IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA19-1166

Filed: 6 October 2020

Harnett County, No. 15 CVD 2606

MIKHAIL S. WRIGHT, Plaintiff,

v.

JULLIE MEGAN WRIGHT, Defendant.

Appeal by Plaintiff from order entered 10 October 2019 by Judge Caron Stewart in Harnett County District Court. Heard in the Court of Appeals 26 August 2020.

Wilson, Reives and Silverman, PLLC, by Jonathan Silverman, for the Plaintiff-Appellant.

No brief for the Defendant-Appellee.

BROOK, Judge.

Mikhail Wright ("Plaintiff") appeals from the trial court's order awarding Jullie Wright ("Defendant") primary physical custody and joint legal custody of their son. We affirm the order of the trial court.

I. Background

Plaintiff and Defendant were married on 23 November 2009. Their only child, a son, was born on 11 November 2012. At the time they were married and their son was born, the parties were both on active duty in the United States Army. They lived together for the first 18 months of their son's life.

During that time, Defendant received orders changing her active duty station to Seoul, South Korea. At the time Defendant's service in South Korea began, Plaintiff intended that their separation would be permanent. Defendant was not aware of Plaintiff's intention to separate when she left for South Korea, however.

After a year of service in South Korea, Defendant moved back into the marital home on 10 June 2015. She then received orders changing her duty station to Fort Hood, Texas. Neither of the parties wanted to move to Texas.

On 28 December 2015, the day before she was required to report to Fort Hood, Defendant mentioned to Gail Charles, the parties' daycare provider, that her son "wanted to say goodbye one last time before she took him to Texas[.]" Ms. Charles was surprised, and after Defendant left, called Plaintiff and told him what Defendant had said. After receiving the phone call from Ms. Charles, Plaintiff picked the child up from daycare.

Plaintiff initiated the present action the following day. In his complaint, Plaintiff requested that the court award him custody, child support, enter a decree of divorce, and enter an *ex parte* child custody order preventing Defendant from taking

the child to Texas. The court immediately granted Plaintiff's request for an *ex parte* child custody order, temporarily awarding Plaintiff sole physical and legal custody of the child, sequestering Plaintiff's residence for his exclusive use and ordering Defendant to vacate it, temporarily restraining Defendant from coming to the residence, and enjoining Defendant from communicating with Plaintiff's command at the United States Army.

On 11 January 2016, the parties entered a memorandum of order in which they agreed to modify the 29 December 2015 order to grant Defendant visitation and allow her reasonable communication with her son over the phone and through videoconferencing technology. Two days after entering a judgment of absolute divorce, the court entered an order based on the memorandum of order on 3 February 2016, modifying the 29 December 2015 *ex parte* order. The court entered a temporary child support order with the parties' consent on 8 February 2016.[1] The parties entered an additional memorandum of order related to visitation on 13 November 2017. The court entered an order based on the memorandum of order one week later.

On 30 April 2019, the motions for permanent child custody came on for hearing before the Honorable Caron Stewart in Harnett County District Court. Judge Stewart presided over a two-day trial. On 10 October 2019, the trial court entered a

[1] Plaintiff was honorably discharged from the Army on 26 June 2016. Defendant medically retired from the Army on 17 March 2017.

permanent child custody order awarding the parties joint legal custody and primary physical custody to Defendant.

Plaintiff timely appealed.

II. Analysis

Plaintiff raises four arguments on appeal. We begin with his challenges to the sufficiency of the evidence to support the trial court's factual findings. Then we turn to his argument that the trial court erred in awarding Defendant primary physical custody without first determining that she was a fit and proper parent. Finally, we address whether the trial court abused its discretion by awarding Defendant primary physical custody and Defendant's argument that the permanent child custody order did not adequately explain why the court awarded Defendant primary physical custody.

