MEMORANDUM DECISION

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IN THE COURT OF APPEALS OF INDIANA

In the Matter of Paternity of C.V.P.;

Catherine Eseosa Obaseki,

Appellant-Respondent,

v.

Correy Vaughn Pflug,

Appellee-Petitioner.

February 8, 2022

Court of Appeals Case No. 21A-JP-1546

Appeal from the Vanderburgh Superior Court

The Honorable Leslie C. Shively, Judge

Trial Court Cause No. 82D01-1901-JP-114

Tavitas, Judge.

Case Summary

[1] Catherine Eseosa Obaseki ("Mother") appeals from the trial court's order denying Mother's motion for relocation with the parties' minor child, C.V.P. ("the Child"). Based on our review of the factors enumerated in Indiana Code Sections 31-17-2.2-1(b) and 31-17-2-8, we conclude that the trial court's judgment that the proposed relocation was not in the best interest of the Child is amply supported by the court's findings and the evidence presented. Accordingly, we affirm.

Issue

[2] Mother raises a single issue on appeal—namely, whether the trial court abused its discretion in denying her motion for relocation with the Child.

Facts

[3] The Child was born in August 2016 to Mother and Correy Vaughn Pflug ("Father"), who resided in Evansville during their domestic relationship. After the parties' relationship ended in November 2018, they filed an agreed entry as to paternity on March 20, 2019, and agreed that the parties would share joint legal custody, primary physical custody with Mother, and an award of parenting time to Father. In pertinent part, the agreed entry also: (1) authorized Mother's temporary relocation to Washington, Indiana, where her parents

reside, provided that the Child remained in his longtime daycare facility;[1] (2) obligated Mother to file a notice of intent to relocate regarding any future desired relocation not contemplated by the agreed entry; (3) required a contested hearing if the parties could not reach an agreement regarding a proposed relocation; (4) provided that Father did not have to pay child support due to his then-unemployment; and (5) required Father to pay half of the childcare and extracurricular expenses.

[4] Father works the day shift at the Toyota plant in Princeton, Indiana, which is approximately twenty-five miles north of Evansville. Since the approval of the agreed entry, the parties have twice, by agreement, modified Father's parenting time to accommodate Father. As of February 2021, Father exercised his parenting time schedule as follows: if possible, on Thursdays after work until the Child's bedtime that same day; and from Fridays, after work, until Sunday evenings on alternating weekends.

[5] Mother earned her master's degree in social work in August 2020. At the time, she was employed at the YMCA, where she earned an hourly wage of $15.00, or annual income of approximately $31,000.00. In late 2020, Mother successfully applied for a counselor position with Volunteers for America in Indianapolis that resulted in a significant pay increase. Mother formally accepted the job in January 2021. The position allowed for remote work; so

[1] Father has maintained the same Evansville residence since the parties' split.

beginning in February 2021, Mother worked while residing in Evansville. Mother's employer advised that Mother would be required to report in person when county-wide Covid-19 restrictions were lifted. Mother did not notify Father that she was pursuing jobs in Indianapolis or that she accepted a position there in January 2021.

[6] On February 11, 2021, Mother filed a notice of intent[2] to relocate to Indianapolis, which she subsequently amended. Father filed an objection to the relocation, an information for contempt, and an emergency motion for a temporary restraining order ("TRO") on February 18, 2021. The trial court granted the TRO on March 1, 2021. The TRO enjoined Mother from relocating with the Child until the trial court conducted a hearing thereon. Following a failed mediation, Mother filed a motion to modify joint legal custody and to establish child support on March 4, 2021. Mother filed a second notice of intent to relocate on May 7, 2021.

[7] The trial court held hearings on all pending motions on May 19, 2021, and June 9, 2021. At the outset, Mother introduced, and the trial court admitted, a certified copy of Father's restricted driving record due to four convictions for driving under the influence and his resulting status as an habitual traffic violator. *See* Tr. Vol. II p. 13. For part of the relevant period, Father had a

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[2] Mother filed an amended notice of intent to relocate and moved for an expedited hearing on February 17, 2021. In Mother's initial filing, she used the address of an apartment complex located in the general vicinity of Indianapolis where she intended to live; in her amended filing, she informed the court of her intention to buy a home in Pike, Lawrence, or Perry Township in Indianapolis.

conditional license that allowed him to drive to and from work and facilitated his exercise of parenting time; however, at the time of the hearing, Father was awaiting relief that had been approved by the trial court, but had not yet been processed by the Bureau of Motor Vehicles. As a result, at the time of the hearing, Father did not have a valid license and relied on ride share services and family members for all of his transportation needs.[3]

[8] Initially, the hearing centered around whether Mother's proposed relocation was being made in good faith and for a legitimate reason. Mother testified that her local job search yielded positions that required home visits, which are a security risk; were not in her area of general specialty; offered less flexibility regarding licensure; and paid lower salaries.

