



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, 2026

Karissa Lashley v. Jacob Lashley*	}	APPEALED FROM:
	}	Superior Court, Grand Isle Unit,
	}	Family Division
	}	CASE NO. 21-DM-00448
		Trial Judge: Navah C. Spero

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

Father appeals from the family division's modification of the parent-child contact provisions of the parties' final divorce order. We conclude that the court acted within its discretion in declining to impose father's requested contact schedule and therefore affirm.

The parties share two minor children, sons born in April 2017 and December 2019. Mother and the children live in Vermont, while father resides in North Carolina.

In January 2022, the family division issued a final divorce order awarding mother legal and physical parental rights and responsibilities for both children. As relevant here, the order included the following findings. During the parties' marriage, father struggled with mental-health issues and alcohol use. He attempted suicide twice, including on one occasion when the children were in his care. Mother had been the children's primary caregiver throughout their lives. At the time of the final divorce hearing in December 2021, father was living with family in North Carolina, had not seen the children in person since February 2021, and had only sporadic virtual contact with them.

Based on the evidence of father's past behavior in front of the children and his ongoing mental-health and alcohol issues, the court ordered that his in-person visits with the children be supervised and take place in Vermont. Father was granted up to four monthly visits of four hours each. The court also ordered that if father successfully completed at least one visit per month over a six-month period, the parties were to discuss increasing father's visitation and whether the supervision requirement should continue.

In May 2024, father moved to modify parent-child contact. The court bifurcated the hearing on father's motion, first considering whether he made the requisite showing of a "real, substantial, and unanticipated change of circumstances." 15 V.S.A. § 668(a) (providing that

court may modify final parent-child-contact order “if it is in the best interests of the child” upon moving party’s “showing of real, substantial, and unanticipated change of circumstances”); see V.R.F.P. 4.2(d) (authorizing court to bifurcate hearing on motion to modify “and first determine and make findings as to whether there has been a real, substantial, and unanticipated change of circumstances”). Following a changed-circumstances hearing over two days in December 2024 and January 2025, the court issued a March 2025 order concluding that father met the modification threshold. The court found that, between the divorce in January 2022 and February 2024, father saw the children on only two occasions, both of which took place in 2022. Father then achieved sobriety and began to reengage with the children on a more consistent basis. He had contact with them by video and traveled to Vermont for supervised visits. These visits were “very positive.” Father had also begun working consistently and purchased a home in North Carolina which had space for both children to stay if they were to visit him. Father’s sobriety, more regular visits, and engagement with the children constituted a real, substantial, and unanticipated change in circumstances.

The court set a hearing to take additional evidence regarding the terms of a modified parent-child-contact order. It noted that it anticipated a graduated change in visitation whereunder the transition to a permanent contact order would be dependent on the outcome of father’s contact under an interim contact order. This hearing was held in May 2025. The court issued an order in June 2025. It found that the parties’ eldest son was in treatment for brain cancer, and that father needed a better understanding of his medical condition and needs to properly care for him. The court therefore imposed a transition period in which father would be allowed to come to Vermont for up to one week per month; father’s overnights with the children during these visits were to gradually increase while the level of supervision gradually decreased. The court indicated that it would set a final hearing to take evidence regarding next steps, at which point it anticipated putting in place a permanent order that would transition father’s visits to North Carolina.

The final hearing was held in January 2026.¹ Father filed a proposed schedule pursuant to which he would have visits with the children in North Carolina during most of their school vacations.

The court issued its final order in February 2026. It found the following. The parties’ eldest son had completed his chemotherapy treatments. Father had overnight visits with the children in Vermont in September and October 2025. Those visits went well, although father unexpectedly cut the October visit short and called the children’s stepfather to pick them up early in the morning rather than spending his last day in Vermont with them. Father had not seen the children since this time and had no current plans to do so, which he attributed to the cost of visits and his need to repair his car.

The court noted that mother opposed father’s proposed schedule in that, as relevant here, it called for the children to spend almost all of their school vacation time with father in North Carolina but for alternating halves of Christmas vacation and two weeks in the summer. Mother indicated that father had not historically spent this much time parenting the children and that it was not in the children’s best interests to never have vacation with their other siblings in Vermont.

¹ This hearing was initially scheduled to occur earlier but was continued twice at father’s request.

