

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

ENTRY ORDER

SUPREME COURT DOCKET NO. 2007-022

OCTOBER TERM, 2007

Lisa Levesque	}	APPEALED FROM:
	}	
	}	
v.	}	Washington Family Court
	}	
	}	
David Kaczynski	}	DOCKET NO. 279-6-95 WnDm

Trial Judge: James R. Crucitti

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

Mother appeals the family court’s decision regarding father’s motion to modify parental rights and responsibilities and mother’s motion for contempt. We affirm.

A 1996 final divorce order awarded mother sole legal and physical rights and responsibilities with respect to the parties’ two children, a daughter born in July 1990 and a son born in March 1993. A 2003 amended order based on the parties’ stipulation maintained sole parental rights and responsibilities with mother, while father was required to engage in family therapy to address treatment issues identified in a forensic examination. Specifically, the evaluation identified father’s history of controlling, abusive, and threatening behavior. The evaluation also indicated that both parties had been guilty of attempting to disrupt the children’s relationship with the other parent. At the advice of his therapist, father took a six-month “break” from seeing his children. At the end of that period, significant issues had not been resolved, and father did not insist on maintaining contact with the children.

In January 2005, mother appeared at father’s residence and dropped off the parties’ son, telling father, in effect, that if he did not take him, the boy might wind up in state custody. Father learned that the child had not been in counseling for the past six months and had not been taking his prescribed medication. Mother later explained that the boy had become unmanageable, threatening her and harming other children in her household. After the boy moved in with father, he stayed out of trouble, settled down in school, and started seeing a therapist again. In September 2006, the court issued a temporary order establishing a parent-child-contact schedule with mother, who had moved with the parties’ daughter to a new home located a significant distance from father. In December 2006, a hearing was held on father’s motion to modify parental rights and responsibilities and mother’s motion for contempt. Following the hearing, the family court awarded father sole legal and physical rights and responsibilities with respect to the parties’ son and further ordered father and the parties’ daughter to meet with a counselor to determine the desirability of establishing a positive

relationship between them. The court also denied mother's motion for contempt and rejected her request for an imposition of monetary sanctions against father.

On appeal, mother argues that: (1) the family court's decision is unsupported by the evidence and contrary to the relevant statutes; (2) the court forced her to sign over her parental rights by threatening her; (3) the court violated the children's constitutional rights in determining their best interests; (4) the court reinforced father's abusive behavior by engaging in "bait and switch" tactics; (5) the presiding judge should have disqualified himself because of his admitted affiliation with a therapist involved in the case; and (6) the court has caused harm to all parties by engaging in inconsistent procedures, violating the parties' rights, and failing to enforce its own orders. According to mother, "[t]he only way to make the insanity of this matter stop is to place the father in jail." Rather than articulate claims of error challenging the family court's findings or conclusions, mother states her views of what occurred in this case. For example, she states that father obtained custody of the parties' son by holding the child hostage after the boy went to live with him, and that the court then entrapped her into signing an order that transferred custody of the boy to father.

Upon review of the record, we conclude that mother has failed to demonstrate that any of the family court's findings are clearly erroneous or that the court's decision is unsupported by its findings and conclusions. See Osmanagic v. Osmanagic, 2005 VT 37, ¶¶ 5-6, 178 Vt. 538 (mem.) (noting that the family court has broad discretion in determining parental rights and responsibilities, and that its legal conclusions will be upheld as long as they are supported by the findings, which are viewed most favorably to the prevailing party if they are supported by any credible evidence). We find nothing in the record indicating that father engaged in custodial interference or that the court relied on inadmissible evidence in making its decision. Nor do we find any basis supporting mother's allegations of bias or discrimination on the part of the family court judge. Nor do we find availing mother's complaint that the court should not have considered issues concerning the parties' daughter. Father plainly asked the court to consider allowing him an opportunity through a therapist to establish a relationship with his daughter. The issue was raised and discussed during the hearing, without objection from mother. In short, the record fully supports the court's decision in this matter.

Finally, at oral argument, wife raised a number of other issues that are currently being considered in the family court and that were not the subject of this appeal when it was filed; accordingly, we do not address those issues.

Affirmed.

BY THE COURT:

Paul L. Reiber, Chief Justice

John A. Dooley, Associate Justice

Denise R. Johnson, Associate Justice