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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA25-1030

Filed 21 October 2026

Orange County, No. 23JA000083-670

IN THE MATTER OF R.T.

Appeal by Respondent-Mother from order entered 11 July 2025 by Judge Samantha Cabe in Orange County District Court. Heard in the Court of Appeals 2 June 2026.

Robinson & Lawing, LLP, by Christopher M. Watford, for Appellant-Respondent-Mother.

Stephenson & Fleming, LLP, by Deana K. Fleming, for Petitioner-Appellee Orange County Department of Social Services.

Administrative Office of the Courts, by Brittany T. McKinney, for Appellee-Guardian ad Litem.

CARPENTER, Judge.

Respondent-Mother appeals the trial court’s 11 July 2025 order (the “Order”) terminating her parental rights to her minor child, Raven.¹ On appeal, Respondent-Mother filed a petition for writ of certiorari (“PWC”) and argues that the trial court

¹ A pseudonym is used to protect the identity of the minor child in accordance with N.C. R. App. P. 42(b) (2025).

erred by: (1) failing to appoint her a Rule 17 Guardian ad Litem (“GAL”); and (2) determining that grounds existed to terminate her parental rights based on neglect, willful failure to make reasonable progress, and dependency. After careful review, we dismiss Respondent-Mother’s appeal.

I. Factual & Procedural Background

Raven was born to Respondent-Mother in June 2023. In October 2023, law enforcement responded to a call that Respondent-Mother was disheveled, walking in traffic holding Raven, and asking strangers to take Raven. Respondent-Mother refused to leave the roadway, requiring the officers to form a protective circle around her and Raven. Respondent-Mother left the scene and went home. After receiving the report, the Orange County Department of Social Services (“DSS”) immediately dispatched a social worker to Respondent-Mother’s home. Respondent-Mother presented as paranoid and refused the social worker’s entry, requiring the social worker to call a mobile crisis unit to assist.

Once inside the home, the social worker observed cluttered and filthy areas. The social worker also observed Respondent-Mother holding the face of her other child, Chris,² and “squeezing it.” Chris was visibly scared of Respondent-Mother and cried throughout the visit. Respondent-Mother spoke to Chris as if he was a man and accused him of cheating on her. Because Respondent-Mother was aggressive and

² A pseudonym is used to protect the identity of the minor child in accordance with N.C. R. App. P. 42(b).

appeared to be exhibiting paranoia and delusions, police had her involuntarily committed at a local hospital. DSS placed Raven and Chris in the care of Respondent-Mother's friend. The friend informed DSS that she could only be a temporary placement.

DSS had an extensive history with Respondent-Mother as a child and, more recently, as a parent. In April 2023, DSS investigated allegations that Respondent-Mother neglected Chris. DSS referred Respondent-Mother to mental health services for schizophrenia and post-traumatic stress disorder.

On 18 October 2023, DSS filed a juvenile petition alleging Raven and Chris were neglected and dependent because they were exposed to a substantial risk of injury and Respondent-Mother was unable to provide proper care, supervision, or protection. The same day, DSS obtained nonsecure custody, temporarily placing both juveniles with Respondent-Mother's friend.

On 7 December 2023, the trial court held the initial adjudication and disposition hearing. At the prehearing conference, DSS moved for the trial court to appoint Respondent-Mother a Rule 17 GAL. The trial court examined Respondent-Mother and declined to appoint a Rule 17 GAL, determining that Respondent-Mother was competent, able to comprehend the nature of the proceedings and their connection to her actions, and able to properly assist her attorney.

Thereafter, the trial court adjudicated Raven and Chris as neglected and dependent, maintaining custody with DSS. The trial court ordered Respondent-

Mother to complete a parental competency evaluation and follow all recommendations. The trial court also ordered Respondent-Mother to engage in parenting education.

In December 2023 and February 2024, Respondent-Mother was again involuntarily committed. Meanwhile, Respondent-Mother threatened the friend who was caring for the juveniles. Concerned for her safety, the friend informed DSS that she was no longer willing to serve as a temporary placement. Because DSS could not find suitable placements for Raven or Chris, DSS placed them together in a licensed foster home in January 2024. During this time, DSS began to consider Chris's biological father as his placement provider. DSS could not determine Raven's biological father.

