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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA23-658

Filed 16 April 2024

Cabarrus County, Nos. 22 JA 214-15; 23 CVD 1079

IN THE MATTER OF: A.R.D., A.R.S.

Appeal by respondent-mother from orders entered on 3 April 2023 by Judge Christy E. Wilhelm in Cabarrus County District Court. Heard in the Court of Appeals 18 March 2024.

Hartsell & Williams, PA, by E. Garrison White, for petitioner-appellee Cabarrus County Department of Human Services.

Matthew D. Wunsche for the guardian ad litem.

Rebekah W. Davis for respondent-appellant mother.

PER CURIAM.

Respondent-mother appeals from a district court order adjudicating her minor children A.R.D. (“Anna”) and A.R.S. (“Alex”)¹ as neglected juveniles pursuant to Chapter 7B of the North Carolina General Statutes, and from the resulting civil custody orders entered under Chapter 50 of our General Statutes awarding legal and

¹ Pseudonyms are employed to protect the identities of the juveniles.

physical custody of the children to respondent-mother's cousins, the Poplins. As to the juvenile court order, respondent-mother argues that the district court's findings of fact do not support its conclusion of law that the children were neglected juveniles. As to the latter two orders, respondent-mother contends that the district court erred by retaining juvenile court jurisdiction under Chapter 7B while simultaneously entering civil child custody orders for the children under Chapter 50.

For the reasons explained herein, we remand the adjudication and disposition order to be modified to reflect the termination of the district court's juvenile jurisdiction, but we otherwise affirm that order as to Anna and reverse that order in part and vacate in part as to Alex. The civil custody order related to Anna is affirmed. The appeal from the civil custody order as to Alex is dismissed as moot.

I. Factual Background and Procedural History

Alex was born on 29 November 2005, and Anna was born on 17 May 2015. The children have different fathers, neither of whom is involved with his child.² In July 2012, respondent-mother arranged for Alex to live with her cousins, the Poplins. The arrangement was not reduced to a formal custody order, and respondent-mother maintained a relationship with Alex after he moved into the Poplins' home.

In April 2013, the Cabarrus County Department of Human Services (CCDHS) first became involved with the family upon receiving a report that Alex was in pain

² Alex's father was served with the neglect petition but is not a party to this appeal. Anna's father remained unknown at the time of the adjudicatory hearing.

from dental issues. An investigation revealed, *inter alia*, that respondent-mother had missed the child's dental appointments.³ Services were recommended, including that Alex's dental health needs be addressed.

Anna was born in 2015 and lived thereafter with respondent-mother. By the fall of 2018, they were living with respondent-mother's boyfriend, Curtis Cole. In October and November 2018, CCDHS received two reports involving substance abuse by respondent-mother and related neglect of Anna. The November report further indicated that Cole had forced Anna and respondent-mother to leave his home. CCDHS referred respondent-mother for substance abuse services, which she completed. In December 2021, the Rowan County Department of Social Services (RCDSS) received a report that Cole had inappropriately touched Anna. The report was not substantiated, and Anna remained in respondent-mother's care.

On 14 February 2022, CCDHS received a report of inappropriate touching of Anna by Cole. During her child medical exam, Anna said that she had dreamed Cole touched her "down there," and the report of inappropriate touching was not substantiated. During its investigation, however, CCDHS substantiated additional concerns about the home, including substance abuse, inadequate parenting skills, mental health issues for Anna, and domestic violence.

³ Although the district court found, based on the testimony of CCDHS social worker Carlee Setzer, that Alex began living with the Poplins in July 2012, the court also found based on Setzer's testimony that Alex was living with respondent-mother and his grandmother in April 2013. The evidence of record does not explain this apparent contradiction.

Based on the 2022 report, CCDHS arranged a temporary safety placement for Anna with the Poplins beginning on 14 February 2022. In May 2022, respondent-mother entered into a case plan with CCDHS in which she agreed to complete parenting classes, obtain substance abuse and domestic violence assessments and follow any treatment recommendations, submit to drug screens upon request, and ensure Anna's attendance at therapy.

