

IN THE
INDIANA COURT OF APPEALS
CAUSE NO. 24A-JP-00161

In re: The Matter of the Paternity of L.C.)	Appeal from the St. Joseph Probate Court
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██████████)	Cause No.: 71J01-2108-JP-000359
Appellant (Respondent - Mother, below))	
)	Honorable Jason A. Cichowicz, Judge
and)	Honorable Leone C. Zappia
)	
Matthew Chaffee,)	
Appellee (Petitioner - Father, below))	

APPEALED JUDGMENT

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STATE OF INDIANA

IN THE ST. JOSEPH PROBATE COURT

ST. JOSEPH COUNTY

CAUSE NO: 71J01 2108 JP 000359

IN RE: THE PATERNITY OF :

Lucas Chaffee (100312)

MATTHEW CHAFFEE,
Petitioner/Father

AND

██████████

Respondent/Mother.

- FILED -

DEC 19 2023

Clerk
St. Joseph Probate Court

ORDER

Comes now, parties in person, along with their attorneys of record for evidentiary hearing on Father's Petition to Establish Paternity occurring on the following dates: October 26, 2022, February 28, 2023, March 24, 2023, March 29, 2023, May 8, 2023, May 9, 2023, June 9, 2023 and June 23, 2023. Evidence was taken and arguments heard. Hearing had. The Court now finds.

BACKGROUND

Parties were first introduced to each other on a dating app in early 2021. Parties had dated for a short period of time (several months) before their relationship had ended. The parties' minor child ██████████ Chaffee was conceived during the short period that the parties had dated. On August 30, 2021, Father had filed his Petition to Establish Paternity. On September 30, 2021, Mother had filed her Answer and Affirmative Defenses which included a notation of her intent to relocate. On October 20, 2021, Father filed his Objection to Mother's Relocation. On October 21, 2023 the Court had entered an Order that Matthew Chaffee was determined to be the natural and biological father of the child ██████████ Chaffee. In said Order the Court had appointed a Guardian ad Litem (GAL) for the child and set matters relating to Father's Petition for an evidentiary hearing. An eight (8) day evidentiary hearing was held over the course of approximately six (6) months.

FINDING OF FACTS

Prior to the Birth of Lucas

1. The parties' child [REDACTED] Chaffee was born on November [REDACTED], 2021.
2. The parties had dated for a short period before their relationship had ended bitterly. The parties have a sense of resentment towards each other which has impaired their ability to communicate and co-parent. The parties' inability to communicate began well before the birth of their child. Father was upset and thought Mother had lied to him by telling him that she was on the Depo Provera shot. Mother became pregnant while the parties were dating. Mother became angry due to Father's request that she take a paternity test which resulted in Mother blocking Father from communicating with her via text or telephone for approximately a few days. In turn Father refused to communicate with Mother. He blocked her from texts, social media, telephone, and any form of communication for a period of time from the middle of April through the middle of October, 2021.
3. Father frustrated by Mother's pregnancy had confronted maternal grandmother at her place of employment and harangue her concerning his perception of her daughters' character. Father stated to maternal grandmother that her daughter was evil, a predator and had taken advantage of him. Also, Father had sent a certified letter to the maternal stepfather, criticizing Mother's character. Accusing Mother of drug use, preying on men and her short fallings in raising her other child [REDACTED].
4. The paternal step-grandmother conveyed to the Mother that the Father would be testing the child's umbilical cord for the presence of illegal drugs, and that he, the Father would be pursuing full custody of the child. No evidence was presented during the trial that illegal drugs were present in the child or the child's umbilical cord.
5. Father claimed that Mother used drugs regularly, in particular, edible marijuana. However, Father also acknowledged that he had consumed edible marijuana with Mother as well.

6. No evidence was presented that Mother had drugs in her system or the child's system at the time of the birth of Lucas.

7. It is clearly evident that Father's indignation towards Mother prior to the birth of [REDACTED] continues today. Father believes that Mother drugged and raped him for the purpose of having a child for personal gain.

8. Father argues that Mother prevented him to be a part of the pregnancy and birth of the child. During Mother's pregnancy Mother had moved to Fortville, Indiana. Father felt slighted by Mother's relocation to Fortville, Indiana.

9. A hearing held on October 21, 2021. During the hearing Mother testified that she had been seeing a prenatal doctor in Fishers, Indiana at the end of August 2021 or beginning of September 2021. Mother also testified that she had a letter from her current prenatal care provider, Dr. Nowacki, that she was to remain in Fishers, Indiana due to Father and Father's family causing her stress due to harassment from Father and Father's family. The letter from Dr. Nowacki was dated after the date of the hearing.

