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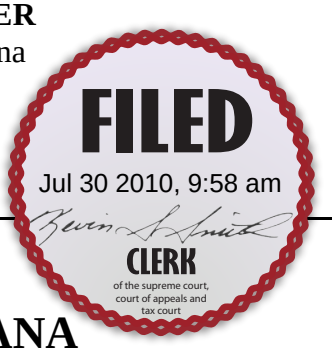

IN THE COURT OF APPEALS OF INDIANA

IN THE MATTER OF THE MARRIAGE OF	)	
	)	
L.S.,	)	
	)	
Appellant,	)	
	)	
vs.	)	No. 41A04-0910-CV-605
	)	
J.H.,	)	
	)	
Appellee.	)	

APPEAL FROM THE JOHNSON CIRCUIT COURT
The Honorable K. Mark Loyd, Judge
Cause No. 41C01-0604-DR-153

July 30, 2010

MEMORANDUM DECISION - NOT FOR PUBLICATION

BROWN, Judge

L.S. ("Mother") appeals the trial court's decree of modification related to the custody and support of C.H., the daughter of Mother and J.H. ("Father"). Mother raises four issues, which we consolidate and restate as:

I. Whether the trial court abused its discretion in its orders related to Father's parenting time;

II. Whether the trial court abused its discretion in failing to order Father to pay expenses associated with C.H.'s involvement in gymnastics; and

III. Whether the trial court erred in calculating child support.

We affirm in part, reverse in part, and remand.

The relevant facts follow. Mother and Father have one child together, C.H., who was born on November 20, 1997. A summary dissolution decree dissolving the marriage of Mother and Father was entered in June of 2006. Under the dissolution decree, Mother and Father were granted joint legal custody of C.H., and Mother was designated the primary custodial parent of C.H. The decree stated that Father was required to pay Mother an amount equal to $90 per week for child support. The decree also stated that Mother and Father "have agreed to equally share and pay for one-half (1/2) of their child's extracurricular school and non-school activities . . . so long as both parties agree, in writing, to [C.H.] participating in said activity and the cost thereof." Appellant's Appendix at 24. Following the dissolution of Mother and Father, Father exercised parenting time every other weekend and for a two-hour period during one evening per week, and Father had extended parenting time during the summers which was implemented by visitation every other week during the summer.

On November 14, 2008, Mother filed a notice of intent to relocate from Indiana to Kentucky in connection with new employment. On November 21, 2008, Father filed an emergency verified petition for temporary and permanent restraining order. On November 24, 2008, Father filed an objection to Mother's Notice to Remove Child's Residence from Indiana and Verified Petition for Permanent Restraining Order against Mother and/or Modification of Custody. On December 9, 2008, the trial court held a preliminary hearing on the objections to relocation filed by Father. At the preliminary hearing, Mother and Father informed the trial court that they had reached a temporary agreement whereby Mother was permitted to relocate with C.H. to Kentucky. On December 19, 2008, the trial court issued an order approving of the temporary agreement and scheduled a hearing for April 28, 2009.

On April 28, 2009, the trial court held a final hearing on Mother's notice of intent to relocate and Father's objections. The trial court heard testimony and evidence at the hearing regarding C.H.'s participation in gymnastics and related expenses, transportation of C.H. for visitation purposes and related expenses, and child support.

With respect to child support calculations, Mother submitted during the hearing a proposed child support obligation worksheet. The proposed worksheet indicated that Father's weekly gross income was $874 and that Mother's weekly gross income was $1,962. Mother's proposed worksheet indicated that her weekly work-related child care expense was $125 and that her weekly premium for health insurance for C.H. was

$50.00,[1] and Mother's proposed parenting time credit worksheet indicated that C.H. had ninety-eight "[a]nnual [n]umber of [o]vernights." See Exhibit B. Mother's proposed worksheet recommended that Father's weekly support obligation be $89.50.

Mother testified that she had one newborn child that is not a child of Father. Mother testified that her mother ("Grandmother") stays with Mother from Sunday through Friday and that Grandmother "takes [C.H.] to school and she also picks her up in the evening and provides transportation to her gymnastics." Transcript at 20-21. Mother testified that she is paying Grandmother an amount of $200 per week. Mother also testified that she had been paying Grandmother that amount per week "prior to [her] new child even being born." Id. at 21. Mother testified that she was asking for $125 for weekly work-related child care expenses "attributable to [C.H.]" and that "[C.H.'s] portion is a little bit higher due to actually all of the driving that has to be done" as "[i]t is actually twenty-five (25) miles one way to school every day." Id. Mother also testified that Grandmother had been providing daycare for C.H. since the time that C.H. was four years of age and while the Mother and Father were married.

