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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA26-189

Filed 21 October 2026

Orange County, No. 25JA000039-670

IN THE MATTER OF: N.S.A.

Appeal by Respondent-Mother from Order entered 5 December 2025 by Judge Hathaway S. Pendergrass in Orange County District Court. Heard in the Court of Appeals 26 August 2026.

Hooks Law, P.C., by Laura G. Hooks, for Respondent-Appellant Mother.

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

Michelle FormyDuval Lynch for Guardian ad litem.

HAMPSON, Judge.

Factual and Procedural Background

Respondent-Mother appeals from an Adjudication and Disposition Order¹ adjudicating Nya² a neglected juvenile and ending visits and reunification efforts between Respondent-Mother and the minor child. The Record before us tends to reflect the following:

Nya was born on 22 June 2025. Two days later, Orange County Department of Social Services (DSS) filed a juvenile petition alleging Nya was neglected. The petition alleged Respondent-Mother had an extensive history of involvement with child protective services (CPS), and the juvenile was “at substantial risk of physical, mental, and emotional impairment in the care of” Respondent-Mother because Respondent-Mother: (1) previously had one of her infant children die in her care and (2) had her parental rights terminated to her seven other children.³ The trial court entered an order granting DSS nonsecure custody of the minor child that same day.

Respondent-Mother received supervised visits with the minor child once a week. In her Disposition Court Report, social worker Tonya Williams (SW Williams) reported Respondent-Mother’s visits were “appropriate” and Respondent-Mother was “compliant with visit attendance and . . . communicates well regarding scheduling.”

¹ The Order is captioned: “Custody Order Pre-Adjudication, Adjudication/Disposition.” It is referred to throughout this opinion as the “Adjudication and Disposition Order.”

² Pseudonym agreed upon by the parties.

³ At the time briefing was completed in the present case, Respondent-Mother had appealed the termination of her parental rights to three of her children, with disposition still pending in this Court. On 3 June 2026, this Court published its decision affirming the termination of Respondent-Mother’s parental rights in those children. *See In re J.E.S.*, __ N.C. App. __, 933 S.E.2d 384, 2026 WL 1578913.

However, she also reported Respondent-Mother had on several occasions during visits “become loud, argumentative, and/or disrespectful.”

The Adjudication and Disposition Hearing was held on 30 October 2025. The trial court received into evidence copies of Respondent-Mother’s previous termination of parental rights orders, consisting of: (1) a copy of a termination order from Mecklenburg County, where Respondent-Mother’s parental rights were terminated to two children approximately twelve years prior; (2) a 2020 termination order from Georgia in which Respondent-Mother’s rights were terminated to two children; and (3) the most recent termination orders involving Respondent-Mother’s three youngest sons.

Social workers Chelsea Wetzel (SW Wetzel) and SW Williams testified on behalf of DSS. During the Adjudication portion of the Hearing, SW Wetzel testified about Respondent-Mother’s CPS history. When Respondent-Mother lived in Georgia, one of her children died in her care from nonaccidental injuries of blunt force trauma. Respondent-Mother pleaded guilty to felony aggravated battery. SW Wetzel also described a more recent incident which took place on 12 November 2023, where Respondent-Mother was in a car accident with three of her children in the car. None of the children were restrained by a seatbelt; two of the children were just under three months old. DSS took custody of the children shortly thereafter, the children were adjudicated neglected juveniles, and Respondent-Mother’s parental rights to the

children were subsequently terminated in orders entered 3 June 2025. Respondent-Mother was pregnant with Nya during those proceedings.

The minor child's Guardian ad litem also testified at Disposition. She stated she believed it would be in the minor child's best interest to end her visits with Respondent-Mother.

Respondent-Mother has been diagnosed with personality disorder with paranoid and antisocial features, antisocial personality disorder, paranoid personality disorder, post-traumatic stress disorder, and borderline intellectual functioning. At the time of the Adjudication and Disposition Hearing, she had secured housing, employment, and was enrolled in community college courses.

