THE SUPREME COURT OF THE STATE OF ALASKA

BENJAMIN C.,	)	
	)	Supreme Court No. S-17968
Appellant,	)	
	)	Superior Court No. 3HO-18-00235 CI
v.	)	
	)	MEMORANDUM OPINION
NALANI S.,	)	AND JUDGMENT*
	)	
Appellee.	)	No. 1859 – November 17, 2021
	)	

Appeal from the Superior Court of the State of Alaska, Third Judicial District, Homer, Bride Seifert, Judge.

Appearances: Benjamin C., pro se, Homer, Appellant. Notice of nonparticipation filed by Shana Theiler, Walton, Theiler & Winegarden, LLC, Kenai, for Appellee.

Before: Winfree, Chief Justice, Maassen, Carney, and Borghesan, Justices.

I. INTRODUCTION

A superior court awarded primary physical custody to a child's mother and ordered the father to pay child support. The court denied the father's request to reduce his child support obligation, along with a series of other motions he had filed. The father appeals the court's denials. Seeing no error, we affirm the court's decisions.

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* Entered under Alaska Appellate Rule 214.

II. FACTS AND PROCEEDINGS

In January 2018 Benjamin C.[1] and Nalani S. were living together and expecting a child. Benjamin and Nalani separated following a heated argument. Nalani then sought and obtained a temporary domestic violence protective order against Benjamin because she did not want him present at their child's birth. The child was born in late August, and Nalani subsequently withdrew her protective order petition.

A. Custody Decree And First Child Support Order

Benjamin sought custody shortly after the child was born. In May 2019 the superior court awarded joint legal custody and 60/40 shared physical custody, with Nalani having the higher custody percentage. The court deviated from an equal physical custody split because Benjamin's fishing work made him unavailable during summers. The court set Benjamin's child support obligation under Alaska Civil Rule 90.3 at $114.27 monthly and ordered both parties to submit updated income documentation. Because the parties had disputed vaccinating the child, the court ordered the child vaccinated under Centers for Disease Control (CDC) recommended schedules. The court also ordered Nalani to deposit the child's Permanent Fund Dividend (PFD) payments into a bank account, specifying that "[b]oth parents must have access to all account statements."

The superior court's custody decree explicitly made "no findings regarding domestic violence," noting only "that [Benjamin] was forced to miss the birth of his first child because [Nalani] had filed a domestic violence protective order." The court denied Nalani's request to reconsider this finding, describing her use of the protective order system to prevent Benjamin having any involvement in the child's birth as an abuse of

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[1] We use initials in lieu of the parties' last names to protect their child's privacy.

process. The court concluded that the restraining order "should not have been granted" because Nalani alleged in her petition that Benjamin hit his own head against the wall out of frustration, not that he "committed any act of aggression or violence against her."

B. Second Child Support Order

In November Benjamin filed a motion to impute income to Nalani, and Nalani responded in kind. Each argued that the other was unreasonably underemployed; Nalani protested that Benjamin worked only seasonally as a fisherman, and Benjamin protested that Nalani's home daycare business was under-earning. The case was reassigned to a new judge, who held a hearing on imputing income. The parties ultimately compromised by reducing Benjamin's child support obligation to $63.62 monthly effective November 1, 2019; the court entered their agreement as the new child support order, denying both motions to impute income.

C. Third Request To Adjust Child Support, Other Relevant Motions

In August 2020 Benjamin filed three more motions. First, Benjamin moved to compel production of bank statements from the account in which Nalani had deposited the child's PFD money, citing the court's May 2019 order that both parents have access to bank statements from the account. Second, Benjamin moved to compel production of Nalani's business records to verify the income claimed on her child support affidavit, citing the Rule 90.3 provision that either party to an ongoing child support order may annually request documentation of the other party's income.[2] Third, Benjamin moved to adjust child support, arguing that his payment amount was miscalculated because

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[2] Not more than once a year, as long as "there is an ongoing monthly support obligation, either party must provide to the other party, within 30 days of a written request, documents such as tax returns and pay stubs showing the party's income for the prior calendar year." Alaska R. Civ. P. 90.3(e)(2).

Nalani's income had not been adjusted upward to reflect two tax credits that she had received by claiming her daughter from a previous relationship as a dependent.