A. Standard of Review

"Under our standard of review of custody proceedings, the trial court's findings of fact are conclusive on appeal if there is evidence to support them, even though the evidence might sustain findings to the contrary." *Estroff v. Chatterjee*, 190 N.C. App. 61, 68, 660 S.E.2d 73, 77 (2008) (internal marks and citation omitted). "Where, as here, the trial court finds that both parties are fit and proper to have custody, but determines that it is in the best interest of the child for one parent to have primary physical custody[,] such determination will be upheld if it is supported by competent

evidence." *Eddington v. Lamb*, 260 N.C. App. 526, 531, 818 S.E.2d 350, 354 (2018) (internal marks and citation omitted). Competent evidence is "such relevant evidence as a reasonable mind might accept as adequate to support a conclusion." *Shipman v. Shipman*, 357 N.C. 471, 474, 586 S.E.2d 250, 253 (2003) (citation omitted). "Whether these findings support the trial court's conclusions of law is reviewable de novo." *Estroff*, 190 N.C. App. at 68, 660 S.E.2d at 77.

Our Court has long held that the trial court's decision on physical custody "ought not to be upset on appeal absent a clear showing of abuse of discretion." *Greer v. Greer*, 5 N.C. App. 160, 162, 167 S.E.2d 782, 783 (1969) (citation omitted). "An abuse of discretion results only where a decision is manifestly unsupported by reason or so arbitrary that it could not have been the result of a reasoned decision." *Clark v. Sanger Clinic*, 175 N.C. App. 76, 84, 623 S.E.2d 293, 299 (2005) (internal marks and citation omitted).

B. Evidentiary Challenges

Plaintiff raises a number of challenges to the evidentiary support for the trial court's findings of fact, which we address in turn.

1. Finding of Fact Number 4

Plaintiff first challenges the trial court's fourth finding of fact, in which the court found:

> 4. The parties met each other while they both were active duty members of the United States Army. The plaintiff did

> not reenlist in the military and was honorably discharged. The parties decided it was best for their family that defendant reenlist. As such, she reenlisted in the military for at least two more years.

Plaintiff contends there was no evidence Defendant's decision to reenlist was a joint decision and that this decision was made by Defendant alone.

Defendant testified as follows about her decision to reenlist:

> Q: Did you want to go to Korea?
>
> A: No. No, I did not want to leave my baby.
>
> Q: Can you tell the court a little bit about the circumstances of your – is it fair to say deployment there?
>
> A: So every soldier does a hardship, Your Honor, of like a year, but if you want to take your family you have to do two years.
>
> THE COURT: You have what?
>
> THE WITNESS: You have to do two years in order to take family with you.
>
> A: And I thought it would be in the best interest of my baby to leave him with his dad for a year than to take the baby and go for two because he was so small and I wanted to make sure that they fostered a relationship.
>
> . . .
>
> Q: So as you are making this decision, can you tell a little – tell the court a little bit about the conversations that you're having with the plaintiff that you guys are going through?
>
> A: Well, shortly before that, I found out that he was having

an extramarital affair, and I didn't want to go.

One (indiscernible) leave my child and I was worried about that situation as well, and at the time he explained to me that we had just gotten that house and he couldn't afford for me to get out of the Army at that time because I had been seriously considering assigning a declination of orders myself. So I tried to extend and extend and extend my PCS date, and I was able to extend my PCS date which originally was March 10th to March 10th, 2014, to June 10th, 2014.

Q: Okay. So in that intervening time, did the plaintiff make any assurances to you about what would happen when you got back from Korea?

A: Well, he did tell me that he would make sure that I came home midway to see, you know, our son, and we had not discussed getting divorced before I left.

Q: So please remind the court when you arrived back from Korea.

A: I arrived back approximately June 10th, 2014 – or '15. I'm sorry.

Q: So June of '15, how long do you stay in the home for your next assignment?

A: I believe my report date was July 18th, 2015, to report to Fort Hood, Texas.

Q: Okay.

A: So about a month.

Q: So during that month you are aware that you had to go to Texas before too long?

A: Yes.

Q: Did you want to go to Texas?

