

**Juvenile Case Decided by the
North Carolina Court of Appeals**

June 1, 2010

Neglect

Neglect: sufficiency of findings; dispositional provisions

- In juvenile case, court may order non-custodial parent to pay support to custodial parent; however, order must be supported by specific findings of fact.
- Order that father have weekly supervised visits was not specific enough and did not constitute a sufficient “minimum outline” of a visitation plan.
- Trial court did not have authority to order a parent to obtain and maintain stable employment, when parent’s employment status was not relevant to adjudication that child was neglected.

In re W.V., ___ N.C. App. ___, ___ S.E.2d ___ (June 1, 2010).

<http://www.aoc.state.nc.us/www/public/coa/opinions/2010/pdf/091568-1.pdf>

Facts: Unmarried parents lived together with their child. Respondent father used and grew marijuana in the home, was controlling, had assaulted the mother and had a history of domestic violence, was verbally abusive, refused to enter into a case plan or attend domestic violence classes, and became violent when respondent mother told him she wanted to end the relationship. The mother obtained a domestic violence protective order and moved to a separate home. The court adjudicated the child neglected and placed him in his mother’s home. The order also, among other things, ordered that respondent father have weekly visitation with the child supervised by DSS; pay \$100 per month in child support; and obtain stable employment. Respondent father appealed.

Held: Affirmed in part; vacated in part; remanded.

1. The trial court’s findings were sufficient to support the neglect adjudication, as respondent’s conduct created an injurious environment and a substantial risk of harm to the child. [Adjudication affirmed.]
2. The trial court did not abuse its discretion and the findings were sufficient to support its order for weekly supervised visitation. However, the court failed to set out a minimum outline of a visitation plan (“such as the time, place, and conditions under which visitation may be exercised”). [Remanded for clarification of visitation plan.]
3. The trial court had jurisdiction to order respondent to pay child support to the child’s mother; however, the court failed to make specific findings about the child’s needs and the respondent’s ability to pay, sufficient to support its order for payment of a specific amount. [Remanded for additional findings and entry of appropriate support order.]

Dissent: Judge Calabria dissented from the portion of the order that remanded the case for determination of a support amount, because the trial court had asked the mother to go to the IV-D child support office and had ordered \$100 a month only pending the establishment of a support order through IV-D. She would have vacated the part of the order dealing with support because support could be addressed more appropriately in IV-D child support court.

4. The trial court did not have statutory authority to order respondent to obtain and maintain stable employment. Nothing in the record indicated that the child’s adjudication was in any way related to respondent’s employment status, and G.S. 7B-904 did not authorize the order. [Portion of order dealing with employment vacated.]

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