Based on respondent-mother's lack of success with her case plan, CCDHS filed a petition on 22 December 2022 alleging that Alex and Anna were neglected juveniles in that they were receiving improper care, supervision, or discipline, had been abandoned by their fathers, and were subject to an injurious living environment. After a hearing on 9 March 2023, the district court adjudicated both children to be neglected juveniles and placed them in the legal and physical custody of the Poplins. The district court then initiated a civil custody action under Chapter 50 pursuant to N.C. Gen. Stat. § 7B-911 and awarded legal and physical custody of the children to the Poplins. The adjudication and disposition order, along with the civil custody orders, were reduced to writing and entered on 3 April 2023. Respondent-mother timely filed her notice of appeal from each of these orders on 1 May 2023.

II. Analysis

Respondent-mother appeals from both the juvenile adjudication and disposition order entered under Chapter 7B and the Chapter 50 civil child custody orders.

A. Adjudications of neglect

In her appeal from the adjudication and disposition order, respondent-mother argues that (1) certain findings of fact are not supported by sufficient evidence and (2) the factual findings do not support the conclusion of law that Anna and Alex were neglected juveniles. We conclude that all the contested findings of fact relevant to the adjudication are supported by clear and convincing evidence before the district court and that the findings support the neglect adjudication as to Anna. We are persuaded, though, by respondent-mother's contention that the findings of fact do not support the adjudication of Alex as neglected.

1. Standard of review

We review an adjudication of neglect to determine whether the district court's findings of fact are supported by clear and convincing evidence and whether those findings in turn support the court's conclusions of law. *In re K.S.*, 380 N.C. 60, 64, 868 S.E.2d 1, 4 (2022). "Unchallenged findings are binding on appeal." *In re C.B.*, 245 N.C. App. 197, 199, 783 S.E.2d 206, 208 (2016) "Moreover, 'erroneous findings unnecessary to the determination do not constitute reversible error' where the adjudication is supported by sufficient additional findings grounded in competent evidence." *In re B.S.O.*, 234 N.C. App. 706, 708, 760 S.E.2d 59, 62 (2014) (quoting *In re T.M.*, 180 N.C. App. 539, 547, 638 S.E.2d 236, 240 (2006)). Whether a child is a

neglected juvenile as defined in N.C. Gen. Stat. § 7B-101(15) is a conclusion of law.⁴ *In re R.L.G.*, 260 N.C. App. 70, 76, 816 S.E.2d 914, 918–19 (2018). We review conclusions of law de novo. *In re K.N.*, 381 N.C. 823, 827, 874 S.E.2d 594, 598 (2022).

2. Challenged findings of fact

Respondent-mother takes exception to ten of the district court’s adjudicatory findings of fact. Our review of the hearing transcript and the record indicate that the material portions of these findings are supported by clear and convincing evidence.

Respondent-mother argues that adjudicatory Findings of Fact 1–7 are “misleading” on two bases: (1) that they addressed CCDHS “reports, which included allegations[; t]hey were not actual facts” and (2) that they suggest CCDHS and RCDSS had ongoing involvement with Alex beginning in 2013 while “CCDHS was involved with Alex [only] once” in 2013.

To the extent that respondent-mother, in her first objection, represents that the district court was merely reciting allegations as reported to CCDHS, “[t]here is nothing impermissible about describing testimony, so long as the court ultimately makes its own findings, resolving any material disputes.” *In re C.L.C.*, 171 N.C. App. 438, 446, 615 S.E.2d 704, 708 (2005), *aff’d per curiam in part and disc. review*

