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IN THE  
COURT OF APPEALS OF INDIANA

In the Matter of the Paternity of  
J.K.:

Moussa Henry Kante,  
*Appellant-Respondent,*

v.

Carrie E. Long,  
*Appellee-Petitioner.*

February 16, 2022

Court of Appeals Case No.  
21A-JP-1470

Appeal from the Johnson Circuit  
Court

The Honorable R. Scott Sirk,  
Special Judge

Trial Court Cause No.  
41C01-0711-JP-181

**Tavitas, Judge.**

**Case Summary**

- [1] Moussa Kante (“Father”) appeals the trial court’s order modifying Father’s parenting time with respect to his teenage son, J.K. Carrie Long (“Mother”) sought the modification to accommodate J.K.’s summer basketball schedule. Father lives in Texas, and Mother lives in Indiana. The trial court concluded that substantial parenting time with Father in Texas during the summer was

incompatible with J.K.’s desire to participate in summer basketball and would not be in the best interests of the child. Accordingly, the trial court modified its previous order regarding parenting time. Father now appeals. We conclude that the trial court did not abuse its discretion when it modified the previous parenting time order, and, thus, we affirm.

### **Issue**

- [2] Father raises a single issue: whether the trial court abused its discretion when it granted Mother’s petition to modify parenting time.

### **Facts**

- [3] Mother and Father share a child—J.K.—who was fourteen years old at the time of the relevant proceedings below. Mother resides in Noblesville, while Father resides in Texas. Father moved to Kansas when J.K. was in kindergarten and then to Texas in 2018. J.K. is active in sports and aspires to play Division I college basketball. In the fall of 2021, J.K. matriculated to Noblesville High School, which observes a “balanced school calendar.” Tr. Vol. II p. 6.<sup>1</sup> Mother desired for J.K. to remain in Indiana for the summer of 2021 so that J.K. could participate in summer basketball training for Noblesville High School and

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<sup>1</sup> This means that the school observes a “shorter summer period,” Tr. Vol. II p. 6, in contrast to the traditional calendar observed by J.K.’s school at the time of the prior order. Unfortunately, the record does not include the calendar, though it would be useful for purposes of our analysis.

compete in AAU<sup>2</sup> basketball. That desire, however, ran contrary to the April 29, 2019 court order regarding parenting time, wherein Father was entitled to parenting time for “[s]even weeks of summer break[.]” Appellant’s App. Vol. II p. 18. The prior order, issued while J.K. was still in middle school, recognized that, “. . . any parenting schedule will likely need to be modified to account for [J.K.’s] participation in high school athletics and the mandatory nature of summer practices and camps that are accompanied with those activities.” *Id.*

[4] Mother filed a petition to modify parenting time on February 2, 2021. Father responded on April 29, 2021, by filing a petition to modify spring break and fall break parenting time as well as a motion for contempt.<sup>3</sup> The trial court conducted a hearing as to all pending matters on May 25, 2021.<sup>4</sup>

[5] Mother testified that, as of the date of the hearing, J.K. had practices every day and that, once summer practice began, it would be “very important” for J.K. to acclimate to the new coaches and system of play so as not to be behind in October. Tr. Vol. II p. 11. A one-week moratorium week is observed during the summer in which no school-sponsored basketball activities occur, and

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<sup>2</sup> The Amateur Athletic Union is “[a] multi-sport organization . . . dedicated exclusively to the promotion and development of amateur sports and physical fitness programs.” [https://en.wikipedia.org/wiki/Amateur\\_Athletic\\_Union](https://en.wikipedia.org/wiki/Amateur_Athletic_Union) (last accessed December 21, 2021).

<sup>3</sup> Father fails to include these filings in his submitted Appendix. Moreover, Father does not address the trial court’s rulings with respect to his multiple motions for contempt. Accordingly, neither do we.

<sup>4</sup> The record indicates that, prior to this hearing, the trial court conducted an *in-camera* interview with J.K. Tr. Vol. II p. 53.

Mother anticipated two additional moratorium weeks. Mother further testified that J.K. would not be able to participate in what she believed to be critical summer basketball activities if J.K. was in Texas. Furthermore, Mother explained that, in the month of July, “. . . the NCAA has exposure weeks where college coaches are allowed to come and watch teams play. [J.K.’s] AAU team will be playing in these exposure weeks.” *Id.* at 11-12.

