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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA26-303

Filed 18 November 2026

Forsyth County, Nos. 22JA000163-330, 23JA000168-330

IN THE MATTER OF:

T.M.N.
A.J.N.R.

Appeal by respondent-father from order entered 7 January 2026 by Judge Artrese Ziglar in Forsyth County District Court. Heard in the Court of Appeals 14 October 2026.

Robinson & Lawing, LLP, by Christopher M. Watford, for respondent-appellant father.

Holly M. Groce, for petitioner-appellee Forsyth County Department of Social Services.

Brittany T. McKinney, for appellee guardian ad litem.

FLOOD, Judge.

Respondent-Father appeals from an order terminating his parental rights. On appeal, Father argues, first, several key findings of fact made by the trial court are not supported by the evidence, and second, the trial court erred in terminating

Father's parental rights pursuant to N.C.G.S. § 7B-1111(a)(1) and (2). Upon careful review, we conclude, first, the challenged findings of fact are supported by clear, cogent, and convincing evidence, and second, the trial court did not err in terminating Father's parental rights pursuant to N.C.G.S. § 7B-1111(a)(1), where the minor children had previously been adjudicated neglected, and the trial court found there was a likelihood of future neglect.

I. Factual and Procedural Background

Father is the biological father to A.J.N.R. ("Andy"), born in February of 2022, and T.M.N. ("Tim"), born in July of 2023 (collectively, "the minor children").[1] When Andy was nearly four months old, Forsyth County Department of Social Services ("DSS") received a report involving a domestic violence incident between Father and Mother[2] (collectively "Respondents") in which Father was alleged to have "threatened to shoot [] Mother and would assure she never sees [Andy] again." The report also alleged that Father "uses and sells drugs." Over the next several weeks, DSS received other incident reports alleging that "Mother broke into [Father's] home and assaulted his girlfriend" while Mother was holding Andy, and that Father and Mother made "derogatory statements against each other via [a] social media platform." On 19 July 2022, DSS found that "[t]here was sufficient information to support the allegations of

[1] These pseudonyms have been agreed upon by the parties and are used to protect the identity of the juveniles in accordance with N.C. R. App. P. 42(b) (2025).

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

domestic violence and injurious environment" and that the family was in need of services.

On 16 August 2022, Mother called the social worker assigned to the family's case from the Forsyth County Jail and stated that she had been arrested after a dispute with Father. Mother explained that she and Father were in an argument, and alleged that Father "spit on her[,] so she pepper sprayed him[.]" In a subsequent interview with Father, he explained "that [Mother] was in a car accident earlier that day and she intentionally crashed the car while [Andy] was in the car" and had told her friend "that she did not want to live anymore, and [Andy] would be better without her." Father admitted he did get "physical" with Mother during their argument but claimed it was because of "her getting pepper spray on [Andy]." That same day, DSS requested and received nonsecure custody of Andy and placed Andy with his maternal great aunt.

On 17 January 2023, the trial court entered an order adjudicating Andy to be a neglected juvenile. The trial court ordered Andy to remain in DSS's custody, granted Respondents supervised visitation, and directed Respondents to, *inter alia*, complete several parenting and domestic violence related classes.

Around six months later, Tim was born, testing positive for marijuana; subsequently, DSS opened an "In Home Services" case. On 24 August 2023, DSS learned that Father sought and received involuntary commitment for Mother after reporting that Mother had "held a kitchen knife and stated, 'I will kill you and lay

your son beside you.'" Upon Father and DSS's discussion regarding Mother's upcoming return home, Father "refused to follow the safety interventions" and "stated he would not leave the home and intended to remain and act as [Mother's] caregiver." Shortly thereafter, DSS filed a verified juvenile petition alleging Tim was a neglected juvenile. The court entered an order granting DSS nonsecure custody, and DSS placed Tim in a licensed foster home. On 27 November 2023, the trial court adjudicated Tim as a neglected juvenile.

