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CLERK OF THE SUPREME COURT
STATE OF MONTANA
Case Number: DA 21-0481

DA 21-0481

IN THE SUPREME COURT OF THE STATE OF MONTANA

2022 MT 77N

IN RE THE MARRIAGE OF

ROBYN M. RYERSON,
n/k/a ROBYN R. MADISON,

Petitioner and Appellee,

and

PATRICK S. RYERSON,

Respondent and Appellant.

APPEAL FROM: District Court of the Fourth Judicial District,
In and For the County of Missoula, Cause No. DR-09-749
Honorable John W. Larson, Presiding Judge

COUNSEL OF RECORD:

For Appellant:

Thane Johnson, Johnson, Berg & Saxby, PLLP, Kalispell, Montana

For Appellee:

Molly K. Howard, J.R. Casillas, Datsopoulos, MacDonald & Lind, PC, Missoula, Montana

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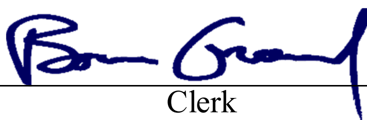
Submitted on Briefs: March 16, 2022

Decided: April 12, 2022

Filed:



Clerk

Justice Laurie McKinnon delivered the Opinion of the Court.

¶1 Pursuant to Section I, Paragraph 3(c), Montana Supreme Court Internal Operating Rules, this case is decided by memorandum opinion and shall not be cited and does not serve as precedent. Its case title, cause number, and disposition shall be included in this Court's quarterly list of noncitable cases published in the Pacific Reporter and Montana Reports.

¶2 Appellant Patrick Ryerson (Pat) appeals the June 1, 2017 Order (June 2017 Order) issued by the Fourth Judicial District Court, Missoula County, which modified Pat's Parenting Plan with Appellee Robyn Madison (Robyn). The June 2017 Order suspended Pat's visitation with the parties' minor child, M.Z.R., suspended Pat's ability to contact Robyn via the "Our Family Wizard" website, and extended Robyn's Order of Protection against Pat until M.Z.R.'s eighteenth birthday. Pat also appeals the District Court's August 30, 2021 Order which denied Pat's request to modify the parties' Parenting Plan and upheld the June 2017 Order. We affirm.

¶3 The parties have continuously and contentiously litigated the parenting of M.Z.R. for the past twelve years. After a brief marriage, the parties obtained a divorce in 2009. M.Z.R. was born shortly after the parties' divorce. On December 9, 2009, the parties entered into an initial Final Parenting Plan, which was approved by the Missoula County District Court. The parties later reconciled and moved to Great Falls; however, they separated once again in the Spring of 2014. An Amended Final Parenting Plan was entered on July 2, 2014 (July 2014 Parenting Plan). Under the July 2014 Parenting Plan, Robyn and Pat were granted shared decision-making power over all major parenting decisions.

The new Parenting Plan also awarded joint physical custody to Robyn and Pat, with M.Z.R. scheduled to reside with Robyn on Sundays, Mondays, and Thursdays, and with Pat on Tuesdays and Wednesdays. The parties would alternate their parenting time with M.Z.R. on successive weekends.

¶4 On November 12, 2014, the District Court granted Robyn's request for a Civil No Contact Order against Pat (November 2014 No Contact Order). Robyn asserted that Pat's communications and interactions with her had become "increasingly threatening and hostile," that Pat had sent an incessant number of "abusive" emails and texts to Robyn, and that Pat had instigated several verbal altercations with Robyn during which he called Robyn vulgar names in the presence of M.Z.R. As a result, the No Contact Order required the parties to communicate exclusively over the Our Family Wizard website. On April 17, 2015, in a separate case, the Cascade County District Court entered an Order of Protection for Robyn against Pat, citing Pat's continued threatening and abusive communications with Robyn.