[6] Father testified that he “feel[s] bad that [he] moved away from [his] son, but [he] did so in order to provide for [J.K.]” *Id.* at 36. Father further testified that he has another son that lives in Bloomington, Indiana, and an infant child in Texas. Father expressed a willingness to modify the summer parenting schedule, indicating: “. . . I played the game. I understand the importance of developing team chemistry and things of that nature[,]” but also indicated that familial relationships should take precedence. *Id.* at 37. Father believed that J.K. could miss basketball time in the month of July without any negative repercussions and stated that he investigated alternative options whereby J.K. could participate in summer basketball and training while in Texas. Finally, Father noted that some of J.K.’s grades were suffering, which Father attributed to excessive focus on basketball. Father concluded: “I’m raising a man. Not a basketball player.” *Id.* at 49.

[7] Father expressed frustration about being physically separated from J.K. and testified that he believes an altered parenting time schedule would adversely affect his relationship with J.K. Father wants J.K. to feel loved and supported and believes that in-person visits are essential to maintain their relationship.

[8] On June 14, 2021, the trial court entered its order on the pending motions and found, in pertinent part:

7. [J.K.] has been actively involved in athletics, particularly basketball, at a high level for years. [J.K.] will be playing on AAU basketball this summer, and desires to continue playing basketball for Noblesville High School. [J.K.] desires to be actively involved in basketball during the summers, a time when he could be exposed to NCAA scouts; [J.K.'s] goal is to play Division I basketball at the college level. [J.K.] will also be attending a summer school class in the month of June.

8. The crux of the conflict between the parties is that Mother desires for the child to remain in the State of Indiana for a majority of the summer to allow [J.K.] to compete in basketball. Mother believes this will give [J.K.] the best opportunity to pursue his ultimate goal. Father desires that [J.K.] spend a majority of his summer in the State of Texas for parenting time.

9. This conflict between the parties is not new. Mother previously sought additional time in Indiana for [J.K.] during the summers to allow for him to participate in athletics and to have time with his friends. Previously [J.K.] attended a school with a traditional calendar, which allowed for a longer summer break. Even so, the Court noted in its April 29, 2019 Order that [its] parenting time Order would most likely need to be modified to allow for [J.K.] to continue to participate in high school athletics, including the mandatory camps and practices.

10. After having considered the evidence presented, and the child's best interests, the Court determines that Mother has met her burden in demonstrating it is in the child's best interests that the Court's parenting time order be modified.

11. The Indiana Parenting Time Guidelines<sup>5</sup> are applicable in all cases. Where Distance is a Major Factor the Guidelines state: “Where there is a significant geographical distance between the parents, scheduling parenting time is fact sensitive and requires consideration of many factors which include: employment schedules, the costs and time of travel, the financial situation of each parent, the frequency of the parenting time and others.” The Guidelines also note that special considerations should be given when exercising parenting time with a teenager. The Guidelines state “In exercising parenting time with a teenager, the noncustodial parent shall make reasonable efforts to accommodate a teenager’s participation in his or her regular academic, extracurricular and social activities.”

12. Although the Court appreciates there may have been good reasons for doing so, Father’s decision to relocate from the State of Indiana ultimately to the State of Texas is the cause of the difficulty in ensuring [J.K.] can exercise any semblance of regular or routine parenting time and also be able to participate in the activities he loves, at the high level he is capable of doing so.

13. Father shall be awarded parenting time as follows:

- a. Father shall have summer parenting time in the State of Texas during any IHSAA moratorium week, and additionally any other week Noblesville High School is

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<sup>5</sup> The Indiana Parenting Time Guidelines were updated as of January 1, 2022. We refer throughout, however, to the Guidelines in their previous iteration, as those were the Guidelines being applied by the trial court in this case.

practicing a moratorium (Mother indicated a two-week period would occur during the summer of 2021).[<sup>6</sup>]

Mother shall notify Father of any moratorium week(s) as soon as she is made aware of the same.

b. In odd numbered years (Fresh[man] and Junior year) Father will have [J.K.] both weeks of his Fall Break.

