Note: In the case title, an asterisk (*) indicates an appellant and a double asterisk (**) indicates a cross-appellant. Decisions of a three-justice panel are not to be considered as precedent before any tribunal.

ENTRY ORDER

SUPREME COURT DOCKET NO. 2018-192

APRIL TERM, 2019

Nicola Weaver* v. David Weaver	}	APPEALED FROM:
	}	
	}	Superior Court, Addison Unit,
	}	Family Division
	}	
	}	DOCKET NO. 138-7-09 Andm
		Trial Judge: Samuel Hoar, Jr.

In the above-entitled cause, the Clerk will enter:

Mother appeals pro se from the trial court's ruling on remand in this long-running post-divorce dispute. We affirm.

We have recounted the procedural history of this case numerous times and do not repeat it here. See generally Weaver v. Weaver, 2018 VT 38, ¶¶ 2-13. This particular appeal concerns mother's right to access school records and other records of the parties' youngest son, N.W. In a November 2016 decision, the trial court "ordered that mother had the right to see N.W.'s records but had to ask father to obtain them," and it also forbid mother from having "direct contact with school personnel or medical and dental providers without father's permission." Id. ¶ 24. Mother appealed and we remanded for additional findings. Id. ¶ 1. We acknowledged the trial court's authority to limit mother's access to records and its discretion to "restrict the participation of the noncustodial parent in communications with school and medical personnel if the court determines such restrictions are in the child's best interests." Id. ¶¶ 25, 28. We concluded, however, that the trial court had failed to provide adequate findings or analysis in support of its decision. We stated that "the court may reimpose restrictions on mother's access to records and personnel if warranted by the evidence, but any such restrictions must be supported by appropriate findings." Id. ¶ 30. In all other respects, we affirmed the trial court rulings on appeal. Id. ¶ 1.

On remand, the court made additional findings. It found that since issuing its September 2016 order concerning parent-child contact with N.W., mother had engaged in a persistent campaign of passive aggression in deliberate defiance of the order. She had also attempted, through every channel available, to undermine father's relationship with N.W. This included accusatory emails to the senior partner at the law firm of father's new wife and a barrage of phone calls and emails to individuals at N.W.'s school. The court found that mother's communications put the school in the middle of the parties' dispute. The court was also mindful that mother had previously gone behind father's back to make arrangements with the school in clear derogation of father's parental rights. The school had accordingly requested that any communications regarding N.W., including requests for records and other information, flow through father.

The court further found that prior to the September 2016 order, mother had attempted, in communications with virtually everyone who had a substantial relationship with father or N.W., including medical providers, to disparage father and undermine his relationship with N.W. The court found these contacts were all part of mother's persistent and unremitting effort to alienate N.W. from father. This behavior, the court explained, was clearly not in N.W.'s interest and it was also clearly to father's detriment. Finally, the court found that the evidence amply supported the strong inference that no measure short of restricting mother's contact with N.W.'s providers, and with school personnel, would prevent her from visiting this harm on N.W. and father. The court therefore reaffirmed and reinstated its earlier order that any requests for information or other communication running from mother to N.W.'s school, medical, or dental providers must be made through father. The court emphasized that it was not denying or restricting mother's right of access to N.W.'s records, which would not be in his best interests. Yet it was also not in N.W.'s interests to allow mother to continue her campaign of parental alienation in her communications with these providers. Mother appealed.

The only question before this Court is whether the trial court erred in its remand decision.[*] With respect to this question, mother argues that the court erred in finding that she was attempting to undermine father's relationship with the parties' son. She essentially provides her version of events and describes why she took certain actions. She maintains that the court's order is not in N.W.'s best interests.

As we stated in Weaver, the trial court "may limit the noncustodial parent's access" to a minor child's " 'medical, dental, law enforcement and school records' . . . if it finds that 'access is not in the best interest of the child or if access may cause detriment to the other parent including but not limited to abuse.' " 2018 VT 38, ¶ 25 (quoting 15 V.S.A. § 670). It may also "restrict the participation of the noncustodial parent in communications with school and medical personnel if the court determines such restrictions are in the child's best interests." Id. ¶ 28. As set forth above, the court found that the restrictions imposed in this case served N.W.'s best interests. Mother has retained her right to access N.W.'s medical, dental, and education records pursuant to § 670; she must simply obtain the records through father, who is required to "promptly secure and deliver to [mother] any records she seeks."

The court made numerous findings to support its conclusions, and its findings are supported by the record. At the November 2016 hearing, father introduced numerous emails between parents and school employees. He testified that the school had asked to vet all record requests through him. Father also testified that mother had gone to the school and disparaged him to school officials. He introduced disparaging emails that mother had sent to the senior partner of his wife's law firm attempting to involve the partner in the parties' dispute and disparaging emails that mother had sent to father directly. Father stated that mother had peppered all of N.W.'s contacts with disparaging remarks and vicious attacks against him. He expressed his belief that mother's behavior was not in N.W.'s best interests. Father also stated that mother was not complying with the parent-child contact order and that she had done nothing to encourage N.W. to comply with the visitation schedule.

[*] We thus do not address mother's assertion that, based on her version of father's prior behavior, father will not comply with the court's order. The court's September 2016 order, which reduced mother's parent-child contact, is similarly not before us. That order "is final and can no longer be challenged." Weaver, 2018 VT 38, ¶ 16. Mother raises other issues that are unrelated to the remand decision and we do not address them.

While mother disagrees with the court's findings, she fails to show that they are clearly erroneous or that the court abused its discretion in concluding that its restrictions served N.W.'s best interests. Mother essentially wars with the trial court's assessment of the weight of the evidence and the credibility of witnesses, matters reserved exclusively for the trial court. Cabot v. Cabot, 166 Vt. 485, 497 (1997) ("As the trier of fact, it [is] the province of the trial court to determine the credibility of the witnesses and weigh the persuasiveness of the evidence."). We find no basis to disturb the court's decision.

Affirmed.

BY THE COURT:

Paul L. Reiber, Chief Justice

Harold E. Eaton, Jr., Associate Justice

Karen R. Carroll, Associate Justice