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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA26-374

Filed 7 October 2026

Alamance County, Nos. 25JA000092-000, 25JA000093-000

IN THE MATTER OF:

K.L.G. & R.M.G.

Appeal by respondent-father from order entered 29 December 2025 by Judge Kathryn W. Overby in Alamance County District Court. Heard in the Court of Appeals 27 August 2026.

Office of the Parent Defender, by Assistant Parent Defender Benjamin J. Kull and Parent Defender Annick Lenoir-Peek, for respondent-appellant father.

Jamie L. Hamlett, for petitioner-appellee Alamance County Department of Social Services.

Michelle FormyDuval Lynch, for Guardian ad Litem.

FLOOD, Judge.

Respondent-Father appeals from a juvenile adjudication and disposition order. On appeal, Father argues the juvenile court erred in concluding R.M.G. (“Rachel”)

and K.L.G. (“Kimberly”) (collectively, the “minor children”)¹ are abused juveniles under N.C.G.S. § 7B-101(1) and neglected juveniles under N.C.G.S. § 7B-101(15). Upon careful review, we conclude that the juvenile court lacked subject matter jurisdiction to adjudicate Rachel as an abused juvenile; thus, we reverse that portion of the juvenile court’s order adjudicating Rachel as an abused juvenile. We further conclude that the juvenile court’s conclusions as to both minor children were not sufficiently supported by its findings of fact; however, there is sufficient evidence in the Record that could support the necessary findings. Accordingly, we vacate the portion of the order adjudicating Kimberly as abused and the minor children as neglected and remand for further fact-finding and entry of a new order. Since we vacate the juvenile court’s adjudications, we also vacate its subsequent dispositions.

I. Factual and Procedural Background

Father is the biological father of Rachel, born in September of 2010, and Kimberly, born in October of 2018. The minor children’s mother passed away approximately two months after Kimberly’s third birthday.

On 23 May 2025, Alamance County Sheriff’s Office received a CyberTip alleging that Father possessed child pornography. Based upon these allegations, on the morning of 3 June 2025, law enforcement officers detained Father at his workplace and transported him to Alamance County Sherriff’s Office for an interview.

¹ These pseudonyms have been agreed upon by the parties and are used to protect the identity of the juveniles in accordance with N.C. R. App. P. 42.

During this interview, Father admitted that he looked at pornography “a few times a day[,]” received videos of underage people “playing or touching themselves[,]” and saved some of the images of the underage females.

While Father was being interviewed, law enforcement officers executed a search warrant at the family’s home. At the time of the search, the family’s house was dirty and had a “strong smell of pet urine.” Officers took photos of multiple unsecured firearms and an open cardboard box containing DVDs with photographs of naked women in sexually suggestive postures and engaged in sexual activities. During the search, officers discovered Father’s collection of sex toys that he kept in his closet. Officers also discovered a video of Kimberly on Father’s phone, which showed her completely nude, lying in his bed, with Father telling Kimberly to say “hi.” When a detective asked Father about the video, Father responded that he knows he has some problems, but he does not “have those problems.” Father denied ever touching his daughters inappropriately and further denied sending any child pornography of his children.

Father was charged with five counts of second degree sexual exploitation of a minor. Law enforcement officers notified Alamance County Department of Social Services (“DSS”) that Father would be arrested. DSS and Father arranged for the minor children to go live with their maternal grandparents while the investigation unfolded.

On the evening of 3 June 2025, Rachel and Kimberly underwent individual

forensic interviews. During her interview, Rachel told the interviewer that, after her mother passed away, she took on “some” of her mother’s roles, such as cleaning, but otherwise Father let her “do whatever [she] wanted to.” Rachel also told the interviewer that she knew Father kept sex toys in his closet and that she knew they were sex toys because she doesn’t “live under a rock.” Rachel explained that she sleeps in her own bedroom, but Kimberly sleeps in Father’s bed. Kimberly denied any inappropriate touching but told the interviewer that her sister had used a phone to take a picture of her private parts while she was pretending to be asleep. When the interviewer asked Kimberly if Father knew about the picture, Kimberly responded, “no, he was sleeping for real, real.”