In even numbered years (Soph[omore] and Senior year) Father will have [J.K.] the first week of his Fall break (Saturday to Saturday). Mother [will] have him the second week of break.

c. Father shall be entitled to exercise parenting time with [J.K.] in the State of Indiana during the Thanksgiving Holiday in even numbered years. Father shall ensure the child attends any practice or games during this time period.

d. Father will have parenting time in Texas over each Christmas Break during those windows of time it does not impact games or required practices. Mother shall immediately send Father the calendar when it is available to determine when parenting time may occur.

e. Every year Father will have parenting time the first week of Spring Break (Saturday to Saturday). Mother will then have [J.K.] the second week of Spring Break.

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<sup>6</sup> Father's previous summer parenting time was "[s]even weeks of summer break commencing on May 28, 2019 until July 14, 2019." Appellant's App. Vol. II p. 18.

f. Father shall be entitled to parenting time at least one weekend per month locally pursuant to the Court's prior Order. Father shall ensure the child is taken to all practices and games during that time.

All other provisions of the Court's prior Parenting Time Order(s) not in conflict shall remain in full force and effect.

Appellant's App. Vol. II pp. 11-13. Father now appeals.

### **Analysis**

[9] "Some of the greatest challenges a trial court will ever face are challenges in parenting time cases. This is one of those cases." *Perkinson v. Perkinson*, 989 N.E.2d 758, 765 (Ind. 2013). Father contends that the trial court committed error when it "limited Father's parenting time." Appellant's Br. p. 4. "A child has a right both to support and parenting time; Indiana has a legislatively-expressed presumption in favor of parenting time with the noncustodial parent." *S.M. v. A.A.*, 136 N.E.3d 227, 230 (Ind. Ct. App. 2019) (citing *Perkinson*, 989 N.E.2d at 765). "Decisions involving parenting time rights under the paternity statutes are committed to the sound discretion of the trial court." *In re Paternity of W.C.*, 952 N.E.2d 810, 815-16 (Ind. Ct. App. 2011) (citing *Taylor v. Buehler*, 694 N.E.2d 1156, 1159 (Ind. Ct. App. 1998), *trans. denied*). "Reversal is appropriate only upon a showing of an abuse of that discretion. [ ] When reviewing the trial court's decision, we neither reweigh the evidence nor reexamine the credibility of the witnesses." *Id.* (citing *Walker v. Nelson*, 911 N.E.2d 124, 130 (Ind. Ct. App. 2009)). We further note that we have a



“preference for granting latitude and deference to our trial judges in family law matters.” *Walker*, 911 N.E.2d at 127 (quoting *Kirk v. Kirk*, 770 N.E.2d 304, 307 (Ind. 2002)).

[10] In parenting time modification matters, trial courts are faced with a subtle balancing act. For example, “[a] child whose parents live apart has special needs related to the parent-child relationship. A child’s needs and ability to cope with the parent’s situation change as the child matures.” Ind. Parenting Time Guidelines Preamble. The right of the noncustodial parent to spend time with his or her child—a profoundly important factor for both parent and child—must be carefully weighed alongside the determination of the best interests of the child. These are fact-sensitive issues for trial courts. Accordingly, “[i]f there is a rational basis for the trial court’s determination, then no abuse of discretion will be found.” *Hazelett v. Hazelett*, 119 N.E.3d 153, 161 (Ind. Ct. App. 2019) (quoting *In re Paternity of C.H.*, 936 N.E.2d 1270, 1273 (Ind. Ct. App. 2010), *trans. denied*).

## ***I. Applicable Authorities***

### ***A. Statutory Authority***

[11] In order to determine whether a trial court has abused its discretion when modifying parenting time in a paternity action, we look to two statutes—Indiana Code Section 31-14-14-1 and Indiana Code Section 31-14-14-2—as well as the Indiana Parenting Time Guidelines.

[12] Indiana Code Section 31-14-14-1 governs parenting time in paternity actions and provides in relevant part:

(a) A noncustodial parent is entitled to reasonable parenting time rights unless the court finds, after a hearing, that parenting time might:

- (1) endanger the child’s physical health and well-being; or
- (2) significantly impair the child’s emotional development.

