



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

Courtney Bianchi v. Cody Bussiere*	}	APPEALED FROM:
	}	Superior Court, Orleans Unit,
	}	Family Division
	}	CASE NO. 25-FA-02624
		Trial Judge: Lisa Warren

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

Father appeals from the court's order granting mother's request for a relief-from-abuse (RFA) order protecting her and the parties' minor children. He argues that the court erred in finding that the children were abused. We affirm.

I. Procedural History

The parties were in a relationship between 2019 and 2022. They have two sons together: O.B., born in February 2021; and F.B., born in August 2022. Pursuant to a March 2024 parentage order, mother was awarded primary physical and legal rights and responsibilities for the children. Father had parent-child contact (PCC).

In September 2025, mother filed a RFA petition, seeking protection for herself and the children. After a two-day hearing, the court granted mother's request. It found as follows. Father has pending criminal charges for domestic assault and voyeurism involving mother as well as an alleged violation of an abuse-prevention order. Father abused mother during their relationship. He pinned her in a corner and threw her against the wall when she was pregnant with O.B. He stabbed her with an insulin needle. He assaulted mother in front of O.B. when mother was pregnant with F.B. He punched, hit, kicked, bit, and spit on mother. Father also threw O.B. in his crib and later onto the passenger seat in the car. On another occasion, he grabbed O.B. and ran into the home after acting abusively and erratically toward mother during a car ride. Mother yelled that she would call police and father returned with the child. He threw the keys at mother, followed her to the car, and then blocked her way and refused to let her leave.

After the parties separated, mother saw marks on the children from suspected spankings when they were in father's care or the care of paternal grandparents. She brought the children to the emergency room to be evaluated; she also reported the incidents to law enforcement. On

another occasion, father was taking the parties to go ice skating and he had a tan semi-automatic firearm in his vehicle's cup holder. Mother asked him to move the gun but he refused and would not let her move it. Later that year, mother saw a car drive by, which was the same color as father's car, and the driver held a tan gun out the window and fired shots. Mother reported the incident to police.

During their relationship, father told mother that paternal grandmother had sexual relations with underage males. Father told mother they would discuss it further when their children were older. Mother did not want the boys left alone with paternal grandmother, however, and the parties at one time had a court order prohibiting paternal grandmother from unsupervised contact with the children.

Father had the children for five days over Labor Day weekend in 2025, which was longer than his allotted time. Maternal aunt picked up the children from father's residence and drove them to mother's house. Father did not tell maternal aunt that the children were injured during their visit. The aunt did not notice any visible injuries when she put the children in the car. Nothing occurred during the car ride to injure the children. When mother saw the children, she immediately noticed that F.B. had a bruise under his eye. Aunt also noticed the bruise after she arrived at mother's home.

Paternal grandparents saw the boys over Labor Day weekend and the children spent the night at their home. Grandparents denied seeing a bruise under F.B.'s eye during the visit and denied physically or sexually abusing the children. Paternal aunt was visiting grandparents over the Labor Day weekend and she denied seeing a bruise under F.B.'s eye. Paternal aunt was not with her parents the entire time she was at their home. Paternal great-grandmother also denied seeing any injuries or a black eye on F.B. The court did not credit the testimony of these parties.

The children's primary care provider testified at the hearing. She explained that O.B. was seen at the emergency room in February 2025 for picking at his rectum. A report was filed with the Department for Children and Families (DCF). At a follow-up appointment, the primary care provider referred mother and the boys to Dartmouth Hitchcock Medical Center (DHMC) for forensic interviews. The children were examined there in February 2025, which resulted in "significant suspicion that [O.B.] and [F.B.] ha[d] experienced sexual abuse," "suspicion for physical injury by other than by accidental means (physical abuse)," and "suspicion for neglect and psychological maltreatment" during the children's contact with father and paternal grandparents.

When the children returned to mother's home after visiting father over Labor Day weekend in 2025, mother suspected that father caused the bruise on F.B.'s face. She was also concerned about physical and sexual abuse of O.B. based on her observations of the children and discussions with them. On the day after the children returned from their visit with father, mother noticed a welt or bruise on O.B.'s back while he was in the bath and redness where his penis and testes met. She took the children to their primary care provider.

The primary care provider examined O.B. and F.B. several days after Labor Day. The provider noticed a very faint bruise under F.B.'s eye that was yellowed and healing. She considered the bruise's location suspicious in an ambulatory child. Based on the child's disclosure and her examination, the provider suspected nonaccidental trauma. During the primary care provider's examination, O.B., unprompted, grabbed his penis and pulled it away from his body, twisted it back and forth, and said "Nonnie did this." The children referred to paternal grandparents as "Nonnie" and "Poppy." The court found that a child O.B.'s age who

was potty trained might need some assistance while using the toilet but there would be no need to pull and twist his penis. The provider suspected physical and sexual abuse of O.B. She filed a report with DCF to initiate an investigation and urgently referred the children to DHMC Child Advocacy Center for a comprehensive evaluation, to include a forensic interview and a complete physical. This was the second such referral in seven months.

At the September 2025 DHMC examination, it was noted that “[t]here is significant concern that both [O.B.] and [F.B.] have been experiencing varying forms of child maltreatment” and that “these children are at an ongoing risk of harm if they are to continue going with [father] unsupervised by appropriate, nonoffending caregivers.”

Based on these and other findings, the court concluded that mother proved abuse and danger of future abuse by a preponderance of the evidence. The court explained that father was responsible for the children’s welfare during the children’s five-day visit with him over Labor Day weekend. Mother observed a bruise under F.B.’s left eye when he was returned to her care. The bruise was older, based on the assessment of the child’s primary care provider. Father did not mention that the children had been injured. The children had been restrained during their car ride to mother’s house and nothing was thrown during the car ride; there was no roughhousing or crying at mother’s house when the children arrived. F.B.’s bruise was suspicious for abuse or nonaccidental trauma. The court found by a preponderance of the evidence that father abused F.B. and caused the injury.

