MEMORANDUM DECISION

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IN THE COURT OF APPEALS OF INDIANA

Ashlee A. Trammel,
Appellant-Petitioner,

v.

Jeffery S. Trammel,
Appellee-Respondent

May 17, 2023

Court of Appeals Case No. 22A-DR-2032

Appeal from the DeKalb Superior Court

The Honorable Monte L. Brown, Judge

Trial Court Cause No. 17D02-1611-DR-260

Memorandum Decision by Judge Crone
Judges Robb and Kenworthy concur.

Crone, Judge.

Case Summary

[1] Ashlee A. Trammel (Mother) and Jeffery S. Trammel (Father) married in 1998 and thereafter had five children: P.T. (born June 2000), G.T. (born October 2001), R.T. (born December 2004), K.T. (born November 2006), and T.T. (born May 2008), (collectively the Children). After a sixteen-year marriage, the parties divorced. In this third appeal of their dissolution, Mother challenges the court's denial of her petition to modify custody and parenting time. We affirm.

Facts and Procedural History

[2] Within the parties' December 2014 dissolution decree, the court ordered shared legal custody of the Children, gave Mother primary physical custody, and outlined parenting time according to the Indiana Parenting Time Guidelines (IPTG) for Father. In 2015, Mother petitioned to relocate from Indiana to North Carolina, and Father moved to modify custody. Mother moved to Asheville, North Carolina in 2015 and has resided there ever since with her husband, Todd Reep. In July 2015, the court denied Mother's petition, granted Father primary physical custody, provided Mother parenting time per the IPTG when distance is a major factor, and ordered Mother to pay Father's attorney fees. Mother appealed. *See Trammel v. Trammel*, No. 92A04-1507-DR-933, 2016 WL 155966 (Ind. Ct. App. Jan. 13, 2016) (affirming denial of Mother's petition to relocate, reversing attorney fee award, and finding no abuse of discretion in court's decision to follow IPTG). When Mother exercises her visitation, the Children stay at Mother and Reep's Asheville home, or Mother travels to Indiana and hosts the Children in a small residence not far from Father's home.

[3] In April 2016, Mother petitioned to modify custody, requested the appointment of a guardian ad litem (GAL), and moved for a psychological evaluation of Father. Thereafter, a special judge was appointed, and, in September 2016, the judge denied Mother's requests for the GAL appointment and the psychological evaluation. Over the next couple of years, multiple contentious motions concerning a variety of topics were filed. In July 2018, the court denied Mother's petition to modify custody, modified her child support obligation, found her in contempt for leaving Indiana during liberal parenting time, restricted her parenting time, and ordered her to pay Father's attorney fees. Mother appealed. *See Trammel v. Trammel*, No. 18A-DR-3153, 2019 WL 3211204 (Ind. Ct. App. July 17, 2019) (affirming in part, reversing contempt finding, and remanding with instructions to modify Mother's child support obligation and to reconsider appropriateness of attorney fees), *trans. denied*.

[4] In late August 2021, a teacher from Lakewood Park Christian School, the school attended by the three youngest Children, emailed Father to alert him that then-thirteen-year-old T.T. was struggling "with her mental health." Appellant's App. Vol. 2 at 129. The teacher, who was "very concerned" by "too many red flags," delineated T.T.'s "down in the dumps" demeanor and attitude, her negative comments about people, school, and life, and her "frequent talks of suicide." *Id.* In an emailed reply to the teacher, Father conveyed that he spoke with T.T. about the concern, stated he would "keep an eye on" T.T., asked the teacher to alert him if the concerns persisted, and shared his view that the Children were "focus[ing] on the negative aspects of

the school" due to the influence of "another family member." Ex. Vol. 1 at 178. Father neither communicated the teacher's concerns to Mother nor sought help for T.T. from a licensed mental health counselor. In September 2021, when the school notified Mother about T.T., Mother executed a consent to have T.T. seen by the school's counseling provider, Crosswinds Counseling. In a letter sent in early October, Father's attorney demanded that Crosswinds "cease any further services with" T.T. and K.T. *Id*. at 180-81. Mother and Father did not reach an agreement regarding counseling services for T.T. or K.T.