The trial court conducted permanency planning hearings in June and July 2024. In its order entered 30 July 2024, the trial court found that although Respondent-Mother attended visitations with a parenting aide, her interactions with Raven and Chris during visits were inappropriate. The trial court also incorporated the psychologist's findings from Respondent-Mother's parental capacity evaluation and determined that Respondent-Mother was not consistently engaging in mental health treatment or medication management. Further, Respondent-Mother's schizoaffective disorder diagnosis, non-compliance with treatment, and inappropriate behaviors indicated a lack of ability to provide parenting in an emotionally or physically safe manner.

The trial court also found that Respondent-Mother did not acknowledge the danger her mental health issues could cause. The psychologist recommended, and the trial court ordered, that Respondent-Mother demonstrate stability through medication compliance, treatment compliance, stable housing, and no additional involuntary commitments. The trial court also ordered Respondent-Mother to address her parenting deficits with the parenting aide, enroll in mental health treatment at a specific mental health clinic, and comply with provider recommendations. On 7 August 2024, DSS placed Chris in the care of his biological father.³

The trial court held another permanency planning hearing for Raven in November 2024. In its order, the trial court found that Respondent-Mother's progress was inadequate because she had not yet initiated therapy at the mental health clinic and was inconsistent with her mental health treatment. The trial court also found that Respondent-Mother was not receptive to the parenting aide's feedback. Additionally, although Respondent-Mother offered kinship relatives for potential placement, the trial court found none were appropriate. The trial court ordered Respondent-Mother to demonstrate parenting knowledge learned through her service providers, follow the psychologist's recommendations in the capacity evaluation, and

³ Because Chris was placed in the care of his father, he is not a party to this appeal.

work exclusively with the determined mental health clinic for psychiatric services. Later that month, Respondent-Mother was again involuntarily committed.

On 25 February 2025, DSS filed a petition to terminate Respondent-Mother's parental rights of Raven, alleging neglect, willful failure to make reasonable progress, and dependency. The trial court held termination hearings on 1 May 2025 and 15 May 2025. The psychologist who conducted Respondent-Mother's parental capacity evaluation testified that Respondent-Mother was "manic and unable to focus," read at a second-grade level, and consequently, had difficulty understanding and managing her mental-health conditions. The psychologist further testified that Respondent-Mother lacked the capacity to protect Raven from future harm because she denied needing treatment, failed to appreciate the risk her mental-health conditions posed to Raven, and experienced rapidly escalating symptoms during periods of crisis.

The DSS social worker testified that Respondent-Mother's communications were erratic and difficult to follow. At times, Respondent-Mother accused the social worker of plotting against her, threatened legal action in response to routine communications about visitation, and demanded that the social worker cease contacting her—followed by a barrage of emails or text messages in rapid succession that were "confusing" and unrelated to the matter being discussed.

Respondent-Mother testified that she had maintained a stable residence for a year and worked two full-time jobs. She denied being diagnosed with schizophrenia, instead contending that she had anger issues.

Regarding Raven's placement, the social worker testified that Respondent-Mother provided the names of "several people," but none were appropriate placements for Raven. Raven's maternal grandmother was not approved due to her criminal history and prior child protective service reports. Raven's maternal great-aunt had an overnight visit with Raven, but Raven returned with missing patches of hair, a different demeanor, and was sleepless and inconsolable. DSS attempted to engage the maternal great-aunt in training, but she moved out of the county without notice. DSS also considered and rejected Raven's maternal great-grandmother as a placement because she lived in a one-room senior living facility and was "the only occupant allowed in the room by the facility." Respondent-Mother confirmed that the maternal great-grandmother "stays at an elderly home."

On 11 July 2025, the trial court entered the Order, terminating Respondent-Mother's parental rights on grounds of neglect, willful failure to make reasonable progress, and dependency. The trial court found that Respondent-Mother's unresolved mental-health needs created an injurious environment and exposed Raven to a risk of physical, mental, and emotional harm. It further found that Respondent-Mother was: unable to incorporate feedback from the parenting aide; failed to provide proper care and supervision during supervised visits; did not

consistently engage with a mental-health provider or follow through with recommended services; denied her schizophrenia diagnosis and need for medication; remained at a high risk of another psychotic episode because she did not acknowledge her mental-health needs; had not demonstrated stability through medication compliance or an absence of involuntary commitments; and could not identify an appropriate placement for Raven. On 12 August 2025, Respondent-Mother filed an untimely notice of appeal.