Benjamin made five additional relevant requests. First, Benjamin requested that the court order Nalani to deposit the child's PFD money into a separate account and provide Benjamin online viewing access. Second, Benjamin again requested that the court impute income to Nalani, arguing that she had admitted to working only 20 hours per week and had testified that taking care of their child did not impede her ability to work. Third, Benjamin requested that the court order Nalani to change providers for the child's medical care, arguing that the clinic she used had excluded Benjamin from visits and had not adequately complied with the vaccination order. Fourth, Benjamin asked the court to reconsider compelling Nalani to attend counseling for what he called her "alienating behavior"; he asserted that the court would have treated Nalani more harshly if she were a man. Fifth, Benjamin asked that Nalani be held in contempt for allegedly lying to the court and failing to promptly comply with its orders.

D. Evidentiary Hearing And Denial Of Most Motions

The superior court resolved Benjamin's various motions following an evidentiary hearing in November 2020. The court revisited the parties' child support agreement because Benjamin alleged it did not comply with Rule 90.3. The parties again compromised, agreeing that Benjamin's $63.62 monthly child support obligation would continue and would be "in accordance with [Rule] 90.3." The court denied Benjamin's motion regarding the tax credits as moot, denied his request to impute income, and granted in part his motion to compel business records. The court provided for an exchange of financial information in March 2021, when Benjamin would be eligible to again seek modification of his child support obligation based on new information.

The superior court granted Benjamin's request for an order to put the child's PFD money in a separate bank account, to which both parents would have access.

But the court denied Benjamin's motion to compel bank statements for Nalani's bank account, explaining that because the child's money was to be deposited into a new account, compelling statements from the old account would be pointless.

The superior court denied Benjamin's request to order a change in medical providers, noting that vaccination records showed the child was "current right now." The court denied Benjamin's request to mandate counseling for Nalani. The court found that although parental alienation occurred during the first several months after the child's birth, Benjamin had presented no evidence of Nalani since alienating the child from him.

The superior court denied Benjamin's motion for a hearing to show cause based on Nalani's noncompliance with court orders. The court agreed to hear some testimony on the issue, later acknowledging: "The record does contain evidence that [Nalani] has been slow to comply or not fully complied with court orders in the past." But the court found that "at present both parties are in compliance with court orders."

Benjamin attempted to raise an issue with the temporary protective order Nalani had obtained against him in August 2018. Benjamin did not specify any action he wanted the court to take. The court said it would not hear testimony because the issue already had been addressed; first by the issuing judge and again by the first custody judge, who had noted that he would not have issued the order. The court reassured Benjamin that it was "not holding that [protective order] against [him] in any way."

Benjamin also complained that Nalani was receiving preferential treatment because of her gender. Benjamin made no specific request related to this complaint. The superior court expressed understanding of Benjamin's frustration with the process. The court later assured him that it "seriously considers any type of gender bias . . . alleged" and how domestic violence, child support, or custody issues "would look if it [were] from a mother instead of a father . . . because historically, mothers did get . . . more of a nod."

Benjamin, self-represented, now appeals the superior court's judgment on nine distinct issues. He contends that the superior court erred in its disposition of child support issues by: (1) not calculating tax credits Nalani claimed as income; (2) not compelling disclosures verifying Nalani's income; and (3) not imputing additional income to Nalani. He contends that the superior court erred in its custodial decisions by: (1) declining to require Nalani to produce records of the child's PFD deposit and (2) declining to order a change in the child's healthcare provider. Finally, Benjamin contends that the court erred by: (1) declining to hold Nalani in contempt; (2) declining to order that Nalani attend counseling; (3) refusing to consider a motion to expunge the temporary domestic violence protective order from Benjamin's record and from online court records; and (4) discriminating against Benjamin on the basis of gender.

III. DISCUSSION

A. Child Support

Benjamin contends that the child support amount he and Nalani agreed to at the November 2020 hearing deviated from the formula in Rule 90.3. He argues that the superior court erred by ratifying the agreement without specifying a reason for the deviation. Assuming without deciding that Benjamin's agreement to the child support

amount was not adequate if it violated Rule 90.3,[3] we address each of Benjamin's arguments on its merits.[4]

1. Tax credits

Benjamin argues that subsidies and tax credits received "for the benefit of the child" should be considered income for purposes of calculating child support. He asserts that in-kind payments, such as free rent, are included as part of a parent's adjusted annual income[5] and that subsidies and tax credits should be included as well. He argues that the superior court erred by calculating child support without including in Nalani's income her receipt of the Earned Income Tax Credit (EITC) and Additional Child Tax Credit (ACTC).