¶5 On March 18, 2016, Robyn filed a Motion for Ex Parte Parenting Plan, along with a supporting affidavit providing evidence that Pat had continued to "repeatedly call[] and text[]" Robyn and use harassing/abusive language.[1] Robyn's affidavit also alleged that Pat had, on multiple occasions, verbally abused and threatened Robyn during the parties'

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[1] One representative text message—which Pat sent to Robyn on February 16, 2016, read:

> [M.Z.R.] has a rash. You didn't answer the school [sic] of my emergency call. I'm going to check it out. You may be the worst!!!! I fucking hate you. I still fucking hate you!!! You're the worst. Eat shit. When I call it's for a fucking reason you stupid bitch.

parenting exchanges in M.Z.R.'s presence. On March 18, 2016, the District Court entered an Order for Interim Parenting Plan and Order Setting Hearing to Show Cause, which suspended the parties' July 2014 Parenting Plan on an emergency basis and placed M.Z.R. in Robyn's sole care until a scheduled hearing on March 29, 2016. The District Court also converted the November 2014 No Contact Order to a formal Order of Protection after finding that Pat's repeated texts and phone calls to Robyn violated the Order. Robyn's Order of Protection against Pat was later renewed on January 30, 2017 (January 2017 Order of Protection).[2]

¶6 At the March 29, 2016 hearing, Pat and Robyn agreed to obtain a Parenting Evaluation from Dr. Sarah Baxter (Dr. Baxter). On April 1, 2016, the court entered an Order for a new Interim Parenting Plan, which amended the Parenting Plan on a temporary basis pending the results of Dr. Baxter's Parenting Evaluation. The Interim Parenting Plan awarded Robyn primary physical custody while granting Pat parenting time every other weekend and for a few hours after school every Wednesday.

¶7 On May 5, 2016, the Court granted Robyn's request to move to Helena with M.Z.R., based on Robyn's new employment. Around this same time, Pat opted to permanently move from Great Falls to Reno, Nevada.

¶8 On August 5, 2016, Dr. Baxter completed her Parenting Evaluation, which noted that Pat's hostile conduct posed a "frightening and developmentally damaging risk" to

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[2] In its January 2017 Order of Protection, the Fourth Judicial District Court renewed Robyn's Order of Protection against Pat for a time period of one year. Later, the District Court's June 2017 Order rendered this Order of Protection permanent so long as M.Z.R. remained a minor.

M.Z.R.'s well-being and recommended that Pat engage in therapy to improve his ability to communicate. The Parenting Evaluation also recommended that legal custody and primary physical custody be awarded to Robyn, with Pat receiving visitation rights contingent upon his engagement in therapy and demonstration of an improved ability to communicate productively. On August 18, 2016, Robyn filed a Motion and Brief to Adopt Parenting Evaluation Recommendations, which sought to amend the parties' Parenting Plan in accordance with Dr. Baxter's recommendations. Pat initially opposed Robyn's Motion. Pat, displeased with the Parenting Evaluation, also began harassing Dr. Baxter by calling her late at night and leaving abusive voicemails. In response, Dr. Baxter obtained her own Order of Protection against Pat on September 20, 2016.

¶9 Pat eventually dropped his objection to Dr. Baxter's proposals and, on October 12, 2016, the Court approved Robyn and Pat's new Stipulated Parenting Plan (October 2016 Parenting Plan). In accordance with Dr. Baxter's recommendations, the October 2016 Parenting Plan stipulated as follows: that a Guardian Ad Litem (GAL) would be appointed for M.Z.R. and this GAL would supervise the parties' communications over Our Family Wizard; that Pat was not to contact Robyn by any other means outside of Our Family Wizard; that Robyn was henceforth designated as M.Z.R.'s full "legal guardian"; that Robyn had the sole authority to make all major parenting decisions involving M.Z.R.; and that Robyn would be awarded primary physical custody of M.Z.R. at her residence in Helena. Conversely, the new Parenting Plan awarded Pat "visitation" with M.Z.R., which was only permitted to occur at Pat's parents' home in Great Falls. Pat's visitation was scheduled during several long weekends and for six weeks during M.Z.R.'s summer

vacation. However, the GAL could revoke Pat's six weeks of summer "visits" with M.Z.R. if the GAL determined that Pat failed to show "significant improvement" in his ability to communicate with Robyn over Our Family Wizard. These necessary "improvement[s]" included Pat's "cessation of sarcasm, belittling remarks, and the use of swear words." Last, the October 2016 Parenting Plan stipulated that Pat's visitation rights with M.Z.R. were also predicated upon Pat engaging in individualized therapy which focused on "emotional regulation, improving his judgment about co-parent communications, and [] learning to compromise and communicate more appropriately."