[5] In October 2021, Mother petitioned to modify custody, parenting time, and child support. Because P.G. and G.T. were emancipated by then, the petition involved only R.T., K.T., and T.T.[1] In December 2021, Mother petitioned to allow R.T. and T.T. to participate in counseling, again moved for appointment of a GAL,[2] and requested attorney fees. Father moved for sanctions.

[6] In February 2022, Mother moved for and was granted a custodial evaluation. The court appointed Dr. Jenny Seiss, a clinical psychologist, to conduct the evaluation. Dr. Seiss's report resulted from approximately eighty hours of work and was based upon "psychological testing done with both parents and stepparents, interviews with all [five] children, and observations with the

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[1] P.G., a nurse, moved to Asheville in 2018 to be closer to Mother and to attend college. G.T. earned scholarships, attended college in West Lafayette, Indiana, and has spent summers with Mother in Asheville. P.G. and G.T. are estranged from Father.

[2] We have found no indication that a GAL was appointed, and the record is unclear as to whether the motion for a GAL is still pending.

parents & the three youngest children" on seven different days in April and May. *Id*. at 13. The twenty-three-page report, submitted to the court in early June 2022, included the following recommendations:

> Mother seek counseling with a licensed mental health professional to work through her own feelings regarding her past failed marriage and what has occurred.…
>
> Father attend parent education classes and individual counseling with a **licensed** therapist with treatment goals including: a) Develop an awareness of how his behavior impacts his children; b) Anger management skills; c) Gain an appropriate understanding of developmentally appropriate expectations, and identify appropriate discipline.…
>
> These children, while resilient and full of grace, need help processing what has happened to them. It is my strong recommendation that these children receive counseling from a licensed mental health therapist.…
>
> [The parents should be] assigned a Parenting Coordinator to assist them in settling any disputes or disagreements about how the [IPTG] are interpreted. I would also recommend the parents utilize the app, Our Family Wizard to assist in decreasing verbal attacks against one another and clearly identify scheduling for parenting time. All communication between the parents should be through the Our Family Wizard app and if a disagreement arises it can secondarily be sorted out with the assistance of the Parenting Coordinator. Absolutely no communication about parenting time or disagreements should be made through or to the children.…

> Due to the level of conflict and clear lack in ability for these two parents to co-parent the Court might also consider awarding sole legal custody to Mother.…
>
> It is my professional opinion and clinical recommendation that due to the two youngest children's current stage of development, emotional needs, and gender that it is in their best interest at this time to be placed in the primary physical custody of Mother with [IPTG] when Distance is a factor being utilized.…
>
> I recommend that for now, [R.T.] stay in Father's primary custody.

Id. at 14-15 (underlined emphasis replaced with bold type).[3] Dr. Seiss included an alternative recommendation that R.T. be permitted to make his own decision about where he lives and finishes school when he turned eighteen in December 2022. Dr. Seiss's summary also included the following admonition:

> Finally, and while I do not believe I should find it necessary to say, I want to be very clear to both parents that in no way should the content of this report be shared with or discussed with the children. To discuss the contents, the quotes or anything in this evaluation with the children could be detrimental to them and in my opinion would be [a] blatant disregard for their wellbeing.

Id. at 15-16.

[3] The excerpt we have included is a compilation of the recommendations that Dr. Seiss chose to emphasize in bold in her "Summary and Suggestions for Consideration to the Court" section of her report.

[7] In June 2022, Father filed a motion for an in-camera interview of the Children, and Mother moved to quash. Father also requested findings of fact and conclusions thereon. That same month, the court held a hearing regarding custody and parenting time and, at the conclusion of evidence, conducted an in camera interview with R.T., K.T., and T.T. The interview was neither recorded nor attended by either party's counsel.

