

FACT PATTERN

J.B., respondent mother has two other children in DSS custody for issues such as unstable housing; unstable employment; inappropriate care/supervision; substance abuse; domestic violence; and mental health concerns. DSS offered services to the J.B. to assist her in addressing these issues. B/C J.B. did not comply with the services her parental rights to these children were terminated in December 2005. This order has not been appealed. On January 1, 2006, J.B. gave birth to J.E. J.E.'s father is unknown. J.E. and his mother tested positive for cocaine at birth. J.B. did not have stable housing for J.E. She did not have a job and was not involved in substance abuse treatment. She was not involved in mental health treatment or domestic violence treatment. Due to her substance abuse, she cannot maintain housing or employment. J.B. does not have any disability that prevents her from obtaining employment. J.B. has a long substance abuse history and a long history with DSS. J.B. has a history of failing to comply with DSS. J.E. was placed in DSS custody on January 2, 2006. J.E. was adjudicated neglected and dependent on March 1, 2006. In order to be reunified with J.E., J.B. had to complete the following: successfully complete substance abuse treatment; maintain sobriety on an on-going basis; complete parenting classes; demonstrate the skills learned in the parenting classes; obtain/maintain stable housing; obtain/maintain stable employment; complete a mental health assessment; comply with the recommendations of the mental health assessment; complete a domestic violence assessment; and comply with the recommendations from the domestic violence assessment.

J.B. failed to comply with the case plan. The Mecklenburg County Department of Social Services, Division of Youth and Family Services (hereinafter referred to as "YFS" or "the Petitioner") filed a Petition to Terminate Parental Rights on March 1, 2007. The respondent mother was personally served with a copy of the Petition to Terminate Parental Rights on April 9, 2007. John Doe, respondent father, was served by publication. The publication dates were March 25, 2007; April 1, 2007; and April 8, 2007. The Affidavit of Service by Publication was filed on April 23, 2007. The Affidavit Concerning Paternity Certificate was filed on August 2, 2007. The respondent father(s) did not appear for the Termination of Parental Rights Hearing. The respondent parents did not file responsive pleadings to the Petition to Terminate Parental Rights. The TPR trial was heard on August 1, 2007.

1. Assume that a Summons in Proceeding for Termination of Parental Rights was issued on March 20, 2007. The Summons included in the caption the name of the juvenile. The Summons was not issued to the juvenile as a respondent.
 - a. Does the Trial Court have the authority to hear the Termination of Parental Rights Trial?
 - b. Assume, a Summons was issued to the juvenile, but served on the Attorney Advocate on March 25, 2007. On the same date, the Attorney Advocate completed an Acceptance of Service. Does the trial court have jurisdiction to hear the TPR trial?
 - c. The social worker fails to sign the Verification on the TPR Petition. Does the trial court have jurisdiction to hear the matter?
 - d. How would your answer change if DSS had filed a Motion to Terminate Parental Rights?
 - e. Assume that DSS could not locate the mother. 95 days after the original Summons was issued, DSS locates the mother. DSS then renews the summons on day 96 and serves the mother. What is the relevant date for determining applicable timeframes for various TPR grounds?

- f. Assume that the Summons/Notice was legally correct. However, there is no return of service in the file showing service on the mother. The mother appears and participates in the TPR trial. Does the Court have jurisdiction to hear the TPR trial?
 - g. Assume the court entered an order granting guardianship of J.E. to the maternal grandmother on February 1, 2007. On February 5, 2007, maternal grandmother calls SW indicating she now wants to adopt J.E. DSS files a Petition to Terminate Parental Rights on March 1, 2007. Can the trial court hear the case?
2. J.E.'s father is unknown. What must DSS do in order to terminate the unknown parent's rights? How would your answer change if J.E.'s father was known but his whereabouts are unknown?
 3. What information must be contained in the Petition/Motion to Terminate Parental rights?
 4. As of March 1, 2007, what statutory grounds to terminate may be alleged?
 - a. Suppose that 3 months prior to the TPR hearing, J.B. completed substance abuse treatment and was maintaining sobriety. Would your answer change?
 - b. Assume that a new Summons, which was not renewed, was issued to and served on the mother June 1, 2007. Beginning in April 2007, the mother started to visit the juvenile; purchased gifts for the juvenile; and obtained housing and employment. Would the grounds change?
 - c. What changes if any would you make/consider if the parents were incarcerated during the time the juvenile was in DSS custody? What if the parent was a minor parent?
 5. What can the Court consider at Dispositional phase? Can Disposition occur at the same time as the Adjudicatory Hearing?

SAMPLE TPR PETITION

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

COUNTY OF MECKLENBURG

DISTRICT COURT DIVISION

IN THE MATTER OF:

FILE #:

Judge:

a minor juvenile

**PETITION TO TERMINATE
PARENTAL RIGHTS**

The Mecklenburg County Department of Social Services petitions the Court to terminate the parental rights of the _____ of the above-named juvenile; and in support of the Petition, the undersigned respectfully shows the Court the following:

- 1. That the name of the juvenile, with respect to whom parental rights are sought to be terminated, as set forth in the juvenile's birth certificate is _____ ; and that said juvenile was born on _____ in Mecklenburg County, North Carolina. He currently resides in Mecklenburg County.
- 2. Your petitioner is the Mecklenburg County Department of Social Services, Youth and Family Services Division, whose address is 720 East Fourth Street, 5th Floor, Charlotte, NC 28202.
- 3. Your petitioner is informed and believes that the names and addresses of the parents (the respondents) of said juvenile, whose parental rights petitioner seeks to terminate, are as follows:

Mother

Father

- 4. That the petitioner is informed that _____ of the Guardian ad Litem Program, 720 East Fourth Street, Suite 202, has been appointed guardian ad Litem representative for said child and the attorney advocate for the Guardian ad Litem Program has been appointed attorney advocate for the child.
- 5. That attached hereto as Exhibit A and incorporated herein by reference is a copy of the most recent order placing said juvenile in the custody of this agency. That attached hereto as Exhibit B and incorporated herein by reference is a copy of the original order placing said juvenile in the custody of this agency.
- 6. That the respondent parents have neglected the said juvenile as defined in G.S. Section 7B-101(15) in that the respondent parents have failed to provide proper care, supervision, and discipline for said juvenile and have abandoned said juvenile in that inter alia:
 - a.
 - b.
 - c.
 - d.
 - e.

- f.
 - g.
 - h.
7. That the respondent parents have willfully left the juvenile in foster care for more than twelve (12) months without showing to the satisfaction of the Court that reasonable progress under the circumstances has been made in correcting those conditions which led to the removal of the juvenile.
- a.
 - b.
8. That the juvenile has been placed in the custody of Mecklenburg County Department of Social Services and the respondent parents, for a continuous period of more than six (6) months next preceding the filing of the petition, have willfully failed for such period to pay a reasonable portion of the cost of care for said juvenile although physically and financially able to do so.
9. That the respondent parents have willfully abandoned the juvenile for at least six consecutive months immediately preceding the filing of this petition as more specifically set forth in paragraphs above.
10. That the juvenile in this case was born out of wedlock and the biological father, _____, has not, prior to the filing of the TPR petition, (a) married the mother of said juvenile; (b) established paternity judicially or by registered affidavit; (c) legitimated or petitioned to legitimate said juvenile; or (d) provided substantial financial support or consistent care with respect to said juvenile and the juvenile's mother.
11. That this proceeding is instituted for the purpose of terminating the parental rights with respect to said juvenile in order that said juvenile might be placed for adoption; and it is not instituted for the purpose of circumventing the provisions of the Uniform Juvenile Custody Jurisdiction Enforcement Act.

WHEREFORE, your petitioner prays that the parental rights of the respondents be terminated; that the petitioner be awarded its costs; and that the Court grant such other relief as the Court may deem just and proper.

This the _____ day of _____, 2007.

J. Edward Yeager, Jr.
Senior Associate County Attorney
for Petitioner
720 East Fourth St., 5th Floor
Charlotte, NC 28202
(704) 336-6661

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

VERIFICATION

, Youth & Family Services Division, Mecklenburg County Department of Social Services, being first duly sworn, deposes and says that _____ has read the foregoing Petition and that the facts set forth therein are true to own knowledge, except as to those matters set forth upon information and belief, and as to such matters, believes them to be true.

This the _____ day of _____, 2007.

As Designee for The
Department of Social Services

Sworn to and subscribed before me
this _____ day of _____, 2007.

Notary Public

My Commission Expires: _____

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

COUNTY OF MECKLENBURG

FILE NO.

IN THE MATTER OF:

**AFFIDAVIT OF SERVICE
BY PUBLICATION**

a minor child

Twyla H. George, being first duly sworn, deposes and says:

1. That she is the attorney for the petitioner in the above-referenced matter.
2. That the following named respondent was served by publication in The Mecklenburg Times of the proper Notice of Service of Process by Publication once a week for three successive weeks:

and that the Affidavit of the aforesaid publisher showing such service of process by publication, and specifying the first and last date of the publication, is attached hereto and incorporated herein.

3. That immediately prior to the first publication of the aforesaid Notice of Service of Process by Publication, a copy of such Notice was mailed to the above-named respondent at the last known post office address of such respondent; or that the post office address of such respondent are unknown and cannot, after reasonable diligence, be ascertained.
4. That the circumstances warranting the use of service of process by publication upon the above-named respondent is that the address, whereabouts, dwelling house and usual place of abode of the respondent are unknown and cannot with due diligence be ascertained.

This the ____ day of _____, 2007.