Father testified that his average weekly gross income as reflected by his 2008 tax return and as set forth in his Financial Declaration was $874. Father also testified on

[1] Mother testified that she was paying $134 per week for health insurance, and that dental insurance is an additional $15.57. Mother testified that she estimated that fifty dollars of the weekly insurance premiums were attributable to C.H. Mother testified that she "came up with a figure of fifty dollars [] by taking those [health and dental insurance weekly premiums], summing those two (2) numbers and basically dividing by the number of participants in the plan . . . ." Transcript at 23. In addition, Mother's proposed worksheet stated that Father's premium for health insurance for C.H. was $5.00. Mother also testified that "[f]or dental," she "took [Father's] pay stub of fifteen dollars ($15.00) and divided it by three (3) and put the five dollars ($5.00) on there for what he is paying through his Union." Id. at 24. Mother was "not sure if Father is or isnt [sic] paying that . . . ." Id.

cross examination that Mother had been paying Grandmother for assistance with C.H. since C.H. was four years old.

With respect to C.H.'s participation in gymnastics, the court heard testimony from Mother and Father that C.H. had been participating in gymnastics since she was three years of age. Mother testified that C.H. was "State champion last year for her level and her age group" and "fifth in the State of Kentucky this year." Id. at 13. Mother testified that she believed that, during the marriage of Mother and Father, C.H. attended practice "three (3) evenings a week" and "about an average of eight (8) meets a year." Id. at 13-14. Mother testified that Father "a lot of times would help pick [C.H.] up from practice" and that Mother's parents often took C.H. to practice because Father's "work schedule didnt [sic] normally allow him to take her to practice." Id. at 14.

Mother testified that since her divorce from Father, Father has not provided any financial support for C.H. to participate in gymnastics. Mother testified that she asked Father several times to put into writing that he would split the costs of C.H.'s gymnastics, but that Father "will not." Id. at 16. Mother further testified that her estimated annual expense for C.H. to participate in gymnastics was $5,371 and that "it rises a little bit each year as [C.H.'s] levels progress." Id. Mother also testified that "for the past three (3) years," she had been spending "close to five thousand dollars ($5,000.00) a year." Id. at 17. Mother requested that Father be required to pay fifty percent of the gymnastics expenses and to enroll C.H. in gymnastics at the gym in Greenwood, Indiana, where C.H. had trained when C.H. lived in Indiana.

Father testified that C.H. was "very good" at gymnastics, that gymnastics is "something that is important to her," and that C.H. "likes doing gymnastics." Id. at 53, 55. Father further testified that "[t]here is no time for doing anything" because of C.H.'s participation in gymnastics. Id. at 55. Father testified that Mother "always wanted to . . . be in gymnastics," that "she never was given an opportunity and . . . so she wanted to make sure that she did that for [C.H.] when she was young," and that he did not "think it should all be just be [sic] gymnastics and all just be what [Mother] wants [C.H.] to do all the time." Id. at 53, 57. Father testified that he had not paid any expenses associated with C.H.'s participation in gymnastics except for his cost to attend. Father testified that the "main reason" he has declined to agree to C.H.'s participation in extracurricular activities/gymnastics is because he "cant [sic] afford it." Id. at 76.

With respect to the transportation of C.H. for visitation purposes, Mother testified that "[w]ith very minimal exception" Grandmother provided transportation for C.H. between Louisville and Indianapolis for visitation. Mother proposed that Grandmother continue to provide transportation for visitation as long as she is able to do so, and that in the event that Grandmother would not be able to transport C.H. then the parties meet in Seymour, Indiana.

Father requested that Mother be responsible for all transportation related to visitation and testified that he thought it was fair that Mother provide all the necessary transportation because Mother "chose to move down there." Id. at 83. Father also testified that, in the event that the court required him to participate in the transportation of

C.H., he believed that Columbus, Indiana, would be an appropriate "exchange point." Id. at 84.

On May 26, 2009, the trial court entered a decree of modification. In the decree, the court authorized the relocation of C.H., determined that Father "shall enjoy parenting time in accordance with the State of Indiana Parenting Time Guidelines," except that "there shall be no midweek parenting time," that Father "shall be entitled to parenting time" on "every spring break and every fall break," Father shall have parenting time on Easter Day, Thanksgiving Day, and Christmas Day, and that "with respect to extended parenting time in the summer, the parties shall exchange [C.H.] on a weekly basis, rather than according to the guideline allocation." Appellant's Appendix at 8-9. The court's decree also ordered that Mother "shall provide all transportation required for the exercise of [Father's] parenting time, except for on holidays." Id. at 9. The court further ordered Father to pay support in the amount of $52.50 per week and found that amount to be "reasonable given its allocation of transportation responsibilities." Id. at 10. The decree also required Mother to maintain "her present policies of medical, dental, and vision insurance providing coverage for [C.H.]." Id. Finally, the court ordered that "[w]ith respect to [C.H.'s] gymnastic endeavors, [Father] is not required to contribute to the expenses associated therewith, and he shall not be required to enroll [C.H.] in gymnastic activities during his parenting time . . . ." Id.

Where the trial court did not make special findings, we review the trial court's decision as a general judgment and, without reweighing the evidence or considering

witness credibility, affirm if sustainable upon any theory consistent with the evidence. See Baxendale v. Raich, 878 N.E.2d 1252, 1257 (Ind. 2008).