On 26 June 2025, Kimberly underwent a Child Medical Evaluation (“CME”) conducted by Margaret M. Martin, MD, CMEP. During the CME, Kimberly consistently described sleeping with Father and stated that Father touches her on the buttock and, sometimes, on the vagina. According to the CME report prepared by Dr. Martin, Kimberly also “report[ed] behaviors frequently seen in children who have experienced abuse[.]” Based on Kimberly’s CME, Dr. Martin was concerned that Kimberly was a victim of sexual abuse.

Father was released from jail on a secured bond on 30 June 2025. As part of his release conditions, Father was ordered to have no contact with his children unless allowed by DSS. One month later, DSS Social Worker Kori Joyce completed a visit with Father at the family’s home and reported that Father had cleaned the home and

removed the unsecured firearms.

DSS concluded its investigation in August of 2025 and made “a case decision to substantiate abuse and/or serious neglect[.]” DSS recommended that Father not have contact with the minor children “[u]ntil further assessment [could] be completed[.]” The case was then closed and transferred to in-home services.

On 7 October 2025, DSS filed petitions alleging Kimberly and Rachel were neglected juveniles on the bases that Father did not provide proper care, supervision or discipline, and created a living environment injurious to the minor children’s welfare. DSS also alleged that Kimberly is an abused juvenile, in that Father created a substantial risk of serious physical injury to Kimberly by other than accidental means and “committed, permitted, or encouraged the commission of a sex or pornography offense by, with, or upon the juvenile in violation of the criminal law.”

Rachel and Kimberly were still living with their maternal grandparents when this matter came on for a joint adjudication and disposition hearing on 3 December 2025. During the adjudicatory hearing, all parties agreed to admit the following documents, *inter alia*, as substantive evidence: (1) photos of the family’s home; (2) transcripts of the minor children’s forensic interviews; (3) Kimberly’s CME Report; and (4) the Alamance County Sheriff Incident Report. Father also stipulated to twenty adjudicatory findings of fact. The juvenile court used these stipulations as the basis for the adjudication of abuse and neglect. The juvenile court then proceeded to the dispositional hearing.

At the dispositional hearing, Social Worker Amanda Merritt testified that both children had expressed that they missed Father. Merritt also testified that there was a court order barring Father from having contact with the children until DSS approved such contact, but that DSS would not allow such contact until a therapist recommended it. The girls had not started therapy, however, because “they’ve been on the waiting list.” The trial court ultimately concluded that, based on the seriousness of Father’s criminal charges and the delay in getting the children into therapy, it was in the minor children’s best interests to grant legal and physical custody to their maternal grandparents.

On 29 December 2025, the juvenile court entered an order adjudicating both children as abused and neglected juveniles and granting legal and physical custody of the minor children to their maternal grandparents. The court ordered Father to do the following activities “so the juveniles can return to a safe home”: (1) “take an approved parenting class such as the parenting class at the Exchange Club’s Family Center . . . and . . . to educate the court on what he has learned in his parenting classes”; (2) “not to obtain, possess, or create any illegal pornographic material on any of his personal devices, including child sex abuse material”; (3) “not provide any child with vapes or alcohol or any illegal substances”; (4) “allow [Rachel] and [Kimberly] to attend therapy and follow recommendations from the therapist”; (5) “take a psychological assessment with a sex offender component and/or a sex offender evaluation and follow the evaluation’s recommendations”; and (6) “work with law

enforcement in conjunction with [a] criminal attorney and follow any court order that has been put into place.” Additionally, the court suspended all visitations until therapeutically recommended; released DSS and the minor children’s Guardian ad Litem (“GAL”); terminated the juvenile court’s jurisdiction over the matter; and opened a new, separate Chapter 50 civil custody case for the minor children. Later that same day, the district court entered a corresponding civil custody order.

Father timely filed notice of appeal from the adjudication and disposition order.

II. Jurisdiction

This Court has jurisdiction to hear Father’s appeal from the adjudication and disposition order pursuant to N.C.G.S. §§ 7A-27(b)(2) and 7B-1001(a)(3) (2025).