A: I did not.

Q: Can you tell the court a little bit about the circumstances of you – or rather the conversation you were having with the plaintiff about going to Texas at that time?

A: I just let him know that I didn't want to go to Texas and that I was going to try to do everything in my power not to go to Texas short of signing a dec statement or a declination of order statement. I tried to go to Airborne School, and he said that Mikhail, the father said that he would speak to our branch manager, and he also suggested that I speak to our branch manager because we had the same military operation specialty, the same job, Your Honor.

So he advised me to call and try to figure out something and that he would also talk to her about maybe sending him away and not sending me away because I had already spent a year away from our son.

Q: If – if we could just hone in on that last bit. When you were having this conversation, was it your impression that the plaintiff had at some point considered a – is it a PCS to Texas?

A: Uh-huh.

Q: Was that – was that your impression?

A: No, he did not want to go to Texas. He didn't want to go to Texas, but he did say that he would speak to the branch manager about going somewhere, but he did not want to go to Texas.

Q: So if – if it wasn't specifically Texas, there – was there some conversation that maybe this time you'd stay home and he'd go on the next step?

> A: Yes, I recall him telling me that he would – he – he would offer the – or he told me that he offered to the branch manager to send him to maybe Kuwait.
>
> Q: So did you eventually wind up going to Texas?
>
> A: I did.

Defendant thus testified that her decision to reenlist was a sacrifice she made for the financial security of her family because of their recent purchase of a home, a decision informed by consulting with Plaintiff. This testimony supported the trial court's finding that the decision for Defendant to reenlist was a joint decision made by the parties.

2. Finding of Fact Number 9

Plaintiff next challenges the trial court's ninth finding of fact, in which the court found:

> 9. Defendant then received orders to change duty station (PCS) to Fort Hood, Texas and relocated approximately a month after returning from South Korea. The parties talked about her change of duty station. There was some contemplation by defendant that plaintiff would also go to Texas. However, he signed a declination and did not relocate to Fort Hood.

Plaintiff contends there was no evidence that there was any contemplation that he would go to Texas with Defendant upon her return to the United States from South Korea. Insofar as the finding relates to any contemplation by Defendant that Plaintiff would also go to Texas, we agree. The parties both testified that Plaintiff did not

want to go to Texas, and there was no testimony by Defendant that Plaintiff at any point planned to move with her to Texas. However, we hold that the balance of this finding was supported by Defendant's testimony.

3. Findings of Fact Numbers 7 and 12

Plaintiff next challenges the trial court's seventh and twelfth findings of fact, in which the trial court found:

> 7. Defendant attempted to maintain consistent contact with the minor child, but plaintiff made it difficult. Plaintiff would provide various explanations as to why he didn't answer the cellular phone nor would he consistently return defendant's phone calls; [sic]
>
> . . .
>
> 12. Plaintiff has introduced into evidence various text messages and email between the parties that begun [sic] on December 28, 2015 ending on April 19, 2019. The text messages demonstrate a consistent pattern by the plaintiff to interfere with the relationship with the defendant and their minor child.

While Plaintiff concedes that there was evidence to support these findings, he contends that a reasonable mind would not accept the evidence as adequate to support the broader generalizations about the evidence reflected in the findings and that these findings therefore were not supported by the evidence. This argument "asks us to re-weigh the evidence in his favor, and this we cannot and will not do." *Laprade v. Barry*, 253 N.C. App. 296, 302, 800 S.E.2d 112, 116 (2017).

4. Finding of Fact Number 17

Plaintiff next challenges the trial court's 17th finding of fact, in which the trial court found:

> 17. Likewise, plaintiff has presented a plethora of photographs with his two minor children but conspicuously absent from many of the photographs is his current wife [sic] nor was she present in the videos that were presented to the court.

Plaintiff initially contends that this is more properly characterized as an opinion than a finding of fact. We disagree. There are over 20 transcript pages of trial testimony about these photographs in the record. Over 100 pages of these photographs were introduced at trial. This testimony and the voluminous exhibits containing the photographs support the court's assessment of the volume of the photographic evidence presented by Plaintiff.