¶10 In the Spring of 2017, in response to new developments in the case, M.Z.R.'s GAL filed a Report with the District Court (GAL Report). The GAL Report included the following statement about Pat's recent communications over Our Family Wizard:

> Upon reading the E Mail exchanges on Our Family Wizard it became apparent that [Pat] was often antagonistic and demeaning towards Ms. Robyn Ryerson in [his] communication . . . . I had several phone conversations and E Mail exchanges [with Pat] about his demeanor, attempting to give feedback and coach him . . . . [Pat] did not accept this feedback and for the most part continued to be demanding and demeaning to Ms. Ryerson and put inappropriate demands on [M.Z.R.]. It was not too long that [Pat] turned his disrespecting and insulting behavior towards myself . . . . He accepts no responsibility for his custodial situation . . . . I have given [Pat] the feedback that when it is witnessed how he treats the people in his life there is little evidence that he would not treat [M.Z.R.] the same way, if she was to displease him . . . . It should be obvious that [Pat] has no interest in changing his behavior.

¶11 On May 5, 2017, Robyn filed a Request for Status Conference. Robyn's Request was based on the GAL Report, which she attached along with her filing. On May 16, 2017, the District Court granted Robyn's Request and set a Status Conference date of June 14, 2017. However, on June 1, 2017, after reviewing the parties' communications on Our

Family Wizard, the District Court vacated the parties' Status Conference and, instead, issued its June 2017 Order, which amended the parties' Parenting Plan. The June 2017 Order suspended Pat's right to visitation with M.Z.R. and his ability to communicate with Robyn over Our Family Wizard.[3] Last, the Order made Robyn's prior January 2017 Order of Protection against Pat permanent until M.Z.R.'s eighteenth birthday.

¶12 Following the court's June 2017 Order, Patrick continued to engage in abusive communications with several other contacts. Pat's former attorney in this matter, Meghan Sutton, and Cascade County Judge Gregory Pinski, each received separate Orders of Protection against Pat due to Pat's communication with them in connection with M.Z.R.'s case. Pat also continued his abusive communication towards Robyn, despite her Protective Order. Pat was criminally charged with five counts of violation of privacy in communications on November 6, 2019, as a result of his conduct in this matter.

¶13 The record reflects that, from 2018 through 2021, Patrick submitted several additional vexatious filings in M.Z.R.'s case. These filings culminated in Pat's September 2, 2020 Motion to Modify Current Parenting Order (Pat's September 2020 Motion), which sought to amend the June 2017 Order by re-establishing Pat's right to

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[3] The June 2017 Order also stated that "[Robyn] is granted full custody of M.Z.R. and has authority to make all decisions regarding M.Z.R.'s interests." However, we note that the parties' October 2016 Parenting Plan already did the following: (1) designated that "[f]or all purposes, Robyn shall be designated as M.Z.R.'s legal guardian"; (2) granted full authority to Robyn over all "major decisions regarding M.Z.R"; and (3) granted primary physical custody to Robyn. In contrast, the October 2016 Parenting Plan granted Pat only "visitation" rights with M.Z.R., which were only permitted to occur at Pat's parents' home. Thus, despite the assertions in Pat's appeal, the June 2017 Order is best characterized as "suspending Pat's visitation rights" as opposed to "granting full custody to Robyn," as Robyn was already granted full legal custody and primary physical custody of M.Z.R. by the parties' October 2016 Parenting Plan.

visitation with M.Z.R.[4] On August 30, 2021, the court issued its Order (August 2021 Order) denying Pat's Motion on the grounds that Pat's behavior towards Robyn remained wholly unchanged and that Pat "remain[ed] out of compliance" with several court orders. Pat filed his notice of appeal in this matter on September 22, 2021, which requests that this Court vacate both the June 2017 Order amending the parties' Parenting Plan and the August 2021 Order upholding the amendments in the June 2017 Order.[5]

¶14 Pat's appeal raises three arguments, which we restate as follows: (1) the District Court's June 2017 and August 2021 Orders failed to comply with § 40-4-219(1), MCA's statutory requirements for amending—or declining to amend—an existing parenting plan; (2) under procedural due process, Pat did not receive proper notice prior to the District Court's June 2017 amendment of the parties' Parenting Plan; and (3) procedural due process entitled Pat to a hearing prior to the issuance of both the June 2017 and August 2021 Orders. Notably, however, Pat's arguments to vacate the August 2021 Order—which upheld the June 2017 Order—are largely undeveloped; as such, we primarily address Pat's challenges to the June 2017 Order.