[9] Mother also testified that: (1) she struggled financially in Evansville; (2) she applied for two positions in Indianapolis; (3) the purpose of her planned relocation was for job opportunities with higher pay and growth potential; (4) she did not seek to alienate Father from the Child; (5) Father could still exercise his parenting time from Friday after school until Sunday during alternating weeks; and (6) she would assist with transporting the Child halfway to

[3] On April 23, 2021, Father filed a motion to set aside his third conviction for operating a motor vehicle while intoxicated, which was granted. The record includes the following CCS entry: "Clerk sends Order Granting Motion to Set Aside conviction to BMV . . . ." Exhibits Vol. I p. 12. Father is apparently awaiting the BMV's lifting of his habitual traffic violator status and the reinstatement of his conditional driving privileges. *See* Tr. Vol. II p. 186.

Evansville to reduce the transportation burden and to facilitate Father's parenting time.[4]

[10] Additionally, Mother testified that she would enjoy family support in the Indianapolis area from her brother, Andrew, who lives with his family in Westfield[5]; another brother, Benjamin, who recently accepted a job in Indianapolis; and their parents, who planned to sell their Washington, Indiana, home and relocate to an Indianapolis suburb. The trial court found that Mother carried her burden of proving the proposed relocation was being made in good faith and for a legitimate reason. *See id*. at 85-86.

[11] The burden then shifted to Father to prove that the proposed relocation was not in the Child's best interests. Father testified at length regarding: (1) his extremely close bond with the Child; (2) the adverse impact that the Child's relocation would have on Father's exercise of parenting time; (3) the Child's heightened separation anxiety since Mother filed the motion for relocation; (4) the effect of relocation on Father's ability to actively participate in the Child's upbringing, dental and medical appointments, and school and extra-curricular activities; (5) his extended family's history of lending transportation and caregiving support to the parties and the likely reduction in their access to the Child upon relocation; (6) the scheduling difficulties that his dayshift and

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[4] Mother proposed delivering the Child to Father in Bloomington, which is approximately half-way between Indianapolis and Evansville.

[5] Westfield is an Indianapolis suburb.

overtime schedules would pose; and (7) the expense and transportation burdens of relocation on himself and the family members on whom he relies for transportation due to his restricted driving privileges.

[12] Father also testified that, although the parties' joint legal custody agreement required them to communicate openly regarding childrearing issues, Mother applied for and accepted a position in Indianapolis; unilaterally caused the termination of the Child's longtime daycare placement[6]; and blind-sided Father with her filed notice of relocation. Father testified that, if the relocation was granted, he "w[ould] have no say in what happens" in the Child's life. *Id*. at 162.

[13] On June 22, 2022, the trial court issued its order, which it later amended. The order included extensive findings of fact and conclusions thereon entered sua sponte denying Mother's motion for relocation.[7] *See* Mother's App. Vol. II pp. 42-45. The trial court found Mother sought the proposed relocation in good faith for a legitimate reason, but that relocation was not in the Child's best interests.

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[6] After the daycare facility administrator alerted Mother to ongoing issues with the Child's disruptive behavior, Mother called into question the administrator's ability to manage childcare. The administrator responded by giving Mother a two-week notice period in which to secure alternate childcare.

[7] The trial court also entered a child support order, which is not at issue in this appeal. Father filed a motion for clarification as to the child support order on June 24, 2021; and the trial court issued an amended order on June 28, 2021. The amended order left unchanged the trial court's determination regarding the proposed relocation.

[14] In summary, the trial court found that the proposed relocation would: (1) create onerous transportation difficulties due to "Father's work shift and restrictions on his license and his variable work schedule"; (2) inject uncertainty regarding the Child's "childcare arrangements, schooling, or [ ] housing[,]" to which the Child was already accustomed; (3) disrupt Father's exercise of his parenting time; (4) hinder the frequency and regularity of Father's contact with the Child, with whom Father maintains a close bond; (5) impair Father's and his extended family's ability to participate in the Child's extracurricular activities, school activities and/or conferences; (6) preclude the Child's "frequent, meaningful and continuing contact with both parents[,]" as contemplated by the preamble to the Indiana Parenting Time Guidelines; (7) impede Father's ability to actively influence the "care and discipline" of the Child; (8) deny Father the opportunity for additional parenting time "because of geographic constraints"; and (9) subject the Child to "be[ing] in a car approximately 7 hours during a 48-hour period on alternating weekends." *Id*. at 43-45. Mother now appeals.

