MEMORANDUM DECISION

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IN THE COURT OF APPEALS OF INDIANA

Kevin Garner,
Appellant-Petitioner,

v.

Katrina Garner,
Appellee-Respondent.

April 10, 2023

Court of Appeals Case No. 22A-DC-2450

Appeal from the Marion Superior Court

The Honorable Steven R. Eichholtz, Judge

Trial Court Cause No. 49D09-1904-DC-14825

Memorandum Decision by Judge Bradford
Judges May and Mathias concur.

Bradford, Judge.

Case Summary

[1] Kevin Garner ("Father") and Katrina Garner ("Mother") (collectively, "Parents") are the biological parents of K.G. ("Child"). Parents were divorced in March of 2021. At the time, Parents were awarded joint legal custody and Mother was awarded physical custody of Child. Mother subsequently sought, and was granted, permission to relocate to Fort Worth, Texas. Following Mother and Child's move to Texas, Father filed two motions for a rule to show cause, arguing that Mother should be found to be in contempt of the juvenile court's parenting-time order because Mother had allegedly failed to allow him to exercise what he asserts was court-ordered parenting time with Child. He also filed a petition for an injunction, a request for attorney's fees, and a petition to modify custody. At a hearing on all pending motions and petitions, Mother claimed that she had not denied Father the opportunity to exercise any court-ordered parenting time with Child and requested a modification of the trial court's prior custody order to award her sole legal custody of Child. Following the hearing, the trial court denied Father's contempt petitions, clarified the parenting-time order, modified custody to award Mother sole legal custody, and awarded Mother $3375.00 in attorney's fees.

[2] Father raises numerous issues on appeal, which we restate as follows: whether the trial court abused its discretion in denying his contempt motions, erred in awarding him parenting time with the Child, failed to rule on his request for an injunction, erred in modifying custody, and abused its discretion in awarding Mother attorney's fees. We affirm.

Facts and Procedural History

[3] Child was born to Parents on November 24, 2007. Parents were divorced on March 15, 2021. Following Parents' divorce, Mother was awarded physical custody of Child and Parents were awarded joint legal custody of Child.

[4] In July of 2021, Mother requested permission to relocate with Child to Fort Worth, Texas. On September 24, 2021, over Father's objection, the juvenile court issued an order granting Mother permission to relocate with Child to Fort Worth ("the Relocation Order"). The Relocation Order amended the juvenile court's prior order regarding parenting time to award Father parenting time "consistent with the [Indiana Parenting Time Guidelines ("the Guidelines")] when Distance is a Major Factor." Appellant's App. Vol. II p. 25.

[5] On January 10, 2022, Father filed motions for a change of judge and for a rule to show cause, claiming that Mother should be found in contempt of the Relocation Order because she had denied him the right to exercise parenting time over Child's winter break. The juvenile court granted Father's motion for change of judge, and, on February 1, 2022, a special judge was appointed. The special judge then scheduled a status conference for the case for May 11, 2022.

[6] On March 28, 2022, Father filed a motion for a rule to show cause and to modify custody, parenting time, and support. In this motion, Father claimed that Mother should be found in contempt of the Relocation Order because she had denied him the right to exercise parenting time over Child's spring break.

Father further claimed that a modification of the prior custody order was in Child's best interests.

[7] On May 17, 2022, Father filed a verified petition for an injunction. In this petition, Father requested that Mother be ordered to pay him reasonable attorney's fees and that the juvenile court enjoin Mother from continuing to deny him the opportunity to exercise parenting time with Child. At some point, Father again requested the appointment of special judge, after which a different special judge was appointed to preside over the case.

[8] The juvenile court conducted a hearing on all pending motions and petitions on August 16, 2022. During the hearing, Mother testified that she and Father "don't have a relationship at all … and don't really communicate." Tr. Vol. II p. 31. Father acknowledged that he and Mother communicate almost exclusively by text, which he preferred since "it shows everything we say to each other." Tr. Vol. II p. 73. In spite of Parents' fractured coparenting, Mother encourages Child to have a relationship with Father and to communicate with him "every day," Tr. Vol. II p. 22, noting that she believes that "it's very important for kids to have both of their parents in their life." Tr. Vol. II p. 32. For his part, Father acknowledged that although he has Child's personal cell-phone number, he only texts her "every so often." Tr. Vol. II p. 91.