I.

The first issue is whether the trial court abused its discretion in its orders related to Father's parenting time. In all parenting time controversies, courts are required to give foremost consideration to the best interests of the child. In re Paternity of G.R.G., 829 N.E.2d 114, 122 (Ind. Ct. App. 2005). When reviewing the trial court's resolution of a parenting time issue, we reverse only when the trial court manifestly abused its discretion. Id. If the record reveals a rational basis for the trial court's determination, there is no abuse of discretion. Id. We will not reweigh evidence or reassess the credibility of witnesses. Id.

Mother argues that the trial court erred in failing to order Father: (A) to enroll C.H. in gymnastics during his summer extended parenting time; and (B) to share in the transportation of C.H. in connection with Father's parenting time. We address each argument separately.

A. Participation in Gymnastics during Extended Summer Parenting Time

Mother argues that the trial court erred in finding that Father should not be required to enroll C.H. in gymnastics during his extended summer parenting time in Indiana. In making its ruling, the trial court made the following comments at the end of the hearing:

> I mean you are each entitled to parent your children in your own image. It doesn[']t really make much difference whether [others] think it is okay for the child to be up to her ears in gymnastic lessons and that is her life,

> anymore than it may be being a hunter or being a golfer or being a bowler or whatever. I mean those are choices in life that parents make to either fuel or feed a child[']s passion or not. Therefore, what I[']m going to do today is not make a determination that you[']re right, you[']re wrong, etcetera. Ultimately, I[']m stuck though. The State of Indiana can[']t make that determination for you. Unfortunately you are not together, living together parenting that child and making those determinations in unison. You are doing it separate and apart. And this is one of those issue[s] that even if you were living together you would maybe have to fight through to some extent as parents. But you would not have under those circumstances the luxury of coming into the Court and saying, "Hey, this is my idea. You make the other person do it." Well, I[']m [sic] not going to make anybody do it today. And in that regard then I[']m declining your invitation to force the contribution of expenses. I[']m not going to force, as well, during his parenting time the gymnastics. I will adjust the [weeks], the extend[ed] parenting time to try to dampen it because it appears to me that, uh, it would be worse for the child to be away from her regular regimen[] if that is what she wants for a six (6) week straight period rather than doing it on alternating [weeks] . . . . And ultimately then, you sir, if in fact, under your passion as well for avoiding this particular issue, uh, make a poor judgment call with regard to what that child[']s passions, desires and dreams are, then you will live with the consequences of that, not me. That is the consequence that we all face as a parent and, uh, you will as well at some point in time, either reap the rewards of it or you will suffer the detriment of it. The State of Indiana through me cannot protect you from that.

Transcript at 115-117.

When reviewing a trial court's determination of a parenting time issue, we will grant latitude and deference to the trial court, reversing only when the court abuses its discretion. Gomez v. Gomez, 887 N.E.2d 977, 983 (Ind. Ct. App. 2008). No abuse of discretion occurs if there is a rational basis supporting the trial court's determination. Id. "'Therefore, on appeal it is not enough that the evidence might support some other conclusion, but it must positively require the conclusion contended for by appellant before there is a basis for reversal.'" Id. (quoting Duncan v. Duncan, 843 N.E.2d 966, 969 (Ind. Ct. App. 2006), trans. denied). We will not reweigh the evidence or judge the

credibility of the witnesses. Id. In all parenting time issues, courts are required to give foremost consideration to the best interests of the child. Id.

On appeal, Mother emphasizes that C.H. has been doing gymnastics since she was three years old, has been significantly involved since she was four years old, has been participating year-round for many years, won the State Championship for her age group and level in Indiana in 2008 and was fifth in the Kentucky State Championship in 2009, and would be able to continue to train during Father's extended summer parenting time at the same Indiana gym where she trained before moving to Kentucky. According to Mother, if C.H. is not doing gymnastics (which would amount to three nights per week) while she is with Father in Indiana during the summer, she will "miss out on approximately six (6) weeks of gymnastics, which could hurt her significantly if she is not participating." Transcript at 18.

Father agreed to C.H.'s involvement in gymnastics as a toddler, cooperated in C.H.'s gymnastics while Mother and Father were married, concedes that C.H. loves gymnastics, is excelling in the sport, has the potential to receive a college scholarship, and attends her meets. He, however, wants his daughter, already a straight-A student, to be "more rounded" and involved in different activities, such as fishing and karate. Id. at 54. In fact, when Father was asked at the hearing why he disapproves of C.H. participating in gymnastics and refuses to contribute toward such expenses, he answered: "Uh, the main reason is that I can[']t afford it. It is one of the biggest reasons and I miss out on a lot of time with her that I would like to be able to do some of the other things [like fishing and Chuck E. Cheese]." Id. at 76.

