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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA26-39

Filed 16 September 2026

Columbus County, No. 25JA001016-230

IN RE: L.F.,

A Minor Child

Appeal by respondent-father from an adjudication order entered 3 July 2025 and a disposition order entered 5 September 2025 by Judge J. Calvin Chandler in Columbus County District Court. Heard in the Court of Appeals 25 August 2026.

Jane R. Thompson for petitioner-appellee Columbus County Department of Social Services.

Brittany T. McKinney for appellee Guardian Ad Litem.

Peter Wood for respondent-appellant father.

FREEMAN, Judge.

Respondent-father appeals from orders of adjudication and disposition that found the juvenile to be abused. Respondent-father argues that the trial court erred in finding that L.F. was an abused juvenile due to there being no physical or emotional harm. After careful review, we affirm the trial court's orders.

I. Factual and Procedural Background

On 28 September 2024, respondent-mother (Mother), gave birth to L.F.¹ Respondent-father (Father) is the undisputed father of L.F. Father is a registered sex offender. Father had an outstanding warrant for a parole violation and was met by his parole officer on 2 February 2025. The parole officer conducted a legal search of Father's phone and discovered text messages between Father and Mother. These text messages included conversations where they discussed the attractiveness of L.F.'s vagina and body as well as images of her genitalia. Father indicated that he was aroused by the sight of L.F.'s vagina, saying "its gonna drive me crazy." Father indicated his desire and intent to sexually assault L.F., saying "around 5 or 6 she will have seen enough by then but shower time." L.F. was four months old at the time.

On 6 February 2025, Father and Mother were both arrested. On 7 February 2025 the Columbus County Department of Social Services (DSS) filed a petition alleging L.F. as abused, neglected, and dependent.

On 27 February 2025, the pre-adjudication hearing occurred. On 24 June 2025, the adjudication hearing took place. Both Mother and Father signed a stipulation that was included in the adjudication order. The stipulation stated that both Father and Mother "encouraged the commission of a sex offense with or upon the juvenile" and contained their text message exchange. At the hearing, Father

¹ Initials are used to protect the identity of the minor child. N.C. R. App. P. 42.

testified that he acknowledged the stipulation and that he understood the impact of it if it were to be accepted by the court. After this adjudication hearing, the trial court found L.F. to be abused under N.C.G.S. § 7B-101(1)(d), neglected under N.C.G.S. § 7B-101(15), and dependent under N.C.G.S. § 7B-101(9). On 3 July 2025, the adjudication order was entered. On 5 September 2025, the trial court entered a Disposition Order ordering that the legal and physical custody of the juvenile remains with DSS, that DSS is relieved of reunification efforts, and that Father shall not have visitation rights. Father timely appealed.

II. Jurisdiction

We have jurisdiction to review “[a]ny initial order of disposition and the adjudication order upon which it is based.” N.C.G.S. § 7B-1001(a)(3) (2025). Therefore, we have jurisdiction to review the trial court’s orders.

III. Standard of Review

We review a trial court’s order adjudicating a juvenile abused, neglected, or dependent to determine:

(1) whether the findings of fact are supported by clear and convincing evidence, and (2) whether the legal conclusions are supported by findings of fact. If such evidence exists, the findings of the trial court are binding on appeal, even if the evidence would support a finding to the contrary.

In re K.R., 931 S.E.2d 270, 275 (N.C. Ct. App. 2026) (cleaned up). “Unchallenged findings of fact are deemed supported by competent evidence and are binding on appeal.” *In re J.S.*, 374 N.C. 811, 814 (2020).

Conclusions of law are reviewed de novo. *In re G.C.*, 384 N.C. 62, 65–66 (2023). Under a de novo review, this court considers the matter anew and freely substitutes its own judgment for that of the trial court. *In re T.M.L.*, 377 N.C. 369, 375 (2021).

