] Social Worker were consistent with her sworn testimony in this matter.” The court also found that “[Amadi]’s prior disclosures and her testimony in this matter were consistent with the statements [Kalifa] made during her CCA as well as [her] physical demonstrations . . . during her initial interview.”

Following a hearing, the trial court entered its disposition order on 18 June 2025. The court found, *inter alia*, that Respondent-Father was incarcerated; that he had been “unable to participate [in] or complete any services” delineated in the Family Services Agreement due to his incarceration; and that he had no visitation with Kalifa. Moreover, based upon the trial court’s finding that “Respondent-Father has been required to register as a sex offender on any government-administered registry,”—an aggravating circumstance pursuant to N.C. Gen. Stat. § 7B-901(c)(3)(v)—the court relieved DSS of its obligation to continue efforts toward reunification of Respondent-Father and Kalifa. Lastly, the court ordered that Respondent-Father was to continue to have no visitation with Kalifa.

Respondent-Father timely appealed the adjudication and disposition orders to this Court.

II. Discussion

On appeal, Respondent-Father raises two issues: first, whether the trial court erred in concluding “that Kalifa was a neglected juvenile when adequate findings of fact did not show harm to [her] or a substantial risk of future harm,” and second, whether the trial court erred in concluding that Kalifa was a dependent juvenile.

A. Standard of Review

“An appellate 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 K.S.*, 380 N.C. 60, 64, 868 S.E.2d 1, 4 (2022) (extraneity omitted). “Where no exception is taken to a finding of fact by the trial court, the finding is presumed to be supported by competent evidence and is binding on appeal.” *Id.* (citation omitted).

During an adjudicatory hearing, “[t]he trial court must apply the Rules of Evidence, and can find a child abused, neglected, or dependent only if that status is proven by clear and convincing evidence.” *In re K.W.*, 272 N.C. App. 487, 493, 846 S.E.2d 584, 589 (2020) (extraneity omitted) (citing N.C. Gen. Stat. §§ 7B-804, -805 (2025)). “Whether a child is neglected or dependent is a conclusion of law and we review a trial court’s conclusions of law de novo.” *In re K.W.*, 282 N.C. App. 283, 286, 871 S.E.2d 146, 150 (2022) (italics omitted).

B. Adjudication Order

On appeal, Respondent-Father argues that the trial court erred in adjudicating Kalifa neglected and dependent. Specifically, he contends that the trial court's conclusions that Kalifa was a neglected and dependent juvenile were not supported by adequate findings of fact because "[t]he trial court violated [his] Fifth Amendment right against self-incrimination"; "[t]he trial court erred when it allowed [DSS]'s witnesses to offer hearsay statements from the juveniles and when it admitted Amadi's CME"; and "[c]ertain findings of fact were not supported by clear and convincing evidence, or were conclusions of law." We address each argument in turn.

1. Respondent-Father's Fifth Amendment Rights

Respondent-Father first contends that Finding 61 was based on a violation of his Fifth Amendment privilege against self-incrimination and is therefore not competent evidence. Specifically, he alleges that DSS called him as an involuntary witness for the sole purpose of obtaining an adverse inference, in violation of his constitutional rights.

"The Fifth Amendment to the United States Constitution, made applicable to the states by the Fourteenth Amendment, provides that '[n]o person . . . shall be compelled in any criminal case to be a witness against himself.'" *Herndon v. Herndon*, 368 N.C. 826, 829, 785 S.E.2d 922, 925 (2016) (internal citation omitted) (quoting U.S. Const. amend. V). "This Fifth Amendment protection extends to civil proceedings." *Id.* Nevertheless, as our Supreme Court has explained, "the finder of fact in a civil cause may use a witness' invocation of his [F]ifth [A]mendment privilege

against self-incrimination to infer that his truthful testimony would have been unfavorable to him.” *In re Estate of Trogdon*, 330 N.C. 143, 152, 409 S.E.2d 897, 902 (1991).

