

IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA26-57

Filed 19 August 2026

Mecklenburg County, Nos. 23JA000114-590, 24JA000028-590

IN THE MATTER OF:

E.I.-J.H., V.M.J.H.

Appeal by Respondent-Mother from order entered 25 June 2025 by Judge C. Renee Little in Mecklenburg County District Court. Heard in the Court of Appeals 21 July 2026.

Mecklenburg County Attorney's Office, by Kristina A. Graham, for Petitioner-Appellee Mecklenburg County Department of Social Services, Division of Youth and Family Services.

Michelle FormyDuval Lynch for Appellee Guardian ad Litem.

Lisa Noda for Respondent-Appellant Mother.

COLLINS, Judge.

Mother appeals the trial court's order terminating her parental rights to her children, Emmett and Josie.¹ Mother argues that the trial court abused its discretion by appointing her a Rule 17 Guardian ad Litem without notice or conducting an inquiry. Because Mother failed to properly preserve this issue for our review, we dismiss her appeal.

¹ We use pseudonyms to protect the identities of the minor children. See N.C. R. App. P. 42.

I. Background

Emmett was born in January 2023. Mecklenburg County Department of Social Services, Division of Youth and Family Services (“YFS”) filed a petition alleging neglect of Emmett on 27 February 2023 due to concerns about Mother’s untreated mental health needs. That same day, the court granted non-secure custody of Emmett to YFS, and Emmett was placed in the custody of his paternal grandmother. The Mecklenburg County Assistant Clerk of Superior Court signed an order appointing a Rule 17 Guardian ad Litem (“GAL”) to Mother in Emmett’s case on 28 February 2023.

Mother’s counsel and GAL were present at the initial non-secure custody hearing for Emmett on 2 March 2023. In the initial non-secure custody order,² the court found:

[Mother] has had several previous juvenile court cases involving her other children and in her most recent two cases she has had a Rule 17 GAL appointed for her. The Court finds, based on the history involving [Mother’s] previous cases as well as the testimony from Ms. Scruggs Johnson[, GAL Program Supervisor,] that the Court finds credible about [Mother’s] need for a Rule 17 GAL, that there is a need for [Mother] to have a Rule 17 GAL appointed for her in this case as well and appoints Nicki Fisher as [Mother’s] Rule 17 GAL at this time.

² The initial non-secure custody order for Emmett filed on 27 April 2023 is not included in the record on appeal, and neither YFS nor the GAL moved to amend the record to include it. However, the order is included in appendices to both YFS’ and the GAL’s briefs. Mother did not object or move to strike the order in response to the appellees’ briefs.

Opinion of the Court

The court adjudicated Emmett neglected on 14 September 2023. In the adjudication order, the court denied Mother’s request for a new court-appointed attorney, a new Rule 17 GAL, a new Permanency Planning Social Worker, and a new judge. The court also found that Mother “does need a Rule 17 GAL due to the Court’s concerns about her unaddressed mental health issues” and “[i]t would be against the best interest of [Mother] to not have a Rule 17 GAL for this proceeding.” The court subsequently held four permanency planning hearings regarding Emmett. Nothing in the record on appeal indicates that Mother objected to the appointment of her GAL in Emmett’s case.

Josie was born in January 2024. YFS filed a petition alleging Josie neglected and dependent on 24 January 2024. The court granted non-secure custody of Josie to YFS that same day, and she was placed in foster care. The Mecklenburg County Deputy Clerk of Superior Court signed an order appointing a Rule 17 GAL to Mother in Josie’s case on 25 January 2024.

Mother, Mother’s counsel, and Mother’s GAL were present at the initial non-secure custody hearing for Josie on 31 January 2025. In the initial non-secure custody order, the court found that

[Mother] has had several previous juvenile court cases involving her other children and in her three most recent cases she has had a Rule 17 GAL appointed for her. The Court finds, based on [Mother’s] mental health concerns and her need for a Rule 17 GAL in her other cases, that there is a need for [Mother] to have a Rule 17 GAL appointed for her in this case as well and appoints Susan

Surles as [Mother's] Rule 17 GAL at this time.³

The court adjudicated Josie neglected and dependent on 9 July 2024 and subsequently held two permanency planning hearings regarding Josie. There is nothing in the record on appeal to indicate that Mother objected to the appointment of her GAL in Josie's case.

YFS filed a motion to terminate Mother's parental rights to Emmett and Josie on 23 December 2024. Mother testified and addressed the court at the termination hearing. Mother did not object to the appointment of her GAL at any time during the proceedings. The trial court entered an order terminating Mother's parental rights to Emmett and Josie on 25 June 2025.

Mother timely appealed.

II. Discussion

Mother's sole argument on appeal is that the trial court abused its discretion by appointing her a Rule 17 GAL without notice or conducting an inquiry. Mother contends this decision deprived her of her constitutional right to conduct her own litigation.

"In order to preserve an issue for appellate review, a party must have presented to the trial court a timely request, objection, or motion, stating the specific grounds for the ruling the party desired the court to make if the specific grounds were

³ Susan Surles was also appointed as Mother's GAL in Emmett's case after Nicki Fisher was allowed to withdraw as Mother's GAL.

not apparent from the context.” N.C. R. App. P. 10(a)(1). “It is also necessary for the complaining party to obtain a ruling upon the party’s request, objection, or motion.” *Id.* “Our appellate courts have consistently found that unpreserved constitutional arguments are waived on appeal.” *In re J.N.*, 381 N.C. 131, 133 (2022).

Nothing in the record indicates that Mother objected to the appointment of a GAL at any time during proceedings regarding Emmett or Josie. To the contrary, Mother requested that a different GAL be appointed for her in Emmett’s case. Throughout proceedings for both children, Mother had opportunities to object to the appointment of a GAL at the non-secure custody hearings, adjudication and disposition hearings, permanency planning hearings, and the termination of parental rights hearing; Mother failed to do so. Accordingly, Mother failed to preserve this issue for our review.

Mother relies on cases wherein this Court invoked Rule 2 of the North Carolina Rules of Appellate Procedure to address the appointment of a GAL, but Mother has not clearly asked us to invoke Rule 2 to review her argument. Nonetheless, in our discretion, we decline to invoke Rule 2 sua sponte because Mother has failed to show “manifest injustice” or issues of importance in the public interest. N.C. R. App. P. 2.

III. Conclusion

Mother failed to properly preserve this issue for our review, and we dismiss her appeal.

DISMISSED.

IN RE: E.I.-J.H., V.M.J.H.

Opinion of the Court

Judges ARROWOOD and MURRY concur.