

IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA25-1131

Filed 7 October 2026

Davidson County, Nos. 24JT000095-280, 24JT000096-280

IN THE MATTER OF: E.R.B., E.L.B.

Appeal by Respondent-Mother from orders entered 16 July 2025 by Judge Jon Welborn in Davidson County District Court. Heard in the Court of Appeals 21 July 2026.

Mercedes O. Chut for Respondent-Appellant-Mother

Robinson & Lawing, LLP, by Christopher M. Watford, for Petitioner-Appellee

CARPENTER, Judge.

Respondent-Mother appeals from the trial court's orders terminating her parental rights as to juveniles Emily and Emma (collectively, the "Juveniles").¹ On appeal, Respondent-Mother argues that the trial court: (1) erred by concluding that Respondent-Mother willfully abandoned the Juveniles; and (2) abused its discretion at disposition by failing to consider testimony from the Guardian ad Litem ("GAL") and failing to make sufficient findings resolving material conflicts in the evidence. After careful review, we affirm.

I. Factual & Procedural Background

¹ Pseudonyms are used to protect the identities of the Juveniles and for ease of reading. See N.C. R. App. P. 42(b) (2025).

On 8 July 2024, Petitioner-Aunt filed verified petitions seeking to terminate Respondent-Mother's parental rights as to the Juveniles on the ground of willful abandonment. On 5 June 2025, the trial court conducted an adjudication and disposition hearing on the petitions, and the record tended to show the following.

When the Juveniles' father became ill and was hospitalized in August 2021, their paternal aunt, Petitioner-Aunt, moved into Respondent-Mother's residence to help care for the Juveniles. During this time, both Juveniles were under the age of three. After the Juveniles' father passed away, Petitioner-Aunt left the residence, and the Juveniles frequently visited Petitioner-Aunt's home. In August 2022, Respondent-Mother began full-time basic law enforcement training, and the Juveniles began living with Petitioner-Aunt.

On 2 May 2023, the trial court entered a temporary consent order, granting Petitioner-Aunt sole legal and physical custody of the Juveniles. The consent order entitled Respondent-Mother to at least four hours of visitation twice per month. Respondent-Mother never attempted to modify the custody order.

During the termination hearing, Petitioner-Aunt and Respondent-Mother largely agreed that since the Juveniles had been in Petitioner-Aunt's care, Respondent-Mother had not "been there" for them. Since July 2023, Respondent-Mother: did not attend any birthdays, holidays, or doctor's appointments; knew nothing about the Juveniles' schooling; and failed to provide financial support, gifts, or cards. Despite her full-time employment with a local sheriff's department and

receiving \$60,000 in life insurance proceeds, Respondent-Mother had not provided “money[,] diapers, clothes, toys, [or] anything that a toddler and baby might need . . .” since May 2023. Between 8 January 2024 and 8 July 2024, Respondent-Mother sent Petitioner-Aunt text messages on only two occasions: first to inform Petitioner-Aunt of an upcoming surgery and later to inquire whether Emma “ha[d] a good birthday.”

Though both parties agreed that visitation failed to materialize due to scheduling conflicts or illness, their accounts diverged as to Respondent-Mother’s ability to exercise visitation. After acknowledging that she had not “been there” for the Juveniles, Respondent-Mother contended that Petitioner-Aunt “pushed [her] aside.” Respondent-Mother also acknowledged that she went eleven months without seeing two of her other children. Conversely, Petitioner-Aunt denied obstructing visitation and claimed that Respondent-Mother failed to visit the Juveniles, including a period where she lived approximately two miles away. Between July 2023 and October 2024, Respondent-Mother did not request to exercise visitation.

At disposition, the GAL testified that termination was not in the Juveniles’ best interests. The GAL conveyed that the Juveniles wished to remain with Petitioner-Aunt and agreed that Respondent-Mother had “been inconsistent,” opining that such inconsistency would be “disruptive and upsetting” for the Juveniles moving forward. Yet, the GAL maintained that Respondent-Mother was “trying to get her life together” and, in her report, stated that termination would cause the Juveniles “long term trauma[.]”

On 16 July 2025, the trial court entered orders terminating Respondent-Mother's parental rights based on willful abandonment (the "Orders").² Respondent-Mother timely appealed.