[9] As it related to Child's 2021 winter break, Mother testified that the break "was December the 20th through the 31st, 2021." Tr. Vol. II p. 35. In order to

facilitate Father's parenting time, Mother had contacted Father some time in November, and Father had contacted Mother in early December. On both of these occasions, Mother and Father had been unable to finalize Child's travel plans to Indiana. On December 15, 2021, Father had contacted Mother to schedule Child's travel arrangements, but Mother had informed him that the cost of the airline tickets to fly Child to Indiana had increased and were too expensive. Mother had explained that she had not simply booked Child an airline ticket without talking to Father because she had not wanted to purchase a flight for the then-fourteen-year-old Child without finalizing the details with Father. Father acknowledged during the hearing that he had been aware that the cost of flying Child to Indiana had been "really high" and that he had instructed Mother not to purchase a flight because it was "going to be too much." Tr. Vol. II p. 73.

[10] In addition to the high airline ticket prices, Father had also refused to give Mother his address in Indianapolis where Child would be staying. Father had continued to refuse after Mother indicated that she "would want to have the address in case [Child] goes there and somethings wrong or something happens" and that she had needed "to know where [Child] is when she comes to Indiana." Tr. Vol. II p. 34. Father had continued to refuse to give Mother his Indianapolis address and, in February of 2022, provided Mother with his mother's address in Alabama before giving Mother an Indiana address.

[11] As it related to Child's spring break, the break had been "March the 14th through March 18th." Tr. Vol. II p. 37. Father had not contacted Mother about

exercising parenting time with Child over spring break until "March the 16th." Tr. Vol. II p. 38. At that time, Mother had advised Father that Child, who had been active in cheerleading since fifth grade, had been participating in cheerleading tryouts for her upcoming freshman year in high school and that tryouts had been scheduled to continue until "March the 18th." Tr. Vol. II p. 45. If Child had missed the tryouts, she "wouldn't make the freshman team," so it had been "very important that she was there for those dates." Tr. Vol. II p. 37. Mother indicated that she had not purposely scheduled the cheerleading tryouts to interfere with Father exercising his parenting-time and indicated that she had tried to contact Father to see if they could "come up with some other dates to try and get [Child] to Indiana" but was unsuccessful "because [Father] never answers" her. Tr. Vol. II p. 38.

[12] As for Child's summer break, the break had started on June 3, 2022, and had lasted until August 15, 2022. Mother testified that Father had not contacted her about exercising any parenting time over the summer and that when she had reached out to Father, she had informed him that they would "have to work together to work around [Child's] schedule" since Child had been required to complete mandatory summer school and participate in a mandatory cheerleading camp. Tr. Vol. II p. 19. Although Father initially claimed during the hearing that Mother had failed to inform him that Child was required to participate in a summer-school program from June 6 through June 20, 2022, Father subsequently acknowledged that Mother had communicated the information to him by text on June 8, 2022.

[13] At the conclusion of the hearing, the juvenile court took the matter under advisement. On September 20, 2022, the juvenile court issued an order declining to find Mother in contempt of the Relocation Order, denying Father's petition to modify custody and request for an injunction, granting Mother's petition to modify custody to grant Mother sole legal custody, and awarding Mother $3375.00 in attorney's fees.

Discussion and Decision

[14] The Indiana Supreme Court has recognized "a well-established preference in Indiana for granting latitude and deference to our trial judges in family law matters." *Steele-Giri v. Steele*, 51 N.E.3d 119, 124 (Ind. 2016) (internal quotation omitted). The Supreme Court has further explained that

> [a]ppellate deference to the determinations of our trial court judges, especially in domestic relations matters, is warranted because of their unique, direct interactions with the parties face-to-face, often over an extended period of time. Thus enabled to assess credibility and character through both factual testimony and intuitive discernment, our trial judges are in a superior position to ascertain information and apply common sense, particularly in the determination of the best interests of the involved children.

Best v. Best, 941 N.E.2d 499, 502 (Ind. 2011). "It is not enough on appeal that the evidence might support some other conclusion; rather, the evidence must positively require the result sought by the appellant." *Hamilton v. Hamilton*, 103 N.E.3d 690, 694 (Ind. Ct. App. 2018), *trans. denied*. "Accordingly, we will not

substitute our own judgment if any evidence or legitimate inferences support the trial court's judgment." *Id*.

I. Denial of Motions for a Rules to Show Cause (Contempt)

[15] Father contends that the juvenile court abused its discretion in denying his motions for rule to show cause, arguing that Mother should have been found in contempt of the court's visitation order.