On 5 December 2025, the trial court entered an Adjudication and Disposition Order adjudicating Nya a neglected juvenile. The trial court ordered both reunification efforts and visitation between Respondent-Mother and the minor child to cease.

Respondent-Mother timely filed Notice of Appeal on 16 December 2025.

Issues

The issues on appeal are whether the trial court: (I) erred by adjudicating the minor child neglected; (II) abused its discretion by ordering the cessation of reunification efforts between Respondent-Mother and the minor child; and (III) abused its discretion by ending visits between Respondent-Mother and the minor child.

Analysis

We review an adjudication under N.C. Gen. Stat. § 7B-807 to determine whether the trial court’s findings of fact are supported by clear and convincing evidence and whether the trial court’s findings, in turn, support its conclusions of law. *In re T.H.T.*, 185 N.C. App. 337, 343, 648 S.E.2d 519, 523 (2007) (quoting *In re Gleisner*, 141 N.C. App. 475, 480, 539 S.E.2d 362, 365 (2000)), *aff’d*, 362 N.C. 446, 665 S.E.2d 54 (2008). Likewise, “[t]he standard of review that applies to [a challenge to] a dispositional finding is whether the finding is supported by competent evidence.’” *In re B.W.*, 190 N.C. App. 328, 332, 665 S.E.2d 462, 465 (2008) (quoting *In re C.M.*, 183 N.C. App. 207, 212, 644 S.E.2d 588, 593 (2007)). “Under this standard, we cannot reweigh the evidence or judge its credibility; we must uphold that trial court’s fact findings if they are supported by *any* evidence in the record.” *In re H.B.*, 384 N.C. 484, 492, 886 S.E.2d 106, 112 (2023) (emphasis in original) (citation omitted). “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 T.H.T.*, 185 N.C. App. at 343, 648 S.E.2d at 523 (citation omitted). Uncontested findings are also binding on appeal. *In re D.W.P.*, 373 N.C. 327, 330, 838 S.E.2d 396, 400 (2020) (citation omitted); *In re N.L.M.*, 283 N.C. App. 356, 360, 873 S.E.2d 640, 643 (2022) (citation omitted).

I. **Adjudication**

Respondent-Mother argues the trial court erred by adjudicating Nya a neglected juvenile. “The conclusion that a juvenile is abused, neglected, or dependent

is reviewed *de novo*.” *In re V.B.*, 239 N.C. App. 340, 341, 768 S.E.2d 867, 868 (2015) (citation omitted).

A neglected juvenile is defined, in pertinent part, as one whose parent does not provide proper care, supervision, or discipline, or whose parent creates or allows to be created a living environment that is injurious to the juvenile’s welfare. N.C. Gen. Stat. § 7B-101(15) (2025). This Court has consistently required “there be 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 order to adjudicate a juvenile neglected.” *In re McLean*, 135 N.C. App. 387, 390, 521 S.E.2d 121, 123 (1999) (emphasis in original) (citations and quotation marks omitted); *In re J.A.M.*, 372 N.C. 1, 9, 822 S.E.2d 693, 698 (2019) (citation omitted). Similarly, in order for a trial court to find a child resides in an injurious environment, there must be evidence the environment in which the child would reside would result in harm to the child or a substantial risk of harm. *In re Helms*, 127 N.C. App. 505, 511, 491 S.E.2d 672, 676 (1997) (citation omitted).

Moreover, “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.” N.C. Gen. Stat. § 7B-101(15). “[T]he relevant language in N.C. Gen. Stat. § 7B-101(15) does not require a finding that a child lives in the home in the most literal meaning of that term, that is physically resides in the home at the time of the filing of the petition, when the child is a newborn who has not yet left the

hospital but remains in parental care.” *In re A.B.*, 179 N.C. App. 605, 611, 635 S.E.2d 11, 15 (2006).

