



## **Custody and Parenting Time**

6/18/2020

In **Jones v. Gruca**, 150 N.E.3d 632 (Ind. Ct. App. 2020) *trans. denied*, the Court affirmed the trial court's denial of Mother's motion for modification of custody, holding: (1) the trial court did not err in denying Mother's motion to modify custody; and (2) the trial court had not improperly delegated its judicial power to a parenting coordinator by requiring the parties to first resolve their disputes out of court with the parenting coordinator.

Mother and Father were married in 1999, and a fact-finding hearing in their dissolution was held in May 2018. However, before the trial court could enter its order, Mother filed a motion for modification of custody. The court entered its order anyway, and a series of motions and additional hearings followed, culminating in a September 2019 denial of Mother's motion for modification. In its denial, the trial court made lengthy findings of fact that strictly outlined the trial court's displeasure with many of Mother's arguments and allegations. Further, the trial court imposed a series of conditions that the parties would have to meet prior to filing any further motions with regard to custody and parenting time. Mother appealed.

**The trial court did not err in denying Mother's motion to modify custody; the findings were supported by the evidence. Id. at 641.** In order to modify custody, the modification must be in the best interests of the child and must be based on a substantial change in one or more the statutory factors relating to best interests. Id. Mother's arguments regarding the evidence and the findings were merely attempts to relitigate the case, which the Court will not do. Id.

**The trial court had not improperly delegated its judicial power to a parenting coordinator by requiring the parties to first resolve their disputes out of court with the parenting coordinator. Id. at 643.** Mother and Father jointly appealed the trial court's order requiring them to use a parenting coordinator to resolve disputes before filing any new motions or petitions, arguing that the trial court denied their constitutional rights under Article 1, Section 12 of the Indiana Constitution to open courts. Id. at 642. The Court opined that even though the parties agreed on this instance, it was not required to accept the parties' agreement. Id. Trial courts have the ability to manage their dockets and that extends to limiting filing of parties who abuse the court's docket. Id. The Court noted the trial court's findings regarding the "high drama" and Mother's unwillingness to cooperate or coparent at all in making its determination that all disputes must be discussed with the parenting coordinator before seeking court intervention. Id. The Court characterized this as a prerequisite rather than a prohibition. Id. at 642-43. Mother's assertion that any restriction on her ability to file motions or petitions was per se contrary to law was incorrect; thus, her argument that the trial court improperly delegated its judicial authority failed. Id. at 643.