Section III of the Parenting Time Guidelines addresses parenting time when distance is a major factor and provides:

> 3. Priority of Summer Visitation. Summer parenting time with the non-custodial parent shall take precedence over summer activities (such as Little League) when parenting time cannot be reasonably scheduled around such events. Under such circumstances, the non-custodial parent *shall* attempt to enroll the child in a similar activity in his or her community.

(Emphasis added). The purpose of the Guidelines "is to provide a model which may be adjusted depending upon the unique needs and circumstances of each family." Preamble to Ind. Parenting Time Guidelines. Because C.H. will be with her father in Indiana for approximately half of the summer, his parenting time cannot be reasonably scheduled around her three-nights-a-week gymnastics at the Kentucky gym. Father's parenting time thus takes precedence. However, Father has not attempted to enroll C.H. in gymnastics in Indiana, which the Parenting Time Guidelines require. This is so even though Mother has already confirmed that C.H. can train at her old Indiana gym during Father's extended summer parenting time. Despite this, all Father has indicated is that he would rather enroll or engage C.H. in different activities—apparently activities he prefers—without any deference to C.H.'s wishes or best interests. The Guidelines provide that the non-custodial parent "shall" attempt to enroll the child in a similar activity in his or her community. Even though the Guidelines are a model which may be adjusted, Father has not provided us with any reason why this particular Guideline should not be followed.

Moreover, Father bought into the gymnastics lifestyle years ago and should be stopped from complaining about it now. C.H. began gymnastics when she was three years old, and Mother and Father realized her potential when she was four years old. The

parties' divorce was final in June 2006 when C.H. was shy of her ninth birthday, at which point her gymnastics schedule was well established. C.H. then continued to participate in gymnastics in Indiana for over two more years until Mother moved to Kentucky in December 2008 and C.H. switched gyms. C.H. was involved in gymnastics from the ages of three to eleven in Indiana without much of a complaint from Father. Now that Mother and Father are divorced and Mother and C.H. are in Kentucky, C.H. has won a state championship and placed fifth at another, and C.H. admittedly has the potential to receive a college scholarship, Father wants his daughter involved in karate and other such activities. Father is too late to complain about his daughter's involvement in gymnastics, particularly in light of C.H.'s love of and excellence in the sport. The trial court abused its discretion by not requiring Father to enroll C.H. in gymnastics during his extended summer parenting time in Indiana.

B. Transportation Responsibilities

Mother additionally argues that "the trial court has abused its discretion in finding that [Father] should not be required to contribute to or participate in the transportation of [C.H.] for parenting time." Appellant's Brief at 21. Mother argues that Father withdrew his objection to her relocation and that "the only argument posed by [Father] as to not contribute to the costs of transportation was the fact that [Mother] moved." Id. at 20. Mother further argues that she agreed that Grandmother could provide the transportation and that she would continue doing so, but that in those instances where Grandmother "could not provide the transportation, the parties agreed on a mutual location for the parenting time exchange" and that "[i]n fact, [Father] even suggested Columbus, Indiana

as an agreeable location for parenting time exchanges." Id. Mother also argues that "the trial court has not provided [her] with any credit towards the costs of transportation." Id. at 21.

Father argues that the trial court properly ruled that Mother provide transportation for parenting time because "[d]istance is a factor in this case" due to "[Mother's] move to Louisville, Kentucky," Mother's annual income is "more than twice [Father's] income," Father's employer "had eliminated all overtime work and was reducing regular work hours so that [Father's] income had been reduced," and the "additional transportation costs . . . would work a hardship on [Father]." Appellee's Brief at 13. Father argues that "[c]ontrary to her objection on appeal [Mother] proposed that [Grandmother] continue to provide all of the transportation for parenting time until circumstances changed." Id. at 14. Father also argues that the trial court "in its ruling attempted to ameliorate some of the extra transportation costs incurred by [Mother] by departing from . . . the Indiana Child Support Guidelines' recommended amount" when it ordered Father "to pay $52.50 per week" when the court's "calculation of the Child Support Guidelines' recommended amount was $39.51 per week."[2] Id. at 14.

As previously mentioned, the Parenting Time Guidelines advise that scheduling parenting time when there is a significant distance between the parents is "fact sensitive and requires consideration of many factors which include: employment schedules, the costs and time of travel, the financial situation of each parent, the frequency of parenting

[2] The trial court indicated in its oral ruling on the day of the hearing that it calculated a child support obligation of $39.51 per week. However, the court attached a worksheet to the decree of modification which calculated a support obligation of $51.57 per week.

time and others." Ind. Parenting Time Guideline III(1). Paragraph B.1. of the Ind. Parenting Time Guidelines, Section I, pertains to transportation responsibilities in implementing parenting time. The Commentary to that section provides in part that where distance is a factor "[t]he cost of transportation should be shared based on consideration of various factors, including the distance involved, the financial resources of the parents, the reason why the distances exist, and the family situation of each parent at that time." Parenting Time Guideline I.B.1., cmt. 2.

