

DOCKET NO: KNO-FA24-6109726-S :: SUPERIOR COURT
GARY UPTON :: J.D. OF NEW LONDON
V. :: AT NORWICH
MEAGAN SEACOR :: MAY 29, 2024

MEMORANDUM OF DECISION

This is a custody action regarding the parties’ minor child, initiated by the plaintiff, Gary Upton, against the defendant, Meagan Seacor. Both parties were represented at trial by counsel. The parties were heard before the court at trial on May 23rd and 24th of 2024.

The court has fully considered the applicable statutes, including but not limited to the criteria of Connecticut General Statutes §§ 46b-56, 46b-56a, 46b-56c, 46b-84, and 46b-215a, as well as the testimony, evidence, applicable case law, the demeanor and credibility of the witnesses, the arguments of counsel, the parties’ proposed orders, and the testimony and recommendations of the Guardian Ad Litem, in making the findings of fact, conclusions of law, and entering the orders that issue below.

FINDINGS OF FACT

The parties are the parents of the minor child April June Upton, born April 1, 2018. The court has jurisdiction over this matter as the child has resided in Connecticut continuously since birth, and because Connecticut is the home state of the child. Neither parent, nor the child, have

5/29/24 - Sent to all parties of the record and recorder of judicial decisions.
Chris Hodgkinson
CFC

received financial assistance from the State of Connecticut, with the exception of the child's participation in the HUSKY Health Insurance program.

This case has had a difficult procedural history. The defendant mother filed the first custody application concerning the minor child in September of 2020. That case was eventually dismissed without a resolution on the merits on March 3, 2022. A second custody application was filed shortly thereafter, in May of 2022. That case was dismissed, also without resolution on the merits, on January 16, 2024. The instant action was filed immediately thereafter, with each party having retained new counsel. The Guardian ad Litem (GAL), Attorney Paige Quilliam, has served in that capacity in each of the three cases, and so has been involved with the minor child, and the parties' disputes, since her appointment in April of 2021 in the parties' first custody application.

During the pendency of these cases, the parties have never had the benefit of *pendente lite* court orders or a written court-approved agreement to guide their parenting and custody decisions. The parties have rather followed a regular parenting access schedule, recommended by the GAL, in which mother has had the primary physical custody of the minor child, with father having parenting access on alternating weekends. Father's alternating weekend access initially ended on Sunday evening, but has since been extended through the full weekend, from Friday after school until Monday morning drop off to school. The GAL also previously recommended midweek access for father, on Wednesdays for dinner. After two weeks of exercising this additional access, father declined to continue the Wednesday evening visits, citing concerns that the child became distressed at the end of these visits because she could not

stay overnight. Outside of the regular access plan, the parties have been forced to negotiate with each other for every holiday, child's birthday, vacation, significant event, preschool enrollment, and other decisions concerning the minor child, since the parties separated from each other sometime in 2019 or early 2020. While this is certainly the normal course for many parents, these parties have little to no trust with each other, and have engaged in a high level of conflict on all of these issues, and many others involving the child. When the parties have been unable to agree, the parties have turned to the GAL for her recommendation on each dispute, which the parties have generally followed after much conflict. Each party blames the other for their failure to reach an agreement, and each believes firmly that he or she is the true advocate for what is in the best interests of the minor child.

The parties have each maintained their respective positions throughout these many years of litigation, with mother seeking to maintain her role as the sole or primary decisionmaker for the child, and primary custodial parent, and father insisting on joint legal custody and either primary or shared physical custody of the child. In maintaining these respective positions, the parties have each developed and held to certain narratives about themselves and the other party. Mother, in her own view, is a hard-working, single parent, parenting the child and handling significant professional obligations with little to no support from father. In her view, father is narcissistic, controlling, verbally abusive, and is focused on himself, and not the child. She frequently responds to father's communications with the statement "your attempt to portray me in a negative light is noted," a strategy recommended by certain therapists and counselors in dealing with narcissistic individuals. She frequently claims

that father is not engaged and does not wish to be involved in the child's life. Father, in his own view, is a devoted father who wishes to be an active parent, and not just a "weekend dad." He believes mother is actively seeking to remove him from the child's life, and believes that mother makes decisions concerning the child unilaterally, with little or no input from him. Both parties are quick to see each disagreement or position taken by the other party through the clouded lenses of these narratives.

