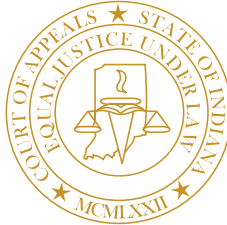


MEMORANDUM DECISION

Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision is not binding precedent for any court and may be cited only for persuasive value or to establish res judicata, collateral estoppel, or law of the case.



IN THE
Court of Appeals of Indiana

Jacquelyn Chaney,
Appellant-Respondent,

v.

Darrick Byers,
Appellee-Petitioner

March 30, 2026

Court of Appeals Case No.
25A-JP-2113

Appeal from the Bartholomew Superior Court

The Honorable James D. Worton, Judge

Trial Court Cause No.
03D01-2305-JP-2643

Memorandum Decision by Judge Altice
Judges Brown and DeBoer concur.

Altice, Judge.

Case Summary

[1] Jacquelyn Chaney (Mother) appeals the trial court’s order granting Darrick Byers’s (Father) request for modification of custody with respect to their minor daughter, N.C. Mother claims that the trial court abused its discretion in modifying the custody order and limiting her parenting time with N.C.

[2] We affirm.

Facts and Procedural History

[3] Mother and Father (collectively, the Parents) began a romantic relationship in the fall of 2020. Mother had two children from a prior relationship, and on April 22, 2022, Mother gave birth to N.C. The Parents later separated in early 2023.

[4] Mother was N.C.’s primary caregiver and in August 2023, the Parents entered into an agreement that provided Mother with primary physical custody of N.C. The Parents agreed to joint legal custody, and Father was afforded parenting time with N.C. pursuant to the Indiana Parenting Time Guidelines (the Parenting Guidelines).

[5] On January 12, 2024, Father filed a petition to modify custody of N.C., alleging that substantial changes had occurred since the initial agreement. Specifically, Father alleged that Mother was behaving erratically and using marijuana. Mother responded with a counter-petition, alleging that Father had hit her on

December 12, 2023, while she was holding N.C. and that she had obtained a protective order against Father. After Father was served with the protective order, he stopped exercising his parenting time because he feared that Mother was “setting him up” to face future consequences if he continued visiting with N.C. *Transcript Vol. II* at 177-78.

- [6] In the fall of 2024, the trial court ordered both Parents to undergo psychological examinations. Guardian ad Litem (GAL) Kathy Molewyk began an investigation and relied extensively on the assessment and evaluations that were performed by Dr. Kevin Byrd.
- [7] At the modification hearing on August 1, 2025, GAL Molewyk testified and read Dr. Byrd’s conclusion into the record that Mother is “closer to the edge” of engaging in abusive behavior than Father. *Id.* at 123. Dr. Byrd’s evaluation attributed that risk to Mother’s inflexibility, anger, and negative perceptions of Father. GAL Molewyk agreed with Dr. Byrd’s assessment, and she identified Mother’s rigidity and inflexibility about schedule changes as the primary obstacle to co-parenting.
- [8] GAL Molewyk further testified that she observed no behavioral issues when she watched N.C. interact with Father and noted that Mother favored “homeschooling or micro-schooling” for N.C., while Father preferred public school. *Id.* at 147. GAL Molewyk believed that these different philosophies about N.C.’s schooling would be difficult to reconcile. Father testified that he intends to enroll N.C. in public school in Columbus and maintained that the

Village Roots micro-school where N.C. was attending lacked the experience and resources of public school.

[9] Mother testified that she had “domestic violence concerns” about Father and referenced an injury that she suffered when Father struck her. *Id.* at 74, 162. Father testified about that incident and claimed that personnel from the Department of Child Services (DCS) came to his house to investigate the incident and determined that Mother’s allegation was unsubstantiated.

[10] After hearing the evidence and considering Dr. Byrd’s psychological evaluations of the Parents, the trial court issued the following order on August 25, 2025, granting Father’s motion for modification of custody and awarding Mother parenting time with N.C.:

2. Substantial and continuing changes have occurred since the parties’ August 2023 Agreement in that:

- a. [N.C.], who was an infant at the time of the agreement, is now three (3) years old;
- b. Father wishes to modify legal and physical custody;
- c. Mother’s mental health is now at issue;
- d. The Court is concerned as to [N.C.’s] emotional health and well-being while she has been in Mother’s primary care.

3. Dr. Kevin Byrd conducted psychological examinations of Mother and Father and reported the following:

a. Mother is “closer to the edge” of abusive behavior than Father and perceives that [N.C.] is limited in her ability. Mother’s psychological examination revealed that Mother’s perceptions of the behaviors and intentions of Father and Father’s significant other (“Nicole”) are distorted. Mother’s distorted perceptions contribute to her beliefs that Father and Nicole are malicious toward her, making co-parenting difficult.

b. Mother will jump to conclusions that have a negative impact on [N.C.] and on the parties.

c. Mother has an Unspecified Neurodevelopmental Disorder. This disorder, along with her neurodevelopmental disorder and PTSD, can exacerbate the following features:

obsessive compulsive features (rigid and stubborn, overconscientious, reluctant to delegate tasks to others)

Schizotypal features (suspiciousness, constricted affect, anxiety related to paranoid fears)

paranoid features (bears grudges, suspects without justification that others are harming her, reads hidden threatening meaning in benign events)

4. Mother self-diagnosed herself with autism. The GAL reports indicate the Mother uses her self-diagnosis of autism as a crutch. Dr. Byrd does not believe that Mother is on the autism spectrum.

