VERMONT SUPREME COURT
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Case No. 25-AP-102

Note: In the case title, an asterisk (*) indicates an appellant and a double asterisk (**) indicates a cross-appellant. Decisions of a three-justice panel are not to be considered as precedent before any tribunal.

ENTRY ORDER

SEPTEMBER TERM, 2025

Asha-Leen Goodwin v. Shikar Boodram* } APPEALED FROM:
} Superior Court, Caledonia Unit,
} Family Division
} CASE NO. 24-DM-00222
Trial Judge: Michael R. Kainen

In the above-entitled cause, the Clerk will enter:

In this parentage action, the trial court issued a final order awarding sole legal and physical parental rights and responsibilities to mother and establishing the terms of father's parent-child contact. Father appeals, challenging a provision that prohibits him from traveling internationally with the parties' child without mother's permission. We affirm.

I. Background

The parties share one child: a daughter, E.G., born in July 2016. In January 2024, mother filed a complaint to establish parentage and related obligations. The court granted mother's motion to consolidate the case with a separate proceeding in which mother obtained a final relief-from-abuse (RFA) order against father.[1]

The family division held a hearing on parental rights and responsibilities and parent-child contact in November 2024. At the hearing, father indicated that he did not object to mother being awarded primary physical and legal parental rights and responsibilities for E.G. He requested, however, that the court include certain provisions in its parent-child contact award—including, as relevant here, one allowing him two weeks of uninterrupted vacation time with E.G. during which he could travel with her to Trinidad. Mother opposed this request. In March 2025, the court issued a written decision including the following findings of fact.

The parties dated for approximately one month before E.G. was conceived and broke up shortly thereafter. When E.G. was born, mother was living with her parents. Mother felt that father was aggressive and controlling, and asked her mother—E.G.'s maternal grandmother—to coordinate all contact between father and E.G. Maternal grandmother would arrange for father

[1] The RFA order was issued in August 2023, and the court granted mother's request to extend the order in February 2024. The extended order expired in August 2024.

to come over when he requested. He visited E.G. at least once a week, and often more frequently.

Shortly before E.G.'s second birthday, the parties resumed their relationship and moved in together. During this time, father would care for E.G. when he was home and mother was at work. When the parties were together, father abused mother. Father would yell at mother, puff himself up to physically intimidate her, and grab her by the neck, face, and hair. They broke up for the second and final time after approximately nine months.

Mother, E.G., and mother's older daughter subsequently moved into an apartment located over mother's sister's house, where they lived for four-and-a-half years. Mother, her husband, mother's older daughter, and E.G. then moved into mother's parents' house. Mother's parents now live in an apartment they built over their garage. E.G. sees her maternal grandparents daily and is close to them. She has a particularly strong bond with maternal grandmother, who cares for her often. E.G. also has friends in the neighborhood and regularly sees her aunt.

Father has made allegations that E.G. was abused by someone while in mother's care. He made reports to the Department for Children and Families (DCF) and the police and sent them a video he made of his interview with E.G. Neither DCF nor the police took any action in response to father's reports.

At the time of the final hearing, E.G. was in third grade. She is a happy, cheerful child, but does have some anxiety. Mother has been E.G.'s primary care provider throughout her life and arranges for E.G.'s medical and dental care and her therapy. E.G. and mother have a very strong relationship.

Father loves E.G. and is kind and affectionate with her. E.G. is happy to see father when he picks her up. He has two rooms for E.G. at his home—a bedroom and a nice playroom.

In spite of the way that father treated mother, mother acknowledges that father treats E.G. well and has not sought to prevent E.G. from spending time with him. Because of father's prior abuse of mother and his present tendency to be aggressive, however, mother reasonably wishes to limit the types of communication mother has with father. Father does not seem to fully recognize how his past conduct has impacted his ongoing relationship with mother. Father's abuse of and aggression toward mother makes it impossible to envision the parties being able to make joint decisions concerning E.G.

Prior to the parentage action, mother and father had an agreement regarding father's parent-child contact. Father would pick E.G. up after school on Fridays and she would stay at his home through Sunday afternoon, when the parties would meet at a police station. Mother works in a salon and father is employed as a nuclear welder. Father does not have a consistent work schedule and, at times, his jobs take him out of state. On occasions when father was on an out-of-state job and unable to return to Vermont for the weekend, E.G. would stay with mother and maternal grandmother would care for E.G. while mother was at work.

Father is from Trinidad. With the exception of E.G. and one cousin in New York, his entire family lives in Trinidad. E.G. knows who her relatives in Trinidad are and speaks to them by phone. Father sincerely wants to bring E.G. to Trinidad for a two-week visit. Mother fears that if father were allowed to travel to Trinidad with E.G., he would not bring her back. Father has never threatened to do this, but his aggression and control give rise to mother's concern.

Mother is also worried about the effect of bringing E.G. to a different country for two weeks given E.G.'s anxiety and her young age.