10. On November 1, 2021, Mother filed her Motion to Reconsider this Court's Order of October 21, 2021 alleging she was unable to travel to St. Joseph County, Indiana based upon the recommendation from her prenatal care provider, Dr. Nowacki. Mother also contended that Mother had not resided in Granger, Indiana since the middle of August of 2021 and that Mother had been seeing Dr. Nowacki in Fishers, Indiana prior to the time Father filed his Petition to Establish Paternity. Mother's Answers to the Interrogatories signed on September 30, 2021 made no mention of Mother having an OBGYN in Fishers, Indiana. However, the only prenatal care provider Mother listed in her Answers to the Interrogatories was Dr. Thalia Pachiyannakis, whose office is located in South Bend, Indiana.

11. A hearing was held on November 9, 2021. Dr. Nowacki testified that she did not have any personal knowledge about the alleged stress or harassment caused by Father or Father's family other than what Mother told her. Dr. Nowacki could not say that any stress Mother experienced was caused by Father or Father's family. Dr. Nowacki could not testify as to when Mother began seeing her for prenatal care. Mother was allowed, on a temporary basis, to remain in Fishers, Indiana for the duration of her pregnancy, birth, and postpartum (6 weeks) in Dr.

Nowacki's care. This Court further ordered that Father was allowed to be at the hospital for the child's birth and to see the baby after birth. On a temporary basis, Father was to have parenting time pursuant to the Indiana Parenting Time Guidelines (IPTG) and any additional time as agreed upon by the parties. The Court further ordered that for purposes of the upcoming holidays, on a temporary basis, the IPTG were to be used for Father's parenting time.

After The Birth of Lucas

12. The parties' relationship, ability to communicate and co-parent after the birth of their child became progressively worse.

13. Mother did not relocate back to St. Joseph County by the end of December of 2022 as court ordered.

14. The GAL filed her Report on February 24, 2022 recommending that Mother be ordered to relocate back to St. Joseph County, Indiana with [REDACTED]. The GAL recommended that Father have sole legal custody and primary physical custody of Lucas if Mother did not relocate back to St. Joseph County, Indiana.

15. On March 7, 2022, the parties stipulated that Mother would relocate back to St. Joseph County, Indiana with [REDACTED] by or before June 12, 2022.

16. The parties also stipulated that Mother and Father would share joint legal custody and they would participate in a 5-way settlement conference on June 17, 2023 at Father's Counsel's office to discuss Father's visitation moving forward to a more equal overnight arrangement.

17. On February 24, 2022, the GAL had filed her initial report. [REDACTED] was approximately three (3) months old when the GAL's had filed her initial report. [REDACTED] is now over two (2) years of age.

18. Mother did not relocate to St. Joseph County, Indiana by or before June 12, 2023. Prior to returning to the Michiana area Mother had found an apartment to lease. However, when Mother arrived the apartment that she was presented was less than what she expected or bargained

however the Court has no reason to believe that Father's family cares and loves [REDACTED] very much and no evidence was presented to the contrary. Father also has a pet dog.

25. Father and his biological Mother had a falling out that resulted in a complete severance of their relationship. Father's disdain towards his biological Mother continues. Ironically, Mother has a cordial relationship with Father's biological mother.

26. Prior to the birth of [REDACTED], Mother had employed [REDACTED] to provide childcare services for her daughter [REDACTED] which was done in Mrs. [REDACTED] home. She provided the same childcare services for other children. After [REDACTED] was born Mother had hired Mrs. [REDACTED] to provide childcare services for [REDACTED]. [REDACTED], like [REDACTED] had a good relationship with Mrs. [REDACTED]. Her home was in a nice safe neighborhood. Mother did not seek Father's input. Father testified that he was unaware that Mrs. [REDACTED] was providing childcare services for [REDACTED]. However, Father had transported [REDACTED] to and from Mrs. Scott's home for childcare services while the parties were dating. Subsequently, Father discovered that Mrs. [REDACTED] was providing childcare services for [REDACTED]. Father decided to record his conversations with Mrs. [REDACTED]. Father had his lawyer send a letter to Ms. [REDACTED] suggesting that Father did not approve her services. Father also hired a private investigator to video record her. Frustrated by the situation, moving forward, Mrs. [REDACTED] declined to provide childcare services for [REDACTED]. However, she did continue to provide childcare services for [REDACTED].