Analysis

I. Standard of Review

[15] Mother challenges "the correctness of the [trial] court's determination that it would not be in [the Child]'s best interest to relocate with Mother to Indianapolis." Mother's Br. p. 14. The trial court here entered findings sua sponte; thus, its specific factual findings control only the issues they cover, while a general judgment standard applies to issues upon which there are no findings. *C.B. v. B.W.*, 985 N.E.2d 340, 344 (Ind. Ct. App. 2013)

(citing *In re Marriage of Snemis*, 575 N.E.2d 650 (Ind. Ct. App. 1991)), *trans. denied*. We will affirm a general judgment upon any legal theory supported by the evidence introduced at trial. *Id*.

[16] In our review, we first consider whether the evidence supports the factual findings and, second, whether the findings support the judgment. *Id*. (citing *Menard, Inc. v. Dage-MTI, Inc.*, 726 N.E.2d 1206, 1210 (Ind. 2000)). "Findings are clearly erroneous only when the record contains no facts to support them either directly or by inference." *Quillen v. Quillen*, 671 N.E.2d 98, 102 (Ind. 1996). "A judgment is clearly erroneous if it relies on an incorrect legal standard . . . [a]nd [w]hile we defer substantially to findings of fact, we do not do so to conclusions of law." *C.B.*, 985 N.E.2d at 344 (internal citations omitted).

[17] In addition to the standard of review, our Supreme Court has a well-settled preference for granting significant latitude and deference to trial judges in family law matters because of their "unique, direct interactions with the parties face-to-face." *Best v. Best*, 941 N.E.2d 499, 502 (Ind. 2011). As this Court has previously opined, "[a]ppellate courts 'are in a poor position to look at a cold transcript of the record, and conclude that the trial judge, who saw the witnesses, observed their demeanor, and scrutinized their testimony as it came from the witness stand, did not properly understand the significance of the evidence.'" *McDaniel v. McDaniel*, 150 N.E.3d 282, 288 (Ind. Ct. App. 2020) (quoting *Kirk v. Kirk*, 770 N.E.2d 304, 307 (Ind. 2002)), *trans. denied*.

[18] "Therefore, on appeal we will not 'reweigh the evidence nor reassess witness credibility, and the evidence should be viewed most favorably to the judgment.'" *Id*. (quoting *Best*, 941 N.E.2d at 502). "[I]t 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." *Kirk*, 770 N.E.2d at 307. "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, 1029 (Ind. Ct. App. 2020).

II. Pertinent Statutes and Authority

[19] Indiana Code Chapter 31-17-2.2 ("Chapter 2.2") governs when a petition to relocate is filed.[8] Relocation does not require modification of a custody order. *In re Paternity of J.J.*, 911 N.E.2d 725, 729 (Ind. Ct. App. 2009). If either the relocating or nonrelocating parent requests a hearing on a proposed relocation, "the court shall hold a full evidentiary hearing to allow or restrain the relocation of the child and to review and modify, if appropriate, a custody order, parenting time order . . . or child support order." I.C. § 31-17-2.2-5(d) (emphasis added). The statute also prescribes as follows the manner in

[8] The Indiana Paternity Statute expressly requires relocating individuals to comply with the Relocation Statute. Ind. Code § 31-14-13-10.5.

which the burden of proof shifts between the relocating and nonrelocating parent:

> (e) The relocating individual has the burden of proof that the proposed relocation is made in good faith and for a legitimate reason.
>
> (f) If the relocating individual meets the burden of proof under subsection (e), the burden shifts to the nonrelocating parent to show that the proposed relocation is not in the best interest of the child.

I.C. § 31-17-2.2-5.

[20] When the nonrelocating parent seeks custody because of relocation,[9] the trial court "shall" take into account the following factors in considering the proposed relocation:

> (1) The distance involved in the proposed change of residence.
>
> (2) The hardship and expense involved for the nonrelocating individual to exercise parenting time or grandparent visitation.
>
> (3) The feasibility of preserving the relationship between the nonrelocating individual and the child through suitable parenting time and grandparent visitation arrangements, including consideration of the financial circumstances of the parties.