II. Jurisdiction

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

III. Issues

The issues are whether the trial court: (1) erred by concluding that Respondent-Mother willfully abandoned the Juveniles; and (2) abused its discretion at disposition.

IV. Analysis

A. Adjudication

Respondent-Mother argues the trial court erred by concluding that she willfully abandoned the Juveniles. Specifically, Respondent-Mother challenges numerous evidentiary findings of fact and the ultimate finding that she "abandoned her protected status as the mother of the [Juveniles] . . ." for the six months immediately preceding Petitioner-Aunt's filing. We disagree.

"A termination of parental rights proceeding consists of an adjudicatory stage and a dispositional stage." *In re I.G.C.*, 373 N.C. 201, 203, 835 S.E.2d 432, 434 (2019)

² The trial court entered individual orders for Emily and Emma. With one exception noted below in footnote 3, both orders contain identical findings of fact and conclusions of law.

(citing N.C. Gen. Stat. §§ 7B-1109, -1110 (2017)). “We review a trial court’s adjudication of the existence of a ground for termination . . . ‘to determine whether the findings are supported by clear, cogent and convincing evidence and the findings support the conclusions of law.’” *In re A.A.*, 381 N.C. 325, 334, 873 S.E.2d 496, 505 (2022) (quoting *In re Montgomery*, 311 N.C. 101, 111, 316 S.E.2d 246, 253 (1984)).³ “‘The clear and convincing standard requires evidence that should fully convince.’” *In re K.C.*, 295 N.C. App. 363, 367, 905 S.E.2d 776, 780 (2024) (quoting *Scarborough v. Dillard’s, Inc.*, 363 N.C. 715, 721, 693 S.E.2d 640, 643 (2009)). “‘The issue of whether a trial court’s findings of fact support its conclusions of law is reviewed de novo.’” *In re J.J.H.*, 376 N.C. 161, 166, 851 S.E.2d 336, 341 (2020) (quoting *In re J.S.*, 374 N.C. 811, 814, 845 S.E.2d 66, 71 (2020)).

“‘A trial court’s finding of fact that is supported by clear, cogent, and convincing evidence is deemed conclusive even if the record contains evidence that would support a contrary finding.’” *Id.* at 166, 851 S.E.2d at 341 (quoting *In re B.O.A.*, 372 N.C. 372, 379, 831 S.E.2d 305, 310 (2019)). “Unchallenged findings are deemed to be supported by the evidence and are ‘binding on appeal.’” *In re K.N.K.*, 374 N.C. 50, 53, 839 S.E.2d 735, 738 (2020) (quoting *In re Z.L.W.*, 372 N.C. 432, 437, 831 S.E.2d 62, 65 (2019)). “‘A trial court’s finding of an ultimate fact is conclusive on

³ We note that, in October 2025, the standard of proof for termination actions was amended to “clear and convincing evidence,” but the termination orders were entered before the effective date of the amendment. See N.C. Gen. Stat. § 7B-1111(b) (2025).

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)). “ ‘[E]rroneous findings unnecessary to the determination do not constitute reversible error where an adjudication is supported by sufficient additional findings grounded in clear and convincing evidence.’ ” *In re C.B.*, 245 N.C. App. 197, 199, 783 S.E.2d 206, 208–09 (2016) (quoting *In re T.M.*, 180 N.C. App. 539, 547, 638 S.E.2d 236, 240 (2006)).

“A trial court may terminate a parent’s parental rights when ‘[t]he parent has willfully abandoned the juvenile for at least six consecutive months immediately preceding the filing of the petition or motion.’ ” *In re B.C.B.*, 374 N.C. 32, 35, 839 S.E.2d 748, 752 (2020) (alteration in original) (quoting N.C. Gen. Stat. § 7B-1111(a)(7) (2019)). “ ‘Abandonment implies conduct on the part of the parent which manifests a willful determination to forego all parental duties and relinquish all parental claims to the child.’ ” *Id.* at 35, 839 S.E.2d at 752 (quoting *In re Young*, 346 N.C. 244, 251, 485 S.E.2d 612, 617 (1997)). “[I]f a parent withholds his presence, his love, his care, the opportunity to display filial affection, and wil[l]fully neglects to lend support and maintenance, such parent relinquishes all parental claims and abandons the child.” *Pratt v. Bishop*, 257 N.C. 486, 501, 126 S.E.2d 597, 608 (1962) (citation omitted).