5. Mother obtained protective orders against Father (December 2023) and Nicole (February 2025). The protective order was dismissed against Nicole after a hearing.

6. After Mother acquired a protective order against Father, the protective order made no allowance as to Father’s parenting time. Father attempted to regain his parenting time, but hearings were delayed.

7. Father is not without his faults, but the Court believes that Father will be able to work with Mother once the protective order expires, but only if Mother is also willing to do so.

8. The GAL reports as to Mother's behaviors support Dr. Byrd's diagnosis in that:

a. Mother uses the protective order against Father to make medical decisions for [N.C.] without Father's involvement. She has refused to allow Father to take [N.C.] to healthcare appointments despite sharing joint custody with Father.

b. Mother makes all decisions as to homeschooling [N.C.] without any real input from Father.

c. Mother [has] "panic attacks" during parenting time exchanges, even when Father parked on the street in an area where a police officer had directed him to park during one exchange.

d. The GAL observed the rigidity and the unhappiness in Mother during her investigation.

9. Mother attempted to have Father arrested for invasion of privacy during parenting time exchanges.

10. Mother is resistant to Father exercising more parenting time than what is in the August 2023 Agreement.

11. The parties are unable to communicate and come to agreements on major decisions concerning [N.C.], as is evidenced in the voluminous Our Family Wizard message admitted by Mother.

12. Father is more willing to keep Mother informed and involved in [N.C.'s] upbringing. Mother would be unable or unwilling to do the same.

13. It is in [N.C.'s] best interest that the current orders on custody and parenting time be modified.

...

15. Mother enrolled [N.C.] in a “micro school.” The director of the micro school, Sherina Lyons, believes that [N.C.] will flourish in any preschool setting.

16. Mother believes that [N.C.] has emotional/self-regulation [issues] and placed the child with the occupational therapist her other two children are seeing for the same issues. The therapist agreed that [N.C.] could be modeling the behaviors of her older siblings as she witnesses her siblings’ behaviors.

IT IS ORDERED that

1. Father’s motion to modify custody and parenting time is GRANTED.
2. Father shall have sole legal and primary physical custody of [N.C.] effective September 12, 2025.
3. Father shall discuss with Mother major decisions regarding [N.C.], but if the parties are not in agreement, Father has final decision-making authority.
4. Mother’s parenting time shall be every other weekend from 6:00 p.m. on Friday to 3:00 p.m. on Monday, every Wednesday from 6:00 p.m. until 3:00 p.m. on Thursday. In the event [N.C.]

is enrolled in school, Mother may pick up [N.C.] on her Friday and midweek after school is released.

...

6. All extended parenting time outlined in Section II IPTG are adopted and made an Order of the Court. Section I and all commentaries therein are adopted and made an Order of the Court.

...

8. Father's child support payment is terminated on the first Friday after the entry of the Court's Order.

Appellant's Appendix Vol. II at 70-75.

[11] Mother now appeals.

Standard of Review

[12] Our Supreme Court has recognized that

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 access 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).

- [13] A trial court's decision regarding custody modifications rests within its broad discretion and will only be reversed for abuse of discretion. *McDaniel v McDaniel*, 150 N.E.3d 282, 288 (Ind. Ct. App. 2020), *trans. denied*. A trial court abuses its discretion when its decision is clearly against the logic and effect of the facts and circumstances that were before the court, or if the trial court misinterpreted the law. *Russell v Russell*, 682 N.E.2d 513, 515 (Ind. 1997). This court will consider the evidence in a light most favorable to the trial court's judgment and will not reweigh the evidence or assess the credibility of the witnesses. *In re Paternity of V.D.*, 226 N.E.3d 816, 822 (Ind. Ct. App. 2024).
- [14] Additionally, because the trial court entered its findings *sua sponte* in this case, we apply a two-tiered standard of review. As to the issues covered by the findings, we first determine whether the evidence supports the findings, and we then determine whether the findings support the judgment. *In re S.D.*, 2 N.E.3d 1283, 1287 (Ind. 2014). We will review any remaining issues under the general judgment standard, where the judgment will be affirmed if it can be sustained on any legal theory consistent with the evidence. *Id.* Error occurs when this court's review of the evidence in the light most favorable to the trial court's judgment leaves us firmly convinced that a mistake has been made. *Quinn v. Quinn*, 62 N.E.3d 1212, 1220 (Ind. Ct. App. 2016).