[4] Pat's September 2020 Motion also sought to modify the parties' Parenting Plan by mandating that Pat receive periodic "telephone, facetime, and/or Skype conversations" with M.Z.R., with Pat alleging he had had little recent communication with M.Z.R. outside of written letters and postcards. On appeal, Pat makes the cursory allegation that, by denying these requests, the court's August 2021 Order wrongly infringed on his right to "communication" with M.Z.R.; however, Pat's appeal fails to articulate any further argument as to why, specifically, the court's denial of his requested telephone, facetime, and/or Skype communications was not in M.Z.R.'s best interests. As a result, we do not address this aspect of the challenged August 2021 Order.

[5] The timeliness of Pat's appeal has never been raised.

¶15 Section 40-4-219(1), MCA, states that a district court "may, in its discretion, amend a prior parenting plan if it finds that . . . a change has occurred in the circumstances of the child" and "the amendment is necessary to serve the best interest of the child." We review findings of fact related to amendments of parenting plans to determine whether they are clearly erroneous. *In re Marriage of Brockington and Brown*, 2017 MT 92, ¶ 18, 387 Mont. 260, 400 P.3d 205 (citations omitted). When findings upon which a decision is predicated are not clearly erroneous, we will reverse a district court's decision regarding a parenting plan amendment only when a clear abuse of discretion is demonstrated. *In re C.J.*, 2016 MT 93, ¶ 13, 383 Mont. 197, 369 P.3d 1028. Upon allegations that the District Court did not make the findings required by § 40-4-219(1), MCA, "we are presented with a question of law, which we review de novo." *Jacobsen v. Thomas*, 2006 MT 212, ¶ 13, 333 Mont. 323, 142 P.3d 859 (citations omitted).

¶16 Pat first argues that the June 2017 Order failed to make any of the factual findings required to amend a parenting plan under § 40-4-219(1), MCA, or, alternatively, that the June 2017 Order's factual findings in this regard were "clearly erroneous." In particular, Pat contends the court failed to adhere to § 40-4-219(1), MCA's requirements for amending a parenting plan because the Order did not clearly articulate the necessary factual findings that (1) a change in circumstances had occurred and that (2) amending the Parenting Plan—specifically, to revoke Pat's visitation with M.Z.R. and to prevent Pat from communicating with Robyn on Our Family Wizard—was in M.Z.R.'s best interests. However, Pat's argument fails, as a district court need only have entered findings which "sufficiently supported" the amendment of a parenting plan under § 40-4-219(1), MCA. *In re Z.D.L.-*

B., 2016 MT 164, ¶ 16, 384 Mont. 65, 375 P.3d 378. The June 2017 Order's specific citation to "[Pat's] antagonistic and demeaning communication to [Robyn]" on Our Family Wizard constituted a sufficient change in circumstances to amend the parties' Parenting Plan under § 40-4-219(1), MCA. Moreover, regarding M.Z.R.'s best interests, the District Court expressly stated it "believes [Pat's] behavior [in communicating with Robyn] affects M.Z.R." In support, the June 2017 Order attached eleven pages of messages sent by Pat to Robyn over Our Family Wizard, including the following statements, which accurately depict the overall tone of Pat's communications with Robyn:

> [Y]ou are a cantankerous[,] miserable person . . . . Would you prefer me [sic] bold faced lying to [M.Z.R.] and tell her you're a good person and a good mom? Because you're not.
>
> . . .
>
> I say this in all seriousness. Just so you are abundantly clear on my thoughts about you. I sincerely hope you get cancer.
>
> . . .
>
> I am going to take everyone that professionally helped you along the way and I am going to burn the village.

The record further reflects that Pat's statements were part of a longstanding pattern of vitriolic behavior towards Robyn and others—behavior which, as asserted in the District Court's June 2017 Order, Pat showed "no interest in changing." Such behavior would naturally be expected to have a detrimental effect on M.Z.R. Thus, the District Court's June 2017 Order cited sufficient factual grounds for its conclusions that revoking Pat's visitation with M.Z.R. and revoking Pat's ability to contact Robyn over Our Family Wizard were in M.Z.R.'s best interests. In turn, the District Court's factual findings in its June 2017 Order were in full compliance with § 40-4-219(1), MCA, and were not

"clearly erroneous." Further, we hold that the District Court's August 2021 Order—which upheld its June 2017 Order—was also in M.Z.R.'s best interests.[6]