We held in *Martin v. Martin* that the EITC "should not be considered income for calculating child support."[6] Benjamin does not contend that our *Martin*

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[3] Rule 90.3 was "designed to apply to all awards of child support," even those agreed to by the parties. *Cox v. Cox*, 776 P.2d 1045, 1047 (Alaska 1989). And as Benjamin points out, a superior court's child support order may deviate from the amount calculated under Rule 90.3 only if the court specifies in writing the amount and an acceptable reason for the variation. Alaska R. Civ. P. 90.3(c)(1); *see also Christopher D. v. Krislyn D.*, 426 P.3d 1118, 1121 (Alaska 2018); Alaska R. Civ. P. 90.3 cmt. I.C. ("The support guidelines in the rule may be varied only as provided by paragraph (c) of the rule.").

[4] We will reverse a child support award only if the superior court abused its discretion, applied an incorrect legal standard, or made a clearly erroneous factual finding. *Christopher D.*, 426 P.3d at 1120.

[5] *See Laybourn v. Powell*, 55 P.3d 745, 746 (Alaska 2002) (affirming imputation of income to father who "frequently traded his labor for in-kind payments . . . in an attempt to hide his income and assets").

[6] 303 P.3d 421, 428 (Alaska 2013).

holding should not apply to the ACTC.[7] Benjamin assumes *Martin* applies; he contends that we were wrong, but he offers no compelling reason to reconsider our decision.[8] We decline to do so.

2. Income verification

Benjamin argues that the superior court erred by "not compelling income verification" from Nalani. Under Rule 90.3(e)(1) a child support affidavit "must be accompanied by documentation verifying the [parent's] income." The rule commentary explains: "Suitable documentation of earnings might include paystubs, employer statements, or copies of federal tax returns."[9] These income projections are "necessarily . . . somewhat speculative," and the superior court has "discretion to identify 'the best indicator of future earnings.' "[10] We have determined that relying *only* on a previous year's W-2 tax forms to determine income was error "when the other available evidence was to the contrary and more recent" but approved using them when supported by other evidence, such as testimony.[11]

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[7] In *Martin* we "express[ed] no opinion" about "other types of tax credits." *Id.* at 428 n.30.

[8] Benjamin asserts that excluding tax credits systematically disadvantages fathers "because more mothers have greater custody," resulting in a discriminatory impact on men. Nothing in the record supports Benjamin's assertion that more mothers than fathers receive primary physical custody. Nor is this argument relevant, as Nalani did not claim either tax credit based on primary physical custody of the child.

[9] Alaska R. Civ. P. 90.3 cmt. VIII.A.

[10] *Thompson v. Thompson*, 454 P.3d 981, 991 (Alaska 2019) (alteration in original) (quoting *Morris v. Horn*, 219 P.3d 198, 206 (Alaska 2009)).

[11] *Perry v. Perry*, 449 P.3d 700, 705-06 & n.18 (Alaska 2019).

The superior court found that "there [was] a basis" under Rule 90.3 for the $63.62 monthly child support obligation, identifying Nalani's tax records, her testimony, and Benjamin's filings. The court's calculations used the $23,981 annual gross income claimed on Nalani's 2019 tax return. Extrapolating from Nalani's testimony about her daycare business yields a rough estimate of $21,000 for her 2020 business income[12] — a figure close to her self-reported $22,375 for 2019 business income. The court thus did not err by concluding a reasonable basis existed under Rule 90.3 for the agreed-upon $63.62 monthly child support obligation.

We note that if Nalani's filings violated Rule 90.3(e)(1) "the court may withhold or assess costs or attorney's fees"; there is no provision for punitively adjusting child support as Benjamin suggests. Although Rule 90.3(e)(2) entitled Benjamin to documentation of Nalani's income to enable a future motion to modify child support, the court was not required to compel this documentation before entering the parties' agreement. The court largely granted Benjamin's motion to compel Nalani's business records, ordering both parents to "file updated income statements, with complete supporting documentation, including bank records, business bank records, and attendance records for [Nalani]'s childcare business by March 1, 2021."

3. Imputed income

Benjamin argues that the superior court erred by refusing to impute to Nalani "average earnings for full-time home daycare." Under Rule 90.3(a)(4), the court "*may*" impute income to "a parent who voluntarily and unreasonably is unemployed or

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[12] Nalani testified in July 2020 that she charged $35 or $40 per child per day during school months and $55 per day during summer months and that she had 1 client with 2 children. Caring for 2 children at $40 per child for 20 days monthly over 9 months yields $14,400 for the school year. Caring for 2 children at $55 per child for 20 days monthly over 3 months yields $6,600 for the summer. Adding together $14,400 and $6,600 yields $21,000.

underemployed"; this provision explicitly exempts certain parents, and the court "*may not*" impute income to a parent "who is caring for a child under two years of age to whom the parents owe a joint legal responsibility." (Emphasis added.)