For the next year and a half, the trial court held several permanency planning hearings; however, on 6 August 2025, DSS filed a motion to terminate Respondents' parental rights, contending that Respondents had neglected Andy and Tim and had "willfully left the minor children in []DSS custody for more than 12 months without showing to the satisfaction of the Court" that they had made reasonable progress in correcting the conditions that led to the children's removal. In its motion, DSS further explained:

> Throughout this matter, [Mother] and [Father] have given inconsistent statements about their intent to remain together in a relationship and have on several occasions claimed an intent to separate only to resume their relationship, continuing the cycle of violence. The most recent domestic violence incident between the Respondents occurred on or about April 10, 2025 when the Winston-Salem Police Department responded to a call about an incident in which [Mother] attempted to use a knife against [Father]. While this resulted in [Mother's] arrest and [Father] obtained an initial *ex parte* protective order, [Father] did not assist in prosecution or pursue a 1-year protective order.

On 7 January 2026, the trial court entered an order terminating Respondents' parental rights to Andy and Tim pursuant to N.C.G.S. § 7B-1111 (a)(1) and (2). Father timely appealed.

II. Jurisdiction

This Court has jurisdiction to review the termination of Father's parental rights pursuant to N.C.G.S. §§ 7A-27(b)(2) and 7B-1001(a)(7) (2025).

III. Standard of Review

"On appeal, the standard of review from a trial court's decision in a parental termination case is whether there existed clear, cogent, and convincing evidence of the existence of grounds to terminate [the] respondent's parental rights." *In re Oghenekevebe*, 123 N.C. App. 434, 439 (1996) (citation omitted); *see* N.C.G.S. § 7B-1109(f) (2025) (providing that "all findings of fact shall be based on clear and convincing evidence"). "The trial court's findings in this regard are binding on appeal even though there may be evidence to the contrary." *In re P.L.P.*, 173 N.C. App. 1, 8 (2005) (citation and internal quotation marks omitted). "Further, where the trial court finds multiple grounds on which to base a termination of parental rights, and an appellate court determines there is at least one ground to support a conclusion that parental rights should be terminated, it is unnecessary to address the remaining grounds." *Id.* (citation and internal quotation marks omitted); *see also In re M.C.*, 381 N.C. 832, 838 (2022) ("Because a finding of a single statutory ground is sufficient to

support termination of [the] respondent-father's parental rights, we decline to address his arguments challenging the trial court's adjudication of other grounds[.]" (citation omitted)).

IV. Analysis

On appeal, Father argues that the trial court erred because (A) several findings of fact are not supported by clear, cogent, and convincing evidence, and (B) grounds do not exist to terminate his parental rights under N.C.G.S. § 7B-1111(a)(1) or (2). We address each argument, in turn.

A. Findings of Fact

Father argues that the "[k]ey Findings relevant to the two grounds adjudicated by the trial court are not supported by clear, cogent, and convincing evidence and are not the products of logical inferences that can be drawn from the evidence."

Father first challenges Findings of Fact 53 and 54 as mere recitations of testimony rather than findings made by the trial court, as they "essentially describe the testimony received from Dr. Bennett who conducted the Parenting Capacity Evaluations[.]" Findings of Fact 53 and 54 state:

> 53. In his testimony, Dr. Bennett indicated that what was significant or noteworthy about the [Parenting Capacity Evaluation]s for [Mother] and [Father] was the picture the two evaluations created when read together: Two individuals who have a pattern of having conflict, which repeatedly escalates to physical violence, followed by a period of separation and cooling off, and then they end up together again.

> 54. Per Dr. Bennett's testimony, unless something clearly disrupts the cycle of violence and aggression, the environment created by these two individuals will be dangerous for children.

