IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA26-375

Filed 4 November 2026

Forsyth County, No. 21CVD004438-330

EDWARD FEY, Plaintiff,

v.

JENNIFER FEY, Defendant.

Appeal by plaintiff from order entered 21 November 2025 by Judge Kristin K. Broyles in Forsyth County District Court. Heard in the Court of Appeals 15 October 2026.

Morrow, Vermitsky, Costello Law Group, PLLC, by John C. Vermitsky, for plaintiff-appellant.

Defendant-appellee Jennifer Fey, pro se.

ZACHARY, Judge.

Plaintiff Edward Fey ("Father") appeals from the trial court's order affirming a decision of the Parenting Coordinator. After careful review, we conclude that because the Parenting Coordinator acted within the scope of her authority, the trial court did not err in affirming the Parenting Coordinator Decision. Accordingly, we affirm the trial court's order.

I. Background

This case arises out of a dispute between Father and his ex-wife, Defendant Jennifer Fey ("Mother"), over Mother's desire to travel out of the country with the parties' two minor children.

On 4 April 2022, the trial court entered a consent custody order (the "Custody Order"). Paragraph 5 states that "[w]ith respect to the exercise of custody of the minor children . . . both parties shall promote the best interest of the minor children by complying with the following[.]" As relevant here, Paragraph 5f of the Custody Order instructs that "[i]f either parent desires to take the minor children out of the country for a trip, the other parent must approve the trip in advance." The Custody Order further provides that a Parenting Coordinator "shall be appointed under separate order" to "assist with legal custody issues."

The parties entered into a consent order appointing the Parenting Coordinator (the "Appointment Order") on 29 April 2022. Paragraph 4 of the Appointment Order vests the Parenting Coordinator with express authority to, *inter alia*, "aid[ ] the parties in . . . [i]dentifying disputed issues"; "[e]xploring possibilities for compromise"; and "[c]omplying with the court's order of custody, visitation, or guardianship." Paragraph 5 of the Appointment Order further authorizes the Parenting Coordinator to "decide issues regarding the implementation of the parenting plan that are not specifically governed by the [Custody O]rder and which the parties are unable to resolve," and "to make minor changes to the [Custody O]rder or to make decisions to

resolve a dispute" regarding, *inter alia*, "[s]haring of vacations and holidays"; "[e]xtracurricular and enrichment activities"; or "[c]hildren's passports."

After Father repeatedly refused to consent to Mother's requests to travel internationally with the children, Mother submitted the issue to the Parenting Coordinator for decision. On 22 April 2025, the Parenting Coordinator entered her decision (the "Parenting Coordinator Decision") establishing a resolution process for the parties' disputes regarding international travel.

As part of her evaluation, the Parenting Coordinator observed that Father had "reported to the [Parenting Coordinator] that he would never allow [Mother] to travel internationally with the children." Father had also stated that "he would only [consent] on the basis that [Mother] provide him with concessions," such as giving him four extra custody days in exchange for each international trip that Mother takes with the children; paying him $3,000 for each trip to "make[ ] it easier for [Father] to take the kids on international travel himself"; or altering the parties' summer custody exchange schedule.

In addition, when the Parenting Coordinator asked Father whether he thought "it would be a good idea for [the] children to have the experience of traveling internationally," Father stated: "No . . . I can't afford it and even if [Mother] can . . . its [sic] not fair to me." The Parenting Coordinator determined that "[t]here have been no allegations that [Mother] will abscond with the children" and that Father's "conditions for agreement highlight that he does not have any of those concerns

either"; instead, Father is "concerned about getting something in return as he feels otherwise it is unfair to him," because he cannot afford to give the children the same experiences.

Based on her evaluation, the Parenting Coordinator decided as follows:

> Paragraph 5f of the Consent Order from April 4, 2022[,] states that the other party must approve any trip out of the country with the children. However, paragraph 5 of the April 29, 2022[,] [Appointment Order] cites authority for the [Parenting Coordinator] to make decisions regarding "sharing of vacations and holidays." Therefore[,] the decision is as follows:
>
> If either parent shall desire to travel with the children internationally, they shall notify the other parent with their intended dates of travel and destination. The other parent shall respond with in five (5) days as to their consent. If the other parent does not consent, the issue shall be submitted to the [Parenting Coordinator] for decision. Once the parent has their trip booked, they shall notify the other within three (3) days from the booking date with more specifics as to the dates and locations they will be traveling with the children. The other parent shall provide not only the children's passports but also the letter of consent to travel within five (5) days of request of the traveling parent.

On 10 June 2025, Father filed his objection to the Parenting Coordinator Decision, arguing that the Parenting Coordinator exceeded the scope of her authority and requesting the trial court to invalidate the decision. After a hearing, on 21 November 2025, the trial court entered its order concluding that the Parenting Coordinator "was within her authority to issue" the Parenting Coordinator Decision and affirming the same. Father timely appealed to this Court.