Additionally, on appeal, Father asks this Court to vacate the corresponding civil custody order. Critically, however, Father failed to timely file notice of appeal from the civil custody order that transferred the case to a Chapter 50 action. His failure to give timely notice of appeal is jurisdictional and requires dismissal. *See In re J.C.B.*, 233 N.C. App. 641, 645 (2014) (“Pursuant to N.C.[G.S.] § 7B[-]1001 (2013), notice of appeal and notice to preserve the right to appeal shall be given in writing within 30 days after entry and service of the order. An appellant’s failure to give timely notice of appeal is jurisdictional, and an untimely attempt to appeal must be dismissed.” (citation modified)).

Acknowledging this jurisdictional defect, Father filed a petition for writ of

certiorari (“PWC”) asking this Court to exercise its discretion to issue a writ of certiorari and address the civil custody order. Under Rule 21 of our Rules of Appellate Procedure, this Court may, in its discretion, issue a writ of certiorari “in appropriate circumstances . . . to permit review of the judgments and orders of trial tribunals when the right to prosecute an appeal has been lost by failure to take timely action[.]” N.C. R. App. P. 21(a)(1) (2025). As discussed below, we conclude the adjudication and disposition order, which terminated the juvenile court’s jurisdiction, must be vacated and remanded for further proceedings—which, in turn, requires vacating the corresponding custody order. Accordingly, in our discretion, we grant Father’s PWC.

III. Discussion

On appeal, Father argues that (A) the adjudication and disposition order must be reversed and (B) the private civil custody order must be vacated. We address each argument in turn.

A. Adjudication and Disposition Order

First, Father argues that the juvenile adjudication and disposition order must be reversed. Abuse, neglect, and dependency proceedings are divided into two stages: “first the adjudicatory stage, and second, the dispositional stage.” *In re J.A.S.F.*, 299 N.C. App. 12, 16 (2025). A different standard of review applies to each stage. *Id.*

When reviewing an appeal from an adjudicatory order, “the sole question for the reviewing court is whether the trial court’s conclusions of law are supported by adequate findings and whether those findings, in turn, are supported by clear, cogent,

and convincing evidence.” *In re A.J.*, 386 N.C. 409, 411–12 (2024) (citation and internal quotation marks omitted). “Conclusions of law made by the trial court are reviewable de novo on appeal.” *In re K.S.*, 380 N.C. 60, 64 (2022) (citation omitted). If a factual finding is not supported by clear and convincing evidence, this Court will “disregard that finding and examine whether the remaining findings support the trial court’s determination.” *In re A.J.*, 386 N.C. at 412. If the trial court’s remaining findings of fact are insufficient, then we must then determine “whether there is sufficient evidence in the record that *could* support the necessary findings.” *Id.* If so, we “must vacate the trial court’s order and remand the case to give the trial court the opportunity to make additional findings if it chooses.” *Id.* If, however, the trial court’s “findings are insufficient *and* the evidentiary record is so lacking that it cannot support any appropriate findings on remand[,]” then this Court may remand for entry of an order dismissing the matter. *Id.*

This Court reviews a dispositional order for an abuse of discretion. *In re K.H.*, 281 N.C. App. 259, 270 (2022). “An abuse of discretion occurs when the trial court’s ruling is so arbitrary that it could not have been the result of a reasoned decision.” *In re N.K.*, 274 N.C. App. 5, 11 (2020) (citation omitted).

1. Adjudication

Father argues that the adjudicatory findings fail to support the juvenile court’s conclusions that Rachel and Kimberly are (a) abused and (b) neglected.

a. Adjudication of Abuse

Although none of the parties raise this issue on appeal, we first address whether the juvenile court had subject matter jurisdiction to adjudicate Rachel as an abused juvenile. *See In re M.C.*, 244 N.C. App. 410, 413 (2015) (“[I]t is well-established that the issue of a court’s jurisdiction over a matter may be raised at any time, even for the first time on appeal or by a court *sua sponte*.” (citation omitted)).