Although the statute reads “might endanger[,]” our Supreme Court has read it to mean “would endanger.” See *Perkinson*, 989 N.E.2d at 764; *W.C.*, 952 N.E.2d at 816. “By its plain language, Indiana Code [S]ection 31-14-14-1 requires a court to make a specific finding of physical endangerment or emotional impairment prior to placing a restriction on the noncustodial parent’s visitation.” *Walker*, 911 N.E.2d at 130 (quoting *Farrell v. Littell*, 790 N.E.2d 612, 6161 (Ind. Ct. App. 2003) (internal quotations omitted).

[13] The second applicable statute, Indiana Code Section 31-14-14-2, provides: “The court may modify an order granting or denying parenting time rights whenever modification would serve the best interests of the child.” Thus, “[i]n all parenting time controversies, courts must give foremost consideration to the best interests of the child.” *Hazelett*, 119 N.E.3d at 161 (citing *C.H.*, 936 N.E.2d at 1273).

## *B. Parenting Time Guidelines*

[14] The Indiana Parenting Time Guidelines provide a comprehensive set of guidelines to use in fashioning parenting time plans deriving from a plethora of factors, which the Guidelines identify. The Guidelines provide a framework to utilize when determining a parenting time plan that best suits a family based on the factors pertinent to each unique set of circumstances. In conjunction with the above parenting time statutes, “[t]here is a presumption that the Indiana Parenting Time Guidelines are applicable in all cases.” Ind. Parenting Time Guidelines Preamble (C)(3). “The purpose of these guidelines is to provide a model which may be adjusted depending upon the unique needs and circumstances of each family.” *Id.* at Preamble.

When the parties cannot reach an agreement on a parenting plan, the specific provisions [contained in the Guidelines] are designed to assist parents and the court in the development of a parenting plan. They represent the minimum recommended time a parent should have to maintain frequent, meaningful, and continuing contact with a child.

*Id.* at II(A). “Deviations from these Guidelines by either the parties or the court that result in parenting time less than the minimum time set forth [in these Guidelines] must be accompanied by a written explanation indicating why the deviation is necessary or appropriate in the case.” *Id.* at Preamble (C)(3).

[15] This case concerns the overlap between two circumstances explicitly contemplated by the Guidelines: (1) significant distance between the parents;

and (2) the complexities of parenting time with respect to teenagers and the realities of extracurricular activities.

*i. Parenting Time for Teenagers and Adolescents*

[16] “In exercising parenting time with a teenager, the non-custodial parent shall make reasonable efforts to accommodate a teenager’s participation in his or her regular academic, extracurricular and social activities.” *Id.* at II(E)(2). The Guidelines counsel that:

Parents must develop a parenting plan that evolves or changes as the teen matures. The needs of the child at age thirteen will be very different from the needs of that same child at age seventeen. Parents also must develop a parenting plan that assures regular involvement of both parents. This can be a particular challenge when the teen is involved with school, activities, and friends, and becomes even more difficult when the parents live some distance apart.”

*Id.* at (II)(E)(1) cmt. Furthermore, the Guidelines’ commentary includes a specific example wherein a parenting time arrangement conflicts with an adolescent’s sporting commitments and proposes a flexible solution, in which the noncustodial parent accommodates the child’s needs by travelling to the “community of the custodial parent for . . . visitation.” *Id.* at (II)(E)(2) cmt.

*ii. Parenting Time When Distance is a Major Factor*

[17] “Where there is a significant geographical distance between the parents, scheduling parenting time is fact sensitive and requires consideration of many factors which include: employment schedules, the costs and time of travel, the

financial situation of each parent, the frequency of the parenting time and others.” *Id.* at III. “Summer parenting time with the non-custodial parent shall take precedence over summer activities (such as Little League) *when parenting time cannot be reasonably scheduled around such events.*” *Id.* at (III)(3) (emphasis added).

## ***II. Reasonableness of the Parenting Time Award***

### ***A. The Parties’ Arguments***

[18] Mother correctly points out that Father does not argue that the trial court’s determination was out of sync with the best interests of the Child. Instead, Father merely claims that the trial court improperly “restricted” Father’s parenting time by limiting the number of overnights to which Father was entitled in the State of Texas. Thus, the question of whether the parenting time modification order was in the best interests of the Child is not before us, and Indiana Code Section 31-14-14-2 is not at issue in this case.

