

SUPREME COURT OF NORTH CAROLINA

In re C.S.

2022-NCSC-33 · No. No. 90A21 · Decided March 18, 2022

SUMMARY

The Supreme Court of North Carolina affirmed an order terminating the respondent father's parental rights to C.S. based on neglect under N.C.G.S. § 7B-1111(a)(1). The court held that the prior neglect adjudication supported a finding of past neglect and that the trial court properly determined both a likelihood of future neglect and that termination was in the child's best interests.

CASE DETAILS

COURT	Supreme Court of North Carolina
WRITING FOR THE COURT	Barringer, Justice
JURISDICTION	North Carolina
DECIDED	March 18, 2022
DOCKET	No. 90A21
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from an order terminating respondent father's parental rights under N.C.G.S. § 7B-1111(a)(1) based on neglect and determining that termination was in the juvenile's best interests.
STANDARD OF REVIEW	The appellate court reviews the trial court's adjudication to determine whether the findings of fact are supported by clear, cogent, and convincing evidence and whether the findings support the conclusions of law; conclusions of law are reviewed de novo. Findings supported by clear, cogent, and convincing evidence are conclusive, and unchallenged findings are binding on appeal. The trial court's determination of the juvenile's best interests at the dispositional stage is reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Published opinion; precedential decision of the Supreme Court of North Carolina.
PARTIES	Respondent-appellant father v. Carteret County Department of Social Services, Guardian ad Litem

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the trial court erred in determining that neglect constituted a ground for termination of respondent's parental rights under N.C.G.S. § 7B-1111(a)(1), including whether there was evidence of past neglect and a likelihood of future neglect.
2. Whether the trial court abused its discretion in determining that termination of respondent's parental rights was in the juvenile's best interests, including whether it adequately considered the bond between respondent and the juvenile under N.C.G.S. § 7B-1110(a)(4).

HOLDINGS

1. The trial court did not err in finding past neglect and adjudicating neglect as a ground for termination. Evidence of neglect by a parent before loss of custody, including a prior adjudication of neglect, is admissible in a subsequent termination proceeding, and the parent whose rights are being terminated need not have been responsible for the prior adjudication.
2. The trial court did not abuse its discretion in determining that termination of respondent's parental rights was in C.S.'s best interests.

KEY QUOTATIONS

“if the child has been separated from the parent for a long period of time, there must be a showing of past neglect and a likelihood of future neglect by the parent.” (¶ 14)

“It is . . . not necessary that the parent whose rights are subject to termination be responsible for the prior adjudication of neglect.” (¶ 16)

“While [respondent] obviously loves [Carl], he is not in a position to meet [Carl’s] needs in a safe, nurturing, and stable environment.” (¶ 21)

FACTUAL BACKGROUND

C.S. was born underweight and was hospitalized after losing 12.5% of his birth weight; a doctor attributed the failure to thrive to insufficient caloric intake. After paternity testing identified respondent as the biological father, respondent consented to an adjudication that C.S. was neglected and dependent. Respondent failed to comply with his reunification plan, including substance-abuse, mental-health, parenting, housing, employment, and visitation requirements, and he engaged in inappropriate conduct during visitations. The trial court found a likelihood of future neglect and determined that termination was in C.S.'s best interests because the child needed a safe, stable, permanent family and had a very strong bond with his foster parents.

PROCEDURAL HISTORY

Carteret County Department of Social Services filed a juvenile petition alleging that C.S. was neglected and dependent, and the trial court entered a consent adjudication order. After respondent failed to comply with his reunification plan, DSS moved to terminate his parental rights. The District Court of Carteret County entered an order terminating respondent's parental rights on 8 December 2020. Respondent appealed to the Supreme Court of North Carolina pursuant to N.C.G.S. § 7B-1001(a1)(1).

DISPOSITION

affirmed

CASES CITED

- In re N.P., 374 N.C. 61, 62-63 (2020)
- In re T.N.H., 372 N.C. 403, 407 (2019)
- In re B.O.A., 372 N.C. 372, 379 (2019)
- In re C.B.C., 373 N.C. 16, 19 (2019)
- In re A.R.A., 373 N.C. 190, 199-200 (2019)
- In re T.L.H., 368 N.C. 101, 107 (2015)
- In re D.L.W., 368 N.C. 835, 843 (2016)
- In re M.A., 374 N.C. 865, 870 (2020)
- In re Ballard, 311 N.C. 708, 715 (1984)
- In re J.M.J.-J., 374 N.C. 553, 565 (2020)
- In re S.C.C., 379 N.C. 303, 2021-NCSC-144, ¶ 22

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