⁴ While denominated as Finding of Fact 27 in the adjudication order, the district court’s determination that Anna and Alex are neglected juveniles, a “[d]etermination that [they were] not receiving proper care, supervision, or discipline, requires the exercise of judgment by the . . . court, and is more properly a conclusion of law.” *In re Everette*, 133 N.C. App. 84, 86, 514 S.E.2d 523, 525 (1999). *See also In re McLean*, 135 N.C. App. 387, 390, 521 S.E.2d 121, 123 (1999) (holding that “[w]hether a child is neglected is a conclusion of law”) (citation and internal quotation marks omitted).

improvidently allowed in part, 360 N.C. 475, 628 S.E.2d 760 (2006); *see also In re T.N.H.*, 372 N.C. 403, 407–08, 831 S.E.2d 54, 59 (2019). Findings of Fact 1–7 do summarize the testimony of CCDHS social worker Carlee Setzer regarding the reports received by CCDHS and the allegations contained therein, including, *inter alia*, that respondent-mother was slurring her words, had used heroin with Anna nearby, and was charged with a DWI, child endangerment, and a hit and run in October 2018, and that respondent-mother was abusing controlled substances and as a result was forced—along with Anna—to move out of Cole’s home in November 2018. In addition, Setzer testified that Anna had disclosed inappropriate touching by Cole in 2021 and again in 2022, the reports of which were not substantiated, although other concerns were substantiated and ultimately led to Anna’s removal from respondent-mother’s custody. The district court’s findings of fact summarizing Setzer’s testimony were not prejudicial given that the court made sufficient additional factual findings to support its ultimate finding of fact concluding that Anna was a neglected juvenile, as discussed in detail below. *See In re C.L.C.*, 171 N.C. App. at 446, 615 S.E.2d at 708.

As to respondent-mother’s claim that Findings of Fact 1–7 were unclear and incorrectly suggested ongoing active social service involvement with Alex after 2013, we note that Finding of Fact 1 begins with a statement that “[t]his family has been involved with child protective services . . . since 2013 for neglect, improper care, and substance abuse.” (Emphasis added.) Given that respondent-mother maintains her

parental rights to Alex and Anna and, by her own testimony, maintained a relationship with her children, they constitute a “family,” despite Alex living with the Poplins rather than with respondent-mother over an extended period of time. Moreover, in the district court’s findings of fact, the individual report allegations are each noted as specifically concerning Alex, Anna, and / or respondent-mother as pertinent. Thus, we do not perceive that these findings are overbroad or misleading about social service involvement with Alex.

Respondent-mother next challenges Finding of Fact 11, which lists the dates of her numerous positive drug screens and notes that she “admitted to using substances throughout the in-home case.” Respondent-mother correctly observes that the specific dates and results of most of the positive drug screens were contained in CCDHS’s court report, which was not introduced until the dispositional portion of the hearing. During the adjudicatory hearing, however, respondent-mother’s counsel asked Setzer about “your report”—apparently referring to the court report—and specifically confirmed that a drug screen on 17 November 2022 was positive for unprescribed Gabapentin and methadone. In addition, Setzer testified generally about respondent-mother being discharged from one substance abuse program and leaving several others of her own accord, as well as her discussions with respondent-mother about various positive drug screens—particularly for cocaine and methadone—during which respondent-mother admitted to ongoing substance use. Finally, respondent-mother testified that she “had a very long history of substance

abuse,” had “tested positive for many illegal substances,” and had “reviewed [the] court report” and agreed with its list of positive drug screens—although she denied having abused substances in the presence of the children. Accordingly, we will disregard those portions of Finding of Fact 11 that identify specific drug screen dates and results, *see In re B.S.O.*, 234 N.C. App. at 708, 760 S.E.2d at 62, with the exception of the 11 November 2022 drug screen discussed above. Nevertheless, given the testimony from Setzer and respondent-mother about respondent-mother’s ongoing substance use and multiple positive drug screens, we conclude the essence of this finding—that respondent-mother continued to abuse numerous controlled substances and to test positive for them throughout the course of her involvement with social and child protective services—is fully supported by the evidence adduced at the adjudicatory hearing.