As our Supreme Court has explained, "recitations of the testimony of each witness do not constitute findings of fact by the trial judge[,]" and, if such recitation occurs, we are compelled "to disregard these findings of fact in ascertaining whether the trial court did or did not err in determining that . . . parental rights in [the minor child] were subject to termination on the basis of neglect." *In re A.C.*, 378 N.C. 377, 383–84 (2021) (citation modified) (disregarding findings that simply stated "that a witness either 'testified,' 'contends,' or 'indicated' that something was true" since that "fail[ed] to satisfy the trial court's obligation to evaluate the credibility of the witnesses who testified at the adjudication hearing and to resolve any contradictions that existed in the evidence"). But "this sort of referential finding is sufficient if it also includes an indication concerning whether the trial court deemed the relevant portion of the testimony credible." *In re H.B.*, 384 N.C. 484, 490 (2023) (citation and internal quotation marks omitted). Thus, "[w]hen a trial court makes a credibility determination about recited evidence, that transforms the recited evidence from a 'mere recitation' into a proper 'evidentiary finding.'" *Id.* (citation omitted).

Here, the trial court found, in the relevant portion which Father does not challenge, that

> [t]he [c]ourt accepts Dr. Bennett's conclusion and description that these two individuals are in a cycle of

> violence and the environment created by the conflict and violence between them is not a safe environment for children. While the parents have been given the resources to learn new ways to manage conflict, they have not demonstrated a willingness or ability to change these dangerous conditions, as domestic altercations between the two have continued to erupt in the months leading up to the Termination of Parental Rights Hearing.

Accordingly, because the trial court made a credibility determination about the recited testimony of Dr. Bennett, Findings of Fact 53 and 54 are proper evidentiary findings. *See id.*

Father next contends that the last sentence of Finding of Fact 67 is not supported by the evidence. Finding of Fact 67 provides: "In January 2025, there was an argument between [Mother] and [Father], and both Respondents admitted that [Mother] obtained a knife and threatened [Father] with it. The confrontation escalated, and both Respondents punched each other in the face."

Upon review of the Record, this finding seems to contain a typographical error regarding the date of 2025, because a police report admitted at trial provides that, during an incident on 19 January 2024, both Father and Mother alleged that they punched each other in the face. Thus, we conclude this finding is supported by competent evidence, though we disregard the finding insofar as it incorrectly communicates the incident occurred in 2025.

Father next contends that all, or portions, of Findings of Fact 65, 70, 78, and 79 are not supported by the evidence. These relevant findings are as follows:

> 65. The Respondents have not adequately applied the skills imparted to them in those service programs so as to correct the conditions that led to the removal of [Tim] . . . and [Andy]. Most notably, they have not adequately corrected issues related to domestic violence, and for [Mother] specifically, issues related to inadequately treated mental health.
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> . . . .
>
> 70. While the Respondents have each completed or substantially complied with treatment for domestic violence, both as victims and aggressors, the fact that assaultive incidents continue to occur between them on a regular basis leads the [c]ourt to conclude that the classes have not had the intended effect, as the Respondents have failed to incorporate the teachings from those programs into their everyday lives.
>
> . . . .
>
> 78. Less than a month prior to the first day of this Termination of Parental Rights hearing, the Respondents were together and engaging in a domestic violence incident. They have a history of reporting separations to []DSS only to be found together again after another episode of domestic violence erupts.
>
> 79. . . . no meaningful behavioral change has resulted.

Father argues that these findings "center around the central issue of this case, which is the perception that [Father] engages in domestic violence with [Mother] and that, despite his participation in, and successful completion of, DSS-required and Court-ordered services, [Father] is hopelessly doomed and is somehow unredeemable." Instead, he contends that "the evidence at trial demonstrated []Father asserted that he ended his relationship with []Mother in April of 2025, a full

four months before [DSS] filed the Motion to Terminate Parental Rights[,]" and "[t]here was no evidence of domestic violence between April 2025 and the September 2025 attack for which []Father was the victim."

At trial, when asked whether she had seen "improvement with the behaviors around domestic violence specifically[,]" Social Worker Kylie Summers responded, "No. There was always a domestic violence incident reported." Furthermore, Summers testified that Father has not taken responsibility for any domestic violence. She explained that one of her reports documented that Father "stated that he is only completing these domestic violence classes because the Court and the agency is telling him to[,]" and that he told her "[h]e is not the perpetrator; he is a victim, and he has constantly blamed [Mother] for the reason why these kids are in care."

