MEMORANDUM DECISION

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IN THE COURT OF APPEALS OF INDIANA

In re the Marriage of Araceli Barron (deceased) and Ignacio Gonzalez-Macias

Elizabeth Barron,

Appellant-Intervenor,

v.

Eduardo Gonzalez,

Appellee-Intervenor,

and

Ignacio Gonzalez-Macias,

Appellee-Respondent

June 14, 2023

Court of Appeals Case No. 22A-DC-1315

Appeal from the Marion Superior Court

The Honorable Sarah Glasser, Magistrate

Trial Court Cause No. 49D10-1708-DC-31168

Memorandum Decision by Judge Crone
Judges Robb and Kenworthy concur.

Crone, Judge.

Case Summary

[1] Elizabeth Barron (Maternal Aunt) appeals a final order awarding third-party custody of her young niece and nephew to Eduardo Gonzalez (Paternal Uncle). Maternal Aunt challenges the trial court's jurisdiction and, alternatively, asserts that the decision was an abuse of discretion. We affirm.

Facts and Procedural History

[2] Araceli Barron (Mother) and Ignacio Gonzalez-Macias (Father) were married and had two children, D.B. (a daughter, born in 2013) and A.B. (a son, born in 2016), (collectively the Children). Father was arrested in 2016. In August 2017, Mother filed a petition for dissolution of their marriage in Marion County. In a December 2017 decree granting the dissolution of the marriage of Mother and Father, the trial court noted the filing of their "Verified Petition for Dissolution of Marriage, Settlement Agreement, Agreement on Paternity, Decree of Dissolution of Marriage, Waiver of Service, and Verified Waiver of Final Hearing" and incorporated the terms of their agreement. Appellee's App. Vol. 2 at 2. Their agreement provided that Mother "shall retain primary physical custody and sole legal custody" of the Children and noted that Father "is currently residing in Federal prison and is expected to serve a lengthy

sentence,[1] and is unable to visit with or provide for the minor children." Dissolution Decree at 1, 2.[2] The parties calculated imputed income but agreed that "no child support shall be collected at this time." *Id.* at 2. The agreement further stated that upon release from incarceration, Father "shall complete the COPE divorce class, and he shall petition this court to modify his child support obligation and visitations with" the Children. *Id*.

[3] Thereafter, Mother and the Children lived in Indianapolis with various extended family members. Mother kept in contact with Paternal Uncle, facilitated frequent calls and extended visits between Paternal Uncle and the Children, and encouraged a close relationship between them. Paternal Uncle, the godfather of the Children, works as a pilot and lives in a house in California. Mother also facilitated contact between Children and Father, who may be released between 2026 and 2030. The Children had frequent phone calls with, and even visited, Father. Though originally held in a different state, Father was transferred to a detention facility in California approximately a half an hour from Paternal Uncle's home. Beginning in September 2020, Mother arranged for the Children to reside in California with Paternal Uncle, who had

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[1] Father was sentenced for drug "distribution and money laundering." Tr. Vol. 2 at 159; Ex. Vol. 2 at 9.

[2] Paternal Uncle's appendix includes the fourth page of the divorce decree. Appellee's App. Vol. 2 at 2. The first three pages of the decree, containing the settlement agreement, agreement of paternity, and decree of dissolution of marriage, are accessible to this Court through the Odyssey Case Management System. *See* Ind. Appellate Rule 27; Ind. Evidence Rule 201(b)(5); *Matter of D.H.*, 119 N.E.3d 578, 585 n.15 (Ind. Ct. App. 2019), *modified on reh'g* 122 N.E.3d 832, *trans. denied*. We quote the relevant terms from the specified pages of the dissolution decree.

childcare help from paternal relatives, such as Yolanda Gonzalez (Paternal Grandma). As early as 2018, Mother had discussions regarding possible guardianship of the Children with paternal relatives, including Paternal Uncle. Ex. Vol. 2 at 33.