The court concluded that it was generally in the children’s best interests to spend more time with father in North Carolina. It imposed a permanent contact schedule under which, following a “ramp up” period, the parties would generally share the children’s school vacation time. Under that schedule: father has the children every February break; mother has the children every April break; the children will remain in Vermont for the first three weeks of their summer vacation, visit father, and then return to mother at least two weeks before school begins; Thanksgiving breaks alternate yearly; and Christmas vacations are split. The court also directed the parties to split the cost of transportation for the visits, explaining that living near his family allowed father to address his mental-health crisis and begin a positive relationship with the children, and that it was therefore reasonable and in the children’s best interests that the out-of-state visit costs be shared. It also provided that father could have daily contact with the children by phone or video. This appeal followed.

As noted above, modification of a final order governing parent-child contact involves a two-step process. Wright v. Kemp, 2019 VT 11, ¶ 18, 209 Vt. 476. The family division must first determine whether the party seeking the modification has shown a “real, substantial, and unanticipated change of circumstances.” 15 V.S.A. § 668(a). If this threshold is met, the court then considers whether the best interests of the children require a change to the existing parent-child contact provisions. Id.; Wright, 2019 VT 11, ¶ 19.

Here, father challenges the second step of the court’s analysis. “In looking at a family court’s decision regarding parent-child contact, we apply a familiar deferential standard: we do not disturb findings of fact unless they are clearly erroneous, and we uphold the court’s legal conclusions if they are supported by the findings.” DeSantis v. Pegues, 2011 VT 114, ¶ 26, 190 Vt. 457 (recognizing trial court’s “unique position to assess the credibility of witnesses and weigh evidence”). “The family court has wide discretion in decisions concerning parent-child contact.” Rock v. Rock, 2023 VT 42, ¶ 44, 218 Vt. 292. “[W]e will not reverse the court’s decision unless its discretion was exercised upon unfounded considerations or to an extent clearly unreasonable upon the facts presented.” DeSantis, 2011 VT 114, ¶ 26 (quotation omitted).

Father argues that his proposed schedule would have allowed the children to have maximum contact with both parents under the circumstances of the case, and that the court abused its discretion in awarding him only half of the time the children had “reasonably available” to spend with him. He argues that the award of seven-and-a-half weeks of contact per year is so limited as to contravene the public policy, expressed by the Legislature in 15 V.S.A. § 650, that:

[A]fter parents have separated or dissolved their civil marriage, it is in the best interests of their minor child to have the opportunity for maximum continuing physical and emotional contact with both parents, unless direct physical harm or significant emotional harm to the child or a parent is likely to result from such contact.

In sum, father contends that because the court did not find a risk of direct physical or significant emotional harm arising from his contact with the children, it was an abuse of discretion not to award father “maximum” contact with the children, which in light of his North Carolina residence was the requested contact during the children’s school vacation time.

Father also points to the court’s finding that it was in the children’s best interests “to find ways to facilitate their relationship with their father within his financial constraints” and its explanation that the parent-child contact schedule it imposed was intended to “balance these interests.” He contends that there was no evidence suggesting that he could not financially support his proposed schedule and that consideration is not one of the statutory best-interest factors. He argues that the court’s order did not reveal any other reason for the limits it imposed on his contact time.

To begin—as we have explained in response to similar arguments—“while § 650 states an important policy goal, the statute does not remove the trial court’s discretion with respect to parent-child contact.” Lee v. Ogilbee, 2018 VT 96, ¶ 11 n.3, 208 Vt. 400; see, e.g., LeBlanc v. LeBlanc, 2014 VT 65, ¶ 26, 197 Vt. 17 (rejecting argument that parent-child contact order contravened § 650 and explaining that “[w]hile mother may not have as much time with the children as father does, she has been granted ample contact, consistent with what the court found appropriate under all of the circumstances”); Bancroft v. Bancroft, 154 Vt. 442, 449 (1990) (explaining that order giving father visitation rights amounting to approximately twenty-five percent of children’s time was supported by findings and did not offend § 650). While we recognize that “[v]isitation should function to foster beneficial relations between the children and the noncustodial parent,” we have also held that “§ 650 does not promote visitation at all costs.” Lane v. Schenck, 158 Vt. 489, 499 (1992). Rather, “[w]e will uphold the trial court’s parent-child contact award if it shows reasoned judgment in light of the record evidence.” Lee, 2018 VT 96, ¶ 11 & ¶ 11 n.3 (quotation omitted) (concluding that parent-child contact order did not violate § 650 where schedule was “based on a reasonable weighing of the evidence” and “provide[d] both parents time with their child”). The schedule the court imposed here provides both parents contact with the children and, for the reasons set forth below, reflects an exercise of reasoned judgment in light of the evidence relative to the children’s best interests.

