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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA26-155

Filed 7 October 2026

Guilford County, No. 22JA000584-400

IN THE MATTER OF: N.C.

Appeal by Respondent from orders entered 24 October 2025 and 7 January 2026 by Judge Angela C. Foster in Guilford County District Court. Heard in the Court of Appeals 25 August 2026.

Sean P. Vitrano, for respondent-appellant mother.

Jeffrey L. Miller, for respondent-appellee father.

Matthew D. Wunsche, for appellee Guardian ad Litem.

Mercedes O. Chut, for petitioner-appellee Guilford County Department of Health and Human Services.

STADING, Judge.

Respondent-Mother (“Mother”) appeals from orders awarding physical and legal custody of her minor child, Noelle,¹ to Noelle’s biological father (“Father”). On

¹ We use pseudonyms to protect the identity of minor children. See N.C. R. App. P. 42(b).

appeal, Mother contends the civil custody order failed multiple statutory requirements. Mother also contends the trial court abused its discretion regarding visitation and contact with Noelle. After a careful review, we affirm.

I. Background

On 6 January 2021, the Guilford County Department of Health and Human Services (“DHHS”) received a report alleging abuse against Noelle by her maternal grandfather.² The report noted instances of: Noelle being left with “marks or bruises” after being spanked; the grandfather touching Noelle’s “bottom and kiss her all over her face”; the grandfather asking Noelle to watch him urinate; and Noelle reporting that she watched “naked ladies” on the television with him. DHHS performed a Child Family Evaluation, where its final report on 6 June 2022 recommended that Noelle be placed away from her grandparents “to shield the juvenile from emotional abuse occurring in the home.” The Child Family Evaluation examiner reported that “[v]ery clearly, the grandmother and the mother demonstrate mental health issues that indicate significant concern regarding their ability to parent in an emotionally and physically safe manner.”

On 15 August 2022, a social worker from DHHS filed a juvenile petition alleging that Noelle was abused and neglected. According to the petition: Noelle was born out of wedlock in 2016 and primarily resided with her maternal grandparents;

² On 29 June 2023, the maternal grandfather was removed as a party due to his death.

on 20 February 2021, temporary custody of Noelle was granted to her maternal grandparents; Mother was found not to be a “fit and proper person to have custody of the juvenile in that there were concerns for ongoing mental health issues, historical and ongoing domestic violence and substance abuse”; and the putative father “waived notice and appearance for the hearing,” and the court ordered for him to “have no visitation with the juvenile until paternity was established and he make himself available to the court.” The trial court then entered an order granting nonsecure custody of Noelle with DHHS. The trial court found that Noelle had “suffered physical injury, sexual abuse, or serious emotional damage,” and that the maternal grandparents had not complied with requests from DHHS.

On 31 August 2022, Noelle’s putative father submitted a DNA test confirming that he is the biological father of Noelle. On 21 September 2022, the trial court stayed a child custody action between the maternal grandparents and Mother and Father. The trial court continued DHHS’s nonsecure custody over Noelle up until Noelle’s adjudication hearing.

On 14 April 2023, the trial court adjudicated Noelle abused and neglected, and concluded that it was in the best interest of Noelle to remain in legal and physical custody of DHHS pending a disposition hearing.

On 29 June 2023, the trial court entered its disposition order. The trial court found:

16. The mother has in-person visitation with [Noelle] once

per week for two (2) hours supervised by the Department. During visits, [Mother] usually brings [Noelle]’s favorite food from McDonald’s. [Mother] helps [Noelle] complete homework, and they watch videos on her phone. [Mother] does [Noelle]’s hair weekly and brings clothes, shoes and snacks every other week. Visits are overall appropriate; however, [Mother] had an inappropriate visit on December 22, 2022. Social Worker Hughes had been supervising the visit on that date and took dictation notes of what occurred. A copy of the dictation note was provided to the Court and all parties. After that visit, [Noelle] has expressed that she no longer wants to visit with her mother. [Noelle] has declined eight (8) visits from February 28, 2023 to April 18, 2023. [Mother] has attended nineteen (19) visits from September 8, 2022 to February 21, 2023 and has missed five (5) visits from September 13, 2022 to February 14, 2023.