Discussion and Decision

I. Modification of Custody

[15] Mother argues that the trial court abused its discretion in modifying custody of N.C. in Father's favor. Specifically, Mother claims that the evidence failed to establish a substantial change in circumstances that warranted a custody change.

[16] Ind. Code § 31-14-13-6 permits the trial court to modify custody if it is in the child's best interest and there is a substantial change in one or more of the following factors set forth in I.C. § 31-14-13-2 that the court may consider:

- (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.

[17] In this case, Mother challenges the trial court’s findings and conclusion that there was a substantial change in her mental health. More particularly, Mother argues that Dr. Byrd’s conclusion that she was “close to the edge” of abusive behavior was based only on “speculation.” *Appellant’s Brief* at 18. Contrary to Mother’s contention, the record shows that Dr. Byrd conducted complete forensic psychological evaluations of the Parents that were based on clinical interviews, testing, collateral contacts, documentation, and his interpretation of the results. *Exhibits Vol III* at 81.

[18] Dr. Byrd’s evaluation that was submitted into evidence at the August 1, 2025 hearing stated in part that Mother “manifests more rigidity, unhappiness, perception of her child having limited ability, and external blame than most parents and those factors increase the risk of abuse, especially when they ‘pile up.’” *Id.* The evaluation further concluded that Mother disrupts the family system because she “jumps to conclusions” and that she is unaware of the impact of her behavior on N.C. *Id.* In short, Dr. Byrd’s evaluation supports the trial court’s conclusion that there was a substantial change in Mother’s mental health.

[19] Mother further contends that her alleged inflexibility and difficult personality are not substantial changes that occurred after the execution of the August 2023

custody agreement. *Id.* at 19. Mother argues that she has never changed, and Father knows that she “is the same person she was two years ago” when the agreement was executed in August 2023. *Appellant’s Brief* at 21. Mother’s claim is only speculative and constitutes an impermissible request for us to reweigh the evidence. Indeed, Mother has not directed us to any evidence establishing that Father always knew of the extent of her mental health issues.

[20] Mother also challenges the trial court’s conclusion that it was concerned about N.C.’s emotional health and well-being while she is in Mother’s primary care. The evidence at the hearing established that at some point, Mother directed Father to terminate his parental rights and that she would tell N.C. that Father was killed in a car accident. *Exhibits Vol. II, Ex. III* at 111. Mother also informed the GAL that N.C. might be subject to sexual abuse in Father’s home. Mother, however, had no evidence to support that claim. Given these circumstances, Mother fails to understand how such false allegations could result in devastating emotional damage to N.C. The evidence demonstrates that the trial court was justified in concluding that it was concerned about N.C.’s well-being while she was in Mother’s custody.

[21] In sum, Mother has failed to show that the trial court abused its discretion in granting Father’s petition for custody modification.

II. Parenting Time

[22] Mother claims that even if modification of custody is warranted, the trial court abused its discretion in limiting her parenting time with N.C. Specifically,

Mother argues that limiting her parenting time “from that of the primary caregiver to alternating weekends and one overnight per week is clearly against the logic and effect of the facts.” *Appellant’s Brief* at 23.

[23] As in custody matters, parenting time decisions are reviewed for an abuse of discretion. *Meisberger v. Bishop*, 15 N.E.3d 653, 656 (Ind. Ct. App. 2014). While Ind. Code § 31-17-4-2 governs restrictions on parenting time, the overarching principle for any modification is reasonableness and the best interests of the child. *Randolph v. Randolph*, 210 N.E.3d 890, 899 (Ind. Ct. App. 2023).

[24] When a trial court modifies physical custody from one parent to the other, it follows that parenting time will be reduced. Mother, however, asserts that the trial court improperly ordered a “steep and abrupt reduction in [her] time with N.C.” and that it unfairly “cut off the daily contact N.C. had relied on since birth.” *Appellant’s Brief* at 23.

[25] As the trial court’s order reflects, Mother’s parenting time is every other weekend, from Friday at 6:00 p.m. until Monday at 3:00 p.m., and her midweek parenting time is every Wednesday from 6:00 p.m. until 3:00 p.m. on Thursday. *Appellant’s Appendix Vol. II* at 74. Excluding holidays and extended parenting time, Mother’s normal parenting time will be five out of fourteen overnights.

[26] The trial court also expressly adopted Section I of the Parenting Guidelines and its commentaries that include directives and guidelines about communicating

with and about N.C.¹ That said, we reject Mother’s contention that the trial court improperly “cut [her] off” from contact with N.C., and she has failed to show how the trial court unreasonably limited her parenting time. We therefore conclude that the trial court’s parenting time schedule was not an abuse of discretion.

[27] Judgment affirmed.

Brown, J. and DeBoer, J., concur.

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¹ In general, this section of the Parenting Guidelines and its commentaries involve the implementation of parenting time and stresses the importance of open communication between the parents and exchanging information about their children. This section also discusses the enforcement of parenting time rules and resolving conflicts concerning parenting time issues.