Finally, respondent-mother contests the parts of Findings of Fact 16 and 22 that concern the children’s participation in therapy. Once again, respondent-mother correctly notes that certain details included in these findings—such as the names of the children’s therapists and the session scheduling—were drawn from the court report not introduced during the adjudicatory hearing. Those details will be disregarded in our review of the adjudication of neglect. Respondent-mother does not explain how the omission of those details would have any impact on the district court’s adjudication. The essential portions of those findings—that respondent-mother had agreed to ensure that Anna would attend therapy sessions but then failed

to do so—was fully supported by the hearing testimony.

3. Challenged conclusions of law

Having addressed respondent-mother’s exceptions to the district court’s fact-finding, we turn to her argument that the court’s findings do not support its conclusions of law that Alex and Anna are neglected juveniles. We hold that the conclusion is supported as to Anna but not as to Alex.

Pertinent to this case, Chapter 7B of the North Carolina General Statutes defines a neglected juvenile, *inter alia*, as a child under the age of eighteen “whose parent . . . [d]oes not provide proper care, supervision, or discipline[;] [h]as abandoned the juvenile . . . [; and / or] . . . [c]reates or allows to be created a living environment that is injurious to the juvenile’s welfare.” N.C. Gen. Stat. § 7B-101(15)(a), (b), (e) (2023). “It is well[]established that the [district] court need not wait for actual harm to occur to the child if there is a substantial risk of harm to the child in the home.” *In re T.S.*, 178 N.C. App. 110, 113, 631 S.E.2d 19, 22 (2006), *aff’d*, 361 N.C. 231, 641 S.E.2d 302 (2007). “Traditionally, there must 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 order to adjudicate a juvenile neglected.” *In re K.S.*, 380 N.C. at 64–65, 868 S.E.2d at 4 (citations, brackets, and internal quotation marks omitted) (emphasis added). “[I]n order for a court to find that the child resided in an injurious environment, evidence must show that the environment in which the child resided has resulted in harm to the child *or*

a substantial risk of harm.” *In re K.J.B.*, 248 N.C. App. 352, 354, 797 S.E.2d 516, 518 (2016) (citation omitted) (emphasis added). Likewise, a juvenile may be adjudicated as neglected even if the child has not lived with his or her parent recently, but the district court must consider conditions as they exist at the time of the adjudication proceeding as well as “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, 692 S.E.2d 437, 443 (2010) (citation and internal quotation marks omitted).

Finally, as our Supreme Court has recently emphasized, “[d]e novo review of an adjudication of neglect . . . does not allow a reweighing of the evidence. Nor does it require deference to the [district] court.” *In re K.S.* 380 N.C. at 65, 868 S.E.2d at 4–5. Rather, we are simply to determine “whether the findings of fact . . . were sufficient to conclude as a matter of law that [each child] should be adjudicated a neglected juvenile.” *Id.* at 65, 868 S.E.2d at 5. A sampling of findings that have been held to meet this standard include: “prolonged use of drugs” by a parent and exposure of the child to controlled substances and paraphernalia, *In re K.H.*, 281 N.C. App. 259, 270, 867 S.E.2d 757, 765 (2022); failure to complete case plan recommendations arising from assessments and in-home services or to seek therapy for the parent or juvenile, *In re A.D.*, 278 N.C. App. 637, 645, 863 S.E.2d 317, 324 (2021); drug abuse, domestic violence in the home, and negative mental health effects on the juvenile, *In re S.R.J.T.*, 276 N.C. App. 327, 33–34, 857 S.E.2d 345, 350 (2021); and exposure of juveniles to domestic violence and ongoing drug use, *In re T.S.*, 178 N.C. App. at 114,

631 S.E.2d at 22–23.

Here, in Finding of Fact⁵ 27, the district court concluded:

The allegations contained in the petition support a finding that the juveniles are neglected. *The status of the juveniles has been determined to be neglected in that the juveniles' parent, guardian, custodian[,] or caretaker does not provide proper care, supervision or discipline and the juveniles' parent, guardian, custodian, or caretaker creates or allows to be created a living environment that is injurious to the juveniles' welfare It has been determined that the children were living in injurious environment before being placed with Mr. and Mrs. Poplin due to the juveniles mak[ing] multiple disclosures regarding domestic violence and other concerns to the mother and that the mother has not addressed those concerns by not attending her parenting classes, her Domestic Violence classes and by not showing a behavior change.*

(Emphasis added).