For example, during a hearing on a petition to terminate parental rights in *In re K.W.*, a mother invoked her Fifth Amendment rights in response to questions regarding her use of illegal drugs. 282 N.C. App. at 288, 871 S.E.2d at 151. On appeal, this Court concluded that it was proper for “the trial court [to] infer that her answers would have been damaging to her claims that she did not have any real problem with drugs.” *Id.* We explained that “[a]lthough [the] mother had a right to assert her constitutional right not to answer, this proceeding is a civil case and she is not entitled to use the privilege against self-incrimination as both a ‘shield and a sword.’” *Id.* (extraneity omitted).

Here, Finding 61 reads: “The court infers from Respondent[-]Father’s invocation of his Fifth Amendment privilege against self-incrimination that Respondent[-]Father’s truthful testimony would have been unfavorable to him, namely that he touched [Amadi]’s genitalia and other areas of her body with his genitalia for the purposes of arousal or sexual gratification.” Although Respondent-Father was called to testify by an adverse party, he was entitled to, and did, invoke his Fifth Amendment privilege and refuse to answer any questions regarding his alleged criminal activity. It was thus proper for the trial court to infer that

Respondent-Father's truthful answers would have been unfavorable to him; Finding 61 is therefore competent evidence and the trial court did not err in considering it.

2. Hearsay Testimony

Respondent-Father next challenges 1) Findings 25 through 29 on grounds that they were based on inadmissible hearsay from Parsons regarding Amadi's CME; and 2) Findings 50 through 52, 56, and 59 on grounds that they were based on inadmissible hearsay from Warner regarding Kalifa's statements during her CCA.

“ ‘Hearsay’ is defined by our Rules of Evidence as ‘a statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted.’ ” *In re K.E.P.*, 298 N.C. App. 527, 533, 915 S.E.2d 470, 475 (2025) (quoting N.C. Gen. Stat. § 8C-1, Rule 801(c) (2025)). “Hearsay is not admissible except as provided by statute or by the Rules of Evidence.” *Id.* (quoting N.C. Gen. Stat. § 8C-1, Rule 802).

Testimony of Ann Parsons under Medical Treatment Hearsay Exception

Respondent-Father argues that Findings 25 through 29 are not supported by competent evidence because they are based on statements made primarily for investigative purposes, and thus, the trial court erred in admitting Amadi's CME statements under the medical treatment exception to the hearsay rule. We disagree.

“We review de novo the trial court's determination of whether an out-of-court statement is admissible pursuant to Rule 803(4).” *State v. Norman*, 196 N.C. App. 779, 783, 675 S.E.2d 395, 399 (italics omitted), *disc. review. denied*, 363 N.C. 587, 683

S.E.2d 382 (2009). Rule 803(4) of the North Carolina Rules of Evidence excepts from the rule against hearsay:

Statements made for purposes of medical diagnosis or treatment and describing medical history, or past or present symptoms, pain, or sensations, or the inception or general character of the cause or external source thereof insofar as reasonably pertinent to diagnosis or treatment.

N.C. Gen. Stat. § 8C-1, Rule 803(4).

“Rule 803(4) requires a two-part inquiry: (1) whether the declarant’s statements were made for purposes of medical diagnosis or treatment; and (2) whether the declarant’s statements were reasonably pertinent to diagnosis or treatment.” *State v. Hinnant*, 351 N.C. 277, 284, 523 S.E.2d 663, 667 (2000). “Based on the rationale underlying Rule 803(4),” however, our Supreme Court “ha[s] held inadmissible statements to a doctor made *solely* for purposes of trial preparation rather than diagnosis or treatment.” *Id.* at 285, 523 S.E.2d at 668 (emphasis added). “Accordingly, the proponent of Rule 803(4) testimony must affirmatively establish that the declarant had the requisite intent by demonstrating that the declarant made the statements understanding that they would lead to medical diagnosis or treatment.” *Id.* at 287, 523 S.E.2d at 669. In determining whether the declarant had the requisite intent, “the trial court should consider all objective circumstances of record surrounding declarant’s statements.” *Id.* at 288, 523 S.E.2d at 670.

