Note: Decisions of a three-justice panel are not to be considered as precedent before any tribunal.

ENTRY ORDER

SUPREME COURT DOCKET NO. 2001-546

MAY TERM, 2002

Mary Josephine Thompson	}	APPEALED FROM:
v.	}	Bennington Family Court
Frank L. Thompson, Jr.	}	DOCKET NO. 56-3-94 Bndm
	}	Trial Judge: Karen R. Carroll

In the above-entitled cause, the Clerk will enter:

Father appeals from the denial of his motion for contempt filed in connection with the parties' prior divorce proceeding. We affirm.

Father moved for contempt and enforcement of a provision in the parties' divorce order requiring that neither parent do or say anything, or permit anyone else to do or say anything, tending to disparage the other parent in the presence of the child. According to father, a report submitted by a therapist explaining why the parties' fourteen-year-old child does not want to have anything to do with her father demonstrates that mother violated the provision described above. The court denied defendant's motion, stating that the motion failed to state facts alleging in any way how mother was in contempt of court. The court rejected father's request for further explanation. On appeal, father argues that the court's decision constituted an abuse of discretion and a violation of due process. We disagree. Nothing in the therapist's letter demonstrates, or even suggests, that mother was in contempt of the parties' divorce order. Given the speculative basis of the allegation, the court was not obligated to provide defendant with a hearing on his motion. See V.R.F.P. 16(b)(1) (giving court discretion to initiate contempt proceeding on its own or party's motion). As the court stated in an earlier order, the ultimate issue between the parties is whether the child should be forced to have visitation with father, and numerous contempt motions are not bringing the parties or the court system any closer to answering that important question.

Affirmed.

BY THE COURT:

_____
James L. Morse, Associate Justice

_____
Denise R. Johnson, Associate Justice

_____
Marilyn S. Skoglund, Associate Justice