

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA25-1152

Filed 19 August 2026

Wake County, No. 23CV015311-910

HENRY VAN DEN AKKER, Plaintiff,

v.

MICHELE BUFORD, Defendant.

Appeal by plaintiff from order entered 12 November 2025 by Judge Renee Jordan in District Court, Wake County. Heard in the Court of Appeals 25 March 2026.

Henry van den Akker, pro se, plaintiff-appellant.

No brief filed for defendant-appellee.

STROUD, Judge.

Plaintiff Henry van den Akker (Father) appeals an order granting Defendant Michele Buford's (Mother) motion to modify child custody. We affirm the order.

I. Father's Appeal

The trial court entered a child custody order granting custody and visitation of

the parties' minor child on 12 November 2025.¹ Mother filed a motion to modify custody, and after a hearing on 27 June 2025, the trial court entered an order modifying the custody order. Father timely filed notice of appeal from the order. Based on Father's presentation of the issues on appeal, we need not include more factual details on the custody matter.

The record and Father's brief violate several North Carolina Rules of Appellate Procedure, but his rule violations are not jurisdictional, so we review his issues to the extent possible. *See Dogwood Dev. & Mgmt. Co., LLC v. White Oak Transp. Co.*, 362 N.C. 191, 198, 657 S.E.2d 361, 365 (2008). Father's arguments cite brief snippets from cases, but he mostly fails to connect the cases to the issues he has attempted to present. Also, Father's brief mentions seven standards of review but does not address any of the issues presented under the correct standard. Furthermore, Father's brief lists cases that have limited or no relevance to the issues presented.

Father's brief contains "issues presented for review" but the arguments do not address all these issues. And sometimes they address different issues entirely. The listed issues include:

1. Whether the trial court erred by adopting factual findings unsupported by competent evidence, including findings regarding alleged "intervention" by Dutch authorities and [Father]'s ability to communicate with the minor child.

¹ The parties have two children, one of whom has reached the age of majority. The order pertains to only the one minor child.

2. Whether the trial court abused its discretion by imposing visitation obligations impossible to perform, including monthly in-person visitation in North Carolina without evidentiary basis concerning cost, feasibility, or [Father]’s financial resources.
3. Whether the trial court erred by modifying substantive terms of the custody order during a calendar call, outside an evidentiary hearing.
4. Whether the trial court exceeded its authority by delegating custodial decision-making to a mental-health counselor and then substantively revising that delegation outside an evidentiary hearing and without due process.
5. Whether the trial court erred by signing an order containing provisions not stated in the bench ruling, drafted solely by opposing counsel, and without allowing [Father] a meaningful opportunity to be heard.
6. Whether procedural irregularities—including ex parte communication, delay, and denial of recusal—deprived [Father] of a fair tribunal.

We analyze only those issues Father has addressed in his brief’s argument section. We decline to review any issues not supported by argument or legal authority. N.C. R. App. P. 28(b)(6) (“Issues not presented in a party’s brief, or in support of which no reason or argument is stated, will be taken as abandoned.”).

II. Due Process

Father contends that “the trial court violated due process when Father was muted during critical testimony.” (Capitalization altered.) The trial court’s control over a hearing is reviewed for abuse of discretion only. *See generally State v. Rios*, 169 N.C. App. 270, 281, 610 S.E.2d 764, 772 (2005). Father did not raise a

constitutional due process issue at the hearing, and we will not address a constitutional issue not presented to trial court. *See Mitchell v. Mitchell (now Norwich)*, 199 N.C. App. 392, 397, 681 S.E.2d 520, 524 (2009) (“We . . . first note that defendant failed to make an argument regarding her state and federal constitutional rights to the trial court, and thus any issues regarding these contentions are waived.” (citations omitted)).

Father’s brief cites to page 87 of the transcript as the point where he contends the trial court muted him during his “critical testimony,” but the transcript does not show any muting during Father’s testimony. The only place in the transcript where muting is mentioned is during the trial court’s rendition of its ruling. Father’s portion of the testimony is on pages 32 to 76; the trial court began rendering its ruling on page 85. During the rendition, Father attempted to interrupt the court shortly before being muted by the clerk.

The trial court has the discretion to prevent a party from interrupting its rendition of the ruling or otherwise interrupting the court. *See generally Rios*, 169 N.C. App. at 281, 610 S.E.2d at 772. If Father had interrupted the trial court during its rendition of the ruling in person, he could have been removed from the courtroom or held in direct criminal contempt; thanks to having a hearing conducted by WebEx, instead, he was only briefly muted to allow the trial court to continue speaking. Father’s argument is without merit.