Plaintiff objects generally to the characterization of his current wife as having been "conspicuously absent" from the photographs, offering explanations for her absence and pointing out the photographs in which she does appear. "A reasonable mind would not find that any photo entered into evidence at this trial 'conspicuously lacked' Plaintiff's wife as she was present in the family photos and would not be expected to be present in the remaining," Plaintiff asserts. "Nor would a reasonable mind expect that it is 'conspicuous', inappropriate, or wrong that an attentive father may spend time alone with his son, nor that such behavior would indicate that is *not* in the child's best interest to be in his father's care," Plaintiff adds. (Emphasis in

original.) Through this argument Plaintiff again "asks us to re-weigh the evidence in his favor, and this we cannot and will not do." *Laprade*, 253 N.C. App. at 302, 800 S.E.2d at 116.

5. Finding of Fact Number 18

Plaintiff next challenges the trial court's 18th finding of fact, in which the trial court found:

> 18. Plaintiff has, on at least two occasions, selfishly used the minor child against the defendant. At one-point [sic] plaintiff's career was in jeopardy when defendant discovered that plaintiff had committed adultery. Plaintiff removed the minor child from defendant's care and stated that he would not return the minor child until defendant provided plaintiff with her passwords to any and all emails and other accounts so that he can read through to determine whether she had any information regarding his adulterous affair(s).

While Plaintiff concedes that there was evidence that he removed his son from Defendant's care after she discovered his infidelity, and that he stated he would not return their son to her care unless she provided him with access to all of her internet accounts, he asserts that the finding and the evidence presented in support of it did not support the portion of the finding stating that Plaintiff had "on at least two occasions, selfishly used the minor child against the defendant." We agree that the evidence supporting the finding and the balance of the finding only support a finding that Plaintiff selfishly used the minor child against Defendant on one occasion.

6. Finding of Fact Number 19

Plaintiff next challenges the trial court's 19th finding of fact, in which the trial court found:

> 19. By virtue of prior orders of this court plaintiff has had primary decision-making authority including educational, medical and social activities for the minor child. Plaintiff has abused this authority by refusing to discuss or include defendant in any of the decisions involving the minor child. He has, in fact, excluded her from these major decisions.

Plaintiff contends the evidence established the opposite.

Defendant offered the following testimony regarding Plaintiff's choices about whether to include her in decisions he made about their son:

> A: I think that Mikhail's need to control things is maybe one of the causes, and that's probably why we don't agree a lot because I don't always think that what he thinks is best is best. I – I'll just leave it at that.
>
> Q: Do you feel as though your input in your son's growth and development is well-received by the plaintiff?
>
> A: I don't think it's well-received, and it's not even truly asked for, not really.
>
> Q: What do you mean by that?
>
> A: Well, he will ask me about like schools, for instance, and this is just my opinion, but he will say like, for instance, when I think Jelly Bean started Primrose we went to two schools together, Primrose and Kindercare but he went to other schools that day. I wasn't invited to those, though.
>
> But I did – I certainly just felt like the school was already chosen and you know he was just basically handling me because the school that he chose ended up being right down the street from his house. So I felt like

> maybe that was the school that he wanted in the first place and he was just basically humoring me because when the instructor or the lady asked (indiscernible) do you think at Kindercare, when do you think [our son] [sic] will be starting school he didn't say anything.

Through this argument Plaintiff once again "asks us to re-weigh the evidence in his favor, and this we cannot and will not do." *Laprade*, 253 N.C. App. at 302, 800 S.E.2d at 116.

7. Finding of Fact Number 21

Plaintiff next challenges the trial court's 21st finding of fact, in which the trial court found:

> 21. While defendant has exercised her visitation with the minor child plaintiff has attempted to exert complete control. On at least one occasion he refused to exchange the minor child with defendant unless she provided him with information as to where the minor child was going to be and what persons were going to be in the minor child's presence. The court did not order defendant to provide any such information.

