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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA24-269

Filed 5 March 2025

Forsyth County, No. 22 JA 86

IN THE MATTER OF J.C.M.

Appeal by respondent-mother from order entered 15 December 2023 by Judge Thomas W. Davis, V, in Forsyth County District Court. Heard in the Court of Appeals 12 February 2025.

Robert W. Ewing for the respondent-appellant mother.

Melissa Starr Livesay, Assistant County Attorney for petitioner-appellee Forsyth County DSS.

Parker, Poe, Adams & Bernstein L.L.P., by R. Bruce Thompson II, as Guardian ad Litem.

PER CURIAM.

Respondent (“Mother”), the mother of J.C.M. (“Jacob”),¹ appeals from the trial

¹ A pseudonym is used to protect the identity of the juveniles and for ease of reading. See N.C. R. App. P. 42(b)(1).

court's final permanency planning order. The issues on appeal concern whether N.C.G.S. § 7B-1003 prevents a trial court from entering the final permanency planning order while an appeal is being processed and whether the trial court improperly delegated Mother's visitation to Jacob's father ("Father"). We affirm.

I. Background

Before entering DSS custody in May 2022, Jacob was the subject of a high-conflict custody action between his parents. Upon the filing of the Juvenile Petition and Jacob's entry into DSS custody, the family court action was stayed, and jurisdiction over Jacob's custody moved to the juvenile court.

By order entered on 18 May 2023, the trial court adjudicated Jacob as abused and neglected. Per the trial court's disposition order, Jacob was placed in the custody of Forsyth County DSS, and Mother was provided with a reunification plan. The following week, Mother timely appealed.

Six months later, in November 2023, the trial court held a permanency planning hearing. The next month, on 15 December 2023, the trial court entered its final permanency planning order granting legal and physical custody of Jacob to Father. In this order, the trial court stated that it was terminating its jurisdiction over the case regarding the custody of Jacob once the appellate process had been completed.

On 7 May 2024, this Court affirmed the 2023 adjudication order. *See In re Z.S.*, 293 N.C. App. 825 (2024) (unpublished).

II. Analysis

Mother brings forth two arguments on appeal in support of her contention that the trial court erred by entering its permanency planning order.

A. Continuing Jurisdiction

Mother first argues that the trial court violated N.C.G.S. § 7B-1003(b) in issuing its final permanency planning order while her appeal was pending review by this Court and in ordering that jurisdiction over Jacob's case be transferred back to family court once her appeal had been resolved. She contends that Section 7B-1003(b)(1) prohibits these actions and that the trial court should, instead, have scheduled further review sessions.

This Court reviews questions of statutory interpretation *de novo*. See *In re Summons Issued to Ernst & Young, LLP*, 363 N.C. 612, 616 (2009).

Section 7B-1003 of our General Statutes governs the disposition of abuse, neglect, and dependency cases while an appeal is pending. According to Subsection (b), "Pending disposition of an appeal, unless directed otherwise by an appellate court or subsection (c) of this section applies," the trial court shall:

- (1) *Continue to exercise jurisdiction* and conduct hearings under this Subchapter with the exception of Article 11 of the General Statutes; and
- (2) Enter orders affecting the custody or placement of the

juvenile as the court finds to be in the best interests of the juvenile.

N.C.G.S. § 7B-1003(b)(1)-(2) (2024) (emphasis added).

1. Future Review Hearings

Mother offers virtually no cases that support her contention the trial court acted outside of its authority in entering a permanency planning order. The only two that she cites concern termination of parental rights proceedings. *In re M.I.W.*, 365 N.C. 374, 377–78 (2012); *In re B.B.*, 381 N.C. 343, 348–49 (2022). Upon careful review, we do not agree that these cases support her argument and conclude that the trial court did not err in holding a permanency planning hearing and entering the order.

2. Termination of Jurisdiction

Mother argues that the trial court erred in terminating jurisdiction rather than following Section 7B-1003's mandate to continue *exercising* jurisdiction. We disagree and conclude that the trial court made sufficient findings and conclusions concerning Father to justify its order terminating jurisdiction and that Mother has otherwise failed to show prejudice. We note that there is nothing in the record showing that Mother sought a modification of the permanency planning order during the pendency of the appeal from the previous orders or that she is currently seeking modification of the permanency planning order. And Section 7B-1000(d) provides that she seek reappointment of counsel (if she qualifies) if she ever seeks to modify the order.

Mother does not point the Court to any legal authority that specifically supports her argument. Moreover, the trial court's order did not transfer jurisdiction until after the appeal had been processed, meaning that jurisdiction remained with the trial court up until that time.

B. Delegation of Visitation Plan to Father

Mother argues that the trial court improperly delegated its authority over Mother's visitation to Father in the permanency planning order. This is a mischaracterization of the trial court's actions. Though the trial court did encourage Mother and Father to work together to schedule visitation meetings that would cause minimal disruption, the trial court also set a minimum amount of visitation for Mother of four hours of supervised visitation per month.

AFFIRMED.

Panel consisting of Chief Judge DILLON and Judges COLLINS and FLOOD.

Report per Rule 30(e).