In support of his contention that “the hearsay statements made during the course of Amadi’s CME were made primarily for investigation purposes, and not for

purposes of medical diagnosis and treatment[.]” Respondent-Father points to the fact that criminal charges were brought against him less than a week after Amadi’s CME, and that a sheriff’s employee and DSS social worker were permitted to watch the interview from a remote area. He further argues that “the testimony of [Parsons] simply did not establish that Amadi” made the statements with the intent of receiving medical treatment or diagnosis.

Contrary to Defendant’s assertions, however, Parsons testified at the adjudication hearing that she began her examination by explaining to Amadi that she was one of the nurse practitioners who took care of “checkups.” Parsons advised Amadi that her “job was to help make sure she was healthy,” and inquired whether Amadi “was having any problems with her health or her body that day.” Parsons then asked Amadi questions about her hearing, vision, sleep, appetite, and mood, and whether she was engaging in any “risky behavior,” such as drug or alcohol use, and explained that the purpose of her questions was to evaluate Amadi’s physical and mental health, make diagnoses, and recommend treatment. In response to Parsons’s questions, Amadi reported, *inter alia*, that she gets headaches; that “she was dealing with nightmares”; and that she had “tried to hang herself in the bathroom” when she was in kindergarten.

Taking “all objective circumstances . . . surrounding [Amadi]’s statements” into account, *id.*, we conclude that the nature of the interview and Parsons’s questions, the medical setting in which the CME was conducted, and the symptoms reported by

Amadi all demonstrate that she understood that her responses would be used for the purpose of medical diagnosis and treatment, rather than for criminal investigative purposes or later legal action. *See, e.g., State v. Corbett*, 376 N.C. 799, 813–14, 855 S.E.2d 228, 239–40 (2021) (discussing objective circumstances that show the child victims understood their responses would be used for medical diagnosis and treatment).

Amadi’s statements during the CME were therefore properly admitted under Rule 803(4) as statements made for purposes of medical diagnosis or treatment. Accordingly, competent evidence supported the trial court’s findings on this issue.⁴

Testimony of Kristen Warner under Residual Hearsay Exception

Respondent-Father next challenges Findings of Fact 50, 51, 52, 56 and 59 as unsupported because they were based on the inadmissible hearsay testimony of Warner and admitted in error under the residual exception. Specifically, he argues that the trial court erred by “fail[ing] to make the findings and conclusions required by Rule 804(b)(5) and the case law in order to allow the hearsay statements attributed to Kalifa.” We disagree.

⁴ We note that Respondent-Father briefly references the admission of the CME itself in the section of his brief challenging the admission of Amadi’s statements contained in the CME. Because he makes no argument regarding the trial court’s admission of the CME beyond a passing reference in the subheader of his brief, however, nor does he cite any legal authority in support of this issue, we deem this issue waived. *See* N.C.R. App. P. 28(b)(6) (“Issues not presented in a party’s brief, or in support of which no reason or argument is stated, will be taken as abandoned.”).

“[A] court’s determination to admit a hearsay statement under the residual exception of Rule 804(b)(5) of the North Carolina Rules of Evidence is reviewed for abuse of discretion.” *State v. Blankenship*, 259 N.C. App. 102, 111, 814 S.E.2d 901, 910 (2018), *disc. review denied*, 371 N.C. 116, 827 S.E.2d 98 (2019). “Abuse of discretion results where the court’s ruling is manifestly unsupported by reason or is so arbitrary that it could not have been the result of a reasoned decision.” *Id.* at 111–12, 814 S.E.2d at 910.