[19] Rather, Father argues that the trial court’s modification order was an abuse of discretion because, “[b]efore a trial court can restrict a noncustodial parent’s parenting time to less than that set out in the Indiana Parenting Time Guidelines, it must find that parenting time will endanger the child’s physical health or mental well-being or significantly impair the child’s emotional development.” Appellant’s Br.. p. 6.<sup>7</sup> Father contends that the trial court’s

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<sup>7</sup> This is a mischaracterization of the statute, which we have already quoted *supra*.

parenting time award was less than that contemplated by the Guidelines because: “[t]he time granted to Father only consists of thirty-one (31) overnights in even years and thirty-eight (38) overnights in odd years in Texas.” *Id.* at 9. Thus, Father concludes, the parenting time award was not reasonable, as required by Indiana Code Section 31-14-14-1, and the trial court, therefore, failed to make the requisite factual finding that must accompany a restriction on Father’s parenting time rights.

[20] Mother argues that the trial court did not unduly *restrict* Father’s parenting time and that the modification was consistent with the Guidelines. Mother asserts that “[t]here is no requirement under the law or [Guidelines] that parenting time be afforded to a parent in their home state.” Appellee’s Br. p. 9. Thus, Mother argues, the parenting time modification was reasonable as a statutory matter and the trial court did not err.

### ***B. Analysis***

[21] The primary question with which we are faced, then, is whether the trial court’s parenting time award to father was “reasonable” within the meaning of Indiana Code Section 31-14-14-1. We are called upon to analyze the relationship between Indiana Code Section 31-14-14-1 and the relevant Guidelines. We conclude that: (1) the trial court’s award of parenting time was of an amount consistent with the Guidelines; and (2) the trial court’s parenting time award did not unreasonably restrict Father’s parenting time rights under Indiana Code Section 31-14-14-1.

[22] First, we note that this Court has previously considered the relationship between the statute and the Guidelines and found that parenting time awards consistent with the Parenting Time Guidelines meet the reasonableness requirement set forth in Indiana Code Section 31-14-14-1. *See, e.g., Clary-Ghosh v. Ghosh*, 26 N.E.3d 986, 991 (Ind. Ct. App. 2015) (recognizing a reduction in parenting time but concluding: “Because the parenting time modifications were consistent with the Parenting Time Guidelines, we do not believe an endangerment or impairment finding was necessary.”), *trans. denied*. Here, we reject Father’s contention that the parenting time award fell below the Guideline minimum.

[23] In fact, it is next to impossible to gauge what the minimum is under these circumstances. The Guidelines do not set out which parenting time must be in the form of overnight visitation, what proportion of the total time those overnight visits are to comprise, or even where those visits must occur when distance is a factor and teenagers are involved. Rather, “[w]here there is a significant geographical distance between the parents, scheduling parenting time is fact sensitive and requires consideration of many factors . . . .” Ind. Parenting Time Guidelines III. Indeed, the Guidelines’ silence with respect to factors like the location of parenting time is a prime example of the flexibility the Guidelines are intended to imbue upon our trial courts, especially when, as here, there are competing factors. Here, the trial court utilized that flexibility and ordered that a significant portion of Father’s parenting time be exercised in Indiana.

[24] The parties seem to agree that Father is entitled to sixty-five days of parenting time per year, an amount consistent with the Guidelines.<sup>8</sup> Father's calculations of the trial court's parenting time award, however, only include the parenting time that would constitute overnight visitation in the State of Texas. Father cites no authority justifying this constraint on his calculations. Accordingly, we conclude that the parenting time order was consistent with the Guidelines and, thus, was reasonable under Indiana Code Section 31-14-14-1.

[25] Moreover, even if the parenting time order was inconsistent with the minimums established by the Guidelines, we do not find that the parenting time ordered was unreasonable such that a finding of endangerment or impairment under Indiana Code Section 31-14-14-1 would be required. We are not aware of any authority establishing that a parenting time award that falls below the presumptive minimums set forth in the Parenting Time Guidelines is *per se* unreasonable for purposes of Indiana Code Section 31-14-14-1. Thus, even if we were to accept Father's claim that the parenting time award fell below the minimums contemplated by the Guidelines, which we do not, that does not necessarily render the parenting time award here unreasonable.