“Whether a biological parent has a willful intent to abandon his child is a question of fact to be determined from the evidence.” *In re Adoption of Searle*, 82 N.C. App. 273, 276, 346 S.E.2d 511, 514 (1986). “ ‘[A]lthough the trial court may consider

a parent's conduct outside the six-month window in evaluating a parent's credibility and intentions, the 'determinative' period for adjudicating willful abandonment is the six consecutive months preceding the filing of the petition.' ” *In re N.D.A.*, 373 N.C. 71, 77, 833 S.E.2d 768, 773 (2019) (quoting *In re D.E.M.*, 257 N.C. App. 618, 619, 810 S.E.2d 375, 378 (2018)).

1. Challenged Findings

In the Orders, the trial court concluded that Respondent-Mother had willfully abandoned the Juveniles. Underlying this determination, the trial court found, in relevant part:

18d. Since the entry of the May, 2023 [c]onsent [o]rder for [c]hild [c]ustody, Respondent Mother has failed to provide any financial support for the [Juveniles], despite . . . receiving approximately \$60,000.00 in life insurance proceeds

. . .

18g. There is no indication that [Petitioner-Aunt] has intentionally prevented Respondent Mother from visiting with the [Juveniles] or frustrated Respondent Mother's ability to communicate with either Petitioner or the [Juveniles] [T]here is no evidence said behavior on behalf of Petitioner was an intentional attempt to alienate Respondent Mother from the [Juveniles.]

18h. Respondent Mother had a plethora of other options to visit with the [Juveniles] if she so chose, however, she failed to do so[.]

18i. Respondent Mother failed to even attempt to visit with the [Juveniles] the entirety of 2024[.]

18j. There was no meaningful contact between Respondent Mother and the Petitioner, or Respondent Mother and the

[Juveniles] for approximately one (1) year prior to the filing of this [p]etition. Specifically, Respondent Mother sent a text message to Petitioner in December, 2023 and again in February, 2024 Neither of these text messages were an attempt by Respondent Mother to inquire as to the well-being of the [Juveniles].

...

18l. At no time has Respondent Mother filed a [m]otion to [m]odify the child custody order pertaining to [the Juveniles].

18m. Although Respondent Mother cites her financial circumstances as a barrier to obtaining an attorney to aid her in pursuing a modification of the custody [o]rder . . . [the trial court] finds that argument unpersuasive, as Respondent Mother is more than capable of pursuing a modification on a *pro se* basis, as she has appeared in custody court on a *pro se* basis in cases involving her other biological children[.]

...

18o. Respondent Mother has failed to provide substantially for the needs of the [Juveniles] since May, 2023. Respondent Mother has never written letters to the [Juveniles], sent gifts or cards to the [Juveniles], or provided consistent financial support for the [Juveniles.]

18p. Respondent Mother has not attended doctor's appointments or school events of the [Juveniles], nor has she acknowledged holidays with the [Juveniles] such as Christmas or [their] birthday[s.]

18q. Respondent Mother has abandoned her protected status as the mother of the [Juveniles] and has acted inconsistently with her constitutionally protected right to parent [the Juveniles] for at least six (6) months next preceding the commencement of this action.

a. Findings of Fact 18 g, h, i, and j

Respondent-Mother contends that Findings 18 g, h, i, and j, pertaining to her failure to exercise visitation, are unsupported by clear, cogent, and convincing evidence. Specifically, Respondent-Mother claims, “the evidence does not establish her lack of contact was part of a deliberate plan to relinquish all parental rights and duties to the [Juveniles].” We disagree.