> Whether a party is in contempt is left to the sound discretion of the trial court, and we will reverse only if the trial court's finding is against the logic of the evidence before it or is contrary to law. To hold a party in contempt for a violation of a court order, the trial court must find that the party acted with willful disobedience.

Woodward v. Norton, 939 N.E.2d 657, 662 (Ind. Ct. App. 2010) (internal citations omitted). "When we review a contempt order, we neither reweigh the evidence nor judge the credibility of the witnesses." *Marks v. Tolliver*, 839 N.E.2d 703, 707 (Ind. Ct. App. 2005).

[16] "In order to be punished for contempt of a court's order, there must be an order commanding the accused to do or refrain from doing something." *Burrell v. Lewis*, 743 N.E.2d 1207, 1213 (Ind. Ct. App. 2001).

> To hold a party in contempt for a violation of a court order, the trial court must find that the party acted with willful disobedience. A party may not be held in contempt for failing to comply with an ambiguous or indefinite order…. Rather, in

> order for a party to be found in contempt for failing to comply with a visitation order, the order must specifically set forth the time, place and circumstances of the visitation.

Id. (internal citations and quotation omitted).

[17] In granting Mother permission to relocate to Fort Worth with Child, the juvenile court modified "Father's parenting time consistent with the Guidelines when Distance is a Major Factor. Father may have more liberal parenting time than that laid out in the Guidelines as agreed to by the parties." Appellant's App. Vol. II p. 25. Section III of the Guidelines provides, with respect to parenting time when distance is a major factor, as follows:

> [w]here 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.

Ind. Parenting Time Guidelines Section III. "The parents shall make every effort to establish a reasonable parenting time schedule." *Id.* The Commentary to Section III provides

> When distance is a major factor, the following parenting time schedule may be helpful:
>
> ****
>
> (C) For a child 5 years of age and older who attends a school with a traditional school calendar, seven (7) weeks of the school summer vacation period and seven (7) days of the school winter vacation plus the entire spring break, including both weekends if

> applicable. Such parenting time, however, shall be arranged so that the custodial parent shall have religious holidays, if celebrated, in alternate years.

Id.

[18] In declining to find Mother in contempt, the juvenile court reiterated that "[t]o hold Mother in contempt for violating the Relocation Order, this Court must find that Mother acted with willful disobedience" and that "[f]or Mother to be found in contempt, the Relocation Order must specifically set forth the time, place, and circumstances of the parenting-time." Appellant's App. Vol. II pp. 46, 47. The juvenile court concluded that

> Father requests Mother be found in contempt for willfully failing to facilitate his parenting-time with [Child], specifically: seven days of 2021–22 winter break; the entire 2022 spring-break; and, seven weeks of summer vacation. Father argues he is entitled to these days because Paragraph 2(C) of When Distance is Major Factor prescribes this schedule. But a careful reading of Paragraph 2(C) reveals that these specific days are not in fact mandated, but only suggested as a "parenting time schedule [that] may be helpful" for parents. The only provision prescribing a specific schedule under Section III is that the "parents shall make every effort to establish a reasonable parenting time schedule." Because Father was not entitled under the Guidelines to the specific days he has alleged Mother willfully denied him parenting time, Mother cannot be found in contempt. A party may not be held in contempt for failing to comply with an ambiguous order. Therefore, Father's Motions are DENIED.

Appellant's App. Vol. II p. 48 (emphasis omitted).

[19] Father argues that the Section III of the Guidelines is not ambiguous, asserting that "[i]t is well-established that [the time set forth in the Commentary to Section III] is the minimum parenting time the non-custodial parent is to receive." Appellant's Br. p. 22. However, a plain reading of the juvenile court's order indicates that the juvenile court did not find that the Guidelines were ambiguous, but rather that the Relocation Order was ambiguous with respect to when Father was entitled to exercise parenting time with Child. Given the circumstances surrounding the issues with visitation during Child's 2021 winter and 2022 spring breaks coupled with the fact that the Relocation Order did not specify that Father was entitled to exercise parenting time with Child on these dates, we cannot say that the juvenile court abused its discretion in declining to find Mother in contempt for willfully disobeying the court's order.