Twyla H. George
Attorney for Petitioner

Sworn to and subscribed before me
this ____ day of _____, 2007.

Notary Public

My Commission Expires: 05-11-08

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

COUNTY OF MECKLENBURG

DISTRICT COURT DIVISION

IN THE MATTER OF:

FILE NO.

**AFFIDAVIT OF SERVICE BY
REGISTERED OR CERTIFIED MAIL**

Twyla H. George, being first duly sworn, deposes and says:

1. That she is the attorney for the petitioner in the above-referenced matter.
2. That the respondent was served by certified mail. A copy of the summons and complaint in the matter of, _____ was deposited in the post office for mailing by certified, return receipt requested.
3. That the certified mailing was received as mailed as evidenced by the attached domestic return receipt.

This the _____ day of _____, 2007.

Twyla H. George
Attorney for Petitioner

Sworn to and subscribed before me
this _____ day of _____, 2007.

Notary Public

My Commission Expires: 05-11-08

JOHN DOE ORDER TO PUBLISH

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
FILE NO.: 2008 JT 0000
JUDGE: LCB

IN RE:)
J. R.) **ORDER**
(DOB: 05-02-08))

This matter appeared before the undersigned judge on February 12, 2008, pursuant to N.C.G.S. § 7B-1105 to determine the identity or name of the biological father of the above named juvenile. Present for the hearing were the following persons:

After reviewing the record and receiving into evidence the Petition to Terminate Parental Rights and the Addendum to the Petition to Terminate Parental Rights filed by the Mecklenburg County Department of Social Services, Division of Youth and Family Services; the Court FINDS the following **FINDINGS OF FACT**:

1. That on February 4, 2008, the Petitioner, the Mecklenburg County Department of Social Services, Division of Youth and Family Services (hereinafter referred to as "YFS"), filed a Petition to Terminate the Parental Rights of John Doe, parent of the above referenced juvenile.
2. That YFS spoke with relatives regarding possible father of the above referenced juvenile. YFS made diligent efforts to determine the identity of the juvenile's father. YFS was not able to identify another individual as the father of the above referenced juvenile. The juvenile's putative/biological father has not been located and paternity has never been established. YFS is unable to ascertain the name or identity of the unknown father.

Based on the afore-stated **FINDINGS OF FACT**, the Court **CONCLUDES AS A MATTER OF LAW** that paternity has not been and cannot now be determined despite the diligent efforts of the petitioner and that the Petitioner should proceed to serve John Doe by publication.

The Court, therefore, **ORDERS** that the Petitioner in this matter, Mecklenburg County Department of Social Services, Division of Youth and Family Services, shall serve by publication Notice of the Termination Proceeding to be placed in a publication or newspaper qualified for legal advertisement in accordance with N.C.G.S. §1-597 and N.C.G.S. §1-598 against John Doe named as the father, consistent with N.C.G.S. §7B-1105.

Entered this the 12th day of February 2008. Signed this the ____ day of February 2008.

District Court Judge Presiding

TWYLA'S TPR STEPS

1. Once goal changed, review file; place deadlines in a calendar program
2. Read file/ (I usually do an outline; consider possible witnesses and exhibits)
3. Possible websites that can assist:
Register of Deed (Mecklenburg County) <http://meckrod.hartic.com>.
Board of Elections www.meckboe.org; www.sboe.org
Office of Tax Collector; other county agencies www.charmeck.org
Medicaid records; Food Stamp Records; ESC (eligibility workers have access)
Child Support
Links to Mecklenburg County Jail and surrounding counties: www.crimeincharlotte.com;
www.charmeck.org; www.cabarruslaw.org
Federal prisons: www.bop.gov
North Carolina DOC www.doc.state.nc.us
Other DOC: www.vinelink.com/index.jsp
Sex Offender Registry www.ncfindoffender.com
White Pages: www.whitepages.com
Google search/ People search
4. Draft TPR petition; while drafting/reviewing file, I make a note of possible witnesses and inquire of SW if agree or if someone else needed; also try to list if need exhibits for TPR trial. Make sure SW can testify to all items in petition or have evidence to support allegations.
5. If affidavit of efforts to locate are needed, let SW know and then follow up (this is probably the hardest part of TPR)
6. If have regular John Doe then need to do a John Doe hearing to get permission to serve by publication. The legal assistant should get a John Doe hearing date when the file TPR petition. This hearing takes five minutes and if you have an affidavit from SW then you can point court to this. This hearing takes about 2 minutes.
7. Keep periodic check to see if you have service. Once obtain service, schedule for hearing.

TPR ORDER EXAMPLE

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

COUNTY OF MECKLENBURG

DISTRICT COURT DIVISION

FILE: 2006 JT

JUDGE: LCB

IN THE MATTER OF:

E.G.F. (05-31-00)

T.S.F. (04-23-99)

ORDER TERMINATING PARENTAL RIGHTS

THIS MATTER COMES ON FOR TERMINATION OF PARENTAL RIGHTS HEARING pursuant to N.C.G.S. §7B-1100 *et. Seq.* The Termination of Parental Rights Hearing was heard on the following days: April 16, 2007; May 8, 2007; and May 22, 2007. The hearings were held before the Honorable Lisa C. Bell, District Court Judge presiding over the District Court of Mecklenburg County upon petition of the Mecklenburg County Department of Social Services to terminate the parental rights of E.F., respondent mother of the above named juveniles, and R. H., respondent father of the above referenced juveniles. Present for the hearing were the following persons: E.F., respondent mother; Richard Lucey, respondent mother's attorney; Susan Surles, Janet Thomas, and Pili Fleming, Guardian ad Litem for the respondent mother; Joe Dodge, respondent father's attorney; Kristi Regentine-Lee, Ph.D., E.G.F.'s evaluator and T.S.F. therapist; Lydia Duncan, E.G.F.'s therapist; Kimberly Livingston, Women's Commission; Henry Mogotu, respondent mother's vocational rehabilitation counselor; Dr. Stephen Strzelecki, parenting capacity evaluator; Nita Stanley, Attorney Advocate; Cebby McCarter, Guardian ad Litem volunteer; Glenn Holland, YFS social worker supervisor; Leslie Wylie, YFS social worker assistant; Khaleelah Gantt, YFS social worker; and T. H. George, YFS attorney.

YFS filed a Petition to Terminate Parental Rights on November 9, 2006. It appearing to the Court from the record herein, E.F., respondent mother was personally served on November 18, 2006. R. H., the respondent father was served by publication. The publication dates were December 28, 2007; January 4, 2007; and January 11, 2007. The Affidavit of Service by Publication was filed on February 2, 2007. The Affidavit of Service by Publication is incorporated herein by reference. The respondent mother filed an answer to the Petition to Terminate Parental Rights on April 16, 2007. The respondent father did not file a responsive pleading to the Petition to Terminate Parental Rights. The respondent father did not appear for the Termination of Parental Rights Hearings. The court proceeded with the hearing prescribed by NCGS §7B-1107 and §7B-1109.

Upon the matter being called for trial, the Court received into evidence and considered the following:

1. Petitioner's Exhibit 1: Certified Copy of the R. H.'s child support payment record.
2. Petitioner's Exhibit 2: E.F.'s Parenting Capacity Evaluation completed by Stephen C. Strzelecki, Psy.D., Clinical Neuropsychologist, NC Licensed Psychologist.
3. Petitioner's Exhibit 3: Psychological Evaluation Report on E.G.F. Franklin, prepared by Kristin Regentine-Lee, Ph.D.
4. Petitioner's Exhibit 4: Psychological Evaluation Report on T.S.F., prepared by Kristin Rogentine-Lee, Ph.D.
5. Petitioner's Exhibit 5: Mecklenburg County Department of Social Services, Division of Youth and Family Services Franklin Visitation Notes from May 13, 2005 to April 7, 2007.

6. Judicial Notice of the underlying abuse neglect juvenile court orders contained in the juvenile files 2005 JA 365 and 366 and the YFS Court Summaries and GAL Reports to the Court to the extent they are incorporated in the order. The Court will disregard any hearsay contained in the YFS Court Summaries and GAL Reports to the Court. The orders are incorporated herein by reference.
7. Respondent Mother's Exhibit 1: Mediated Case Plan for E.F.
8. Respondent Mother's Exhibit 2: Mecklenburg County F.I.R.S.T. (Families in Recovery to Stay Together) Screening/Assessment—Outcome Report for E.F., dated April 22, 2005
9. Respondent mother's Exhibit 3: North Carolina Division of Vocational Rehabilitation Services, Department of Health and Human Services Individualized Plan for Employment (IPE) for E.F.
10. Respondent mother's Exhibit 4: March 29, 2007, North Carolina Division of Vocational Rehabilitation Services, Department of Health and Human Services Successful Employment Outcome for E.F.
11. The Court also received into evidence testimony from the following persons: Kristi Regentine-Lee, Ph.D., E.G.F. 's evaluator and T.S.F. therapist; Lydia Duncan, E.G.F. 's therapist; Kimberly Livingston, Women's Commission; Dr. Stephen Strzelecki, parenting capacity evaluator; Leslie Wylie, YFS social worker assistant; Khaleelah Gantt, YFS social worker; E.F., respondent mother; and Henry Gichaba Mogotu, Vocational Rehabilitation Counselor II.
12. The Verified Petitions to Terminate Parental Rights.
13. Respondent mother's unverified Response to the Petitions to Terminate Parental Rights filed on April 16, 2007.