17. The Department is not recommending a change in the mother’s visitation at today’s hearing. However, the Department is requesting that [Mother] be allowed supervised visitation if [Noelle] desires to participate, and if [Noelle] decides to engage in visits with the mother, that some therapeutic visits be incorporated once [Noelle]’s therapist determines it to be therapeutically beneficial to her. The Department is not opposed to [Noelle] resuming regular visitation once the therapeutic visits have been completed.

The trial court ordered for the legal and physical custody of Noelle to remain with DHHS and for Mother and Father to comply with their case plans if they desired reunification. Father received supervised visitation with Noelle for two hours, once per week. Mother received supervised “therapeutic” visitation with Noelle for two hours, once per week. The trial court dismissed the maternal grandmother from the

case and ceased reunification efforts. The trial court suspended visitation between the maternal grandmother and Noelle pending further orders.

On 16 February 2025, Mother moved the trial court for immediate placement of Noelle with her in Florida. Then, on 26 February 2025, the trial court entered an order to continue the matter. On 15 July 2025, the trial court entered a consent order. Pursuant to the parties reaching an agreement to settle certain matters, the parties consented to the following:

[Mother] is not in compliance with her case plan.

[Father] is in full compliance with his case plan. He is a fit and proper person to have exclusive legal and physical custody of [Noelle].

[Mother] is an unfit person to have custody or visitation with [Noelle]. [Mother] has acted in a manner inconsistent with her constitutional rights as a parent.

[The maternal grandmother] is an unfit person to have custody or visitation with [Noelle]. [The maternal grandmother] has forfeited her constitutional right to grandparent visitations under North Carolina law.

It is in the juvenile's best interest to be placed in the exclusive legal and physical custody of [Father].

There shall be no visitation granted for [Mother] or [the maternal grandmother] pending further orders of the court.

Any and all previous custody orders prior to this memorandum shall remain stayed until the entry of the formal order.

On 24 October 2025, the trial court entered a permanency planning hearing order (“PPO”). The trial court found:

22. [Mother] was granted court ordered visitation with the juvenile once per week for two (2) hours at the juvenile’s discretion. When [Mother] exercised visitation, the visits were not appropriate. [Mother] has not visited with the juvenile since 2023, due to [Noelle]’s fear of her mother and not wishing to visit with her mother. [Noelle] has remained adamant that she doe[s] not wish to have contact with her mother.

23. The Department is recommending a change in [Mother]’s visitation. The Department is recommending that visitation between [Mother] and the juvenile be suspended at the juvenile’s request. The Guardian ad Litem is in agreement with the Department’s recommendation.

The trial court concluded that “[i]t is not in the best interest of the juvenile to have visitation with [Mother] as it is contrary to the health and safety of the juvenile pursuant to N.C. Gen Stat. §7B-905.1.” The PPO granted sole legal and physical custody of Noelle to Father. The trial court’s PPO also waived future review hearings, transferred the matter to a Chapter 50 action, and terminated its juvenile jurisdiction. The trial court directed the clerk to “prepare a complete and detailed Custody Order that is consistent with the findings, conclusions, and provisions of this Order, and that complies with the provisions of Chapter 50 of North Carolina General Statutes”

On 7 January 2026, the trial court entered its child custody order under N.C. Gen. Stat. § 7B-911 (the “Custody Order”). The trial court concluded it was in the

best interests of Noelle that: “this matter be treated as the initiation of a civil action for custody”; “[Noelle] be placed in the custody of [Father]”; and “[Mother] not have any visitation or contact with the child.” The trial court ordered Noelle to be placed in the sole legal and physical custody of Father, and for Mother to have no visitation or contact with Noelle. The trial court also dissolved “the original custody order under 20 CVD009151-400.” Mother entered written notice of appeal from both of the trial court’s orders.

