



CASA/GAL

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In **In Re Paternity of G.R.G.**, 829 N.E.2d 114 (Ind. Ct. App. 2005), the Court affirmed the trial court's parenting time order as well as other holdings of the trial court. This summary is concerned only with the parenting time order. The child was born out-of-wedlock in 1995 and paternity was established September 15, 1999. Mother has both legal and physical custody of the child and Father has parenting time. On May 14, 2004, Mother filed a motion to modify the paternity order as to Father's parenting time and child support. Pursuant to Mother's motion, the trial court appointed a guardian ad litem who issued a report and recommendations. The trial court ordered that "Visitation is ordered pursuant to the Guardian Ad Litem's report, because it is the alternative to continued conflict of the parents."

In all parenting controversies, courts are required to give foremost consideration to the best interests of the child. Id. at 122. The Court found that it could not say that the trial court erred in entering the parenting time order as it took into account the child's best interest in so doing. Id. at 123. On appeal, the Father argued the trial court erred in entering the parenting time order in that it abused its discretion by not awarding the Father parenting time on the midweek evenings when he could and should be the person providing the care for the child. Father argued further that it was in the best interests of the child to spend as much time as possible in meaningful contact with his Father and certainly preferable to the child spending time with extended family members or other caregivers. The Court noted that the trial court's order stated "Visitation is ordered pursuant to the Guardian Ad Litem's report, because it is the alternative to continued conflict of the parents." The guardian ad litem's report described Father's rotating work schedule and recommended that straight Indiana Parenting Time Guidelines parenting time for Father was not appropriate unless Father changed his schedule to a Monday through Friday employment week. It also recommended that if Father were off on a Friday and Saturday evening, that Father should have the first option to have the child, over Mother's daughter and maternal grandparents, but that, through the week, Mother's daughter and maternal grandparents helped provide a structure and routine that the child needed for schooling. The report specifically recommended that "Father's parenting time [during the week] be one evening through the week from after school to 8:00 p.m. to be determined by the 25th of each month prior to the next month." Id.