Here, in its decree of modification the trial court ordered that Mother "shall provide all transportation required for the exercise of [Father's] parenting time, except for on holidays." Appellant's Appendix at 9. At the final hearing, evidence was presented which indicated that Father's weekly gross income was $874 and that Mother's weekly gross income was $1,962. The court heard testimony from Father that his work "[d]riving a cement truck" had "been slow ever since Thanksgiving" of 2008 and that it had "been slower then [sic] it has in past years." Transcript at 77. Father testified that his employer "[has] new rules about cutting out all the overtime" and that "hopefully things will pick back up where we start getting forty (40) hours a week." Id. at 78-79. Father also testified: "[E]very time I get gas and stuff Ive [sic] had to put it on a credit card, so that I would have the money to pay on my bills." Id. at 80. Father requested that he thought it was fair to ask that Mother "be responsible for all transportation" because "[t]he main, the reason was she chose to move down there . . . ." Id. at 83.

In addition, Mother proposed that Grandmother continue to provide transportation for visitation as long as she was able to do so, and that in the event that Grandmother

would not be able to transport C.H. then the parties meet in Seymour, Indiana. The court heard testimony from Father that he thought it was fair for Mother to provide all of the necessary transportation and that, in the event that the court required him to participate in the transportation of C.H., then he believed that Columbus, Indiana, would be an appropriate place for the parties to meet given that "[Mother's] income exceeds [his] by a two to one margin." Id. at 84. Near the end of the hearing, the trial court stated that it was going to make a deviation to $52.50 per week to "take into consideration that all transportation is being assumed by the mother." Id. at 124. In its decree of modification, the decree provided that the court's child support obligation worksheet "suggest[ed] a weekly child support requirement of something less than . . . $52.50 . . . per week," but that the court found that $52.50 per week "in required child support is reasonable given its allocation of transportation responsibilities." Appellant's Appendix at 10.[3]

Under the circumstances of this case as reflected by the evidence submitted by the parties at the final hearing, including evidence regarding the difference in financial resources between Mother and Father, Mother's proposal that Grandmother transport

[3] Mother argues that the trial court indicated at the hearing that it calculated Father's child support obligation to be $40.00 based on its figure of $39.51 as the child support obligation worksheet amount, but that the worksheet attached to its decree of modification shows that the court calculated Father's basic obligation of support to be $51.57 per week. Mother then argues that "[t]herefore, in reality, the trial court has not provided [Mother] with any credit towards transportation costs" and, alternatively, "if the difference of ninety-three cents between the ordered support amount and the calculated support amount constitutes the transportation cost credit, then the trial court erred in finding such a minimal credit while ordering [Mother] to provide all the transportation . . . ." Appellant's Brief at 21 n.2. We recognize that the amount of child support ordered by the trial court of $52.50 per week is only a ninety-three cent deviation from the amount of $51.57 per week calculated by the court in its child support obligation worksheet attached to its decree. Nonetheless, the trial court was not required to give Mother a credit for a portion of any of the costs of transportation for parenting time or to otherwise deviate from its worksheet calculation, and as set forth above we cannot say that the trial court abused its discretion in requiring Mother to be responsible for the transportation of C.H. under the circumstances.

C.H. as long as she was able to do so, the reason why the distance exists, and the parties' disagreement as to an appropriate meeting place in the event Grandmother was not able to transport C.H., we conclude that the trial court did not abuse its discretion in requiring Mother to be responsible for the transportation of C.H. See A.G.R. ex rel. Conflenti v. Huff, 815 N.E.2d 120, 126 (Ind. Ct. App. 2004) (holding that the trial court did not abuse its discretion in ordering the father to be solely responsible for transportation for parenting time because the evidence showed that the parties were unable to cooperate sufficiently to coordinate shared transportation and making the father solely responsible for transportation eliminated an opportunity for conflict between the father and mother, and noting that while the fact of father's move alone would not have been sufficient to support the trial court's order, the court did not abuse its discretion in light of the parties' history of difficulties in sharing transportation responsibilities), reh'g denied, trans. denied; see also Saalfrank v. Saalfrank, 899 N.E.2d 671, 682 (Ind. Ct. App. 2008) (holding that the trial court did not abuse its discretion in ordering the father to be responsible for transportation costs related to parenting time during vacation times and the parents to share the transportation costs for the other eight weekends per year based upon the ordered meeting location and the fact that the parents' potential annual earnings were similar).[4]

II.

[4] Mother also argues that "contrary to the Indiana Parenting Time Guidelines, the trial court did not provide a written explanation explaining its deviation." Appellant's Brief at 21. We find no reversible error here because the trial court's reasons for its deviation are evident from the record enabling appellate review.

The next issue is whether the trial court abused its discretion in failing to order Father to pay expenses associated with C.H.'s involvement in gymnastics. In addition to her other arguments, Mother states that she argued at the hearing that "an income shares ratio would not be appropriate" because Father "has gone three years without contributing anything towards C.H.'s gymnastics expenses." Appellant's Brief at 17. Father argues that "[t]he trial court's refusal to require [him] to contribute toward [C.H.'s] gymnastic expenses is supported by an application of the facts to the Indiana Child Support Guidelines' requirement that both parents agree that the child may participate prior to allocating the expense of that participation." Appellee's Brief at 10.