II. Analysis

On appeal, Mother challenges whether the Custody Order properly complied with the requirements of N.C. Gen. Stat. § 7B-911(b)–(c) (2025). Specifically, Mother argues the trial court’s order impermissibly initiated a new civil custody action by ignoring a prior civil custody order. In Mother’s view, the existence of a prior temporary civil custody order required the trial court to make findings showing a substantial change in circumstances affecting Noelle’s welfare. *See* N.C. Gen. Stat. § 7B-911(b)–(c). Additionally, Mother argues the trial court abused its discretion in concluding that cessation of Mother’s visitations with Noelle was in her best interests.

A. Statutory Requirements

Mother argues the trial court erred since it: “treated the order as the initiation of a civil action for custody”; “did not name the parties to the original custody action”; and “did not contain findings and conclusions supporting modification of the previous custody order pursuant to N.C.G.S. § 50-13.7.”

“The failure to follow a statutory mandate is a question of law and is reviewed de novo.” *In re B.E.*, 296 N.C. App. 364, 372, 909 S.E.2d 505, 511 (2024) (citation modified). “Under a de novo review, the court considers the matter anew and freely substitutes its own judgment for that of the trial court.” *In re A.J.J.*, 299 N.C. App. 616, 633–34, 919 S.E.2d 711, 723 (2025) (citation omitted). “N.C. Gen. Stat. § 7B-911 specifically provides the procedure for transferring a Chapter 7B juvenile proceeding to a Chapter 50 civil action.” *Sherrick v. Sherrick*, 209 N.C. App. 166, 169, 704 S.E.2d 314, 317 (2011).

1. Initiation of a Civil Action

The trial court ordered that “pursuant to N.C.G.S. § 7B-911, the Clerk of Superior Court shall treat this Order as the initiation of a civil action for custody, and shall assign a CVD number to this order.” Mother claims Noelle was subject to a previous custody order, and that “[d]issolution of a previous custody order is not within the authority of the juvenile court under § 7B-911.” Subsection 7B-911(b) provides, in pertinent part:

When the court enters a custody order under this section, the court shall either cause the order to be filed in an existing civil action relating to the custody of the juvenile or, if there is no other civil action, instruct the clerk to treat the order as the initiation of a civil action for custody.

N.C. Gen. Stat. § 7B-911(b).

DHHS’s juvenile petition represented that the maternal grandparents were “granted temporary custody of [Noelle] on February 20th, 2021, pursuant to an order

entered by the Honorable Marcus A. Shields.” Additionally, the trial court’s adjudication order included the following finding:

40. In the Temporary Custody Order entered on February 20, 2021, the mother . . . was not found to be a fit and proper person to have custody of the juvenile in that there were concerns for ongoing mental health issues, historical and ongoing domestic violence and substance abuse by the mother. [Noelle] was placed in [the maternal grandparent’s] custody. The mother was allowed to visit the juvenile while being supervised by [the maternal grandfather]. [Father] needed to work to establish paternity of the juvenile.

On 21 September 2022, the trial court entered a “NOTICE OF STAY OF CHILD CUSTODY ISSUE,” directed to the civil action numbered “20CVD9151” as a result of the petition alleging abuse, neglect, or dependency. *See* N.C. Gen. Stat. § 7B-200(c)(1) (2025). The 29 June 2023 disposition order found: “[The maternal grandparents] received temporary emergency custody of [Noelle] on February 20, 2021 and were named as the legal custodians of [Noelle]. [The maternal grandfather] passed away on February 4, 2023; therefore, [the maternal grandmother] is the sole legal custodian.” Further, an unchallenged finding within the Custody Order provides: “[Maternal Grandmother] was dismissed as a party to the action, and the legal proceeding, 20CVD001951-400, which granted legal and physical custody to [the maternal grandparents], was stayed by the Court.”

