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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA26-152

Filed 18 November 2026

Orange County, No. 23JA000085-670

IN THE MATTER OF: J.B.

Appeal by Respondent-Father from permanency planning order entered 31 October 2025 by Judge Hathaway Pendergrass in Orange County District Court. Heard in the Court of Appeals 25 August 2026.

Batch Poore & Williams, PC, by Sydney Batch, for Respondent-Appellant-Father.

NC Guardian Ad Litem Program, by Michelle FormyDuval Lynch, and Stephenson & Fleming, LLP, by Jane R. Thompson, for the Guardian ad Litem and Petitioner-Appellee Orange County Department of Social Services.

CARPENTER, Judge.

Respondent-Father appeals from the trial court's permanency planning order (the "Order") ceasing reunification efforts with his child, Jennifer,[1] and awarding guardianship of Jennifer to her foster parents. After careful review, we affirm.

I. Factual & Procedural Background

[1] A pseudonym is used to protect the identity of the minor child and for ease of reading. *See* N.C. R. App. P. 42(b) (2025).

On 25 October 2023, the Orange County Department of Social Services ("DSS") filed a juvenile petition, alleging that Jennifer was a neglected and dependent juvenile. After adjudicating Jennifer as a neglected and dependent juvenile, the trial court held a permanency planning hearing on 20 October 2025, where the evidence tended to show the following.

Respondent-Father and Mother[2] are the biological parents of Jennifer, who was born in August 2018. In October 2023, DSS received a report that Mother was not providing proper care or supervision of Jennifer. Specifically, the report alleged Mother was: struggling with mental health; sleeping throughout the day such that others were having to feed, supervise, and bathe Jennifer; and not ensuring Jennifer attended school. At the time, Mother and Jennifer were residing in a sober living house, at least in part, because Respondent-Father was abusive. Mother had previously obtained a temporary domestic violence protective order against Respondent-Father in May 2023. Eventually, Mother and Jennifer were dismissed from the sober living house because of Mother's behavioral issues and noncompliance with house policies. DSS assisted Mother with obtaining housing on the conditions that Mother take her mental health medication as prescribed and ensure Jennifer attended school. During this time, Respondent-Father was not participating in Jennifer's care and was not in a relationship with Mother.

[2] Mother is not a party to this appeal.

On 7 December 2023, the trial court held an initial adjudication and disposition hearing and concluded Jennifer was a neglected and dependent juvenile. As of this hearing, Respondent-Father and Mother had reconciled and were living with Jennifer in Respondent-Father's vehicle. The trial court ordered Respondent-Father to complete a mental health assessment and follow all recommendations, successfully complete the Strong Fathers program, submit to drug screens, take a paternity test, and sign necessary releases of information.

Between December 2023 and March 2025, the trial court held several permanency planning hearings. Respondent-Father attended all but one. At the time of the permanency planning hearings, Respondent-Father lived with his father in a one-bedroom apartment without space to accommodate Jennifer, and he lacked stable employment. Respondent-Father once tested positive for marijuana, did not timely submit to genetic testing for paternity, and withheld his consent for Jennifer to receive hearing aids, contrary to medical advice. In April 2024, Respondent-Father had an altercation with Mother where he threatened to kill her with a box cutter. As a result, Respondent-Father was arrested for assault with a deadly weapon and domestic violence. Nonetheless, Respondent-Father completed a large portion of his Strong Fathers program, obtained a mental health assessment, and consistently exercised visitation with Jennifer.

On 3 April 2025, after Jennifer had been in foster care for seventeen months, the trial court held another permanency planning hearing. The trial court found that

Respondent-Father continued to reside with his father in a house unsuitable for Jennifer, undermined Jennifer's therapy due to inappropriate comments, continued to contact and visit Jennifer against her wishes, lacked stable employment, and failed to attend Jennifer's medical appointments. Based in part on these findings, the trial court determined Jennifer's best interest would be served by a primary plan of guardianship and a secondary plan of reunification.

On 20 October 2025, the trial court held another permanency planning hearing. By then, Jennifer had been in foster care for twenty-three months. The trial court determined that further reunification efforts would clearly be unsuccessful or inconsistent with Jennifer's health or safety and her need for permanency within a reasonable amount of time. The trial court found, in pertinent part, that Respondent-Father had not attended Jennifer's medical appointments, was not engaged in therapy, lacked safe and independent housing, and had never been a primary caregiver to Jennifer. The trial court further found that Jennifer was withdrawn from Respondent-Father. Based on its findings, the trial court determined that no relative was able and willing to provide placement for Jennifer and that reunification efforts would be unsuccessful or inconsistent with Jennifer's health, safety, and need for permanence. The trial court entered the Order awarding guardianship of Jennifer to her foster parents and ceasing reunification efforts with Respondent-Father. Respondent-Father timely appealed.