IV. Discussion

Father does not argue against the trial court’s findings of neglect and dependency in the adjudication order. Nor does Father dispute the stipulation or that the trial court accepted it as evidence. Rather, Father argues that the trial court could not find abuse because L.F. did not suffer any physical or emotional harm. Specifically, Father disputes finding of fact sixteen, which states: “The juvenile [i]s abused; pursuant to NCGS 7B101.1(d), in that the juvenile’s parent, guardian, or custodian commits, permits, or encourages the commission of a sex or pornography offense by, with or upon the juvenile in violation of the criminal law.” Father also disputes conclusion of law three, which states: “[t]he juvenile is abused, pursuant to NCGS 7B101.1(d), in that the juvenile’s parent, guardian, or custodian commits, permits, or encourages the commission of a sex or pornography offense by, with or upon the juvenile in violation of the criminal law.”

Father’s argument that “[a] trial court may not find abuse unless there is some physical or emotional harm to a child, or the parents have created an injurious environment for the child” is an incorrect statement of law.

Under N.C.G.S § 7B-101(1), “abused juvenile” is defined as follows:

Any juvenile less than 18 years of age . . . whose parent,

guardian custodian, or caretaker . . .

- a. Inflicts or allows to be inflicted upon the juvenile a serious physical injury by other than accidental means;
- b. Creates or allows to be created a substantial risk of serious physical injury to the juvenile by other than accidental means;
- c. Uses or allows to be used upon the juvenile cruel or grossly inappropriate procedures or cruel or grossly inappropriate devices to modify behavior;
- d. Commits, permits, or encourages the commission of a violation of the following laws by, with, or upon the juvenile: a sexually violent offense as provided in G.S. 14-208.6(5); crime against nature, as provided in G.S. 14-177; preparation of obscene photographs, slides, or motion pictures of the juvenile, as provided in G.S. 14-190.5; dissemination of obscene material to the juvenile as provided in G.S. 14-190.7 and G.S. 14-190.8; and displaying or disseminating material harmful to the juvenile as provided in G.S. 14-190.14 and G.S. 14-190.15.
- e. Creates or allows to be created serious emotional damage to the juvenile; serious emotional damage is evidenced by a juvenile's severe anxiety, depression, withdrawal, or aggressive behavior toward himself or others

While a court may find abuse due to a serious physical injury or an injurious environment, neither circumstance is required; N.C.G.S § 7B-101(1) provides other grounds upon which a court may find a juvenile to be abused. Physical injury and emotional damage are relevant under subsections (a), (b), and (e); however, the trial court's ruling was based on subsection (d). At no point does Father argue against the trial court's application or interpretation of subsection (d). Father relies on a number of cases, none of which he uses to argue the application of subsection (d). *See In re*

C.B., 180 N.C. App. 221 (2006) (applying subsection a)); *In re N.R.R.N.*, 297 N.C. App. 673 (2025) (applying subsections (a) and (b)); *In re M.G.*, 187 N.C. App. 536 (2007) (defendant cites to language applying subsection (b)); *In re W.C.T.*, 280 N.C. App. 17 (2021) (applying subsections (a) and (b)). In fact, the only mention of subsection (d) in Father's brief is when he quotes the trial court's finding of fact sixteen and conclusion of law three.

Father and Mother stipulated that they "encouraged the commission of a sex offense with or upon the juvenile, to wit" Their stipulation also describes the text messages between Father and Mother in which they discuss the attractiveness of L.F.'s genitalia, how "its gonna drive [Father] crazy," and that "she will have seen us enough by then but shower time, uh, huh." This stipulation was accepted by the court and used in its adjudication order. Father also testified that he acknowledged the stipulation and understood the repercussions if the court accepted it. The stipulation states that Father and Mother sexually abused L.F. by encouraging the commission of a sex offense. Therefore, this stipulation and the testimony taken together support the trial court's conclusion that L.F. was abused under N.C.G.S § 7B-101(1)(d).

V. Conclusion

Because the trial court did not err in concluding that the juvenile was abused under N.C.G.S § 7B-101(1)(d), we affirm the trial court's orders.

AFFIRMED.

IN RE: L.F.

Opinion of the Court

Judges WOOD and STADING concur.

Report per Rule 30(e).