Plaintiff essentially disputes the trial court's characterization of the evidence in this finding while conceding it was supported by Defendant's testimony, pointing out evidence that could have supported a different finding by the trial court. Through this argument Plaintiff once again "asks us to re-weigh the evidence in his favor, and this we cannot and will not do." *Laprade*, 253 N.C. App. at 302, 800 S.E.2d at 116.

8. Finding of Fact Number 26

Plaintiff next challenges the trial court's 26th finding of fact, in which the trial court found as follows:

> 26. Plaintiff has failed to effectively co-parent with defendant and there is no evidence that he will effectively co-parent. Defendant has the willingness and demonstrated an ability to effectively co parent [sic] to the extent that she has included plaintiff in major decisions involving the minor child and call [sic] him for advice whenever there was a decision to be made while the minor child was in her custody.

Plaintiff contends that the evidence established the opposite. Plaintiff thus once again "asks us to re-weigh the evidence in his favor, and this we cannot and will not do." *Laprade*, 253 N.C. App. at 302, 800 S.E.2d at 116.

9. Finding of Fact Number 29

Plaintiff next challenges the trial court's 29th finding of fact, in which the trial court found as follows:

> 29. It is in the best interest of the minor child that plaintiff and defendant are awarded joint legal custody with defendant being awarded primary physical custody.

Plaintiff contends that this finding is in fact a conclusion of law and that it is unsupported by the trial court's factual findings. While we agree that this finding is properly considered a conclusion of law, *Hunt v. Hunt*, 112 N.C. App. 722, 728, 436 S.E.2d 856, 860 (1993), we do not agree that it is unsupported by the trial court's other findings of fact, as discussed in detail below.

C. Defendant's Fitness

> In resolving a custody dispute between parents, a trial court is entrusted with the delicate and difficult task of choosing an environment which will, in his [or her] judgment, best encourage full development of the child's physical, mental, emotional, moral and spiritual faculties, and must determine by way of comparisons between the two parents, upon consideration of all relevant factors, which of the two is best fitted to give the child the home-life, care, and supervision that will be most conducive to the child's well-being. Trial courts are permitted to consider an array of factors in order to determine what is in the best interest of the child[.]

Eddington, 260 N.C. App. at 531, 818 S.E.2d at 354 (internal marks and citations omitted).

> The determination of what will best promote the interest and welfare of the child, that is, what is in the best interest of the child, is a conclusion of law, and this conclusion must be supported by findings of fact as to the characteristics of the parties competing for custody. These findings may concern the physical, mental, or financial fitness or any other factors brought out by the evidence and relevant to the issue of the welfare of the child.

Hunt, 112 N.C. App. at 728, 436 S.E.2d at 860 (internal marks and citations omitted).

Plaintiff argues that the trial court erred in awarding Defendant primary custody without first determining she was a fit and proper parent. We disagree.

The trial court made the following findings related to Defendant's fitness:

> 26. . . . Defendant has the willingness and demonstrated an ability to effectively co parent [sic] to the extent that she has included plaintiff in major decisions involving the minor child and call [sic] him for advice whenever there was a decision to be made while the minor child was in her custody.

> 27. During one of defendant's visitations with the minor child she brought him to Florida, where they visited plaintiff's mother, uncle and other family members. Defendant has not only exhibited the ability to co parent [sic], but she understands the importance of all family members being involved in the minor child's life.
>
> 28. Defendant resides in a two-bedroom, two-bathroom apartment in a safe a stable location, which is approximately three miles from plaintiff's, and it takes approximately nine minutes to drive from her residence to plaintiff's.

The trial court also found that it was the parties' joint decision for Defendant to reenlist in the Army for the benefit of their family, that Defendant moved back into the home with her son as soon as she returned from South Korea, and that later, after Plaintiff had remarried, Defendant relocated to where Plaintiff resided with their child in Harnett County, North Carolina, after her military service concluded, moving again to the Raleigh area to be near her son after Plaintiff and his new wife moved.