Both parties have maintained their respective narratives through almost four years of unresolved litigation, and before that in the pre-litigation conflict that preceded the filing of the first custody application in 2020. These narratives originate in part from a truly unfortunate "agreement" that the parties both presented, developed while mother was pregnant with the child and the parties were engaged in highly volatile relationship conflict, in which mother sought to have father agree that he would have no parental rights to the child, and would have no obligation to provide any support for the child. Both parties submitted this "agreement" as evidence to the court. Both parties also acknowledged that they had abandoned this "agreement" at the birth of the child, when they reunified and resolved to reside together as a family for a period of time. This period of reunification lasted until shortly after the child's first birthday, at which time the parties separated from each other, and mother assumed primary physical custody of the minor child. As the parties have engaged in these many years of conflict, they have given this unfortunate prenatal "agreement" new weight as a foundation for their respective positions and have added additional layers of conflict and resentment to it.

The court received and has carefully reviewed one hundred and fifteen exhibits, consisting largely of communications between the parties in the co-parenting communication application Our Family Wizard and by text message, as well as two audio/video recordings. The parties have been represented by multiple attorneys, and they have spent, by very rough estimate, over \$100,000.00 in attorney fees over the course of their litigation.

The minor child April is now six years old, and is enrolled in the Guilford public schools. She is intelligent, precocious, excelling in school, loving to both her parents and their respective significant others, and thriving in her current environment. She is a very social child, and has positive social connections in her school and hometown, both with her peers and teachers. She is also an active child, and has shown an interest in dance, tennis, singing, and playing the drums, among other activities. The minor child has been engaged in play therapy, at the recommendation of the GAL, for some time now, and has developed a positive rapport with her therapist. The child has shown awareness of the parties' conflict in these sessions and has discussed what she refers to as "the big fight" between her parents. The child has also demonstrated some potentially adverse effects from her exposure to this conflict between the parties. The GAL and the child's therapist are in strong accord that the parties need resolution to this long conflict, in the best interests of the minor child.

The plaintiff father resides in Mystic, Connecticut, in a three-bedroom home that he has owned for sixteen years. The plaintiff resides in his home with his wife of two years, Antonia, and his eighteen-year old son, Reid. The minor child has her own bedroom in father's home. Father also purchased a home and resided in Florida from December of 2021 to August of

2023, where his then-girlfriend (now wife) resided with her children. The plaintiff sold this home in August of 2023, returning to Connecticut on a full-time basis. The plaintiff traveled back to Connecticut for his alternating weekend access with the parties' minor child consistently during this approximately twenty-month period, missing only one or two access weekends due to unavoidable conflicts. While father claims that he declined to exercise midweek access during this period due to the child experiencing distress at transitions, the court does not find this claim credible, as father's residential arrangements in Florida would have made the midweek access times difficult for him. Since August of 2023, father has resided exclusively in Connecticut.

The plaintiff owns a musical instrument business based in Mystic, Connecticut, where he manufactures double basses. He works twenty to twenty-five hours per week in this business. His current wife, a former schoolteacher, also works in this business since her relocation to Connecticut from Florida. The plaintiff is clearly a devoted and loving father, and the minor child enjoys a warm, trusting, and loving relationship with her father. The child also enjoys a positive relationship with the plaintiff's wife, Antonia, who is supportive of the child, and supportive of the child's relationship with her mother. Antonia has assisted the child in making Mother's Day gifts to present to the defendant and has made intentional efforts to avoid direct involvement in the parties' conflict. The minor child reports to the GAL that she spends a significant portion of her access time with the plaintiff in Antonia's care. It is undisputed that the child loves and enjoys a positive relationship with her stepmother.

The defendant mother resides in Guilford, Connecticut, and is employed in external relations at a local educational facility and tourist attraction. She has recently switched to a consultant role as part of a planned transition to self-employment, which has provided her with greater flexibility. She works from home much of the time and has structured much of her life around her role and responsibilities as a primary caregiver for her daughter. She is a devoted and loving mother, and fiercely protective of the minor child. She takes great pride in her role as a mother, and the obstacles that she has overcome to care for and provide for the child. The child has been in her primary care since the parties' separation, and she has maintained a singular focus on ensuring the child has appropriate educational, cultural, and developmental opportunities. Mother residence in Guilford is an approximately forty-five to sixty-minute drive from father's residence in Mystic, Connecticut. She resides with the minor child and her significant other, Ben. The minor child also enjoys a warm and loving relationship with mother's significant other.