Although the order granting custody of Noelle to the maternal grandparents is not included in the record on appeal, the record reveals that the maternal

grandparents were initially granted legal and physical custody of Noelle under the legal proceeding numbered 20CVD001951-400. However, this Court takes judicial notice of the Guilford County's district court records revealing that the 20CVD001951-400 custody action's disposition was an "Involuntary Dismissal" on 18 December 2022.³ See N.C. Gen. Stat. § 1A-1, Rule 41(b) (2025) ("Unless the court in its order for dismissal otherwise specifies, a dismissal under this section and any dismissal not provided for in this rule, other than a dismissal for lack of jurisdiction, for improper venue, or for failure to join a necessary party, operates as an adjudication upon the merits.").

The trial court in the juvenile action stayed the custody action on 21 September 2022. However, the trial court in the custody action involuntarily dismissed the temporary custody order on 18 December 2022. That order found that "[t]he temporary custody order entered 2/19/21 is no longer in effect," and concluded

³ "The device of judicial notice is available to an appellate court, and is employed not only in the course of a trial but also on any occasion where the existence of a particular fact is important . . ." *West v. G. D. Reddick, Inc.*, 302 N.C. 201, 203, 274 S.E.2d 221, 223 (1981) (citation omitted). "Facts which are either so notoriously true as not to be the subject of reasonable dispute or 'capable of demonstration by readily accessible sources of indisputable accuracy' are subject to judicial notice." *Lineberger v. N.C. Dep't of Corr.*, 189 N.C. App. 1, 6, 657 S.E.2d 673, 677 (2008) (citations omitted); see also *State v. Thompson*, 349 N.C. 483, 497, 508 S.E.2d 277, 286 (1998) ("This Court may take judicial notice of the public records of other courts within the state judicial system."). Here, Guilford County's district court docket is a matter of public record and is not subject to reasonable dispute. Further, the 20CVD001951-400 matter: includes the maternal grandparents versus Mother and Father; contains the description as an "EX-PARTE EMERGENCY CUSTODY Action"; and is referenced multiple times throughout this record on appeal. See *West*, 302 N.C. at 202, 274 S.E.2d at 223 ("This Court has long recognized that a court may take judicial notice of its own records in another interrelated proceeding where the parties are the same, the issues are the same and the interrelated case is referred to in the case under consideration.").

“[p]ursuant to Rule 41 (b)&(c), NC Rules of Civil Procedure, no lesser sanction than dismissal suffices with regard to the claims for relief which have not heretofore been resolved by Court Order.”

Mother contends that the trial court in the custody action did not have jurisdiction to terminate the temporary custody order. *See In re C.M.B.*, 266 N.C. App. 448, 456, 836 S.E.2d 746, 751 (2019) (“A ‘stay’ of proceedings is not a termination of the trial court’s jurisdiction, but under a stay, a court refrains from acting temporarily and explicitly retains jurisdiction to lift the stay and resume the case if necessary.”). Nonetheless, regardless of the issue of whether the trial court here could dissolve the prior custody action, that action had already been involuntarily dismissed in 2022.

Since the custody action was already dismissed, the issue of whether the trial court had authority to “dissolve” the previous custody order under N.C. Gen. Stat. § 7B-911 in the Custody Order is of no consequence. At the time the Custody Order was entered, no civil action regarding the custody of Noelle existed. Therefore, the trial court did not err by initiating a new civil action.

2. Exclusion of a Party

Mother contends the trial court erred by excluding the maternal grandmother as a party to the Custody Order. Specifically, Mother argues the maternal grandmother “was dismissed as a party to the *juvenile* proceeding, not the prior *custody* action.”

In pertinent part, subsection 7B-911(b) provides:

If the order is filed in an existing civil action and the person to whom the court is awarding custody is not a party to that action, the court shall order that the person be joined as a party and that the caption of the case be changed accordingly. The order shall resolve any pending claim for custody and shall constitute a modification of any custody order previously entered in the action.

If the court's order initiates a civil action, the court shall designate the parties to the action and determine the most appropriate caption for the case.

N.C. Gen. Stat. § 7B-911(b).