[4] On November 25, 2020, late at night, Maternal Aunt called Paternal Grandma to notify that side of the family that Mother "had an accident" and that the Children needed to return to Indianapolis. Tr. Vol. 2 at 19, 84. Maternal Aunt booked a flight to California and purchased flights for the Children. On November 26, 2020, paternal relatives brought the Children to the airport, and Maternal Aunt flew with the Children back to Indiana. On or about November 29, 2020, Paternal Uncle was notified that Mother had died on November 26, 2020. He and paternal relatives flew to Indiana for funeral services for Mother and learned that Maternal Aunt planned to keep the Children with her in Indianapolis. Maternal Aunt has eight children of her own, and her house had recently burned down. Ex. Vol. 2 at 63-66; Tr. Vol. 2 at 42.

[5] In early December 2020, Father executed an unnotarized document in which he attempted to give both Paternal Uncle and Paternal Grandma "Power of Attorney and custody and authority to act on [his] behalf in all matters for the welfare of" the Children, to begin on December 10, 2020, and to end whenever Father was released from prison. Ex. Vol. 2 at 13. One week later, Paternal Uncle filed an emergency verified motion to intervene in the dissolution proceedings and a petition to be named a third-party custodian of the Children. A hearing was set for January 12, 2021. On January 11, 2021, Maternal Aunt

filed a counter emergency petition to intervene and petition to be named third-party custodian. The following day, the trial court conducted a Webex hearing attended by Father, Paternal Uncle and counsel, and Maternal Aunt and counsel.

[6] On January 14, 2021, the court entered a preliminary order, which permitted Paternal Uncle and Maternal Aunt to intervene, specified that the Children shall remain in the temporary sole custody of Maternal Aunt, ensured that Maternal Aunt would keep the Children insured, and allowed Maternal Aunt to claim the dependency tax exemptions for 2020. The order also required Maternal Aunt to facilitate twice-weekly calls for the Children with Father, outlined extensive visitation for Paternal Uncle with the Children, designated Paternal Uncle as "non-custodial parent," awarded Paternal Uncle weekly virtual contact with the Children, and required Maternal Aunt to keep Paternal Uncle apprised of the Children's health and school progress. Appellant's App. Vol. 2 at 35-37. In addition, the preliminary order explicitly warned that failure to abide by visitation and contact instructions and "failure to facilitate or encourage" the Children's "relationship with their paternal family shall seriously be considered at the final hearing." *Id*. at 36.

[7] Communication and contact difficulties ensued between Maternal Aunt and Paternal Uncle and Father. Calls and virtual visits to Paternal Uncle and Father substantially decreased. Information about A.B.'s health (dental) and schooling (individualized educational program) was not relayed to Paternal Uncle via phone, email, text, mail or any other method. The relationships between

Paternal Uncle and the Children as well as that between Father and the Children were negatively affected.

[8] A final hearing was scheduled for April 2021, but, due to several continuances, did not occur until February 2022. The hearing was conducted via Webex and attended by Father, Paternal Uncle and counsel, Maternal Aunt and counsel, and one other maternal aunt. In May 2022, the trial court issued a seventy-one-paragraph final order, which awarded Paternal Uncle third-party custody of the Children and outlined his responsibilities for health insurance, medical costs, facilitating Father's parenting time, etc. The court found that Paternal Uncle "has the time, means, and ability to care for [the Children] and provide them a safe and stable environment." Appealed Order at 12. Moreover, the court found that awarding third-party custody to Paternal Uncle was "consistent with the parents' wishes, and will ensure that all parties are able to maintain a consistent and positive relationship" with the Children. *Id.* The court order also provided that Maternal Aunt "shall be entitled to visitation with [the Children] in Indiana pursuant to the Indiana Parenting Time Guidelines with Distance as a Major Factor" and specified several weeks of visitation. *Id*. Maternal Aunt appeals.

Discussion and Decision

Section 1 – The trial court had jurisdiction over the issue of custody.

[9] Maternal Aunt asserts that the final order, awarding Paternal Uncle third-party custody of the Children, is unenforceable based upon lack of jurisdiction. She contends for the first time on appeal that the trial court that presided over the dissolution had no jurisdiction over the present case because Mother died. Maternal Aunt, who submitted herself to the jurisdiction of the trial court, requests that we vacate its order.

[10] Preliminarily, we note that "one of the most valued relationships in our culture" is that between a parent and his or her child. *In re G.Y.*, 904 N.E.2d 1257, 1259 (Ind. 2009). "A parent's interest in the care, custody, and control of his or her children is 'perhaps the oldest of the fundamental liberty interests.'" *Id*. (quoting *Troxel v. Granville*, 530 U.S. 57, 65 (2000)). Accordingly, the Fourteenth Amendment to the United States Constitution safeguards "the traditional right of parents to establish a home and raise their children." *Id*.