[8] In an August 2022 order consisting of sixty-six findings of fact and conclusions, the court denied Mother's petition to modify custody and parenting time.[4] The court found that Mother "failed to establish" that custody modification was in the best interests of the Children and likewise failed to establish a substantial change in one or more relevant factors. Appealed Order at 14. Of particular note, the court found:

> That as indicated [in finding 14], the Court conducted an in-camera interview of the 3 children that are the subject of this proceeding. Like Dr. Seiss, the Court found all 3 children to be unusually open and honest, insightful, intelligent and mature well beyond their age. Of all the in-camera interviews the Court has ever conducted, not one has been as thoughtful, well-reasoned, and persuasive as the in-camera interviews conducted with [R.T., K.T., and T.T.] Consistent with I.C. 31-17-2-8(3) and all 3 children being age 14 or older, the Court gives considerable weight and consideration to the children's wishes and in determining the best interests of the children for custody and parenting time.

[4] The support issue was deferred by agreement of the parties.

Id. at 13. The court ordered that the parties continue exercising joint legal custody; the Children remain enrolled at their current school; the parents not disparage each other in front of the Children; the parents utilize the Our Family Wizard application; the parents enroll in individual mental health counseling and follow counselors' recommendations; the Children be placed in counseling with a mutually agreed upon mental health provider that is licensed within Father's network and not necessarily Christian based; the parents follow all recommendations of the Children's provider; the parents provide equal access to the Children's medical and mental health records; the parents individually attend a parenting course; and the parents strictly adhere to a very specific parenting time arrangement set forth in the order. *Id*. at 15-17. The court further ordered that costs be shared and declined to appoint a parenting coordinator. *Id.* at 17. Mother appeals.

Discussion and Decision

[9] At the outset, we recognize that Mother, as the party "seeking modification," had the "burden to demonstrate the existing custody arrangement need[ed] to be altered." *In re Paternity of J.T.*, 988 N.E.2d 398, 399 (Ind. Ct. App. 2013). Where, as here, findings of fact and conclusions thereon were requested and included within the court's judgment, we "shall not set aside the findings or judgment unless clearly erroneous, and due regard shall be given to the opportunity of the trial court to judge the credibility of the witnesses." Ind. Trial Rule 52(A).

> Appellate judges are not to reweigh the evidence nor reassess witness credibility, and the evidence should be viewed most favorably to the judgment. Findings are clearly erroneous only when the record contains no facts to support them either directly or by inference. Appellate 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) (citations and quotation marks omitted). "To determine that a finding or conclusion is clearly erroneous, our review of the evidence must leave us with the firm conviction that a mistake has been made." *Campbell v. Campbell*, 993 N.E.2d 205, 209 (Ind. Ct. App. 2013), *trans. denied*. A judgment is clearly erroneous if it "applies the wrong legal standard to properly found facts." *Id*.

[10] "On appeal, it is not enough that the evidence might support some other conclusion, but it must positively require the conclusion contended for by" the appellant before reversal is warranted. *Steele-Giri v. Steele*, 51 N.E.3d 119, 124 (Ind. 2016). "[E]ven an erroneous finding is not fatal to a trial court's judgment if the remaining valid findings and conclusions support the judgment, rendering the erroneous finding superfluous and harmless as a matter of law." *M.K. Plastics Corp. v. Rossi*, 838 N.E.2d 1068, 1074 (Ind. Ct. App. 2005). Although it is not impossible to reverse a trial court's decision regarding child custody on

appeal, "given our deferential standard of review, it is relatively rare." *Hecht v. Hecht*, 142 N.E.3d 1022, 1029 (Ind. Ct. App. 2020).

Section 1 – Certain findings were either supported by the record or superfluous.