Respondent-mother contends that because Anna's and Alex's "lives were very different, the [district] court should have explained how each child was neglected," and further asserts that "on appeal, each child's case should be reviewed for the findings and evidence applicable to that child's unique situation." We agree with respondent-mother on this point and thus consider whether the findings of fact—other than those unsupported findings noted above—support each juvenile's adjudication as neglected. *See In re Montgomery*, 311 N.C. 101, 109, 316 S.E.2d 246,

⁵ Even "[i]f the lower tribunal labels as a finding of fact what is in substance a conclusion of law, we review that 'finding' as a conclusion de novo." *In re K.J.M.*, 288 N.C. App. 332, 339, 886 S.E.2d 589, 595 (2023) (quoting *In re Estate of Sharpe*, 258 N.C. App. 601, 605, 814 S.E.2d 595, 598 (2018)).

252 (1984) (“In determining whether a child is neglected, *the determinative factors are the circumstances and conditions surrounding the child*, not the fault or culpability of the parent.”) (emphasis added).

With regard to Anna, the district court’s findings show that she resided with and was cared for by respondent-mother from her birth in May 2015 until CCDHS placed the child in a temporary safety placement with the Poplins on 14 February 2022. The findings further show that respondent-mother (1) abused various controlled substances “throughout the in[-]home case”; (2) after entering into a family services agreement in May 2022, completed only four of the twelve outpatient substance abuse treatment sessions recommended by her substance abuse assessment, was discharged for lack of progress, and twice admitted herself to residential substance abuse treatment programs but voluntarily left each after a short time; and (3) was aware of Anna’s disclosures about, and fear of, Cole but continued to live with him and failed to complete the domestic violence component of her case plan or take any other action to protect Anna from Cole. In addition, the court found that Anna continues to require regular therapy sessions and is so fearful of Cole that she “refuses to visit with family that are [with] Cole.” Finally, the court found respondent-mother “has not demonstrated consistent behavioral change and has made very little progress on her case plan. The issues which arose at the beginning of this case remain to this day.” These findings show both a history of neglect prior to Anna’s temporary safety placement with the Poplins and a likelihood

of further neglect if Anna is returned to respondent-mother's care. *See In re K.J.D.*, 203 N.C. App. at 660, 692 S.E.2d at 443. Accordingly, we hold the district court properly concluded that Anna is a neglected juvenile and affirm that portion of the adjudication order.

Regarding Alex's adjudication, we begin by noting that Alex turned eighteen years of age on 29 November 2023, during the pendency of this appeal. Although a juvenile attaining the age of majority may moot an appeal from certain juvenile court proceedings, our Supreme Court has held that an adjudication of neglect has "considerable" collateral consequences for the respondent-parent that are sufficient to overcome any potential mootness concerns. *In re A.K.*, 360 N.C. 449, 458, 628 S.E.2d 753, 759 (2006). We therefore address the merits of the respondent-mother's contention that the district court's findings do not support a conclusion that Alex was a neglected juvenile.

