

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

ENTRY ORDER

VERMONT SUPREME COURT
FILED IN CLERK'S OFFICE

SUPREME COURT DOCKET NO. 2008-372

FEB 4 2009

JANUARY TERM, 2009

Larkin Forney	}	APPEALED FROM:
	}	
v.	}	Family Court of Vermont
	}	Unit 2, Chittenden Circuit
	}	
Ashley Meek	}	DOCKET NO. 332-5-03 Cndm
	}	
	}	Trial Judge: Mark J. Keller

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

Plaintiff Larkin Forney filed a notice of appeal seeking to challenge the trial court's alleged decision on August 27, 2008 "not to hold a hearing for modification of parental rights and responsibilities and not to hold [defendant] . . . in contempt." The August 27, 2008 entry order from which plaintiff appeals, however, does not indicate that any such rulings were made. We find no basis to disturb the court's decision.


The record indicates that, in addition to numerous other motions, plaintiff has filed approximately sixteen motions to modify parental rights and responsibilities, twelve motions to modify parent-child contact, and numerous motions for contempt since this parentage action began in May 2003. Plaintiff often files new motions immediately after the trial court, following a hearing, has denied his outstanding motions. For example, in July 2008, the court indicated that no action was necessary on plaintiff's most recent motions to modify—one filed on July 7, 2008 and a second filed on July 14, 2008—because these motions were either based on old incidents that had already been addressed or based on the child's hearsay statements. Following this ruling, plaintiff filed another motion to modify on July 16, another on July 24, 2008, as well as motions for emergency relief, contempt, and a motion to modify parent-child contact. On July 28, plaintiff filed another request for emergency relief, a motion to modify parental rights and responsibilities, and another motion for contempt. He filed seven more motions between July 30 and August 4. On August 6, the court denied plaintiff's numerous motions to modify parental rights and responsibilities, explaining that one missed parent-child visit did not constitute a substantial change in circumstances so as to justify the court reopening the matter. It set a hearing to consider the remedy for the one missed visit. Following this ruling, plaintiff immediately filed another motion to modify parental rights and responsibilities and a request for emergency relief.

At the August 27, 2008 hearing, the court heard testimony from both parties about the missed visit. It stated at the close of the hearing that a future hearing would be held to consider: which missed parent-child visits should be made up and when; Mr. Forney's allegations that the child was being abused; and Ms. Meek's forthcoming motion to modify visitation. The court's August 27 entry order provides that, pending this hearing, parent-child visitation would continue as scheduled. Plaintiff

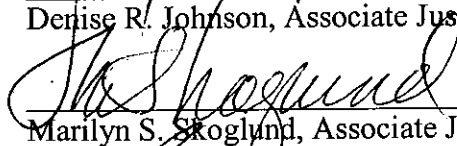
appeals from this order but he offers no compelling argument as to how the trial court erred, providing instead a general attack against defendant and referencing matters that are not properly before the Court. The trial court has indicated that it will address a remedy for the missed visits at a later date, and we discern no error whatsoever in its decision.

Affirmed.

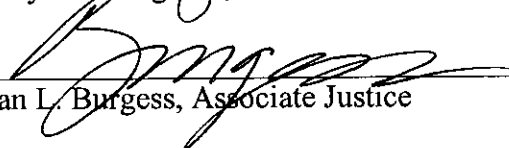
BY THE COURT:



Denise R. Johnson, Associate Justice



Marilyn S. Skoglund, Associate Justice



Brian L. Burgess, Associate Justice