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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA26-290

Filed 18 November 2026

Randolph County, No. 24CVD000635-750

ADDISON CHAD HALL, Plaintiff,

v.

DANA RENEE HALL, Defendant.

Appeal by Plaintiff from an order entered 10 June 2025 by Judge Robert M. Wilkins in Randolph County District Court. Heard in the Court of Appeals 13 October 2026.

Kreider Law, PLLC, by Jonathan G. Kreider, for Plaintiff-Appellant.

Dana Renee Hall, pro se, Defendant-Appellee no brief filed.

MURRY, Judge.

Addison C. Hall (Plaintiff) appeals from a permanent child custody order (Order) awarding Plaintiff and Dana R. Hall (Defendant) joint legal and physical custody of their two minor children, designating Defendant as the primary physical custodian and Plaintiff as secondary physical custodian. Plaintiff argues that (1) the trial court's findings of fact do not support its conclusions of law; and (2) the trial court erred in incorporating the Temporary Custody Order's (TCO) terms. For the

reasons below, this Court vacates the Order and remands for further proceedings consistent with this opinion.

I. Background

Plaintiff and Defendant married on or about 20 June 2012 and had two children during the marriage, T.H.H. and S.E.L.H.. The parties separated on or about 24 September 2023. In December 2023, Defendant obtained an *ex parte* domestic violence protective order (DVPO) against Plaintiff. On 14 March 2024, the parties entered into a consent DVPO granting Defendant temporary custody of the children. On 28 March 2024, Plaintiff filed a complaint seeking care, custody, and control of the parties' minor children.[1] Defendant answered and prayed for sole legal and physical custody.

The trial court heard the temporary custody matter on 24 September 2024. The parties agreed to waive findings of fact other than jurisdiction, settle their custody matters in a Memorandum of Judgment, and incorporate the Memorandum into the resulting temporary order. On 25 October 2024, the trial court entered the TCO without prejudice, awarding the parties joint legal and joint physical custody, designating Defendant as the primary physical custodian and Plaintiff as secondary physical custodian.

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[1] Plaintiff's complaint also sought post-separation support and equitable distribution. Only the custody claim is at issue on this appeal.

The parties disputed the child-custody arrangement, and the matter came on for trial on 8 and 10 January and 5 February 2025. The trial court heard testimony from five witnesses and admitted twenty-four exhibits.

On 10 June 2025, the trial court entered an Order granting the parties joint legal and joint physical custody designating Defendant as the primary physical custodian and Plaintiff as secondary physical custodian pursuant to a specified custodial schedule. The Order incorporated the terms of the TCO; it also contained six findings of fact, three conclusions of law, and detailed decretal provisions adopting the custodial schedule, holiday rotation, exchange protocol, communication rules, and other terms from the TCO. Findings 1 through 4 identify the parties, the children, and the court's jurisdiction. Finding 5 summarizes the terms of the TCO. Finding 6 states that the terms of the TCO are appropriate, meet the best interests of the children, and "should be incorporated into a permanent custody order."

Based on those findings, the trial court concluded that (1) it had jurisdiction, (2) that granting the parties joint legal and joint physical custody with Defendant as primary physical custodian served the children's best interests, and (3) appropriately incorporated the terms and conditions of the TCO into a permanent child custody order. The Order adopted and incorporated the terms of the TCO as its decretal provisions. Plaintiff timely appealed.

II. Jurisdiction

This Court has jurisdiction over Plaintiff's appeal because it is the "final

judgment of a district court in a civil action." N.C.G.S. §§ 7A-27(b)(2), 50A-314 (2025).

III. Analysis

Plaintiff contests the trial court's conclusions of law that Defendant as primary physical custodian serves the children's best interests and that the TCO's terms are appropriate for incorporation into a permanent custody order. We agree that the Order's findings of fact do not support its conclusions of law. Because the Rule 52 deficiency independently requires vacatur and remand, we decline to reach Plaintiff's second argument that the trial court erred in incorporating the TCO's terms. *See D.C. v. D.C.*, 279 N.C. App. 371, 376 (2021) (vacatur and remand is proper disposition when trial court's findings do not support its conclusions).

Rule 52 requires the trial court to "find the facts specially and state separately its conclusions of law." N.C. R. Civ. P. 52(a)(1). The Rule requires "material and ultimate facts" that permit the reviewing court to test whether the evidence supports the findings and whether those findings support the conclusions. *Burger v. Smith*, 243 N.C. App. 233, 238 (2015). It does not require the trial court to recite every evidentiary fact but must resolve each disputed material issue raised by the evidence. *See Adams v. Dillon*, 300 N.C. App. 333, 336–37 (2024).

