An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority.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. COA26-396

Filed 4 November 2026

Carteret County, Nos. 25JA001034-150, 25JA001035-150

IN THE MATTER OF:
T.N.S., R.B.

Appeal by Respondent from orders entered 9 January 2026 by Judge L. Walter Mills in Carteret County District Court. Heard in the Court of Appeals 30 September 2026.

Huggins Law Firm, P.C., by Micah E. Huggins, for Respondent–Appellant Mother.

Stephani Sonzogni, for Petitioner–Appellee Carteret County Department of Social Services.

Administrative Office of the Courts, by N.C. Guardian ad Litem Appellate Counsel Brittany T. McKinney, for Appellee Guardian ad Litem.

MURRY, Judge.

Respondent–Mother (Mother) appeals from the trial court's order adjudicating her daughter, T.N.S. (Tracey), a neglected and dependent juvenile and her son, R.B. (Rick),[1] a neglected juvenile, and from an accompanying order placing Tracey in

[1] In accordance with North Carolina Rule of Appellate Procedure 42(b), we refer to the minor children by pseudonyms to protect their identities. *See* N.C. R. App. P. 42(b).

Carteret County Department of Social Services' (DSS) legal custody, continuing Rick's placement in Mother's home under DSS supervision, and setting a supervised-visitation plan for Mother with Tracey. Mother has petitioned this Court for a writ of certiorari (PWC) to argue the trial court: (1) lacked sufficient evidence to adjudicate Tracey as a dependent juvenile; (2) failed to independently determine the legal conclusion of neglect as to either juvenile; and, (3) impermissibly delegated its judicial authority to determine visitation. For the reasons below, this Court allows Mother's PWC and affirms both orders.

I. Background

Mother is the biological mother of the two juveniles subject to this appeal, Tracey and Rick.[2] On 16 July 2025, DSS filed separate juvenile petitions alleging Tracey was an abused, neglected, and dependent juvenile and Rick was a neglected juvenile. The petitions alleged Mother had not provided consistent mental-health, medical, dental, or educational care for either juvenile; violence between Tracey and Rick had gone unaddressed in the home; Father was unwilling to care for Tracey; and neither parent had proffered an appropriate alternative caregiver. That same day, DSS obtained nonsecure custody of Tracey; while Rick remained in Mother's home.[3]

The trial court held an adjudication and disposition hearing on 11 December

---

[2] Tracey's father (Father), whose paternity is not at issue, is not a party to this appeal. Rick's putative father is deceased.

[3] DSS did not seek nonsecure custody of Rick, who remained in Mother's home under DSS supervision throughout the proceedings.

2025. At the adjudicatory portion of the hearing, the trial court received into evidence a stipulation signed by Mother, her trial attorney, the DSS attorney, the DSS social worker, the guardian *ad litem* (GAL), and the Attorney Advocate. Among other things, Mother stipulated that she and Father could not "proffer an appropriate alternative childcare arrangement" and she had "created a living environment that is injurious to the juveniles' welfare." Mother testified to reviewing, understanding, and signing the stipulation with counsel. DSS then called its Child Protective Services Program Manager, who testified—subject to cross-examination—Father could neither care for Tracey nor proffer any alternative caregiver. Based upon the stipulation and testimony, the trial court entered an order adjudicating Tracey as a neglected and dependent juvenile and Rick as a neglected juvenile.

At the dispositional portion of the hearing, the trial court received reports and testimony from the Program Manager, a DSS foster-care social worker, and the GAL. Based upon those reports, the trial court entered a disposition order adopting a primary plan of reunification with a concurrent plan of guardianship for Tracey, continuing DSS's custody of Tracey, and directing that Rick remain in Mother's home under DSS supervision to prevent removal. The disposition order set a visitation plan providing that Mother and Father have supervised visitation with Tracey "per her request for at least one hour a week to be supervised by DSS or designee approved by DSS and the GAL." The trial court entered both orders on 9 January 2026.

On 4 February 2026, Mother's trial attorney filed a motion to withdraw. On 6

February 2026—before the trial court heard the motion—Mother filed a *pro se* written notice of appeal from both orders, signed by Mother alone. The trial court allowed the motion to withdraw on 13 February 2026 and appointed appellate counsel. Mother thereafter petitioned this Court.