The district court's findings establish that respondent-mother placed Alex with the Poplins in 2012, prior to the family's involvement with CCDHS. Alex's history thus stands in stark contrast to that of Anna, who was removed from respondent-mother's care by CCDHS under a temporary safety placement in response to concerns about Anna's mental health as well as respondent-mother's substance abuse and domestic violence in the home. *Cf. In re K.J.D.*, 203 N.C. App. at 663, 692 S.E.2d at 445 (upholding "the trial court's conclusion of law that the child is neglected based upon [respondent-mother's] failure to correct the conditions that led to removal from

her care”). CCDHS’s only involvement with Alex occurred in April 2013 and involved respondent-mother missing his dental appointments. Other than a mention that Alex is in therapy—without noting whether that circumstance is related in any way to his parents—the adjudicatory findings give no indication that Alex has lacked proper care, supervision, or discipline or been exposed to an injurious environment during the life of this case. Absent such “evidence of prior neglect,” the hypothetical probability of future neglect were Alex to return to respondent-mother’s home is insufficient to support an adjudication of neglect under the framework of *In re K.J.D.*, 203 N.C. App. at 660, 692 S.E.2d at 443.

Accordingly, we reverse the district court’s adjudication of Alex as neglected and vacate the corresponding portion of the disposition order. *See* N.C. Gen. Stat. § 7B-807 (“If the court finds that the allegations have not been proven, the court shall dismiss the petition with prejudice, and if the juvenile is in nonsecure custody, the juvenile shall be released to the parent, guardian, custodian, or caretaker.”).

4. Juvenile court jurisdiction

Respondent-mother next contends that the district court erred by entering civil custody orders for Alex and Anna under Chapter 50 without terminating its juvenile court jurisdiction under Chapter 7B. Having reversed Alex’s adjudication and vacated the resulting disposition order placing him in the Poplins’ custody, we further vacate the corresponding civil custody order. With regard to Anna, we agree with respondent-mother that the adjudication and disposition order contemplates future

juvenile court proceedings under Chapter 7B and thus fails to comply with the applicable statute, N.C. Gen. Stat. § 7B-911. However, we discern no similar defect in the civil custody orders.

We review issues of statutory compliance de novo. *In re N.K.*, 274 N.C. App. 5, 13, 851 S.E.2d 389, 395 (2020)

Our Juvenile Code provides that “[u]pon placing custody with a parent or other appropriate person, the court shall determine whether or not jurisdiction in the juvenile proceeding should be terminated and custody of the juvenile awarded to a parent or other appropriate person pursuant to G.S. 50-13.1, 50-13.2, 50-13.5, and 50-13.7.” N.C. Gen. Stat. § 7B-911(a) (2023). In turn, when a custody order is entered pursuant to N.C. Gen. Stat. § 7B-911(a) and no civil custody action exists, the Chapter 7B order constitutes the initiation of a civil action for custody. *Id.* § 7B-911(b). Orders terminating Chapter 7B jurisdiction under N.C. Gen. Stat. § 7B-911 in favor of Chapter 50 jurisdiction must contain certain findings, including that “[t]here is not a need for continued State intervention on behalf of the juvenile through a juvenile court proceeding.” *Id.* § 7B-911(c)(2)(a).

Here, the adjudication and disposition order includes a conclusion of law stating: “Further hearings are not required, and *the court should terminate jurisdiction to the juvenile action* since custody is being granted to Mr. and Mrs. Poplin.” (Emphasis added). However, the order also includes the following dispositional finding:

Opinion of the Court

All parties are informed of the right to file a motion for review of any visitation plan entered pursuant to this section. *Upon motion of any party and after proper notice and a hearing, the court may establish, modify, or enforce a visitation plan that is in the juvenile's best interest.*

(Emphasis added). The decretal portion of the order also states both that custody of the juveniles was granted to the Poplins and the “matter transferred to a Chapter 50 [a]ction,” and that “[p]ursuant to [N.C. Gen. Stat.] § 7B-905.1, this court retains jurisdiction and all parties are informed of the right to file a motion for review of any visitation plan entered pursuant to this section.” The court further retained authority to “issue an order directing the parent, guardian, custodian, or caretaker served with a summons pursuant to [N.C. Gen. Stat.] § 7B-407 to appear and show cause why [they] should not be found or held in . . . contempt for willfully failing to comply with an order of the Court.”