North Carolina “Rule of Evidence 804(b)(5) provides for the admission of hearsay statements when the declarant is unavailable and the statement is not covered by any specific exception, but is determined to have ‘equivalent circumstantial guarantees of trustworthiness.’” *State v. Swindler*, 339 N.C. 469, 473, 450 S.E.2d 907, 910 (1994) (quoting N.C. Gen. Stat. § 8C-1, Rule 804(b)(5)). In other words, “[a]lthough hearsay evidence offered under Rule 804(b)(5) is presumptively unreliable and inadmissible, the evidence may be admitted if the evidence has been demonstrated to have ‘particularized guarantees of trustworthiness.’ ” *State v. Dammons*, 121 N.C. App. 61, 65, 464 S.E.2d 486, 488 (1995).

For a statement to be admissible under the residual exception, “[i]nitially, the trial court must find that the declarant is unavailable.” *Swindler*, 339 N.C. at 473, 450 S.E.2d at 910.

After determining [that the] declarant is unavailable, the trial court must then determine

- (1) Whether the proponent of the hearsay provided proper notice to the adverse party of his intent to offer it and of its particulars;
- (2) That the statement is not covered by any of the exceptions listed in Rule 804(b)(1)–(4);
- (3) That the statement possesses “equivalent circumstantial guarantees of trustworthiness”;
- (4) That the proffered statement is offered as evidence of a material fact;
- (5) Whether the hearsay is “more probative on the point for which it is offered than any other evidence which the proponent can produce through reasonable means”; and
- (6) Whether “the general purposes of the rules of evidence and the interests of justice will best be served by admission of the statement into evidence.”

Id. at 473–74, 450 S.E.2d at 910 (extraneity omitted).

In determining whether a hearsay statement possesses “equivalent circumstantial guarantees of trustworthiness” so that it may be admitted under Rule 804(b)(5), the court should consider

- (1) the declarant’s personal knowledge of the underlying event;
- (2) the declarant’s motivation to speak the truth;
- (3) whether the declarant recanted; and
- (4) the reason, within the meaning of Rule 804(a), for the declarant’s unavailability.

Id. at 474, 450 S.E.2d at 910.

“The trial court is required to make findings of fact and conclusions of law when determining if an out-of-court hearsay statement possesses the necessary circumstantial guarantee of trustworthiness.” *Dammons*, 121 N.C. App. at 65, 464 S.E.2d at 489. Failure to do so constitutes reversible error. *See id.* at 66, 464 S.E.2d at 489–90 (reversing a criminal defendant’s conviction and granting a new trial where, despite “the record contain[ing] sufficient evidence upon which the trial court could have made sufficient findings of fact and conclusions of law regarding the trustworthiness of the statement, it failed to do so”).

Here, Respondent-Father argues that the trial court’s findings “do not detail how the trial judge considered either the six-step analysis, or the required consideration of the ‘equivalent circumstantial guarantees of trustworthiness.’” This argument lacks merit.

First, in ruling on Respondent-Father’s objection to the admission of Kalifa’s statements under the residual exception, the trial court explicitly referenced “the requirements of the six-part test for this exception.” The trial court found, *inter alia*, that “opposing counsel ha[d] been noticed” on the motion; that DSS, the proponent of the evidence, had sufficiently “demonstrat[ed the] necessity,” probative value, and materiality of the testimony; and that admission of the testimony would be “in the interest[s] of justice.”

“[W]ith respect to trustworthiness,” however, the trial court required further evidence, stating, “I don’t know that the trustworthiness part of this is – is

established yet.” Then, after questioning Warner about whether she discussed the importance of telling the truth with Kalifa, the trial court stated:

The [c]ourt having go[ne] through five of the factors prior to the additional question – so the sole question remaining is trustworthiness. The witness having testified that – that the – the witness told the child that she was a therapist, that she told the child that they needed to talk about things that are true and not talk about things that the – the child didn’t know, coupled with the fact that the child would spontaneously blurt out things including the reason why the child that she was there for that. It gives the [c]ourt at least some basic under – basic belief that there is some degree of trustworthiness in this and . . . [the] objection’s overruled.