II. Jurisdictional Analysis

Because Mother petitions this Court for a writ of certiorari, we must first determine our jurisdiction to reach the merits of her appeal. Both an appellant and her counsel, "if any," must sign a notice of appeal from a Subchapter I juvenile order to comply with the Juvenile Code and our appellate rules. N.C.G.S. § 7B-1001(c) (2025); *see* N.C. R. App. P. 3(d). Because these signatures implicate jurisdiction as a procedural matter, *Bailey v. N.C. Dep't of Revenue*, 353 N.C. 142, 156 (2000), failure to execute them "brings a purported appeal to an end before it ever begins," *Dogwood Dev. & Mgmt. Co. v. White Oak Transp. Co.*, 362 N.C. 191, 197–98 (2008). We applied this requirement in *Venters v. Lanier*, 288 N.C. App. 483, 486 (2023), wherein a represented party filed a *pro se* notice of appeal without counsel's signature. The same defect appears here: Mother filed *pro se* notice of appeal on 6 February 2026 *after* counsel's motion but before the trial court allowed her trial counsel to withdraw. Counsel failed to sign this notice of appeal which deprives us of appellate jurisdiction, and Rule 2 cannot be invoked to cure this default. *Bailey*, 353 N.C. at 156. Mother may thus obtain appellate review only through a PWC filed under N.C.G.S. § 7A-32 and N.C. R. App. P. 21. Section 7A-32 grants us jurisdiction to issue prerogative writs

unless a more specific statute expressly restricts it, and no statute restricts certiorari of an appeal under § 7B-1001. *See In re R.A.F.*, 384 N.C. 505, 512 (2023). To warrant certiorari, Mother's petition must show (1) "either merit or that error was probably committed below" and (2) that "extraordinary circumstances" justify appellate review. *Cryan v. Nat'l Council of YMCAs of U.S.*, 384 N.C. 569, 572 (2023) (quotations omitted). Extraordinary circumstances "require a showing of substantial harm, considerable waste of judicial resources, or wide-reaching issues of justice and liberty at stake." *Id.* at 572–73 (citation modified).

Mother meets both prongs here. First, her challenge implicates our precedents on the nondelegability of the judicial-visitation function and raises a plausible claim of legal error. *See In re A.C.*, 929 S.E.2d 658, 668 (N.C. Ct. App. 2026) (judicial supervision); *In re J.D.R.*, 239 N.C. App. 63, 75–76 (2015) (impermissible delegation thereof). These satisfy *Cryan*'s merit inquiry. Second, Mother also demonstrates extraordinary circumstances. Her trial counsel moved to withdraw *five days* before the appeal deadline and took no step to preserve her rights beforehand. Mother timely filed notice of appeal within the § 7B-1001(b) window and gave all parties prompt notice. The § 7B-1001(c) defect arose *solely* from counsel's failure to sign a protective notice of appeal alongside his pending withdrawal motion, a step Mother could not compel. Had she waited for the withdrawal's allowance, her appellate rights would have expired through no fault of her own. On these facts, counsel's inaction is functionally indistinguishable from the attorney error that warrants certiorari in

analogous circumstances. *See In re I.T.P-L.*, 194 N.C. App. 453, 460 (2008) ("timely, albeit incomplete, notices of appeal"). In our discretion, we grant Mother's PWC.

III. Substantive Analysis

Mother's three challenges arise from the two stages of a juvenile proceeding: adjudication under N.C.G.S. § 7B-807, where the trial court determines whether the allegations in the petition have been proved by clear and convincing evidence; and disposition under N.C.G.S. §§ 7B-900 to 7B-905.1, where the trial court orders the arrangements that serve the juveniles' best interests. *See In re J.S.*, 374 N.C. 811, 814–15, 822–25 (2020). Mother's dependency and neglect challenges target the adjudication order; her visitation challenge targets the disposition order. For the reasons below, though, we affirm both orders.

A. Adjudication

First, Mother argues that the trial court erred in adjudicating one child statutorily dependent and neglected and the other as neglected. We review any adjudication to determine: (1) whether clear and convincing evidence supports its findings of fact and (2) whether those findings, in turn, support its conclusions of law. *See In re T.H.T.*, 185 N.C. App. 337, 343 (2007), *aff'd as modified*, 362 N.C. 446 (2008).

Unchallenged findings of fact are conclusively supported by competent evidence and bind us on appeal; we review *de novo* whether the findings support the conclusions of law. *In re W.C.T.*, 280 N.C. App. 17, 27 (2021). The Juvenile Code further authorizes a trial court to base an adjudication on stipulated facts where clear

and convincing evidence supports the allegations in the petition. N.C.G.S. § 7B-807(a) (2025).

1. Dependency

Mother argues that the trial court's findings of fact do not support its conclusion that Tracey is a dependent juvenile under N.C.G.S. § 7B-101(9). We disagree.

