MEMORANDUM DECISION

APPELLANT PRO SE

Adrianna Padilla
Columbus, Indiana

IN THE COURT OF APPEALS OF INDIANA

Adrianna Padilla,
Appellant-Respondent,

v.

Christopher C. Weddle-Meekins,
Appellee-Petitioner

September 1, 2023

Court of Appeals Case No. 22A-JP-3000

Appeal from the Bartholomew Circuit Court

The Honorable Kelly S. Benjamin, Judge

The Honorable Kim Van Valer, Commissioner

Trial Court Cause No. 03C01-2108-JP-4199

Memorandum Decision by Judge Mathias
Judges Vaidik and Pyle concur.

Mathias, Judge.

[1] Adrianna Padilla ("Mother") appeals the Bartholomew Circuit Court's order regarding Christopher Weddle-Meekins's ("Father's") parenting time with the parties' minor child, E.R.P.W.-M. ("Child"), and child support. Mother presents several issues for our review, which we consolidate and restate as:

> 1. Whether the trial court abused its discretion when it awarded Father parenting time under the Indiana Parenting Time Guidelines.
>
> 2. Whether the trial court erred when it calculated Father's child support obligation.

[2] We affirm.

Facts and Procedural History

[3] Child was born August 15, 2019. Father and Mother signed a paternity affidavit in the hospital. That affidavit stated that Mother had physical custody of Child, with Father entitled to parenting time. Father, Mother, and Child lived together for approximately three months after Child's birth, but then they broke up. Mother and Child moved from Shelbyville to Franklin.

[4] Father exercised parenting time with Child on occasion, but in Spring of 2020, Mother sought an order of protection against Father. Mother alleged "preposterous third[-]party communication between the maternal grandmother and the father, in addition to missed parenting time, lack of communication, and tthe father's harassment towards the maternal grandmother at unreasonable hours of the night" in support of her motion, which the trial court granted on

May 6, 2020.[1] Appellant's Br. at 8. The order of protection against Father was set to expire on May 6, 2022.

[5] On August 10, 2021, Father filed a petition to establish paternity and parenting time. Following several continuances, the trial court held a hearing on Father's petition on April 14, 2022. During that hearing, Mother presented evidence that Father had a history of substance abuse, including three TikTok videos Father had posted in 2020 where he appeared to ingest drugs that made him "high." Tr. p. 33. Father testified that the "drugs" shown in the videos were "fake" and that he currently had "no drug use in [his] life." *Id.* at 35-36. On May 16, the trial court issued an order establishing Father's paternity of Child; awarding Mother sole legal custody and primary physical custody of Child; and awarding supervised parenting time to Father consisting of up to two hours every weekend at Johnson County Youth Connections. The trial court also scheduled a review hearing for July 29, 2022.

[6] Following the July 29 hearing, the trial court issued an order in which it acknowledged reports prepared by Youth Connections regarding Father's successful supervised parenting time with Child. The court stated that "Father's parenting time should be expanded gradually with a goal of reaching the

[1] Mother has not included either her petition for an order of protection or the order itself in her appendix on appeal.

schedule set out in the Indiana Parenting Time Guidelines." Appellant's App. Vol. 2, p. 57.

> Father shall have two (2) weekly visits under the supervision of Youth Connections, during which he shall be allowed to bring his father, fiancé[e], or other family member so long as Youth Connections agrees. After these two visits, Father may have parenting time of the same duration with [Child] at a public park or other public place with his family members present. For these visits, Youth Connections does not need to be involved. Father indicated that he did not object to Mother's fiancé being present, so if Thomas Duncan is willing and desires to do so, he may be present during these parenting time visits. After one month of visits away from Youth Connections, visits shall increase to twice per week, and after one month with visits twice per week, Father's parenting time may be unsupervised and may occur in Father's home.

Id. The trial court also acknowledged the difficulties the parties have with communication and ordered them to sign up for the Our Family Wizard application. Mother filed a motion to correct error, and Father filed a petition for rule to show cause and a motion for clarification.