¶17 Pat's next two arguments concern procedural due process. The United States and Montana Constitutions ensure that "[n]o person shall be deprived of life, liberty, or property, without due process of law." Mont. Const. art II, § 17; U.S. Const. amend. V (incorporated to apply to the states via amendment XIV). A natural parent's right to the care and custody of his child implicates procedural due process, as it is a constitutionally protected "fundamental liberty interest" which requires "fundamentally fair procedures." *Steab v. Luna*, 2010 MT 125, ¶ 22, 356 Mont. 372, 233 P.3d 351 (citations omitted). Procedural due process ordinarily implicates the need for "notice and the opportunity to be heard 'at a meaningful time and in a meaningful manner.'" *In re Marriage of Stevens*, 2011 MT 124, ¶ 18, 360 Mont. 494, 255 P.3d 154 (quoting *Mont. Power Co. v. Pub. Serv. Comm'n*, 206 Mont. 359, 368, 671 P.2d 604, 609 (1983)). Furthermore, "[n]otice must be 'reasonably calculated to inform parties of proceedings which may directly and adversely affect their legally protected interests.'" *Stevens*, ¶ 18 (quoting *Mont. Power. Co.*, 206 Mont. at 368, 671 P.2d at 609).

[6] Pat also argues that the August 2021 Order, which denied Pat's September 2020 Motion to resume in-person visitation with M.Z.R., was contrary to M.Z.R.'s best interests under § 40-4-219(1), MCA's standard. We disagree. Although Pat's Motion asserted that he had actively participated in his court-ordered therapy and anger management counseling, this is not enough to overcome the facts cited by the District Court's August 2021 Order denying Pat's Motion. In particular, as of August 2021, Pat remained out of compliance with several court orders—including Robyn's Order of Protection against him. Additionally, the District Court's August 2021 Order took notice of the fact that Pat had recently addressed multiple postcards to M.Z.R. which contained negative, vindictive comments about the judges and attorneys involved in M.Z.R.'s parenting dispute. As a result, the District Court's August 2021 Order remained in M.Z.R.'s best interests and was not "clearly erroneous."

¶18 Whether a person has been denied procedural due process is a question of law and we exercise plenary review. *In re L.V.-B.*, 2014 MT 13, ¶ 12, 373 Mont. 344, 317 P.3d 191. "In raising a procedural due process claim, a parent's interests are balanced against . . . the State's . . . interest in preserving and promoting the welfare of the child[.]" *L.V.-B.*, ¶ 16 (citing *Santosky v. Kramer*, 455 U.S. 745, 766, 102 S. Ct. 1388, 1401 (1982)). "[W]hen applying these guidelines to determine whether a party received adequate notice, it must be remembered that due process is a flexible concept and should be tailored to the circumstances of each case in a manner that meets the needs and protects the interests of the parties involved." *Pickens v. Shelton-Thompson*, 2000 MT 131, ¶ 15, 300 Mont. 16, 3 P.3d 603 (citation omitted).

¶19 Next, Pat asserts that the June 2017 Order violated his procedural due process right to sufficient notice of court proceedings affecting his fundamental right, as a parent, to visitation and parenting time with M.Z.R. In particular, Pat alleges that, because Robyn never expressly filed a motion to amend the parties' Parenting Plan, the June 2017 Order—which revoked Pat's right to visitation with M.Z.R. "at this [point in] time"—was issued "sua sponte" without adequate notice to Pat that his visitation with M.Z.R. was ever subject to complete revocation. Pat's argument fails. In general, due process is a "flexible concept" that must be "tailored to the circumstances of each case." *Pickens*, ¶ 15. Under procedural due process, notice must only "be reasonably calculated to inform parties of proceedings which may directly and adversely affect their legally protected interests." *Stevens*, ¶ 18 (citation omitted). Under this standard, the filings which predated the June

2017 Order were indeed "reasonably calculated" to inform Pat that his visitation with M.Z.R. was in jeopardy based on his continued opprobrious communications with Robyn.

¶20 Prior to the June 2017 Order, Pat received Robyn's May 2017 Request for Status Conference, along with the GAL Report, via certified mail. Robyn's filing asserted that her Request was "based upon the GAL's report," which was attached to Robyn's Request. The fact that Robyn took issue with Pat's recent communications with her—and that she had requested a Status Conference to seek amendments to Pat's rights under the Parenting Plan—was readily apparent from Robyn's filing. Indeed, the GAL Report attached to Robyn's filing remarked that Pat's recent Our Family Wizard communications were "inappropriate" and ultimately concluded that, upon observation of "how [Pat] treats the people in his life[,] there is little evidence that he would not treat M.Z.R. the same way[ ] if she was to displease him." As a result, Robyn's filing implicitly provided Pat with reasonable notice that his recent behavior placed his visitation with M.Z.R. on thin ice.