[11] Mother challenges finding 14, claiming that the in-camera interview was not "by agreement of counsel." *See* Appealed Order at 5. Specifically, Mother asserts that her counsel objected to the in-camera interview because (1) Dr. Seiss recommended against it due to the high conflict nature of the case; (2) Father disregarded Dr. Seiss's recommendation not to discuss her report with the Children; and (3) Father had the opportunity to influence the Children. While the record supports each of Mother's three assertions, she misunderstands finding 14, which states:

> That at the conclusion of evidence, the Court granted Father's Motion and by agreement of counsel conducted an unrecorded in-camera interview with the minor children, [R.T., K.T., and T.T.], all outside the presence of the parties and counsel. Pursuant to the Court's discretion and Ind. Code § 31-17-2-8(3), the Court gives significant weight and consideration to these children's wishes with all being age 14 and older regarding the determination of their best interests for custody and parenting time.

Id. Finding 14 does not state that counsel agreed to the in-camera interview. Rather, the finding states that the court granted Father's motion for the in-camera interview. Once the motion was granted, both counsel did agree that the

in-camera interview would be conducted without recording or presence of parties or counsel. The finding was not clearly erroneous.

[12] To the extent Mother challenges the court's decision to grant Father's motion for the in-camera interview, we are not persuaded. "The court may interview the child in chambers to ascertain the child's wishes." Ind. Code § 31-17-2-9(a). The court heard Dr. Seiss's reasons for not directly asking the Children their custody preferences and her opinion that Father could "one hundred percent" poison the well when the Children testified in camera because "they are scared of losing their relationship with their Father." Tr. Vol. 2 at 103. The court also knew Dr. Seiss's report's custody recommendation and heard that despite Dr. Seiss's admonition to the parents about not discussing her report with the Children, Father walked into a room "tearfully and let them know that the recommendation of Dr. Seiss was that the girls would be moving to North Carolina." Tr. Vol. 3 at 58. However, Indiana's statutory framework expressly allows courts to ask children–particularly those fourteen and older–about their wishes. *See* Ind. Code § 31-17-2-9; Ind. Code § 31-17-2-8. The discretion afforded by our legislature permitted the court to weigh Dr. Seiss's perspective and the possible effects of Father's poisoning of the well as the court interviewed the Children. Moreover, the Children's preference is but one of the various factors considered in potential custody modifications. Mother has not shown that the court abused its discretion by granting Father's motion for the in-camera interview.

[13] Mother also challenges finding 42: "That the test results for both parents indicate an authoritarian style of parenting." Appealed Order at 11. According to Dr. Seiss's test results, Father has an authoritarian (controlling, rigid, demanding, emotionally abusive) parenting style, and Mother has an authoritative (flexible, child-centered, encouraging, contributes to best outcomes for children) parenting style. Ex. Vol. 1 at 13, 14; Tr. Vol. 2 at 120, 89-90. Thus, finding 42 is incorrect. However, finding 41 states: "That parenting styles range from permissive to authoritarian. A balanced appropriate style of parenting is authoritative. *Authoritarian* parenting styles achieve the best outcomes for children." Appealed Order at 11 (emphasis added). The last sentence of finding 41 contains a typographical error, which might have carried over into finding 42. Regardless of the labels for parenting styles, which are so similar as to be easily confused,[5] the court heard and read the concerns about each parent and indeed listened to extensive testimony from both Mother and Father. The court also had no indication that the parenting styles had changed since the last request for custody modification. Accordingly, Mother has not shown that the error in labeling of parenting styles is fatal to the trial court's judgment given the other sixty-plus findings and conclusions. *See M.K. Plastics*, 838 N.E.2d at 1074 (characterizing erroneous findings as superfluous and harmless).

[5] While discussing the continuum of parenting styles, Dr. Seiss and counsel noted how authoritative and authoritarian sound similar, but one is "not to be confused with" the other. *See* Tr. Vol. 2 at 89-90.

Section 2 – Mother has not shown reversible error in the court's finding of no substantial change to warrant custody modification.