The court's decree of modification stated the following:

> With respect to [C.H.'s] gymnastic endeavors, [Father] *is not required to contribute to the expenses associated therewith*, and he shall not be required to enroll [C.H.] in gymnastic activities during his parenting time; when the parties agree in writing that [C.H.] may participate in optional activities, however, such as gymnastics, . . . each party shall pay his or her pro-rata share of those expenses in accordance with the percentages indicated on the attached Child Support Obligation Worksheet.

Appellant's Appendix at 10-11 (emphasis added). The court commented at the final hearing that it was "declining [Mother's] invitation to force the contribution of expenses." Transcript at 116. Later during the hearing, the trial court stated that "gymnastics expenses [would] be shared to the extent agreed to based upon the parties [sic] Guideline percentages," that "[i]t is [the court's] hope through that methodology that if fifty percent were too much for [Father] to shoulder that [he] might be a little more willing to contribute toward some of those expenses," that "[t]o the extent that [Father]

find them of benefit to [C.H. he] should share in them," and that "[t]he Guidelines say pursuant to percentages, so that will be the order today." Id. at 122.

Ind. Child Support Guideline 8 provides in part:

> When both parents agree that the child(ren) may participate in optional activities, the parents should pay their pro rata share of these expenses. *In the absence of an agreement relating to such expenses, assigning responsibility for the costs should take into account factors such as each parent's ability to pay, which parent is encouraging the activity, whether the child(ren) has/have historically participated in the activity, and the reasons a parent encourages or opposes participation in the activity*. If the parents or the court determine that the child(ren) may participate in optional activities, the method of sharing the expenses shall be set forth in the entry.

(Emphasis added).

With respect to the parties' ability to pay, we recognize that Mother's weekly gross income of $1,962 is more than twice Father's weekly gross income of $874 and that Father's work had been slow. This factor weighs in favor of Father contributing less to the expenses associated with C.H.'s involvement in gymnastics.

With respect to which parent is encouraging C.H.'s involvement in gymnastics and the reasons that Mother and Father encourage or oppose that involvement, the record reveals that Mother desires that C.H. continue to participate in gymnastics practice and tournaments. Father testified that he "never agreed to the gymnastics," and that the "main reason" he has declined to agree to C.H.'s participation in extracurricular activities/gymnastics is because he "cant [sic] afford it." Transcript at 57, 76. Father's "main reason," his ability to pay, is already taken into account as a part of the first factor discussed above. Further, there appears to be no dispute regarding the fact that C.H. enjoys her involvement in gymnastics, that gymnastics is important to C.H., and that

Mother and Father believe that C.H. should be encouraged with respect to gymnastics. This factor favors Father's contribution to gymnastics expenses.

With respect to C.H.'s historical participation in gymnastics, the court heard testimony from Mother and Father that C.H. had been participating in gymnastics since she was three years of age. Mother testified that C.H. had "a quality skill set" and was asked "to move to the team, which is an extra level of commitment at four (4) years old," and that she believed that, during the marriage, C.H. attended practice "three (3) evenings a week" and "about an average of eight (8) meets a year." Id. at 13-14. The evidence showed that C.H. participates in gymnastics "year round" and takes "minimal time off from [the] sport." Id. at 14. This factor also favors Father's contribution to the expenses associated with C.H.'s involvement in gymnastics.

In light of the factors set forth in Ind. Child Support Guideline 8 and based upon our review of the record as set forth above, we conclude that the evidence presented at the hearing requires Father to share at least to some extent in the payment of the expenses associated with C.H.'s involvement in gymnastics.

Mother submitted an exhibit, which was admitted without objection, listing the estimated gymnastics expenses, including a monthly participation fee for "[l]evel 6" of $227, an annual family fee membership of twenty-five dollars, an annual summer camp fee of $300, an annual uniform fee of $247, an annual "USAG Fee" of fifty dollars, an annual fee for "[g]rips" of fifty dollars, annual costs of "[p]rivate [l]essons" for $1,200, and annual costs in connection with "meet entries, sponsored events, etc" of $825. Respondent's Exhibit B. Mother requested that Father be required to pay fifty percent of

the gymnastics expenses, and testified that she thought such a division was appropriate "[c]onsidering that [Father] hasnt [sic] paid anything over the last three (3) years . . . ." Transcript at 17.

Considering Father's weekly gross income as compared to Mother's, we decline to accept Mother's argument that Father's share of the gymnastics expenses be fifty percent. Given the total and various estimated costs as presented by Mother and C.H.'s extensive involvement in gymnastics programs, we do not believe that the additional estimated annual cost of $1,200 for private lessons is a reasonable expense that Father should share; however, Father should share in the other reasonable gymnastics expenses.