II. Parenting Time

[20] The juvenile court recognized that the issues before it were likely to reoccur if a specific schedule was not set forth in writing. As such, "[t]o ensure the same problems are alleviated in the future," the juvenile court ordered that "Mother shall transport [Child] to Father's verified address for seven-days of winter-break which dates the parties shall agree to on or before Thanksgiving of each year and for all of Spring Break 2023 at Mother's expense." Appellant's App. Vol. II p. 48. The juvenile court further ordered that "[t]hereafter spring break shall alternate" and that "Father shall have seven weeks each summer which shall be agreed on at Spring Break." Appellant's App. Vol. II p. 48. Father

contends that the juvenile court erred in awarding Mother Child's spring break vacation every other year because it resulted in his required amount of parenting time falling below the recommended minimum every other year. In support of this argument, Father asserts that the schedule set forth in the Commentary to Section III of the Guidelines represents the minimum recommended time a parent should have for visitation with their child. Appellant's Reply Br. p. 12 (citing *Matter of Paternity of J.K.*, 184 N.E.3d 658, 664 (Ind. Ct. App. 2022)).

[21] While we agree that the recommendations set forth in the Guidelines generally represent the minimum recommended amount of parenting time that a non-custodial parent should be awarded, we also note that the Guidelines provide a different recommended approach for situations when, as is the case here, distance is a major factor. Again, in such situations, the Guidelines state that

> [w]here 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.

Parent. Time G. Section III. "The parents shall make every effort to establish a reasonable parenting time schedule." *Id.*

[22] Father's argument is premised upon his claim that the Commentary to Section III provides a mandatory schedule for a non-custodial parent's parenting time. Such is not the case. Again, the Commentary to Section III merely indicates

that the following schedule *may be helpful* to parties as they attempt to establish a reasonable parenting time schedule:

> (C) For a child 5 years of age and older who attends a school with a traditional school calendar, seven (7) weeks of the school summer vacation period and seven (7) days of the school winter vacation plus the entire spring break, including both weekends if applicable. Such parenting time, however, shall be arranged so that the custodial parent shall have religious holidays, if celebrated, in alternate years.

Id. The Commentary does not set forth a minimum mandatory schedule but rather a suggested schedule that *may* work with the parties' children's school schedules. The juvenile court clearly considered the various relevant factors in setting forth the visitation schedule. Father has failed to convince us that the juvenile court erred in setting the parties' visitation schedule going forward.

III. Injunction

[23] Father also contends that the juvenile court failed to address his request for a permanent injunction. In requesting an injunction, Father requested that Mother be enjoined from committing future violations of the Relocation Order. The juvenile court outlined Father's request for an injunction in Finding Number 8, noting that Father was concerned that Mother would refuse to transport Child to Indiana during her summer break for visitation with Father. Apparently sharing this concern, the juvenile court included a modified parenting-time schedule in Conclusion Number 7 to "ensure the same problems" with parenting time "are alleviated in the future." Appellant's App.

Vol. II p. 48. The modified parenting-time schedule clearly stated when Father was entitled to exercise parenting time and reaffirmed that Mother was responsible for the cost of transporting Child to Indiana for the court-ordered visitation with Father. While the juvenile court's order does not explicitly mention Father's request for an injunction beyond Finding Number 8, it is clear that the juvenile court considered Father's request in crafting its order. As such, we cannot say that the juvenile court erred in this regard.

IV. Modification of Custody

[24] We review custody modifications for an abuse of discretion with a preference for granting latitude and deference to our trial judges in family law matters. This is because it is the trial court that observes the parties' conduct and demeanor and hears their testimony firsthand. We will not reweigh the evidence or judge the credibility of the witnesses. Rather, we will reverse the trial court's custody determination only if the decision is clearly against the logic and effect of the facts and circumstances or the reasonable inferences drawn therefrom. 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. It is not impossible to reverse a trial court's decision regarding child custody on appeal, but given our deferential standard of review, it is relatively rare.

Hecht v. Hecht, 142 N.E.3d 1022, 1028–29 (Ind. Ct. App. 2020) (cleaned up). "Although a court is required to consider all relevant factors in making its determination, it is not required to make specific findings." *Russell v. Russell*, 682 N.E.2d 513, 515 (Ind. 1997).

[25] Indiana Code section 31-17-2-21 provides, in relevant part, that

> (a) The court may not modify a child custody order unless:
>
> (1) the modification is in the best interests of the child; and
>
> (2) there is a substantial change in one (1) or more of the factors that the court may consider under section 8 … of this chapter.
>
> (b) In making its determination, the court shall consider the factors listed under section 8 of this chapter.