After weighing the best-interests factors at 15 V.S.A. § 665(b), the court awarded physical and legal parental rights and responsibilities to mother. It then set forth several parent-child contact provisions. It rejected father's request to discontinue Sunday custody exchanges at the police station, observing that there is a video camera there, and the location reduces the risk of confrontation mother is legitimately concerned about. It further provided that father could communicate with mother only by email or the My Family Wizard app. Finally, the court ordered:

> Neither parent shall take [E.G.] out of the country without permission of the other parent. We conclude that mother has some concerns about father coming back; those concerns are exacerbated by [E.G.'s] age. Additionally, [E.G.] is young to be travelling outside the country without her primary parent, and whereas she has some anxiety, this does not seem like a good idea. The parties shall reevaluate whether [E.G.] can go to Trinidad in 2029.

This appeal followed.

II. Discussion

"The family court is vested with broad discretion to allocate parental rights and responsibilities and parent-child contact." Vance v. Locke, 2022 VT 23, ¶ 21, 216 Vt. 423. Because the court "is in a unique position to assess the credibility of the witnesses and the weight of the evidence presented," we afford "wide deference" to its findings and conclusions. Kanaan v. Kanaan, 163 Vt. 402, 405 (1995). Under this standard, we will not disturb the court's findings unless clearly erroneous and will uphold its conclusions if supported by the findings. Miller-Jenkins v. Miller-Jenkins, 2010 VT 98, ¶ 12, 189 Vt. 518.

Father contends that the evidence does not support the factual findings underlying the court's international-travel restriction. He also argues that, even if not clearly erroneous, the court's findings do not support its conclusion that the restriction is in E.G.'s best interests. We consider each issue in turn.

"[O]ur role in reviewing findings of fact is not to reweigh evidence or to make findings of credibility de novo." Mullin v. Phelps, 162 Vt. 250, 261 (1994). We consider the findings in the light most favorable to the prevailing party—here, mother—and will not set a finding aside "absent a showing that there is no credible evidence to support [it]." DeSantis v. Pegues, 2011 VT 114, ¶ 26, 190 Vt. 457 (quotation omitted). Father has not demonstrated that the court's findings are unsupported by credible evidence.

As discussed above, the court found that due to father's aggression and control, mother is afraid that he will not return with E.G. if permitted to travel with her to Trinidad, and that this fear was exacerbated by E.G.'s age. It also found that mother was concerned about the effect of bringing E.G. to another country for two weeks given her age and anxiety, and that because of these factors it did not seem like a good idea for E.G. to travel outside the country without her primary parent.

Father argues that these findings are clearly erroneous. He notes that, when asked to describe the basis for her fear that father would not return with E.G., mother responded, "[b]ecause the way [father] immigrated into this country, he just came to the United States and didn't leave. I have a fear that he would take [E.G.] into a different country and not leave." He also points out that mother testified that she believes it is important for E.G. to visit Trinidad and meet father's extended family, but she "would like her to be older when she experiences it, when she gets some control over her anxiety." She proposed that such a trip might be appropriate when E.G. was around thirteen and had developed skills to control her ADHD and anxiety—but could not explain why her concerns about father absconding with E.G. would be less salient at that point.

This evidence does not undermine the court's conclusion that it is father's aggression and control that give rise to mother's fear that he will abscond with E.G., or that her concerns are exacerbated by E.G.'s age. Cf. Mullin, 162 Vt. at 260 (explaining that finding is not clearly erroneous even where "contradicted by substantial evidence; rather, an appellant must show that there is no credible evidence to support the finding" (quotation omitted)). Mother testified that father has a "very aggressive personality," that he physically abused her multiple times during their relationship, and that she was concerned about his "potential for kidnapping." The trial court is "entitled to draw reasonable inferences from the testimony." Lyddy v. Lyddy, 173 Vt. 493, 496 (2001) (mem.). It was reasonable to infer that father's aggressive and controlling behavior lay at the root of mother's fear. The court's finding about the source of mother's fear is not clearly erroneous.

Father also contends that the findings regarding the impact of E.G.'s anxiety on any potential travel are unsupported because there was no evidence that her anxiety was travel-related. The court did not need to find that E.G.'s anxiety was travel-related before it could consider how that anxiety might impact E.G. while traveling out of the country with father. And though father suggests that the court made no finding on this point, but instead merely found that mother had concerns, we disagree. Although located in the "conclusions" section of the order, the court's statement that E.G. "is young to be traveling outside the country without her primary parent, and whereas she has some anxiety, this does not seem like a good idea" includes these findings. See, e.g., In re E.C., 2010 VT 50, ¶ 15, 188 Vt. 546 (mem.) ("Although many of these findings are located in the 'Reasons' section of the Board's decision, rather than in the 'Findings of Fact' section, this is not a fatal defect."). The findings are supported by the evidence. Mother testified that E.G. was recently diagnosed with ADHD and, at the recommendation of her psychiatrist, had begun a new course of treatment for her anxiety and ADHD and was seeing a therapist every other week. She also explained that the parties "have a hard time communicating" with one another and, when asked whether she trusted father's decision-making with regard to E.G.'s medical needs, said, "I think sometimes he has a really hard time keeping a level head." This evidence supports the court's findings. See Lyddy, 173 Vt. at 496.