II. Jurisdiction

Respondent-Mother filed a PWC because she filed her notice of appeal one day late due, in part, to a technological issue with Odyssey. She contends that extraordinary circumstances exist because the technological issue was outside of her control. She argues that the trial court abused its discretion in terminating her parental rights without first appointing her a Rule 17 GAL. She also argues that the trial court erred in terminating her parental rights based on neglect, willful failure to make reasonable progress, and dependency.

“Notice of appeal . . . shall be given in writing . . . within 30 days after entry and service of the [termination] order.” N.C. Gen. Stat. § 7B-1001(b) (2025). Failure to give timely notice of appeal “is jurisdictional, and an untimely attempt to appeal must be dismissed.” *In re J.C.B.*, 233 N.C. App. 641, 645, 757 S.E.2d 487, 490 (2014) (citing *In re I.T.P-L.*, 194 N.C. App. 453, 459, 670 S.E.2d 282, 285 (2008)); *see also In re H.R.P.*, 297 N.C. App. 339, 343, 910 S.E.2d 738, 743 (2024) (“Failure to comply with

the requirements of Rule 3.1(b) is, therefore, a jurisdictional defect requiring dismissal.”).

This Court may consider the matter, however, by issuing a writ of certiorari. See N.C. Gen. Stat. § 7A-32(c) (2025); see also *In re S.D.H.*, 296 N.C. App. 392, 397, 908 S.E.2d 868, 874 (2024) (granting the respondent-father’s PWC following his Rule 3.1 violation). A writ of certiorari is a “prerogative writ” that we may issue to “aid our jurisdiction.” See *In re S.D.H.*, 296 N.C. App. at 397, 908 S.E.2d at 874 (citing N.C. Gen. Stat. § 7A-32(c)(2023)).

Because issuing a writ of certiorari is an extraordinary measure, a petitioner must first satisfy a two-part test. *Cryan v. Nat’l Council of YMCAs*, 384 N.C. 569, 570, 887 S.E.2d 848, 849 (2023). The appellant must show (1) either “merit or that error was probably committed below,” and (2) that “extraordinary circumstances” justify appellate review. *Id.* at 572–73, 887 S.E.2d at 851. “There is no fixed list of ‘extraordinary circumstances’ that warrant certiorari review, but this factor generally requires a showing of substantial harm, considerable waste of judicial resources, or wide-reaching issues of justice.” *State v. Martinez*, 390 N.C. ___, ___, 933 S.E.2d 759, ___ (2026). “We require extraordinary circumstances because a writ of certiorari ‘is not intended as a substitute for a notice of appeal.’” *Id.* at ___, 933 S.E.2d at ___ (quoting *Cryan*, 384 N.C. at 573, 887 S.E.2d at 851).

At the outset, we agree that extraordinary circumstances exist warranting review of the merits of Respondent-Mother’s issues on appeal. See *Cryan*, 384 N.C.

at 572–73, 887 S.E.2d at 851. Indeed, Respondent-Mother would be substantially harmed if we dismiss her appeal because of a technological issue outside of her control. *See Martinez*, 390 N.C. at ___, 933 S.E.2d at ___. We now turn to whether Respondent-Mother can demonstrate error or merit of her issues on appeal. *See Cryan*, 384 N.C. at 572, 887 S.E.2d at 851.

A. Rule 17 GAL

Respondent-Mother argues that the trial court abused its discretion by failing to appoint her a Rule 17 GAL. Specifically, she contends that her schizophrenia and low intellectual functioning prevented her from successfully interacting with and complying with DSS. We disagree.

“[T]rial court decisions concerning both the appointment of a [GAL] and the extent to which an inquiry concerning a parent’s competence should be conducted are reviewed on appeal using an abuse of discretion standard.” *In re T.L.H.*, 368 N.C. 101, 107, 772 S.E.2d 451, 455 (2015) (citing *In re M.H.B.*, 192 N.C. App. 258, 261, 664 S.E.2d 583, 585 (2008)). “A trial court abuses its discretion when its decision is ‘manifestly unsupported by reason.’” *In re M.H.B.*, 192 N.C. App. at 261, 664 S.E.2d at 585 (citing *White v. White*, 312 N.C. 770, 777, 324 S.E.2d 829, 833 (1985)).