[26] Father relies heavily upon *Walker v. Nelson*, 911 N.E.2d 124 (Ind. Ct. App. 2009), and we pause here to note that we respectfully depart from the *Walker*

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<sup>8</sup> Mother asserts that the Guidelines guarantee sixty-three to sixty-five days. Appellee's Br. p. 8.



majority’s analysis of Indiana Code Section 31-14-14-1.<sup>9</sup> In that case, the trial court ordered that “[Mother] is to have parenting time pursuant to the Indiana Parenting Time Guidelines with the exception that [Mother] shall have only one weekend of parenting time per month.” *Walker*, 911 N.E.2d at 129-30. Mother argued that this amounted to a “restriction” and thereby triggered a finding that the parenting time award was necessitated by a danger to the child under Indiana Code 31-14-14-1. The opinion referred to the limitation of one weekend a month as a “visitation restriction,” *id.* at 130, thereby necessitating a factual finding of risk of harm to the child; however, the opinion does not explain how this Court reached that conclusion.

[27] It surely cannot be the case, as *Walker* implies, that any alteration in parenting time amount or condition imposed upon how parenting time is to be spent constitutes an unreasonable restriction of parenting time rights under Indiana Code Section 31-14-14-1. The practical result would be that any parenting time order that does not match the Guidelines verbatim is only justifiable if the child is in danger. Reading Indiana Code Section 31-14-14-1 in its entirety, however, gives the proper context to the meaning of the statute as a whole.<sup>10</sup> Specifically,

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<sup>9</sup> We note that *Walker* was a split decision, with Judge Crone dissenting from the majority’s analysis of the statute. *Walker*, 911 N.E.2d at 131 (Crone, J. dissenting).

<sup>10</sup> A fuller reading of Indiana Code Section 31-14-14-1 suggests, for example, that the geographical location where the parenting time is to be spent is not the sort of ‘restriction’ that the statute intended to address:

(a) A noncustodial parent is entitled to reasonable parenting time rights unless the court finds, after a hearing, that parenting time might:

(1) endanger the child’s physical health and well-being; or

the statute references situations in which supervised parenting time should or must be ordered. Accordingly, supervised parenting time requires a finding that the supervision restriction be justified by a risk of harm to the child. *See* I.C. § 31-14-14-1(d)-(e). The contemplated factual finding is only required where parenting time rights are curtailed in an unreasonable manner. To require a factual finding of threat of harm to the child in order to justify *any* departure from our Parenting Time Guidelines would be to defy the fact-sensitive, nuanced nature of the trial court's endeavor. We cannot conclude that the

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(2) significantly impair the child's emotional development.

(b) The court may interview the child in chambers to assist the court in determining the child's perception of whether parenting time by the noncustodial parent might endanger the child's physical health or significantly impair the child's emotional development.

(c) In a hearing under subsection (a), there is a rebuttable presumption that a person who has been convicted of:

(1) child molesting (IC 35-42-4-3); or

(2) child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c));

might endanger the child's physical health and well-being or significantly impair the child's emotional development.

(d) Except as provided in subsection (e), if a court grants parenting time rights to a person who has been convicted of:

(1) child molesting (IC 35-42-4-3); or

(2) child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c));

there is a rebuttable presumption that the parenting time with the child must be supervised.

(e) If a court grants parenting time rights to a person who has been convicted of:

(1) child molesting (IC 35-42-4-3); or

(2) child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c));

within the previous five (5) years, the court shall order that the parenting time with the child must be supervised.

(f) The court may permit counsel to be present at the interview. If counsel is present:

(1) a record may be made of the interview; and

(2) the interview may be made part of the record for purposes of appeal.

legislature intended to impose such a significant handicap on such a sensitive function of our State's courts, or to rob those courts of the flexibility given to them by the Guidelines. They are, after all, *guidelines*. As always, the focus of a trial court's considerations when modifying parenting time must be reasonableness and the best interests of the child.

[28] Indeed, the Guidelines contemplate deviations below the so-called minimum and require simply that such deviations be “accompanied by a written explanation indicating why the deviation was necessary or appropriate in the case.” Ind. Parenting Time Guidelines Preamble (C)(3); Appellant's App. Vol. II pp. 11-12. To the extent that there was any deviation from the Guidelines here, it was necessitated by the distance factor, the balanced school calendar, and the “special considerations” that the Parenting Time Guidelines delineate for a teenager's participation in extracurricular activities. Ind. Parenting Time Guidelines (II)(E)(2). Moreover, the necessary written explanation was part of the trial court's order.