In general, “[a] court’s subject matter jurisdiction over a particular case is invoked by the pleading.” *Boseman v. Jarrell*, 364 N.C. 537, 546 (2010). “The pleading in an abuse, neglect, or dependency action is the petition[,]” N.C.G.S. § 7B-401(a) (2025), and must contain “allegations of facts sufficient to invoke jurisdiction over the juvenile[,]” N.C.G.S. § 7B-402(a) (2025). “Only those conditions alleged in the juvenile petition may be considered, proved, and adjudicated.” *In re K.L.*, 272 N.C. App. 30, 48 (2020) (citation and internal quotation marks omitted); *see also* N.C.G.S. § 7B-802 (2025) (“The adjudicatory hearing shall be a judicial process designed to adjudicate the existence or nonexistence of any of the conditions *alleged* in a petition.” (emphasis added)). Thus, “[i]f the allegations are insufficient to put the party on notice as to which alleged grounds are at issue, then the trial court lacks subject matter jurisdiction over the action.” *In re K.L.*, 272 N.C. App. at 47.

The “allegations in a petition may include specific factual allegations attached to a form petition for support.” *In re D.C.*, 183 N.C. App. 344, 349 (2007) (internal quotation marks omitted). “[I]f the specific factual allegations of the petition are sufficient to put the respondent on notice as to each alleged ground for adjudication,

the petition will be adequate.” *Id.* at 350. “This is so even if DSS fails to check the correct box on the petition.” *In re K.L.*, 272 N.C. App. at 48 (citation modified). If, on the other hand, “the correct box is not checked *and* the factual allegations do not clearly allege the separate claim, then that adjudication must be reversed.” *Id.* (emphasis in original).

Here, DSS acknowledges that the abuse finding should have been limited to Kimberly because, although the petition alleged Kimberly was both abused and neglected, the petition only alleged Rachel was neglected. To be sure, there are references to “abuse” in DSS’s specific allegations; however, those allegations pertain to incidents concerning Kimberly, not Rachel. Moreover, the court-entered stipulations do not indicate that Father had adequate notice that the issue of whether Rachel was an abused juvenile was before the court. *See In re K.B.*, 253 N.C. App. 423, 428 (2017) (holding that the first sentence of the trial court’s order entering stipulations for adjudication indicated that the respondent-mother had adequate notice that dependency would be at issue during the adjudicatory hearing). Thus, as the Record indicates, the allegations were insufficient to put Father on notice that the issue of whether Rachel was abused was before the court. As such, we reverse that portion of the trial court’s order adjudicating Rachel as an abused juvenile where the trial court lacked subject matter jurisdiction to enter that portion. *See In re K.L.*, 272 N.C. App. at 50.

Next, we consider the trial court’s adjudication that Kimberly was an abused

juvenile. Father argues that the only discernable basis for concluding Kimberly was an abused juvenile is “the determination that the sisters both faced ‘the potential for substantial emotional harm.’” Father further argues that “‘potential for substantial emotional harm’ is not part of the statutory definition of ‘abused juvenile’”; thus, the adjudicatory findings fail to support the legal conclusion that Kimberly was an abused juvenile.

Section 7B-101(1) defines an abused juvenile as a juvenile whose parent does any of the following:

b. Creates or allows to be created a substantial risk of serious physical injury to the juvenile by other than accidental means;

....

d. Commits, permits, or encourages the commission of a violation of the following laws by, with, or upon the juvenile: a sexually violent offense as provided in [N.C.]G.S. [§] 14-208.6(5); crime against nature, as provided in [N.C.]G.S. [§] 14-177; preparation of obscene photographs, slides, or motion pictures of the juvenile, as provided in [N.C.]G.S. [§] 14-190.5; dissemination of obscene material to the juvenile as provided in [N.C.]G.S. [§] 14-190.7 and [N.C.]G.S. [§] 14-190.8; and displaying or disseminating material harmful to the juvenile as provided in [N.C.]G.S. [§] 14-190.14 and [N.C.]G.S. [§] 14-190.15.