As noted previously, the parties' relationship was quite volatile. The parties separated from each other when the minor child was a little over a year old. The defendant vacated the parties' shared residence at the time with the child. After the parties' separation, the plaintiff exercised sporadic access with the minor child, determined by mutual agreement of the parties. During the COVID-19 pandemic, mother became extremely cautious about the possibility of infection, due to underlying health co-morbidities affecting mother and maternal grandfather. Mother claimed that father was not appropriately careful in avoiding COVID-19, and complained to the child's physician that father was not significantly engaged with the child, did

not take appropriate precautions, and was opposed to the COVID-19 vaccination. These statements were not accurate. Father testified that he was required to take over sixty-five COVID-19 tests to exercise his parenting access, and that his significant other and others associated with him were also required to take tests before he could exercise his parenting access. Father felt that this level of testing and precaution was unreasonable, and that mother was not holding herself to a similar level of precaution in her own access with the child.

In early 2022, at the recommendation of the GAL, father's parenting access was increased to alternating weekend access with the minor child, from Friday afterschool until Sunday late afternoon. In January of 2023, again at the recommendation of the GAL, father's alternating weekend access was extended from Friday afterschool to Monday drop off to school. Throughout this time, father has been singularly and somewhat obsessively focused on obtaining either a shared parenting plan, in which each parent exercises approximately equivalent time with the child, or primary physical custody of the minor child.

In his singular and obsessive pursuit of this goal, father has engaged in some troubling conduct. He hired a private investigator to surveil the defendant for a period of over forty days. The plaintiff or the private investigator he hired placed Global Positioning System (GPS) tracking devices on the defendant's vehicle and tracked the defendant's movements daily during this period of time. The plaintiff presented the voluminous amount of data he gathered through this surveillance to the GAL in support of his position, to show every time the defendant utilized family members or friends for childcare, or other evidence he believed supported his position. The plaintiff also has a tendency to overwhelm the defendant and the

GAL with extremely lengthy and overly frequent communications. The plaintiff, at trial, was candid about his choice to track the defendant, and his tendency to send excessive and overly lengthy communications throughout this litigation in support of his position. The plaintiff expressed some remorse over these choices. The court certainly appreciates the plaintiff's expressions of recognition and remorse, but his actions, particularly in hiring a private investigator, represent a gross invasion of the defendant's privacy and sense of personal security, and demonstrate extremely poor judgment. The plaintiff has also frequently recorded interactions and phone calls with the minor child, contrary to the recommendations of the GAL, and has used some of his access calls with the child as a means of collecting information about mother.

While the court does not condone the plaintiff's actions, the court understands some of the plaintiff's frustrations that have led him to make these poor choices. The default parenting access plan throughout the child's life, since the time of the parties' separation, has been that the child has resided primarily with mother. Any access that father has obtained has usually been the result of difficult and lengthy negotiations, and he experienced significant delays in obtaining any regular parenting access plan, which is not the access plan that he has doggedly pursued for many years. Father's feelings that mother has sought to marginalize him, minimize his role in the child's life, and relegate him to a "spectator" whose input "doesn't matter" have motivated many of his actions.

Mother describes father as a bully, narcissistic, antagonistic, and inflammatory. She has encouraged the minor child to call the plaintiff by his first name in the past, and has made

negative statements regarding father to the minor child. She has inaccurately described father to community members and important providers as disengaged, unsupportive, and uninvolved, including to the minor child's pediatrician and to her daycare provider. She has completed enrollment forms using her own last name as the child's last name, despite the child's birth certificate listing her name as April June [maternal grandmother's name] Upton [father's name]. She has sought to exclude father or restrict his attendance at the child's end-of-year preschool celebration. She has left the "father" section of important enrollment forms blank or failed to provide important providers with father's name and information. She has expressed frustration that father has sought to teach the child both parent's numbers for use in the event of an emergency, asking that he teach her the defendant's number only. She is unreasonably guarded in communications, withholding information from father that would promote a healthier and more natural co-parenting relationship. For example, mother has refused to provide father with a simple worksheet when he was assisting the minor child in completing a weekend homework assignment, has refused to share information regarding the child's social activities that would allow father to bring the child to those activities, and has responded to basic essential questions about the child's wellbeing and care with defensiveness. She has failed to discuss with father or disclose to him important disciplinary issues, medical events, or other events of importance concerning the minor child. She has unilaterally enrolled the child in weekend extracurricular activities without discussing this decision with father prior to enrollment, without consideration for the effect these decisions will have upon father's access time. Mother frequently abruptly terminates father's video calls with the minor child. She has