In the present case, Respondent-Mother challenges Adjudicatory Finding of Fact 18(b):

18. Upon assessment, GCDSS learned that Respondent mother reported to hospital staff the following information:

. . . .

b. Respondent mother reported living in Durham and lacked prenatal care.

. . . .

Respondent-Mother argues, contrary to the Finding, she reported receiving prenatal care for Nya. It is true, there is no evidence in the Record Respondent-Mother did not receive prenatal care; rather, the Record shows DSS, in the juvenile petition, reported “[Respondent-Mother] stated she received prenatal care in Durham, NC and has newborn supplies.” Thus, this Finding is not supported by the evidence, and we will disregard it in our review of the trial court’s Conclusions. *In re A.N.H.*, 381 N.C. 30, 41, 871 S.E.2d 792, 802 (2022) (citation omitted) (disregarding challenged portions of findings unsupported by evidence).

Respondent-Mother also challenges Finding 34(h):

34. As a result of the neglect, the juvenile [is] at substantial risk of physical, mental, and/or impairment including, but not limited to, the following:

. . . .

h. The Court finds that Respondent mother traveling to [Guilford] County for the juvenile's birth at Moses Cone Hospital as opposed to a local Orange County hospital and her dishones[ty] with the hospital regarding her county of residence is indicative of her intent to avoid [DSS] involvement with the juvenile.

She argues she was visiting relatives in Guilford County when she went into labor and told the hospital staff she was "from" Durham—rather than living "in" Durham. However, SW Wetzel's testimony shows, despite being a resident of Orange County, Respondent-Mother told the hospital staff she "was living in Durham" This Finding is supported by the evidence.

Respondent-Mother also challenges Finding 34 to the extent it adjudicates Nya a neglected juvenile, arguing it is a Conclusion of Law.

34. As a result of the neglect, the juvenile [is] at substantial risk of physical, mental, and/or impairment including, but not limited to, the following:

a. Prior findings of fact are incorporated by reference as though fully set out here.

b. Serious concerns exist regarding risk of harm to the juvenile based on mother's extensive CPS history, multiple TPRs and previous death of infant in Respondent mother's care resulting in felony conviction.

c. A review of Respondent mother's history shows a pattern of involvement in behavior and supervision of her children, particularly in infancy, with potentially lethal outcomes.

d. Respondent mother has been provided services and support from prior social services agencies, including parenting classes, referrals to mental health services, referrals to medication

management, and other reunification services in Mecklenburg and Orange Counties.

e. The Court order must be predictive in nature to ensure the safety of the juvenile. It is not necessary that the juvenile be discharged to Respondent mother's home to be subjected to substantial risk of harm.

f. The Court finds it is highly relevant that the juvenile's home with Respondent mother is the home where another juvenile . . . has died as a result of suspected abuse or neglect or lives in a home where the juvenile's seven (7) older half-siblings set forth above have been subjected to abuse or neglect by an adult, specifically Respondent mother, who regularly lives in the home.

g. The Constitutional argument set forth by Respondent mother is rejected by the Court. The statutory provision is clear that prior CPS history and juvenile court involvement with a parent is a relevant factor for consideration. Respondent mother was on notice that her prior involvement would impact the juvenile as she has significant involvement with the criminal and juvenile systems.

h. The Court finds that Respondent mother traveling to [Guilford] County for the juvenile's birth at Moses Cone Hospital as opposed to a local Orange County hospital and her dishones[ty] with the hospital regarding her county of residence is indicative of her intent to avoid [DSS] involvement with the juvenile.

Regardless of whether the determinations in Finding 34 are more properly considered ultimate Findings of Fact or Conclusions of Law,⁴ they are supported by the trial court's other Findings of Fact and evidence in the Record. The Record shows

⁴ "[A]n ultimate finding is a finding supported by other evidentiary facts reached by natural reasoning[.]" while "any determination requiring the exercise of judgment or the application of legal principles is more properly classified as a conclusion of law." *In re X.I.F.*, 297 N.C. App. 799, 810, 911 S.E.2d 769, 778 (2025) (citations and quotation marks omitted).