N.C.G.S. § 7B-101(1)(b), (d) (2025). As noted by our Supreme Court, “[t]here is a commonality present in these criteria. Each definition states that a juvenile is abused when a caretaker harms the juvenile in some way, allows the juvenile to be harmed, or allows a substantial risk of harm.” *In re M.G.*, 363 N.C. 570, 573 (2009).

Furthermore, “[t]he harm may be physical, . . . emotional, . . . or some combination thereof[.]” *Id.* (citing N.C.G.S. § 7B-101(1)(a)–(f)).

In the instant case, DSS and the GAL assert that Kimberly is an abused juvenile under N.C.G.S. § 7B-101(1)(d) on the basis that Father violated N.C.G.S. § 14-190.5. Under N.C.G.S. § 14-190.5,

[e]very person who *knowingly*:

- (1) Photographs himself or any other person, for purposes of preparing an obscene film, photograph, negative, slide or motion picture *for the purpose of dissemination*; or
- (2) Models, poses, acts, or otherwise assists in the preparation of any obscene film, photograph, negative, slide or motion picture *for the purpose of dissemination*,

shall be guilty of a Class 1 misdemeanor.

N.C.G.S. § 14-190.5 (2025) (emphasis added). A person “disseminates obscenity” within the meaning of N.C.G.S. § 14-190.5 if he does any of the following:

- (1) Sells, delivers or provides or offers or agrees to sell, deliver or provide any obscene writing, picture, record or other representation or embodiment of the obscene; or
- (2) Presents or directs an obscene play, dance or other performance or participates directly in that portion thereof which makes it obscene; or
- (3) Publishes, exhibits or otherwise makes available anything obscene; or
- (4) Exhibits, presents, rents, sells, delivers or provides; or offers or agrees to exhibit, present, rent or to provide: any obscene still or motion picture, film, filmstrip, or projection

slide, or sound recording, sound tape, or sound track, or any matter or material of whatever form which is a representation, embodiment, performance, or publication of the obscene.

N.C.G.S. § 14-190.1(a)(1)–(4) (2025).

Here, two findings of fact potentially support the conclusion that Kimberly is an abused juvenile. The first finding, Finding of Fact 12, states:

That the minor children resided in the home and [F]ather is the only adult in the home. That if [F]ather is looking at such images several times a day, it is highly likely that [F]ather has viewed the material while the children were present in the home which creates a high risk of the juveniles being exposed to such. This creates an injurious environment with the potential for substantial emotional harm to the juveniles.

Father argues that the “high risk” inference is an improper inference because it “was based on conjecture or surmise.” We agree.

“The [juvenile] court has the responsibility of making all reasonable inferences from the evidence presented.” *In re N.P.*, 374 N.C. 61, 65 (2020). “Such inferences, however, cannot rest on conjecture or surmise.” *In re K.L.T.*, 374 N.C. 826, 843 (2020) (citation and internal quotation marks omitted). Black’s Law Dictionary defines “conjecture” as “[a] guess; supposition; surmise[.]” *Conjecture*, BLACK’S LAW DICTIONARY (12th ed. 2024), and “surmise” as “[a]n idea based on weak evidence; conjecture[.]” *Surmise*, BLACK’S LAW DICTIONARY (12th ed. 2024). An inference may not be based on conjecture or surmise “because an inference is a permissible conclusion drawn by reason from a premise established by proof.” *In re K.L.T.*, 374

N.C. at 843 (citing *Sowers v. Marley*, 235 N.C. 607, 609 (1952)). This Court “may review the reasonableness of the inferences drawn by the trial court from the evidence.” *Id.*

We conclude that the “high risk” inference in Finding of Fact 12 is based on the juvenile court’s surmise that “it is highly likely that [F]ather has viewed the material while the children were present in the home” Here, the evidence shows that Father admitted to viewing pornography “a few times a day[.]” Based on this evidence, one could surmise that Father viewed pornography while at home when the children were there. This inference, however, is guesswork, at best, as one could equally surmise that Father viewed pornography while in his house when the children were at school. As such, we conclude the “high risk” inference in Finding of Fact 12 was based on a premise not proved or known to exist, and thus, Finding of Fact 12 is not supported by clear and convincing evidence. We will therefore disregard Finding of Fact 12. *See In re A.J.*, 386 N.C. at 412.