made various unsubstantiated allegations against father, alleging that he has been abusive, struggles with substance and/or alcohol abuse disorder, among other allegations which would tend to call father's parenting ability into question. Mother's actions are inconsistent with a parent who is committed to a healthy co-parenting relationship. These actions have only served to escalate the parties' conflict with each other, and have helped perpetuate the impasse that has plagued the parties for more than four years. In the context of the parties' long conflict, and the plaintiff's conduct in the course of that conflict, the court understands, but does not condone, these actions by mother.

Perhaps the most concerning evidence that the court received concerned the plaintiff's son (not the issue of the defendant), who was the subject of significant custody conflict between the plaintiff and his ex-wife, Aubrey. *See Birkhamshaw v. Birkhamshaw*,¹ KNO-FA16-6101266-S (J.D. of New London at Norwich). The defendant mother and Aubrey have become good friends, at least partially based upon their respective conflicts with the plaintiff father, and Aubrey was present during the parties' two-day trial to observe the proceedings. Aubrey has been estranged from the son that she shares with the plaintiff for over four years. As the parties prepared for this trial, the plaintiff asked for a meeting with Aubrey, which she recorded, and which was submitted as an exhibit to the court. During this meeting, the plaintiff acknowledged his responsibility for intentionally damaging her relationship with their son over the course of many years and estranging him from her. The plaintiff stated that he intended to

¹ The plaintiff, Gary Upton, has been previously known as Gary Birkhamshaw. He has changed his last name to Upton to honor his stepfather, who was an important figure in his life.

call their son (now eighteen years of age) as a witness in these proceedings. He suggested to Aubrey that she should not come to the trial, as it would be confusing for their son if he should testify with her present in the courtroom. He then presented Aubrey with a copy of a series of documents from an e-mail account he has maintained during their conflict, claiming to her that it was the defendant in this action, Meagan Seacor, who had sent many of these difficult communications to her during their multiyear custody conflict. He additionally claimed that he had seven additional binders full of similar documentation at home. Finally, the plaintiff suggested to Aubrey that he would take steps to encourage their son to reengage in a relationship with her if she would agree not to participate in these proceedings.

This interaction, while not directly involving the minor child in this case, is still deeply concerning to the court. The GAL, who also served as the GAL in the conflict involving the plaintiff, Aubrey, and their son, described this as an effort to “weaponize” the plaintiff’s son and the custody conflict surrounding him to gain advantage in this case. She further assesses the plaintiff as being primarily focused on his own litigation position, and not on what is in the child’s best interests. The court agrees with these assessments. The plaintiff in this interaction showed a lack of regard for the impact of his actions upon his son, or the obvious pain he had caused his ex-wife, or continued to cause her as he, in her words, “dangled” their son in front of her to advance his cause in this litigation. The court is deeply concerned that the plaintiff acknowledged taking intentional steps to estrange his son from his mother. While this does not suggest that he would do this again with the minor child involved in this dispute, the overall

interaction, and the plaintiff's judgment (or lack thereof) in engaging in this course of conduct, is very concerning.

The financial aspects of this matter are not in significant dispute. The parties earn approximately equivalent net incomes. The plaintiff has voluntarily paid eight hundred dollars per month in child support to the defendant for many years, and the parties have shared in the net proceeds from the sale of a home that they previously resided in together as a couple, providing the defendant with approximately one hundred and twenty thousand dollars as a financial settlement. The presumptive amount of child support determined by application of the Child Support Guidelines payable by the plaintiff father is \$205.00 per week. If the plaintiff were determined to be the primary custodial parent, the presumptive amount of child support determined by application of the Child Support Guidelines payable by the defendant mother is \$202.00 per week. If mother were granted primary physical custody, the presumptive allocation of unreimbursed medical and dental expenses for the minor child, and qualifying childcare costs, is 42% to the plaintiff father, and 58% to the defendant mother. These allocations would be reversed if father were granted primary physical custody.

Both parties have proposed that the court retain jurisdiction over the issue of post-majority educational support. The court finds that the parties would have provided support for the post-majority education of their minor child if the parties had remained an intact family.

Additional facts are discussed below.