In the 29 June 2023 disposition order, the trial court dismissed the maternal grandmother from the juvenile proceeding. Further, as discussed above, no custody action existed at the time the trial court entered the Custody Order. Therefore, since the order initiated a civil action, the trial court was charged to “designate the parties to the action and determine the most appropriate caption for the case.” *Id.*

“Only a ‘party aggrieved’ may appeal from an order or judgment of the trial division.” *Culton v. Culton*, 327 N.C. 624, 625, 398 S.E.2d 323, 324 (1990) (citations omitted). “An aggrieved party is one whose rights have been directly and injuriously affected by the action of the court.” *Id.* Mother was not aggrieved by the trial court’s determination to not include the maternal grandmother as a party in the Custody Order. The maternal grandmother did not appeal the disposition order, and Mother does not have standing to assert the rights of the maternal grandmother. *See, e.g., In re L.D.B.*, 168 N.C. App. 206, 211, 617 S.E.2d 288, 291–92 (2005) (citation modified)

(“We agree that [the respondent] lacks standing to raise any issue regarding the court’s lack of service on a potential John Doe father, but he has properly raised the issue regarding the court’s failure to allow *him* to participate in the TPR hearing.”). Accordingly, Mother’s argument is dismissed.

3. Findings and Conclusions

Mother claims that the “custody order omits findings and conclusions under N.C.G.S. § 50-13.7 to support a modification of custody from the [maternal] grandmother to Father.” Mother’s argument, however, relies on the presence of an existing custody order as N.C. Gen. Stat. § 50-13.7 (2025) concerns *modification* of a custody order under Chapter 50, not its *entry*.

Subsections 7B-911(b) and (c) provide:

(b) When the court enters a custody order under this section, the court shall either cause the order to be filed in an existing civil action relating to the custody of the juvenile or, if there is no other civil action, instruct the clerk to treat the order as the initiation of a civil action for custody.

If the order is filed in an existing civil action and the person to whom the court is awarding custody is not a party to that action, the court shall order that the person be joined as a party and that the caption of the case be changed accordingly. The order shall resolve any pending claim for custody and shall constitute a modification of any custody order previously entered in the action.

If the court’s order initiates a civil action, the court shall designate the parties to the action and determine the most appropriate caption for the case. The civil filing fee is waived unless the court orders one or more of the parties

to pay the filing fee for a civil action into the office of the clerk of superior court. The order shall constitute a custody determination, and any motion to enforce or modify the custody order shall be filed in the newly created civil action in accordance with the provisions of Chapter 50 of the General Statutes. The Administrative Office of the Courts may adopt rules and shall develop and make available appropriate forms for establishing a civil file to implement this section.

(c) When entering an order under this section, the court shall satisfy the following:

(1) Make findings and conclusions that support the entry of a custody order in an action under Chapter 50 of the General Statutes or, if the juvenile is already the subject of a custody order entered pursuant to Chapter 50, makes findings and conclusions that support modification of that order pursuant to G.S. 50-13.7.

(2) Make the following findings:

a. There is not a need for continued State intervention on behalf of the juvenile through a juvenile court proceeding.

b. At least six months have passed since the court made a determination that the juvenile's placement with the person to whom the court is awarding custody is the permanent plan for the juvenile, though this finding is not required if the court is awarding custody to a parent or to a person with whom the child was living when the juvenile petition was filed.

N.C. Gen. Stat. § 7B-911(b), (c)(1)–(2).

As previously mentioned, the record on appeal does not include the prior order granting custody of Noelle to the maternal grandparents. The unchallenged disposition order found: “[the] maternal grandparents, received temporary emergency custody of [Noelle] on February 20, 2021, and were named as the legal

custodians of [Noelle]. This Court took judicial notice of the Guilford district court docket where the 20CVD001951-400 matter was described as an “EX-PARTE EMERGENCY CUSTODY Action.” See N.C. Gen. Stat. § 50-13.5(d)(3) (2025) (“A temporary order for custody which changes the living arrangements of a child or changes custody shall not be entered ex parte and prior to service of process or notice, unless the court finds that the child is exposed to a substantial risk of bodily injury or sexual abuse or that there is a substantial risk that the child may be abducted or removed from the State of North Carolina for the purpose of evading the jurisdiction of North Carolina courts.”). Further, that action and order was dismissed before any final custody decree was made. At the time the Custody Order was entered, no prior permanent custody order existed. See *McMillan v. McMillan*, 267 N.C. App. 537, 547, 833 S.E.2d 692, 698 (2019) (“In the absence of an existing permanent child custody order, the parties were not required to allege, and the trial court was not required to find or conclude, that there existed a substantial change of circumstances affecting the welfare of the child for purposes of modifying an existing custody order under N.C. Gen. Stat. § 50-13.7.”).

