

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority. Citation is disfavored, but may be permitted in accordance with the provisions of Rule 30(e)(3) of the North Carolina Rules of Appellate Procedure.

IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA23-14

Filed 12 September 2023

Pitt County, No. 21 CVD 2029

ONTARIO EDWARDS, Plaintiff,

v.

JOSHSULA ANDERSON, Defendant.

Appeal by Defendant from order entered 8 September 2022 by Judge Wendy S. Hazelton in Pitt County District Court. Heard in the Court of Appeals 5 September 2023.

*Van Der Have Law Firm, P.A., by Leslie G. Van Der Have, for plaintiff-appellee.*

*Teresa DeLoatch Bryant for defendant-appellant.*

MURPHY, Judge.

Defendant-Mother Joshsula Anderson appeals from the trial court's 8 September 2022 child custody order, arguing only that the trial court abused its discretion in imposing a rule prohibiting overnight guests that exempted the current girlfriend of Plaintiff-Father Ontario Edwards. We hold the trial court did not abuse its discretion.

**BACKGROUND**

Plaintiff and Defendant are the parents of one minor child and were never married. This appeal concerns, in pertinent part, the following provision of the trial court's *Amended Permanent Child Custody Order*:

Neither party shall allow a person of the opposite sex (other than a family member) to stay overnight (after 8PM) while the minor child is residing in the home of the party in question. The [trial court] notes that Plaintiff[] currently resides with [his girlfriend;] however, this directive will be in full force and effect for Plaintiff[] if he and [Plaintiff's current girlfriend] were to end their relationship.

The uncontested findings of fact establish that Plaintiff has been in a relationship with his current girlfriend for at least five years, resides with her, and acts as a parent to her child. The findings of fact also establish that both Plaintiff and his girlfriend have a positive relationship with the parties' minor child. Defendant acknowledges that she does not cohabitate with a romantic partner and does not allege that she did at the time the trial court's order was entered. Defendant also does not allege that she has a current romantic partner or a person of the opposite sex with whom she otherwise intends to cohabitate.

### **ANALYSIS**

On appeal, Defendant argues only that the trial court abused its discretion in including the above provision in its *Amended Permanent Child Custody Order*. *Everette v. Collins*, 176 N.C. App. 168, 171 (2006). Specifically, she argues the trial court's provision of an exception to the overnight guests rule is "patently unfair and inequitable" and "will provide [the parties'] child with a perspective that the rights

and wishes of a man are superior to those of a woman.”<sup>1</sup> She also argues “the term ‘overnight’ is not commonly associated with 8:00 p.m.”

A trial court “has wide discretion to fashion an order which will best serve the interests of the child[,]” *Woncik v. Woncik*, 82 N.C. App. 244, 250 (1986), and “[a]buse of [that] discretion is shown only when the [trial] court’s decision is manifestly unsupported by reason or is so arbitrary that it could not have been the result of a reasoned decision.” *Barton v. Sutton*, 152 N.C. App. 706, 710 (2002) (marks and citation omitted). Here, where the uncontested findings of fact show that Plaintiff’s family life is inextricably bound to his current girlfriend and that Plaintiff’s current girlfriend has a positive relationship with the parties’ minor child, creating an exception to the overnight guests rule for Plaintiff’s current relationship was well within the trial court’s discretion.

Furthermore, while it may be true that 8:00 p.m. is not colloquially associated with an overnight stay, we cannot say that the trial court’s having drawn this line at 8:00 p.m. is “so arbitrary that it could not have been result of a reasoned decision.” *Id.*

### **CONCLUSION**

The trial court did not abuse its discretion, and we affirm its order.

**AFFIRMED.**

---

<sup>1</sup> Neither at trial nor on appeal has Defendant raised any constitutional arguments.

EDWARDS V. ANDERSON

*Opinion of the Court*

Judges DILLON and RIGGS concur.

Report per Rule 30(e).