DISCUSSION

This custody application has been pending, now in its third iteration, since September of 2020, without any resolution on the merits. Thankfully, the minor child is thriving, and has the benefit of two loving parents, who have the time, energy, commitment, and resources to provide her with positive life experiences and circumstances. Unfortunately, those parents have been engaged in a high level of conflict throughout the child's life and must necessarily end this conflict and refocus their efforts on their child's best interests, if they wish for her to continue to thrive. The court has significant concerns, particularly as it relates to the plaintiff father, that he will be unable to do so. The plaintiff father does not seem able to recognize that his commitment to "winning" at all costs, meaning obtaining exactly what he believes is right, has caused him to make some very ill-advised decisions, which can only harm the minor child in the long run.

During the trial of this matter, the court was at times presented with conflicting testimony and evidence. "The [fact-finding] function is vested in the trial court with its unique opportunity to view the evidence presented in a totality of the circumstances, i.e., including its observations of the demeanor and conduct of the witnesses and parties . . ." (Internal quotation marks omitted.) *Cavolick v. DeSimone*, 88 Conn. App. 638, 646, *cert. denied*, 274 Conn. 906 (2005). "It is well established that in cases tried before courts, trial judges are the sole arbiters of the credibility of witnesses, and it is they who determine the weight to be given specific testimony . . . [i]t is the quintessential function of the factfinder to reject or accept certain evidence . . ." (Internal quotation marks omitted.) *In re Antonio M.*, 56 Conn. App. 534, 540

(2000). “The sifting and weighing of evidence is peculiarly the function of the trier [of fact].” *Smith v. Smith*, 183 Conn. 121, 123 (1981). “The trier is free to accept or reject, in whole or in part, the testimony offered by either party.” (Internal quotation marks omitted.) *Kervick v. Silver Hill Hospital*, 309 Conn. 688, 718 (2013). “[The] determination of credibility is a function of the trial court.” (Internal quotation marks omitted.) *Grasso v. Grasso*, 153 Conn. App. 252, 259 (2014).

In disputes involving the custody of minor children, “[t]he controlling principle ... is that the court shall be guided by the best interests of the child.” *Reza v. Leyasi*, 95 Conn. App. 562, 567 (2006). In considering the best interests of the minor children, this court has been guided by the statutory factors enumerated at Conn. Gen. Stat. § 46b-56(c), including, but not limited to, the following:

... (1) The physical and emotional safety of the child; (2) the temperament and developmental needs of the child; (3) the capacity and the disposition of the parents to understand and meet the needs of the child; (4) any relevant and material information obtained from the child, including the informed preferences of the child; (5) the wishes of the child's parents as to custody; (6) the past and current interaction and relationship of the child with each parent, the child's siblings and any other person who may significantly affect the best interests of the child; (7) the willingness and ability of each parent to facilitate and encourage such continuing parent-child relationship between the child and the other parent as is appropriate, including compliance with any court orders; (8) any manipulation by or coercive behavior of the parents in an effort to involve the child in the parents' dispute; (9) the ability of each parent to be actively involved in the life of the child; (10) the child's adjustment to his or her home, school and community environments; (11) the length of time that the child has lived in a stable and satisfactory environment and the desirability of maintaining continuity in such environment, provided the court may consider favorably a parent who voluntarily leaves the child's family home *pendente lite* in order to alleviate stress in the household; (12) the stability of the child's existing or proposed residences, or both; (13) the mental and physical health of all individuals involved, except

that a disability of a proposed custodial parent or other party, in and of itself, shall not be determinative of custody unless the proposed custodial arrangement is not in the best interests of the child; (14) the child's cultural background; (15) the effect on the child of the actions of an abuser, if any domestic violence, as defined in section 46b-1, has occurred between the parents or between a parent and another individual or the child; (16) whether the child or a sibling of the child has been abused or neglected, as defined respectively in section 46b-120; and (17) whether the party satisfactorily completed participation in a parenting education program established pursuant to section 46b-69b....

