

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority. Citation is disfavored but may be permitted in accordance with the provisions of Rule 30(e)(3) of the North Carolina Rules of Appellate Procedure.

IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA26-148

Filed 16 September 2026

Wake County, Nos. 25JA000041-910, 25JA000042-910, 25JA000043-910

IN THE MATTER OF: B.R., C.R., & N.R.

Appeal by Respondent-Mother and Respondent-Father from order entered 3 September 2025 by Judge Ashleigh S. Parker in Wake County District Court. Heard in the Court of Appeals 26 August 2026.

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

Anné C. Wright for Respondent-Appellant Mother.

Micah Jones for Respondent-Appellant Father.

Nelson & Mullins, by Chelsea K. Barnes, for Guardian ad Litem.

COLLINS, Judge.

Respondent-Mother and Respondent-Father appeal from the trial court's order adjudicating their minor children neglected and dependent. For the reasons stated herein, we affirm in part and reverse in part.

I. Background

Father is the biological father of Piper; Mother is the biological mother of N.R. (“Nova”); and Mother and Father are the biological parents of B.R. (“Brianna”) and C.R. (“Connor”).¹

Wake County Health and Human Services (“WCHHS”) obtained nonsecure custody of Piper on 9 December 2016 after receiving a report alleging “neglect, inappropriate discipline, and issues related to domestic violence[.]” Piper was adjudicated neglected in April 2017. After Piper began living with Father and Mother on a trial basis in August 2024, concerns arose regarding the quality of Piper’s mental health treatment and wellbeing in Father’s care. During a permanency planning hearing on 12 February 2025, Father “became defensive at the hearing when confronted with the concerns about his behaviors with [Piper] and reported that his methods are helpful to [Piper] and that he had recorded himself dealing with [Piper’s] behavioral issues.” Father proffered a video that he had recorded on 30 December 2024 after Piper allegedly “had become aggressive that day and was a danger to herself and the family and [] he had to intervene to restrain [Piper].” The trial court found “[i]n the video that the [c]ourt was able to observe, approximately eighteen minutes, [Piper] is not aggressive or threatening” and “[Nova, Connor, and Brianna]

¹ We use pseudonyms to protect the identities of the minor children.

are all present in the home as [Piper] is repeatedly attacked physically and threatened.”

WCHHS filed juvenile petitions that same day, alleging that Nova, Connor, and Brianna were neglected and dependent based on the contents of the video.

WCHHS filed amended juvenile petitions on 18 February 2025, which alleged:

On February 12, 2025, Wake County Health and Human Services (WCHHS) received a report concerning abuse and neglect during court proceedings that same day regarding [Piper] that happened on or about December 30, 2024. She was in the home of [Father] and [Mother] on a trial home basis[.] [Father] offered into evidence a video in which he was seen assaulting [Piper] repeatedly and emotionally abusing her. [Mother] was present and joined in to threaten and inflict emotional distress on [Piper] for an extended period of time. At one point in the video as [Piper] begs to be forgiven, [Father] threatens to call the police and have [Piper] taken away in handcuffs and calls 911. [Nova, Connor, and Brianna] were living in the home and present. He accuses [Piper] of being aggressive during the video but there is no evidence of this and there is evidence of violence and unrelenting aggression towards [Piper] by [Father]. [Mother] is incorporated into this aggression. [Piper] is not allowed to use her coping mechanisms and eventually resorts to banging her head such that she bleeds from her head. [Nova] eventually asks to be excused and leaves the room.

. . . .

[Nova, Connor, and Brianna] have all been exposed to an injurious environment by being present on at least one occasion while [Piper] was abused. [Father] has reported that this behavior was typical of his parenting. [Mother] testified that she did not see anything wrong with [Father’s] behaviors in the film and participated in these behaviors. She works outside the home and [Father] works in the home and two of their children are not of school

age. . . .

Following a hearing, the trial court entered an order on 3 September 2025 adjudicating the children neglected and dependent. Mother and Father appealed.

II. Discussion

A. Mother’s Appeal

1. Video Recording

Mother first argues that the trial court erred by “entering a video recording of a video recording without proper foundation and in derogation of Mother’s right to a fundamentally fair process.”²

Any party may introduce a video tape “as substantive evidence upon laying a proper foundation and meeting other applicable evidentiary requirements.” N.C. Gen. Stat. § 8-97 (2025). “The requirement of authentication or identification as a condition precedent to admissibility is satisfied by evidence sufficient to support a finding that the matter in question is what its proponent claims.” *Id.* § 8C-1, Rule 901(a) (2025). Authentication may be established through “[t]estimony that a matter is what it is claimed to be” by a witness with knowledge. *Id.* § 8C-1, Rule 901(b)(1) (2025).