Therefore, the trial court was authorized to make an initial child custody determination and did not err by only applying “the best interest of the child standard to establish child custody rather than reviewing the evidence for a substantial change in circumstances.” *Miller*, 201 N.C. App. at 581, 686 S.E.2d at 912.

B. Visitation

Mother contends that the trial court abused its discretion in ceasing visitation and ordering Mother to have no contact with Noelle. “A noncustodial parent’s right of visitation is a natural and legal right which should not be denied unless the parent has by conduct forfeited the right or unless the exercise of the right would be detrimental to the best interest and welfare of the child.” *Carballo v. Carballo*, 293 N.C. App. 483, 487, 901 S.E.2d 822, 826 (2024) (citation omitted). “The assessment of the juvenile’s best interests concerning visitation is left to the sound discretion of the trial court and ‘appellate courts review the trial court’s assessment of a juvenile’s best interests solely for an abuse of discretion.’” *In re A.J.L.H.*, 384 N.C. 45, 57, 884 S.E.2d 687, 695 (2023) (quoting *In re K.N.L.P.*, 380 N.C. 756, 759, 869 S.E.2d 643 (2022)). “Under this standard, we defer to the trial court’s decision unless it is manifestly unsupported by reason or one so arbitrary that it could not have been the result of a reasoned decision.” *Id.*

An order continuing placement outside of a parent’s home “shall provide for appropriate visitation as may be in the best interest[] of the juvenile consistent with juvenile’s health and safety.” N.C. Gen. Stat. § 7B-905.1(a) (2025). Notwithstanding section 7B-905.1(a)’s directive, the court may prohibit visitation by a parent where it is in the juvenile’s best interest—consistent with the juvenile’s health and safety. *See id.*; *see also Lamond v. Mahoney*, 159 N.C. App. 400, 404, 583 S.E.2d 656, 659 (2003) (“When, as here, a court decides the issue of permanent visitation for the first time,

‘the standard by which the court is guided . . . is the child’s best interest.’”). In the PPO, the trial court ordered ceasing visitation between Mother and Noelle pursuant to N.C. Gen. Stat. § 7B-905.1 (2025). Mother does not challenge the evidentiary support for any findings; therefore, these unchallenged findings are binding on appeal. *See Koufman v. Koufman*, 330 N.C. 93, 97, 408 S.E.2d 729, 731 (1991); *see also In re J.M.*, 384 N.C. 584, 591, 887 S.E.2d 823, 828 (2023) (“Uncontested findings of fact are likewise binding on appeal.”).

The PPO contained the following findings:

22. [Mother] was granted court ordered visitation with the juvenile once per week for two (2) hours at the juvenile’s discretion. When [Mother] exercised visitation, the visits were not appropriate. [Mother] has not visited with the juvenile since 2023, due to [Noelle’s] fear of her mother and not wishing to visit with her mother. [Noelle] has remained adamant that she doe[s] not wish to have contact with her mother.

23. The Department is recommending change in [Mother’s] visitation. The Department is recommending that visitation between [Mother] and the juvenile be suspended at the juvenile’s request. The Guardian ad Litem is in agreement with the Department’s recommendation.

. . . .

33. [Mother] has not made adequate progress within reasonable period of time under the plan.

34. [Father] has made adequate progress within reasonable period of time under the plan.

35. [Mother] has not participated in or cooperated with the plan, the Department and the Guardian ad Litem for the Juvenile.