27. After being "fired" by Mrs. [REDACTED], the parties were unable to agree on a childcare provider. Mother provided Father with several potential daycare providers. However, Father would not agree to any of them. Father provided Mother with one daycare provider, Noah's Ark Daycare. Mother would not agree to Noah's Ark Daycare reasoning that the daycare was too far from her residence and reviews were negative.

28. Father testified that he attempted to discuss a new daycare provider with Mother, but she refused to hear his concerns. Mother testified that she and Father have joint legal custody, but she did not inform Father that [REDACTED] was put on a waitlist for a daycare until after she put him on the waitlist.

29. Parties are unable to agree on a pediatrician for [REDACTED]. Mother would prefer to use the same pediatrician for [REDACTED] as she uses for [REDACTED]. Mother believes that it would be good that both children treat with the same pediatrician. Mother's desire to use the same pediatrician is not only reasonable but logical as well. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

31. Father had enlisted the assistance of [REDACTED] Father [REDACTED] [REDACTED] to assist him with his custody case before this Court. It was abundantly clear to this Court that Father and [REDACTED] [REDACTED] had join forces to attack Mother's credibility, character, and her ability to parent. The Court is wholly unpersuaded by [REDACTED] [REDACTED] testimony.

33. In collaboration with Father, [REDACTED] was video recording Mother's home without her knowledge. [REDACTED] [REDACTED] would record his facetime sessions with his daughter. During his facetime sessions, disguised as a game and while recording, he would instruct his daughter to move

34. Mother has physical custody of [REDACTED]. [REDACTED] spends the majority of her summers with her father in Georgia.

36. [REDACTED] Father's troubling contempt toward Mother.

37. Father currently pays child support to Mother the sum of \$513.00 per week.

38. Mother requests that Father pay her attorney fees in the amount of \$48,191.75.

The Court shall determine custody and enter a custody order in accordance with the best interests of the child. Kondamuri v. Kondamuri, 852 N.E.2d 939, 946 (Ind.App.2006).

1. The age and sex of the child.
2. The wishes of the child's parent or parents.
3. The interaction and interrelationship of the child with:
 1. the child's parents;

- The parties' child [REDACTED] is two (2) years old and both parents desire legal and physical custody of [REDACTED]. Both parents have a strong bond and relationship with their child. When in Mother's care [REDACTED] resides with his Mother, half-sister and his aunt. An immediate separation of [REDACTED] from his sister may not be in [REDACTED] best interest. When in Father's care [REDACTED] resides with his Father, uncle and pet dog. [REDACTED] has a good relationship with all his family members. [REDACTED] has adjusted well to Mother's apartment and Father's home. Presently, [REDACTED] is not enrolled nor attends school. Both parents are physically healthy. Setting aside Father's anger and distain towards Mother [REDACTED]

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Pursuant to Indiana Code 31-14-11-2, the Father should pay child support. And pursuant to Indiana Code 31-14-11-5, Father's child support obligation shall be retroactive to the date of the child's birth, November 16, 2021.

The Father's child support obligation for the period beginning with the child's birth on November 16, 2021 until Friday, March 11, 2022 was One Hundred Forty Nine and 00/100 Dollars (\$149.00) per week. Father's child support obligation for the period beginning Friday, March 11, 2022 and continuing thereafter was in the amount of Five Hundred Thirteen and 00/100 Dollars (\$513.00) per week.

Mother is requesting that Father contribute to her attorney fees. Indiana Code 31-14-18-2 provides, in pertinent part:

(a) The court may order a party to pay:

(2) a reasonable amount for attorney's fees, including amounts for legal services provided and costs incurred, before the commencement of the proceedings or after entry of judgment.

Also, "When one party is in a superior position to pay fees over the other party, an award of attorney fees is proper." *A.G.R. Conflenti v. Huff*, 815 N.E.2d 120 (Ind.Ct.App. 2004).

Father's annual income is substantially more than Mother's income. Father's annual income is approximately \$217,000.00. Mother's annual income is approximately \$ 29,000.00.

Conclusion

Mother is granted sole and physical custody of the parties' one (1) minor child [REDACTED]. Father shall have parenting time on alternating weekends from Friday evenings at 6:00 pm until Monday morning. Father shall have parenting time every Wednesday at 6:00 pm overnight until Thursday morning. Beginning June 1, 2024 or when [REDACTED] begins her summer parenting time with her biological Father (whichever occurs first) Father's parenting time shall be modified to an alternating weekly basis from Sunday at 5:00 pm until Sunday at 5:00 pm. On their off weeks

each parent shall have parenting time from Wednesday evening at 5:00 pm until the following morning. Each parent shall have one (1) uninterrupted week in the summer which shall occur during their week. Special occasions and holidays shall be according to the Indiana Parenting Time guidelines.