² WCHHS contends that the video was properly admitted at the adjudication hearing as a duplicate. A duplicate is defined as “a counterpart produced by the same impression as the original, or from the same matrix, or by means of photography, including enlargements and miniatures, or by mechanical or electronic re-recording, or by chemical reproduction, or by other equivalent techniques which accurately reproduce the original.” N.C. Gen. Stat. § 8C-1, Rule 1001(4) (2025). Because a video of a video does not accurately reproduce the original, it does not constitute a duplicate and therefore is admissible only if a proper foundation is laid.

Here, the social worker testified as follows during the adjudication hearing:

[Q.] [Social worker], you were in court that day.

We were here for a review for [Piper], correct?

A. Correct.

Q. And [Piper] was part of the household for these three children, [Nova, Connor, and Brianna], correct?

A. Correct.

Q. And as you were here, there was a video that [Father] chose to play in court, correct?

A. Correct.

. . . .

Q. Were you able to see that and were you able to tell that that was these kids and [Father]?

A. Yes.

Q. And based on that being the recording you have, is that an accurate copy of what was played in court that day?

A. It's an accurate copy. It came directly from the phone.

Q. Did you change anything about it?

A. Not at all.

Q. What was played in 18 -- that 18 minutes, that's what you were able to record, and you haven't changed it in any way?

A. No, sir.

Q. And then the [c]ourt directed you to do -- it was something that came into evidence, and the [c]ourt, I think, may have directed you to make a copy?

A. Yes. I was given permission by the [j]udge.

Q. Okay. And, at the time, there was no objection to this by [Father], who had offered into evidence at that hearing?

A. No.

Q. Well --

A. Not to my knowledge.

This testimony constitutes “evidence sufficient to support a finding that the matter in question is what its proponent claims.” *Id.* § 8C-1, Rule 901(a). As WCHHS laid a proper foundation under N.C. Gen. Stat. § 8-97 and Rule 901, the trial court did not err by admitting the social worker’s recording of the video Father played during the permanency planning hearing.

2. Adjudication

Mother argues that the trial court erred by adjudicating the children neglected and dependent. We address each argument in turn.

We review a trial court’s adjudication to determine whether the findings of fact are supported by clear and convincing evidence, and whether those findings support the conclusions of law. *In re K.J.M.*, 288 N.C. App. 332, 338 (2023). “Clear and convincing evidence is evidence which should fully convince.” *In re N.K.*, 274 N.C. App. 5, 8 (2020). “[F]indings of fact supported by clear and convincing competent evidence are deemed conclusive, even where some evidence supports contrary findings.” *In re T.M.*, 180 N.C. App. 539, 545 (2006) (quotation marks and citation omitted). “In a nonjury trial, it is the duty of the trial judge to consider and weigh all of the competent evidence, and to determine the credibility of the witnesses and the weight to be given their testimony.” *In re Gleisner*, 141 N.C. App. 475, 480 (2000) (citation omitted). “If different inferences may be drawn from the evidence, the trial judge must determine which inferences shall be drawn and which shall be rejected.”

Id. (citation omitted). Unchallenged findings of fact are binding on appeal. *In re J.M.*, 275 N.C. App. 517, 521 (2020). We review the trial court’s conclusions of law de novo. *In re K.J.M.*, 288 N.C. App. at 339.

a. Neglect

Mother argues that the trial court erred by adjudicating the children neglected because “there was no clear. . . and convincing evidence admitted at the adjudication hearing proving that the children were harmed or at substantial risk of harm.”

A neglected juvenile is defined, in relevant part, as one whose parent “[d]oes not provide proper care, supervision, or discipline” or “[c]reates 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). In determining whether a juvenile is neglected, “it is relevant whether that juvenile . . . lives in a home where another juvenile has been subjected to abuse or neglect by an adult who regularly lives in the home.” *Id.*

Here, Mother challenges the following findings of fact:

7. On February 12, 2025, [WCHHS] received a report concerning abuse and neglect during court proceedings that same day regarding [Piper] that happened on or about December 30, 2024. She was in the home of [Father] and [Mother] on a trial home basis. During the hearing, [Father] offered a video to Judge Parker in which he was seen assaulting [Piper] repeatedly and emotionally abusing her. [Mother] was present and joined in to threaten and inflict emotional distress on [Piper] for an extended period of time. [Father] showed this video to demonstrate [Piper] in crisis and how he responded to the incident.

