VERMONT SUPREME COURT
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Case No. 2021-133

Note: In the case title, an asterisk (*) indicates an appellant and a double asterisk (**) indicates a cross-appellant. Decisions of a three-justice panel are not to be considered as precedent before any tribunal.

ENTRY ORDER

JANUARY TERM, 2022

Tessa Lemieux v. Holly Hall (Rich)*	}	APPEALED FROM:
	}	Superior Court, Caledonia Unit,
	}	Family Division
	}	CASE NO. 21-FA-01020
		Trial Judge: Kevin W. Griffin

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

Plaintiff, the adoptive mother of two children, O.L. and T.L., filed a complaint for relief from abuse on behalf of the children against defendant, their biological mother. Following a hearing which both parties attended, the trial court granted a final order for relief from abuse as to each child. Biological mother appeals, and we affirm.

On appeal, biological mother contends that adoptive mother made various false statements at the hearing, raises concerns about adoptive mother's treatment of the children, and discusses other evidence bearing on the relationships among her, the children, and various third parties. "In matters of personal relations, such as abuse prevention, the family court is in a unique position to assess the credibility of witnesses and weigh the strength of evidence at hearing." Raynes v. Rogers, 2008 VT 52, ¶ 9, 183 Vt. 513. Accordingly, we will affirm a family court's decision granting a relief-from-abuse order unless the court abused its discretion, "upholding its findings if supported by the evidence and its conclusions if supported by the findings." Id.

To the extent biological mother challenges the sufficiency of the trial court's findings or the correctness of its conclusions, we cannot assess those arguments because she chose not to order a transcript of the hearing. The party challenging a ruling has the burden of providing a transcript to enable appellate review. In re S.B.L., 150 Vt. 294, 307 (1988). Without a transcript, this Court is unable to assess what arguments were made or whether adequate evidence was presented at the hearing, and we must assume that the court's findings are supported by sufficient evidence. See Vermont Rule of Appellate Procedure 10(b)(1) ("By failing to order a transcript, the appellant waives the right to raise any issue for which a transcript is necessary for informed appellate review."); In re S.B.L., 150 Vt. at 307 (explaining that appellant bears consequences of failing to order transcript and without transcript Supreme Court assumes that evidence supports trial court's findings). Moreover, biological mother's claim that the evidence adoptive mother presented was false or unpersuasive does not provide a basis for

reversal, even if there were a record for review. On appeal, this Court does not reweigh the evidence or make findings of credibility de novo. Mullin v. Phelps, 162 Vt. 250, 261 (1994).

Affirmed.

BY THE COURT:

Paul L. Reiber, Chief Justice

Harold E. Eaton, Jr., Associate Justice

Karen R. Carroll, Associate Justice