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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA26-185

Filed 4 November 2026

Cabarrus County, Nos. 25JA000098-120, 25JA000099-120

IN THE MATTER OF: S.C.N.H., B.B.P. aka G.K.C.H.

Appeal by Respondent-Mother from order entered 17 November 2025 by Judge Christy E. Wilhelm in Cabarrus County District Court. Heard in the Court of Appeals 25 August 2026.

Hartsell & Williams, PA, by Emily J. Arnold, for Petitioner-Appellee Cabarrus County Department of Social Services.

Poyner Spruill LLP, by Stephanie L. Gumm, for guardian ad litem.

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

GRIFFIN, Judge.

Respondent-Mother[1] appeals from the trial court's adjudication and disposition order. Mother claims the trial court erred by concluding her children were neglected. Specifically, Mother argues (1) there was no evidence that her children were subject to a "juvenile consultation" and under the supervision of a juvenile court counselor

[1] Respondent-Father is not a part of this present appeal as this Court allowed his motion to withdraw appeal on 9 March 2026.

under Article 27A of the Juvenile Code and (2) key findings of fact were without evidentiary support and the record fails to disclose that the children were at a risk of harm or substantial impairment.

We disagree that key findings were without evidentiary support and affirm the trial court's conclusion the children were neglected juveniles.

I. Factual and Procedural Background

Mother has two children subject to this appeal: Suzie and George.[2] In November 2024, Mother was arrested and charged with multiple offenses including felony trafficking opium or heroin, child abuse, and felony possession of a Schedule-II controlled substance. Upon Mother's arrest, law enforcement found fentanyl in Mother's car while her kids were with her. The children's Father came to pick up the children and take them to live with him in Cabarrus County due to Mother's arrest. The Cabarrus County Department of Social Services ("DSS") initiated a safety plan with the children's Father, where he agreed to not allow Mother to meet with the children unsupervised and agreed to not allow Mother in the home if she came there under the influence.

About a month after it made the safety plan, DSS completed an unannounced visit to Father's home and found Mother unsupervised with the children, in violation

[2] We use pseudonyms to protect the identities of the children. *See* N.C. R. App. P. 42(b).

of the plan. Consequently, DSS instituted a Temporary Safety Provider, which was the maternal grandfather, to help the family comply with the DSS safety plan.

On 2 February 2025, Father called DSS to report that Mother had arrived at his home under the influence of methamphetamines in the presence of the children. After an argument ensued between Mother and the maternal grandfather, Mother left the home. Law enforcement located Mother and then arrested her for multiple drug charges. After her arrest, Mother was placed in Cabarrus County Jail.

A few days later, Father bonded Mother out of jail. At the end of February 2025, DSS again conducted an unannounced visit to Father's home. However, no one came to the door even though the DSS worker heard multiple voices and crying from inside the home. On 4 March 2025, DSS completed an announced home visit at Father's residence; the DSS workers questioned the circumstances of their previous unannounced visit. DSS determined the family needed an in-home services case plan to ensure the children's safety over time. As part of this process, Mother agreed to get a parenting evaluation, complete a mental health assessment, complete a substance abuse assessment, and follow through with all recommendations and treatment. Mother failed to follow through with completing the mental health and substance use assessments and completed the drug screens late. After two months of inconsistency and non-compliance with the in-home services plan, at a meeting in July, Mother and Father decided that they were no longer interested in services and that they were going to be finished.

On 6 August 2025, DSS filed verified juvenile petitions alleging the minor children Suzie and George were neglected juveniles. The petition alleged the children were neglected because Mother (1) fails to "provide proper care, supervision, or discipline," (2) "creates or allows to be created a living environment that is injurious to the" welfare of the children, and (3) "has refused to follow the recommendations of the Juvenile and Family Team made pursuant to Article 27A of Chapter 7B of the General Statutes."

The trial court entered an adjudication and disposition order on 17 November 2025 adjudicating Suzie and George to be neglected juveniles. Mother timely appeals.