The trial court concluded: “It is not in the best interest of the juvenile to have visitation with [Mother] as it is contrary to the health and safety of the juvenile pursuant to N.C. Gen Stat. §7B-905.1.”

In making its best interest determination, the trial court found that Mother was “not in compliance with her case plan,” and that she “never provided proof of participating in a domestic violence program.” The trial court considered these findings in addition to finding that Noelle is estranged from Mother due to Mother’s volatile behavior, and that “[Noelle] does not wish to have contact with [Mother].” Contrary to Mother’s urging, Noelle’s wish for no contact with Mother was not the sole basis for denying Mother visitation and contact. *See, e.g., Clark v. Clark*, 294 N.C. 554, 577, 243 S.E.2d 129, 142 (1978).

Further, although its findings were not explicitly incorporated, the Custody Order does reference the PPO. The Custody Order included the following findings:

5. The Permanency Planning Order from this court date granted legal and physical custody of the juvenile with the [Father].
6. The Defendant, [Mother], is not in compliance with her case plan. She has refused to provide income verification. Despite [Mother’s] participation in mental health therapy, her continued combative and argumentative nature indicates she is not making any progress in therapy. [Mother] never provided proof of participating in a domestic violence program.
7. The juvenile is estranged from [Mother] due to [Mother’s] volatile behavior toward the juvenile. [Noelle] does not wish to have contact with [Mother].

8. The Plaintiff, [Father], is in compliance with his case plan. He has appropriate housing and income. The father has very positive relationship with the child and has unsupervised contact with her.

9. The juvenile, [Noelle], is in third (3rd) grade, is on track academically, and receives tutoring. She is up-to-date on her medical and dental appointments and has no medical or dental concerns. She will re-engage in therapy soon.

10. The juvenile, [Noelle], has very positive relationship with her father . . . , and she wants to live with him full-time.

The Custody Order thereby concluded:

2. It is in the best interests of the child that this matter be treated as the initiation of a civil action for custody.

3. It is in the best interests of the child that she be placed in the custody of [Father].

4. It is in the best interests of the child that the mother not have any visitation or contact with the child.

The PPO directed a clerk “to prepare a complete and detailed Custody Order that is consistent with the findings, conclusions, and provisions of this Order, and that complies with the provisions of Chapter 50 of North Carolina General Statutes” Therefore, the record tends to show the PPO was considered and relied upon by the trial court upon its entering the Custody Order. *See Raynor v. Odom*, 124 N.C. App. 724, 728, 478 S.E.2d 655, 657 (1996) (“When a trial judge is attempting to evaluate what is in the best interests of the child or whether a parent is unfit or has neglected the child, it is an undue restriction to prohibit the trial judge’s consideration of the history of the case on record.”).

Lastly, as to the no contact nature of the visitation, Mother argues that the “trial court failed to articulate how Mother’s proof of income or proof of completion of a domestic violence program was relevant to whether it was in Noelle’s best interest to visit with her mother over FaceTime.” However, the issue before the trial court was visitation, as electronic communication supplements visitation, rather than replacing it. *See* N.C. Gen. Stat. § 50-13.2(e)(3) (“Electronic communication with a minor child may be used to supplement visitation with the child. Electronic communication may not be used as a replacement or substitution for custody or visitation.”). Since the trial court considered Noelle’s best interests in making its visitation determination, it did not abuse its discretion by not making an express finding relating to “whether it was in Noelle’s best interest to visit with her mother over FaceTime.” Accordingly, the trial court did not abuse its discretion by ceasing visitation and contact between Mother and Noelle. *See In re A.J.L.H.*, 384 N.C. at 57, 884 S.E.2d at 695.

III. Conclusion

For these reasons, the trial court’s Custody Order complied with the requirements under N.C. Gen. Stat. § 7B-911. Further, the trial court did not abuse its discretion in ceasing Mother’s visitation and contact with Noelle.

AFFIRMED.

Judges WOOD and FREEMAN concur.

IN RE: N.C.

Opinion of the Court

Report per Rule 30(e).