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

ENTRY ORDER

SUPREME COURT DOCKET NO. 2004-109

NOVEMBER TERM, 2004

Jessica Columbia	}	APPEALED FROM:
	}	
	}	
v.	}	Orleans Family Court
	}	
Bradley Columbia	}	
	}	DOCKET NO. 70-4-03 Osdm
		Trial Judge: Dennis R. Pearson

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

Father appeals pro se from a divorce judgment and child support order of the Orleans Family Court. He contends the court erred in dividing the marital property and granting mother sole parental rights and responsibilities. We affirm.

The facts that may discerned from the record are briefly summarized. Following a final hearing in December 2003, the family court issued a final order and decree of divorce, dated December 12, 2003. Father was incarcerated in a federal prison in New Jersey at the time of the divorce, and apparently remains incarcerated. Although father initially appeared at the final hearing by telephone, the court's order indicates that his participation "was terminated when he failed to follow the Court's instructions." The court awarded mother sole legal and physical parental rights and responsibilities for the parties' minor child, who was one year old at the time of the hearing, and awarded mother all personal property and household furnishings in her possession.

The court held a subsequent hearing in February 2004, on mother's motion for child support. Father again participated by telephone. In a written decision, issued on February 18, 2004, the court ordered father to pay nominal child support of $25 per week.

The record indicates that father filed a notice of appeal from the divorce judgment and child support order on February 27, 2004. Thus, it is apparent that father's appeal from the judgment of divorce (entered on December 12, 2004), was untimely, and that this Court lacks jurisdiction to review the judgment. See V.R.A.P. 4 (requiring that notice of appeal shall be filed within 30 days of date of entry of judgment); In re L.B., 147 Vt. 82, 84 (1986) (observing that timely filing of notice of appeal is jurisdictional requirement). Even if the appeal had been timely, moreover, we note that father's brief would not be adequate for purposes of review. He purports to raise three issues: the

division of the marital property; the award of parental rights and responsibilities; and his former wife's alleged cohabitation with another man. As to the marital property, father claims that he was entitled to half of the marital assets, but he did not order a transcript of the final hearing and cites to nothing in the record or the court's decision to demonstrate error. Accordingly, we have no basis on which to review the decision. See New England P'ship, Inc. v. Rutland City Sch. Dist., 173 Vt. 69, 73 (2001) (declining to undertake search for claimed error where it is not adequately briefed, supported by argument, or pointed out in the record before us). Father also asserts that an award of joint custody was in the best interests of the child, but again fails to support the claim with any pertinent citations to the record or the law. This is inadequate for purposes of review. See id. Father also complains of mother's alleged cohabitation with another man. Father cites nothing in the record or the law to show how this infringes his rights or jeopardizes the best interests of the child. Accordingly, we discern no basis to disturb the judgment.

Although father's appeal from the child support order was timely, his only claim in this regard is that it is "unfair" to be required to pay child support while incarcerated and unable to exercise parental custody or have normal visitation.* Although the claim is not adequately briefed or argued, we note that father's child-support obligation is not dependent on his right to custody or any particular level of parent-child contact.

In his reply brief, father makes various additional assertions which are not properly before the Court or adequately briefed and argued. See Bassler v. Bassler, 156 Vt. 353, 363 (1991) (stating that issues not raised in appellant's original brief may not be raised for first time in reply brief).

Affirmed.

BY THE COURT:

_____
John A. Dooley, Associate Justice

_____
Marilyn S. Skoglund, Associate Justice

_____
Frederic W. Allen, Chief Justice (Ret.),
Specially Assigned

* Father does not contest the amount of the child support award or the adequacy of the evidence or findings in support of the award.