II. Analysis

Mother claims the trial court erred by concluding the children were neglected. Specifically, she contends there was no evidence Suzie or George were "subject to 'juvenile consultation' and under the supervision of a juvenile court counselor under Article 27A of the Juvenile Code." Additionally, Mother argues the key findings of fact lacked evidentiary support, and the record does not disclose that the children were at risk of harm or substantial impairment.

Neglect proceedings consist of both adjudication and disposition. *In re J.A.S.F.*, 299 N.C. App. 12, 16, 917 S.E.2d 305, 309 (2025) (citation omitted). At the adjudicatory stage, the trial court can only find a child neglected if that status is proven by clear, cogent, and convincing evidence. *Id.* at 17, 917 S.E.2d at 309 (citation omitted). We review the adjudication to determine "whether the trial court's

conclusions of law are supported by adequate findings and whether those findings, in turn, are supported by clear, cogent, and convincing evidence." *In re A.J.*, 386 N.C. 409, 411–12, 904 S.E.2d 707, 711 (2024) (citation modified). A finding of fact is conclusive on appeal if it is supported by clear, cogent, and convincing evidence, despite evidence to the contrary. *In re P.G.*, ___ N.C. App. ___, ___, 928 S.E.2d 713, 721 (2026) (citation omitted). "Unchallenged findings of fact are deemed supported by the evidence and are binding on appeal." *In re K.H.*, 281 N.C. App. 259, 266, 867 S.E.2d 757, 762 (2022) (citation omitted); *In re K.R.*, ___ N.C. App. ___, ___, 931 S.E.2d 270, 275 (2026) (citation omitted). "When reviewing challenged findings of fact in a juvenile order, this Court sets aside findings that lack sufficient evidentiary support and examines whether the remaining findings support the trial court's determination." *In re K.R.*, ___ N.C. App. at ___, 931 S.E.2d at 276 (citations omitted). We review conclusions of law de novo. *In re N.N.*, 296 N.C. App. 159, 165, 907 S.E.2d 430, 436 (2024) (citation omitted). Further, this Court will treat a finding of fact that is essentially a conclusion of law as a conclusion of law. *In re M.R.D.C.*, 166 N.C. App. 693, 697, 603 S.E.2d 890, 893 (2004) (citations omitted).

A "trial court's factual findings must be more than a recitation of allegations." *In re Anderson*, 151 N.C. App. 94, 97, 564 S.E.2d 599, 602 (2002). Instead, the trial court must find ultimate facts necessary to support the relevant conclusions of law. *In re M.K.*, 241 N.C. App. 467, 470, 773 S.E.2d 535, 538 (2015) (citations omitted). "Ultimate facts are the final resulting effect reached by processes of logical reasoning

from the evidentiary facts." *In re Anderson*, 151 N.C. App. at 97, 564 S.E.2d at 602 (citation omitted). There must be sufficient specific ultimate findings for our Court to determine the conclusion is adequately supported by competent evidence. *In re M.K.*, 241 N.C. App. at 470, 773 S.E.2d at 538 (citing *In re Anderson*, 151 N.C. App. at 97, 564 S.E.2d at 602). Furthermore, even if there are alleged recitations but those recitations "appear to be based, at least in part, on testimony provided at the hearing," this sufficiently shows the trial court made an independent determination. *In re A.T.*, 301 N.C. App. 331, 340, 923 S.E.2d 841, 849 (2025) (citation modified).

In relevant part, a neglected juvenile includes a juvenile less than eighteen years old whose parent does any of the following: (1) fails to "provide proper care, supervision, or discipline[;]" (2) "[c]reates or allows to be created a living environment that is injurious to the juvenile's welfare[;]" or (3) "has refused to follow the recommendations of the Juvenile and Family Team made pursuant to Article 27A of this Chapter." N.C. Gen. Stat. § 7B-101(15)(a), (d)-(e) (2025).

> To support an adjudication of neglect, there must be evidence of some type of emotional, physical or mental harm, or a substantial risk of such harm, from the neglect; however, there is no requirement that the court make a specific finding where the facts support a finding of harm or substantial risk of harm.