The second applicable finding, Finding of Fact 14, states, in relevant part, “[t]hat there are inappropriate images of a child that resembles [Kimberly] when she was younger. The photos are of a nature to be considered exploitation of a minor child. [F]ather denied knowledge of these images and how they came onto his devices.” As emphasized above, N.C.G.S. § 14-190.5 requires an act to be committed “knowingly” and “for the purpose of dissemination.” *See* N.C.G.S. § 14-190.5. While Finding of Fact 14 discusses inappropriate images of Kimberly, Finding of Fact 14 is silent as to

whether Father knowingly permitted or encouraged the videotaping of Kimberly for the purpose of dissemination as defined by N.C.G.S. § 14-190.5.² Indeed, the latter half of Finding of Fact 14 identifies conflicting evidence in the Record as to whether Father knew about these images; however, Finding of Fact 14 fails to resolve a material conflict in the evidence. *See In re D.T.H.*, 378 N.C. 576, 585 (2021). Therefore, based on our review of the additional factual findings, we conclude the findings do not support the conclusion that Kimberly is an abused juvenile.

While the two findings addressed do not support the conclusion that Kimberly is an abused juvenile, a review of the Record shows that the juvenile court *could* have made additional findings of fact that might sufficiently support adjudicating Kimberly as an abused juvenile. For example, there is evidence that Father uploaded the video of Kimberly to his Google Drive, which is the same location law enforcement officers found the other child pornography. Such evidence could support a finding that Father violated N.C.G.S. § 14-190.5. There is also evidence that Kimberly told Dr. Martin that Father touched her on the buttock and, sometimes, on the vagina. If Father touched Kimberly “for the purpose of arousing or gratifying sexual desire[,]” such touching could constitute indecent liberties with a child, *see* N.C.G.S. § 14-202.1(a) (2025), which is a sexually violent offense provided in N.C.G.S. § 14-208.6(5) (2025). Of course, further fact-finding is necessary to determine whether Father’s

² Although unpublished opinions do not have precedential value, we note that this Court reached a similar result in *In re A.C.*, 254 N.C. App. 851 (2017) (unpublished).

alleged touching constituted inappropriate sexual contact between him and Kimberly, but if so, such a finding could support an adjudication of abuse under N.C.G.S. § 7B-101(1)(d) and (b). *See In re M.G.*, 363 N.C. at 574.

Accordingly, we vacate and remand to the trial court for further findings of fact and entry of a new order. *See In re A.J.*, 386 N.C. at 411. “This permits the [juvenile] court, as fact finder, to decide whether to enter a new order with sufficient findings based on the record or to change its conclusions of law because the court cannot make the necessary findings.” *Id.* at 417. “In its discretion, the [juvenile] court may receive additional evidence on remand.” *In re A.N.H.*, 381 N.C. 30, 48 (2022); *see also In re A.J.*, 386 N.C. at 418 (“On remand, the trial court, in its discretion, may enter a new order on the existing record or conduct any further proceedings that the court deems necessary.”).

b. Adjudication of Neglect

Next, we review the trial court’s conclusion that Rachel and Kimberly are neglected juveniles. A neglected juvenile is a juvenile whose parent “[d]oes not provide proper care, supervision, or discipline” or “[c]reates or allows to be created a living environment that is injurious to the juvenile’s welfare.” N.C.G.S. § 7B-101(15)(a), (e) (2025). Our Supreme Court has held that “not every act of negligence on the part of parents or other caregivers constitutes ‘neglect’ under the law and results in a ‘neglected juvenile.’” *In re Stumbo*, 357 N.C. 279, 283 (2003). Rather, neglect involves conduct that is “either severe or dangerous conduct or a pattern of

conduct either causing injury or potentially causing injury.” *Id.* Thus, “to adjudicate a juvenile neglected, our courts have required that there be some physical, mental, or emotional impairment of the juvenile or a substantial risk of such impairment as a consequence of the failure to provide proper care, supervision, or discipline.” *In re J.A.M.*, 372 N.C. 1, 9 (2019) (citation modified).³