II. Jurisdiction

This Court has jurisdiction under N.C. Gen. Stat. §§ 7A-27(b)(2) and 7B-1001(a)(5) (2025).

III. Issues

The issues on appeal are whether: (1) credible evidence supports the trial court's findings of fact and those findings support the conclusions of law; and (2) the trial court abused its discretion by ceasing reunification efforts with Respondent-Father and awarding guardianship of Jennifer to her foster parents.

IV. Analysis

A. Standard of Review

"This Court reviews an order that ceases reunification efforts to determine whether the trial court made the appropriate findings, whether the findings are based upon credible evidence, whether the findings of fact support the trial court's conclusions, and whether the trial court abused its discretion with respect to disposition." *In re C.M.*, 183 N.C. App. 207, 213, 644 S.E.2d 588, 594 (2007) (citing *In re Weiler*, 158 N.C. App. 473, 477–78, 581 S.E.2d 134, 137 (2003)). "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." *In re H.B.*, 384 N.C. 484, 491, 886 S.E.2d 106, 112 (2023).

"The trial court's findings of fact are conclusive on appeal if supported by competent evidence." *In re L.R.L.B.*, 377 N.C. 311, 315, 857 S.E.2d 105, 111 (2021) (cleaned up). "Competent evidence is evidence 'that a reasonable mind might accept

as adequate to support the finding.' " *Ward v. Ward*, 252 N.C. App. 253, 256, 797 S.E.2d 525, 528 (2017) (quoting *Forehand v. Forehand*, 238 N.C. App. 270, 273, 767 S.E.2d 125, 128 (2014)). Unchallenged findings of fact are presumed supported and, thus, are binding on appeal. *In re A.P.W.*, 378 N.C. 405, 410, 861 S.E.2d 819, 826 (2021) (citing *In re H.A.J.*, 377 N.C. 43, 51, 855 S.E.2d 464, 470 (2021)). " 'A trial court's finding of an ultimate fact is conclusive on appeal if the evidentiary facts reasonably support the trial court's ultimate finding.' " *In re G.C.*, 384 N.C. 62, 65, 884 S.E.2d 658, 661 (2023) (quoting *State v. Fuller*, 376 N.C. 862, 864, 855 S.E.2d 260, 263 (2021)). We review conclusions of law de novo. *See In re D.A.*, 258 N.C. App. 247, 249, 811 S.E.2d 729, 731 (2018).

In a permanency planning hearing, the trial court "may consider any evidence, including hearsay . . . or evidence from any person that is not a party, that the court finds to be relevant, reliable, and necessary to determine the needs of the juvenile and the most appropriate disposition." N.C. Gen. Stat. § 7B-906.1(c) (2025); *see In re M.T.*, 285 N.C. App. 305, 325, 877 S.E.2d 732, 747 (2022). "A trial court's decisions as to the weight and credibility of the evidence, and the inferences drawn from the evidence, are not subject to this Court's review." *In re A.J.L.H.*, 386 N.C. 305, 312, 902 S.E.2d 251, 257 (2024) (cleaned up); *see also In re C.C.G.*, 380 N.C. 23, 33, 868 S.E.2d 38, 46 (2022) (citation omitted) ("Appellate courts may not reweigh the underlying evidence presented at [juvenile abuse, neglect, and dependency] hearings.").

"At a permanency planning hearing, '[r]eunification shall be the primary or secondary plan unless, . . . the court makes written findings that reunification efforts clearly would be unsuccessful or would be inconsistent with the juvenile's health or safety.' " *In re J.E.S.*, __ N.C. App. __, __, 933 S.E.2d 384, 387 (2026) (quoting N.C. Gen. Stat. § 7B-906.2(b) (2025)). At the permanency planning hearing under section 7B-906.2(b) and (c), the trial court must make written findings addressing the following four factors to assess the viability of reunification:

> (1) Whether the parent is making adequate progress within a reasonable period of time under the plan.
> (2) Whether the parent is actively participating in or cooperating with the plan, the department, and the guardian ad litem for the juvenile.
> (3) Whether the parent remains available to the court, the department, and the guardian ad litem for the juvenile.
> (4) Whether the parent is acting in a manner inconsistent with the health or safety of the juvenile.

N.C. Gen. Stat. § 7B-906.2(d) (2025).

B. Challenged Findings

On appeal, Respondent-Father purports to challenge the following findings of fact in the Order:

> 9. The following efforts have been made to identify and notify relatives and nonrelative kin as potential resources for placement or support and whether a relative is willing and able to provide proper care and supervision of the juvenile in a safe home:
>
> a. [DSS] contacted . . . Respondent-Father's adult daughter, as possible placement. [She] has not followed through with completing a kinship assessment for placement of the juvenile.