The court finds that there is clear, cogent, and convincing evidence to support and therefore makes the following: **FINDINGS OF FACT**

1. That this Court has jurisdiction over this matter pursuant to Chapter 7B of the North Carolina General Statutes and pursuant to the provisions of the Uniform Child Custody Jurisdiction Enforcement Act.
2. That Ms. Thomas was appointed as a Rule 17 Guardian ad Litem for the respondent mother to protect the respondent mother's due process rights. Ms. Thomas, because of obligations in Federal Court, arranged for Ms. Susan Surles to take her place for the April 16, 2007 scheduled hearing. The Petitioner did not allege 7B-1111 (a) (6) (the incapability/dependency) as a ground to terminate the respondent mother's parental rights. Mr. Lucey, on behalf of the respondent mother, did not object to moving forward with Ms. Surles as the respondent mother's Rule 17 GAL. Ms. Thomas appeared at the second session scheduled for May 8, 2007. Ms. Thomas was in court when the next hearing date was announced in open court. Ms. Thomas did not appear for the third setting, May 22, 2007, of the termination of parental rights. For a period of one hour, the Court made several efforts to contact Ms. Thomas. The juvenile clerk contacted Ms. Thomas' cell phone and her office. Several messages were left for Ms. Thomas. The Mecklenburg County Sheriff's deputy assigned to this Court completed and "all call" throughout the Court in an effort to locate Ms. Thomas. Despite these efforts, Ms. Thomas was not located. Ms. Fleming agreed to serve as the respondent mother's Rule 17 Guardian ad Litem. Mr. Lucey, on behalf of the respondent mother, did not object to Ms. Fleming being appointed as the respondent mother's Rule 17 Guardian ad Litem.

3. E.F. is the biological mother of E.G.F. and T.S.F.. R. H. is the biological father of E.G.F. and T.S.F.. According to Ms. Gantt, R. H.'s name appears on the juveniles' birth certificates. Additionally, the Court found as fact that paternity has been legally established.
4. The facts and circumstances surrounding the juveniles at the time they were placed in the custody of the Mecklenburg county Department of Social Services, Division of Youth and Family Services (hereinafter referred to as "YFS" or "the Petitioner")
 - a. YFS has been involved with the family since 2000. The primary issues have been unstable housing and domestic violence. E.F. acknowledged she had been spoken to on several occasions by the school authorities regarding proper hygiene of the children.
 - b. YFS and other agencies have given the respondent mother referrals for services to assist her in providing care for the juveniles. While the agencies were involved, the respondent mother was capable of caring for the juveniles. After the agencies concluded their individual services, they became re-involved at future times.
 - c. The respondent mother has a history of unstable housing. E.F. previously had Section Eight Housing. Ms Franklin was evicted from the Section Eight housing due to the condition of the property and her inability to maintain it. At the time the juveniles were placed in the Petitioner's custody, the respondent mother and the juveniles lived in one room of a boarding house. While in the boarding house, the respondent mother and the juveniles slept in the same bed.
 - d. Prior to being placed in YFS custody, T.S.F. was developmentally delayed. He was nonverbal and incontinent. Since September 2004 until the time he was placed in YFS custody, T.S.F. had missed at least 30 days of school. E.F. failed to make appropriate arrangements to ensure that T.S.F. attended school on a regular basis. Because of T.S.F. absences, the school system was not able to provide appropriate services for T.S.F.
 - e. Prior to the juvenile petition, E.G.F. attended pre-kindergarten. Since September, 2004 until she was placed in the Petitioner's custody, E.G.F. missed thirty days of school.
 - f. E.F. relied on R. H. for support of the family. E.F. had not been employed for the last five years.
 - g. There was a domestic violence history between the respondent mother and the respondent father. In April 2003, there was a domestic violence incident between the respondent mother and the respondent father. Subsequent to that incident, R. H. received limited domestic violence treatment while in jail as a result of violating a restraining order. The police were called in early 2005 because of a disagreement between the respondent mother and the respondent father. The juveniles witnessed at least one incident between the respondent mother and the respondent father. E.F. previously resided at the Battered Women's Shelter and participated in domestic violence classes at the Battered Women's Shelter.
5. Several services were offered to the family prior to the juveniles' placement in YFS custody. YFS referred the respondent mother and the juveniles to the Carlton Watkins Center to receive developmental services. YFS referred the respondent mother to the Family Center for parenting assistance. On several occasions, YFS offered Family Intervention Services to the family. YFS referred E.F. to the Women's Commission for a domestic violence assessment and services. E.F. initially appeared for a domestic violence assessment in June 2003. At that time, the Women's Commission recommended at least two to four individual sessions and weekly group sessions for a twelve week period of time. Because E.F. failed to comply with the recommendations, the case was closed on October 15, 2003. R. H. failed to comply with the Family Intervention Services and the recommended services.

6. The juveniles were placed in the custody of the Mecklenburg County Department of Social Services, Division of Youth and Family Services (hereinafter referred to as "YFS" or "the Petitioner") on April 12, 2005. The juveniles have remained in the Petitioner's custody since April 12, 2005.
7. The juveniles were adjudicated neglected and dependent on May 10, 2005.
8. Immediately following the Adjudicatory Hearing, the Court held a Dispositional Hearing on May 10, 2005. At that time, the Court adopted as an order, the mediated case plans for E.F. and R. H..
9. In order to be reunified with the juveniles, Ms. E.F. was ordered to complete her case plan which consisted of:
 - a. F.I.R.S.T. (Families in Recovery to Stay Together) Assessment: E.F. was ordered to complete a F.I.R.S.T. assessment and comply with the recommendations from the assessment.
 - b. Parenting Capacity Evaluation: E.F. was ordered to complete a parenting capacity evaluation and to follow all recommendations resulting from the evaluation.
 - c. Employment: E.F.'s employment will be based on recommendations from the mental health professionals.
 - d. Housing: E.F. was required to maintain an appropriate, safe living environment for herself and her children.
 - e. Visitation: E.F. was allowed to visit the juveniles one time per week for one hour at Walton Plaza.
 - f. Contact with Social Worker: E.F. was required to maintain weekly contact with the YFS social worker.
10. Additionally, the Court adopted R. H.'s mediated case plan on May 10, 2005 at the Dispositional Hearing. R. H. case plan included in pertinent part:
 - a. F.I.R.S.T. Assessment: R. H. was to complete a F.I.R.S.T. assessment and comply with the recommendations from the assessment. R. H. was to sign all necessary releases for the social worker to monitor his progress.
 - b. Parenting Classes: R. H. was to complete parenting classes at the Family Center and be able to demonstrate the skills learned.
 - c. Employment: R. H. will obtain employment. R. H. was ordered to provide proof of his income.
 - d. Housing: R. H. was to obtain and maintain safe, appropriate living environment
 - e. Contact with social worker: He was required to maintain consistent weekly contact with the YFS social worker
 - f. Visitation: R. H. was allowed to have weekly supervised visits
11. The Court through an Order entered on October 5, 2005, amended the respondent father's case plan. At that time, R. H. was ordered to fully comply with the case plan; to comply with F.I.R.S.T.; comply with substance abuse treatment; contact the Family Center for parenting classes; stay in

contact with the YFS social worker; work to obtain safe and secure housing; and to complete N.O.V.A.

12. The F.I.R.S.T. program assesses for domestic violence, substance abuse, and mental health issues. E.F. completed the F.I.R.S.T. assessment on April 22, 2005. Based upon the assessment, F.I.R.S.T. recommended a mental health assessment and a domestic violence assessment.
13. E.F.'s domestic violence assessment was scheduled for May 12, 2005. The respondent mother completed the domestic violence assessment and was deemed appropriate for domestic violence services. The Women's Commission recommended at least two to four individual counseling sessions and then weekly group domestic violence sessions for a twelve week period of time. E.F. began individual sessions on July 5, 2005. E.F. attended seventeen individual sessions with Ms. Livingston. The individual sessions were extended because initially, there were issues with E.F. following through with the recommendations; because E.F. was not consistently attending appointments; and because there were concerns about E.F.'s ability to understand the information from the Women's Commission. Between March 2006 and October 2006, E.F. consistently attended the individual sessions with Ms. Livingston. The respondent mother completed the individual sessions on October 30, 2006, and received a certificate of completion.
14. The domestic violence individual sessions focused on the types of domestic violence; self esteem issues; boundary issues; and ways to identify red flags in a potential perpetrator. Ms. Livingston had to consistently review information with E.F.. Upon completion of the individual sessions, E.F. was able to demonstrate an understanding of domestic violence.
15. Upon completion of the Women's Commission program, Ms. Livingston referred E.F. to Vocational Rehabilitation. Additionally, Ms. Livingston recommended that E.F. continue participation with the Behavioral Health Center therapist.
16. F.I.R.S.T. referred E.F. to the Carolinas Medical Center Behavioral Health Center-Biddlepoint for a mental health assessment. The assessment was scheduled for May 16, 2005 with Dr. Combs. E.F. completed the assessment and was deemed appropriate for services. Additionally, E.F. participated in mental health treatment with Dr. Douglas E. Combs, Clinical Psychologist at Carolinas Medical Center-Behavioral Health Center Biddlepoint. E.F. also received medication to address her depression.
17. In order to be reunified with the juveniles, E.F. was required to complete a court ordered parenting capacity evaluation. The parenting evaluation is parent/child specific. The evaluation assesses a parent's cognitive and parenting skills as well as assesses the juvenile's needs.
18. Stephen C. Strzelecki, Psy.D, Clinical Neurophysiologist, NC Licensed Psychologist, completed the parenting capacity evaluation. The parties stipulated to Dr. Strzelecki as an expert in clinical psychology. The respondent mother completed the parenting capacity evaluation on October 11, 2005. Additionally, on March 22, 2006, E.F. and her attorney met with Dr. Strzelecki to review the parenting capacity evaluation
19. Dr. Strzelecki found, and the Court finds as fact, that T.S.F. had serious developmental delays, significant global difficulties including inattention, impulsivity, aggression, emotional lability, social difficulties, and autistic like behaviors. T.S.F. is functionally non verbal. He received speech therapy from the school system.
20. Based on a review of records, collateral contacts, testing, and observations, Dr. Strzelecki concluded, and the Court finds as fact, that T.S.F. presents with greater than expected needs. He will need "a high level of structure, supervision, consistency, and assistance with daily functioning (hygiene, eating, etc. . .)" T.S.F. has special needs with regards to his language skill development and development of non-aggressive coping skills. T.S.F. will require continued involvement with

multiple specialized services including outpatient mental health services, in-home/ community one on one services, significant speech therapy, and special education services. T.S.F. will need an intensive language development program that utilizes speech therapy techniques combined with behavior modification techniques to promote and reinforce the use of expressive language.