Here, the evidence supports the trial court’s findings that, despite the ability to do so, Respondent-Mother failed to visit or attempt to visit the Juveniles throughout the determinative period. *See In re N.D.A.*, 373 N.C. at 77, 833 S.E.2d at 773. Petitioner-Aunt testified that between 8 January 2024 and 8 July 2024, Respondent-Mother did not visit the Juveniles or inquire into their well-being—despite living within walking distance. Respondent-Mother last visited the Juveniles in July 2023. Respondent-Mother conceded that, during this period, she did not attend birthdays, holidays, or doctor’s appointments, and knew nothing about the Juveniles’ schooling. Furthermore, Petitioner-Aunt denied obstructing Respondent-Mother’s visitation and testified that Respondent-Mother never attempted to modify the custody order.

Respondent-Mother is correct, however, that Finding 18i, which provides that she “failed to even attempt to visit with the [Juveniles] for the entirety of 2024,” is unsupported. Although the visit failed to materialize, Respondent-Mother did request to visit the Juveniles on one occasion in October 2024. Even so, this finding was unnecessary because the record is replete with evidence of Respondent-Mother’s

failure to exercise visitation. *See In re C.B.*, 245 N.C. App. at 199, 783 S.E.2d at 208–09.

Accordingly, after setting aside Finding 18i, we conclude that the trial court’s findings regarding Respondent-Mother’s failure to exercise visitation are supported by clear, cogent, and convincing evidence. *See In re A.A.*, 381 N.C. at 334, 873 S.E.2d at 505.

b. Findings of Fact 18 d, o, and p

Next, Respondent-Mother asserts that Findings 18 d, o, and p, demonstrating her failure to provide substantially for the Juveniles’ needs, are unsupported. We disagree.

The evidence shows that Respondent-Mother did not reasonably support the Juveniles, despite having the ability to do so. *See In re A.A.*, 381 N.C. at 334, 873 S.E.2d at 505. Respondent-Mother testified that she had received \$60,000 in life insurance proceeds and was employed by a local sheriff’s department. Nonetheless, since May 2023, Respondent-Mother failed to provide Petitioner-Aunt with “money[,] diapers, clothes, toys, [or] anything that a toddler and baby might need”

Although the trial court found that Respondent-Mother “never . . . sent gifts or cards to the [Juveniles,]” Respondent-Mother provided each of the Juveniles with one gift in July 2023. During the determinative six-month period, however, Respondent-Mother failed to provide any other gifts, cards, or letters. Accordingly, because the record contains abundant evidence of Respondent-Mother’s failure to provide for the

Juveniles, this portion of Finding 18o was unnecessary for adjudication. *See In re C.B.*, 245 N.C. App. at 199, 783 S.E.2d at 208–09.

Thus, after setting aside the erroneous portion of Finding 18o, the trial court’s findings regarding Respondent-Mother’s failure to provide substantially for the Juveniles’ needs are supported by clear, cogent, and convincing evidence. *See In re A.A.*, 381 N.C. at 334, 873 S.E.2d at 505.

c. Finding of Fact 18m

Respondent-Mother next challenges Finding 18m insofar as it states that she “cite[d] her financial circumstances as a barrier to obtaining an attorney to aid her in pursuing a modification of the custody [o]rder” Respondent-Mother also contends that “as a matter of judicial economy it is unlikely that any court would hear a motion to modify after the petitions to terminate parental rights were filed.” Assuming without deciding that Finding 18m was erroneous, this finding is unnecessary because other unchallenged findings establish that Respondent-Mother did not attempt to modify the custody order. *See In re C.B.*, 245 N.C. App. at 199, 783 S.E.2d at 208–09; *In re K.N.K.*, 374 N.C. at 53, 839 S.E.2d at 738.

d. Finding of Fact 18q

Respondent-Mother also challenges Finding 18q as unsupported by clear, cogent, and convincing evidence. We disagree.

As an initial matter, we note that Finding 18q is properly characterized as an ultimate finding. *See In re G.C.*, 384 N.C. at 66 n.3, 884 S.E.2d at 661 n.3 (“[A]n

ultimate finding is a finding supported by other evidentiary facts reached by natural reasoning.”). Accordingly, we review whether the ultimate finding is supported by other evidentiary facts. *See id.* at 66 n.3, 884 S.E.2d at 661 n.3; *In re A.A.*, 381 N.C. at 334, 873 S.E.2d at 505.