When the superior court denied both parties' income imputation motions in August 2020, the child was not yet two years old. Nalani had the majority of physical custody and was caring for the parties' child. Benjamin argued that because Nalani ran a childcare business and declined his offers to care for the child while she was working, the court should disregard the fact that she was caring for their child. Rule 90.3(a)(4) does not identify caring for the parents' infant as a mere factor to be considered; the rule explicitly bars the court from imputing income to that parent. Because Nalani was caring for the parties' child who was under two years old, the superior court properly refused to impute income to her in August 2020.[13]

4. Conclusion

Even assuming Benjamin did not waive his challenges to the child support amount by agreeing to the $63.62 obligation at the November 2020 hearing, his arguments on appeal lack merit. The superior court did not abuse its discretion by accepting the parties' child support agreement.

B. Custodial Decisions

Benjamin sought to enforce the superior court's custody decree in two ways.[14] First, he requested that Nalani produce bank statements for the account where

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[13] If Benjamin is appealing the superior court's November 2020 denial of his second income imputation motion, that motion pointed only to evidence dated before August 2020. Benjamin presented no evidence suggesting that *after* the child turned two Nalani was underemployed and potentially subject to income imputation under Rule 90.3(a)(4).

[14] *See del Rosario v. Clare*, 378 P.3d 380, 383-84 (Alaska 2016) (continued...)

Nalani originally had deposited the child's PFD payments. Second, he requested that she change the child's healthcare provider. "The superior court has broad discretion in determining custody awards so long as the determination is in the child's best interests."[15] This discretion extends to the court's disposition of motions seeking enforcement of an initial custody decree or determination of how to care for the child or the child's assets.[16]

1. PFD account

Benjamin contends that he is entitled to "verify stewardship of the child's PFD." The superior court's custody decree provided that Nalani was to apply for the child's annual PFD and save the money in a bank account for which "[b]oth parents must have access to all" statements. The court denied Benjamin's motion to compel Nalani's bank statements because it *granted* Benjamin's request that Nalani be ordered to deposit the child's PFD money into a separate account to which both parents would have online viewing access. Ordering Nalani to deposit the child's PFD money into a new account adequately safeguarded the child's best interests, and the court did not abuse its

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[14] (...continued)
("[E]nforcement of an order — reviewed for abuse of discretion — necessarily involves interpretation of that order, and we have previously explained the abuse-of-discretion standard for enforcement by pointing out that the court that entered the original order is in the best position to interpret its own order. Accordingly, we review the superior court's interpretation of its own order for abuse of discretion.").

[15] *Id.* (quoting *Stephanie F. v. George C.*, 270 P.3d 737, 745 (Alaska 2012)); *see also* AS 25.24.150(c) (providing "court shall determine custody in accordance with the best interests of the child").

[16] *Cf. R.I. v. C.C.*, 9 P.3d 274, 278-79 (Alaska 2000) (affirming court's order for child's PFD money to be held until custody matters were resolved because objecting parent "present[ed] . . . no reason to conclude that the" order was erroneous).

discretion by declining to compel Nalani to produce statements for the account where the money previously had been held.

2. Healthcare provider

Benjamin appeals the superior court's denial of his motion requesting a change in the child's healthcare provider. He argues that the clinic Nalani was using had refused to follow the court's vaccination orders and that it excluded him from access to the child's medical records and care. The court's custody decree provided that the child was to be vaccinated under the CDC-recommended schedule and that any "holistic" medical practices required Benjamin's prior consent.

Benjamin's concerns about vaccinations are not supported by the record. Nalani testified that the staff at the clinic had been seeing the child and providing "excellent" medical care since his birth. She also testified to the clinic's commitment to vaccinating the child on the CDC-recommended schedule. Benjamin conceded that clinic records reflected the child's vaccinations were current.