A statutorily dependent juvenile "need[s] . . . assistance or placement because . . . the juvenile's parent" cannot "provide for the juvenile's care or supervision and lacks an appropriate alternative childcare arrangement." *Id.* § 7B-101(9). Both prongs must be satisfied. *See W.C.T.*, 280 N.C. App. at 38 (citing *In re P.M.*, 169 N.C. App. 423, 427 (2005)). Mother does not challenge the trial court's findings that neither parent could provide proper care or supervision for Tracey. She challenges only the second prong of whether clear and convincing evidence supports the finding that the parents lacked an appropriate childcare arrangement. It does.

Mother stipulated the parents could not "proffer an appropriate alternative childcare arrangement," which the trial court received into evidence under N.C.G.S. § 7B-807(a). This judicial admission binds the stipulating party and relieves the adverse party of the need to prove the admitted facts. *See In re A.K.D.*, 227 N.C. App. 58, 60 (2013). Whether a parent has proffered an alternative caregiver is a factual matter, not a legal conclusion beyond stipulation. *See In re K.R.C.*, 374 N.C. 849, 859–60 (2020). Because Mother's stipulation did not bind Father, DSS also elicited the

Program Manager's uncontested testimony that Father was unwilling to care for Tracey and had proffered no alternative. Together, that evidence clearly and convincingly establishes the second prong of N.C.G.S. § 7B-101(9).

Mother invokes *In re Q.M.*, 275 N.C. App. 34, 40–42 (2020), to suggest that the trial court made insufficient findings about Father's ability to care for Tracey. Her reliance is misplaced. In *Q.M.*, we vacated a dependency adjudication because the trial court made no adjudicative findings about the father's contested paternity at issue. Paternity regarding Tracey was never at issue here, and the trial court made findings addressing both parents. We affirm the trial court's adjudication of Tracey as a dependent juvenile under N.C.G.S. § 7B-101(9).

2. Neglect

Mother also argues that the trial court did not independently determine that Tracey and Rick were neglected juveniles but instead "asked for and accepted" DSS's proffered legal conclusion. We disagree.

A parent "neglect[s her] juvenile" by failing to "provide proper care, supervision, or discipline" or by "allow[ing] to be created a living environment . . . injurious to the juvenile's welfare." N.C.G.S. § 7B-101(15)(a), (e). Adjudication requires "some physical, mental, or emotional impairment of the juvenile or substantial risk of such impairment." *In re Stumbo*, 357 N.C. 279, 283 (2003).

Mother's argument elides the distinction between findings and conclusions: she treats the trial court's reliance on her stipulated facts as if the trial court had

entered a consent adjudication order under § 7B-801(b1) and instead allowed the parties themselves to determine the ultimate legal conclusion of neglect. The record forecloses that reading.

No party sought and the trial court did not enter a consent adjudication. During the adjudicatory portion of the hearing, the trial court received the stipulation into evidence alongside the Program Manager's testimony, and then set out its own findings, conclusions, and decree in the adjudication order. That process is materially indistinguishable from the one we approved in *L.G.I.*, by rejecting the argument that a similar colloquy transformed a stipulation-based adjudication into an invalid consent order. 227 N.C. App. 512, 515–16 (2013). The trial court asked what legal conclusion the stipulated facts and testimony would support; it did not abdicate its adjudicatory function. *Id.*

Mother does not challenge any of the individual findings of fact supporting the neglect adjudication, now binding on appeal. *See W.C.T.*, 280 N.C. App. at 27. The findings amply support the conclusion of neglect. The trial court found Rick had not received consistent mental-health treatment and had been violent toward family members in Mother's home; Mother's "mental health issues have impeded, at times, [her] ability to provide proper care and supervision to the juveniles"; "[a]t times, [Mother] ha[s] created a living environment that is injurious to the juveniles' welfare"; and neither parent was "able to provide for the proper care and supervision of the juveniles or meet their needs in a safe and nurturing way at the time of case

petitioning." Those findings establish both a failure to provide proper care, supervision, and discipline and created an injurious living environment resulting in impairment, and a substantial risk of further impairment, to Tracey and Rick. *See* N.C.G.S. § 7B-101(15). Thus, we affirm the adjudications of Tracey and Rick as neglected juveniles.

B. Visitation

Second, Mother argues that the trial court impermissibly delegated its judicial-supervision responsibility by conditioning her supervised visits with Tracey upon Tracey's request. A trial court's assessment of a juvenile's best interests concerning visitation "is left to the sound discretion of the trial court." *In re A.J.L.H.*, 386 N.C. 305, 313 (2024). We hold that the trial court did not abuse its discretion.