Here, the ultimate finding that Respondent-Mother abandoned her protected status as the Juveniles’ mother for six months immediately preceding Petitioner-Aunt’s filing is supported by other evidentiary facts. *See In re G.C.*, 384 N.C. at 66, 884 S.E.2d at 661. Specifically, the trial court found that, throughout the determinative period, Respondent-Mother failed to visit, inquire, or provide substantially for the Juveniles’ needs, despite having the ability to do so. *See In re N.D.A.*, 373 N.C. at 77, 833 S.E.2d at 773; *In re B.C.B.*, 374 N.C. at 35, 839 S.E.2d at 752. Accordingly, Finding 18q is supported by the evidentiary findings. *See In re G.C.*, 384 N.C. at 66 n.3, 884 S.E.2d at 661 n.3.

2. Willful Abandonment

Respondent-Mother next argues that the trial court erred in concluding that she willfully abandoned the Juveniles. We disagree.

Although the trial court labeled its conclusion as Finding 19, we review it as a conclusion of law. *See In re J.O.D.*, 374 N.C. 797, 807, 844 S.E.2d 570, 578 (2020); N.C. Gen. Stat. § 7B-1111(a)(7) (2025). The trial court found that, for at least six months before filing the termination petitions, Respondent-Mother failed to provide substantially for the Juveniles’ needs, failed to visit the Juveniles, and abandoned

her protected status as the Juveniles' mother. The trial court's ultimate findings support its conclusion of law that Respondent-Mother willfully abandoned the Juveniles for the statutory period. See *In re N.D.A.*, 373 N.C. at 77, 833 S.E.2d at 773; *In re A.A.*, 381 N.C. at 334, 873 S.E.2d at 505. Accordingly, we affirm the trial court's adjudication of willful abandonment.

B. Disposition

Respondent-Mother next argues that the trial court abused its discretion at disposition by failing to resolve a material conflict between the evidence and the GAL's recommendation. Respondent-Mother also challenges the trial court's findings that: she had significant mental health issues; she had not been a consistent presence in the Juveniles' lives; and the trial court was unconvinced that she would be a consistent presence in the Juveniles' lives going forward. The trial court did not abuse its discretion.

"We review the trial court's dispositional findings of fact to determine whether they are supported by competent evidence." *In re J.J.B.*, 374 N.C. 787, 793, 845 S.E.2d 1, 5 (2020) (citing *In re K.N.K.*, 374 N.C. 50, 57, 839 S.E.2d 735, 740 (2020)). "The trial court's assessment of a juvenile's best interests at the dispositional stage is reviewed solely for abuse of discretion." *In re A.U.D.*, 373 N.C. 3, 6, 832 S.E.2d 698, 700 (2019) (citation omitted). "[A]buse 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.* at 6–7, 832 S.E.2d at 700–01 (quoting *In re T.L.H.*, 368 N.C. 101, 107, 772 S.E.2d 451, 455 (2015)).

During the dispositional stage, the trial court must “‘determine whether terminating the parent’s rights is in the juvenile’s best interest’” *In re J.J.B.*, 374 N.C. at 791, 845 S.E.2d at 4 (quoting N.C. Gen. Stat. § 7B-1110(a)). In making this determination, the trial court must consider:

- (1) The age of the juvenile.
- (2) The likelihood of adoption of the juvenile.
- (3) Whether the termination of parental rights will aid in the accomplishment of the permanent plan for the juvenile.
- (4) The bond between the juvenile and the parent.
- (5) The quality of the relationship between the juvenile and the proposed adoptive parent, guardian, custodian, or other permanent placement.
- (6) Any relevant consideration.

N.C. Gen. Stat. § 7B-1110(a). Absent conflicting evidence, however, “[t]he statute does not . . . explicitly require written findings as to each factor.” *In re A.U.D.*, 373 N.C. at 10, 832 S.E.2d at 702. It simply requires findings as to the factors the trial court deems relevant. *See id.* at 10, 832 S.E.2d at 702.

A child must be “represented by a [GAL] at a critical stage of the termination proceedings.” *In re S.D.H.*, 296 N.C. App. 392, 401, 908 S.E.2d 868, 877 (2024). Yet, “[w]hile the role of the [GAL] is critical . . . [its] recommendation regarding the best

interests of a juvenile . . . is not controlling.” *In re A.A.*, 381 N.C. at 339, 873 S.E.2d at 508.