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[9] *See* Tr. Vol. II pp. 173-74 (Father's hearing testimony that, although he had not filed a petition to modify custody, he "would like to have 50/50 custody").

(4) Whether there is an established pattern of conduct by the relocating individual, including actions by the relocating individual to either promote or thwart a nonrelocating individual's contact with the child.

(5) The reasons provided by the:

(A) relocating individual for seeking relocation; and

(B) nonrelocating parent for opposing the relocation of the child.

(6) Other factors affecting the best interest of the child.[10]

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[10] The "[o]ther factors affecting the best interest of the child" include the Indiana Code Section 31-14-13-2 factors set forth for custody determinations and modifications in the paternity context. These "other factors[,]" which are deemed "relevant" to a determination of the best interest of a child, are as follows:

(1) The age and sex of the child.

(2) The wishes of the child's 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 parents;

(B) the child's siblings; and

(C) any other person who may significantly affect the child's best interest.

(5) The child's adjustment to home, school, and community.

(6) The mental and physical health of all individuals involved.
(7) Evidence of a pattern of domestic or family violence by either parent. . . .

I.C. § 31-17-2.2-1(b); *see Swadner v. Swadner*, 897 N.E.2d 966, 976 (Ind. Ct. App. 2008) (applying these factors in considering a motion to prevent relocation).

[21] In light of guidance from our Supreme Court "explain[ing] [ ] that the Relocation Statute does not necessarily require a substantial change in one of the [Indiana Code Section 31-14-13-2] factors for custody modification to be warranted[,]" we "focus on the factors in the Relocation Statute, keeping in mind that our Supreme Court has cautioned that the Relocation Statute incorporates all of the ["other"] factors as well." *Paternity of X.A.S.*, 928 N.E.2d 222, 225 (Ind. Ct. App. 2010) (quoting *Baxendale v. Raich*, 878 N.E.2d 1252, 1257 (Ind. 2008)), *trans. denied*.

[22] Also pertinent to our review is the following guidance from the Indiana Parenting Time Guidelines, which requires parents to "make every effort to establish a reasonable parenting time schedule[.]" Because Mother's proposed relocation would affect Father's parenting time due to the distance between the parties' residences, we look to:

> SECTION III. PARENTING TIME WHEN DISTANCE IS A MAJOR FACTOR
>
> 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 . . . .

Ind. Parenting Time Guideline III.

III. Best Interests of the Child

A. Challenged Findings

[23] The trial court found here that Mother proved the proposed relocation was being made in good faith and for a legitimate reason; thus, the only issue before us on appeal is whether Father met his burden to show that relocation was not in the Child's best interests. Father opposed Mother's proposed relocation because the resulting geographic distance would: (1) prevent his active involvement in the Child's upbringing, school, and extra-curricular activities; (2) impose onerous transportation costs and burdens upon himself and his family; (3) deny Father opportunities for additional parenting time; and (4) foreclose his family's ability to interact with the Child with accustomed frequency.

[24] We initially note that, in challenging the denial of her proposed relocation, Mother asserts[11] that the following findings of the trial court are unsupported by the evidence: (1) she lacks a support network in Indianapolis, *see* Mother's App. Vol. II, p. 43, Finding 4.m; (2) she has "sporadic" contact with her family, *see id*., p. 43, Finding 4.n, and (3) the Child's previous behavioral problems at daycare "have subsided[,]" and the Child is now "well-adjusted[.]" *See id*. p. 45, Finding 4.v. Even if Mother could persuade us that the aforementioned

[11] Mother also argues that certain reasons cited by the trial court for denying the proposed relocation are "present in any relocation" and would foreclose any future effort by Mother to relocate; and other reasons cited by the trial court "have no bearing on the best interest of [the Child]." Mother's Br. p. 17.

findings are clearly erroneous,[12] she fails to challenge, as unsupported, the trial court's findings regarding the key statutory factors that militate against granting the proposed relocation. For these reasons, discussed below in detail, we find Mother's claims in this respect are unavailing and turn to the statutory analysis.

B. Statutory Factors

[25] We proceed to analyze the appealed order in the context of the factors enumerated in the Relocation Statute. Regarding the first factor, "the distance involved in the proposed change of residence[,]" *see* I.C. § 31-17-2.2-1(b)(1), Mother's proposed relocation from Evansville to Indianapolis represents a geographic difference of approximately 175 miles; regular shifts between the Central and the Eastern time zones; and considerable driving time for the Child and the parties in order for Father to exercise parenting time.

