

Commonwealth of Kentucky
Court of Appeals

NO. 2015-CA-001075-MR

MICHELLE ISGRIGG

APPELLANT

v. APPEAL FROM BOYD CIRCUIT COURT
HONORABLE C. DAVID HAGERMAN, JUDGE
ACTION NO. 13-CI-00034

JAMIE ISGRIGG

APPELLEE

OPINION
AFFIRMING

** ** * ** * **

BEFORE: CLAYTON, COMBS AND STUMBO, JUDGES.

COMBS, JUDGE: In an action for dissolution of marriage, Michelle Isgrigg appeals from an order of the Boyd Circuit Court that adopted the recommendations of the court's domestic relations commissioner (DRC). After our review, we affirm.

Michelle and Jamie Isgrigg were married on June 22, 2001, in Boyd County. They separated on January 7, 2013. One child was born of the marriage; she is a minor. Michelle filed a petition for dissolution of the marriage on January 11, 2013. The parties were divorced by the court's decree entered on August 13, 2013.

On April 7, 2015, the court held a final hearing concerning custody and control of the minor child and an equitable distribution of the parties' property and debt. The report and recommendations of the court's domestic relations commissioner were filed on May 12, 2015.

Based in part upon an interview with the child, the DRC recommended that a joint custody arrangement would accommodate the best interests of the child. Jamie was named as the primary residential custodian.

A completed child support obligation worksheet indicated that Michelle's monthly obligation amounted to \$166. However, the DRC recommended that the court hold this issue in abeyance until a decision concerning her claim for social security disability benefits could be processed.

With respect to an equitable division of the parties' property and debt, the DRC observed that Michelle had declared bankruptcy during the proceedings -- discharging all of her responsibility for the massive marital debt (including credit card balances totalling approximately \$34,600). As a result, Jamie had to pay the entire debt. In light of this fact, the DRC recommended that Jamie be awarded the entirety of his modest retirement account and a vehicle that he had purchased.

Jamie was also ordered to pay one-half of the outstanding dental bill incurred for the child's benefit.

Michelle's objections to the DRC's report and recommendation were overruled by the circuit court on June 25, 2015, and it entered an order adopting the commissioner's recommendation. This appeal followed.

While Michelle and Jamie share joint custody of their daughter, she spends considerably more time at Jamie's home and with her new blended family than she does with Michelle. On appeal, Michelle contends that the circuit court abused its discretion by failing to order that the child spend time with her on a more frequent basis. We disagree.

Joint custody requires shared decision-making and extensive parental involvement. *Squires v. Squires*, 854 S.W.2d 765 (Ky.1993). Determinations with respect to time spent with each parent should allow both parents as much involvement in their child's life as is possible and consistent with the best interests of the child. *Aton v. Aton*, 911 S.W.2d 612 (Ky.App.1995). The circuit court has considerable discretion to determine what sort of living arrangements will best serve the child's interests.

Our review of the record indicates that the DRC had adequate evidence regarding each parent's health, living, and employment situation. Her thorough interview with the child provided her considerable insight into the child's level of comfort with each parent's household. Michelle contends that the poor quality of the audio recording of that interview undermines any confidence in the

circuit court's reliance upon it. However, the DRC carefully described in her report her impressions following her interaction with the child.¹ Under the circumstances, we cannot say that the circuit court abused its discretion in setting the time-sharing schedule at issue rather than crafting one that would permit Michelle more frequent with her daughter.

Next, Michelle contends that the circuit court “made a wrongful decision involving division of the debts of the marriage.” She argues that if Jamie had “simply joined in the bankruptcy he could have also avoided [responsibility for the marital debt].” Had he done so, Michelle surmises that she would have been entitled to a share of the marital portion of Jamie's retirement account. Since no marital debt appears to have been assigned to Michelle, we cannot agree that any error with regard to its division would affect her at all. The assignment to Jamie of his entire retirement account was wholly equitable under the circumstances of this case.

We affirm the order of the Boyd Circuit Court.

ALL CONCUR

¹ The complete audio interview was transcribed following Michelle's filing of her notice of appeal.

BRIEF FOR APPELLANT:

Richard A. Hughs
Ashland, Kentucky

BRIEF FOR APPELLEE:

R. Stephen McGinnis
Greenup, Kentucky