[11] Indiana courts have long observed that dissolution proceedings generally "terminate entirely with the death of one of the parties to the dissolution." *Edwards v. Edwards*, 80 N.E.3d 939, 943 (Ind. Ct. App. 2017); *Riggs v. Riggs*, 77 N.E.3d 792, 795 (Ind. Ct. App. 2017) (discussing so-called Termination Rule), *trans. denied*; *Johnson v. Johnson*, 653 N.E.2d 512, 514 (Ind. Ct. App. 1995). However, several exceptions to the Termination Rule have been found.

See State ex rel. Smith v. Delaware Cnty. Sup. Ct., 442 N.E.2d 978, 980 (Ind. 1982) (allowing surviving spouse to seek modification of a property settlement within statutory deadline based on deceased spouse's fraudulent underreporting of his assets to court); *State ex rel. Paxton v. Porter Superior Court*, 467 N.E.2d 1205, 1207 (Ind. 1984) (permitting deceased spouse's attorney to recoup from surviving spouse fees and expenses incurred in preparing case because denying counsel opportunity to recover fees would create "gross miscarriage of justice"); *Lizak v. Schultz*, 496 N.E.2d 40, 43 (Ind. 1986) (allowing deceased spouse's estate to have child support arrearages reduced to judgment by dissolution court following entry of dissolution decree and observing that Termination Rule "seems to have been honored more in the breach"); *see also Edwards*, 80 N.E.3d at 945 (concluding that dissolution court's continuing jurisdiction included ability to reopen decree to address fraud allegations and to clarify issues of appreciation or depreciation of surviving spouse's share of pension and retirement benefits).

[12] Despite the above exceptions, our supreme court has stated: "One respect in which the dissolution court's jurisdiction clearly ends upon the death of a party is child custody." *Lizak*, 496 N.E.2d at 43 (citing *State ex rel. Gregory v. Marion Cnty. Sup. Ct.*, 242 Ind. 42, 176 N.E.2d 126 (1961) (divorce court jurisdiction ceases "so far as the custody and control of the children are concerned" upon death of a party)). Absent precedent that provides an exception to the general rule that death of a party strips the dissolution court of jurisdiction in a custody matter (as opposed to a matter involving property), we are inclined to agree that

the trial court here did not have jurisdiction over the *dissolution* once Mother died. However, as we explain more fully below, this is not to say that the court did not have jurisdiction, independent of the dissolution matter, to hear a civil case concerning who would take responsibility for the care of the Children.

[13] We acknowledge that "[i]n the context of divorce, the settled rule in Indiana is that when a divorce decree gives custody to one parent, and that parent subsequently dies, the right to custody immediately and automatically inures to the surviving parent." *In re Guardianship of Phillips*, 178 Ind. App. 220, 224, 383 N.E.2d 1056, 1059 (1978); *Gregory*, 176 N.E.2d 126; *Hendrickson v. Binkley*, 161 Ind. App. 388, 316 N.E.2d 376 (1974) *(abrogation on other grounds recognized by Riggs*, 77 N.E.3d at 795), *cert. denied* (1975); *In re Marriage of Hilton*, 459 N.E.2d 744 (Ind. Ct. App. 1984). Given the settled rule, we address whether Father gained the right to custody of the Children immediately and automatically upon Mother's death. Our legislature has placed the following parameters upon the immediate and automatic inuring of custodial rights to a surviving parent:

> Except as otherwise determined in a dissolution of marriage proceeding, a custody proceeding, or in some other proceeding authorized by law, including a proceeding under section 6 of this chapter or another proceeding under this article, and unless a minor is married, *the parents of the minor jointly (or the survivor if one (1) parent is deceased*), if not an incapacitated person, *have, without the appointment of a guardian, giving of bond, or order or confirmation of court, the right to custody of the [minor].*

Ind. Code § 29-3-3-3 (emphases added).