Father testified at trial that he was not a perpetrator of domestic violence:

> Q. [Father], do you maintain the position that you are only a victim of domestic violence?
>
> A. I didn't put my hands on nobody.
>
> Q. [Father], do you recall a video that was played previously in this court that showed a domestic violence conflict between yourself and [Mother]?
>
> A. Yeah. It showed me restraining her when she attacked me.
>
> Q. So you did put your hands on her, correct?
>
> A. If that's what you want to call it.
>
> Q. Sir, you were ordered to complete domestic violence

> services both for victims and for perpetrators, correct?
>
> A. And I did.
>
> Q. But your position is that you have never perpetrated domestic violence at any time?
>
> A. Nope.
>
> Q. Sir, law enforcement has come out to each of the residences that you have shared with [Mother] since this case began, correct?
>
> A. Yep.
>
> Q. And they've come out due to conflicts between yourself and [Mother]?
>
> A. They've come. Yeah. You can say it that way.
>
> Q. Most recently they came out to your home in September of 2025?
>
> A. Yeah.

Father additionally does not challenge the trial court's finding that, "[s]ince 2024, there have been at least five reported domestic violence incidents between [Mother] and [Father], some of which have been acknowledged by the Respondents." *See In re K.H.*, 281 N.C. App. 259, 266 (2022) ("Unchallenged findings of fact are deemed supported by the evidence and are binding on appeal." (citation omitted)). This testimony and evidence support the challenged findings such that Father, even if not the aggressor, continued to remain involved in domestic disputes with Mother and put the minor children in an unsafe environment. Accordingly, we conclude

Findings of Fact 65, 70, 78, and 79, as challenged, are supported by competent evidence.

Finally, Father challenges Finding of Fact 85, which provides that Father "is unfit to have the care, custody, and control of [Tim] or [Andy], based upon all the finding of grounds for termination of parental rights as detailed above and the facts found in support of the same." Father contends that, "[d]espite the language of Finding 85, the evidence at trial supported the fact that [Father] had made a major change in his life that built on the housing and employment stability he had already maintained." While there may be evidence showing Father had made progress, there was still evidence, as supported above, that "no meaningful behavioral change has resulted." *See In re P.L.P.*, 173 N.C. App. at 8 ("The trial court's findings in this regard are binding on appeal even though there may be evidence to the contrary." (citation and internal quotation marks omitted)). Accordingly, we conclude the findings of fact are supported by competent evidence, and we turn to address the termination of Father's parental rights.

B. Grounds to Terminate

Father next argues that grounds do not exist to terminate his parental rights under N.C.G.S. § 7B-1111(a)(1) and (2). "In termination of parental rights proceedings, the trial court's finding of any one of the enumerated grounds [in N.C.G.S. § 7B-1111(a)] is sufficient to support a termination[,]" *In re N.T.U.*, 234 N.C. App. 722, 733 (2014) (citation modified); we therefore need only discuss grounds

under N.C.G.S. § 7B-1111(a)(1) where, for the reasons below, we conclude the trial court properly terminated Father's parental rights for neglect.

Pursuant to N.C.G.S. § 7B-1111(a)(1), "the trial court may terminate the parental rights to a child upon a finding that the parent has neglected the child." *In re M.J.S.M.*, 257 N.C. App. 633, 636 (2018) (citation modified). A "neglected juvenile" is defined, in relevant part, as a juvenile whose parent "[d]oes not provide proper care, supervision, or discipline"; "[h]as abandoned the juvenile"; or "[c]reates or allows to be created a living environment that is injurious to the juvenile's welfare." N.C.G.S. § 7B-101(15)(a), (b), (e) (2025).

"A finding of neglect sufficient to terminate parental rights must be based on evidence showing neglect at the time of the termination proceeding." *In re Young*, 346 N.C. 244, 248 (1997) (citation omitted). If, however,

> there is no evidence of neglect at the time of the termination proceeding[,] parental rights may nonetheless be terminated if there is a showing of a past adjudication of neglect and the trial court finds by clear and convincing evidence a probability of repetition of neglect if the juvenile were returned to her parents.