No such inconsistencies appear in the civil custody orders, which contain the following findings of fact and conclusions of law:

19. Continued State intervention through a juvenile court proceeding is no longer necessary or appropriate; however, there is a need for a custody order to remain in effect and be enforceable and modifiable.

20. All parties are informed of the right to file a motion for review of any visitation plan entered pursuant to this section. Upon motion of any party and after proper notice and hearing, the court may establish, modify, or enforce a visitation plan that is in the juvenile's best interest.

.....

Opinion of the Court

2. The Court has exclusive, continuing jurisdiction under N.[.]C.[.] Gen.[.] Stat. §[]50A-202. . . .

3. The Court has a right under the provisions of North Carolina General Statutes, [Chapter] 50A, and North Carolina General Statutes, Section 50-13.5(c)(1) and (2), to exercise jurisdiction in the determination of custody of the juveniles and that this Court should assume jurisdiction to make a determination.

The orders' decretal provisions direct the Clerk of Superior Court "to treat this order as initiating a civil custody action" and release CCDHS and the guardian ad litem of all further responsibilities.

We agree with respondent-mother that the provisions in the adjudication and disposition order are inconsistent as they purport to retain the district court's juvenile jurisdiction under Chapter 7B while also terminating that jurisdiction to transfer the matter to a Chapter 50 civil custody case. However, the district court made the required findings under N.C. Gen. Stat. § 7B-911(c)(2) and expressly stated that it was terminating jurisdiction under Chapter 7B and intended to address the Poplins' custody of the children by means of a Chapter 50 proceeding. Given the district court's clear intent to terminate its Chapter 7B jurisdiction and its full compliance with the requirements of N.C. Gen. Stat. § 7B-911(c)(2), we deem it sufficient to strike the language in the adjudication and disposition order purporting to retain the district court's jurisdiction under Chapter 7B.

Accordingly, we remand the adjudication and disposition order for the limited purpose of striking the extraneous language in which the court purports to retain

jurisdiction to review visitation or conduct contempt proceedings pursuant to its authority under Chapter 7B. *See Yearwood v. Yearwood*, 287 N.C. 254, 257, 214 S.E.2d 95, 98 (1975) (remanding a case to the lower tribunal for modification of an order by striking an improper decree); *see also Bishop v. Reinhold*, 66 N.C. App. 379, 390, 311 S.E.2d 298, 304–05, *disc. review denied*, 310 N.C. 743, 315 S.E.2d 700 (1984) (holding that no new trial was necessary where remand to strike an improper portion of an order appealed from was sufficient to remedy an error of law). The Chapter 50 order entered under case file 23-CVD-1079 concerning the custody of Anna is affirmed. The custody order regarding Alex is no longer of any effect because he turned eighteen years of age during the pendency of this appeal, and respondent-mother's appeal from it is therefore moot.

III. Conclusion

We remand the adjudication and disposition order to the district court with instructions to modify the order by striking the language purporting to retain the district court's jurisdiction in the juvenile proceeding under Chapter 7B. With that modification, the adjudication and disposition order is affirmed as to Anna in file number 22-JA-214 but reversed in part and vacated in part as to Alex in file number 22-JA-215. The civil custody order entered in file number 23-CVD-1079 is affirmed as to Anna. Respondent-mother's appeal from the custody order in case file 23-CVD-1079 regarding custody of Alex is dismissed as moot.

File No. 22-JA-214: REMANDED WITH INSTRUCTIONS; AFFIRMED.

IN RE: A.R.D., A.R.S.

Opinion of the Court

File No. 22-JA-215: REVERSED IN PART; VACATED IN PART.

File No. 23-CVD-1079: AFFIRMED IN PART; DISMISSED IN PART.

Panel consisting of:

Judges ZACHARY, CARPENTER, and THOMPSON.

Report per Rule 30(e).