We review a child custody order to determine (1) whether substantial evidence supports the findings of fact, (2) whether the findings support the conclusions of law, and (3) whether the trial court abused its discretion in fashioning the order. *See Peters v. Pennington*, 210 N.C. App. 1, 12 (2011). We review a trial court's conclusions of law

de novo. *See Carpenter v. Carpenter*, 225 N.C. App. 269, 273 (2013). When the findings do not support the conclusions, we "cannot ascertain whether [the trial court] applied appropriate principles of law in entering the order." *Lowe's of Winston-Salem, Inc. v. Thompson*, 26 N.C. App. 198, 199 (1975). In that case, vacatur and remand is the proper disposition. *D.C.*, 279 N.C. App. at 376.

When drafting custody orders, N.C.G.S. § 50-13.2(a) separately requires the trial court to "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). The trial court "need not make a finding as to every fact which arises from the evidence" but must document any facts "material to the resolution of the dispute." *Witherow v. Witherow*, 99 N.C. App. 61, 63 (1990).

A custody order is "fatally defective" if it lacks "detailed findings" from which the reviewing court "can determine that the order is in the best interest of the child"; we routinely vacate orders where the findings "consist of mere conclusory statements" or "are too meager to support" the trial court's decision. *Dixon v. Dixon*, 67 N.C. App. 73, 76–77 (1984). The process is sequential: "[e]vidence must support the findings; findings must support the conclusions; [and] conclusions must support the judgment." *Coble v. Coble*, 300 N.C. 708, 714 (1980). A gap at any step precludes meaningful appellate review and thus requires remand. *See Id.*

Here, the Order lacks sufficient findings to support its conclusions and does not allow this Court to conduct meaningful appellate review. Despite hearing

testimony from five witnesses and reviewing twenty-four exhibits, the Order contains no finding identifying any of those witnesses, describing any of those exhibits, or resolving any material dispute between the parties. Findings 1–5 do not address any merits of the custody determination; they identify the parties, the children, the court's jurisdiction, and the terms of the TCO. Only Finding 6 even purports to address the merits. Though labeled a finding of fact, Finding 6 does not function as one. It recites the burden of proof, states a legal conclusion that the TCO's terms "meet the best interests of the minor children," and announces a disposition that the TCO "should be incorporated into a permanent custody order." Finding 6 is a conclusory statement of the kind this Court has repeatedly held insufficient. *See Dixon*, 67 N.C. App. at 77. *see also Ludack v. Ludack*, 297 N.C. App. 72, 75 (2024) (the findings requirement is "functional, not ritualistic," and labeling a conclusion a "finding" does not make it one.)

These absences of substance stand in sharp contrast to the Order's detailed decretal provisions, which carry over the TCO's custodial schedule, holiday rotation, exchange protocol, and communication rules in full. Were the rest of the Order so robust, our review would end here. The Order describes the custody arrangement but fails to explain *why* that arrangement is in the best interests of the children. Without findings of fact tethering the children's best interests to the custodial arrangement, the trial court's conclusions of law—that joint legal and joint physical custody with Defendant as primary physical custodian serves the children's best interests, and

that the TCO's terms are appropriate for incorporation—lack their necessary foundation. On this record, we "cannot ascertain whether [the trial court] applied appropriate principles of law." *Lowe's of Winston-Salem*, 26 N.C. App. at 199.

Our precedents reinforce this point. In *Carpenter v. Carpenter*, we reversed and remanded a custody order whose findings "did not resolve" the parties' primary disputes and did not explain why the custodial arrangement served the child's best interest. 225 N.C. App. at 278. In *Dixon v. Dixon*, we vacated a custody order whose findings consisted of "mere conclusory statements." 67 N.C. App. at 77. And in *D.C. v. D.C.*, we vacated and remanded orders that "contained no findings supporting the conclusions" they announced. 279 N.C. App. at 376. The child custody order here is of the same character. Thus, this Court vacates and remands the order because its findings of fact are insufficient to support its conclusions of law. *See Id*.

IV. Conclusion

For the reasons above, this Court vacates the child custody order and remands for additional findings of fact consistent with this opinion.[2]

VACATED AND REMANDED.

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[2] Although we do not reach the issue here, the trial court on remand should remain mindful of the framework governing a TCO entered without prejudice. The permanent custody hearing applies the best-interests standard, and neither party bears a burden to prove changed circumstances. *Regan v. Smith*, 131 N.C. App. 851, 853 (1998). The trial court may consider the TCO as part of the case history, but may not treat its terms as presumptively controlling or require either parent to overcome them. *Dixon v. Gordon*, 223 N.C. App. 365, 370 (2012).

Judges HAMPSON and CARPENTER concur.

Report per Rule 30(e).