“On motion of any party or on the court’s own motion, the court may appoint a [GAL] for a parent who is incompetent in accordance with [Rule 17].” N.C. Gen. Stat. § 7B-1101.1(c) (2025); *see also id.* § 1A-1, Rule 17(b)(2) (2025) (requiring an incompetent defendant to defend through a general or testamentary guardian or a

GAL and permitting the court, upon motion, to appoint a GAL when no known guardian exists). An adult is not incompetent or lacking capacity if she “is able to sufficiently (i) manage . . . her affairs and (ii) communicate important decisions concerning . . . her person, family, and property.” *Id.* § 35A-1101(7) (2025).

In determining whether to appoint a Rule 17 GAL, the trial court may consider mental-health diagnoses as well as the litigant’s courtroom behavior, ability to communicate lucidly, apparent “understanding of the situation” in which the litigant is involved, capacity to assist counsel or “address other important issues,” and “numerous other factors.” *In re J.A.J.*, 381 N.C. 761, 768, 874 S.E.2d 563, 569 (2022) (internal quotations and citations omitted).

A trial court is not required to “inquire into the necessity for the appointment of [a Rule 17 GAL] solely because the parent has diagnosable mental health problems.” *In re T.L.H.*, 368 N.C. at 110, 772 S.E.2d at 457. Indeed, “an individual can simultaneously be found incompetent under Chapter 35A yet not require a [Rule 17 GAL].” *In re Q.B.*, 375 N.C. 826, 837, 850 S.E.2d 898, 905 (2020). “Similarly, the trial court [is] not required to inquire into the appropriateness of the appointment of a [Rule 17 GAL] simply because [DSS seeks] to have respondent’s parental rights . . . terminated for mental health-related grounds and requested the trial court to conduct a competency inquiry.” *In re T.L.H.*, 368 N.C. at 110, 772 S.E.2d at 457. Further, “an allegation that parental rights are subject to termination based upon incapability stemming, directly or indirectly, from a parent’s diagnosable mental

health conditions does not automatically necessitate the appointment of a [Rule 17 GAL].” *Id.* at 110–11, 772 S.E.2d at 458.

Here, the trial court made a reasoned decision when declining to appoint Respondent-Mother a Rule 17 GAL. *See In re M.H.B.*, 192 N.C. App. at 261, 664 S.E.2d at 585. The record demonstrates that the trial court considered Respondent-Mother’s mental-health diagnoses, courtroom behavior, ability to communicate lucidly, understanding of the situation in which she was involved, and ability to assist her counsel. *See In re J.A.J.*, 381 N.C. at 768, 874 S.E.2d at 569. Specifically, the trial court found that “[w]hile Respondent-Mother may have a mental health diagnosis and borderline IQ, she has the capability of decisions and advocating for herself.” *See In re T.N.H.*, 372 N.C. 403, 407, 831 S.E.2d 54, 58 (2019) (Unchallenged findings “are deemed supported by competent evidence and are binding on appeal.”). Indeed, Respondent-Mother was present and actively participated in the juvenile proceedings, which included testifying at the termination hearing. *See In re J.A.J.*, 381 N.C. at 768, 874 S.E.2d at 569. Throughout the termination hearing, the trial court observed her demeanor, responses, interactions, and ability to answer questions. *See id.* at 768, 874 S.E.2d at 569.

Moreover, the trial court had previously conducted an inquiry into Respondent-Mother’s competence at the initial adjudication and disposition hearing and deemed her competent. Thus, based on the facts and circumstances known to the trial court at the time, the trial court’s decision not to appoint a Rule 17 GAL was neither

arbitrary nor manifestly unsupported by reason. *See In re M.H.B.*, 192 N.C. App. at 261, 664 S.E.2d at 585. Accordingly, the trial court did not abuse its discretion. *See In re T.L.H.*, 368 N.C. at 110–12, 772 S.E.2d at 457–58.

B. Termination of Parental Rights

Respondent-Mother next argues that the trial court erred in determining that grounds existed to terminate her parental rights based on neglect, willful failure to make reasonable progress, and dependency. We disagree.

