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

ENTRY ORDER

SUPREME COURT DOCKET NO. 2002-296

NOVEMBER TERM, 2002

Janice Washburn Blaiklock	}	APPEALED FROM:
v.	}	Windsor Family Court
William Blaiklock	}	DOCKET NO. 247-6-99 Wrdm
	}	Trial Judge: Walter M. Morris, Jr.

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

Mother appeals from orders of the Windsor Family Court modifying parent-child contact and denying mother' s motion for relief from judgment. She contends the court abused its discretion in establishing a visitation schedule that results in long periods of separation from the children, and sets unrealistic transition times. We affirm.

The parties obtained a final divorce judgment from the Windsor Family Court in March 2000. Mother was awarded custody of the parties' two children, who were then five and one and a half years old. Father was granted substantial visitation, consisting of three days out of every seven. In April 2001, mother moved to modify the visitation schedule based on her impending move to Connecticut. Father filed an opposition to the motion in which he proposed an alternative schedule.

Following a hearing in August, in which both parties were represented by counsel, the court issued a series of interim orders setting forth a modified parent-child contact schedule through January 2002. In February, the court issued its final decision on the motion to modify. The court found that mother' s move to Connecticut required a modification of the original visitation schedule because of the impracticality of maintaining the extensive weekly contact with father. Finding that father had maintained an extremely close and active relationship with the children since their birth, that the children had strong family ties to both Vermont and Connecticut, and that it was in the children' s best interests to continue to spend substantial time with father, the court established a visitation schedule designed to provide blocks of time with both parents, taking into account the children' s age, the burden of travel, and the need for stability. The schedule essentially provided for visitation with father for two consecutive weekends, with the youngest pre-school child remaining with father for the weekdays in between, as well as an additional weekend during the months of April, June, and October. The summer schedule provided for visitation with father for three consecutive weeks, followed by two consecutive weeks with mother, then three consecutive weeks with father, followed by a return to mother until school commenced.

Mother did not appeal the modification order. In April, however, she filed a pro se " motion to correct apparent mistake under Rule 60," seeking to eliminate the additional weekend of visitation during the months of April, June and October and to modify the summer schedule on the ground that these provisions resulted in lengthy periods of separation from her children. She claimed that these provisions may have been the result of a mistake by the trial court and that, in any event, they were contrary to the children' s best interests. She also sought to modify the weekend visitation schedule to provide for the children' s return on Saturday rather than Sunday evening, which she argued provided a better transition to school on Monday.

In May, the court issued a written decision denying the motion. The court observed that it had carefully considered and balanced the children' s needs, including the scheduling issues raised by mother, in its earlier decision, and that the visitation schedule was not the result of any mistake or inadvertence by the trial court. Accordingly, construed as a motion under V.R.C.P. 60(b), the motion was denied. Construed as a motion to modify the visitation schedule, the motion was denied on the ground that mother had not demonstrated a substantial change of circumstances warranting further modification. This pro se appeal followed.

Although mother purports to appeal from the trial court' s February order modifying the parent-child contact schedule, we note that the appeal is untimely, and therefore beyond the Court' s jurisdiction. See V.R.A.P. 4. Furthermore, in reviewing the court' s subsequent order denying mother' s Rule 60(b) motion, we observe that such a motion is not intended to substitute for a timely appeal. Donley v. Donley, 165 Vt. 619, 619-20 (1996) (mem.). Mother essentially argues on appeal, as she did below, that the trial court abused its discretion in establishing a visitation schedule that provides for lengthy blocks of time with father and that provides for the children' s return to the custodial parent on Sunday evenings. Even considered on the merits, the claims are not persuasive. In its order establishing the modified visitation schedule, the court expressly balanced the needs of the children for extensive contact with father, their interest in stability, their significant contacts with both Connecticut and Vermont, and the scheduling issues related to travel between the two states. The trial court is vested with broad discretion in crafting or modifying a parent-child contact schedule that serves the best interests of the children, and its decision will not be reversed unless clearly unreasonable on the facts presented. Gates v. Gates, 168 Vt. 64, 74 (1998). Mother has not shown that the schedule established by the court in this case was clearly unreasonable or an abuse of discretion. Accordingly, the judgment must be affirmed.

Affirmed.

BY THE COURT:

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Jeffrey L. Amestoy, Chief Justice

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John A. Dooley, Associate Justice

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James L. Morse, Associate Justice