21. Dr. Strzelecki also assessed E.G.F. 's needs. During an interview with Dr. Strzelecki , E.G.F. was hyper-verbal and physically restless. Based on tests, collateral contacts, interviews, and reports, he found which the Court adopts as finding of fact, that E.G.F. demonstrated poor interpersonal boundaries throughout the assessment and dominating of others. Based on the evaluation, Dr. Strzelecki found significant elevations in inattention, hyperactivity and impulsivity, autistic-like behaviors, and depressed features.
22. The parenting capacity evaluator concluded that "E.G.F. will need a highly structured environment to meet her behavioral needs with an emphasis on establishing appropriate physical and emotional boundaries." She will also need to be involved in comprehensive mental health services including monitoring by a psychiatrist, individual, family, and group counseling, and possible one-on-one worker in the community."
23. Based upon testing, the respondent mother's abilities were found to be in the borderline range of functioning with a full scale IQ score of 78. E.F.'s verbal IQ score was seventy-one (71) which was in the borderline range. Her performance IQ score was 91 which is average range. Consequently, E.F. will struggle with everyday tasks, struggle with an ability to understand, and struggle with an ability to communicate effectively.
24. Doctor Strzelecki previously testified and the Court found as fact in the Amended Permanency Planning Hearing Order entered on July 24, 2006 that the respondent mother had some limitations in abilities to understand and address the juveniles' issues at this time. In the same order, the Court also found that Dr. Strzelecki spent several hours with the respondent mother obtaining history and completing the forensic evaluation and that he administered the evaluation to her orally because of her limited skills. Furthermore in the same order, the Court found that Dr. Strzelecki noted the respondent mother's lack of understanding in some areas and her gaps in functioning in some areas. In the same order, the Court also found, based on Dr. Strzelecki's report to the Court, that Dr. Strzelecki believed that the respondent would need someone to provide instruction in how to meet the juveniles' specific needs.
25. E.F. has an Axis I diagnosis of major depression, rule out Post Traumatic Stress Disorder and an Axis II dependent personality features and borderline intellectual functioning. These factors will impact her ability to meet the juveniles' needs.
26. Dr. Strzelecki found that E.F. does have the potential ability to learn the deficits of her children but that it would be a daunting task, He testified that there were three things E.F. would need in order to learn the deficits of her children and those items were:
 1. Participate in intensive psychotherapy that should involve a therapist having access to her Parenting Capacity Evaluation and working on the items specified therein.
 2. That she have hands-on training with regard to personally caring for her children such as the in-home parenting program, at that time offered by Family Center.
 3. That she be invited to participate in the individual therapy of each of her children so that she could have an appreciation for what their deficiencies were and what was being done to work with them.

27. Dr. Strzelecki found, and the Court finds as fact, that the respondent mother minimized the juveniles' significant needs and delayed levels of functioning. E.F. does not appear to have an understanding of the severity of the behavioral and developmental difficulties of E.G.F. and T.S.F. Dr. Strzelecki concluded and the Court finds that E.F. seems highly overwhelmed by the needs of her children as well as her own difficulties including feeling isolated, unsupported, and not competent in her abilities.
28. The parent child observation is another component of the parenting capacity evaluation. The parent child observation is used to observe the family dynamics. The ninety minute observation occurred on October 11, 2005. During the evaluation, T.S.F. was nonverbal and isolated. E.F. attempted to interact with T.S.F. E.G.F. was outgoing. Because E.G.F.'s needs were greater, E.F. focused more of her attention on E.G.F. . The respondent mother's attempts to set boundaries with E.G.F. were ineffective.
29. In May 2006, Dr. Strzelecki stated, and the Court found as fact in an order entered on July 24, 2006, that the respondent mother's affect seemed brighter when he met with Mr. Lucey and E.F. in March 2006. The Court also found that Dr. Strzelecki was not sure if it was the medications she was on or her progress. Additionally, the Court found that Dr. Strzelecki shared that when he did evaluation he also had concerns about her ability to understand the impact of domestic violence on the juveniles. At that time, Dr. Strzelecki was not aware of what had transpired with the mother's specific therapy with Dr. Combs.
30. E.F.'s strengths as a parent include her basic knowledge of the juveniles' issues and her caring and affectionate demeanor towards the juveniles. Her weaknesses include a significant minimization of the juveniles' deficits. E.F. minimized the impact domestic violence has on the juveniles and their functioning. There is also a concern about the respondent mother's ability to set limits with the juveniles. Additionally, she tended to blame others for her circumstances. There was also a lack of follow through or compliance by E.F..
31. The parties stipulated to Ms. Lydia Duncan as an expert in "counseling.,"; Dr. Rogentine-Lee as an expert in clinical psychology; and Mr. Henry Mogotu as an expert in vocational counseling.
32. E.G.F. began seeing Ms. Duncan in February 2006. At this time, she is a current patient of Ms. Duncan. When E.G.F. first began to see Ms. Duncan, she presented with disorganized play, very prominent sexualized behaviors, and almost obsessive compulsive behaviors. These behaviors continued for the first two months of E.G.F.'s therapy. Afterwards, E.G.F. began to make progress in therapy. From October to November 2006, E.G.F. was very focused, very organized in her play; and goal orientated. By December 2006, she was more independent in her play. However, during the last two sessions, Ms. Duncan has observed a regression in E.G.F.'s behaviors, such as infantile behaviors and less focused.
33. Ms. Duncan incorporated the recommendations from the parenting capacity evaluation to develop E.G.F.'s treatment goals. E.G.F.'s treatment goals include the following: boundary setting; acknowledgment of boundaries; limit setting; and stabilizing emotional issues.
34. Because E.G.F. experienced "disassociative episodes", Ms. Duncan referred E.G.F. to Dr. Rogentine-Lee for an evaluation. Disassociative behaviors are symptomatic of severe trauma in a child's past.
35. In April 2006, at the request of Ms. Lydia Duncan, Dr. Rogentine-Lee completed a psychological evaluation on E.G.F. . The evaluation was completed in June 2006. The parties stipulated to Dr. Rogentine-Lee as an expert in clinical psychology. Dr. Rogentine-Lee testified, and the Court finds as fact, that she had "not seen a child who was this overly traumatized," and that returning her to the respondent parent's home environment would be "disastrous". E.G.F. is a high risk juvenile who is a high risk for future abuse.

36. As E.G.F. grows and matures, her needs would probably remain the same.
37. E.G.F. will need a caregiver who will assist her in remaining focused or will help her get back on track. She will need someone who is firm and consistent in setting boundaries, as well as, someone who understands her emotional needs. She will need someone who will accept E.G.F. as she is and someone who will meet her needs.
38. Dr. Rogentine-Lee completed a psychological evaluation on T.S.F. in August 2006. In October 2006, T.S.F. began seeing Dr. Rogentine-Lee on a weekly basis for individual therapy. The therapy sessions would last from forty to forty-five minutes.
39. Dr. Rogentine-Lee's focus in T.S.F. therapy sessions was to assist the care providers stabilize T.S.F. behaviors and to keep T.S.F. out of institutionalized care. Since October 2006, T.S.F. has made progress in therapy.
40. T.S.F. is completely nonverbal. His adaptive skills are severely limited. For example, T.S.F. cannot draw; he does not know his numbers or colors. He cannot meet his basic hygiene needs; cannot dress or feed himself. Because of T.S.F. language and mental delays, it is hard for him to process information. Consequently, he acts out. He will demonstrate a high level of anxiety that is not contained. He has a mental retardation diagnosis and can become impulsive and angry.
41. T.S.F. will need a lot of instruction on a daily basis regarding basic living skills. He will need a parent who is able to have and handle lots of interaction with the Charlotte Metro School. He will need someone who would be able to recognize his symptoms and assure that he receives appropriate therapy and medication.
42. Dr. Rogentine-Lee and Ms. Duncan, the respective therapists for T.S.F. and E.G.F. included the foster parents of each child in their therapy but did not contact or include E.F. in the children's therapy as it had not been suggested to them by the YFS social worker and they did not ask the YFS social worker.
43. Dr. Rogentine-Lee and Ms. Duncan did not have contact with the respondent mother or the father. YFS provided Ms. Duncan with the respondent mother's name. However, YFS did not provide Ms. Duncan with the respondent mother's contact information. Dr. Rogentine-Lee report is not invalidated because she did not have contact with the respondent parents.
44. E.F. is limited in her ability to meet the juveniles' needs. E.F.'s diagnoses are factors that interfere with her ability to meet the juveniles' needs. For instance, information that could assist the respondent mother with meeting the juveniles' needs, presented to E.F. may be misinterpreted or misunderstood; thereby placing the juveniles' in danger.
45. The combination of the respondent mother's deficiencies with the juveniles' needs make the possibility of E.F. ever acquiring the ability to care for her children a "daunting task," and that if the Petitioner was not involved with the respondent mother and the juveniles were returned home, that the issues which led to the juveniles coming into care could repeat.
46. Currently, the respondent mother does not have stable housing. She lives in a three bedroom public housing apartment with two other adults. One of the adults is elderly and disabled. The other adult has some medical issues. Occasionally, E.F. provides care for these individuals. E.F.'s name is not on the lease. The home is not appropriate for the juveniles. There is no space for the juveniles.
47. E.F. participated in the North Carolina Division of Vocational Rehabilitation Services Program. Mr. Mogotu served as her vocational rehabilitation counselor. While the juveniles were in the Petitioner's custody, E.F. was able to obtain employment on at least two occasions. She began work with Adecco which was warehouse work, in September of 2006. She worked intermittently

based upon the employer's need. Prior to that employment she worked for about one month as a volunteer for St. Mary's. Additionally, E.F. applied for social security disability payments.

