An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA25-1155

Filed 4 November 2026

Union County, Nos. 25JT000090-890, 25JT000091-890

IN THE MATTER OF:

J.Z.M. and A.M.

Appeal by respondent-father from orders entered 19 September 2025 by Judge Erin S. Hucks in Union County District Court. Heard in the Court of Appeals 12 July 2026.

Jeffrey L. Miller for respondent-father appellant.

Ashley A. Crowder for petitioner-mother appellee.

PER CURIAM.

Petitioner-mother ("Mother") and respondent-father ("Father") were married and had two children born to them while residing in Ohio. They divorced in 2017. An Ohio court entered an order in 2020 granting Father limited visitation with the children. Mother subsequently moved with the children to North Carolina, where they reside with Mother and her new fiancé. Father has remained in Ohio, and the

record before us shows he has not made any attempt to contact the children or provide care, support or education for the children in over five years.

Mother commenced this matter by filing a petition seeking to terminate Father's parental rights in the children. On 19 September 2025, after a hearing on the matter in which Father did not appear but for which Father was properly served notice, the trial court entered orders terminating Father's parental rights in the children. In the orders, the trial court found, based on sufficient evidence that Father has made no attempt in over five years to see the children or to provide them with care, support, or education.

On appeal, Father argues the North Carolina trial court in Union County lacked subject-matter jurisdiction to enter its order. We must agree. There is nothing in the record demonstrating that the trial court followed the requirements of the UCCJEA to properly gain jurisdiction. Specifically, the trial court in this case was required to communicate with the Ohio court to obtain the Ohio court's consent to relinquish jurisdiction before modifying the existing Ohio custody order, as Father still resides in Ohio. N.C.G.S. § 50A-203. There is nothing in the record, nor did the trial court make any findings, that the matter allowed the trial court to otherwise exercise temporary emergency jurisdiction under G.S. 50A-204. Accordingly, we have no choice but to vacate the orders of the trial court terminating Father's parental rights. *See, e.g., In re T.E.N.*, 252 N.C. App. 461 (2017).

We vacate the orders of the trial court terminating Father's parental rights in

the children. The trial court is not to enter any order modifying the Ohio custody order unless and until it properly acquires jurisdiction.

VACATED.

Panel consisting of Chief Judge DILLON and Judges ZACHARY and FREEMAN.

Report per Rule 30(e).