Indiana Code section 31-17-2-8 provides, in relevant part, that the court shall consider all relevant factors, including the following:

> (1) The age and sex of the child.
>
> (2) The wishes of the child's parent or parents.
>
> (3) The wishes of the child, with more consideration given to the child's wishes if the child is at least fourteen (14) years of age.
>
> (4) The interaction and interrelationship of the child with:
>
> (A) the child's parent or parents;
>
> (B) the child's sibling; and
>
> (C) any other person who may significantly affect the child's best interests.
>
> (5) The child's adjustment to the child's:
>
> (A) home;
>
> (B) school; and
>
> (C) community.
>
> (6) The mental and physical health of all individuals involved.
>
> (7) Evidence of a pattern of domestic or family violence by either parent.

[26] Father contends that the juvenile court committed error when it denied his request to modify the prior custody order and award him custody of K.G., arguing that the juvenile court failed to review the statutory requirements for a modification of custody. While Father correctly notes that the juvenile court

did not specifically list the statutory factors set forth in Indiana Code section 31-17-2-8, the juvenile court's order clearly demonstrates that the juvenile court considered the relevant statutory factors. We have previously concluded that a trial court's failure to specifically reference either Indiana Code section 31-17-2-8 or 31-17-2-21 in an order modifying custody is not fatal to the court's order because we presume that trial courts know and follow the law. *Hecht*, 142 N.E.3d at 1031. In *Hecht*, we indicated that we may overlook this presumption only "if the trial court's findings lead us to conclude that an unjustifiable risk exists that the trial court did not follow the applicable law." *Id.* The juvenile court's findings and conclusions do not lead us to such a conclusion in this case.

[27] Likewise, we also noted in *Hecht* that "there is a great deal of overlap between the factors in Section -8 and in Section -15, such that considering the factors in Section -15 would cause the court to consider most of the factors in Section -8." *Id*. In granting Mother's motion to modify legal custody, the juvenile court cited and considered the factors in Indiana Code section 31-17-2-15 and we reaffirm our observation that considering the factors in Indiana Code section 31-17-2-15 "would cause the court to consider most of the factors" in Indiana Code section 31-17-2-8. *See id*. As such, we cannot say that the juvenile court abused its discretion in denying Father's motion to modify custody simply because it did not explicitly cite or reference either Indiana Code section 31-17-2-8 or 31-17-2-21.

[28] With respect to Father's request to modify custody and Mother's request to modify and award her sole legal custody, the juvenile court found as follows:

> 13. At Hearing, Mother requested: Father's Motions be denied; sole legal custody on all educational and medical decisions involving [Child]; and, that Father reimburse her $3,375 for her incurred attorney fees.
>
> 14. At Hearing, Father requested: a contempt finding against Mother for willfully failing to effectuate Father's parenting-time; a modification of custody; and, an award of $2,380 for Father's attorney fees.

Appellant's App. Vol. II p. 42. The juvenile court's findings made it clear that the court was considering competing motions to modify the prior custody order.

[29] In denying Father's motion and granting Mother's motion, the juvenile court concluded as follows:

> 5. In determining whether joint legal-custody should be modified, the Court must consider the following factors delineated in Indiana Code Section 31-17-2-15:
>
> (1) The fitness and suitability of the persons awarded joint custody;
> (2) Whether the persons awarded joint custody are willing and able to communicate and cooperate in advancing the child's welfare;
> (3) The wishes of the child, with more consideration given to the child's wishes if the child is at least fourteen (14) years of age;
> (4) Whether the child has established a close and beneficial relationship with both of the persons awarded joint custody;
> (5) Whether the persons awarded joint custody:

(a) Live in close proximity to each other; and
(b) Plan to continue to do so; and,
(6) The nature of the physical and emotional environment in the home of each of the persons awarded joint custody.

6. Whether parents are willing and able to cooperate in advancing the child's welfare is of particular importance in making legal-custody determinations. *Milcherska v. Hoerstman*, 56 N.E.3d 634, 641 (Ind. Ct. App. 2016).

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8. The Court concludes that Father has failed to meet his burden-of-proof and his burden-of-production on his request to modify custody, and his Motion to Modify is DENIED. Father's request for attorney fess is also DENIED.