¶21 Additionally, prior to the June 2017 Order, Pat had already agreed to express language in the October 2016 Parenting Plan which conditioned Pat's visitation with M.Z.R., in part, on Pat's ability to demonstrate a "significant improvement" in his "behavior" and "communication" with Robyn over the Our Family Wizard website. Importantly, the Parenting Plan put Pat on notice that he would need to cease his "sarcasm, belittling remarks, and the use of swear words." In an irony that is not lost upon this Court, Pat received precise notice of the type of behavior that would not be tolerated under the parties' Parenting Plan and, nevertheless, proceeded to engage in this *exact* type of behavior for the next several months. We therefore conclude that the language of the

parties' October 2016 Parenting Plan—combined with Robyn's May 2017 Request—constituted sufficient notice for the District Court to amend the parties' Parenting Plan, and Pat's procedural due process was not violated on these grounds.

¶22 Pat finally contends that procedural due process required the District Court to hold a hearing prior to issuing its June 2017 Order. However, parties are not guaranteed a hearing on modifications of parenting plans in all cases. *In re C.M.R.*, 2016 MT 120, ¶ 22, 383 Mont. 398, 372 P.3d 1275. Rather, in situations where the court "followed the appropriate procedure and gave sufficient notice," and when "essential facts [are] not in dispute[,]" a hearing is not required. *C.M.R.*, ¶ 22. In rejecting Pat's first two arguments, we have already determined that the June 2017 Order "followed the appropriate procedure" under § 40-4-219(1), MCA, and held that "sufficient notice" existed for the court to amend the parties' Parenting Plan via the June 2017 Order. Pat's brief also fails to successfully convince this Court that—both now and at the time of the District Court's June 2017 Order—any of the "essential facts" relied upon by the June 2017 Order were in dispute. Instead, Pat's brief admits to the content of the messages that he sent Robyn on Our Family Wizard and asserts that there is "no excuse" for Pat's behavior. Thus, we hold Pat was not entitled to any hearing prior to the court's June 2017 Order. Pat's appeal also contends he deserved an evidentiary hearing prior to the court's August 2021 Order; however, this argument fails as well, as Pat does not cite to authority or develop any argument in support of his contention that the August 2021 Order violated his procedural due process rights.[7]

[7] It is not this Court's role to develop a legal analysis to lend support to a position that a party has failed to support themselves. *See, e.g.*, *State v. Gomez*, 2007 MT 111, ¶ 33, 337 Mont. 219,

¶23 Considering Pat's sustained verbally abusive behavior, demonstrated unwillingness to change his behavior, and continuous refusal to comply with a multitude of court orders, there is little doubt that both the June 2017 Order—which suspended Pat's Our Family Wizard communication with Robyn and Pat's visitation with M.Z.R.—and the August 2021 Order—which upheld the Parenting Plan amendments established by the June 2017 Order—served M.Z.R.'s best interests. Moreover, Pat's appeal fails to identify any compelling evidence of a change in Pat's behavior. Instead, the record demonstrates that, in the months and years between the court's June 2017 and August 2021 Orders, Pat continued his pattern of overwhelmingly improper behavior while litigating M.Z.R.'s case, as evidenced by Pat's violation of several Protective Orders—including Robyn's—which resulted in multiple criminal charges against Pat. Additionally, four years after the June 2017 Order, Pat's primary argument on appeal raises a due process challenge to that Order. The totality of these facts, and the record as a whole, indicate that Pat has, over the course of these proceedings lasting over a decade, been given ample due process on the question of his parenting of M.Z.R.

¶24 The District Court's June 2017 Order, and its subsequent August 2021 Order to uphold the Parenting Plan amendments established by the June 2017 Order, are affirmed.

¶25 We have determined to decide this case pursuant to Section I, Paragraph 3(c) of our Internal Operating Rules, which provides for memorandum opinions. In the opinion of the

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158 P.3d 442 (citation omitted). Conversely, *C.M.R.*, ¶ 22, makes clear that a hearing is not always required in the context of proposed amendments to parenting plans.

Court, the case presents a question controlled by settled law or by the clear application of applicable standards of review.

/S/ LAURIE McKINNON

We concur:

/S/ MIKE McGRATH
/S/ INGRID GUSTAFSON
/S/ JAMES JEREMIAH SHEA
/S/ JIM RICE