Conn. Gen. Stat. § 46b-56(c). In balancing all of the applicable factors, the court is also guided by the principle that “[t]he best interests of the child include the child's interests in sustained growth, development, well-being, and continuity and stability of [the child’s] environment.” (Internal citations omitted.) *Schult v. Schult*, 241 Conn. 767, 777 (1997). The GAL, who has worked with these parties and the child since April of 2021, has recommended that the child remain in the primary care of the defendant mother, citing in particular that the child is thriving in this environment, that the child is succeeding in school and has many positive relationships in school and in the surrounding community, the distance between the parties’ residences, and her assessment, which the court agrees with, that the plaintiff father is focused primarily on his litigation position, and not on the best interests of the child. The court finds that it is in the best interests of the child to remain in the primary care of the defendant mother, who has, despite making some mistakes, shown her commitment to the child, and has supported the child’s relationship with the plaintiff father, despite father’s significant invasion of her privacy and unreasonable conduct during the course of these proceedings.

Here, the plaintiff seeks an order of joint legal custody, and the defendant seeks an order of sole legal custody in her favor. The court has reviewed voluminous amounts of evidence

that establish that the parties could not, at this juncture, exercise joint legal custody without some method of resolving their endless disputes. Currently, the parties have relied heavily on the GAL to resolve every dispute that has arisen between them that they could not resolve themselves. When the GAL has recommended co-parenting counseling with a professional to the parties, father has refused to participate without good reason. Father now proposes that the parties engage in co-parenting counseling sessions, which the court will order, in the hopes that these sessions will improve the parties' co-parenting relationship and begin to reduce the conflict between the parties.

Joint legal custody is defined as “an order awarding legal custody of the minor child to both parents, providing for joint decision-making by the parents and providing that physical custody shall be shared by the parents in such a way as to assure the child of continuing contact with both parents.” Conn. Gen. Stat. § 46b-56a. “The statute, read as a whole, reflects a legislative belief that joint custody cannot work *unless both parties are united in its purposes.*” (emphasis added) *Emerick v. Emerick*, 5 Conn. App. 649, 658 (1985) *cert. denied*, *Emerick v. Emerick*, 210 Conn. 811, 811 (1989). The parties need some method of working together productively without the constant intervention of the court and the GAL. The court finds that it is in the best interests of the minor child for the defendant mother to have final decision-making authority if the parties are unable to agree on a decision concerning the minor child after a full and meaningful discussion. Such an order is effectively equivalent to an order of joint legal custody but allows the parties a path to resolution if they are unable to resolve their differences. *Accord, Desai v. Desai*, 119 Conn. App. 224, 228–31, 987 A.2d 362, 365–66 (2010)

(recognizing an award of joint legal custody with ultimate decision-making authority as an appropriate order pursuant to Conn. Gen. Stat. § 46b-56a). To be clear, the court expects the parties to engage in meaningful discussions regarding major decisions involving the child, so that both parents are engaged in the child's life and upbringing. This will require both parties to take significant personal steps to show each other some level of trust and understanding, so that the parties can leave behind their endless conflict and begin to build the foundation for a healthier co-parenting relationship that is *collectively* focused on the needs and best interests of the minor child.

As noted previously, the parties do not significantly dispute the financial aspects of this custody application. Connecticut General Statutes § 46b-215b provides for a rebuttable presumption in favor of the child support award determined by the application of the Child Support Guidelines for the State of Connecticut. Conn. Gen. Stat. § 46b-215b. The court may deviate from the presumptive amount pursuant to the specific deviation criteria established pursuant to applicable statute and regulation. *See* Conn. Gen. Stat. §§ 46b-215a, 215b. The court will follow the presumptive amount of child support determined by application of the Child Support Guidelines, as mother will serve as the primary custodial parent pursuant to these orders.

The minor child, at just six years old, is aware of "the big fight" between the parties and has been in play therapy for some time to address the related potential harms to her from the parties' conflict. It is imperative that both parties find a way to shift away from their many years of antagonistic and high conflict litigation, and view each other more fully as co-parents,

rather than opponents. The court has carefully considered the parties' positions, and understands the commitment of each party to those positions. The court enters the orders below to prioritize the needs and best interests of the minor child. The court hopes that the parties will be able to do so as well.

ORDERS

1. **Legal Custody:** The parties shall share joint legal custody of the minor child, April June Upton, born April 1, 2018. If, after meaningful discussion, the parties are unable to reach an agreement on a decision concerning the minor child, mother shall have final decision-making authority.
2. **Physical Custody:** Mother shall have primary physical custody of the minor child, including for educational purposes.
3. **Regular Parenting Access Plan.** Father shall have parenting access on alternating weekends from Friday at 3:30 p.m. until Monday drop off to school or 9:00 a.m. if there is no school. During the academic year, if father's regular access falls on a weekend wherein Monday is a school holiday, father's access shall extend to Monday at 7:00 p.m. Father shall also have access every Wednesday from pick up from school or 3:30 p.m. if there is no school to Thursday morning drop off to school or 9:00 a.m. if there is no school.
4. **Co-Parenting Counseling.** The parties shall enroll in co-parenting counseling with a counselor recommended by the Guardian ad Litem. The parties shall engage in co-

parenting counseling for a reasonable number of sessions, as determined by the co-parenting counseling provider.