II. Discussion

On appeal, Father argues that the trial court erred in affirming the Parenting Coordinator Decision because it "explicitly contradicted the Custody Order entered between the parties and was beyond the Parenting Coordinator's authority pursuant to N.C. Gen. Stat. § 50-92[(b1)]." Specifically, Father maintains that the Parenting Coordinator Decision was an "impermissible modification of custody where no motion to modify has been filed and where no substantial change of circumstances affecting the minor children has been proven." We disagree.

A. Standard of Review

On review of a parenting coordinator's decision pursuant to N.C. Gen. Stat. § 50-92, the trial court may set it aside only if, "after a review hearing, [the court] determines that (i) the parenting coordinator's decision is not in the child's best interests or (ii) the decision exceeded the scope of the parenting coordinator's authority." N.C. Gen. Stat. § 50-92(b1) (2025).

Where the trial court has based its ruling on a determination of the child's best interests, we review for abuse of discretion. *See Deanes v. Deanes*, 269 N.C. App. 151, 156, 837 S.E.2d 404, 408 (2020) (A trial court's "determination as to the child's best interests cannot be upset absent a manifest abuse of discretion.").

Whether a parenting coordinator's decision exceeded the scope of her authority is a question of law reviewed de novo. *See Jonna v. Yaramada*, 273 N.C. App. 93, 100,

848 S.E.2d 33, 41 (2020) ("Where a party asserts an error of law occurred, we apply a de novo standard of review." (citation omitted)).

B. Analysis

Child-custody matters are governed by Chapter 50 of our North Carolina General Statutes. Pursuant to section 50-91, "[t]he court may appoint . . . a parenting coordinator at any time in a child custody action involving minor children" where, as here, "[a]ll parties consent to the appointment and the scope of the parenting coordinator's authority." N.C. Gen. Stat. § 50-91(a), (a)(1).

Section 50-92 addresses the scope of a parenting coordinator's authority. This section provides, *inter alia*, that "[t]he authority of a parenting coordinator . . . shall be limited to matters that will aid the parties in complying with the court's custody order, resolving disputes regarding issues that were not specifically addressed in the custody order, or ambiguous or conflicting terms in the custody order." *Id*. § 50-92(a).

"The parenting coordinator shall decide any issue within the scope of the parenting coordinator's authority, and the decision shall be enforceable as an order of the court." *Id.* § 50-92(b). "The parties shall comply with the parenting coordinator's decision unless the court, after a review hearing, determines that (i) the parenting coordinator's decision is not in the child's best interests or (ii) the decision exceeded the scope of the parenting coordinator's authority." *Id.* § 50-92(b1).

In the present case, Father contends that the trial court erred in concluding that the Parenting Coordinator acted within the scope of her authority because her

decision "does not implement any existing structure for how international travel shall work that was left vague or subject to implementation" by the Custody Order; rather, the Parenting Coordinator Decision makes substantive modifications to the Custody Order. This argument lacks merit.

Paragraph 5 of the Custody Order—to which the parties consented—instructs that "both parties shall promote the best interest of the minor children by complying with" the terms of the Custody Order. In the same paragraph, the parties further agreed that "[i]f either parent desires to take the minor children out of the country for a trip, the other parent must approve the trip in advance." Read together, these provisions (which, again, are both found in Paragraph 5 of the Custody Order), direct Father and Mother to act in the best interests of their minor children when making decisions concerning international travel.

The Appointment Order, in turn, specifically accords the Parenting Coordinator authority to "aid[ ] the parties in . . . [c]omplying with the court's order of custody, visitation, or guardianship." In sum, the Parenting Coordinator is authorized to issue decisions designed to aid the parties in complying with the Custody Order by ensuring that consent to international travel is grounded in the children's best interests.

The Parenting Coordinator determined that Father's refusal to consent to Mother traveling internationally with the children was not based on any consideration of the children's best interests, as mandated in the parties' Custody

Order. Instead, Father was concerned with "getting something in return as he feels otherwise it is unfair to *him*" to allow Mother to travel internationally with the children when he could not afford to do so himself. (Emphasis added).

Pursuant to the Parenting Coordinator's authority to "aid the parties in complying with the court's [C]ustody [O]rder," *id.* § 50-92(a), she established a procedure to ensure that the decision regarding approval of international travel was based on the children's best interests. This protocol did not constitute a substantive change to the Custody Order nor infringe on the court's authority over fundamental custody, visitation, and support determinations. *Id.* § 50-91(c).

Thus, contrary to Father's assertions, the Parenting Coordinator Decision "does not modify the terms of custody, but rather provides specific requirements within the scope of the . . . Custody Order." *Tankala v. Pithavadian,* 248 N.C. App. 429, 438, 789 S.E.2d 31, 37–38 (2016). There being no modification of the Custody Order, "no motion for custody modification was required, and the trial court was not required to find or conclude that" there had been a substantial change in circumstances affecting the children's welfare since entry of the Custody Order. *Id.* at 438, 789 S.E.2d at 38.

Accordingly, we conclude that because the Parenting Coordinator acted within the scope of her authority in issuing her decision, the trial court did not err in affirming the Parenting Coordinator Decision.

III. Conclusion

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

AFFIRMED.

Judges ARROWOOD and STADING concur.