

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA 25-964

Filed 19 August 2026

Wake County, No. 19CVD000107-910

ASHLEY THOMPSON, Plaintiff,

v.

JERMELL CLINTON, Defendant.

Appeal by Plaintiff from order entered 21 January 2025 by Judge Damion L. McCullers in Wake County District Court. Heard in the Court of Appeals 21 May 2026.

Sandlin Family Law Group, by Rachel Goodling and Susan Goetcheus, for Plaintiff–Appellant.

Batch, Poore & Williams, PC, by Sydney Batch and William K. Krueger, for Defendant–Appellee.

MURRY, Judge.

Ashley Thompson (Plaintiff) appeals from an order modifying a prior child-custody order to award Plaintiff and Jermell Clinton (Defendant) joint legal and equal physical custody of their minor child. For the reasons below, this Court affirms the trial court’s order.

I. Background

The parties never married but had one child together in 2012, Michael,¹ before their relationship ended in 2016. After the parties' separation, Michael resided with Plaintiff during the week and Defendant on the weekends for the next three years. On 7 January 2019, Plaintiff filed a complaint for child custody and visitation, to which Defendant responded with an answer and counterclaim for child custody on 8 February 2019. Following a hearing, the trial court issued a permanent custody order on 6 September 2019. In pertinent part, the trial court's order found that Michael was "currently in therapy" for "severe behavioral issues" that had led to his suspension from two schools and that he had been diagnosed with ADHD, for which he was taking medication. The trial court also found that the parties had "different parenting styles" and that their communication had "suffered," leaving them "no longer able to agree on things like medication, therapy visits, . . . and discipline" of Michael. The trial court's order awarded the parties joint legal custody of Michael, with Plaintiff having primary physical custody and Defendant having secondary physical custody three weekends per month and half the summer.

On 20 February 2023, the parties entered into a consent order appointing a parenting coordinator due to "high conflict" in their interactions. On 5 January 2024, Defendant filed a motion to modify the permanent child-custody order, alleging that

¹ In accordance with North Carolina Rule of Appellate Procedure 42(b), we refer to the minor child by a pseudonym to protect his identity. *See* N.C. R. App. P. 42(b).

THOMPSON V. CLINTON

Opinion of the Court

the current arrangement no longer served Michael's best interests due to Plaintiff's demonstrated "unwillingness to follow its terms" and seeking primary legal and physical custody. Plaintiff responded by filing her own motion to modify child custody on 23 January 2024, seeking sole legal and primary physical custody of Michael. Plaintiff's motion alleged that Defendant's failure to properly supervise Michael, "negative view" of Michael, and "unwarranted" use of corporal punishment was "damaging to the minor child's emotional and mental well-being."

The matter came on for hearing on 29 July 2024. At the hearing, Defendant testified to giving Michael less than the prescribed dosage of his ADHD medication from "about 2019 to 2020" starting at the end of his second-grade year, but he claimed to have given Michael the full dosage for the last two years. Defendant also testified to two Child Protective Services (CPS) reports made against him due to Michael engaging in inappropriate sexual contact with another child on two separate occasions. He claimed that CPS did not find his home "unsafe" or remove Michael from his care following the incidents and stated that Michael had "gotten a lot better" due to engaging in therapy, with no further instances of inappropriate sexual behavior. Defendant further testified to a third CPS investigation stemming from allegations of improper discipline of his two foster children, which led to their removal from his home but did not prevent him from remaining a licensed foster parent. Plaintiff testified regarding Michael's "struggles with transitions" and his "working through some issues" at school; she also expressed "a lot of concerns about

[Defendant’s] supervision” of Michael due to the CPS investigations involving Michael’s “being sexual with another child.”

Following the hearing, the trial court made findings documenting the three prior CPS reports but noted that “CPS did not substantiate abuse or neglect and closed the investigation.” The trial court issued an order modifying child custody on 21 January 2025, concluding that “there has been a substantial change of circumstances affecting [Michael’s] . . . welfare” based on his increased age, diagnosis of autism, and an “increased” “level of conflict between the parties” regarding medical decisions and extracurricular activities for Michael. The trial court’s order awarded the parties joint legal custody and equal physical custody in alternating weeks. Plaintiff timely appealed.