48. The respondent mother completed parenting classes at the Family Center. She received in home parenting education services until July 2006. In an Amended Permanency Planning Hearing Order filed on July 24, 2006, the Court found that the in-home parent educator from the Family Center, through a letter dated April 28, 2006, reported to the Court that E.F. had been appropriate with the juveniles and that "she looks forward to future sessions". However, the Family Center was terminated as a service provider at that time because of the geo-structuring initiated by Petitioner and the new service provider who was associated with E.F.'s physical location refused to provide any additional in-home parent education services. At this time, the respondent mother is not able to adequately demonstrate the skills learned from the parenting classes.
49. Furthermore, the respondent mother was allowed to have weekly supervised visits with the juveniles. Occasionally, she had the opportunity to visit E.G.F. at E.G.F.'s school as well as attend E.G.F.'s scheduled surgical procedure. She was also given the opportunity visit E.G.F. in her foster home during the Christmas Holidays. She also has telephone contact with the juveniles. Dr. Rogentine-Lee believed that it was in E.G.F.'s best interest to cease contact between E.G.F. and the respondent father. The respondent father was allowed to have weekly supervised visits with T.S.F.
50. E.F. consistently attended the scheduled supervised visits. She would bring the juveniles lunch or snacks, and on occasion, gifts and clothes as well to the supervised visits. Beginning in January 2007, Ms. Wiley supervised the visits. Ms. Wiley testified, and the Court finds as fact, that she did not observe a bond between the respondent mother and T.S.F. Ms. Wiley did observe a bond between E.G.F. and the respondent mother.
51. Additionally, there were concerns about the respondent mother's ability to redirect and manage the juveniles during the weekly supervised visits. Initially, E.F. would sit in a chair and have little interaction with the children. Later in 2007, E.F. began to interact more with the juveniles. At this time, her ability to redirect and manage the juveniles' behaviors and needs remain a concern.
52. E.F. maintained consistent contact with the Petitioner.
53. YFS offered several services to the respondent mother to assist the respondent mother in complying with the case plan. YFS offered E.F. transportation assistance in the form of monthly bus passes. YFS referred E.F. to Community Link for housing assistance. Due to a lack of steady income for the respondent mother, YFS was not able to secure housing assistance. YFS also provided E.F. with contact information for parenting, mental health, and domestic violence service programs. YFS arranged visits for the respondent mother and the juveniles.
54. In the summer of 2006 YFS stopped employing reasonable efforts to assist the mother in reunifying with her children under the mistaken belief that the Court had entered an Order directing then to no longer use reasonable efforts. The Court did direct in its Order entered July 24, 2006 that reasonable efforts should cease as to R. H. but that Order did not include any directive of ceasing efforts as to the mother.
55. The Court cannot find that E.F. failed to pay a reasonable portion of the out of home cost of care for the children. She has been unemployed for a substantial portion of time the juveniles have been in YFS custody. E.F. consistently brought lunch or snack for the children, and, on occasion, gifts or clothes as well. She has not demonstrated a physical or financial ability to contribute more than this to the cost of care.
56. The Court cannot find that E.F. left the juveniles in foster care without showing to the Court reasonable progress under the circumstances to correct the conditions which led to the juveniles' placement in YFS custody. E.F. completed domestic violence counseling, parenting classes and

a Parenting Capacity Evaluation. Additionally she participated in mental health treatment. She consistently visited her children. She participated in both vocational rehabilitation services and ultimately obtained employment in September 2006.

57. Given the juveniles' extremely high needs and E.F.'s own limitations, she made as much progress as is reasonable to expect of her.
58. The respondent father failed to make progress on his case plan. R. H. completed a F.I.R.S.T. assessment on May 12, 2005. At that time, F.I.R.S.T. recommended a McLeod substance abuse assessment and a NOVA (New Options for Violent Actions Program) domestic violence assessment after completion of the substance abuse assessment and substance abuse assessment recommendations. R. H. completed a substance abuse assessment at the McLeod Center. The McLeod Center recommended substance abuse treatment for R. H.. R. H. failed to successfully complete substance abuse treatment. R. H. completed a second F.I.R.S.T. assessment on October 12, 2005. Again he was referred for a substance abuse treatment at CDC (hereinafter referred to as the "Chemical Dependency Center").
59. By an order entered in open court on May 3, 2006 and filed on July 24, 2006, the Court found as fact that "R. H. is not complying with substance abuse treatment and was held in contempt in drug court." Additionally, the Court found that "R. H. failed to comply with his substance abuse treatment and has not engaged in services provided for his substance abuse. R. H. blew a .47 [sic] on a breathalyzer after a meeting on October 19, 2005; blew a .138 on March 30, 2006; and as recently as April 2, 2006 blew a .89 [sic]. R. H. tested positive for cocaine on February 21, 2006 and March 27, 2006." The Court went on to find that "consistent levels of intoxication and substance abuse are inconsistent with the needs of the children. Nothing prohibits R. H. from complying with substance abuse treatment on his own, as his lawyer has indicated that he will be willing to do."
60. Ms. Gantt testified, and the Court finds as fact, that R. H. failed to engage in domestic violence treatment. Moreover, he failed to complete a domestic violence assessment.
61. R. H. failed to engage in parenting classes. Consequently, he was not able to demonstrate the skills learned in the parenting classes.
62. R. H. did not obtain safe and secure housing. He has not provided proof to the Petitioner that he obtained housing. He has not requested a home study on a home. He has not offered a placement for the juveniles.
63. The respondent father failed to maintain consistent contact with YFS. R. H. met with Ms. Gantt on February 28, 2006. Ms. Gantt discussed the case plan with R. H.. There was telephone contact between Ms. Gantt and R. H. on May 8, 2006. R. H. contacted Ms. Gantt to request information regarding eligibility for a bus pass. R. H. contacted Ms. Gantt on January 8, 2007, to request a meeting. A meeting was scheduled for January 11, 2007. On January 11, 2007, Ms. Gantt met with R. H. and his fiancée'. At that time, he wanted to know which steps he should take in order to have the juveniles returned to his home. Ms. Gantt informed R. H. that he needed to comply with the case plan and then provide proof of compliance with the case plan. Ms. Gantt reviewed the case plan with R. H.. R. H. did not ask about the juveniles' status at this meeting.
64. R. H. has not contacted Ms. Gantt since January 11, 2007.
65. On March 6, 2007, Ms. Gantt left R. H. a message. The message contained the contact information for the juveniles' therapist. R. H. did not contact the therapists.
66. YFS attempted to offer services to assist R. H. in complying with the case plan. YFS referred R. H. to a housing assistance program. Unfortunately, R. H. failed to supply the necessary documents to complete the referral. Because R. H. failed to comply with substance abuse

treatment, the YFS social worker was hindered in her ability to make additional recommendations for services to assist him in complying with the case plan. YFS also provided R. H. with monthly bus passes.

67. R. H. did not provide any cards, gifts, or letters to the juveniles or to the Petitioner for the juveniles.
68. Due to therapeutic recommendations, there was no visitation schedule between the respondent father and E.G.F. .
69. The respondent father was allowed weekly supervised visits with T.S.F. R. H. visited with T.S.F. between October 2005 and April 2006. Because he failed to consistently attend the supervised visits, the visits were suspended in May 2006. By an order entered in open Court on May 3, 2006 and filed on July 24, 2006, the Court ordered that visits could be reinstated "only if R. H. can show a consistent period of sobriety and compliance with a [sic] substance abuse treatment to the Court." The respondent father failed to comply with the steps so that the supervised visits could be reinstated.
70. The Court through an order entered in open Court on March 6, 2007 and filed on March 19, 2007, the respondent father "states he is now interested in working a case plan, will start Day Mark this week, and a new job tomorrow. Father also requests visits and for reasonable efforts to be reinitiated." R. H. did not provide verification regarding his participation in Day Mark; compliance with the case plan; and proof of employment. At this time, there is no evidence before the Court that R. H. successfully complied with the case plan.
71. YFS expended over nine thousand dollars per child for the cost of out of home placement.
72. R. H. had the ability to pay some amount greater than zero. He was employed during the time the juveniles were in the Petitioner's Custody. In May 2005, R. H. reported employment at the International Trade Center, working at least thirty hours per week. For a short period of time, he provided check stubs to Ms. Gantt.
73. The Court, through an order entered in open Court on October 4, 2005 and filed on October 5, 2005, ordered R. H. to pay fifty dollars (\$50.00) per month (twenty-five dollars (\$25.00) per month for each child) for the care of his children. R. H. has not consistently paid the court ordered child support. In May 2006, R. H. paid the court ordered twenty-five dollars per month. R. H. failed to pay his court ordered obligation for the following months: June 2006; July 2006; August 2006; September 2006; October 2006; November 2006; December 2006; January 2007; February 2007; March 2007; and April 2007. At the time of the Termination of Parental Rights Hearing, he was in arrears in the amount of three hundred twenty-six dollars and twenty-eight cents (\$326.28) per child.
74. Through an order filed on July 24, 2006, the Court found that R. H. remained employed.
75. The respondent father has not contributed any monies to YFS for the cost of the juveniles' out of home care. The respondent father had the ability to pay some amount greater than zero towards the cost of the juveniles' out of home placement.
76. R. H. has not successfully completed his case plan. He has not successfully addressed the issues that led to the juveniles' placement in YFS custody.
77. R. H. failed to provide any care for the juveniles while they were in YFS legal custody. R. H. failed to provide any love, care or financial support for the juveniles while they were in YFS custody. R. H. has not contacted YFS to inquire about the juveniles' status. He has not contacted YFS to request visits with the juveniles. He has not maintained contact with the juveniles or YFS.
78. The respondent father abandoned the juveniles.