[7] During a November 3 hearing on all pending motions, Mother asked the trial court to order a home study for Father's home due to her concerns about Child's needs being met there, and she asked for drug screens for Father given his history of drug abuse. Mother also asked that the court order Father to pay child support. The trial court denied Mother's motion to correct error and Father's petition for rule to show cause. The trial court ordered Father to pay

$103 per week in child support, plus an arrearage of $6,195. With respect to Father's parenting time, the trial court stated as follows:

> 4. Parenting Time
>
> a. Orders on Father's parenting time have been intended to phase in gradually with a goal of reaching the schedule set out in the Indiana Parenting Time Guidelines. Compliance with the phased in schedule has been challenging primarily due to difficulties in communication between the parents.
>
> > i. The court's order requiring Mother and Father to have monitored communication through Our Family Wizard would have helped, but Mother did not have the funds available to sign up for the application and she did not communicate sufficiently well with Father to make a phased in schedule functional.
> >
> > ii. These parents need a definite and well defined parenting schedule as well as monitored communication between them.
>
> b. Father's request that Mother be held in contempt of court for not signing up for OFW and denying parenting time is Denied.
>
> c. Now that Mother is employed, she does have the funds available and shall, if she has not done so already, begin using Our Family Wizard for communication with Father.
>
> d. It continues to be in [Child]'s best interests to have a close and loving relationship with both her biological parents and with the families of both parents. Although Father did, in the past, post videos dealing with alcohol and drug consumption, no evidence has been presented that indicates time with Father would, at this point, be harmful to [Child].

> e. As the Indiana Parenting Time Guidelines is intended to be a minimum parenting schedule, Father is entitled to parenting time according to the Indiana Parenting Time Guideline schedule to begin on Friday following the issuance of this Order.
>
> f. The court declines to order a home study of Father's residence as requested by Mother because there is insufficient, if any, evidence justifying a home study. The court likewise finds that ordering a home study of Mother's residence is unjustified.

Appellant's App. Vol. 2, pp. 68-69. This appeal ensued.

Discussion and Decision

[8] Initially, we note that Father did not file an appellate brief in this case. When an appellee fails to file a brief on appeal, we may in our discretion reverse the trial court's decision if the appellant makes a prima facie showing of reversible error. *K.L. v. M.H. (In re Paternity of C.H.)*, 936 N.E.2d 1270, 1272 (Ind. Ct. App. 2010), *trans. denied*. This rule was established for our protection so that we can be relieved of the burden of controverting the arguments advanced in favor of reversal where that burden properly rests with the appellee. *Id.*

Issue One: Parenting Time

[9] Mother contends that the trial court abused its discretion when it granted Father unsupervised parenting time with Child pursuant to the Guidelines without requiring a home study or drug screens. Our standard of review is well settled:

> We initially observe that in all parenting time controversies, courts are required to give foremost consideration to the best

> interests of the child. *Downey v. Muffley*, 767 N.E.2d 1014, 1017 (Ind. Ct. App. 2002). When reviewing a trial court's determination of a parenting time issue, we grant latitude and deference to the trial court and will reverse only when the trial court abuses its discretion. *Gomez v. Gomez*, 887 N.E.2d 977, 981 (Ind. Ct. App. 2008). An abuse of discretion occurs if the trial court's decision is clearly against the logic and effect of the facts and circumstances before it. *Id.* If there is a rational basis for the trial court's determination, then no abuse of discretion will be found. *Downey*, 767 N.E.2d at 1017. 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. *Duncan v. Duncan*, 843 N.E.2d 966, 969 (Ind. Ct. App. 2006). Further, we may not reweigh the evidence or judge the credibility of the witnesses. *Downey*, 767 N.E.2d at 1017.

In re Paternity of C.H., 936 N.E.2d at 1273.