Benjamin's concerns about exclusion also are contradicted or mitigated by evidence in the record. Benjamin presented nothing suggesting the clinic was denying him access to the child's medical records, and he testified that he was not certain if he currently had access to those records. But Nalani testified that she had long ago corrected the lack of access by adding Benjamin's name on the child's medical records. Benjamin's testimony that clinic staff asked him to sit outside during the child's exam reflects that it was because Nalani was "violent[ly] shaking, chattering . . . her teeth, [and in] convulsions." Benjamin's testimony that the clinic had excluded him or treated him disrespectfully was contradicted by Nalani's testimony that she had seen Benjamin being disrespectful to a doctor. An email from the clinic indicated that as a federally qualified health center, the clinic's employees could not testify or produce documents without approval from federal officials. And Benjamin's testimony that clinic staff had

threatened to sue him and had said the clinic was not obligated to follow Alaska laws was hearsay admitted only for the limited purpose of explaining why Benjamin felt alienated by the clinic.[17]

"[T]he trial court, not this court, performs the function of judging the credibility of witnesses and weighing conflicting evidence."[18] Given the evidence that the clinic was providing the child safe, effective care and the conflicting and inconclusive oral testimony about whether the clinic had excluded Benjamin from decision-making, the superior court did not abuse its discretion by declining to order a change in the child's medical provider.

3. Conclusion

The superior court did not abuse its discretion in determining the child's best interests when it granted Benjamin's request that the child's PFD money be placed in a separate account and denied his request to change medical providers based on testimony reflecting that the child was receiving adequate medical care.

C. Benjamin's Remaining Arguments

1. Declining to hold Nalani in contempt

Benjamin argues that the superior court erred by not holding Nalani in contempt of court. Benjamin asserts that Nalani was in contempt of the court's orders because she: complied too slowly with the order to vaccinate the child under the CDC-recommended schedule; filed a petition for a protective order against Benjamin in August 2018; failed to comply with the custody decree by withholding access to statements from the child's PFD account; failed to set up an account for Benjamin to pay child support

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[17] *See* Alaska R. Evid. 801 (defining hearsay as an out-of-court statement "offered in evidence to prove the truth of the matter asserted"); Alaska R. Evid. 802 (generally barring hearsay as inadmissible).

[18] *Nancy M.*, 308 P.3d at 1133.

in a timely fashion; and gave the court inadequate and inconsistent accounts of her income.

After hearing testimony at the November 2020 hearing about Nalani's alleged non-compliance, the superior court declined to hold her in contempt.[19] The court acknowledged that "[t]he record does contain evidence that [Nalani] has been slow to comply or not fully complied with court orders in the past." But the court found that "at present both parties are in compliance with court orders."

Evidence at the hearing supports the court's findings. Nalani conceded that she had not always complied with court orders in a timely fashion, but she testified that she had not disregarded any court orders and was instead "doing [her] very best to follow them." Nalani testified that once the court ordered her to begin the child's vaccinations within 30 days, she did so. Benjamin testified that Nalani had "willfully disobeyed" the court's order to have the child vaccinated according to the CDC schedule. But he failed to prove this allegation, and he conceded that the child was currently vaccinated in accordance with CDC recommendations. At the November 2020 hearing, the only order with which Nalani was not in compliance was the May 2019 order to save the child's PFD payments in a bank account for which both parents had access to account statements. The court granted Benjamin's request compelling Nalani to set up a separate account for the child's PFD money within ten days.

A superior court has authority to hold a party in contempt for failing to comply with a court order to perform a specific act.[20] Contempt includes "deceit or

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[19] "[A] superior court's decision *not* to hold a party in contempt is committed to the court's discretion and is one to which we will accord considerable deference." *Stuart v. Whaler's Cove, Inc.*, 144 P.3d 467, 469 (Alaska 2006) (emphasis added).

[20] AS 09.50.010; *see* Alaska R. Civ. P. 70; *Hartland v. Hartland*, 777 P.2d (continued...)

abuse of" a court process "by a party to an action or proceeding," as well as "disobedience of a lawful judgment, order, or process of the court."[21] Evidence presented at the November 2020 hearing identified no outstanding orders with which Nalani had failed, much less refused, to comply. Nor was there evidence to establish that Nalani ever intentionally misled the court. The court's refusal to hold Nalani in contempt was not an abuse of its considerable discretion.

2. Refusal to mandate counseling

Benjamin asked the superior court to order Nalani to attend counseling for what he called her "alienating behavior"; he also asserted that Nalani had "irrational fear and anxiety" about him. The court denied Benjamin's request to unconditionally mandate counseling for Nalani. The court found that although Nalani initially had alienated the child from Benjamin for several months, there was no evidence of more recent alienation. Benjamin contends that the court's factual finding that there was no ongoing parental alienation was clearly erroneous and that the court thus erred by declining to compel counseling for Nalani.[22]

The vast majority of Benjamin's accusations against Nalani were about her actions from the first few months of the child's life, including his allegations that she

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[20] (...continued)
636, 648 (Alaska 1989); *see also Cont'l Ins. Cos. v. Bayless & Roberts, Inc.*, 548 P.2d 398, 409 (Alaska 1976) ("We conclude that the inherent power of the court to punish for contempt, whether direct or indirect, is limited to those situations when it is necessary to preserve the dignity, decorum and efficiency of the court.").

