

Child Welfare Case Update Supplement

NC Supreme Court Decision: June 10, 2016

Sufficiency of Findings to Support Grounds to Terminate Parental Rights

Neglect

Failure to Correct Conditions

7B-904 Authority to Order Parent to Take Appropriate Steps to Remedy Conditions

[In re D.L.W.](#), ___ N.C. ___ (June 10, 2016)

Held: Reverse COA

- A TPR based on G.S. 7B-1111(a)(1) “requires a showing of neglect at the time of the termination hearing or, 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.” The trial court’s findings were sufficient to support the court’s conclusion that the ground of neglect existed. In the underlying neglect adjudication order, the court made findings that domestic violence between the parents placed the children at risk, and that one child intervened when the parents were fighting. Respondent mother was ordered to participate in domestic violence counseling. In the TPR order, the court made findings based on evidence in the record that domestic violence between the parents continued after the children’s removal and that the mother was unable to articulate an understanding of what she learned in domestic violence counseling. These findings in the TPR order support the court’s conclusion that there would be repetition of neglect based on the children living in an environment injurious to their welfare.
- Pursuant to G.S. 7B-904(d1)(3), the trial court in an A/N/D action has the authority to order a parent to “take appropriate steps to remedy conditions in the home that led to or contributed to the juvenile’s adjudication or to the court’s decision to remove custody of the children from the parent, guardian, custodian, or caretaker.” The children’s adjudication and removal in the underlying A/N/D action were based on domestic violence, a lack of consistent and adequate housing, and the parent’s inability to meet the children’s needs. Based on the court’s findings that the parents failed to appropriately budget funds, which resulted in continued instability, it was appropriate for the court order the respondent mother to create a budgeting plan.
- Findings in the TPR order that the mother failed to comply with the budgeting case plan requirement, her inability to account for where her money went, her evictions for nonpayment of rent despite having employment, her loss of employment due to being incarcerated because of a domestic violence incident, and her driving without a valid driver’s license resulting in charges demonstrate the mother’s failure to correct the conditions that led to the children’s removal and were not simply the result of being poor.