

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA23-554

Filed 5 December 2023

Durham County, Nos. 19J186, 19J187

IN THE MATTER OF: J.R., K.R.

Appeal by respondent from order entered 16 March 2023 by Judge Shamieka L. Rhinehart in Durham County District Court. Heard in the Court of Appeals 20 November 2023.

*Durham County Attorney, by Sr. Asst. County Attorney Elizabeth Kennedy-Gurnee, for the petitioner-appellee Durham County DSS.*

*Schell Bray PLLC, by Christina Freeman Pearsall, for the Guardian ad Litem.*

*J. Thomas Diepenbrock, for the respondent-appellant.*

PER CURIAM.

The district court entered a permanency planning order granting guardianship of Jamil and Kenda to their adult sibling. See N.C. R. App. P. 42(b) (pseudonyms used to protect the identity of minors). Respondent was allowed visitation and was assessed the costs of visitation.

Respondent argues the district court did not make the required findings to support the costs associated with her supervised visitation or of her ability to pay

costs. Durham County Department of Social Services (“DSS”) and the *Guardian ad Litem* concede the error.

That portion of the trial court’s order relating to the costs of visitation is vacated and remanded for further proceedings to address who bears the costs of visitation. If Respondent is found to be responsible, the trial court is ordered to make findings and conclusions on her ability to pay the costs of visitation. *It is so ordered.*

VACATED IN PART AND REMANDED.

Panel consisting of: Judges Tyson, Zachary, and Flood.

Report per Rule 30(e).