These findings sufficiently establish Defendant's fitness to provide for the care and supervision of the parties' son.

D. Best Interest Determination and Primary Physical Custody Award

Section 50-13.2(a) of the General Statutes of North Carolina requires that "[a]n order for custody of a minor child entered pursuant to this section shall award the custody of such child to such person, agency, organization or institution as will best promote the interest and welfare of the child." N.C. Gen. Stat. § 50-13.2(a) (2019).

"This provision codified the rule declared many times by the North Carolina Supreme Court that in custody cases the welfare of the child is the polar star by which the court's decision must be governed." *Green v. Green*, 54 N.C. App. 571, 572, 284 S.E.2d 171, 173 (1981). Importantly, "[e]vidence of a parent's ability or inability to cooperate with the other parent to promote their child's welfare is relevant in a custody determination and material to determining the best interests of the child." *Cunningham v. Cunningham*, 171 N.C. App. 550, 559, 615 S.E.2d 675, 682 (2005).

In support of its physical custody award the trial court found in relevant part as follows:

> 7. Defendant attempted to maintain consistent contact with the minor child, but plaintiff made it difficult. Plaintiff would provide various explanations as to why he didn't answer the cellular phone [sic] nor would he consistently return defendant's phone calls; [sic]
>
> . . .
>
> 12. Plaintiff has introduced into evidence various text messages and email between the parties that begun [sic] on December 28, 2015 ending on April 19, 2019. The text messages demonstrate a consistent pattern by the plaintiff to interfere with the relationship with the defendant and their minor child.
>
> > a. On January 22, 2016 defendant texted plaintiff and requested to speak with their minor child. Plaintiff responded that there was an electrical outage. The plaintiff did not return the telephone call nor did he provide any additional explanation.

b. On January 26, 2016 defendant again attempted to contact but the plaintiff did not return the telephone call[,] nor did he provide communication between defendant and the minor child through any other means.

c. On January 28, 2016 plaintiff sent defendant another text message that the minor child dropped his cellular device into the toilet. Plaintiff sent defendant this text message in order to inform defendant that she should contact the minor child through another device. The plaintiff made no attempt to allow the minor child [sic]

d. On February 11, 2016 defendant attempted to call and speak with the minor child but there was no answer. As such, plaintiff sent a text stating that he was on another phone call. [Defendant] did not speak with her son on that day.

e. On June 11, 2016 defendant sent a text message to plaintiff stating that she called plaintiff [on] four consecutive days to speak with their minor child. In fact, defendant sent screen shots of images from her phone depicting the four consecutive days of calls she made to plaintiff's phone. He failed to answer any of the calls.

f. In July 2016 defendant texted plaintiff stating that she was in town and would like to spend an overnight with the minor child. At that time, plaintiff asked about the overnight visitation location and the identity of persons who will be in the minor child's presence. After providing defendant with the information he requested plaintiff allowed defendant to visit the minor child.

g. On July 25, 2016 defendant attempted to call plaintiff to speak with the minor child but was unsuccessful as plaintiff stated that he was in class.

> h. On July 28, 2016 around 8:27 pm defendant attempted to call plaintiff to speak with the minor child but was unsuccessful as plaintiff stated he was in class.

13. Plaintiff has made it cumbersome to co-parent with defendant evidencing a general unwillingness to cooperation [sic] with defendant. This has caused defendant unnecessary frustration as she attempted to be involved in [their son's] life.

. . .

19. By virtue of prior orders of this court plaintiff has had primary decision-making authority including educational, medical and social activities for the minor child. Plaintiff has abused his authority by refusing to discuss or include defendant in any of the decisions involving the minor child. He has, in fact, excluded her from these major decisions.

. . .