79. The juveniles were neglected at the time they came into care. The probability of that neglect being repeated is far too high to consider re-unifying the juveniles with E.F. at any time in the foreseeable future, if ever.
80. Each of the children had been placed in separate special needs foster homes. E.G.F. has been with the same foster care provider since the children came into custody on April 12, 2005. T.S.F. has been with the same foster care provider since February 3, 2006. Neither of the foster parents would be agreeable to guardianship or adoption. On occasion the two children did interact among themselves which caused difficulties for even the YFS social worker assistant, Ms. Wiley. As she had to stop the vehicle either on trips to visitation or from visitation to separate the children.
81. E.G.F. made some progress with her behaviors while in foster care. Her hyperactivity behavior in the home has decreased.
82. The Court previously found in an order entered on July 24, 2006 that T.S.F. and E.G.F. have extreme needs and the mother has some deficits in functioning that may not be easily addressed. The parent(s) ability to meet the specific needs of the children, who have extreme emotional and behavioral needs, may never rise to the level that is necessary, even if the parent(s) complete everything they are supposed to complete.
83. The juveniles need a safe, stable, and consistent environment in which their caregivers are not only aware of their needs, but also able to meet them on a consistent basis. E.F., despite a love for and attachment to her children, is not able to provide them with the needed environment or parenting.
84. The Court found in an Order entered on July 24, 2006, that the children have benefited from the structure and consistency that they have. T.S.F. has mental retardation and lacks language skills. E.G.F. has an attachment issue that needs attention. Both children have specialized needs that require tremendous and consistent response to those needs. E.F. would have to develop those skills. Her descriptions of those needs have not always matched the professional's description of the children's needs and abilities. E.F. needs to attend therapy appointments with children and rehabilitative appointments.
85. The permanent plan for the juveniles is adoption. At this time, the current foster homes are not potential adoptive placements. YFS plans to continue therapeutic and other recommended services to prepare the juveniles for adoption. YFS plans to begin adoption recruitment efforts if the Court terminates the respondents' parental rights.
86. Termination of parental rights would assist in accomplishing a safe, stable, and permanent environment for the juvenile. Termination of parental rights is in the best interest of the juvenile.
87. The respondent father did not present any evidence to refute the allegations contained in the Petition to Terminate Parental Rights and to refute the evidence presented by the Petitioner. The respondent father did not file responsive pleadings to the Petition to Terminate Parental Rights.

Now therefore, based upon the foregoing, the Court by clear, cogent, and convincing evidence makes the following **CONCLUSIONS OF LAW**:

1. That this Court has jurisdiction over the parties and over the subject matter in controversy.

2. That E.F. is the biological mother of E.G.F. and T.S.F.. R. H. is the biological father of E.G.F. and T.S.F.
3. That the respondents were properly served with the Petitions to Terminate Parental Rights. The respondent mother filed a Response to the Petition to Terminate Parental Rights. The response was filed on April 16, 2007. The respondent father did not file a responsive pleading to the Petition to Terminate Parental Rights. The respondent mother attended all of the scheduled Termination of Parental Rights Hearings. The respondent father did not appear for the scheduled Termination of Parental Rights Hearings.
4. That the Court is authorized to terminate the parental rights of the respondent parents pursuant to N.C.G.S. §7B-1109.
5. That the Petitioner, Mecklenburg County Department of Social Services, Division of Youth and Family Services, has proven by clear, cogent, and convincing evidence that grounds exist to terminate the respondent father's parental rights, under N.C.G.S. §7B-1111 (a)(1); (a) 2); (a) (3); and (a) (7). That the Petitioner, Mecklenburg County Department of Social Services, Division of Youth and Family Services, has proven by clear, cogent, and convincing evidence that a ground exist to terminate the parental rights of the respondent mother under N.C.G.S. §7B-1111 (a)(1).
6. That the Petitioner failed to prove by clear, cogent, and convincing evidence that grounds exist to terminate the respondent mother's parental rights under N.C.G.S. §7B-1111 (a) (2). Thus, the Court cannot conclude that Ms. E.F. willfully left the juveniles in foster care for more than twelve months without showing to the satisfaction of the Court that reasonable progress under the circumstances has been made in correcting the conditions that led to the removal of the juveniles.
7. That the Petitioner failed to prove by clear, cogent, and convincing evidence that grounds exist to terminate the respondent mother's parental rights under N.C.G.S. §7B-1111 (a) (3). Thus, the Court cannot conclude that Ms. E.F. was physically, financially, and able to pay a reasonable portion of the juveniles' cost of care six months preceding the filing of the Petition to Terminate Parental Rights.
8. That the respondents have neglected the juveniles as that term is defined in N.C.G.S. §7B-101(15) in that they have failed to provide proper care, supervision and discipline for the juveniles as more specifically alleged in the above Findings of Fact. Additionally, the respondent father abandoned the juveniles as more specifically alleged in the above Findings of Fact. Further, the respondent father failed to successfully address the issues that led to the juveniles' placement in YFS custody and failed to successfully comply with the case plan objectives. Additionally, the respondent mother continues to lack an understanding of the juvenile's needs and demonstrates extremely limited ability to meet those needs, thus increasing, if not virtually guaranteeing the probability of repeat neglect. The respondent father did not take any actions to exercise a role in the juveniles' lives. The respondent father has not contributed to the cost of the juveniles' out of home placement. The respondent father's actions have affected his ability to provide care and to complete the case plan objectives. The respondent father failed to consistently visit the juveniles. Pursuant to In re APA, 59 N.C. App. 322, 296 S.E. 2d 811 (1982) the North Carolina Appeals Court held that a parent's complete failure to provide the personal contact, love, and affection that inheres in the parental relationship is neglect.
9. That the juveniles were neglected at the time they came into care. The probability of that neglect being repeated is far too high to consider re-unifying the juveniles with E.F. at any time in the foreseeable future, if ever as more specifically identified in the above Findings of Fact.
10. That the Court further concludes that the likelihood of ongoing or continued neglect is significant in that respondent father has not properly availed himself to any of the services necessary to enable

him to properly parent the juveniles either now or in the foreseeable future. In light of the fact that there has been no involvement with the respondent father, there is a substantial likelihood that neglect will continue in the foreseeable future.

11. That the respondent father has willfully left the juveniles in foster care for more than twelve months (12) without showing to the satisfaction of the Court that reasonable progress under the circumstances has been made in correcting the conditions that led to the juveniles' removal as specifically alleged in the Findings of Fact. The juveniles have been in YFS custody since 2002. The respondent father has not maintained a relationship with the juveniles. He has not demonstrated an ability to meet the juveniles' needs. He has not successfully addressed the issues that led to the juveniles' placement in YFS custody. He has not complied with the reunification plan despite the services offered by YFS as alleged more specifically in the above Findings of Fact.
12. That the juveniles have been placed in the custody of the Mecklenburg County Department of Social Services, Division of Youth and Family Services, and the respondent father for a continuous period of six months next preceding the filing of the Petition to Terminate Parental Rights, has willfully failed for such period to pay a reasonable portion of the cost of care for the juveniles although physically and financially able to do so.
13. That in In re T.D.P., 164 N.C. App. 287, 595 S. E. 2d 735, 2004 N.C. App. Lexis 811 (2004), aff'd, 359 N.C. 405, 610 S.E. 2d 199 (2005), the North Carolina Court of Appeals held, and the North Carolina Supreme Court affirmed, that "although what is within a parent's ability to pay or what is within the means of a parent to pay is a difficult standard that requires greater flexibility in the application, the requirement of G.S. 7B-1111§ (a) (3) applies irrespective of the parent's wealth or poverty; the parents' economic status is merely a factor used to determine their ability to pay such costs, but their ability to pay is the controlling characteristic of what is a reasonable amount for them to pay." The respondent parents have not contributed any monies to defray the cost of care for the juveniles. The respondent mother and the respondent father had the ability to pay some amount greater than zero for the juveniles' out of home placement.
14. That the respondent father has not maintained consistent contact with the Petitioner or the juveniles as more specifically alleged in the above Findings of Fact. He has not contacted the Petitioner to inquire about the juveniles' status. The respondent father has not made any effort to maintain a relationship with the juveniles and he has not requested visits with the juveniles. Therefore, the respondent father has willfully abandoned the juveniles for at least six (6) consecutive months immediately preceding the filing of this petition as more specifically alleged in paragraphs above.
15. That the goal of the case is adoption and the court concludes that adoption is in the juveniles' best interest for the sake of permanence, safety, and protection. It is in the best interest of the juveniles that parental rights be terminated in order for said juveniles to be cleared for adoption. It is contrary to the best interest of the juveniles to be returned to the respondent parents.