8. At one point in the video as [Piper] begs to be forgiven, [Father] threatens to call the police and have [Piper] taken away in handcuffs and calls 911. [Nova, Connor, and Brianna] were living in the home and present. [Connor] was in a different room. [Father] accuses [Piper] of being aggressive during the video but there is no evidence of this and there is evidence of violence and unrelenting aggression towards [Piper] by [Father]. [Mother] is incorporated into this aggression and repeats the verbal abuse that [Father] is showering on [Piper]. [Piper] is not allowed to use her coping mechanisms and eventually resorts to banging her head such that she bleeds from her head. [Piper] was able to breathe but she described that it “hurts her bones”. [Nova] eventually asks to be excused and leaves the room. [Brianna] is crying and wailing throughout the video.

9. . . . [Father] reported to Child Protective Services investigators that he was using therapeutic holds but what he was doing to [Piper] was not a therapeutic hold. . . . [Father] has not been trained in therapeutic holds. . . . [Piper’s] trauma history and mental health needs rule the use of restraints out as a means of discipline. There is no indication that [Piper] was a danger to herself or others that would warrant the use of force seen in the video provided by [Father]. After being berated and verbally abused by [Father] and [Mother] and denied her coping methods that were explained to the parents in detail[, Piper] does then try to bang her head in the video.

. . . .

17. [Father] was diagnosed with anti-social personality disorder when [Piper] . . . came into foster care and did not engage in mental health treatment in that case and still has not participated in such treatment. He has very little insight into how his behaviors have negatively affected the children in his care. This led him to proffer the video of his abuse of [Piper] as evidence at the hearing on February 12, 2025.

. . . .

19. [Nova, Connor, and Brianna] have all been exposed to an injurious environment by being present on at least one occasion while [Piper] was abused. [Father] has reported that this behavior was typical of his parenting. [Mother] testified that she did not see anything wrong with [Father's] behaviors in the film and participated in these behaviors. . . .

Findings of Fact 7, 8, and 9 summarize the 30 December 2024 video Father proffered during the permanency planning hearing for Piper. Although Mother disputes the trial court's characterization of the actions shown, "[i]f different inferences may be drawn from the evidence, the trial judge must determine which inferences shall be drawn and which shall be rejected." *In re Gleisner*, 141 N.C. App. at 480 (citation omitted). These findings are supported by the video itself and by testimony from both law enforcement and the social worker.

A detective with the Holly Springs Police Department testified that, in the video, Father was "grabbing [Piper] and placing her on the ground at different points, and while she was trying to leave, [he was] pulling her back to him." The detective further testified that what she saw "did not appear to be what would be a therapeutic hold." The social worker testified that therapeutic holds had "never been a part of the crisis plan"; that neither she nor the clinicians had ever instructed Father to use such holds, and that Father's actions in the video did not look like a therapeutic hold. This testimony supports the trial court's findings that Father was not performing a therapeutic hold, that he was not trained in such techniques, and that he used physical force inconsistent with Piper's trauma history and mental health needs, even

if the record contains evidence that would support a contrary finding. *See In re T.M.*, 180 N.C. App. at 544.

Mother argues that the portion of Finding 19 which states that “[Nova, Connor, and Brianna] have all been exposed to an injurious environment by being present on at least one occasion while [Piper] was abused” is actually a conclusion of law. While “abused juvenile” is a defined statutory term, the trial court’s use of the adjective “abused” here is a factual characterization of the actions depicted in the video, not a legal conclusion. This finding of fact is therefore properly characterized as such and is supported by clear and convincing evidence, including the video in which the children were present in the home while Father engaged in the conduct toward Piper.

Even assuming *arguendo* that these findings were erroneous, Mother has not challenged the following findings of fact:

10. [Father] reported at the hearing in February that he has parented [Piper] as he did on the video on other occasions and has recorded those sessions as well. He believed that this was beneficial to [Piper]. He has placed video cameras throughout the home and in [Piper’s] bedroom. He has recorded meetings with [WCHHS] and [Piper’s] mental health providers and interfered in her mental health treatment. [Piper] has a history of needing care in a [Psychiatric Residential Treatment Facility] and suicidal ideation. [Nova, Connor, and Brianna] were all members of the household in 2024 when [Piper] came to live with them.

