MEMORANDUM DECISION

APPELLANT PRO SE

Keith Bullock, Jr.
Indianapolis, Indiana

IN THE COURT OF APPEALS OF INDIANA

Keith Bullock, Jr.,
Appellant-Respondent,

v.

Lisa J. Bullock,
Appellee-Petitioner

November 6, 2023

Court of Appeals Case No. 22A-DC-3096

Appeal from the Marion Superior Court

The Honorable Marshelle Dawkins Broadwell, Judge

Trial Court Cause No. 49D16-2006-DC-18469

Memorandum Decision by Judge Weissmann
Chief Judge Altice and Judge Kenworthy concur.

Weissmann, Judge.

[1] Divorce proceedings between Keith Bullock, Jr. (Father) and Lisa Bullock (Mother) dragged on for nearly three years. In the end, Mother and Father received joint legal custody of their son, K.B., with Mother having primary physical custody. The joint legal custody arrangement, however, entrusted in Mother alone the power to make K.B.'s education and health care decisions. Father appeals, arguing that the trial court erred in setting this joint legal custody framework and in setting the amount of child support. Finding no abuse of the trial court's discretion in either issue, we affirm.

Facts

[2] Father and Mother married in 2008, and K.B. was born soon after. Mother, who was represented by counsel, filed for divorce in Summer 2020. Father represented himself throughout the divorce proceedings.

[3] The divorce proceeded slowly and was marked by poor communication between the parties. In Father's words, "no significant movement" in the case occurred until February 2022, when the trial court ordered the parties into mediation. Appellant's Br., p. 6. After mediation, Mother and Father entered into a partial settlement agreement in September 2022. The agreement was comprehensive except for child support and custody of K.B., who was then 13 years old. At a status conference the next month, the trial court set a "Final Dissolution Hearing" in December to resolve all remaining issues. The trial

court also ordered both parties to submit exhibits at least two days before the December hearing.

[4] But by the final hearing, the trial court's electronic records showed that neither party had submitted exhibits relating to custody or child support.[1] When asked to explain, Mother's attorney asserted that he had filed three exhibits the prior week: a financial declaration for Mother, a completed child support worksheet, and Father's 2019 W-2 form. After a brief inquiry, the trial court agreed to consider the exhibits during the hearing.

[5] Father objected. He asserted that the exhibits' late entry denied him "the opportunity to look at any financial worksheets or anything that they may have worked out" so that he could "dispute it." Tr. Vol. II, p. 6. But the trial court refused to exclude the exhibits, noting that Father had filed no relevant exhibits either, the difficulties involved in potentially rescheduling the hearing, and the fact that the court must have "something to base child support on." *Id.* at 4-7, 24. The court gave Father a 10-minute recess to review the documents and then proceeded with the hearing.

[6] When the hearing resumed, Mother called Father as her only witness. Asked about his income for child support purposes, Father was evasive. But after being instructed by the trial court to provide a more specific answer, Father asserted

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[1] According to the chronological case summary and transcript of the final dissolution hearing, Father attempted to file a "character reference letter" and a "request for relief." Tr. Vol. II, p. 5. However, neither document was entered into evidence nor appears in the record on appeal.

that he now earned around $40,000 per year, approximately $20,000 less than his 2019 W-2 form showed. Father, however, never explained this discrepancy beyond stating that his earning potential as a City of Indianapolis employee had dipped due to the pandemic.

[7] Testimony from both parents revealed disagreements over K.B.'s education and medical decisions. K.B. was attending a private catholic school, Mother's preferred option. But Father expressed a desire for K.B. to attend the local public school because it was a "good school district" and offered "more cultural diversity." *Id.* at 36. K.B. had attended the private catholic school for several years at the time of the hearing. Mother also testified to a disagreement with Father over COVID-19 testing K.B. received at his school. Father disagreed with this and told both Mother and the school not to test K.B.