When a trial court places a juvenile in DSS custody, it must "provide for visitation . . . in the best interests of the juvenile consistent with the juvenile's health and safety, *including no visitation*." N.C.G.S. § 7B-905.1(a) (emphasis added). Where the trial court provides for visitation, the plan must "indicate the minimum frequency and length of visits and whether the visits shall be supervised." *Id.* § 7B-905.1(b). Here, the trial court's disposition order satisfies each of § 7B-905.1(b)'s three statutory requirements. It directs that Mother and Tracey's father "be allowed to have supervised visitation with [Tracey] per her request for at least one hour a week to be supervised by DSS or designee approved by DSS and the GAL." That provision supplies (i) a minimum frequency—one visit per week upon Tracey's request; (ii) a

minimum length—at least one hour per visit; and (iii) supervision—by DSS or a DSS-approved designee. Because § 7B-905.1(a) authorized the trial court to deny visitation altogether on proper findings, its decision instead to allow structured, supervised visits at Tracey's request offered Mother a lesser measure than the statute permitted, not a greater one.

Mother contends that the phrase "per her request" impermissibly delegates the judicial function to Tracey. A trial court may not transfer its independent responsibility to determine visitation to another. *In re Stancil*, 10 N.C. App. 545, 552 (1971) (vacating arrangement allowing custodian to decide "when, where, and under what circumstances a parent may visit"). We have applied *Stancil* to invalidate delegations to a custodial parent, *Brewington v. Serrato*, 77 N.C. App. 726, 732–33 (1985), to an adversarial father, *In re J.D.R.*, 239 N.C. App. 63, 75–76 (2015), and most recently to a paternal uncle given "discretion . . . as to time and location" of a mother's weekly visits, *In re A.C.*, 929 S.E.2d at 668. *A.C.* confirms that even a "partial, not total" delegation may fail where the "circumstances may permit an adverse party to prejudice the visitation rights of the appellant." *Id.*

The common thread of that authority—and the animating premise of Mother's argument—is the presence of an *adult adverse party* whose discretion could trivialize or defeat the parent's visitation. Tracey does not fit that description. She is the sixteen-year-old subject of the visits whom the trial court found to be "very wise and well-spoken," "ma[king] significant progress" since entering DSS custody, and

receiving trauma-focused therapy at the Carteret County Child Advocacy Center for trauma tied to her home environment. She and Mother regularly communicate and mutually acknowledge they must continue their therapy to rebuild the relationship.

A mature juvenile, who is capable of seeking emancipation, and working actively to reconstruct the parent-child relationship is not the adversarial third party within the holdings in *Stancil* and *A.C.* The trial court thoughtfully and deliberately honored the preferences of a mature juvenile, who is entitled to emancipation, in shaping the pace of visitation with her mother, which accords with our longstanding recognition that a child's visitation preferences warrant increasing weight as the child matures and approaches adulthood. *See Mintz v. Mintz*, 64 N.C. App. 338, 341 (1983).

We have upheld analogous arrangements where the discretion runs to a non-adverse actor within a judicial framework. *See In re L.Z.A.*, 249 N.C. App. 628, 639 (2016) (DSS discretion to expand visitation beyond court-set floor); *In re K.W.*, 272 N.C. App. 487, 495–97 (2020) (DSS discretion over timing of in-person visits). The provision here—anchored by a one-hour minimum, weekly cadence, and mandatory DSS supervision, with the request feature calibrated to a mature juvenile's therapeutic recovery—fits more within that pattern, and not that of *Stancil*.

Mother worries that the "per her request" feature could, in the extreme, reduce her contact with Tracey to zero. Three features of the record and the statute foreclose that otherwise valid concern. First, § 7B-905.1(a) authorized the trial court to reduce

contact to zero directly on proper findings; permitting a mature juvenile some latitude over the pace of visitation is a lesser intrusion than the statute already allowed. Second, the trial court's findings establish that Tracey has shifted from refusing visits to being open to supervised contact, that she and Mother maintain regular text communication, and that they recently had a successful supervised visit. The record does not support any likelihood that Tracey will categorically refuse visits. To the contrary, the trajectory is toward more contact, not less. Third, DSS supervision supplies a judicial-framework check: visits occur only through DSS or an approved designee, which affords the trial court continued oversight through DSS reports and the permanency-review process. *See* N.C.G.S. § 7B-906.1. On this record, the trial court could reasonably conclude that respecting Tracey's request served her best interests better than a rigid schedule compelling a therapeutically fragile juvenile to attend visits for which she is not ready. The visitation order and terms are also subject to review and alteration. *Id.* We hold the trial court employed a thoughtful best-interests judgment, not an abandonment of the judicial function. We further hold under these specific facts the trial court did not abuse its discretion in setting the defined terms of Mother's supervised visitation with Tracey and affirm the disposition order.

IV. Conclusion

For the foregoing reasons, this Court allows Mother's PWC, affirms the adjudication order, and affirms the disposition order.

AFFIRMED.

Judges TYSON and STADING concur.

Report per Rule 30(e).