[14] However, "[t]he surviving parent of a minor child *does not* have the right to custody of the minor *without a proceeding authorized by law* if the parent was not granted custody of the minor in a dissolution of marriage decree *and* the conditions specified in this section exist." Ind. Code § 29-3-3-6(a) (emphases added). Those conditions involve the appointment of a temporary guardian for the minor if:

> (1) the surviving parent, at the time of the custodial parent's death, had *required supervision* during parenting time privileges granted under a dissolution of marriage decree involving the minor; or
>
> (2) the *surviving parent's parenting time privileges with the minor had been suspended at the time of the death of the custodial parent*[.]

Ind. Code § 29-3-3-6(b) (emphases added).

[15] The complex facts of the instant case do not fit neatly within Indiana Code Sections 29-3-3-3 or 29-3-3-6. The divorce of Mother and Father was neither contested nor protracted, and no final hearing was had. Rather, the dissolution court "examined" the agreed submissions, granted the petition, ordered the marriage dissolved, and incorporated the parties' terms into the order. Appellee's App. Vol. 2 at 2 (page 4 of decree). The terms of the 2017 dissolution order and the evidence from the 2021 preliminary and 2022 final hearings regarding custody reveal that Mother and Father made a practical decision that Mother should have sole legal and physical custody because Father was incarcerated. As for parenting time, Mother's and Father's agreement simply

noted that Father "is unable to visit with or provide for" the Children (impliedly because of his incarceration) and that upon his release he "shall complete the COPE divorce class, and he shall petition this court to modify his child support obligations and visitations with" the Children. Dissolution Decree at 2. There was no mention of supervision, suspension, or concerns associated with Father's parenting time per se, as parenting time was not anticipated while he was incarcerated.[3] Thereafter, Mother facilitated the relationship between Father and the Children via frequent phone contact and even visiting in person until her untimely death.

[16] In this unique scenario, Indiana Code Section 29-3-3-6(b) does not definitively require the appointment of a temporary guardian (and indeed, none was appointed). Hence, the default rule of Indiana Code Section 29-3-3-3 would apply. Upon Mother's death, the dissolution decree, in which Mother and Father agreed to give Mother sole custody, ceased to dictate custody. At that point, surviving parent Father acquired, "without the appointment of a guardian, giving of bond, or order or confirmation of court, the right to custody of" the Children. Ind. Code § 29-3-3-3. By then, however, Maternal Aunt had unilaterally decided to keep the Children with her. Recognizing the reality that

[3] Moreover, from the record on appeal, we see no indication that, either at the time of the divorce or since, child in need of services or termination of parental rights proceedings have ever been instituted regarding this family. Even if at some point a termination petition was filed, incarceration alone would not justify termination of parental rights. *See In re J.M.*, 908 N.E.2d 191, 195-96 (Ind. 2009) (holding that evidence supported trial court's conclusion that under certain circumstance, incarcerated parents' parental rights should not be terminated).

his incarceration would preclude him from taking care of the Children for at least the next few years, Father signed a document in which he attempted to give "custody" or guardianship of the Children to Paternal Uncle and Paternal Grandma. Ex. Vol. 2 at 13. Father's efforts were consistent with Mother's conversations about guardianship and with the fact that prior to her death, she had placed the Children with Paternal Uncle, who had help from Paternal Grandma. In keeping with Father's and Mother's wishes, Paternal Uncle sought custody and filed his motion to intervene and petition for third-party custody. Maternal Aunt responded with her own motion and petition.

[17] Indiana Code Section 31-17-2-3 allows any person other than a parent to commence a custody action over a child, which is not incidental to a marital dissolution, legal separation, or child support action. *In re Custody of G.J.*, 796 N.E.2d 756, 762 (Ind. Ct. App. 2003), *trans. denied* (2004). Section 31-17-2-3's reference to *any person other than a parent* is "not limited to de facto custodians." *Id.* at 761-62.[4] The phrase "any person other than a parent" is "interpreted in its plain meaning." *In re Custody of M.B.*, 51 N.E.3d 230, 233 (Ind. 2016).