In re M.J.S.M., 257 N.C. App. at 637 (citation modified).

In assessing a prior adjudication of neglect,

> there is no requirement that the parent whose rights are subject to termination on the grounds of neglect be responsible for the prior adjudication of neglect. As we have previously explained, in determining whether a child is neglected, the determinative factors are the circumstances and conditions surrounding the child, not the fault or

> culpability of the parent.

In re S.D., 374 N.C. 67, 75 (2020) (citation modified); *see also In re M.A.W.*, 370 N.C. 149, 153–54 (2017) (holding that a prior adjudication of neglect based upon the mother's substance abuse and mental health problems was "appropriately considered" by the trial court as "relevant evidence" in determining whether the parental rights of the respondent-father, who had been incarcerated at the time of the initial adjudication, should be terminated).

To determine a probability of future neglect, "the trial court must consider all evidence of relevant circumstances or events which existed or occurred *either before or after* the prior adjudication of neglect." *In re J.O.D.*, 374 N.C. 797, 802 (2020) (citation and internal quotation marks omitted). "A parent's failure to make progress in completing a case plan is indicative of a likelihood of future neglect[,]" and progress in a case plan may be insufficient where evidence demonstrates it "was only sporadic and inadequate." *In re M.J.S.M.*, 257 N.C. App. at 637 (citation omitted). Further, our Supreme Court has provided that, even where a respondent parent engaged in classes and assessments as required by his or her case plan, a probability of future neglect may be shown where the respondent parent has "failed to demonstrate that sustained behavioral change of the type necessary to ensure [the juvenile's] safety and welfare[.]" *In re R.L.R.*, 381 N.C. 863, 875 (2022).

Here, Father does not challenge the trial court's determination of Andy's and Tim's prior neglect adjudications; instead, Father argues the trial court erred in

finding there was a probability of future neglect, contending this is "not supported by the evidence[.]" Father specifically contends the evidence shows he made progress where he "completed two courses of domestic violence education, substantially complied with his judicially-adopted case plan, maintained employment, maintained housing"; "lived free of mental health issues and substance abuse addiction"; "maintained the relationship with his children"; and, in April 2025, "obtained his own residence" away from Mother.

As discussed above, however, the trial court's supported findings of fact show, in relevant part, that

> [w]hile the Respondents have each completed or substantially complied with treatment for domestic violence, both as victims and aggressors, the fact that assaultive incidents continue to occur between them on a regular basis leads the Court to conclude that the classes have not had the intended effect, as the Respondents have failed to incorporate the teachings from those programs into their everyday lives.

This finding, along with the others discussed above, shows that Father has "failed to demonstrate that sustained behavioral change of the type necessary to ensure [the minor children's] safety and welfare[.]" *See id.* Thus, upon our review, as Andy and Tim were priorly adjudicated as neglected juveniles, and the trial court's binding findings of fact support a likelihood of future neglect, we conclude that the trial court properly found grounds to terminate Father's parental rights for neglect pursuant to N.C.G.S. § 7B-1111(a)(1). *See In re M.J.S.M.*, 257 N.C. App. at 636; *In re*

P.L.P., 173 N.C. App. at 8. As the trial court properly determined one ground to terminate Father's parental rights, we need not address Father's challenges to the other ground, and the trial court's order is affirmed. *See In re P.L.P.*, 173 N.C. App. at 8.

V. Conclusion

Upon careful review, we conclude, first, the challenged findings of fact are supported by clear, cogent, and convincing evidence, and second, the trial court did not err in terminating Father's parental rights pursuant to N.C.G.S. § 7B-1111(a)(1) where the minor children had previously been adjudicated neglected, and the trial court found there was a likelihood of future neglect.

AFFIRMED.

Judges STROUD and GRIFFIN concur.

Report per Rule 30(e).