> i. In December 2023, a kinship assessment was initiated with the family by Wake County Human Services but contact attempts were unsuccessful. Wake County Human Services closed the initial assist at the end of January 2024 due to [Respondent-Father's adult daughter] not communicating with the Wake County Social Workers.
> ii. On 12 February 2025, [Respondent-Father's adult daughter] contacted [DSS] asking to be considered again for placement.
> iii. On 24 March 2025, [DSS] resubmitted an assist to Wake County. The assigned Wake County social worker contacted [Respondent-Father's adult daughter], and a home visit was scheduled for 9 April 2025; however, the home visit was not completed.
> iv. [Respondent-Father's adult daughter] has not responded to contact by either the Wake County social worker or [DSS] since the prior permanency planning hearing held on 3 April 2025.

11. The status of Respondent-Father and his engagement in reunification services is as follows:

> q. [Respondent-Father] is invited to all of the juvenile's medical appointments. The juvenile typically has appointments every three months with various doctors, including her primary care pediatrician, an audiologist, an allergist, an ophthalmologist, and an endocrinologist. She has also been referred to a geneticist.
>
> r. Due to the court ordering him to attend her medical visits, [DSS] provides [Respondent-Father] the appointment information in advance by email.
>
> s. There is also a group text string with [Respondent-Father], the foster parents, GAL, and the social worker as a reminder of appointments.

t. [Respondent-Father] will typically confirm that he will attend the visit; therefore Respondent-Mother is not offered to attend the visit as both parents are not present together due to the history of domestic violence.

u. [Respondent-Father] was invited to and confirmed the following of the juvenile's medical appointments, but did *not* attend:

i. Allergist – 21 January 2025, 22 April 2025
ii. Audiologist – 16 May 2025, 10 September 2025
iii. Endocrinologist – 10 January 2025, 24 February 2025, 15 July 2025 (despite confirming his attendance)
iv. Geneticist – 31 January 2025, 1 May 2025
v. Primary care pediatrician – 9 September 2025
vi. Ophthalmologist – 16 April 2025

v. [Respondent-Father] attended the juvenile's dental appointments on 20 April 2025 and October 2025. He left the appointment on 20 April 2025 to pick up a housing application. He brought back Bojangles for the juvenile; however, she could not eat it due to having a fluoride treatment of which he was unaware.

[. . .]

y. On 30 September 2025, [Respondent-Father] noted frustration to the social worker that he has not been able to "mend the fence" with the juvenile. He noted they have grown apart, her energy is different, the communication is not there, and it is almost like we are strangers.

> z. [Respondent-Father] has made efforts to improve his relationship with the juvenile, including consistency in visitations; however, the juvenile remains withdrawn. Despite the strained relationship, [Respondent-Father] wants to reunify with her.

12. The status of the juvenile is as follows:

> j. [The therapist's] therapeutic recommendation is to establish guardianship with the juvenile's foster parents so that she can continue to have stability in their care but also maintain a relationship with her parents. Her letter was accepted into evidence.

1. Reweighing Evidence

Respondent-Father purports to challenge finding of fact 9 as unsupported, contending that the trial court "did not give adequate weight" to the causes of Jennifer's nearly two-year placement in foster care. Respondent-Father challenges "conclusion of law" 12 to the extent that it is unsupported by finding of fact 9.

It is not the role of a reviewing court to reweigh the evidence. *See In re C.C.G.*, 380 N.C. at 33, 868 S.E.2d at 46 ("Appellate courts may not reweigh the underlying evidence . . . ."). This purported challenge lacks merit, and, therefore, finding of fact 9 is binding on appeal and supports the trial court's determination "[t]here [was] not a relative able and willing to provide placement for [Jennifer]." *See In re C.M.*, 183 N.C. App. at 213, 644 S.E.2d at 594.

2. Therapist Reports as Evidence

Respondent-Father next purports to challenge finding of fact 12(j) as

unsupported. Specifically, he contends the trial court should not have considered the therapist's letter, which was admitted without objection, because it was incompetent evidence.

Evidentiary rules are relaxed in permanency planning hearings. *See* N.C. Gen. Stat. § 7B-906.1(c). To the extent Respondent-Father requests that we reweigh the evidence or re-evaluate the therapist's credibility, we decline to do so. *See In re A.J.L.H.*, 386 N.C. at 312, 902 S.E.2d at 257. The trial court evidently considered the professional recommendation and reasoning offered by a therapist who treated Jennifer for over a year to be reliable and probative. We see nothing erroneous with this logic, particularly where the rules of evidence were relaxed, and Respondent-Father did not object to the admission of the letter.