[14] Mother contends that the court erred in finding that she failed to demonstrate a substantial change that would merit a change in custody. She raises three potential changes. She first cites T.T.'s mental health, as evidenced by the teacher's concern, combined with Father's reluctance to seek counseling for T.T. Second, Mother focuses on what she terms Father's mental health. Third, she points to Father's strained relationship with P.T. and G.T., who reported to Dr. Seiss that they have dealt with their own mental and/or emotional health problems.

[15] To address Mother's contentions, we look to the relevant statute, which provides:

> (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 and, if applicable, section 8.5 of this chapter.
>
> (b) In making its determination, the court shall consider the factors listed under section 8 of this chapter.
>
> (c) The court shall not hear evidence on a matter occurring before the last custody proceeding between the parties unless the matter

> relates to a change in the factors relating to the best interests of the child as described by section 8 … of this chapter.

Ind. Code § 31-17-2-21 (emphasis added). The factors referenced in Indiana Code Section 31-17-2-21 are:

> (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.

Ind. Code § 31-17-2-8.

[16] "[A] change in circumstances must be judged in the context of the whole environment, and the effect on the child is what renders a change substantial or inconsequential." *Jarrell v. Jarrell*, 5 N.E.3d 1186, 1193 (Ind. Ct. App. 2014) (citation and quotation marks omitted), *trans. denied*. A parent's "general lack of cooperation or isolated acts of misconduct cannot serve as a basis for custody modification." *Maddux v. Maddux*, 40 N.E.3d 971, 979 (Ind. Ct. App. 2015). Only misconduct "so egregious that it places the child's mental and physical welfare at stake" justifies custody modification. *Id.*

[17] Regarding T.T.'s mental health, Father responded by talking with T.T., circling back with the teacher, thanking him for sharing his concerns, indicating that he would continue monitoring T.T., asking the teacher to do the same, and opining that he viewed T.T.'s behavior as a combination of her type of humor plus negative messages emanating from a family member. Because the parties share joint legal custody, both parents should have been notified of the teacher's concerns, and both should have determined an appropriate plan. That said, when T.T. spoke with Dr. Seiss, she "adamantly denie[d] any thoughts or intent" of suicide. Ex. Vol. 1 at 30. Dr. Seiss believed her but noted the difficulty of being the "youngest child in this family of a highly conflictual divorce." *Id*. Having heard the evidence, the court certainly could have determined that T.T. might benefit from counseling yet not find that her mental

health was a substantial change to justify a custody modification. Indeed, that is what the court did here by ordering counseling.

[18] In her argument regarding Father's "mental health," Mother primarily focuses upon Father's authoritarian parenting style. Appellant's Br. at 41-43. She includes, from Dr. Seiss's report, quotes by the Children regarding Father's unavoidable anger, emotional whiplash, and verbal abuse. She notes Father's low score on one of Dr. Seiss's tests coupled with the psychologist's testimony that children raised by parents with an authoritarian style are at higher risk of mental health problems, substance abuse, obesity, low grades, and social isolation. Tr. Vol. 2 at 86-87. Mother also characterizes as evidence of Father's "mental health issue" the fact that he ignored Dr. Seiss's admonition not to discuss her report with the Children and requested the in-camera interview. Appellant's Br. at 43.

[19] While Father's parenting style, as described by Dr. Seiss, is far from ideal, Mother has not shown how a less-than-ideal parenting style equates to mental illness. Moreover, one could certainly question Father's judgment in disregarding Dr. Seiss's admonition, but again, Mother has not demonstrated how this action evidences mental health issues. Finally, given that our legislature explicitly created the in-camera procedure for courts to discern the wishes of children (Ind. Code § 31-17-2-9), we cannot agree with Mother that Father's motion requesting such an in-camera interview evidenced mental illness.

