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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA25-324

Filed 2 September 2026

Catawba County, No. 23CVD002346-170

CAOIMHE BRIGETTE RANDALL, Plaintiff,

v.

TYLER WILLIAM RANDALL, Defendant.

Appeal by defendant from child custody and support order entered 16 August 2024 by Judge Sherri Wilson Elliott in Catawba County District Court. Heard in the Court of Appeals 16 October 2025.

*Wesley E. Starnes for defendant-appellant*

*Heather Higgins for plaintiff-appellee*

FREEMAN, Judge.

Defendant appeals from a permanent child custody and support order entered by the trial court. On appeal, defendant argues that the trial court erred by entering the permanent child custody and support order because the record contains insufficient evidence to support the trial court's findings of fact, and because the trial court made insufficient findings of fact and conclusions of law. After careful review,

we vacate the trial court's order and remand for a new hearing.

### **I. Factual and Procedural Background**

Plaintiff and defendant married on 8 August 2008 and separated on 18 September 2023. The parties are the biological parents of three minor children subject to this appeal.

As relevant here, on 22 September 2023, plaintiff filed a complaint on the issues of child custody and child support, which was amended on 9 October 2023. On 13 August 2024, the trial court heard both parties' attorneys on the issues in chambers and off the record. Following the in-chambers conference, the trial court indicated that it reviewed the "records, reports, [and] pleadings" and that it did not "need to hear anymore." Neither the transcript nor the record reflects that either party was permitted to present evidence at the hearing.

On 16 August 2024, the trial court entered an order granting the parties joint legal custody on a week-to-week basis. The trial court's order contains eighty-one findings of fact and five conclusions of law. The findings of fact reference Department of Social Services Records, medical records, letters, criminal proceedings, domestic violence proceedings, and text messages. These documents were neither marked as exhibits nor entered into the Clerk of Court's file, and thus, are not included in the record on appeal. On 11 September 2024, defendant filed written notice of appeal.

### **II. Jurisdiction**

This Court has jurisdiction to review a final judgment of a district court

pursuant to N.C.G.S. § 7A-27(b)(2) (2025). Because the 16 August 2024 child custody and support order constitutes a final judgment, this Court has jurisdiction to review defendant's appeal.

### **III. Standard of Review**

Generally, we review a child custody order to determine “[w]hether there was competent evidence to support the trial court’s findings of fact and whether its conclusions of law were proper in light of such facts.” *Barker v. Barker*, 228 N.C. App. 362, 364 (2013) (quoting *Shear v. Stevens Bldg. Co.*, 107 N.C. App. 154, 160 (1992)). We review whether findings of fact support conclusions of law de novo. *Hall v. Hall*, 188 N.C. App. 527, 530 (2008). “If the trial court’s uncontested findings of fact support its conclusion of law, we must affirm the trial court’s order.” *Respass v. Respass*, 232 N.C. App. 611, 614 (2014) (quoting *Mussa v. Palmer-Mussa*, 366 N.C. 185, 191 (2012)).

### **IV. Discussion**

On appeal, defendant argues that the trial court erred by entering the permanent child custody and support order because the record contains insufficient evidence to support the trial court’s findings of fact, and because the trial court made insufficient findings of fact and conclusions of law.

This Court’s “review is solely upon the record on appeal.” N.C. R. App. P. 9(a). “The printed record in civil actions and special proceedings shall contain . . . so much of the litigation . . . as is necessary for an understanding of all issues presented on

appeal.” N.C. R. App. P. 9(a)(1)(e). “The record must be complete” for “meaningful appellate review.” *Daly v. Kelly*, 272 N.C. App. 448, 462 (2020).

The “parental liberty interest ‘is perhaps the oldest of the fundamental liberty interests.’” *Owenby v. Young*, 357 N.C. 142, 144 (2003) (quoting *Troxel v. Granville*, 530 U.S. 57, 65 (2000)). Therefore, child custody and support hearings must comply with due process requirements. *In re L.D.B.*, 168 N.C. App. 206, 208 (2005). “The fundamental premise of procedural due process protection is notice and the opportunity to be heard.” *Id.* (quoting *Peace v. Employment Sec. Comm’n*, 349 N.C. 315, 322 (1998)). The constitutional right to an adequate and fair hearing includes “the right to be present at all of its stages so that they may hear the evidence and have an opportunity to refute it.” *Smith v. Rhodes*, 16 N.C. App. 618, 620 (1972).

Here, the trial court conducted an in-chambers and off-the-record discussion with both parties’ attorneys. Following the in-chambers conference, the trial court began the custody and support hearing with the trial court’s final order, indicating that it reviewed the “records, reports, [and] pleadings” and did not “need to hear anymore.” The evidence considered during the conference and by whom the evidence was presented is not indicated in the record. The record also does not reflect that the parties were permitted to introduce any evidence. These facts are inconsistent with defendant’s due process rights to an adequate and fair hearing. Further, the record contains insufficient evidence to permit a meaningful appellate review of the issues raised on appeal.

**V. Conclusion**

Because the trial court failed to conduct a hearing and did not admit evidence or allow the admission of evidence, the order entered is wholly unsupported by the record. Thus, we vacate the order and remand for a new hearing.

VACATED AND REMANDED.

Judges HAMPSON and CARPENTER concur.

Report per Rule 30(e).