[21] AS 09.50.010(4)-(5).

[22] We have reviewed a court's decision requiring a parent to undergo psychological counseling or evaluation as a condition of unsupervised visitation under an abuse of discretion standard. *See Joy B. v. Everett B.*, 451 P.3d 365, 374-75 (Alaska 2019); *Sagers v. Sackinger*, 318 P.3d 860, 867 (Alaska 2014).

engaged in "[d]omestic [v]iolence," "custodial interference," and financial abuse. Benjamin presented no evidence of such behaviors after that time. When the superior court asked Benjamin for specific recent examples of Nalani alienating the child from him, Benjamin provided none. And the court credited Nalani's "uncontroverted testimony" that she "never . . . made any negative comments about [Benjamin] in front of [the child]."[23]

The superior court supported its refusal to mandate counseling by citing "both parents' testimony that [the child] is doing very well" and "is strongly bonded with both parents." The court rejected Benjamin's claims that Nalani's anxiety about him was baseless; after reviewing Benjamin's text communications and observing him in the courtroom, the court found that Nalani "has a basis for feeling that [Benjamin] ha[s] an aggressive communication style." Shortly thereafter the court admonished Benjamin: "[I]f you keep challenging the court, I'm going to have some serious problems with our ability to communicate effectively."

Based on the foregoing factual findings, the superior court did not abuse its discretion by declining to mandate counseling for Nalani.

3. The protective order

Benjamin contends that the superior court abused its discretion by not expunging the online court record of the temporary domestic violence protective order

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[23] Benjamin also claims that the superior court erred by not "consider[ing] parental modeling" when deciding whether to mandate counseling. But Benjamin only briefly asserts the court erred by not considering "parental modeling" when it "allow[ed] [Nalani] to bring false charges" and disregard court orders "without consequence," apparently referring to the court's refusal to hold Nalani in contempt. This argument is waived for inadequate briefing. *See Casciola v. F.S. Air Serv., Inc.*, 120 P.3d 1059, 1063 (Alaska 2005) ("Even a pro se litigant . . . must cite authority and provide a legal theory.").

Nalani obtained against him in a different superior court case. Benjamin also asks us to mandate that Nalani print a retraction in the local paper. We do not address this request because "[a] party may not raise an issue for the first time on appeal."[24]

Benjamin cites no legal authority in support of his claim that the superior court was required, or even allowed, to alter the online court record for a different judge's ruling.[25] Benjamin raised the issue of the temporary protective order, relying on it for his parental alienation arguments. But Benjamin did not ask the superior court for any form of relief; when asked specifically and repeatedly what he was asking the court to do regarding the protective order, he did not ask the court for any specific action.

4. Gender bias

Benjamin next asserts that the superior court discriminated against him on the basis of his gender, claiming this "underlies" the court's "tendency to accept" Nalani's noncompliance. But Benjamin again fails to cite legal authority supporting his point,[26] and he fails to identify meaningful evidence, such as any statement by the court suggestive of gender bias, supporting his claim. To the contrary, when Benjamin expressed concern the court assured him that it "seriously considers any type of gender bias . . . alleged" and how domestic violence, child support, or custody issues "would look . . . from a mother instead of a father . . . because historically, mothers did get . . . more of a nod" on child custody. The court's refusal to hold Nalani in contempt or

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[24] *Brandon v. Corr. Corp. of Am.*, 28 P.3d 269, 280 (Alaska 2001).

[25] *See Casciola*, 120 P.3d at 1063 ("Even a pro se litigant . . . must cite authority and provide a legal theory.").

[26] *See id.*

mandate counseling was justified on grounds other than gender, as explained above.[27] To the extent Benjamin's gender discrimination claim is not waived for inadequate briefing, it is meritless.

IV. CONCLUSION

We AFFIRM the superior court's judgment.

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[27] *See Tillmon v. Tillmon*, 189 P.3d 1022, 1027 n.13 (Alaska 2008) ("We remind pro se appellants that judicial bias should not be inferred merely from adverse rulings . . . .").