

COURT OF APPEALS OF NORTH CAROLINA

In re: A.H.-G.

No. COA25-152 (N.C. Ct. App. Dec. 17, 2025) · No. COA25-152 · Decided December 17, 2025

SUMMARY

The North Carolina Court of Appeals affirmed orders adjudicating a minor child abused and neglected and maintaining the child's custody with the Forsyth County Department of Social Services. The court held that the trial court did not err by allowing the minor mother, represented by a Rule 17 guardian ad litem, to decide whether to invoke her Fifth Amendment right against self-incrimination during compelled testimony. The court also held that the findings supported the abuse adjudication as to the father.

CASE DETAILS

COURT	Court of Appeals of North Carolina
WRITING FOR THE COURT	Judge Stroud; Judge Collins; Judge Griffin
JURISDICTION	North Carolina Court of Appeals
DECIDED	December 17, 2025
DOCKET	COA25-152
DISPOSITION	affirmed
PROCEDURAL POSTURE	Mother and Father appealed abuse-and-neglect adjudication and disposition orders from Forsyth County District Court.
STANDARD OF REVIEW	Whether the trial court acted contrary to a statutory mandate is reviewed de novo. Abuse adjudication findings of fact must be supported by clear and convincing evidence; supported findings are conclusive even when contrary evidence exists. Unchallenged findings are presumed supported by competent evidence and are binding on appeal. Whether the findings support the legal conclusion that a child is abused is reviewed de novo.
PRECEDENTIAL VALUE	published and precedential
PARTIES	Respondent-Mother, Respondent-Father v. Forsyth County Department of Social Services

TOPICS

family law procedure

guardian ad litem

guardianship procedure

due process

appellate procedure

PRACTICE AREAS

family law

juvenile abuse and neglect

appellate procedure

constitutional rights

QUESTIONS PRESENTED

1. Whether the trial court erred by allowing a minor parent represented by a Rule 17 guardian ad litem to decide whether to waive or invoke the Fifth Amendment right against self-incrimination during compelled testimony.
2. Whether the trial court erred in adjudicating the child abused because the findings did not support an inference that Mother and Father inflicted the child's injuries or allowed them to be inflicted.

HOLDINGS

1. The trial court did not err by allowing Mother to decide whether to assert her Fifth Amendment right. The record did not show that the Rule 17 guardian ad litem failed to protect Mother's procedural due-process rights or that the guardian ad litem could have taken action beyond repeating the objections made by Mother's attorney.
2. The trial court properly adjudicated Amy as an abused juvenile. Unchallenged findings established that she suffered unexplained, nonaccidental injuries and that Mother and Father inflicted the injuries or allowed them to be inflicted, or created or allowed a substantial risk of serious physical injury.

KEY QUOTATIONS

“The adjudication of a child as abused concerns only the status of the child, not the fault or culpability of the parent.” (at 16)

“These unchallenged findings of fact show that Amy sustained “unexplained” and “non-accidental” injuries and support the inference that Mother and Father “inflicted [Amy’s] injuries or allowed them to be inflicted.”” (at 25)

FACTUAL BACKGROUND

Three-month-old Amy was diagnosed with multiple healing rib fractures, a healing tibia fracture, and bruising that medical experts considered consistent with inflicted trauma and not self-inflicted because she was nonmobile. She sustained additional unexplained injuries, including a subconjunctival hemorrhage and a likely new rib fracture, while placed in temporary safety arrangements that prohibited unsupervised parental contact. The parents provided no reasonable explanation for the injuries, and the trial court found that the parents and caretakers failed to comply with the safety plans and that Amy had suffered at least three separate trauma incidents.

PROCEDURAL HISTORY

The Forsyth County Department of Social Services filed a juvenile petition alleging that the minor child was abused and neglected and obtained nonsecure custody. Following an adjudication hearing, the district court adjudicated the child abused and neglected. After a disposition hearing, the court continued custody with DSS and allowed each parent supervised visitation. Mother and Father appealed, and the Court of Appeals affirmed both orders as to both parents.

DISPOSITION

affirmed

CASES CITED

- In re G.C., 230 N.C. App. 511, 515-16 (2013)
- In re Papathanassiou, 195 N.C. App. 278, 285-86 (2009)
- In re Clark, 303 N.C. 592, 598 (1981)
- In re J.A.A., 175 N.C. App. 66, 71 (2005)
- In re A.S.Y., 208 N.C. App. 530, 538-40 (2010)
- In re Q.B., 375 N.C. 826, 837 n.4 (2020)
- Stark v. Ford Motor Co., 226 N.C. App. 80, 86 (2013)
- In re D.L.P., 242 N.C. App. 597, 601-02 (2015)
- In re W.K., 376 N.C. 269, 275-76 (2020)
- In re P.D.R., 224 N.C. App. 460 (2012)
- In re F.C.D., 244 N.C. App. 243, 246 (2015)
- In re Gleisner, 141 N.C. App. 475, 480 (2000)
- Koufman v. Koufman, 330 N.C. 93, 97 (1991)
- In re Ellis, 135 N.C. App. 338, 340 (1999)
- In re A.K.D., 227 N.C. App. 58, 60 (2013)
- In re A.D., 278 N.C. App. 637, 642 (2021)
- In re K.L., 272 N.C. App. 30, 39 (2020)
- In re McLean, 135 N.C. App. 387, 396 (1999)
- In re K.W., 272 N.C. App. 487, 491 (2020)
- In re Montgomery, 311 N.C. 101, 109 (1984)
- In re M.G., 363 N.C. 570, 573 (2009)