In addition, and contrary to Respondent-Father’s assertions, the trial court’s written findings address each of the four factors to be considered when determining whether a statement has “equivalent circumstantial guarantees of trustworthiness.” *See Swindler*, 339 N.C. at 474, 450 S.E.2d at 910. In Finding 50, which addresses “the declarant’s personal knowledge of the underlying event,” *id.*, the trial court found that Kalifa “disclosed to LCSW Warner” that she had seen Respondent-Father in bed with Amadi “doing something real weird,” and that Kalifa “told [her] Mommy” about what she had seen. Finding 53 addresses “the declarant’s motivation to speak the truth,” *id.*, and provides that “[t]here is no evidence in the record to support an inference that the juveniles conspired to fabricate a story regarding [Respondent-Father]’s conduct[.]” Finding 52 addresses “whether the declarant recanted,” *id.*, stating that “there is no evidence in the record that [Kalifa] recanted her statement

regarding [Respondent-Father]’s conduct[.]” Finally, Finding 48 addresses “the reason . . . for the declarant’s unavailability,” *id.*—namely, Kalifa’s being found incompetent to testify based on her speech impediment.⁵

In sum, both the record and the trial court’s written adjudication order detail how the trial judge considered the six-step analysis and the required consideration of the “circumstantial guarantees of trustworthiness” pursuant to Rule 804(b)(5). Accordingly, the trial court did not err in admitting Kalifa’s statements under the residual exception.

3. Other Challenged Findings

Respondent-Father next challenges 1) Findings 37 through 41, 43, and 45 on grounds that the findings were mere recitations of witness testimony, and 2) Findings 35 and 36 on grounds that they were not supported by admissible competent evidence.

Recitation of Testimony in Findings 37–41, 43, 45

We agree with Respondent-Father that mere “recitations of the testimony of each witness do not constitute findings of fact by the trial judge absent an indication concerning whether the trial court deemed the relevant portion of the testimony credible.” *In re A.E.*, 379 N.C. 177, 185, 864 S.E.2d 487, 495 (2021) (extraneity omitted). Nevertheless, “there is nothing impermissible about describing testimony,

⁵ Respondent-Father did not appeal the trial court’s order determining Kalifa to be incompetent to testify as a witness.

so long as the court ultimately makes its own findings, resolving any material disputes.” *Id.* (extraneity omitted).

Notably, here, although Findings 37 through 41, 43, and 45 begin with phrases like “[Amadi] testified,” or “[Amadi] indicated,” and thus appear to be mere recitations of testimony, the trial court expressly found Amadi’s “sworn testimony in this matter to be credible” and “afford[ed] great weight” to the fact that her testimony at the hearing was consistent with her prior statements and consistent with Kalifa’s statements. Read in conjunction with Findings 58 and 59, therefore, the challenged findings contained “an indication concerning whether the trial court deemed the relevant portion of the testimony credible.” *Id.* Accordingly, these findings were supported by competent evidence, and Respondent-Father’s challenge is overruled.

Evidence Supporting Findings 35, 36

Respondent-Father argues that Finding 35 was “based on testimony that was only admitted to show why the investigation [into Respondent-Father’s behavior] was commenced, and cannot be considered for the truth of the matter asserted.” He does not challenge the evidentiary basis for this finding, nor does he argue that the testimony was improperly admitted for the truth of the matter asserted, or that he was prejudiced in any way by this finding. We deem this finding properly supported by the evidence. *See* N.C.R. App. P. 28(b)(6) (“Issues not presented in a party’s brief, or in support of which no reason or argument is stated, will be taken as abandoned.”).

Respondent-Father challenges Finding 36 as “not supported by clear and convincing evidence as to Kalifa, since there is no finding or admissible evidence that she engaged in sexualized behavior.” Finding 36 states that the behavior of the juveniles “is consistent with that of sexually abused children.”

Contrary to Respondent-Father’s assertions, when asked about the DSS report that Parsons received regarding Kalifa, Parsons stated, “As I recall, [Kalifa] made a statement outside of her home about she was engaging in some sexualized behavior at school.” Respondent-Father did not object to this portion of Parsons’s testimony. Then, when asked whether the “sexualized behaviors like those [Parsons] described of [Kalifa] [are] consistent with a child who has been exposed to sexual abuse,” Parsons responded, “Yes.” Again, Respondent-Father did not object to this testimony. Accordingly, we deem this finding supported by competent evidence.