Respondent-Mother has an extensive history of involvement with CPS, had her parental rights terminated to seven of her other children, and had a child die in her care.

Respondent-Mother argues the trial court erred in adjudicating the minor child a neglected juvenile because its Findings were “based solely on Respondent-Mother’s past.” However, “[i]n neglect cases involving newborns, ‘the decision of the trial court must of necessity be predictive in nature, as the trial court must assess whether there is a substantial risk of future abuse or neglect of a child based on the historical facts of the case.’” *In re J.A.M.*, 372 N.C. at 9, 822 S.E.2d at 698-699 (quoting *In re McLean*, 135 N.C. App. at 396, 521 S.E.2d at 127).

In the instant case, the trial court found Respondent-Mother has a “pattern of involvement in behavior and supervision of her children, particularly in infancy, with potentially lethal outcomes.” As such, contrary to Respondent-Mother’s assertions, the trial court’s Findings “show current circumstances that present a risk to the juvenile.” *Id.*

Thus, the trial court’s Findings indicate there is a substantial risk of physical, mental, or emotional impairment to Nya in Respondent-Mother’s care, *see id.* (citation omitted), and the environment in which the child would reside would also present to her a substantial risk of harm, *In re Helms*, 127 N.C. App. at 511, 491 S.E.2d at 676 (citation omitted). Therefore, the trial court’s Findings support its Conclusions Respondent-Mother does not provide proper care, supervision, or

discipline and creates a living environment injurious to the juvenile's welfare. Consequently, the trial court did not err by adjudicating Nya a neglected juvenile.

II. Disposition

“The trial court’s dispositional choices—including the decision to eliminate reunification from the permanent plan—are reviewed for abuse of discretion.” *In re J.M.*, 384 N.C. 584, 591, 887 S.E.2d 823, 828 (2023) (citation and quotation marks omitted). “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.* (citation and quotation marks omitted).

Respondent-Mother challenges Dispositional Findings 40, 44, 48, and 49.

40. B & D Behavioral Health has recommended a psychiatric assessment for medication management; however, Respondent mother has not completed the assessment.

As to Finding 40, Respondent-Mother argues there is no evidence “this exact referral was made which [Respondent-Mother] did not complete.” Respondent-Mother argues the evidence shows she had been “the doctor recommended that she did not need medication.”

Our review of the Record shows SW Williams’ testified although Respondent-Mother reported her doctor did not recommend medication, DSS never received any supporting documentation from Respondent-Mother or her physician:

[SW Williams]: . . . There was also, in my report, I indicated that her therapist was discussing medication management with her. And I did get a response from her that she did have that

discussion with [Respondent-Mother] about medication management. And [Respondent-Mother] indicated that she'd already been referred for medication management and that the doctor recommended that she did not need medication. That is not any kind of documentation that we've ever received. And so her inability to kind of comply with mental health providers and their recommendations is a concern.

Notably, the Record generally shows Respondent-Mother has not been consistent in seeking mental health treatment: SW Williams testified Respondent-Mother had stopped seeking mental health treatment and only resumed receiving it after Nya entered DSS custody.

To the extent the trial court specifically found "B & D Behavioral Health" recommended a psychiatric assessment, the Record does not appear to support this assertion. But the Record does show the trial court ordered Respondent-Mother to obtain a "psychiatric evaluation for medication management" in February 2024, and in the termination orders filed 3 June 2025, the trial court found Respondent-Mother was "not engaged in medication management services, and she has not completed a psychiatric evaluation to assess for medication." Thus, to the extent the trial court found Respondent-Mother had not completed a psychiatric assessment for medication management, this Finding is supported by the evidence.

Finding 44 indicates Respondent-Mother requires constant supervision while with the minor child:

44. Respondent mother's borderline intellectual functioning coupled with personality disorders requires supervision of a

present, competent adult 100% of the time that can closely monitor her with the juveniles.