[4] Paternal Uncle asserts that he qualified as a de facto custodian. A de facto custodian is defined, in relevant part, as "a person who has been the primary caregiver for, and financial support of, a child who has resided with the person for at least: … one (1) year if the child is at least three (3) years of age." Ind. Code § 31-9-2-35.5. The one-year period does not include "[a]ny period after a child custody proceeding has been commenced[.]" *Id.* We do not know from the evidence whether either Paternal Uncle or Maternal Aunt was a de facto custodian, i.e. the *primary caregiver* for the Children for at least one year, *exclusive of* the period following initiation of custody proceedings. *See In re Adoption of W.K.*, 206 N.E.3d 502, 510 n.6 (Ind. Ct. App. 2023). However, because one need not be a de facto custodian to file a custody action pursuant to Indiana Code Section 31-17-2-3, we do not comment on Paternal Uncle's assertion.

Permitting such petitions for custody is consistent with Indiana public policy that "if a parent is unfit or otherwise unable to care for a child, it may be in the child's best interests to be placed in the custody of a third party." *G.J.*, 796 N.E.2d at 762.

[18] So, if Maternal Aunt had concerns about Father exercising his care, custody, and control of the Children, she was free to challenge Father's right to custody (and his attendant right to determine who could care for his children). *See Hilton*, 459 N.E.2d at 745 (concluding that sister of deceased custodial mother could challenge father's custody right but not within divorce action). That said, neither of the motions to intervene in the dissolution were the procedurally correct mechanism to raise custody concerns where, as here, due to Mother's death, the court no longer had jurisdiction over the dissolution. Regardless, both Paternal Uncle and Maternal Aunt also filed, in the same superior court, their respective petitions seeking custody, which were permissible because both Paternal Uncle and Maternal Aunt would qualify as "any person other than a parent" per Section 31-17-2-3. The superior court had jurisdiction, independent of the dissolution matter, to hear custody petitions. *See Dennis v. Dennis*, 189 N.E.3d 1115, 1117 (Ind. Ct. App. 2022) (defining subject matter jurisdiction as a "determination of whether a court has jurisdiction over the general class of actions to which a particular case belongs" and citing statutes that specify that

all circuit and standard superior courts have original and concurrent jurisdiction in all civil cases).[5]

[19] Accordingly, in this factually and procedurally unusual case, we will not elevate form over substance and vacate the trial court's May 2022 order on jurisdictional grounds. To do so would be a tremendous waste of judicial resources, especially where the trial court heard evidence on and exhaustively considered the same factors that would have been weighed had this custody dispute initially arisen as an action unconnected to the dissolution. Only if the trial court abused its discretion will we reluctantly upend, once more, the lives of the Children, who have undoubtedly already endured significant loss, inconsistency, and stress.

Section 2 – The trial court's decision awarding Paternal Uncle custody of the Children was not clearly erroneous.

[20] In the alternative, Maternal Aunt argues that even if the court had jurisdiction, it "abused its discretion in granting" custody of the Children to Paternal Uncle because "such decision is against the logic and effects of the facts and circumstances of the matter." Appellant's Br. at 15.

[21] At the outset, we acknowledge the great latitude and deference we grant to trial court judges in family law matters. *In re Guardianship of M.N.S.*, 23 N.E.3d 759,

[5] Maternal Aunt does not claim that appropriate process was not effected, thus personal jurisdiction is not at issue.

765-66 (Ind. Ct. App. 2014). Appellate deference to the determination of trial court judges, especially in family law matters, is warranted because of their unique, direct interactions with the parties face-to-face. *Best v. Best*, 941 N.E.2d 499, 502 (Ind. 2011). Trial courts, tasked with assessing credibility and character through both factual testimony and intuitive discernment, are in a superior position to ascertain information and apply common sense. *Id.* Therefore, we neither reweigh the evidence nor reassess witness credibility, and we view the evidence most favorably to the judgment. *Id*.

[22] Where, as here, the trial court sua sponte enters written findings of fact and conclusions thereon, the findings control only as to the issues they cover, while any remaining issues are reviewed under a general judgment standard. *Julie C. v. Andrew C.*, 924 N.E.2d 1249, 1255 (Ind. Ct. App. 2010). The findings will be set aside only if they are clearly erroneous, and the legal judgment will be affirmed on any theory that the evidence can support. *Id.* A finding is clearly erroneous when no fact or reasonable inferences support it. *Id.* We do not reweigh evidence or judge witness credibility. *Id.* This deference to the trial court's role as factfinder is only heightened when dealing with family law matters. *MacLafferty v. MacLafferty*, 829 N.E.2d 938, 940 (Ind. 2005).