[20] We also find compelling the court's finding that Dr. Seiss's testimony and report did not separate or distinguish dates of factual event or collateral data thus making it "largely impossible" for the court to "identify or otherwise determine what substantial changes, if any, have occurred with regard to the psychological profiles of the parties before and after" July 2018, when the last custody proceeding occurred. Appealed Order at 4-5; *see* Ind. Code § 31-17-2-21(c) ("The court shall not hear evidence on a matter occurring before the last custody proceeding between the parties unless the matter relates to a change in the factors relating to the best interests of the child as described by section 8").[6] That is, Dr. Seiss did not testify that Father's behavior or psychology (or Mother's for that matter) have changed since the last custody review. Additionally, the record revealed a consensus that, having been in the same custodial arrangement for six-plus years, and despite Father's and Mother's

[6] Mother attempts to circumvent Indiana Code Section 31-17-2-21(c)'s restriction by relying upon *Dwyer v. Wynkoop*, 684 N.E.2d 245 (Ind. Ct. App. 1997), *trans. denied*. We find *Dwyer* inapplicable to the present case. In *Dwyer*, a panel of this Court stated: "we do not find that the consideration of critical information about the child's current circumstances previously unknown to the trial court constitutes relitigation of a previous custody determination, *especially when custody was stipulated to by the parties in a summary dissolution proceeding as it was here*." *Id*. at 249 (emphasis added). The panel stressed that the issue of custody had not been litigated. In a subsequent modification hearing, a clinical psychologist testified that evaluations of the mother suggested she suffered from mixed personality disorder, impulsiveness, poor planning, poor work history, underachievement, instability, and relationship difficulties. The same psychologist warned that a child exposed to an ongoing pattern of psychopathology would have a greater risk of similar behavior patterns and degrees of psychopathology. The psychologist's testimony, as well as evidence that the mother had attempted to take her own life, was new information. Here, in contrast to being stipulated, custody has been repeatedly argued from the beginning of the dissolution proceedings up to and including the present appeal. Mother's and Father's interference with parenting time, highly contentious communications, failures to cooperate concerning custody, parental alienation, and general poor behaviors (albeit without labels) were not new to the court. Judge Brown has presided over the parties' post-dissolution matters for quite some time.

shortcomings, the Children are loving, respectful, insightful, and articulate and have done well in school and in extracurricular activities.

[21] As for Father's troubled relationship with P.T. and G.T., Mother has not demonstrated how their estrangement fits within the factors of Indiana Code Section 31-17-2-21 as applied to this case involving R.T., K.T., and T.T. We do not disagree with Dr. Seiss that Father's removal of photos of P.T. and G.T. from his home and return of handmade mementos to P.T. and G.T. was "immature." Ex. Vol. 1 at 33. However, there is no allegation that Father's behavior has caused a change in the interaction or interrelationship of R.T., K.T., and T.T. with their emancipated siblings, P.T. and G.T. *See* Ind. Code § 31-17-2-21(4)(B). To the contrary, Dr. Seiss stated that the Children "have an incredible bond and connection" with each other. Ex. Vol. 1 at 13. Moreover, while both P.T. and G.T. reported emotional and/or mental health problems, they are each thriving in many ways, have "indicated great love for" Father, and have described the estrangement as a request for "time and space rather than a permanent dissolution" of the relationship with Father. *Id*. at 28, 29, 33.

[22] In sum, Mother has not shown reversible error in the court's finding that she has "failed to establish a substantial change in one or more" of the statutory factors a court may consider when considering modification of a prior custody order. Appealed Order at 14. Indiana Code Section 31-17-2-21 states that a court "may not modify a child custody order unless" there is a "substantial change in one (1) or more of the factors that a court may consider under section 8" *and* the modification is in the best interests of the child. Because Mother has

not demonstrated reversible error regarding the court's finding that there is no substantial change in a relevant factor, we need not analyze the best interests prong.

Section 3 – The court did not err by adopting many but not all recommendations within Dr. Seiss's report, by giving considerable weight to the in-camera interview, or by concluding that custody should not be modified.