11. [Father] has reported that he understands [Piper’s] treatment needs and is willing to participate in her treatment, but he has been unable to do so. Her intensive in-home treatment had to be moved out of the home due to

[Father's] insistence on being present and monitoring [Piper] at all times. [Piper] was expected to knock on her bedroom door to be allowed to leave her room to walk around the home. [Father] has directed [Piper] as to what to say during treatment including to say negative things about [Piper's] mother that were untrue. He referred to [Piper's] treatment providers as "flawed" such that [Piper] referred to them in this way and that undermined her treatment. [Father] believes that many common things women do with their appearance such as painting their fingernails are "ungodly." During one session with her provider at a restaurant, [Father] attempted to hide his phone and left the phone recording and became angry when this was discovered.

12. [Piper] lost a significant amount of weight in a short time due to being forced to exercise daily and to have her food limited. On at least one occasion, [Piper] was having menstrual pains and [Father] forced her to exercise anyway. [Father] reported that the daily exercise sessions would often take two or three hours, but that [Piper] would "sometimes only" actively exercise about 45 minutes of this time. He denied [Piper] coping mechanisms such as a stress ball and taking a break so that she would not "have her way" despite agreeing to these with her treatment provider and reporting that he understood the need for [Piper] to be able to utilize these coping mechanisms.

13. [Father] has a significant history with Child Protective Services (CPS) and a prior criminal record related to the child abuse of [Piper's sister]. . . .

These unchallenged findings support the trial court's conclusion that "[t]he children are neglected as defined by N.C.G.S. §7B-101(15) in that the children do not receive proper care and supervision from their parents and live in an environment injurious to their welfare."

b. Dependency

Mother argues, and WCHHS concedes, that the trial court erred by adjudicating the children dependent because the findings of fact show that there was an appropriate alternative childcare arrangement.

A dependent juvenile is defined as one “in need of assistance or placement because (i) the juvenile has no parent, guardian, or custodian responsible for the juvenile’s care or supervision or (ii) 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) (2025). “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 childcare arrangements.” *In re Q.M.*, 275 N.C. App. 34, 38-39 (2020) (quotation marks and citation omitted). “Findings of fact addressing both prongs must be made before a juvenile may be adjudicated as dependent, and the court’s failure to make these findings will result in reversal of the court.” *In re B.M.*, 183 N.C. App. 84, 90 (2007) (citation omitted).

Here, the trial court found that “Wake County Social Services has been able to verify that there is a relative willing and able to provide care and supervision of the children in a safe home.” As the trial court found that an appropriate alternative child care arrangement existed, it subsequently erred by adjudicating the children dependent. Accordingly, we reverse this portion of the trial court’s order.

B. Father’s Appeal

Father argues that WCHHS did not properly invoke the trial court’s jurisdiction by “failing to act independently or according to the standards of thoughtfulness required by the General Assembly prior to filing its petitions[.]” (capitalization altered).

“This Court presumes the trial court has properly exercised jurisdiction unless the party challenging jurisdiction meets its burden of showing otherwise.” *In re L.T.*, 374 N.C. 567, 569 (2020) (citation omitted). When a report of abuse, neglect, or dependency is received by a department of social services, it must “make a prompt and thorough assessment . . . in order to ascertain the facts of the case,” including “the extent of the abuse or neglect[] and the risk of harm to the juvenile, in order to determine whether protective services should be provided or the complaint filed as a petition.” N.C. Gen. Stat. § 7B-302(a) (2025). A petition “shall contain . . . allegations of facts sufficient to invoke jurisdiction over the juvenile.” *Id.* § 7B-402(a) (2025).

Here, the social worker was present when Father proffered the video at the permanency planning hearing for Piper. The record shows that WCHHS initiated its assessment and filed the petitions based on the information it received during the hearing, consistent with its statutory obligations. Because WCHHS acted pursuant to its independent statutory duty to assess reports of suspected abuse, neglect, or dependency, Father has not met his burden of showing that the trial court’s jurisdiction was improperly invoked.

III. Conclusion

Because the trial court did not err by admitting the challenged video or by adjudicating the children neglected, and because Father has not met his burden to show that the court's jurisdiction was improperly invoked, we affirm in part. However, because the trial court erred by adjudicating the children dependent, we reverse in part.

AFFIRMED IN PART; REVERSED IN PART.

Judges ZACHARY and HAMPSON concur.

Report per Rule 30(e).