Termination of parental rights proceedings consist of adjudication and disposition. N.C. Gen. Stat. §§ 7B-1109, 1110 (2025). During adjudication, “the petitioner bears the burden of proving by clear, cogent, and convincing evidence the existence of at least one ground for termination under section 7B-1111(a) of the General Statutes.”⁴ *In re J.M.J.-J.*, 374 N.C. 553, 555, 843 S.E.2d 94, 98 (2020) (internal citations and quotations omitted). “[A]n adjudication of any single ground . . . will suffice to support a termination order.” *In re J.S.*, 374 N.C. 811, 815, 845 S.E.2d 66, 71 (2020) (citation omitted).

We review the trial court’s adjudication to determine “whether the findings support the conclusion of law.” *In re D.D.M.*, 380 N.C. 716, 720, 869 S.E.2d 693, 696 (2022) (citation omitted). “[F]indings of fact that are supported by clear, cogent, and

⁴ We note that, in October 2025, the standard of proof for termination actions was amended to “clear and convincing evidence,” but the Order was entered before the effective date of the amendment. *See* N.C. Gen. Stat. § 7B-1111(b).

convincing evidence are deemed conclusive even when some evidence supports contrary findings.” *Id.* at 720, 869 S.E.2d at 696 (citation omitted). “The trial court’s conclusions of law are reviewed de novo.” *Id.* at 720, 869 S.E.2d at 696. 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 K.S.*, 380 N.C. 60, 64, 868 S.E.2d 1, 4 (2022).

A trial court may terminate parental rights pursuant to dependency if:

petitioners can prove by clear, cogent, and convincing evidence that “the parent is incapable of providing for the proper care and supervision of the juvenile, such that the juvenile is a dependent juvenile within the meaning of [section] 7B-101, and that there is a reasonable probability that such incapability will continue for the foreseeable future.”

In re A.L.L., 376 N.C. 99, 105–06, 852 S.E.2d 1, 6 (2020) (quoting N.C. Gen. Stat. § 7B-1111(a)(6) (2019)). “In order for dependency to provide a basis for terminating parental rights, the petitioners must also prove that ‘the parent lacks an appropriate alternative child care arrangement.’” *Id.* at 106, 852 S.E.2d at 6–7 (quoting N.C. Gen. Stat. § 7B-1111(a)(6)).

Here, the trial court did not err in adjudicating the existence of the dependency ground. The trial court found that Respondent-Mother was unable to provide proper care and supervision and that she did not identify an appropriate caretaker. Respondent-Mother concedes that she was incapable of providing proper care and supervision but argues that Raven’s maternal great-grandmother was a suitable

placement. The trial court properly found to the contrary. *See In re D.D.M.*, 380 N.C. at 720, 869 S.E.2d at 696. The social worker and Respondent-Mother testified that Raven's maternal great-grandmother lived in a nursing home. A nursing home is not an appropriate setting to provide the care and supervision required by a young child. Accordingly, Respondent-Mother lacked an appropriate alternative childcare arrangement. *See In re A.L.L.*, 376 N.C. at 106, 852 S.E.2d at 6.

Respondent-Mother was unable to provide proper care and supervision of Raven, and the trial court properly found that maternal great-grandmother was not a suitable placement. Thus, clear, cogent, and convincing evidence establishes that grounds existed to terminate Respondent-Mother's parental rights based on dependency. *See id.* at 105–06, 852 S.E.2d at 6. Because one ground is sufficient to terminate parental rights, we need not address Respondent-Mother's remaining arguments. *See In re J.S.*, 374 N.C. at 815, 845 S.E.2d at 71. Accordingly, the trial court did not err.

Respondent-Mother has not demonstrated error or merit as to either issue on appeal and, therefore, has not satisfied *Cryan's* two-part test. *See Cryan*, 384 N.C. at 570–73, 887 S.E.2d at 849–51.

III. Conclusion

In sum, Respondent-Mother has not shown error or merit as to her issues on appeal. Because she has not demonstrated error or merit, we decline to issue writ of certiorari and dismiss her appeal.

IN RE R.T.

Opinion of the Court

DISMISSED.

Judges GRIFFIN and STADING concur.

Report per Rule 30(e).