[23] We briefly address a few additional contentions raised by Mother. First, she claims that the court "erred in not relying upon Dr. Seiss's report" and rejecting her "conclusions out of hand." Appellant's Br. at 47. The court was not required to accept Dr. Seiss's opinion. *See Periquet-Febres v. Febres*, 659 N.E.2d 602, 607 (Ind. Ct. App. 1995) ("A finder of fact is not required to accept the opinions of an expert simply because [s]he is an expert."), *trans. denied* (1996). That said, even a cursory comparison of Dr. Seiss's recommendations with the numerous requirements with which the parties must now comply, per the court's August 2022 order, makes it abundantly clear that the court actually adopted several of Dr. Seiss's recommendations. To the extent that the court deviated from Dr. Seiss's recommendations, it was well within its discretion in doing so because the court based its decision on *all* the evidence presented. The court not only read Dr. Seiss's report but also heard her testimony, assessed Mother's and Father's credibility during their live testimony, appropriately

considered stability, distance, and logistics[7] in the context of this family's particular situation, reviewed hundreds of texts and email exhibits, interviewed the Children in camera, and applied the proper law. From our vantage point on appeal, we see no error.

[24] Mother next asserts that the in-camera interview "cannot serve as the sole basis" for the court's determination and points out that the interview was not on the record so "there is no evidence" as to what the Children said. Appellant's Br. at 52. As stated above, the court did not rely solely on the in-camera interview and was well within its discretion to weigh the interview as it saw fit. Our job on appeal is not to "reweigh the evidence." *Wolljung v. Sidell*, 891 N.E.2d 1109, 1111 (Ind. Ct. App. 2008). Indiana Code Section 31-17-2-9(b) provides: "The court may permit counsel to be present at the interview. If counsel is present: (1) a record may be made of the interview; and (2) the interview may be made part of the record for purposes of appeal." Having agreed to the interview being unattended by counsel and unrecorded, counsel cannot now complain that there is no evidence as to what the Children told the court. Further, we reiterate the court's finding:

> Like Dr. Seiss, the Court found all 3 children to be unusually open and honest, insightful, intelligent and mature well beyond their age. Of all the in-camera interviews the Court has ever conducted, not one has been as thoughtful, well-reasoned, and

[7] Differences in income and time constraints of employment cannot be ignored in custody disputes where the parents reside several states away from each other.

> persuasive as the in-camera interviews conducted with [R.T., K.T., and T.T.]

Appealed Order at 13. We have been given no reason to discount the court's finding.

[25] Finally, Mother argues that the fact that "neither parent was perfect does not" justify maintaining the current custody arrangement. Appellant's Br. at 55. Essentially arguing that she is the better parent, Mother highlights her willingness to compromise, attunement with the Children's problems, and their comfort in speaking with her. The court heard this information but also heard concerns about Mother from Dr. Seiss. Without a doubt, Father has his own struggles. Yet, the court found, and the evidence most favorable to the judgment supports, that both parents are "fit and suitable to care for the minor children" and have a close, good, beneficial relationship with R.T., K.T., and T.T. Appealed Order at 11, 12. Well adjusted, successful in school and activities, and bonded to each other, the Children love their parents–despite the issues that have arisen during the six-plus years of this custodial arrangement. *Id*. at 11, 14. In its detailed order, the court concluded that Mother did not meet her burden of demonstrating that the existing custody arrangement needed to be altered. The court also fleshed out several thoughtful "additional Orders" to ensure that Mother, Father, and the Children receive the supports they need, to clarify schooling, communication methods, parenting time, etc., and to avoid future disagreements. *Id*. at 15-17. Our review of the evidence has not left us with the firm conviction that a mistake has been made or that the wrong legal

standard was applied. And, given the deferential standard of review that we apply in domestic relations matters, we will not disturb the court's order.

[26] Affirmed.

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