[8] Based on this evidence, Mother asked the court to grant her and Father joint legal custody as to all but K.B.'s education and health care decisions, over which Mother requested sole authority. The trial court agreed. It granted Mother "sole legal custody as to educational and medical decision-making" but ordered the parties "to share joint legal custody for other matters." App. Vol. II, p. 7. Mother also received primary physical custody. Believing that Father's testimony about his finances had been "very vague and sketchy," the court ordered Father to pay child support based on the income reflected in his 2019 W-2, which the court viewed as the only evidence of Father's income. Tr. Vol. II, p. 98.

Discussion and Decision

[9] At the outset, we note that Father represents himself in this appeal. Pro se litigants are held to the same standard as licensed lawyers. *Shawa v. Gillette*, 209 N.E.3d 1196, 1199 (Ind. Ct. App. 2023). But Mother filed no appellee's brief, meaning Father must only establish "prima facie" error—or error at first sight—to succeed. *Bixler v. Delano*, 185 N.E.3d 875, 877 (Ind. Ct. App. 2022). He does not.

I. Joint Legal Custody

[10] Father first argues that the trial court abused its discretion in ordering a joint legal custody arrangement that gives Mother sole authority over K.B.'s educational and medical decisions. "Determinations regarding child custody fall within the trial court's sound discretion." *Kakollu v. Vadlamudi*, 175 N.E.3d 287, 296 (Ind. Ct. App. 2021). "An abuse of discretion occurs where the decision is clearly against the logic and effect of the evidence before the Court." *Russell v. Russell*, 682 N.E.2d 513, 515 (Ind. 1997). The trial court's judgment will be affirmed unless it abused this discretion. *Kakollu*, 175 N.E.3d at 296.

[11] As defined by statute, joint legal custody "means that the persons awarded joint custody will share authority and responsibility for the major decisions concerning the child's upbringing, including the child's education, health care, and religious training." Ind. Code § 31-9-2-67. In making this decision, courts must consider "whether the parents have the ability to work together for the best interests of their children." *Arms v. Arms*, 803 N.E.2d 1201, 1210 (Ind. Ct.

App. 2004); *see also* Ind. Code § 31-17-2-15 (listing factors courts must consider in determining whether joint legal custody is in child's best interests).

[12] Joint legal custody orders can give one parent sole discretion over particular issues. For example, in *Gonzalez v. Gonzalez*, this Court affirmed a joint legal custody arrangement that entrusted the mother with "the right to make all major health care decisions" and the father with "legal custody regarding the children's education and religious training." 893 N.E.2d 333, 336 (Ind. Ct. App. 2008). "Of course," the Court explained, "a typical joint legal custody arrangement would provide for the parties making decisions together on the issues of education, religion, and health care." *Id.* That said, no error occurs so long as "[t]he evidence supports the dissolution court's order." *Id. at 336-37*; *see also Moell v. Moell*, 84 N.E.3d 741, 745 n.3 (Ind. Ct. App. 2017) (affirming similar joint legal custody arrangement).

[13] The trial court did not abuse its discretion in the joint legal custody arrangement here. Father concedes that the evidence reflects disagreements between him and Mother over issues relating to K.B.'s education and medical decisions. And he also concedes the trial court "was certainly within its authority that, based on the testimony given by both parties to simply award sole custody to one party or the other." Appellant's Br., p. 11. But if the evidence would support assigning sole legal custody to just one parent, it certainly supports the arrangement here. Instead of Mother having sole authority over all aspects of K.B.'s legal custody, the trial court determined no basis existed to deny Father's input over K.B.'s religious upbringing—a benefit

that would have been denied Father if the trial court had given Mother sole legal custody.

[14] Father's remaining arguments against the joint legal custody arrangement are simply requests for this Court to reweigh the evidence. "Appellate judges are not to reweigh the evidence nor reassess witness credibility, and the evidence should be viewed most favorably to the judgment." *Best v. Best*, 941 N.E.2d 499, 502 (Ind. 2011). This is particularly so given the "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, 123-24 (Ind. 2016) (quoting *In re Marriage of Richardson*, 622 N.E.2d 178 (Ind. 1993)).