[26] As the testimony established, even if Mother transported the Child from Indianapolis to Bloomington to facilitate Father's parenting time, the six-year old Child would spend approximately six hours of every other weekend commuting between the parties. Father testified as follows regarding the

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[12] The challenged findings enjoy, at least, *some* support in the trial record. For instance, the record reveals that: (1) at the time of the fact finding hearing, Mother's parents' proposed relocation was still in its early inception as they prepared to put their home on the market; and (2) although the Child's serious behavioral issues precipitated the termination of his longtime child care placement, by all accounts, misbehavior was not a primary concern of either party at the time of the hearing. Moreover, we find that Mother's three challenges invite us to reweigh the evidence, which our standard of review precludes us from doing. *McDaniel*, 150 N.E.3d at 288 (quoting *Kirk*, 770 N.E.2d at 307).

adverse impact that the Child's relocation would have on his close bond with the Child and his ability to exercise parenting time:

> Q: Tell the Court how it would impact you I'd [sic] [Mother] were to move to Indianapolis and your ability to see [the Child].
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> A: My ability to see [the Child] would change dramatically. I would lose my Thursday, Friday evenings. I would lose part of the Friday evening. I would get him on Friday, but most of our actual time together would be spent driving to get him and back and then it would be bedtime.
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> Q: Until you get our [sic] license back would you have to have somebody else transport?
>
> A: Yes.
>
> Q: And do you always have the ability to call [paternal aunt] Tina [Barnes] or your Mom [Maria Wall] or someone else to transport?
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> A: I do not always have the ability due to [their] work schedules.
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> * * * * *
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> Q: So that would get you out of there at 4:30, 4:15?
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> A: Between 4:15 and 4:30.
>
> Q: And if you left right from there to go to Indianapolis that's already 5:30, is that correct?

A: Correct.

Q: And then an hour and a half for half way, if it's only 3 hours, depending on where she would move in Indianapolis. 5:30 by the time you get to your car, 6:30, 7:00 to the exchange point, which is already 8:00 Indianapolis time, right?

A: Correct.

Q: Then you turn around and you come back. So 7:30, 8:30. 9:00, home 9:00, 9:15 at the earliest.

A: Correct.

Q: And what time is normal bedtime?

A: I typically put him to bed on weeknights about 8:00 to 8:30. Weekends 8:30 to 9:00.

Q: So he's home at or after bedtime on Friday.

A: Right.

Q: And then you'd have Saturday with him.

A: I would just have Saturday.

Q: And then Sunday you would have to turn around and find somebody else to drive him back up there, is that correct?

A: Correct.

Tr. Vol. II pp. 144-46. The foregoing testimony supports the trial court's finding that, given the distance involved, relocation is not in the best interests of the Child.

[27] The second factor is "[t]he hardship and expense involved for the nonrelocating individual to exercise parenting time or grandparent visitation[.]" *See* I.C. § 31-17-2.2-1(b)(2). In addition to the parties' testimony, supra, regarding the onerous driving commitments involved in shuttling the Child between the parties, Mother also acknowledged that they would incur increased gasoline expenses relating to Father's exercise of parenting time, if the relocation was granted. *See* Tr. Vol. II p. 76. Paternal grandmother Maria Wall testified that she is unfamiliar with Indianapolis and expressed concerns about the time and expense associated with visiting the Child there. *See* Tr. Vol. II p. 233. Paternal aunt Tina Barnes testified that, due to Father's driving restrictions at the time of the hearing, his family members will have to transport him to and from Bloomington to pick up the Child for his parenting time. The foregoing evidence supports the trial court's finding that, given the hardship and expense involved for Father to exercise parenting time (and Ms. Wall to exercise grandparent visitation), relocation is not in the Child's best interests.

[28] We turn to factor three, "[t]he feasibility of preserving the relationship between the nonrelocating individual and the child through suitable parenting time and grandparent visitation arrangements, including consideration of the financial circumstances of the parties." *See* I.C. § 31-17-2.2-1(b)(3). At the hearing, Father testified regarding: (1) his close bond with the Child; (2) the adverse

impact that the Child's relocation would have on Father's exercise of parenting time; (3) the Child's heightened separation anxiety since Mother filed the motion for relocation, *see* Tr. Vol. p. 133; (4) Father's resulting inability to actively participate in the Child's upbringing, medical appointments, and school and extra-curricular activities; (5) the devotion of Father's family to the Child and the likelihood that their access to the Child would diminish upon relocation;[13] (6) the relative inflexibility of his dayshift and overtime work schedule; and (7) the aforementioned expense and transportation burdens. Father also testified that he believed that, if the relocation was granted, he "will have no say in what happens" in the Child's life. *Id*. at 162. The foregoing testimony supports the trial court's finding that relocation is not in the Child's best interest due to the lack of feasibility of preserving the relationship between Father and the Child through suitable parenting time and grandparent visitation.