3. Inconsistency with Jennifer's Health and Safety

Respondent-Father purports to challenge findings of fact 11 (q, r, s, t, u, v, y, and z). He concedes the trial court made appropriate findings addressing section 7B-906.2(d)(1–3) but nevertheless argues that the trial court "failed to consider the significant barrier of [his] work schedule, the distance required to attend [medical] appointments . . . [and] the significant barrier in maintaining a meaningful relationship with a child . . . " due to his visitation schedule. Moreover, he asserts that the trial court failed to consider his "poverty." Thus, Respondent-Father argues that, because findings of fact 11 (q, r, s, t, u, v, y, and z) are unsupported, the trial court could not have determined that he was "acting in a manner inconsistent with

the health or safety of Jennifer." We disagree.

Even assuming limited portions of findings of fact 11 (q, r, s, t, u, v, y, and z) lack robust evidentiary support, unchallenged findings support the trial court's decision to cease reunification efforts with Respondent-Father and award guardianship of Jennifer to her foster parents. *See In re A.P.W.*, 378 N.C. at 410, 861 S.E.2d at 826.[3]

These unchallenged findings of fact include Respondent-Father's accommodations were unsuitable for Jennifer, he was involved in domestic discord with Mother, he refused to give consent for Jennifer's physician-recommended hearing aids, he had never been the primary caregiver, and he had not properly engaged in Jennifer's therapy and discounted her need for therapy. Furthermore, although Respondent-Father challenges a large portion of finding of fact 11, he does not challenge similar findings appearing elsewhere in the Order that Respondent-Father had not established safe and independent housing, lacked the ability to meet Jennifer's medical needs, and failed to attend Jennifer's medical appointments despite confirming his attendance.

Accordingly, despite Respondent-Father's challenges to finding of fact 11, other

[3] A trial court must resolve material conflicts in the evidence. *See In re D.M.O.*, 250 N.C. App. 570, 579, 794 S.E.2d 858, 865 (2016). If Respondent-Father meant to raise this argument on appeal—we note any conflict in the evidence was immaterial. The trial court was not merely concerned with Respondent-Father's absence from Jennifer's medical appointments. Rather, the record is clear that Respondent-Father's unreliability and resistance to obtaining necessary medical treatment for Jennifer were the trial court's primary concerns.

unchallenged findings in the Order support the determination that Respondent-Father has been acting in a manner inconsistent with the health and safety of the juvenile. *See In re A.P.W.*, 378 N.C. at 410, 861 S.E.2d at 826; N.C. Gen. Stat. § 7B-906.2(d)(4). Therefore, the unchallenged findings support the trial court's conclusion that "efforts to reunite the juvenile with [Respondent-Father] would be unsuccessful." *See In re C.M.*, 183 N.C. App. at 213, 644 S.E.2d at 594.

C. Cessation of Reunification Efforts

Lastly, Respondent-Father argues that the trial court erred in concluding that it was in Jennifer's best interest to cease reunification with Respondent-Father and award guardianship of Jennifer to her foster parents. Specifically, he contends that once his challenged findings are set aside, the remaining findings of fact do not support the conclusions of law. Having concluded his factual challenges are unavailing, we disagree.

Here, the trial court made the requisite findings of fact to support ceasing reunification with Respondent-Father and awarding guardianship of Jennifer to her foster parents. *See* N.C. Gen. Stat. § 7B-906.2(b), (d). Respondent-Father concedes the trial court made the requisite findings under section 7B-906.2(d)(1–3), and for the reasons discussed above, the trial court made sufficient findings per section 7B-906.2(d)(4). *See id.* Because the trial court made the appropriate findings, those findings were based upon credible evidence, and those findings support the trial court's conclusions of law, *see In re C.M.*, 183 N.C. App. at 213, 644 S.E.2d at 594,

Respondent-Father cannot demonstrate the trial court's decision to cease reunification efforts and award guardianship of Jennifer to her foster parents was "manifestly unsupported by reason . . . ," *see In re H.B.*, 384 N.C. at 491, 886 S.E.2d at 112.

Accordingly, the trial court did not abuse its discretion by ceasing reunification efforts with Respondent-Father and awarding guardianship to Jennifer's foster parents. *See In re C.M.*, 183 N.C. App. at 213, 644 S.E.2d at 594.

V. Conclusion

Based on the foregoing, we affirm the trial court's permanency planning order ceasing reunification efforts with Respondent-Father and awarding guardianship to Jennifer's foster parents.

AFFIRMED.

Chief Judge DILLON and Judge GRIFFIN concur.

Report per Rule 30(e).