Father shall pay child support in the sum of \$408.00 per week retroactive to November 16, 2021. Father shall receive a credit toward any arrearage for payment previously made as of November 16, 2021. The 6% percent rule shall apply thereafter uncovered medial expenses shall be share proportionate to the parties' incomes as shown on the child support worksheet (herein attached). Father shall continue to carry health insurance on the parties' minor child so long as it's available from his employment and the cost is reasonable. Any child support arrearage shall be preserved. Counsel for Mother shall prepare and file an Income Withholding Order. Father shall be permitted to claim [REDACTED] as an exemption during even taxable years so long as Father is 95 percent current in the payment of child support during his even year and Mother shall be permitted to claim the child during odd taxable years.

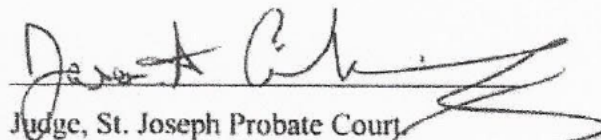
Parties shall enroll and complete the Parenting Classes.

Father shall contribute towards Mothers attorney fees in the amount of \$24,000.00 payable directly to and enforceable by Attorney Gregory Blanford.

So Ordered.

Dated: December 19, 2023.


Referee, St. Joseph Probate Court.


Judge, St. Joseph Probate Court

Worksheet - Child Support Obligation

Each party shall complete that portion of the worksheet that applies to him or her, sign the form and file it with the court. This worksheet is required in all proceedings establishing or modifying child support.

IN RE: Paternity of LC

CASE NO: 71J012108JP000359

FATHER: Matthew Chaffee

MOTHER: Abigail Reith

CHILD SUPPORT OBLIGATION WORKSHEET (CSOW)

Children	DOB	Children	DOB
LC	11/16/2021		

	Father	Mother	
1. WEEKLY GROSS INCOME	\$4,192.00	\$557.00	
A. Subsequent Child Multiplier Credit (.065 .097 .122 .137 .146 .155 .164 .173)	\$0.00	\$0.00	
B. Child Support (Court Order for Prior Born)	\$0.00	\$0.00	
C. Child Support (Legal Duty for Prior Born)	\$0.00	\$0.00	
D. Maintenance Paid	\$0.00	\$0.00	
E. WEEKLY ADJUSTED INCOME (WAI) Line 1 minus 1A, 1B, 1C, and 1D	\$4,192.00	\$557.00	
2. PERCENTAGE SHARE OF TOTAL WAI	88.27%	11.73%	
3. COMBINED WEEKLY ADJUSTED INCOME (Line 1E)			\$4,749.00
4. BASIC CHILD SUPPORT OBLIGATION Apply CWAI to Guideline Schedules	\$346.02	\$45.98	\$392.00
A. Weekly Work-Related Child Care Expense of each parent	\$0.00	\$160.00	\$160.00
B. Weekly Health Insurance Premium - (Children's portion)			\$0.00
5. TOTAL CHILD SUPPORT OBLIGATION (Line 4 plus 4A and 4B)			\$552.00
6. PARENT'S CHILD SUPPORT OBLIGATION (Line 2 times Line 5)	\$487.25	\$64.75	
7. ADJUSTMENTS			
() Obligation from Post-Secondary Education Worksheet Line J	+ \$0.00	+ \$0.00	
(X) Payment of work-related child care by each parent (Same amount as Line 4A)	- \$0.00	- \$160.00	
() Weekly Health Insurance Premium (Children's portion)	- \$0.00	- \$0.00	
(X) Parenting Time Credit for 151-155 overnights.	- \$79.52	- \$0.00	
8. RECOMMENDED CHILD SUPPORT OBLIGATION	\$408.00		

I affirm under penalties for perjury that the foregoing representations are true.

Father: _____ Mother: _____ Dated: _____

UNINSURED HEALTH CARE EXPENSE CALCULATION

A. Custodial Parent Annual Obligation: (CSOW Line 4) \$392.00 + (PSEW § Two, Line I) \$0.00 = \$392.00 x 52 weeks x .06 = \$1223.04

B. Balance of Annual Expenses to be Paid: (Line 2) 88.27% by Father; 11.73% by Mother

TRANSACTION NUMBER:

Prepared By: On 12/19/2023