[29] Regarding the fourth factor, "[w]hether there is an established pattern of conduct by the relocating individual, including actions by the relocating individual to either promote or thwart a nonrelocating individual's contact with the child[,]" the record lends little support for a finding that Mother willfully

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[13] Also, paternal grandmother Maria Wall testified that the Child is her only grandchild; and that the proposed relocation would "tremendous[ly]" impede the Child's extended family from engaging with him because "[they] would all be fighting to see [the Child], but then taking that time away from [Father] and [the Child.]" Tr. Vol. II p. 228. She also testified that she, her parents, and her sister and brother-in-law could no longer attend the Child's sporting events as was their custom. Also, paternal aunt Tina Barnes testified that the Child is "very, very bonded" with Father, who takes a "one hundred percent" active role in parenting his son. *Id*. at 110.

sought to thwart Father's contact with the Child. *See* I.C. § 31-17-2.2-1(b)(4). Although we agree with the trial court that Mother failed to communicate openly with Father regarding her search for jobs in Indianapolis and her acceptance of a new job in Indianapolis, this isolated circumstance of non-communicativeness does not equate to an "established pattern of conduct."

[30] Rather, the record indicates that Mother acted to promote Father's contact with the Child as follows: (1) Mother testified that she does not want to alienate Father from the Child and that the Child "needs his Father, as well[,]" Tr. Vol. II p. 49; (2) Mother has invited Father's involvement with correcting the Child's behavior and attitude when the Child is in her care, *see id*. at 151-52; (3) Mother has allowed Father to pick the Child up from school during her parenting time; (4) the parties co-parent positively and productively regarding childrearing issues and concerns; and (5) the parties' extended families maintain an amicable and supportive relationship, even since the parties ended their relationship. Under these circumstances, this factor is not determinative regarding whether the proposed relocation is in the Child's best interest.

[31] The fifth factor requires us to consider Mother's reasons for seeking relocation and Father's reasons for opposing it. *See* I.C. § 31-17-2.2-1(b)(5). As discussed, supra, the trial court found Mother's proposed relocation to be for legitimate reasons and in good faith. She sought relocation to Indianapolis to pursue a higher-paying job in her chosen specialty area that would not require her to visit her clients' homes. Father opposed Mother's proposed relocation because the resulting geographic distance would: (1) prevent his active involvement in the

Child's upbringing, school, and extra-curricular activities; (2) impose onerous transportation costs and burdens upon himself and his family; (3) deny Father opportunities for additional parenting time; and (4) foreclose his family's ability to interact with the Child with accustomed frequency. This factor inures against the proposed relocation being in the Child's best interests.

[32] In *Browell v. Bagby*, 875 N.E.2d 410 (Ind. Ct. App. 2007), *trans. denied*, this Court opined that *it is the effect of a proposed relocation on a child "that renders a relocation substantial or inconsequential—i.e., against or in[ ]line with the child's best interest*." 875 N.E.2d at 415 (citation omitted) (emphasis added). Such is the case here. Although we commend Mother's legitimate and good faith pursuit of a better job, Father successfully demonstrated that the "*effect*" of Mother's proposed relocation on the Child would be inconsistent with the Child's best interests.

[33] After the burden of proof shifted to Father, he established that the proposed relocation would have myriad adverse effects on the life of the six-year-old Child, including: (1) straining the close Father-Child bond with geographic distance and time zone differences; (2) subjecting the young Child to significant travel commitments that he does not presently endure in order to spend time with Father; (3) imposing transportation costs and burdens on both parties; (4) foreclosing Father's active engagement with child-rearing, school activities, and extra-curricular activities, such as coaching the Child's t-ball team; (5) denying Father the opportunity to readily exercise additional parenting time and his right of first refusal; and (6) limiting Father's extended family's engagement

with the Child. The foregoing evidence supports the trial court's findings, and the findings support the court's judgment; thus, we affirm.

Conclusion

[34] The trial court did not clearly err in denying Mother's proposed relocation. We affirm.

[35] Affirmed.

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