4. Conclusion of Neglect

Respondent-Father next argues that “[t]he conclusion that Kalifa was a neglected juvenile was not supported by adequate findings of fact,” which cannot be based on the abuse or neglect of Amadi. We disagree.

“An adjudication of neglect cannot be solely based upon previous Department of Social Services involvement relating to other children.” *In re A.J.L.H.*, 384 N.C. 45, 55, 884 S.E.2d 687, 694 (2023) (extraneity omitted). “Instead, the trial court must find the presence of other factors to suggest that the neglect or abuse will be repeated.” *Id.* (extraneity omitted).

“When determining the weight to be given to a finding of abuse of another child in the home, a critical factor is whether the respondent indicates a willingness to remedy the injurious environment that existed with respect to the [abused] child.” *Id.* at 56, 884 S.E.2d at 694–95 (extraneity omitted). “Facts that can demonstrate a parent’s unwillingness to remedy the injurious environment include failing to acknowledge the . . . child’s abuse or insisting that the parent did nothing wrong when the facts show the parent is responsible for the abuse.” *Id.* at 56, 884 S.E.2d at 695.

Here, the trial court made findings concerning Respondent-Father’s invocation of his Fifth Amendment privilege when asked whether he had ever touched Amadi in her private areas “for the purposes of arousal or sexual gratification.” The trial court drew a permissible, but unfavorable inference from Respondent-Father’s invocation of his right to remain silent—specifically, that he did in fact touch Amadi in this way. Respondent-Father thus “fail[ed] to acknowledge [Amadi’s] abuse,” indicating an “unwillingness to remedy the injurious environment” to which Kalifa was exposed. *Id.* Accordingly, the trial court’s conclusion that Kalifa was a neglected juvenile was supported by its findings.

5. Conclusion of Dependency

Finally, Respondent-Father argues that “[t]he conclusion that Kalifa was a dependent juvenile was not supported by adequate findings of fact.” We disagree.

A juvenile is “dependent” when “the juvenile’s parent, guardian, or custodian is unable to provide for the juvenile’s care or supervision and lacks an appropriate

alternative child care arrangement.” N.C. Gen. Stat. § 7B-101(9). “In determining whether a juvenile is dependent, the trial court must address both (1) the parent’s ability to provide care or supervision, and (2) the availability to the parent of alternative child care arrangements.” *In re A.W.*, 377 N.C. 238, 249, 856 S.E.2d 841, 850–51 (2021) (extraneity omitted).

Respondent-Father specifically argues that the order lacks a finding that no alternative child care arrangement existed. The trial court found that “the juveniles were placed with Respondent[-Father]’s daughter, . . . pursuant to a voluntary temporary safety provider agreement,” and that “[t]he placement was disrupted after it was discovered that [Respondent-Father’s daughter] had allowed . . . Mother to take the juveniles in contravention of [DSS]’s instructions.” Respondent-Father contends that this finding “does not constitute a finding of fact that she was not an appropriate alternative child care arrangement.”

In addition to this finding, however, the trial court also found that following the disruption with Respondent-Father’s daughter, a social worker “attempted to identify an alternate kinship placement for the juveniles, but . . . Mother did not identify any other individuals who were approved for placement by [DSS].” It is apparent from these findings that Respondent-Father’s daughter was not an appropriate child care arrangement, nor were there any other approved options. Consequently, the trial court’s conclusion that Kalifa was a dependent juvenile was supported by the findings.

IN RE: K.C., A.C.

Opinion of the Court

III. Conclusion

For the foregoing reasons, we affirm the trial court's order adjudicating Kalifa as neglected and dependent. Because Respondent-Father makes no independent argument that the trial court erred in entering the disposition order, we likewise affirm the disposition order.

AFFIRMED.

Judges COLLINS and HAMPSON concur.

Report per Rule 30(e).