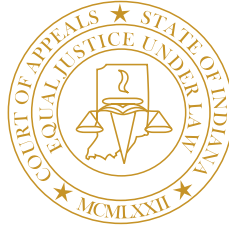


MEMORANDUM DECISION

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 Appellate Rule 65(D), this Memorandum Decision is not binding precedent for any court and may be cited only for persuasive value or to establish res judicata, collateral estoppel, or law of the case.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

In re the Marriage of Kristen Shannon,
Appellant-Respondent

v.

Nicholas Miracle,
Appellee-Petitioner



April 7, 2026

Court of Appeals Case No.
25A-DR-2239

Appeal from the Allen Superior Court
The Honorable Carolyn S. Foley, Special Judge

Trial Court Cause No.
02D08-1609-DR-1166

Memorandum Decision by Judge Bailey
Judges Vaidik and Scheele concur.

Bailey, Judge.

Case Summary

- [1] Kristen Shannon (“Mother”) appeals the trial court’s order modifying legal and physical custody of minor children A.M. and G.M. (collectively, “the Children”) in favor of Nicholas Miracle (“Father”). We affirm.

Issues

- [2] Mother raises two issues, which we restate as follows:
1. Whether Mother waived her argument regarding the alleged inadequacies of the report filed by the guardian ad litem (“GAL”).
 2. Whether the trial court abused its discretion in denying Mother’s request to conduct an in camera interview with A.M.

Facts and Procedural History¹

- [3] In April 2017, the trial court dissolved the parties’ marriage and adopted their marital settlement agreement, which granted them joint legal custody of the Children and awarded Mother primary physical custody. The parties’ relationship soon became contentious, and each filed a verified information for contempt and a petition to modify custody. The trial court granted Mother’s

¹ We remind Mother’s counsel that an appellant’s statement of facts “shall not be a witness by witness summary of the testimony.” Ind. Appellate Rule 46(A)(6)(c).

petition for the appointment of a GAL and granted Father's request for a psychological custodial evaluation.

[4] In March and May 2025, the trial court held a three-day hearing on all pending matters. At that time, A.M. was fourteen years old, and G.M. was nine years old. Father offered the GAL's report into evidence, and Mother stated that she had no objection to its admission. Tr. Vol. 2 at 182. The GAL testified, and Mother cross-examined her about the report. The same happened with respect to the custodial evaluation. Mother asked the court to conduct an in camera interview with A.M., and the court denied her request.

[5] In August, the trial court issued an order containing extensive sua sponte findings of fact and conclusions thereon. The court found Mother in contempt and did not find Father in contempt. Mother does not challenge those rulings. The court also granted Father's petition to modify custody and denied Mother's petition to modify custody. The court awarded sole legal custody of the Children to Father and ordered that the parties "have shared physical custody ... on an every other week basis[.]" Appealed Order at 7. Mother now appeals the trial court's custody ruling.

Discussion and Decision

Issue One: GAL's Report

[6] Typically, "[w]e review custody modifications for an abuse of discretion, granting latitude and deference to the trial court." *Wills v. Gregory*, 92 N.E.3d 1133, 1136 (Ind. Ct. App. 2018), *trans. denied*. We set aside a trial court's sua

sponte findings and conclusions “only if they are clearly erroneous, that is, when the record contains no facts or inferences supporting them.” *Williams v. Cardona-Feliciano*, 245 N.E.3d 626, 634 (Ind. Ct. App. 2024). “A judgment is clearly erroneous when a review of the record leaves us with a firm conviction that a mistake has been made.” *Id.*

- [7] Here, Mother does not challenge any of the trial court’s findings or conclusions as clearly erroneous. Instead, she complains that the GAL’s report omitted “critical information” that “undermin[ed]” its “reliability and admissibility[,]” “impaired” her ability to cross-examine the GAL, and “impact[ed] the trial court’s custody determination of the [Children’s] best interests[.]” Appellant’s Br. at 21, 23-25. As indicated above, however, Mother specifically stated that she had no objection to the admission of the report. Accordingly, we find this argument waived. *See In re Baird’s Est.*, 408 N.E.2d 1323, 1330 (Ind. Ct. App. 1980) (“A party may not wait until after receiving an unfavorable result to complain of errors in proceedings at trial or before trial.”). If Mother truly believed that the report was fundamentally inadequate, she should have objected to its admission on that basis at trial.

Issue Two: Denial of In Camera Interview

- [8] Mother also complains that the trial court erred in denying her request to conduct an in camera interview of A.M. Whether to conduct an in camera interview of a minor child in a custody proceeding is within the trial court’s discretion. *McClendon v. Triplett*, 184 N.E.3d 1202, 1211 (Ind. Ct. App. 2022), *trans. denied*.

[9] Mother observes that Indiana Code Section 31-17-2-9(a) provides that “[t]he court *may* interview the child in chambers to ascertain the child’s wishes” regarding custody. (Emphasis added.) Instead of conducting an in camera interview, the trial court judge allowed the GAL to ask A.M. about his wishes without the judge or the parties present, and the GAL reported A.M.’s answer in open court. This procedure was functionally equivalent to an in camera interview, so we conclude that Mother has failed to establish an abuse of discretion here.² Therefore, we affirm.

[10] Affirmed.

Vaidik, J., and Scheele, J., concur.

² Indiana Code Section 31-17-2-8 governs custody modifications and directs trial courts to consider “all relevant factors” in fashioning “a custody order in accordance with the best interests of the child.” The factors listed in the statute include the child’s age and sex; the wishes of the child’s parents; the wishes of the child, with more consideration given to those wishes if he is at least fourteen years old; the child’s interaction and interrelationship with his parents, sibling, and “any other person who may significantly affect the child’s best interests”; the child’s adjustment to his home, school, and community; “[t]he mental and physical health of all individuals involved”; and “[e]vidence of a pattern of domestic or family violence by either parent.” *Id.* At trial, Mother requested that A.M. testify as a witness, to which both Father and the GAL objected as being contrary to A.M.’s best interests. When the trial court asked how A.M.’s testimony would impact any of the “statutory factors beyond his already expressed wishes[,]” Mother’s counsel had no ready answer. Tr. Vol. 4 at 139-40 (.pdf pagination). The court denied Mother’s request and opted to conduct the procedure described above. On appeal, Mother contends that the court’s denial was an abuse of discretion. We disagree, not least because “[w]e frown upon parents calling their minor children as witnesses in custody proceedings that ‘pit’ a child against the other parent.” *McClendon*, 184 N.E.3d at 1211.

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