In the Disposition Court Report, SW Williams discussed a psychological evaluation which Respondent-Mother received between 26 February and 15 April 2024, during the most recent proceedings on the termination of Respondent-Mother's parental rights in her three sons. Based on the psychological evaluation, the evaluating physician concluded: "If DSS were to decide on reunification, this should be a long-term plan where she has only fully supervised time with her children with a 100% present, competent adult who can closely monitor her with the children." Importantly, although this psychological evaluation was conducted in the proceedings on the termination on Respondent-Mother's parental rights in her three sons, SW Williams reported Respondent-Mother's "concerning behaviors" continued into the present.

Moreover, in Finding of Fact 47, the trial court expounded on how the "requirement of close supervision during visitation remains evident." The trial court found, and the Record shows, Respondent-Mother "has demonstrated emotional lability in her interactions with [SW Williams] and during visitation with the juvenile[.]" "has [spent] significant time on her cell phone on calls with others[.]" "has . . . become loud, argumentative, and/or disrespectful to the social worker[.]" and has become upset with the social workers during visits when they have attempted to correct Respondent-Mother's inappropriate parenting behaviors. Thus, the trial

court's Finding that Respondent-Mother requires constant supervision when visiting the juvenile is supported by the evidence.

Respondent-Mother next challenges Finding 48 and 49 because, in her view, they relate to prior proceedings on the termination of her rights to her other children, and not to the present proceeding involving Nya:

48. Related to parenting capacity, Respondent mother's CPS and criminal history coupled with above diagnoses signal Respondent mother's inability to safe[ly] parent and likelihood that the juvenile would be at risk for maltreatment in her care.

49. A significant predictor of Respondent mother's future behavior as it relates to parenting is her past behavior, specifically prior terminations of parental rights, felony assault of a child resulting in death, the motor vehicle accident with the juveniles unrestrained, and lack of appropriate supervision as noted in case management and her foster care cases.

As the trial court found, Respondent-Mother's past behavior is relevant to assessing her future behavior, particularly as it relates to the safety and wellbeing of the minor child. *See In re J.A.M.*, 372 N.C. at 9, 822 S.E.2d at 698-699 (trial court's determination of neglect of an infant must be "predictive in nature" to properly assess substantial risk of future abuse or neglect "based on the historical facts of the case"). Thus, to the extent Respondent-Mother contends these Findings should not have been included in the Order because they discuss facts which arose out of prior termination

proceedings, we disagree.⁵ *See also In re N.G.*, 186 N.C. App. 1, 11, 650 S.E.2d 45, 52 (2007) (affirming trial court’s decision to cease reunification efforts “[i]n light of the historical facts of the case”).

A. Reunification efforts

Respondent-Mother challenges the trial court’s Conclusion it was appropriate to cease reunification efforts between her and the minor child.

“If the disposition order places a juvenile in the custody of a county department of social services, the court shall direct that reasonable efforts for reunification . . . shall not be required if the court makes written findings of fact” that, relevant to the present appeal, “[a] court of competent jurisdiction has terminated involuntarily the parental rights of the parent to another child of the parent[,]” N.C. Gen. Stat. § 7B-901(c)(2), or “[a] court of competent jurisdiction determines or has determined that . . . the parent . . . has committed a felony assault resulting in serious bodily injury to the child or another child of the parent[,]” *id.* § 7B-901(c)(3)(iii). The trial court may order reunification efforts to continue in such circumstances only if it “concludes that there is compelling evidence warranting continued reunification efforts[.]” *Id.* § 7B-901(c).

⁵ To be clear, Respondent-Mother does not challenge the factual substance of Findings 48 or 49. In any event, the Record is replete with evidence of Respondent-Mother’s involvement with CPS, her criminal history, her psychological diagnoses, terminations of her parental rights in her other children, and incidents where she harmed her other children or placed them at a significant risk of danger. Therefore, these Findings are binding on appeal. *In re N.L.M.*, 283 N.C. App. at 374, 873 S.E.2d at 650.