9. The Court concludes that it is [Child's] best interests to modify the Decree and awards Mother sole legal-custody on all educational and medical decisions. The Court finds that the parties cannot adequately communicate and, therefore, cannot effectively co-parent [Child] on these decisions. Based on the distance between households, and [Child's] age, the Court finds that [Child's] best interests are served by a modification to sole legal-custody for Mother.

Appellant's App. Vol. II pp. 47, 48–49 (emphasis omitted).

[30] In addition to the juvenile court's above-quoted conclusions regarding Child's best interests and Father's failure to prove that a modification of physical custody was in Child's best interests, the juvenile court found that "Mother enjoys a healthy relationship with [Child] and provides a safe and suitable home." Appellant's App. Vol. II p. 42. Child "is a happy, outgoing, athletic,

and bright teenager, who has adjusted well to the Fort Worth area. She currently attends ninth grade at Arlington Heights High School, where she is enrolled in advanced classes." Appellant's App. Vol. II p. 43. Child "is active at school and currently participates in cheer, dance, softball, track, and soccer." Appellant's App. Vol. II p. 43. Although Child has her one cellular phone and Father has Child's phone number, Father and Child only communicate "occasionally." Appellant's App. Vol. II p. 42. Further, in addition to these findings, the juvenile court heard evidence indicating that Child enjoys a close relationship with Mother and a sibling, as well as various maternal family members who live in the Dallas/Fort Worth area. Conversely, the evidence indicates that Father does not have any extended family living in the Indianapolis area.

[31] While, ideally, the juvenile court's order would have outlined the relevant statutory factors set forth in Indiana Code section 31-17-2-8, it is clear that the juvenile court considered the relevant factors in determining that a modification of the prior physical custody award was not in Child's best interest. Consequently, we cannot conclude that the juvenile court abused its discretion in denying Father's motion to modify custody.

V. Attorney's Fees

[32] Finally, Father contends that the juvenile court abused its discretion in awarding Mother $3375.00 in attorney's fees, arguing that the court neither provided a reason for the award nor cited any statutory basis. Although the

juvenile court did not explicitly provide a statutory basis for granting Mother's request for attorney's fees, we disagree with Father's contention that the juvenile court did not provide a reason for the award.

[33] Indiana Code section 31-15-10-1(a) provides, in family law cases, that

> [t]he court periodically may order a party to pay a reasonable amount for the cost to the other party of maintaining or defending any proceeding under this article and for attorney's fees and mediation services, including amounts for legal services provided and costs incurred before the commencement of the proceedings or after entry of judgment.

Ind. Code § 31-15-10-1(a). In making a determination as to a request for attorney's fees, "the trial court is to consider the resources of the parties, their economic condition, the ability of the parties to engage in gainful employment and to earn adequate income, and other factors that bear on the reasonableness of the award." *Townsend v. Townsend*, 20 N.E.3d 877, 882 (Ind. Ct. App. 2014), *trans. denied*. "In this context, we review a trial court's award of attorney fees for an abuse of discretion, which occurs if the decision is clearly against the logic and effect of the facts and circumstances before the trial court." *Id.*

[34] The juvenile court made the following findings regarding Parents' financial positions:

> 31. Mother has a master's degree in clinical psychology and is employed as a mental-health counselor with the local school board, earning approximately $54,000 annually. Mother typically works Monday to Friday from 8:00 a.m. to 3:30 p.m.

> 32. Father is employed at Pepsi-Co/Gatorade as a microbiologist, earning approximately $58,000 annually.
>
> 33. Neither parent anticipates any immediate change to their employment or income.

Appellant's App. Vol. II p. 44. In addition, the juvenile court found "[a]t times, Father has wholly failed to respond to Mother's communications regarding [Child], causing Mother to expend unnecessary time and energy to effectively co-parent." Appellant's App. Vol. II p. 44. The juvenile court further found that Father had complicated Parent's ability to co-parent Child by refusing to provide Mother with his address.

[35] While Mother may not have done everything within her power to encourage parenting time between Father and Child, the record indicates that Father's behavior complicated Parents' relationship and impeded his exercise of parenting time with Child. Parents are both gainfully employed and both have the ability to earn adequate income. However, we cannot say that the juvenile court abused its discretion in granting Mother's requests for attorney's fees given Father's acts complicating Parents' ability to co-parent, *i.e.*, another factor that bears "on the reasonableness of the award." *See* Ind. Code § 31-15-10-1.

[36] The judgment of the juvenile court is affirmed.

May, J., and Mathias, J., concur.