In re A.D., 278 N.C. App. 637, 642, 863 S.E.2d 317, 321 (2021) (citation omitted); *see also In re L.C.*, 387 N.C. 475, 481, 915 S.E.2d 106, 111 (2025) ("[T]he trial court does not need to explicitly connect each of the dots between factual findings and legal

conclusions[.]"). Further, "the trial court need not wait for actual harm to occur to the child if there is a substantial risk of harm to the child in the home." *In re T.S., III,* 178 N.C. App. 110, 113, 631 S.E.2d 19, 22 (2006) (citation omitted).

A parent's conduct of abusing illegal substances or "driving while impaired with a child as a passenger" may constitute a substantial risk of harm to a child. *In re D.B.J.*, 197 N.C. App. 752, 755, 678 S.E.2d 778, 781 (2009) (citation omitted). Although a parent's substance abuse cannot solely support an adjudication of neglect, a child's "risk of exposure to drugs and drug paraphernalia" can support a conclusion that the child was neglected because of an injurious environment and "one that posed him a substantial risk of harm." *In re K.H.*, 281 N.C. App. at 270, 867 S.E.2d at 764 (citation omitted); *see also In re K.F.*, 296 N.C. App. 554, 2024 WL 4821692, at *6 (2024) (unpublished) (affirming a trial court's conclusion that a mother had created an injurious environment for her children because, in part, she had drugs in her vehicle and her children went into that vehicle).[3] Additionally, this Court has previously affirmed a finding "that a mother's failure to cooperate with DSS put the child at risk of substantial harm where the mother refused to participate in services, including parenting classes and mental health therapy." *In re A.D.*, 278 N.C. App. at 643, 863 S.E.2d at 322 (citation omitted).

[3] We acknowledge this case is not binding, but we find it persuasive due to its similar factual circumstance.

In *In re L.C.*, our Supreme Court explained the trial court reasonably concluded a child was neglected, for a lack of proper care, supervision, or discipline and lived in an injurious environment, in part due to the following evidentiary findings: a child tests positive for drugs at birth; a parent has a severe and ongoing addiction to illegal drugs; the child has access to unsecured needles; a parent is uncooperative with DSS; the home was purportedly infested with rats; and a parent violates his or her safety plan. 387 N.C. at 481–82, 915 S.E.2d at 111–12. Furthermore, a child may be adjudicated neglected if a parent fails to provide proper care/supervision even if the child is in other stable placement. *See In re K.J.D.*, 203 N.C. App. 653, 661, 692 S.E.2d 437, 444 (2010).

Here, the trial court determined there were three reasons Mother neglected her children. As any one of those rationales is sufficient to support the conclusion that Mother neglected Suzie and George, we do not review whether Mother has refused to follow the recommendations of the Juvenile and Family Team made pursuant to Article 27A of this Chapter. Instead, we review the findings for whether Mother has created, or allowed to be created, an injurious living environment that is harmful to the children's welfare and whether she failed to provide proper care, supervision, or discipline.

Mother claims, at least portions of, Findings of Fact 2, 3, 4, 5, 10, 11, 24, 25 and 27 are not supported by the evidence. Additionally, Mother contends Findings of Fact 2, 3, 4, 5, 10, 11, 24, and 25 are recitations. Further, Mother argues Finding of

Fact 28 is essentially a conclusion of law. Nevertheless, we only need to review findings necessary to support the conclusion that the children are neglected. Although Mother challenges at least portions of ten of the findings of fact, she does not challenge the remaining eighteen. Thus, these are binding on appeal.

Many of the trial court's findings demonstrate Mother's noncompliance with DSS and her safety plan. *See In re L.C.*, 387 N.C. at 481–82, 915 S.E.2d at 111–12. Unchallenged Finding of Fact 8 shows Mother refused to communicate with DSS, despite DSS's efforts. Unchallenged Finding of Fact 7 indicates Mother was found, unsupervised, at home with George and Suzie; this lack of supervision violated her safety plan. Moreover, unchallenged Finding of Fact 18 states, *after trying for many weeks*, DSS engaged Mother to develop a plan to address the children's safety concerns. Still, unchallenged Finding of Fact 22 shows the family services were *delayed* because Mother was not initially willing to sign releases and would not complete a budget form, which would be used to determine whether or how services could be paid. Although Mother finally agreed to a safety plan, she failed to follow-through on multiple responsibilities. Unchallenged Finding of Fact 21 also shows Mother's noncompliance: Mother failed to complete her parenting assessment; Mother arrived two hours late to her mental health and substance abuse assessment; Mother both missed and failed to properly complete drug screens; for at least one of the drug screens she did attend, Mother tested positive for opiates/morphine. Mother claimed she had a prescription which caused the positive drug test results but refused