Here, the trial court found in Finding 22 that it had “considered the factors set out in [section 7B-1110]” and made the following findings addressing the factors it deemed relevant:

22a. The [Juveniles] ha[ve] spent the majority of [their] young li[ves] in the exclusive care of the Petitioner and refer[] to Petitioner as “Mom.”

...

22d. Petitioner wishes to adopt the [Juveniles] . . . so that she may provide permanency and consistency for the [Juveniles]

...

22h. Respondent Mother has had significant issues with managing her grief, trauma, and mental health[.]

22i. Respondent Mother admits that she has seen an improvement in her mental health due to attending counseling, however, [the trial court] still has concerns about Respondent Mother’s mental health[.]

22j. Respondent Mother admits that she has not been a consistent presence in the life of any of her children[.]

22k. Respondent Mother indicates that she now lives approximately [three] (3) hours away from the [Juveniles], but if given the opportunity, would be a more consistent presence in the li[ves] of the [Juveniles] moving forward. This Court is not convinced of this, as even when Respondent Mother was living two (2) miles from the [Juveniles], she did not make visiting with the [Juveniles] a priority[.]

22l. Termination of [Respondent Mother’s] parental rights would further a permanent plan of care for the [Juveniles.]

22m. The [Juveniles] ha[ve] no significant⁴ bond with [Respondent Mother.]

The findings demonstrate that the trial court received evidence concerning the best interests of the Juveniles and made a reasoned decision. *See* N.C. Gen. Stat. § 7B-1110(a); *In re J.J.B.*, 374 N.C. at 791, 845 S.E.2d at 4. Regarding the likelihood of adoption and the quality of the Juveniles’ relationship with the proposed adoptive parent, the trial court found that Petitioner-Aunt wanted to adopt the Juveniles, and that their relationship was such that the Juveniles called her “Mom.” *See* N.C. Gen. Stat. § 7B-1110(a). As to the relationship between Respondent-Mother and the Juveniles, the trial court found that they shared “no significant bond.” *See id.* In fact, Respondent-Mother admitted that she had not “been there” for the Juveniles and failed to exercise visitation while living only two miles away. The trial court also found that termination “would further a permanent plan of care for the [Juveniles.]” *See id.*

Despite Respondent-Mother’s challenges to Findings 22 h, i, j, and k, competent evidence supports the trial court’s findings that Respondent-Mother had not been a consistent presence in the Juveniles’ lives. The trial court’s skepticism about the likelihood of improvement in Respondent-Mother’s consistency was a reasonable inference to draw from the evidence. *See In re J.J.B.*, 374 N.C. at 793,

⁴ As indicated above, while Emma’s order stated that she and Respondent-Mother shared “no significant bond,” Emily’s order specified that she had “no bond” with Respondent-Mother.

845 S.E.2d at 5. Even if the mental health findings were unsupported, there remains ample evidence to support the trial court's best interests determination. *See In re C.B.*, 245 N.C. App. at 199, 783 S.E.2d at 208–09.

Although the trial court received evidence from the GAL at the dispositional hearing, *see In re S.D.H.*, 296 N.C. App. at 401, 908 S.E.2d at 877, it was under no obligation to adopt the same conclusion as the GAL based on that evidence. While it is best practice to explain such discrepancies, the GAL's recommendation is not controlling. *See* N.C. Gen. Stat. § 7B-1110(a); *In re A.A.*, 381 N.C. at 339, 873 S.E.2d at 508.

Accordingly, because the trial court made findings as to the relevant factors it considered in assessing the Juveniles' best interests, it did not abuse its discretion. *See* N.C. Gen. Stat. § 7B-1110(a); *In re A.U.D.*, 373 N.C. at 6, 832 S.E.2d at 700. We affirm.

V. Conclusion

In sum, clear, cogent, and convincing evidence supports the trial court's conclusion that Respondent-Mother willfully abandoned the juveniles. The trial court did not abuse its discretion in its determination that terminating Respondent-Mother's parental rights was in the Juveniles' best interests.

AFFIRMED.

Judges ZACHARY and FLOOD concur.