Moreover, “the conditions underlying determination of whether a juvenile is an abused, neglected, or dependent juvenile are fixed at the time of the filing of the petition. This inquiry focuses on the status of the child at the time the petition is filed, not the post-petition actions of a party.” *In re L.N.H.*, 382 N.C. 536, 543 (2022). When the juvenile has been voluntarily removed from the home prior to the filing of the petition, however, the court should consider “evidence of changed conditions in light of the evidence of prior neglect and the probability of a repetition of neglect.” *In re K.J.D.*, 203 N.C. App. 653, 660 (2010) (citation omitted); *In re A.J.*, 386 N.C. at 416 (“When the juvenile does not currently reside with the parent, the trial court must assess whether there is substantial risk of future neglect based on the historical facts of the case.”). Thus, the court must “consider the conditions as they exist at the time of the adjudication as well as the risk of harm to the child from return to a parent” *In re K.J.D.*, 203 N.C. App. at 661.

³ “[T]o be clear, there is no requirement of a specific written finding of a substantial risk of impairment.” *In re G.C.*, 384 N.C. 62, 69 (2023). Instead, “the trial court must make written findings of fact sufficient to support its conclusion of law of neglect.” *Id.*

Here, the following findings potentially support the court’s conclusion that the minor children are neglected juveniles on the basis that Father does not provide proper care, supervision, or discipline:

9. The stipulations are entered into evidence without objection, and the court makes the following findings of fact by clear, cogent and convincing evidence:

. . . .

[9.]11. On June 26, 2025, [Rachel] told . . . Joyce[] that she had been vaping since age 11, and that her Father stopped buying her vapes about 1.5 years ago because another family member had almost caught her with a vape. [Rachel] said she has smoked Delta-0 provided by the Father and smoked marijuana 2-3 times. She said she drinks alcohol with friends, and that [] Father is aware of this behavior.

[9.]12. [] Father denies any knowledge that [Rachel] vapes or consumes alcohol.

Father argues that Findings of Fact 9.11 and 9.12 are “recitations of evidence” that “do nothing more than present an unresolved evidentiary conflict[.]” We agree.

“At an adjudicatory hearing, the trial court must, through processes of logical reasoning, based on the evidentiary facts before it, find the ultimate facts essential to support the conclusions of law.” *In re J.W.*, 241 N.C. App. 44, 48 (2015) (citation and internal quotation marks omitted). “These findings must be more than a recitation of allegations. They must be the specific ultimate facts sufficient for the appellate court to determine that the judgment is adequately supported by competent evidence.” *Id.* (citation modified); *see also In re I.K.*, 227 N.C. App. 264, 270 (2013)

(“Recitations of evidence are not findings of fact.”). Findings of Fact 9.11 and 9.12 summarized Rachel’s statements to DSS Social Worker Joyce, and Father’s denial; however, these findings do not resolve the material dispute of whether Father knew that Rachel vaped or consumed alcohol. Thus, these findings are not ultimate findings of fact that can be used to support the juvenile court’s conclusion, and we will disregard these findings. *See In re J.W.*, 241 N.C. App. at 48; *see also In re A.E.*, 379 N.C. 177, 185 (2021) (disregarding several findings of fact that recited what “a particular witness either ‘testified’ or ‘stated’ . . . without any indication that the trial court evaluated the credibility of the relevant witness or resolved any contradictions in his or her testimony”).

The following findings potentially support the court’s conclusion that Rachel and Kimberly are neglected juveniles on the basis Father created or allowed to be created a living environment that is injurious to the minor children’s welfare:

9. The stipulations are entered into evidence without objection, and the court makes the following findings of fact by clear, cogent and convincing evidence:

. . . .

[9.]6. On June 3, 2025, DSS received and accepted a report involving this family alleging abuse and neglect due to sexual abuse and improper care.

. . . .

[9.]8. At the time, the home was dirty and cluttered, with a strong smell of pet urine. [] Father told DSS social worker Kori Joyce [] that he kept an

unsecured firearm and sex toys in his closet, and that he needed to put a weight in front of the bathroom door to keep it closed.