First, contrary to father’s assertion, his financial constraints were not the only factor the court weighed in crafting the final contact order. The court considered mother’s opposition to father’s request to receive “almost all” of the children’s school-vacation time in the context of the amount of time father historically spent with the children and the fact that “the boys have siblings in Vermont.” It also considered the recency of father’s reengagement with the children and the need to lay a more extensive foundation through overnight contact in Vermont before transitioning to visits in North Carolina. A child’s relationship “with each parent” and “with any other person who may significantly affect the child”—such as half- or step-siblings in the home of one of the parents—are among the statutory best-interests factors.² 15 V.S.A. § 665(b)(1), (7); see Lee, 2018 VT 96, ¶ 11 (explaining that in crafting contact schedule, “the court may exercise its broad discretion in evaluating the statutory best-interests factors” provided “its approach [is] fair and consistent with the plain language of 15 V.S.A. § 665(b)”).

Nor has father demonstrated that the court erred in considering his financial constraints. To the extent he suggests the court was barred from weighing this consideration because it is not among the statutory best-interests factors, we reject that argument. As we have long recognized,

² Although the court did not expressly reference the statutory best-interests factors, the statute imposes no specific requirements on how the court’s consideration of the factors is to be manifested in its findings and conclusions. Sochin v. Sochin, 2005 VT 36, ¶ 6, 178 Vt. 535 (mem.). Rather, “[i]t is sufficient if 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 requirement is satisfied here.

§ 665(b) is “a nonexhaustive list outlining the appropriate considerations in determining the best interests of the child.” Nickerson v. Nickerson, 158 Vt. 85, 89 (1992); see 15 V.S.A. § 665(b) (directing court to “consider at least the following factors” (emphasis added)). Factors other than those enumerated in § 665(b) “may also be considered by the court” in determining the best interests of children. Hansen v. Hansen, 151 Vt. 506, 508 (1989). In cases like this one, where parent-child contact requires extensive travel, it is eminently appropriate for the family division to consider any related logistical challenges supported by the evidence. See, e.g., Quinones v. Bouffard, 2017 VT 103, ¶ 24, 206 Vt. 66 (“In fashioning a parent-child contact order, the court could consider, among other factors, the . . . challenges of traveling between Vermont and New York City.”).

Finally, while father contends that there was no evidence that he could not financially manage his proposed contact schedule, the court made no such finding. In any event, the record tells a different story. At the outset of the January 2026 hearing, father’s attorney stated that he was requesting “five chunks of time with the kids that occur only during their school breaks, and allow [father] to have bigger periods of time.” She went on to explain that making the visits happen was “a meaningful financial investment” for father, and that “cutting down the number from once a month, which really wasn’t—unfortunately wasn’t feasible, but making it five visits of greater duration will allow . . . for a better bonding experience and relieve a little bit of the financial pressure.” For his part, and consistent with the court’s findings, father testified that he had not returned to Vermont since his October 2025 visit because of the cost—including securing accommodation for himself and the children in Vermont and stocking it with everything the children needed—and that he believed his proposed schedule would be financially sustainable. His attorney reiterated this argument at the end of the hearing, stating: “it’s not that [father] doesn’t want to see his kids on the once-a-month schedule. It’s just not feasible. So that’s why our offer is the five annual visits instead of twelve for bigger chunks of time.”

In other words, father indicated that his proposed schedule—calling for more lengthy visits to occur in North Carolina with less frequency—was intended to ameliorate the financial difficulties that had prevented him from exercising his monthly visits after October 2025. Thus, the record in no way supports father’s assertion that the financial strain of exercising parent-child contact was “used against [him] to preclude contact.” Instead, it reveals that the court imposed a schedule responsive to financial concerns that father himself raised: while it did not award father all of the contact he requested, it did modify the schedule to provide for visits in North Carolina that were longer in duration but occurred with less frequency as he requested, and it also directed the parties to share the costs of the children’s travel. Though father did not receive the exact contact schedule he desired, the court did not abuse its discretion or contravene the legislative policy set forth in § 650 in adopting the schedule it ordered. See Kasper v. Kasper, 2007 VT 2, ¶ 7, 181 Vt. 562 (mem.) (explaining that in reviewing custody determinations, we do not consider “[w]hether the . . . court had other effective options,” rather we determine whether court “abused its discretion in choosing the option it did”); Rogers v. Parrish, 2007 VT 35, ¶ 20, 181 Vt. 485 (explaining, on appeal of trial court’s assessment of best-interests factors, “[t]hat the evidence could have been weighed or balanced differently towards a different result does not render the court’s opposite conclusions an abuse of discretion”). We will not disturb its decision on appeal.

Affirmed.

BY THE COURT:

Paul L. Reiber, Chief Justice

Harold E. Eaton, Jr., Associate Justice

Christina E. Nolan, Associate Justice