BASED ON THE FOREGOING FINDING OF FACTS and CONCLUSIONS OF LAW, The Court therefore **ORDERS**:

1. That all the parental rights and privileges of E.F., respondent mother, with respect to the above referenced juveniles, and all rights and obligations of said juveniles with respect to said parent arising out of any parental relationship between said parent and juveniles, be and the same hereby is terminated pursuant to the provisions of NCGS §7B-1107 and 1111(a).
2. That all the parental rights and privileges of R. H., respondent father, with respect to the above referenced juveniles, and all rights and obligations of said juveniles with respect to said parent

arising out of any parental relationship between said parent and juveniles, be and the same hereby is terminated pursuant to the provisions of NCGS §7B-1107 and 1111(a).

3. That the juveniles shall remain in the custody of the Mecklenburg County Department of Social Services, Division of Youth and Family Services, which shall have all rights for placement of the said juvenile as that agency would have acquired had the respondent parents released the juvenile to that agency, pursuant to the provisions of N.C.G.S. §48-3-705(d), including a right to consent to the adoption of said juveniles.
4. That the juveniles' placement and care are the responsibility of Mecklenburg County Department of Social Services, Division of Youth and Family Services and Youth and Family Services is to provide or arrange for the foster care or other placement of the juveniles.
5. That Mecklenburg County Department of Social Services, Division of Youth and Family Services is granted the authority to obtain medical treatment, educational, psychological or psychiatric treatment and provide other services as deemed appropriate by the agency.
6. The case shall be scheduled for a Post Termination/ Post Surrender of Parental Rights Review on September 13, 2007 @ 10:15 a.m.

7. For purposes of this order, "child" or "juvenile" shall mean all children whose names appear in the caption and "parents" shall mean either or both parents of any child and "YFS" shall be understood be the Department of Social Services (DSS).

Entered this the 12th day of July 2007. Signed this the ____ day of August 2007.

Honorable Lisa C. Bell
District Court Judge Presiding

TPR ORDER EXAMPLE

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

COUNTY OF MECKLENBURG

DISTRICT COURT DIVISION

IN THE MATTER OF:

FILE #: 2008-JT-
Judge: LAT

J.M.N.R.

(DOB: 12-09-06)

Minor child

**ORDER TERMINATING
PARENTAL RIGHTS**

THIS MATTER COMES ON FOR TERMINATION OF PARENTAL RIGHTS HEARING

pursuant to N.C.G.S. §7B-1100 *et. Seq.* This cause was heard on April 14, 2008, before the Honorable Louis A. Trosch, District Court Judge presiding over the Juvenile Session of District Court in Mecklenburg County, upon petition of the Mecklenburg County Department of Social Services, Division of Youth and Family Services to terminate the parental rights of John Doe, respondent parent of the above named juvenile. The following persons appeared before the Court: Nita Stanley, Attorney Advocate; Cassandra Downs, Guardian *ad Litem* Program Supervisor; Kimberlee Mitchell, YFS social worker; and Twyla Hollingsworth George, Mecklenburg Senior Associate County Attorney.

The Mecklenburg County Department of Social Services, Division of Youth and Family Services (hereinafter referred to as "YFS" or "the Petitioner") filed a Petition to Terminate Parental Rights regarding J.M.N.R. on February 4, 2008. On February 11, 2008, the Petitioner completed and filed an Addendum to the Petition to Terminate Parental Rights. It appearing to the Court from the record herein, John Doe was served by Publication. The publication dates were February 17, 2008; February 24, 2008; and March 2, 2008. The Affidavit of Service by Publication was filed on March 18, 2008. The Affidavit Concerning Paternity Certificate was filed on April 11, 2008. The Affidavits are incorporated herein by reference. The respondent parent did not appear for the Termination of Parental Rights Hearing. The respondent parent did not file any responsive pleadings to the Petition to Terminate Parental Rights. The court proceeded with the termination of parental rights hearing prescribed by N.C.G.S. §7B-1107 and §7B-1109.

Upon the matter being called for trial, the Court received into evidence and considered the following: Judicial Notice of the underlying abuse/ neglect/ dependency juvenile orders entered in 2006 JA 1400; Verified Petition to Terminate Parental Rights and the Exhibits attached to the verified petition to terminate parental rights; and testimony from Kimberlee Mitchell, YFS social worker.

The court finds that there is clear, cogent, and convincing evidence to support and therefore makes the following: **FINDINGS OF FACT**

1. That the respondent parent was properly served with the Petition to Terminate Parental Rights. The respondent parent did not appear for the Termination of Parental Rights Hearing. There was no evidence from the respondent parent to refute the evidence presented by the Petitioner and the Guardian ad Litem/Attorney Advocate. The respondent parent failed to file any responsive pleadings to the Petition to Terminate Parental Rights.
2. That this Court has jurisdiction over this matter pursuant to Chapter 7B of the North Carolina General Statutes and pursuant to the provisions of the Uniform Child Custody Jurisdiction Enforcement Act.
3. That the Mecklenburg County Department of Social Services, Division of Youth and Family Services (hereinafter "YFS" or "the Petitioner"), moved to have the Court take judicial notice of the

underlying abuse/neglect juvenile petition and juvenile orders in file 2006 JA 1400 into evidence. There were no objections.

4. That J.M.N.R. was born on December 9, 2006. He currently resides in Mecklenburg County, North Carolina.
5. That S.M. is the biological mother of J.M.N.R.. On December 20, 2007, the biological mother voluntarily executed Relinquishments of the Minor for Adoption by Parent or Guardian. The biological mother did not revoke the relinquishment of minor for adoption.
6. That paternity has not been established for J.M.N.R.. Mr. J.M.N.R.'s Jr., name appears on the birth certificate for J.M.N.R.. J.M.N.R. was born at least six months after the death of J.M.N.R.Jr. The Petitioner engaged in efforts to establish paternity. The efforts were not successful. John Doe is the biological father of J.M.N.R.. John Doe failed to take steps to establish paternity. John Doe has not, prior to the filing of the Termination of Parental Rights Petition, married the mother of J.M.N.R.; established paternity judicially or by registered affidavit; legitimated or petitioned to legitimate J.M.N.R.; or provided substantial financial support or consistent care with respect to J.M.N.R. or his mother. No one has contacted the agency holding himself out as the biological father or offered to provide financial assistance or placement arrangements for J.M.N.R.. There is no Affidavit of Paternity with the North Carolina Department of Health and Human Services from any person acknowledging paternity or purporting to be the father of J.M.N.R.. The Petitioner does not have or is not aware of a court order or affirmation naming an individual as the father of J.M.N.R..
7. That J.M.N.R. was placed in the Petitioner's custody on December 22, 2006. He has remained in the Petitioner's custody since that time. He was adjudicated neglected and dependent in open court on February 19, 2007. That the biological mother's stipulations which formed the basis for the Court's Finding of Facts and Conclusions of Law are as follows:
 - a. This child was born to S.M. on 9 December 2006. Both mother and child tested positive for cocaine.
 - b. Mother reports that she was told her placement was inappropriate so she made arrangements with her sister and uncle to stay with them.
 - c. The baby was kept in the hospital until 18 December 2006. He went to the same home as the mother. YFS had checked the placement and determined it was appropriate.
 - d. On 20 December 2006, the mother left for an appointment at the Health Department for a drug and alcohol assessment. Then on 21 December 2006, after a dispute with her sister, she took Jimmy to the hospital for an appointment and did not return to her sister's house.
 - e. Mother took the child to the paternal grandmother's house. At the time of the petition, the child's location was unknown to YFS.
 - f. The mother has a criminal history. She was in prison in 2001 and 2002 for breaking and entering. She was convicted in 2004 for possession of drug paraphernalia. She is not employed.
 - g. The mother reports the child's father was J. R. J.R. died on 7 June 2006. There has been no definitive determination of paternity.
8. That after the juvenile was adjudicated neglected and dependent the Court adopted a case plan. The case plan identified several issues that the biological mother needed to address in order to have the juvenile returned to her care. The respondent mother was required to complete, among other things, a F.I.R.S.T. assessment; comply with the recommendations from the F.I.R.S.T.

assessment; complete a mental health assessment; follow the recommendations of the mental health assessment; obtain/maintain sufficient income to meet the juvenile's needs; obtain/maintain safe, appropriate, and stable housing; complete parenting classes; and demonstrate the skills learned from the parenting classes. She was also agreed to maintain contact with the Petitioner. A number of services were offered to the biological mother to assist her in completing the case plan goals. The biological mother failed to comply with this case plan. Additionally, she failed to maintain contact with the Petitioner and the juvenile. The juvenile's biological mother executed a Relinquishment of Minor for Adoption by Parent or Guardian.

