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**IN THE
COURT OF APPEALS OF INDIANA**

B.G.,)
)
Appellant-Petitioner,)
)
vs.) No. 52A02-1101-DR-11
)
J.B.,)
)
Appellee-Respondent.)

APPEAL FROM THE MIAMI CIRCUIT COURT
The Honorable George A. Hopkins, Special Judge
Cause No. 52C01-0607-DR-318

August 8, 2011

MEMORANDUM DECISION - NOT FOR PUBLICATION

NAJAM, Judge

STATEMENT OF THE CASE

B.G. (“Father”) appeals the dissolution court’s order modifying custody of his children D.G. and I.G., parenting time, and child support. Father presents two issues for our review. However, we do not reach the merits of Father’s appeal because of various defects in his brief and appendix and, especially, his failure to respond to an order of this court dated June 23, 2011.

We dismiss.

FACTS AND PROCEDURAL HISTORY

Our review of this appeal is significantly hampered by a lack of information in the brief and record submitted by Father.¹ For instance, while we know the dates the parties’ children were born to Father and J.G. (“Mother”), we have no idea when the parties were married. Only by reading the CCS did we discover that the parties were divorced in 2007.

From what we can gather, the original custody agreement awarded custody of both children to Mother, but on June 22, 2010, Father filed a petition seeking modification of custody wherein he sought custody of D.G. Thereafter, the parties submitted an Agreed Order Modifying Custody that was, according to the CCS, approved by the dissolution court on August 20, 2010. Also on August 20, and on August 27, the parties apparently filed affidavits of citation,² which were addressed and resolved at a hearing on October 8. At that hearing, the parties submitted a stipulation regarding open custody matters. On October 19, the dissolution court issued an order addressing issues of child support and

¹ J.G. (“Mother”) did not file an appellee’s brief.

² The affidavits of citation are not included in the record on appeal.

parenting time. In particular, the dissolution court ordered that the previous child support order should be modified effective July 11, 2010, which was the date that Father's summer visitation with D.G. ended and when D.G. was supposed to return home to Mother. The dissolution court also ordered that Mother was to have the right of first refusal with respect to visitation with I.G. on certain days during I.G.'s summer visitation with Father. Father filed a motion to correct error, which the court denied. This appeal ensued.

DISCUSSION AND DECISION

Father contends that the dissolution court abused its discretion when it ordered that the previous order on child support for D.G. should be modified effective July 11, 2010, and granted Mother additional parenting time during Father's summer visitation with I.G. Upon our initial review of the record, we discovered that Father did not include in the record on appeal a copy of the parties' Agreed Order Modifying Custody approved by the dissolution court on August 20, 2010. Given that Father filed his petition to modify custody in June, it would seem that the August 20 Order might contain information relevant to this appeal. Regardless, there is a dearth of evidence in the record before us, and we cannot properly consider this appeal.

The transcript of the October 8, 2010, hearing is a mere six pages long. No witnesses testified during the hearing, and no exhibits were introduced. Instead, as Father characterizes it, "facts and issues were submitted by a summary statement wherein the parties submitted issues for the court's determination." Brief of Appellant at 2. And Father states that the issues submitted to the dissolution court were: 1) whether Mother's

right of first refusal was appropriate during Father's extended summer visitation with I.G.; 2) whether modification of custody became effective on June 6 or June 22; and 3) "whether distance is a factor in parenting time." Id. Because we cannot determine what evidence the dissolution court relied upon in considering those issues, we are unable to review the court's order.

In this court's June 23 order, we instructed Father to include in a supplemental appendix "any written stipulation(s) submitted to the trial court and/or referred to during the hearing on October 8, 2010." While Father appears to suggest that a stipulation was made orally to the dissolution court during the October 8 hearing, we are unable to decipher whether a stipulation was made and, if so, what that stipulation provided. And Father has not provided us with any written stipulations, if any exist.

To further frustrate our efforts on review of this appeal, Father makes only a single citation to the record in his entire Argument section. And that citation merely refers to Mother's request that the dissolution court "determine if support starts on June 22nd or June the 6th[.]" Transcript at 4. Father does not direct us to any evidence to support his contention that the dissolution court abused its discretion when it ordered that the effective date of the custody modification would be July 11, 2010. Indeed, Father does not challenge the dissolution court's finding that "the summer visitation ended on July 11, 2010, and the child should have returned to his home on that day. He did not return to his home." Appellant's App. at 15.

For all of these defects in Father's brief on appeal and appendix, but especially because of Father's failure to respond to this court's order of June 23, 2011, we cannot

determine the issues presented on the record before us, and we must dismiss Father's appeal.

Dismissed.

ROBB, C.J., and CRONE, J., concur.