[10] Mother argues that the trial court abused its discretion when it awarded Father unsupervised parenting time despite the evidence of Father's "volunt[ary] absence [from Child's life] for over a year," as well as the evidence of Father's history of substance abuse and his alleged inability to properly care for Child. Appellant's Br. at 16. In the Argument section of her brief, Mother fails to provide citations to the authorities or appendix to support her arguments.[2] *See* Ind. Appellate Rule 46(A)(8)(a). "It is well settled that pro se litigants are held

[2] Mother includes two sections in her brief regarding communication issues between the parties and Father's alleged inability to provide "essentials" for the care of Child. Appellant's Br. at 15. Mother has waived those issues for our review because she does not support either with cogent argument. *See* Ind. Appellate Rule 46(A)(8)(a). Waiver notwithstanding, again, Mother asks that we reweigh the evidence, which we do not do on appeal.

to the same legal standards as licensed attorneys." *Spainhower v. Smart & Kessler, LLC*, 176 N.E.3d 258, 263 (Ind. Ct. App. 2021), *trans. denied*. In any event, Mother's argument is merely a request that we reweigh the evidence, which we do not do on appeal.

[11] The trial court found that there was no evidence that Father currently abused drugs or is otherwise unable to care for Child, and Mother does not direct us to evidence showing that that finding is erroneous. Given the trial court's broad discretion in family matters, we cannot say that the trial court abused its discretion when it awarded Father unsupervised parenting time under the Guidelines without ordering a home study or drug testing for Father.

Issue Two: Child Support

[12] Mother next contends that the trial court erred when it calculated Father's child support obligation. As we have stated,

> A trial court's calculation of a child support obligation is presumptively valid and will be reversed only if it is clearly erroneous or contrary to law. *Young v. Young*, 891 N.E.2d 1045, 1047 (Ind. 2008). A decision is clearly erroneous if it is clearly against the logic and effect of the facts and circumstances before the trial court. *Id.* In conducting our review, we will not reweigh the evidence and will consider only the evidence most favorable to the judgment. *Saalfrank v. Saalfrank*, 899 N.E.2d 671, 674 (Ind. Ct. App. 2008).

Boonstra v. Corcoran (In re Paternity of K.C.), 171 N.E.3d 659, 679 (Ind. Ct. App. 2021).

[13] Mother first contends that the trial court erred when it did not order "temporary child support from the beginning of court proceedings." Appellant's Br. at 14. But Mother ignores the trial court's order that Father had a "retroactive balance of $6,195 from the time Father filed" his petition in August 2021. Appellant's App. Vol. 2, p. 70. And Mother does not challenge the amount of that arrearage. Thus, Mother's argument on the lack of temporary child support is moot.

[14] Next, Mother contends that the trial court erred when it awarded Father a $500 credit towards his child support arrearage. She argues that she testified that she never received $500 from Father. But Father testified otherwise, and the trial court found Father credible on this issue. Accordingly, Mother's contention is without merit.

[15] Finally, Mother contends that the trial court erred when it calculated Father's child support obligation based on *her* weekly income of $846 and Father's weekly income of $506.[3] But Mother misstates the record. The trial court found that *Father's* income was $846 weekly and Mother's was $506. Moreover, Mother presents no cogent argument regarding how the trial court *should have* calculated child support. For instance, she does not support her argument with citation to any evidence she proffered to the trial court regarding the amount of

[3] Mother also contends that there is no evidence to support credits to Father for overnight stays on his retroactive child support, but she does not support that contention with citation to the record. Without any analysis of how the trial court calculated Father's child support arrearage, we cannot say whether the trial court erred.

child support she believed Father should pay. Mother's argument on this issue is waived.

[16] Affirmed.[4]

Vaidik, J., and Pyle, J., concur.

[4] We reprimand Mother for her inappropriate and unsubstantiated request that we "remand with the permanent revocation of the Father's Parental Rights." Appellant's Br. at 18. Such outrageous argument has no place in an appellate brief.