21. While defendant has exercised her visitation with the minor child plaintiff has attempted to exert complete control. On at least one occasion he refused to exchange the minor child with defendant unless she provided him with information as to where the minor child was going to be and what persons where going to be in the minor child's presence. The court did not order defendant to provide any such information.

. . .

26. Plaintiff has failed to effectively co-parent with defendant and there is no evidence that he will effectively co-parent. Defendant has the willingness and demonstrated an ability to effectively co parent [sic] to the extent that she has included plaintiff in major decisions involving the minor child and call [sic] him for advice

> whenever there was a decision to be made while the minor child was in her custody.

Based on these findings, the trial court concluded it was in the best interest of the child that Defendant be awarded primary physical custody and awarded her primary physical custody.

We hold that the trial court's findings supported its conclusion that it was in the best interest of the child that Defendant be awarded primary physical custody and further, that the court's conclusion was not an abuse of discretion; we cannot say that the trial court's conclusion that it was in the child's best interest that primary physical custody be awarded to Defendant was "manifestly unsupported by reason or so arbitrary that it could not have been the result of a reasoned decision." *Clark*, 175 N.C. App. at 84, 623 S.E.2d at 299 (internal marks and citation omitted). The findings instead supported the conclusion and were supported by the record evidence, as discussed above.

Plaintiff argues that the trial court's factual findings do not support its legal conclusion regarding the child's best interest because the findings do not adequately explain why it is in the child's best interest that Defendant have primary physical custody. A review of the trial court's findings reveals ample support for this conclusion, however. The consistent theme pervading these findings is that Plaintiff had proven himself unable to effectively co-parent with Defendant—an effort that would have required a level of cooperation that he was either unable or unwilling to

provide. The court cited numerous examples of specific instances to support its broader findings, and the broader findings support the trial court's conclusion regarding the child's best interest. We hold that the trial court's order adequately explained why Defendant was awarded primary custody.

In support of his argument, Plaintiff cites our decisions in *Hinson v. Hinson*, ___ N.C. App. ___, 836 S.E.2d 309 (2019), and *Carpenter v. Carpenter*, 225 N.C. App. 269, 737 S.E.2d 783 (2013). In both *Hinson* and *Carpenter*, we reversed the trial court's custody award where the findings of fact did not meaningfully resolve the disputed issues at trial, thwarting appellate review of the custody decision. *See Hinson*, ___ N.C. App. at ___, 836 S.E.2d at 315; *Carpenter*, 225 N.C. App. at 274-79, 737 S.E.2d at 787-90. *Hinson* and *Carpenter* thus stand for the proposition that a trial court's custody award is subject to reversal on appeal where we are either unable to discern the rationale for the custody award from the findings, or the absence of necessary findings prevents our review of the rationale for the custody award.

Unlike in *Hinson* and *Carpenter*, however, the trial court's findings in this case not only resolved the issues in dispute, they articulated a clear rationale for awarding Defendant primary custody: Plaintiff had proven himself unable or unwilling to effectively co-parent. Specifically, as noted above, the court found that "Plaintiff ha[d] made it cumbersome to co-parent[,]" had "evidenc[ed] a general unwillingness to cooperat[e,]" and had abused "[his] primary decision-making authority[,]" such as

by "refusing to discuss or include [D]efendant in any of the decisions involving the minor child" and "exclud[ing] [Defendant] from these major decisions." In contradistinction to Plaintiff's "fail[ure] to effectively co-parent" and in the absence of any "evidence that he will effectively co-parent" going forward, the trial court found that "Defendant has the willingness and demonstrated . . . ability to effectively co parent [sic][.]" This case is therefore distinguishable from *Hinson* and *Carpenter*.

III. Conclusion

We affirm the order of the trial court because the court's findings related to Defendant's fitness and to Plaintiff's inability to provide the level of cooperation necessary to co-parent were supported in relevant part by the evidence presented, and these findings supported the court's conclusion that it was in the best interest of the child that Defendant be awarded primary physical custody.

AFFIRMED.

Judges TYSON and HAMPSON concur.

Report per Rule 30(e).