5. **Therapy for the Minor Child.** The minor child shall continue in play therapy with her current provider until therapeutically discharged.
6. **Transportation of the Child.** Father shall be responsible for the transportation of the child for his access time. If the parties are unable to exchange the child through her school or camp, they shall exchange the child at mother's residence, unless otherwise agreed to in writing. The parent who has the child shall be responsible for transportation/carpooling to and from her activities.
7. **Holiday, Special Occasion, and Summer Access Schedule.** The parties shall follow the holiday, special occasion, and school vacation access orders as ordered below. These orders shall take priority over the regular access plan. Following the specific access times identified below, the parties shall resume their regular parenting access plan.

Halloween. Access shall be from 3:30 p.m. or after school until 7:00 p.m. Father shall have the child in odd years, mother shall have the child in even years.

Thanksgiving. Father shall have the child from Wednesday at 4:00 p.m. until Friday at 9:00 a.m. in even years. Mother shall have the child Wednesday at 4:00 p.m. until Friday at 9:00 a.m. in odd years.

Christmas Eve through Christmas Vacation. In even years, the child shall be with mother from Christmas Eve at 12:00 p.m. until Christmas Day at 4:00 p.m. and with

father from Christmas Day at 4:00 p.m. until December 28th at 4:00 p.m. In odd years, the child shall be with father from Christmas Eve at 12:00 p.m. until Christmas Day at 4:00 p.m. and with mother from Christmas Day at 4:00 p.m. until December 28th at 4:00 p.m.

New Year's Eve through New Year's Day. Access shall be from December 28th at 4:00 p.m. until January 2nd at school or 9:00 a.m. if there is no school. Father shall have the child in even years. Mother shall have the child in odd years.

Easter Day. Access shall be from 9:00 a.m. on Easter Day to the following morning drop off to school or 9:00 a.m. if there is no school. Mother shall have the child in even years. Father shall have the child in odd years.

Fourth of July. Access shall be from noon on July 4th through noon on July 5th. Father shall have the child in odd years. Mother shall have the child in even years.

Mother's Day. Access shall be from 9:00 a.m. on Mother's Day to the following morning drop off to school or 9:00 a.m. Mother shall have access every Mother's Day.

Father's Day. Access shall be from 9:00 a.m. on Father's Day to the following morning drop off to school or 9:00 a.m. Father shall have access every Father's Day.

The Child's Birthday. The party who does not have regular access with the child on her birthday shall have the child from after school or 3:30 p.m. to 7:00 p.m.

Parent's Birthdays. If a party does not have regular access with the child on his or her birthday, that party may have parenting access time with the child on his or her

birthday from after school or 3:30 p.m. to 7:00 p.m. The parties shall notify each other of their intention to exercise this access at least two (2) weeks in advance.

Spring Break. The parties shall alternate the child's spring break every year, with each party having Spring Break in alternating years. Father shall have the child during Spring Break in even years and Mother shall have the child during Spring Break in odd years. The parties shall follow their regular access schedule for the weekend at the start and end of the child's Spring Break. The parties shall alternate the five (5) weekdays from Monday at 9:00 a.m. until Friday at 3:30 p.m., so that the parent having Spring Break access shall have five (5) weekdays together with his or her regular access weekend for a continuous seven (7) day access period.

Summer Vacation Access. The parties shall each be entitled to two (2) non-consecutive weeks of vacation each year during the child's summer vacation. Each party shall maintain their weekend schedule for the weekend before the vacation and the weekend after the vacation, so that the parent exercising his or her summer vacation access shall have five (5) weekdays together with his or her regular access weekend for a continuous seven (7) day access period.

8. **Telephone/Video Call Access.** The child shall have reasonable access to mother or father while she is with the other party by telephone, video call, or other appropriate means of communication during reasonable hours of the day and evening. On the days when a party is not exercising his or her parenting time, that party may telephone the child during reasonable hours of the day and evening prior to 8:00 p.m. Father shall