After due consideration of the evidence presented at the final hearing on April 28, 2009, and in light of the language of Ind. Child Support Guideline 8 regarding the factors to be taken into account in assigning responsibility for the costs of optional activities such as gymnastics, we reverse that portion of the trial court's decree which orders that Father is not required to contribute to the expenses associated with C.H.'s gymnastic endeavors and remand with instructions to enter an order to the effect that Mother and Father shall pay, effective as of the date of the trial court's decree of modification, their pro rata share (in accordance with the percentages indicated on the trial court's child support obligation worksheet) of the reasonable expenses associated with C.H.'s involvement in gymnastics and that such reasonable expenses shall not include costs for private lessons.

III.

The next issue is whether the trial court erred in calculating Father's child support obligation. A trial court's calculation of child support is presumptively valid, and we will

reverse only if the calculation is clearly erroneous or contrary to law. Young v. Young, 891 N.E.2d 1045, 1047 (Ind. 2008). A calculation is clearly erroneous only when it goes against the logic and effect of the facts and circumstances before the trial court. Id. "If the trial court's income figure includes the income required by our Child Support Guidelines and 'falls within the scope of the evidence presented at the hearing,' the trial court's determination is not clearly erroneous." Eppler v. Eppler, 837 N.E.2d 167, 173 (Ind. Ct. App. 2005) (quoting Naggatz v. Beckwith, 809 N.E.2d 899, 902 (Ind. Ct. App. 2004), trans. denied), trans. denied.

The modification of a child support order is governed by Ind. Code § 31-16-8-1, which provides:

> (a) Provisions of an order with respect to child support . . . may be modified or revoked.
>
> (b) Except as provided in section 2 of this chapter, modification may be made only:
>
> (1) upon a showing of changed circumstances so substantial and continuing as to make the terms unreasonable; or
>
> (2) upon a showing that:
>
> (A) a party has been ordered to pay an amount in child support that differs by more than twenty percent (20%) from the amount that would be ordered by applying the child support guidelines; and
>
> (B) the order requested to be modified or revoked was issued at least twelve (12) months before the petition requesting modification was filed.

Mother appears to argue that the trial court erred in determining: (A) Mother's employment-related child care expense; and (B) the number of C.H.'s overnight visits with Father.

A. Mother's Childcare Expense

With respect to her employment-related child care expense, Mother argues that "the trial court erred in finding only Sixty-Nine [Dollars] ($69.00) of weekly work related child care expenses." Appellant's Brief at 22. Mother argues that she "testified that she is paying [Grandmother] Two Hundred Dollars ($200.00) per week, however, [she] only attributed the figure of One Hundred Twenty-Five Dollars ($125.00) for the care of [C.H.]." Id. at 23. Mother argues that Grandmother "comes to Louisville from Indiana Sunday through Friday every week," "picks [C.H.] up from school and provides all of her transportation to her gymnastics," "has been providing daycare for [C.H.] since she was four years of age," including during the marriage. Id. at 23-24. Mother also argues that "three years ago when both parties lived in Greenwood, Indiana, and [Grandmother] provided daycare for C.H., the parties agreed on a figure of Eighty-One Dollars ($81.00)." Id. at 24.

Father argues that the court did not err "in utilizing a child care expense of $69.90 per week in its child support calculation as it was rationally and reasonably supported by the testimony at trial." Appellee's Brief at 15. Father argues that "[Grandmother] performs a number of different tasks for [Mother]," and that, specifically, "[Grandmother] provides [C.H.] with transportation to gymnastics, she cares for

[Mother's] newborn child, she runs errands and she cleans [Mother's] home." Id. at 15-16. Father further argues that "[Grandmother] is already at [Mother's] home caring for [Mother's] newborn child when [C.H.] comes home from school" and that "[C.H.] stayed at home alone (after school) last year." Id. Father also argues that "there is less expensive after school care for [C.H.] provided through the YMCA at $69.00 per week" and that "[t]ransportation for gymnastics is not work related and as such is properly excluded from the calculation of the basic child support obligation." Id.

Indiana Child Support Guideline 3(E) provides in part:

> Child care costs incurred due to the employment . . . of both parent(s) should be added to the basic obligation. It includes the separate cost of a sitter, day care, or like care of a child or children while the parent works or actively seeks employment. *Such child care costs must be reasonable and should not exceed the level required to provide quality care for the children.* Continuity of child care should be considered.

(Emphasis added). The Commentary to this guideline states that "[w]ork-related child care expense is an income-producing expense of the parent." We have previously stated that while we recognize the important public policy goal that custodial parents should be able to afford to work, whether or not to increase a basic child support award to offset employment-related child care expenses is a matter for the trial court's discretion. Cobb v. Cobb, 588 N.E.2d 571, 576 (Ind. Ct. App. 1992).