II. Child Support

[15] Father also contends that the trial court erred in setting his child support obligation. Father alleges the trial court erroneously relied on "inaccurate information" by using his 2019 W-2. Appellant's Br., pp. 12-13. We see no error.

[16] "On review, '[a] trial court's calculation of child support is presumptively valid.'" *Bogner v. Bogner*, 29 N.E.3d 733, 738 (Ind. 2015) (quoting *Young v. Young*, 891 N.E.2d 1045, 1047 (Ind. 2008)). Indeed, as seen above, appellate courts owe "considerable deference" to the trial court's findings in family law matters. *MacLafferty v. MacLafferty*, 829 N.E.2d 938, 940 (Ind. 2005).

[17] Father's argument boils down to a complaint that the trial court accepted evidence on his income from Mother without allowing him to present his own

evidence. But Father provided no evidence about his income or finances other than his own testimony, which the trial court did not find probative. In short, despite the purpose of the hearing being to solve the matter of child support—an issue that necessarily involves discussing the parties' finances—Father provided no credible evidence on this issue for the trial court to rely on. Father cannot complain about the trial court relying on inaccurate information while, at the same time, failing to provide any other basis for the court to use. *See* Ind. Child Support Guideline 3(B) ("In all cases, a copy of the worksheet which accompanies these Guidelines shall be completed and filed with the court when the court is asked to order support.").

[18] Further, when asked simple questions about his yearly income, Father was evasive and struggled to provide even basic details. The following exchange at the end of the hearing illustrates why no error occurred:

> FATHER: Well, Your Honor, in that two weeks' time [until the final order is issued], if -- is it possible for me to get a current financial statement to them for them to work up this properly, instead of going on my perceived, estimated amount of money I can make? Because I just need it to be fair to me as well, you know--
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> THE COURT: Sir, I did give you the opportunity to do that. We were set—we've been set for two months and this has pended since June of 2020. And you were very vague and sketchy about your income. You didn't feel like you wanted to tell me about the income, why your income has changed. So I have to base the information -- my order on what I have. This hearing is the final hearing. This is the last hearing on this. That was the whole

purpose for the hearing. We were set for half a day and this was the purpose of the hearing. This has gone on too long.

FATHER: Well, I'm trying not to make it be, but I'm also trying to—for it to be as transparent and accurate as possible. And I think it's not an unreasonable request for the Court to allow me to submit a proper yearly statement on what I actually make, because it has changed since 2019 dramatically.

THE COURT: That was your opportunity today. That's what the hearing was set for. I told you what the hearing was set for when we were here on, I believe it was October 3rd, the last time we were here. The agreement that you signed that was filed with the court said that the parties are going to be proceeding with the hearing on support and parenting time and custody. So I have to have information. I have to have some information to calculate support.

FATHER: Well, Your Honor, I find it vaguely unfair that you will not allow me to submit this late because the time has expired but the Petitioner has also filed their document late and you have allowed that to be admissible into evidence, when this [order] clearly says you have at least two business days in advance to get this in. And I don't understand that . . . .

THE COURT: Because [Mother's Attorney] told me that he did file it timely and that there was some type of an error.

FATHER: I have proof that it has not been filed in a timely [manner], because the [electronic case docket] says that it's late.

THE COURT: I know. I threw it up on the screen and we all saw what I saw. [Mother's attorney] said that he filed it. I gave you a chance to review the documents, however you didn't file anything at all. You didn't file anything at all.

Tr. Vol. II, pp. 98-100 (cleaned up).

[19] Finding no abuse of the trial court's discretion in either its joint legal custody decision or child support award, we affirm.

Altice, C.J., and Kenworthy, J., concur.