[23] Maternal Aunt claims that she, rather than Father's choice (Paternal Uncle), is the better custodial option for the Children. She contends that the Children have a strong connection to Indianapolis, where they were born, relatives live, and school is located. She contends that she had been heavily involved with the Children, asserts that she made appointments for them, and highlights that she

was responsible for their financial support when the court granted her temporary custody. She downplays communication difficulties between the Children and Paternal Uncle while the Children were under her care.

[24] In making its decision, the trial court relied upon the following statute:

> The court shall determine custody and enter a custody order in accordance with the best interests of the child. In determining the best interests of the child, there is no presumption favoring either parent. 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.

(8) Evidence that the child has been cared for by a de facto custodian, and if the evidence is sufficient, the court shall consider the factors described in section 8.5(b) of this chapter.

(9) A designation in a power of attorney of:

(A) the child's parent; or

(B) a person found to be a de facto custodian of the child.

Ind. Code § 31-17-2-8. Maternal Aunt does not quibble with the application of the statute.

[25] In its findings, the court noted the age and sex of D.B. and A.B. and that they had solid relationships with Maternal Aunt, Paternal Uncle, and Father. The court also considered the wishes of Mother (adduced from testimony, temporary guardianship documents, and texts) and Father (through his own testimony, the power of attorney for the care and custody of the Children, etc.) regarding where and with whom the parents preferred that their Children be

placed. The evidence showed that their choice was Paternal Uncle in California.

[26] As for interactions and interrelationships, the court believed it to be in the Children's best interests to maintain their close relationships with both the maternal and paternal relatives. Accordingly, in both the preliminary hearing and order, the court stressed that Maternal Aunt needed to ensure good communication among the Children and Father and Paternal Uncle and that she needed to keep Paternal Uncle and Father apprised of the Children's health, education, etc. Thus, it should not have been a surprise when the court heavily weighed the communication issues that arose while the young Children were in Maternal Aunt's care, and ultimately concluded that if the Children were placed with Paternal Uncle, he would better foster the relationships on both sides of the family.

[27] Regarding homes, the Children had spent time in both California and Indiana. As for their potential future living arrangements, the court heard that Maternal Aunt, a single parent, lived in a four-bedroom residence and relied upon relatives to help with her eight children, who ranged in age from two months to eighteen years. The court had concerns about Maternal Aunt's finances due to major discrepancies in testimony about her income, her children being covered by Indiana health insurance, and the fact that an online fundraiser had been instituted when her house burned down, causing her to live in a motel. While the court noted Maternal Aunt's efforts, it questioned her claims about the causes of the communication issues. Because the Children attended multiple

schools within the two states, and they had ties within both communities, the court did not find the schooling or community factors dispositive.

[28] As for Paternal Uncle's situation, the court found that he and his long-term significant other have no children of their own and reside in a house that has a bedroom for D.B. and another for A.B. The house is within a half hour of the facility where Father is held. Therefore, Paternal Uncle can facilitate communication and visits with Father far more easily than Maternal Aunt in Indiana. The court noted that Paternal Uncle's work as a pilot provides him with both sufficient income to care for and support the Children without needing outside financial support and with approximately fifteen days off each month. To the extent additional childcare is needed, nearby relatives are available. Paternal Uncle had shown good cooperation and communication with maternal relatives in the past, such that Maternal Aunt did not have issues regarding her relationship with the Children when they were with Paternal Uncle.

[29] Having reviewed the entire record, we cannot say that no fact or reasonable inferences support the court's findings or its judgment that Paternal Uncle have primary custody of the Children in this case. To the contrary, we find ample support for the court's findings. To the extent there is conflicting testimony on some minor points, it was the trial court's job to resolve questions of credibility and evidentiary weight. Moreover, we cannot say that no fact or reasonable inferences support the court's findings or judgment that Maternal Aunt be awarded visitation. The court viewed it to be in the Children's best interests to

continue strong relationships with both sides of their family and judged that Paternal Uncle would best ensure that outcome.

[30] It is abundantly clear that the Children have numerous relatives who care about and for them. We commend the trial court for its efforts to effectuate Mother's and Father's wishes while keeping the best interests of the Children paramount. Moving forward, we sincerely hope that the parties and other family members will do the same, without resorting to legal proceedings.

[31] Affirmed.

Robb, J., and Kenworthy, J., concur.