....

[9.]14. On July 30, 2025, Joyce completed a DSS home visit with [] Father at the family home. [] Father had cleaned the home, removed unsecured firearms, and repaired the bathroom door so it would close.

....

[9.]18. The juveniles continue to reside in a temporary safety provider placement, as DSS has determined it is unsafe for them to return to the family home.

....

13. The Alamance County Sheriff's [O]ffice found items designed for intimate activities by adults inside the home, with likely exposure to the minor children, which is inappropriate. One child told the interviewer in a Child medical Examination that she was aware of the items' presence and intimated that she understood their designed use.

....

15. The home environment where [] [F]ather and children resided had a foul smell of pet urine, and the home was dirty and cluttered, creating an injurious environment with items piled throughout the home.

Most of these findings focus on the condition of the family's home *before* DSS filed the juvenile petitions on 7 October 2025. Indeed, when law enforcement searched the family home on 3 June 2025, they discovered that the minor children were residing

in a dirty and cluttered home. But, as Finding of Fact 9.14 shows, Father addressed this issue by cleaning the home approximately three months before DSS filed the petitions. Furthermore, because the minor children were living with their maternal grandparents when DSS filed the juvenile petitions, the juvenile court was required to consider the conditions as they existed at the time of the adjudication hearing. *See In re K.J.D.*, 203 N.C. App. at 661. DSS, however, did not provide any evidence indicating that cleanliness in the home remained a problem at the time of the adjudication hearing. Thus, after disregarding Findings of Fact 9.11 and 9.12, we conclude the juvenile court's factual findings were insufficient to support its legal conclusion that Rachel and Kimberly are neglected juveniles.

Nevertheless, there is sufficient evidence in the Record that could support the conclusion that the minor children are neglected. As such, we vacate the court's neglect adjudication and remand for further fact-finding. *See In re A.J.*, 386 N.C. at 411–12. The juvenile court, in its discretion, may receive additional evidence on remand. *In re A.N.H.*, 381 N.C. at 48.

2. Disposition

“Since we [vacate] the adjudicat[ory portion of the] order, the disposition[al portion of the] order must also be [vacated], obviating our need to address issues pertaining to it.” *In re S.C.R.*, 217 N.C. App. 166, 170 (2011); *see also In re A.J.L.H.*, 384 N.C. 45, 56 (2023) (“Because the Court of Appeals vacated and remanded the adjudication order with respect to all three juveniles, there was no need for the Court

of Appeals to address the disposition phase.”).

B. Civil Custody Order

“When the [juvenile] court’s jurisdiction terminates, whether automatically or by court order, the court thereafter shall not modify or enforce any order previously entered in the case, including any juvenile court order relating to the custody, placement, or guardianship of the juvenile.” N.C.G.S. § 7B-201 (2025). As explained, the juvenile court’s adjudications must be reversed in part, vacated in part and remanded for further proceedings, which requires this Court to vacate the portion of the order dealing with the disposition. Since we vacate the dispositional portion of the order, which terminated juvenile court jurisdiction and initiated Chapter 50 civil jurisdiction, we likewise vacate the Chapter 50 civil custody order.

IV. Conclusion

We reverse the portion of the juvenile court’s order adjudicating Rachel as an abused juvenile because the court lacked subject matter jurisdiction. We vacate the remaining adjudicatory portions of the order because the juvenile court failed to make sufficient findings of fact that supported its conclusions that Kimberly is an abused juvenile, and both minor children are neglected juveniles. The Record contains sufficient evidence that could support findings necessary to conclude Kimberly is an abused juvenile and both minor children are neglected juveniles; thus, we remand to the juvenile court for further proceedings and entry of a new order. We also vacate the juvenile court’s disposition and the corresponding civil custody order.

IN RE: K.L.G. & R.M.G.

Opinion of the Court

REVERSED IN PART; VACATED IN PART AND REMANDED.

Judge ARROWOOD concurs.

Judge GORE concurs in result only.

Report per Rule 30(e).