Because father has not demonstrated that these findings lack evidentiary support, we turn to his final argument—that the findings cannot sustain the court's conclusion that an international-travel restriction was in E.G.'s best interests. His argument on this point is brief: when extricated from the challenges to the findings discussed above, what remains is father's contention that the court failed to sufficiently weigh the statutory best-interests factors before imposing the restriction.

Mother, for her part, argues that decisions regarding international travel are exclusively reserved to her because she has sole legal parental rights and responsibilities. The statute defines

legal parental rights and responsibilities as "the rights and responsibilities to determine and control various matters affecting a child's welfare and upbringing, other than routine daily care and control of the child," and specifies that "[t]hese matters include . . . "travel arrangements." 15 V.S.A. § 664(1)(A) (emphasis added). We have also recognized, however, that because "[a] parent exercising parent-child contact is entrusted the routine daily care and control of the children . . . . [d]uring parent-child contact time, a noncustodial parent can generally make decisions concerning the activities that will occur during parent-child contact time, sign releases or waivers, or arrange travel for the child." Barrows v. Easton, 2020 VT 2, ¶ 14, 211 Vt. 354 (quotation omitted) (emphasis added). Thus, the general rule is that parents "cannot place limits or exercise control over each other's parenting time, even if one has primary responsibility for the child." Id. Rather, "[i]f the custodial parent desires that restrictions be imposed" with regard to decisions otherwise consistent with the noncustodial parent's right to routine daily care and control of the child during visitation, the custodial parent "must ask the court to impose them." Gazo v. Gazo, 166 Vt. 434, 445 (1997). The court may impose such a restriction where it serves the best interests of the child. Id. at 444.

This Court has yet to consider whether or to what extent international-travel arrangements are "matters affecting a child's welfare and upbringing," 15 V.S.A. § 664(1)(A), such that they are reserved to a parent holding sole legal parental rights and responsibilities, or instead consistent with the "routine daily care and control" of a child entrusted to a noncustodial parent exercising parent-child contact, Barrows, 2020 VT 2, ¶ 14. Here, the trial court implicitly concluded that they fell within the latter category by analyzing the issue under the framework set forth in Gazo. Because we conclude that father has not demonstrated that the court abused its discretion in concluding that the international-travel restriction served E.G.'s best interests, we need not reach the larger issue raised by mother.

As noted above, a trial court may impose conditions on a noncustodial parent's visitation if clearly required by the child's best interests after consideration of the § 665(b) factors. Lee v. Ogilbee, 2018 VT 96, ¶ 15, 208 Vt. 400; Miller v. Smith, 2009 VT 120, ¶ 5, 187 Vt. 574 (mem.). We afford the court broad discretion in this analysis, recognizing "[t]hat a different weight or conclusion could be drawn from the same evidence may be grist for disagreement but does not show an abuse of discretion." Lee, 2018 VT 96, ¶ 15 (quotation omitted). We will not disturb the court's conclusion "unless its discretion was exercised upon unfounded considerations or to an extent clearly unreasonable upon the facts presented." Weaver v. Weaver, 2018 VT 38, ¶ 15, 207 Vt. 236 (quotation omitted).

Father contends that although the court weighed the § 665(b) factors in awarding parental rights and responsibilities, it failed to adequately discuss those factors in connection with the international-travel restriction. While the court certainly could have been more explicit as to the basis for its decision, we see no error. We do not require that the court specifically address each § 665(b) factor, only that "the findings as a whole reflect that the trial court has taken the statutory factors into consideration, in so far as they are relevant, in reaching its decision." Harris v. Harris, 149 Vt. 410, 414 (1988) (quotation omitted). This standard was satisfied here.

The court found that E.G. is young, and that mother has always been her primary care provider. See 15 V.S.A. § 665(b)(6) (directing court to consider "the quality of the child's relationship with the primary care provider, if appropriate given the child's age and development"). It also found that E.G. has anxiety, that mother has always been responsible for arranging E.G.'s medical care and therapy, and that E.G. had never met any of father's relatives in Trinidad in person. See id. § 665(b)(2), (7) (directing court to consider "the ability and

disposition of each parent to ensure that the child receives adequate . . . medical care . . . and a safe environment" and "relationship of the child with any other person who may significantly affect the child"). Given the evidence that mother lacks trust in father—including in his medical decision-making—and findings that the two struggle to communicate and cannot make joint decisions, the court did not abuse its discretion in concluding that it was not in E.G.'s best interests to travel internationally without her primary parent. Cf. Kasper v. Kasper, 2007 VT 2, ¶ 6, 181 Vt. 562 (mem.) (explaining that family court can use common sense and life experience in delineating parental rights). This is particularly true given the court's recognition that this conclusion was closely tethered to E.G.'s young age and its corresponding requirement that the parties reevaluate whether E.G. may visit Trinidad at a specific future date.

Affirmed.

BY THE COURT:

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Paul L. Reiber, Chief Justice

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William D. Cohen, Associate Justice

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Nancy J. Waples, Associate Justice