Here, the trial court found a court of competent jurisdiction had involuntarily terminated Respondent-Mother's parental rights to seven other children and Respondent-Mother had pleaded guilty to felony aggravated battery against one of her children. These Findings are supported by the evidence and Respondent-Mother has not challenged them; as such, they are binding on appeal. *In re N.L.M.*, 283 N.C. App. at 374, 873 S.E.2d at 650. These Findings, in turn, support the trial court's Conclusion to cease reunification efforts between Respondent-Mother and the minor child. *See* N.C. Gen. Stat. § 7B-901(c). Thus, the trial court did not abuse its discretion by ceasing reunification efforts between Respondent-Mother and the minor child.

B. Visitation

An initial disposition order "must establish a visitation plan for parents unless the trial court finds 'that the parent has forfeited their right to visitation or that it is in the child's best interest to deny visitation.'" *In re N.L.M.*, 283 N.C. App. at 372, 873 S.E.2d at 650 (quoting *In re T.H.*, 232 N.C. App. 16, 34, 753 S.E.2d 207, 219 (2014)); *see also* N.C. Gen. Stat. § 7B-905.1(a) ("An order that . . . continues the juvenile's placement outside the home shall provide for visitation that is in the best interests of the juvenile consistent with the juvenile's health and safety, including no visitation.").

Respondent-Mother, citing *T.H.*, argues the trial court did not make a necessary finding that visitation was not in the juvenile's best interest. However, the trial court did make such a determination under its Conclusions of Law:

12. Visitation between [the minor child] and [Respondent-Mother] is contrary [to] the juvenile's best interest.

Despite the language used in *T.H.* that a trial court must "find" visitation would not be in the juvenile's best interest, *see* 232 N.C. App. at 34, 753 S.E.2d at 219, this Court has held "best interest determinations are conclusions of law because they require the exercise of judgment." *In re Helms*, 127 N.C. App. at 511, 491 S.E.2d at 676. In *T.H.*, the trial court failed to make *any* findings or conclusions regarding visitation with the juveniles. 232 N.C. App. at 34, 753 S.E.2d at 219. Here, by contrast, the trial court clearly made the necessary determination visitation between the juvenile and Respondent-Mother is contrary to the juvenile's best interest.

Respondent-Mother's other arguments essentially ask this Court to reweigh the evidence presented to the trial court. This we cannot do. "The trial court, as the fact finder, is the sole judge of the credibility and weight to be given to the evidence, and it is not the role of the appellate court to substitute its judgment for that of the trial court." *In re H.B.*, 384 N.C. at 492-93, 886 S.E.2d at 112-13 (citation and quotation marks omitted); *In re D.E.P.*, 251 N.C. App. 752, 761-62, 796 S.E.2d 509, 515 (2017) ("It is not the function of this Court to reweigh the evidence on appeal." (citation and quotation marks omitted)).

The trial court's Findings show a history of neglect by Respondent-Mother of her children. The trial court found Respondent-Mother has taken "little responsibility" for her actions which resulted in injuries to her other children. Additionally, Respondent-Mother continues to display concerning behaviors, including "poor judgment and anger management, lack of impulse control, and combative behavior, particularly related to professionals and those in a position of authority." Ultimately, the trial court found Respondent-Mother has an inability to parent safely and Nya would be "at-risk for maltreatment" in her care. These Findings are supported by the evidence and, in turn, support the trial court's Conclusion visitation between Respondent-Mother and the minor child should cease. Therefore, the trial court did not abuse its discretion by ending visitation between Respondent-Mother and the minor child.

Conclusion

Accordingly, for the foregoing reasons, we affirm the trial court's Adjudication and Disposition Order.

AFFIRMED.

Judges ZACHARY and COLLINS concur.

Report per Rule 30(e).