[29] The subtleties of the balancing act faced by the trial court in this case are manifest in the record. On the one hand, the realities of contemporary high school sports in Indiana require that, if those sports are to represent an important opportunity for our adolescents, long absences from team activities are a near impossibility. On the other hand, the modification order reduces Father's summer parenting time in Texas by between four and six weeks, depending on the number of summer sports moratorium weeks that actually occur, and the fact that J.K.'s school no longer observes the traditional

calendar.<sup>11</sup> Additionally, Father will take on the expense of travel from Texas to Indiana to exercise parenting time in Indiana.<sup>12</sup>

[30] We are sympathetic to Father’s position. Father expressed frustration at the difficulties he faces in communicating effectively with J.K. via phone, as well as with the suffering of J.K.’s academics, a decline that Father attributes to excessive focus on basketball. We recognize that Father will have to travel and incur expense in order to exercise the full amount of parenting time awarded, but he remains free to exercise said time. Father will still have some parenting time in Texas.

[31] The simple reality is that the needs of a child evolve as the child becomes an adolescent. Parenting a teenager is vastly different from parenting a toddler or a pre-teen, and the Guidelines account for that reality, as must our trial courts. J.K. is now at a pivotal age. He is entering high school, forging new relationships,<sup>13</sup> and competitively participating in a sport at a high level for the first time. The previous parenting time order explicitly anticipated this shift, as

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<sup>11</sup> The Parenting Time Guidelines contemplate the substantial difference between a traditional school calendar, applicable at the time of the previous parenting time order, and the so-called “balanced” calendar, to which J.K. is transitioning. *See* Ind. Parenting Time Guidelines III, cmt. (C). Though the specifics of that calendar do not appear in the record, it was proper for the trial court to recognize and account for that reality.

<sup>12</sup> Given that summer moratorium weeks may not be consecutive, J.K. might have to make multiple trips to Texas over the summer, and Mother indicated that she would be willing to cover the costs of those additional trips. Tr. Vol. II p. 20.

<sup>13</sup> Section II (E) of the Parenting Time Guidelines pertains specifically to parenting time for the adolescent and teenager and the commentary thereto specifically mentions “[t]ime spent with good friends” as one of the “Anchors of Adolescence.”

do our Parenting Time Guidelines. Ind. Parenting Time Guidelines (II) (E)(2) (“In exercising parenting time with a teenager, the noncustodial parent shall make reasonable efforts to accommodate a teenager’s participation in his or her regular academic, extracurricular, and social activities.”).

[32] We recognize Father’s desire to spend time with J.K. and the importance of the relationship between a father and a maturing son. Ind. Parenting Time Guidelines (II)(1) cmt. (“Adolescence is a stage in child development in which parents play an extremely important role . . . . The parents must help the teenager balance the need for independence with the need to be an active part of the family. To accomplish this, they must spend time with the teenager. Parents must help the adolescent become a responsible adult. A teenager should safely learn life’s lessons if the parents provide the rules which prevent dangerous mistakes.”). The trial court’s remarks and findings persuade us that it carefully considered J.K.’s wishes in the context of the Guidelines in the instant matter. We also recognize that the trial court considered the fact that Father moved to another state for his occupation. We do not criticize Father’s decision; yet, that factor could not be ignored as part of the trial court’s careful balancing.

[33] In sum, considering the totality of the circumstances and the uniqueness of this family situation, we conclude that the parenting time award was both consistent with the Parenting Time Guidelines and reasonable. All of the relevant factors were considered by the trial court when the court fashioned a parenting plan based upon the specific circumstances of this case. To the extent that the

parenting time order deviates from the Guidelines, the trial court explained, in writing, why the deviation was appropriate. Father's parenting time award is reasonable, and the trial court was not required to make the factual finding contemplated by Indiana Code Section 31-14-14-1. Accordingly, we cannot find that the trial court abused its discretion.

### **Conclusion**

[34] We conclude that the trial court did not abuse its discretion when it modified the previous parenting time order. We affirm.

[35] Affirmed.

Bradford, C.J., and Crone, J., concur.