II. Jurisdiction

This Court has jurisdiction to hear Plaintiff’s appeal of the trial court’s order modifying custody because it is the “final judgment of a district court in a civil action.” N.C.G.S. § 7A-27(b)(2) (2025).

III. Analysis

On appeal, Plaintiff claims that the trial court erred by (1) “failing to make findings of fact regarding evidence presented as to Michael’s health and safety,” (2) making unsupported findings of fact and conclusions of law, and (3) “determining that the legal and physical custody schedule ordered was in [Michael’s] . . . best interests.” We review a trial court’s child-custody decision for abuse of discretion. *See Dixon v.*

Dixon, 67 N.C. App. 73, 76 (1984). The trial court’s “findings . . . regarding custody . . . are conclusive when supported by competent evidence . . . even when the evidence is conflicting.” *Id.* (citations omitted.) But a custody order is “fatally defective” if it lacks “detailed findings” from which we “can determine that the order is in the best interest of the child,” and we “routinely vacate[]” such orders where the findings “consist of mere conclusory statements” or “are too meager to support” the trial court’s decision. *Id.* at 76–77. For the following reasons, we hold that the trial court properly exercised its discretion in modifying the parties’ custody arrangement and thus affirm its order.

A. Sufficiency of Findings

First, Plaintiff argues that the trial court erred by “failing to make findings of fact . . . regarding . . . Michael’s health and safety,” specifically regarding Defendant’s improper supervision and discipline of Michael, the prior “removal of two foster children from [Defendant’s] . . . home due to improper discipline,” Defendant’s refusal to administer the correct dosage of Michael’s ADHD medication, and Michael’s “difficulty transitioning” between the parties’ homes during custody exchanges. For the following reasons, we disagree with Plaintiff.

To support a custody determination, the trial court’s order “must include written findings of fact that reflect the consideration” of “all relevant factors” and “support the determination of what is in the best interest of the child.” N.C.G.S. § 50-13.2(a). “These findings may concern physical, mental, or financial fitness [of the

parties] or any other factors brought out by the evidence and relevant to . . . the welfare of the child.” *Steele v. Steele*, 36 N.C. App. 601, 604 (1978). While the trial court “need not make a finding as to every fact which arises from the evidence,” it must “find those facts which are material to the resolution of the dispute.” *Witherow v. Witherow*, 99 N.C. App. 61, 63 (1990).

Here, the trial court found that “[t]here have been three . . . CPS reports while [Michael] . . . was at . . . Defendant’s home,” none of which CPS substantiated with regard to Michael. The trial court found that Michael engaged in “multiple sexual incidents with another neighborhood child while in the custody of Defendant” that resulted in CPS involvement; however, “CPS did not substantiate abuse or neglect and closed the investigation.” The trial court also found that the parties “have had disagreements regarding medical decisions” for Michael. The trial court’s order directed the parties to “remain cordial,” “keep the focus on the minor child,” and “refrain[] from discussing any areas of disagreement” during custody exchanges. At the hearing, Defendant testified to the removal of two foster children from his home as a result of CPS investigation, which did not affect his subsequent ability to foster other children. Defendant also admitted to giving Michael “less than the dosage that was recommended” of his ADHD medication from the time Michael was in second grade through fourth grade, but he claimed to have given Michael the full dosage of his medication since fifth grade, about two years prior to the hearing. Plaintiff testified that Michael “struggles with transitions” and that Defendant’s wife

“interfered” during custody exchanges by preventing Michael from interacting with Plaintiff.

The trial court’s findings reflect a reasoned consideration of the evidence presented. Based on the testimony of unsubstantiated CPS reports and Defendant’s administration of the correct dosage of Michael’s medication for the two years immediately preceding the hearing, the trial court appropriately declined to find that these resolved issues continued to affect Michael’s “health and safety,” as Plaintiff claims. The trial court’s order also reflects its consideration of Michael’s potential difficulties with transitioning between households through its directive to the parties to maintain cordial conduct during custody exchanges. Thus, we hold that the trial court did not err by refusing to make Plaintiff’s requested additional findings.

