

NORTH CAROLINA COURT OF APPEALS

In re: T.M.

In re T.M., No. COA25-534 (N.C. Ct. App. Mar. 4, 2026) · No. COA25-534 · Decided March 4, 2026

SUMMARY

The North Carolina Court of Appeals affirmed an order terminating the respondent-mother's parental rights based on neglect, failure to make reasonable progress while the child remained in foster care, and dependency. The court held that the trial court did not misapprehend the law when it determined that guardianship was not in the child's best interest and that termination would better promote permanence.

CASE DETAILS

COURT	North Carolina Court of Appeals
WRITING FOR THE COURT	Judge Allegra Collins; Judge Wood; Judge Stading
JURISDICTION	North Carolina Court of Appeals
DECIDED	March 4, 2026
DOCKET	COA25-534
DISPOSITION	affirmed
PROCEDURAL POSTURE	Respondent-Mother appealed from a Gaston County District Court order terminating her parental rights.
STANDARD OF REVIEW	The Court of Appeals reviews dispositional findings of fact for sufficient evidentiary support and reviews the determination that termination is in the child's best interest for abuse of discretion.
PRECEDENTIAL VALUE	published and precedential
PARTIES	Respondent-Mother v. Gaston County Department of Health and Human Services, Guardian ad Litem

TOPICS

- termination of parental rights
- guardianships
- standard of review
- appellate procedure

PRACTICE AREAS

- family law
- juvenile law
- termination of parental rights
- appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court misapprehended the law by finding that the child's permanent plan could be accomplished only through termination of Mother's parental rights.
2. Whether the trial court improperly failed to give adequate consideration to guardianship and other non-termination dispositional alternatives in determining that termination was in the child's best interest.
3. Whether the trial court abused its discretion in determining that termination of Mother's parental rights was in the child's best interest.

HOLDINGS

1. The trial court did not misapprehend the law by finding that the primary permanent plan could be accomplished only through termination of Mother's parental rights and by determining that guardianship was not in the child's best interest. The findings reflected the court's evaluation and weighing of the statutory factors and evidence, not a legal conclusion that adoption is the only permanent plan as a matter of law.
2. A trial court is not required to make written findings regarding every dispositional alternative it considered, including non-termination alternatives such as custody or guardianship.
3. The trial court did not abuse its discretion in determining that termination of Mother's parental rights was in the child's best interest.

KEY QUOTATIONS

“An abuse of discretion occurs when the trial court’s ruling is so arbitrary that it could not have been the result of a reasoned decision.” (at 5)

FACTUAL BACKGROUND

The child was removed from Mother's custody after a history of domestic violence between Mother and Father, including an incident in which Father allegedly shot Mother in the foot while the child was present. The child was adjudicated neglected, and Mother was ordered to comply with a case plan addressing housing, employment, parenting, mental health, and domestic violence. Mother was later convicted of second-degree murder of Father and sentenced to 240 to 300 months' imprisonment; DHHS subsequently sought termination of her parental rights.

PROCEDURAL HISTORY

Gaston County DHHS obtained non-secure custody of the child in September 2019 after allegations of neglect and dependency arising from domestic violence. The district court adjudicated the child neglected, later changed the permanent plan to adoption with guardianship as a secondary plan, and terminated Mother's parental rights on March 7, 2025, based on neglect, willfully leaving the child in foster care without reasonable progress, and dependency. Mother appealed, arguing that the trial court misapprehended the law in its findings and best-interest determination.

DISPOSITION

affirmed

CASES CITED

- In re A.W., 288 N.C. App. 123, 125 (2023)
- In re T.C.B., 166 N.C. App. 482, 484 (2004)
- In re M.S.E., 378 N.C. 40, 63 (2021)
- In re N.K., 375 N.C. 805, 820 (2020)
- In re J.C.J., 381 N.C. 783, 788 (2022)
- In re K.H., 281 N.C. App. 259, 270 (2022)

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