III. Jurisdiction

Father argues, “the trial court lacked jurisdiction to act after [he] filed [a] motion to recuse.” (Capitalization altered.) Father filed many motions in the trial court and, by filing a motion to recuse after the hearing, Father attempted to prevent the trial court from completing a written, filed order based on the rendition of its ruling. Father did not calendar the motion for hearing or obtain a ruling on the motion. Father’s filing of the motion did not deprive the trial court of jurisdiction to enter its order.

IV. Ex Parte Communications

Father contends that “the trial court engaged in prohibited ex parte communications affecting substantive custody terms.” (Capitalization altered.) “Ex parte” is an adjective meaning “done or made at the instance and for the benefit of one party only, and without notice to, or argument by, anyone having an adverse interest.” “Ex parte,” *Black’s Law Dictionary*, 719–20 (12th ed. 2024).

Father contends the “ex parte” communication occurred at the 7 October 2025 calendar call. The record and transcript show that the matter was properly noticed and called for hearing. Father was not present—online—at 9:01 a.m. when the matter was called for hearing. Mother’s counsel informed the trial court that Father had “filed a motion to continue,” that she had received the day before. The trial court stated that it would “hang on for a bit, let’s see if he pops on Webex. I don’t know if he will.”

The trial court stated that it would grant Father’s motion to continue but still

waited to see if Father would appear. The court considered unrelated matters and returned to the case when Father appeared by Webex. The court informed Father that it would grant his motion to continue and confirmed that Mother's counsel had sent Father the draft order she had prepared for his review. The trial court noted that it had also received the draft order prepared by Mother's counsel and that it did "have to make a modification to that." The court stated that it would "let you guys know, since you're both on, what that modification is." The court explained the modifications.

Father's argument that the trial court engaged in ex parte communications regarding the draft order is entirely without merit. The trial court has full authority to make revisions to a proposed draft order with or without the participation of the parties, as we will discuss in more detail below. And these communications about revisions to the draft order occurred at a hearing, on the record, not as an ex parte communication.

V. Material Deviation

Father contends that the written, filed order is not exactly like the oral rendition of the court's ruling because it mentions visitation provisions not stated in the rendition and includes findings not mentioned in the rendition, among other things. The cases Father cites are not applicable to this case. Father misunderstands the effect of the rendition of the ruling.

A trial court need not announce a ruling in open court at all; the written, filed

order is the controlling action by the trial court. *See Spears v. Spears*, 245 N.C. App. 260, 286, 784 S.E.2d 485, 502 (2016) (“The final order as written, signed, and filed—the order as entered—is the controlling order, not the rendition.”). In this case, as in many cases, the trial court’s rendition gave a broad outline of the ruling, with details to be added later in the written order. The trial court directed Mother’s counsel to prepare a draft order, stating as follows:

[The court]: All right. [Counsel], will you draft this order. The order due date will be July the 30th. If you will include the procedural history of this case, the ages of both of the children, but state that the original order included 2 children, that the son has since reached the age of majority, so this order involves solely just [the daughter.]

The trial court then announced some findings of fact. The court directed the parties to find out some details regarding Mother’s insurance coverage for reunification therapy, the selection of a therapist, where the therapy would be done, and how the cost for the therapy would be allocated.

A trial court has the authority under [North Carolina General Statute Section] 1A–1, Rule 58 to make a written judgment that conforms in general terms with an oral judgment pronounced in open court. A trial judge cannot be expected to enter in open court immediately after trial the detailed findings of fact and conclusions of law that are generally required for a final judgment. If the written judgment conforms in general terms with the oral entry, it is a valid judgment.

In re O.D.S., 247 N.C. App. 711, 716, 786 S.E.2d 410, 414 (2016) (citation omitted).

Father has not demonstrated any conflict or material deviation from the trial court’s

rendition; Father simply objects to the trial court's ruling.

VI. Sufficiency of the Evidence

Father's last two arguments are challenges to the sufficiency of the evidence to support the trial court's findings of fact, although he does not clearly identify them as such. Again, he cites a few words from cases that do not really apply here and fails to make a coherent argument based on legal authority. Father's citation to "Transcript: Contains admissions and uncontroverted testimony" is far too broad and vague to direct us to any specific evidence he contends we should consider. Father mostly contends that the trial court should not have accepted Mother's evidence as credible. *See Crenshaw v. Crenshaw*, 296 N.C. App. 1, 15, 907 S.E.2d 743, 752 (2024) ("The trial court, as the fact finder, is the sole judge of the credibility and weight to be given to the evidence, and it is not the role of the appellate court to substitute its judgment for that of the trial court." (citation and quotation marks omitted)). This argument is also without merit.

VII. Conclusion

For the foregoing reasons, we affirm the trial court's order.

AFFIRMED.

Judges HAMPSON and CARPENTER concur.

Report per Rule 30(e).