B. Challenged Findings

Next, Plaintiff argues that competent evidence does not support the trial court’s findings of fact, which in turn do not support its conclusions of law and custody award. Although Plaintiff assigns error generally to all of the trial court’s findings, she specifically challenges Findings of Fact (FoFs) #15 and #21–#28 as merely “recit[ing] . . . evidence” without “resolv[ing] any conflicting testimony.”² Plaintiff

² We also dismiss Plaintiff’s assertion that FoFs #16–#20 merely contain “facts about Michael that the trial court does not link to the custody schedule in any way.” Those findings address Michael’s ADHD and autism diagnoses and related therapy, along with the parties’ active involvement in his life. We deem Plaintiff’s argument abandoned due to her failure to provide any legal support requiring a trial court to “link” its findings to its custody determination. *See* N.C. R. App. P. 28(b)(6). Further, contrary to Plaintiff’s claim, the finding of both parties’ active involvement directly relates to the trial court’s award of equal physical custody.

cites *State v. Steele*, 277 N.C. App. 124 (2021), where we explained that “when there is a material conflict in the evidence regarding a certain issue, it is improper for the trial court to make findings which do not resolve conflicts in the evidence but are merely statements of what a particular witness said.” *Id.* at 129.

But the conflicting evidence in *Steele* centered on whether a conversation between a law-enforcement officer and the defendant was voluntary or compelled by a traffic stop—a factual determination central to resolving the case. *Id.* Here, neither party introduced any conflicting evidence for the trial court’s findings to resolve. Rather than challenge the factual basis of FoF #15 regarding the parties’ disagreements about Michael’s extracurricular activities and medical issues, Plaintiff claims the trial court “fails to resolve whether [she] was justified” in not taking Michael to certain extracurricular activities and “to say which party was correct” in their medical disagreements. She similarly claims that FoFs #21–#28 address the appointment of a parenting coordinator but “fail to resolve any dispute” and that FoF #24 “never states if one party’s concept of discipline was better for Michael.” But Plaintiff cites no legal authority requiring a trial court to make findings resolving the parties’ parenting disagreements in favor of one party or another. The parties’ difference in *opinion* is not the type of factual, material conflict in the evidence that findings must resolve. Thus, we dismiss Plaintiff’s challenge to FoFs #15 and #21–#28.

C. Best-Interests Determination

Finally, Plaintiff contends that the trial court abused its discretion by concluding that joint legal and physical custody between the parties was in Michael's best interests. We disagree.

If we “determine that the trial court has properly concluded a substantial change in circumstances has affected the welfare of the minor child and modified the custody order based upon the child's best interest, we will . . . not disturb its decision to modify an existing custody agreement.” *Durbin v. Durbin*, 388 N.C. 55, 60 (2025) (quotations omitted). Here, both parties agree that there has been a substantial change in circumstances, and the trial court correspondingly concluded that “there has been a substantial change in circumstances materially impacting [Michael's] . . . welfare . . . which warrants modification of the current custody schedule . . . in the best interest of the child.” Plaintiff asserts that the trial court abused its discretion by “fail[ing] to meaningfully consider . . . the most critical evidence presented at trial” and by “ignor[ing] substantial evidence regarding Michael's health and safety” in ordering the custody modification. But she fails to identify any evidence beyond challenging those findings we have already determined above to be supported by competent evidence. In light of its unchallenged determination of a substantial change in circumstances, we hold that the trial court appropriately exercised its discretion by modifying custody in the best interests of the child. Thus, we affirm the trial court's order.

IV. Conclusion

THOMPSON V. CLINTON

Opinion of the Court

For the reasons discussed above, this Court affirms the trial court's 21 January 2025 order modifying child custody.

AFFIRMED.

Judges ZACHARY and CARPENTER concur.

Report per Rule 30(e).