to provide DSS with the prescription there; a few days later, Mother showed DSS prescription bottles, but the empty bottles had the pharmacy and prescriber information crossed out. All considering, these findings demonstrate Mother's lack of cooperation with DSS; this conduct put her children at risk of substantial harm, which supports the trial court's conclusion that the children were neglected. *In re L.C.*, 387 N.C. at 481–82, 915 S.E.2d at 111–12; *In re A.D.*, 278 N.C. App. at 643, 863 S.E.2d at 322 (citation omitted).

Unchallenged Finding of Fact 1 states George was born with substances in his systems and Mother admitted to substance use while she was pregnant with him. Like the child in *In re L.C.*, George being born with drugs in his system supports a conclusion that he is a neglected juvenile. 387 N.C. at 481, 915 S.E.2d at 111. Further, unchallenged Finding of Fact 9 shows Mother arrived at Father's residence under the influence of methamphetamines and later that day was arrested for felony possession of controlled substances. Assuming Finding of Fact 9 is a recitation, hearing testimony supports the finding; Alexis Keys, a DSS employee who was involved in the case involving Mother, Suzie, and George, testified as to Mother being under the influence of methamphetamines. This hearing testimony is sufficient to demonstrate the trial court made an independent determination. Moreover, in the unchallenged portion of Finding of Fact 10, Mother admitted using methamphetamines in attempts to replace her use of fentanyl. Keys provided testimony that Mother admitted to Keys that Mother "started using

methamphetamines so that she can wean herself off of fentanyl" and that Mother acknowledged her drug addiction. In totality, these findings show Mother continued to have an illegal substance abuse problem, which tends to show a risk of substantial harm to the children.

Mother challenges Finding of Fact 3 for insufficient evidence and alleges it is a recitation. Finding of Fact 3 states, in part, Mother reported that law enforcement found fentanyl and methamphetamines in the vehicle that she was driving. Specifically, Finding of Fact 3 identifies the location of those drugs as "near the center console." Mother argues that the characterization that fentanyl and methamphetamines were found in the car *near* the center console was misleading as they were *inside* the console. However, this characterization does not change the fact that the drugs were inside the vehicle with the children; although perhaps the trial court's phrasing was not the most precise portrayal, an object inside a console is still indeed near the console. Assuming arguendo this finding is a recitation, DSS employee Wynston Hale testified concerning his conversation with Mother where "she confirmed that law enforcement recovered fentanyl and methamphetamine from the center console of the vehicle." This evidence supports the relevant part of Finding of Fact 3. Finding of Fact 2 explains DSS's report alleged, in part, that Suzie and George had access to fentanyl in Mother's vehicle. Although Finding of Fact 2 is a recitation, there is other testimonial evidence to support that Suzie and George were in the vehicle with the fentanyl. In Hale's testimony, he stated that Mother told him

law enforcement had pulled her over and recovered her illegal drugs; further, he states that Father retrieved the children that day. Therefore, there is evidence that the children were indeed with Mother in her vehicle with the drugs when she was pulled over. This sufficiently demonstrates that the trial court made an independent determination regarding the evidence. These findings show Suzie and George had a risk of exposure to illegal drugs which supports a conclusion that they were neglected because of an injurious environment and a substantial risk of harm.

The necessary findings were supported by clear, cogent, and convincing evidence. We hold the trial court's findings support the conclusion that the children were neglected.

III. Conclusion

There was clear, cogent, and convincing evidence to support the findings. The trial court's findings support the conclusion that Suzie and George were neglected juveniles.

AFFIRMED.

Chief Judge DILLON and Judge CARPENTER concur.

Report per Rule 30(e).