The trial court heard and was able to assess the testimony at the hearing. The court was required to ensure that the cost of work-related child care was "reasonable" and did "not exceed the level required to provide quality care for the children." Ind. Child Supp. G. 3(E). Under the circumstances, and in light of the fact that whether or not to

increase child support to offset child care expenses is a matter for the trial court's discretion, we cannot say that the trial court abused its discretion in determining that Mother's request for $125 for work-related childcare was excessive or by declining to accept and use Mother's proposed child care costs to determine Father's support obligation. See Simpson v. Simpson, 650 N.E.2d 333, 337 (Ind. Ct. App. 1995) (observing that whether child care expenses are reasonable or exceed the level required to provide quality care is a determination that "lies within the sound discretion of the trial court" and finding that evidence existed to support the trial court's decision as to such expenses); see also Cobb, 588 N.E.2d at 576 (holding that whether or not to increase a basic child support award to offset employment-related child care expenses is a matter for the trial court's discretion).

B. Father's Credit for Overnight Visits

With respect to Father's credit for overnight visits, Mother argues that the trial court "clearly erred in attributing 106 overnights per year to [Father] where in reality he exercises 89 overnights." Appellant's Brief at 22. Mother argues that "[t]he trial court specifically provided that [Father] shall have parenting time every other weekend, one half of the Summer, Spring Break, Fall Break, and half of Christmas" and that "[w]hen looking at the overnights attributable to these stated days, the parenting time credit should be 89 days as opposed to 106 days." Id. at 25. Mother further argues that "[i]n recalculating support, . . . the new child support figure would be Eighty-Six Dollars and Five Cents ($86.05) which would result in no modification because it does not differ by twenty percent from the prior ordered support amount of Ninety Dollars $90.00 per

week." Id. Father argues that "this issue was not raised by [Mother] at trial and is therefore waived for the purposes of appeal." Appellee's Brief at 15. Father further argues that the trial court "ordered additional parenting time to [Father] through every spring break, Monday holidays from school preceded by [Father's] weekend and every fall break" and then "deduced its overnight parenting time credit from those extra parenting time opportunities and awarded a child support figure consistent with its calculation." Id.

In its decree of modification, the court determined that Father "shall enjoy parenting time in accordance with the State of Indiana Parenting Time Guidelines," except that "there shall be no midweek parenting time," that Father "shall be entitled to parenting time" on "every spring break and every fall break," Father shall have parenting time on Easter Day, Thanksgiving Day, and Christmas Day, and that "with respect to extended parenting time in the summer, the parties shall exchange [C.H.] on a weekly basis, rather than according to the guideline allocation." Appellant's Appendix at 8-9.

We initially note that the parenting time credit worksheet submitted to the trial court by Mother utilized a figure of ninety-eight overnights in calculating allowable expenses during parenting time to be used to calculate child support and not eighty-nine overnights as she argues on appeal. Moreover, we observe that Mother, in arguing that the court erred in attributing overnights to Father, does not cite to authority, the Guidelines, or to evidence in the record to show that the court erred in making its determination of Father's overnights in light of its order in the decree of modification.

Thus, Mother has waived this argument.[5] See Loomis v. Ameritech Corp., 764 N.E.2d 658, 668 (Ind. Ct. App. 2002) (holding argument waived for failure to cite authority or provide cogent argument), reh'g denied, trans. denied; see also Vandenburgh v. Vandenburgh, 916 N.E.2d 723, 726 (Ind. Ct. App. 2009) (noting that "a reviewing court is not obliged to search the record to find support for a party's arguments").

For the foregoing reasons, we reverse that portion of the trial court's order which orders that Father is not required to enroll C.H. in gymnastics during his extended summer parenting time in Indiana or contribute to the expenses associated with C.H.'s gymnastic endeavors. We remand with instructions to enter an order to the effect that Father should enroll C.H. in gymnastics during his summer parenting time in Indiana, and that Mother and Father shall pay, effective as of the date of the trial court's decree of modification, their pro rata share (in accordance with the percentages indicated on the trial court's child support obligation worksheet) of the reasonable expenses associated with C.H.'s involvement in gymnastics and that such reasonable expenses shall not include costs for private lessons, and affirm the trial court's decree of modification in all other respects.

[5] For instance, in arguing that Father's parenting time credit "should be 89 days as opposed to 106 days," Mother argues that Father "will get an additional 25 days for the Summer, which represents five weeks of summer at five days per week because he is already getting credit for his weekends." Appellant's Brief at 25. However, we note that the Commentary to Section III.2. of the Ind. Parenting Time Guidelines states in part that "[w]hen distance is major factor, the following parenting schedule may be helpful: . . . . For a child 5 years of age and older, seven (7) weeks of the school summer vacation period and seven (7) days of the school winter vacation plus the entire spring break, including both weekends if applicable." While the decree of modification stated that "with respect to extended parenting time in the summer, the parties shall exchange the child on a weekly basis, rather than according to the guideline allocation," see Appellant's Appendix at 9, Mother does not point to the record or authority to support her argument that C.H. has overnight visits with Father for "five weeks" of the summer vacation. See Appellant's Brief at 25.

Affirmed in part, reversed in part, and remanded.

NAJAM, J., and VAIDIK, J., concur.