9. That since the juvenile has been in the Petitioner's custody John Doe has not maintained contact with the Petitioner. He has not informed the Petitioner of his whereabouts. At this time, his current whereabouts are unknown. John Doe failed to provide consistent care in relation to the juvenile. He has not made his presence known or offered a placement for the juvenile. Since J.M.N.R.'s birth, John Doe has not provided any child care. He has been unavailable to J.M.N.R. since his birth. Since J.M.N.R. has been in the Petitioner's custody, John Doe has continuously failed to take steps to meet the juvenile's needs.
10. That John Doe has not made himself available to the Petitioner for the purpose of entering into a case plan. Because the respondent parent failed to maintain consistent contact with the Petitioner, the Petitioner was not able to offer services to the respondent parent. The respondent parent has not successfully worked a case plan or addressed the issues that led to the juvenile's placement in the Petitioner's custody.
11. That John Doe has willfully abandoned the juvenile. Furthermore, the respondent father has relinquished his parental duties. John Doe has not demonstrated an interest in the juvenile. The respondent parent has not provided any emotional support to the above referenced juvenile. He has not contacted the Petitioner to request visits with the juvenile. The respondent parent has not visited the juvenile. The respondent parent has not maintained consistent contact with the Petitioner to request information regarding the juvenile's status. The respondent parent did not establish or maintain a relationship with the juvenile. The respondent parent has not provided any cards, gifts, or letters to the juvenile. He has not acknowledged holidays or birthdays for the juvenile. Additionally, the respondent parent has not provided the love, care, and personal contact that inhere in the parental relationship.
12. That John Doe did not provide any necessities for the juvenile. He has not paid any monies to the Petitioner to defray the cost of J.M.N.R.'s out of home placement.
13. That there is no evidence before the Court that the respondent parent is ready, willing, and able to appropriately parent the juvenile.
14. That J.M.N.R. has continuously remained in the Petitioner's legal custody since December 22, 2006. During this time, the respondent parent failed to demonstrate reasonable progress under the circumstances in correcting the conditions that led to J.M.N.R.'s placement in the Petitioner's custody.
15. That the juvenile is in need of a safe, stable, and permanent environment. Finding a safe, stable, and permanent environment can only be achieved through adoption. Termination of parental rights would aid in achieving the goal of adoption. The juvenile has the ability to receive additional services if the respondent parent's parental rights are terminated.
16. That the juvenile is currently placed in a potential adoptive foster home. He has been placed in this home since June 2007. The identified adoptive parent is capable of providing a safe, stable, and permanent home for the juvenile. She is able to meet his needs. His needs are being met in this placement. He has contact with family members while in this placement. He is thriving in this placement. He is bonded with the identified adoptive parent.

17. That the goal for J.M.N.R. is adoption.
18. That it is in the juvenile's best interest to terminate the parental rights of John Doe.

Now therefore, based upon the foregoing, the Court by clear, cogent, and convincing evidence makes the following **CONCLUSIONS OF LAW**:

1. That this Court has jurisdiction over the parties and over the subject matter in controversy.
2. That S.M. is the biological mother of J.M.N.R.. She relinquished her parental rights to J.M.N.R. on December 20, 2007. She did not revoke the surrenders. John Doe is the biological father of J.M.N.R..
3. That the respondent parent was properly served with the Petition to Terminate Parental Rights. The respondent parent did not file an answer to the Petition to Terminate Parental Rights. The respondent parent did not appear for the Termination of Parental Rights Hearing.
4. That pursuant to In re R.R., ____N.C. App.____, 638 S.E. 2d 502, (2006), John Doe waived his right to court appointed counsel for the Termination of Parental Rights Hearing. He did not take any action prior to the Termination Hearing and did not appear at the Termination Hearing. Respondent's actions constitute a waiver of right to counsel for the Termination of Parental Rights Hearing.
5. That pursuant to N.C.G.S. §7B-1101.1 (a), in part, the parent has the right to counsel, and to appointed counsel in cases of indigency, unless the parent waives the right.
6. That the Court is authorized to terminate the parental rights of the respondent parent pursuant to N.C.G.S. §7B-1107 and N.C.G.S. §7B-1109.
7. That the Petitioner, Mecklenburg County Department of Social Services, Division of Youth and Family Services, has proven by clear, cogent, and convincing evidence that grounds exist to terminate John Doe's parental rights, under N.C.G.S. §7B-1111 (a) (1); (a) (2); (a) (5), and (a) (7).
8. That John Doe has neglected the juvenile as that term is defined in N.C.G.S. §7B-101(15) in that he failed to provide proper care, supervision and discipline for the juvenile and has abandoned the juvenile as more specifically alleged in the Findings Of Fact. The respondent father did not make himself available for the purpose of entering into a case plan. He has not addressed or eliminated the issues that led to the Petitioner's custody of J.M.N.R.. The respondent parent has neglected the juvenile because of his failure to correct the conditions that led to the removal of the juvenile. The respondent parent has not demonstrated an ability to provide appropriate care for the juvenile. He has not provided any monies to YFS to defray the cost of out of home placement for the juvenile. His failure to contribute financially toward the juvenile's care is neglect. The respondent father failed to visit the juvenile and failed to maintain a relationship with the juvenile. He has not requested visits with the juvenile. The respondent parent has abandoned the juvenile.
9. That the Court further concludes that the likelihood of ongoing or continued neglect is great in that the respondent father has not properly availed himself to any of the services necessary to enable him to properly parent the juvenile either now or in the foreseeable future. In light of the fact that there has been no continued and consistent involvement with John Doe and further in light of the fact that he has not shown an interest in addressing the issues that led to the juvenile's placement in the Petitioner's custody, there is a substantial likelihood that neglect will continue in the foreseeable future. Due to John Doe's inaction, the likelihood of ongoing or continued neglect is probable if the juvenile was returned to the respondent father.

10. That pursuant to N.C.G.S. §7B-1111 (a) (2), the respondent parent has willfully left J.M.N.R. in foster care for more than twelve months (12) without showing to the satisfaction of the Court that reasonable progress under the circumstances has been made in correcting the conditions that led to the juvenile's removal as specifically alleged in the above Findings of Fact. The juvenile has been in the Petitioner's custody since December 2006. At that time, the respondent father's whereabouts were unknown and he did not maintain a relationship with the juvenile. After the juvenile was placed in foster care, the respondent father failed to visit the juvenile, request information regarding the juvenile's status, and maintain a relationship with the juvenile. He has not been available to provide care for the juvenile. He did not make himself available to the Petitioner for the purpose of entering into a case plan. He has not demonstrated an ability to meet the juvenile's needs. He has not successfully addressed the issues that led to the juvenile's placement in YFS custody. The issues and/or concerns that existed at the time when J.M.N.R. was placed in the Petitioner's custody, continue to exist at the time of the Termination of Parental Rights Trial.
11. That pursuant to N.C.G.S. §7B-1111 (a) (5), John Doe, has prior to the filing of the Termination of Parental Rights Petition, (a) established paternity judicially or by registered affidavit; (b) legitimated or petitioned to legitimate said child pursuant to the provisions of N.C.G.S. 49-10 or filed a petition for that specific purpose; or (c) legitimated the juvenile by marriage to the mother of the juvenile; (d) provided substantial financial support or consistent care with respect to said juvenile and her mother.
12. That pursuant to N.C.G.S. §7B-1111 (a) (7), the respondent father has not maintained contact with the Petitioner or the juvenile as more specifically alleged in the above Findings of Fact. He has not contacted the Petitioner to inquire about the juvenile's status. The respondent father has not made any effort to maintain a relationship with the juvenile and he has not requested visits with the juvenile. His current whereabouts are unknown. He has not entered into a case plan. He did not make himself available to the Petitioner for the purpose of entering into a case plan. He has relinquished his parental duties. Therefore, the respondent father has willfully abandoned the juvenile for at least six (6) consecutive months immediately preceding the filing of this petition as more specifically alleged in paragraphs above.
13. That the goal of the case is adoption and the court concludes that adoption is in the juvenile's best interest for the sake of permanence, safety, and protection.
14. That pursuant to N.C.G.S. §7B-1110 the best interests of the above-named juvenile would be served by terminating the parental rights of John Doe, in order for said juvenile to be cleared for adoption. It is contrary to the best interest of the juvenile to be returned to the respondent parent.

BASED ON THE FOREGOING FINDING OF FACTS and CONCLUSIONS OF LAW, The Court therefore ORDERS:

1. That all the parental rights and privileges of John Doe, respondent father, with respect to the above referenced juvenile, and all rights and obligations of said juvenile with respect to said parent arising out of any parental relationship between said parent and juvenile, be and the same hereby is terminated pursuant to the provisions of NCGS §7B-1107 and 1111(a).
2. That the juvenile shall remain in the custody of the Mecklenburg County Department of Social Services, Division of Youth and Family Services, which shall have all rights for placement of the said juvenile as that agency would have acquired had the respondent parent released the juvenile to that agency, pursuant to the provisions of N.C.G.S. §48-3-705(d), including a right to consent to the adoption of said juvenile.

3. That the juvenile's placement and care are the responsibility of Mecklenburg County Department of Social Services, Division of Youth and Family Services and Youth and Family Services is to provide or arrange for the foster care or other placement of the juvenile.
4. That Mecklenburg County Department of Social Services, Division of Youth and Family Services is granted the authority to obtain medical treatment, educational, psychological or psychiatric treatment and provide other services as deemed appropriate by the agency.
5. That the case is set for a Post Termination/ Post Surrender of Parental Rights Review on **September 25, 2008 at 9:00 a.m.**
6. That for purposes of this order, "child" or "juvenile" shall mean all children whose names appear in the caption and "parents" shall mean either or both parents of any child and "YFS" shall be understood be the Department of Social Services (DSS).

Entered this the 14th day of April 2008. Signed this the ____ day of April 2008.

Honorable Louis A. Trosch
District Court Judge Presiding