As to O.B., the court recounted his actions during his evaluation by the primary care provider as well as the welt or bruise that mother observed on his back. It found that father allowed the children to spend the night with paternal grandparents and have contact with them despite the parties’ previous order prohibiting unsupervised contact with paternal grandmother. Father was aware of mother’s concern about potential sexual abuse of the children by paternal grandmother. The court concluded that father, by his acts or omissions while he was responsible for the boys’ welfare, allowed O.B. to be harmed either physically, sexually, or both when his penis was pulled and twisted.

In light of the children’s unexplained bruising and the redness on O.B.’s genitalia after the visit with parental grandparents, the urgent referral to DHMC for further evaluation, and the results of that evaluation, the court concluded that mother established by a preponderance of the evidence that father abused the children and that there was a danger of further abuse. In its order, the court also found that father abused mother and that there was a danger of further abuse to her. The court granted mother’s request for relief and ordered father to have no contact with mother and to have limited and supervised contact with the children. This appeal followed.

II. Arguments on Appeal

Father argues that the court erred in determining that he abused F.B. and that he failed to protect O.B. from sexual abuse.

A. Applicable Standards

“Abuse-prevention orders . . . are intended to provide immediate relief from intrafamily violence as well as to protect victims from future abuse.” Raynes v. Rogers, 2008 VT 52, ¶ 8, 183 Vt. 513. The court must “make such orders as it deems necessary to protect the plaintiff or the children, or both, if the court finds that the defendant has abused the plaintiff, and . . . there is a danger of further abuse.” 15 V.S.A. § 1103(c)(1)(A). We construe “[r]emedial statutes, such as the Abuse Prevention Act, . . . liberally . . . to suppress the evil and advance the remedy intended by the Legislature.” Raynes, 2008 VT 52, ¶ 15 (quotation omitted).

The term “abuse” as defined in 15 V.S.A. § 1101(1)(A)(i) and (iii) includes “attempting to cause or causing physical harm” and “abuse to children as defined in 33 V.S.A. [§§ 4911-4923].” Under 33 V.S.A. § 4912(1), an “[a]bused or neglected child” means “a child whose physical health, psychological growth and development, or welfare is harmed or is at substantial risk of harm by the acts or omissions of his or her parent or other person responsible for the child’s welfare”; it “also means a child who is sexually abused or at substantial risk of sexual abuse by any person.”

The party seeking a RFA order has “the burden of proving abuse by a preponderance of the evidence.” 15 V.S.A. § 1103(b). “[T]he term ‘preponderance’ means that upon all the evidence the facts asserted by the plaintiff are more probably true than false.” In re M.L., 2010 VT 5, ¶ 26, 187 Vt. 291 (quotation omitted). “This standard is satisfied when the equilibrium of proof is destroyed, and the beam inclines toward him who has the burden, however slightly A bare preponderance is sufficient, though the scales drop but a feather’s weight.” Id. ¶ 25 (quotation and alteration omitted).

We review the trial court’s decision “only for an abuse of discretion, upholding its findings if supported by the evidence and its conclusions if supported by the findings.” Raynes, 2008 VT 52, ¶ 9. “As the trier of fact, it [is] the province of the trial court to determine the credibility of the witnesses and weigh the persuasiveness of the evidence.” Cabot v. Cabot, 166 Vt. 485, 497 (1997).

B. Argument as to F.B.

With respect to F.B., father maintains that the court’s decision rested on speculation and that the court’s findings do not support its conclusion. Father argues that there was no precise date for when the bruise was incurred and that it is unclear if the bruise could have been inflicted only while the children were with him. He suggests that the court should not have given any weight to maternal aunt’s testimony that father did not inform her of any injuries when she picked up the children. In a related vein, father asserts that the court should not have allowed the child’s primary care provider to offer expert testimony regarding the general age of the bruise.

We reject these arguments. The court was not required to pinpoint the precise date the injury was inflicted on F.B. and father fails to show that the court erred in allowing the child’s primary care practitioner to testify to her experience in determining the general age of bruises. The weight to be given to maternal aunt’s testimony was for the factfinder to assess. See id. As indicated above, mother needed to show here only that the facts she asserted were “more probably true than false.” In re M.L., 2010 VT 5, ¶ 26 (quotation omitted). The court’s decision is grounded in the evidence and it is not based on speculation.

As an initial matter, father fails to cite to the record to show where he preserved his challenges to the testimony of the children’s primary care provider. “It is the burden of the appellant to demonstrate how the lower court erred warranting reversal,” and “[w]e will not comb the record searching for error.” In re S.B.L., 150 Vt. 294, 297 (1988); see also V.R.A.P. 28(a)(4)(A) (explaining that argument on appeal “must contain . . . the issues presented, how they were preserved, and appellant’s contentions and the reasons for them—with citations to the authorities, statutes, and parts of the record on which the appellant relies”). Father’s claim of error fails on this ground alone.

In any event, we note that the record shows that the court discussed in detail the testimony from the children’s primary care provider, including her education, training, and experience. It found that she had specialized training in expected wound healing but not specifically bruises and that she did not have any training in forensics. The court found it possible to relatively age bruises but recognized that it was just an estimate as to when the injury would have occurred. It considered the American Academy of Pediatrics and Johns Hopkins University to be reliable sources for information on this subject. It found that while studies urged “extreme caution in estimating bruise age,” an examination that considered “the association of swelling, tenderness, and abrasions with directly observed colors provided an additional dimension in an attempt to improve further the accuracy of age estimation.”

The court explained that in general, when aging bruises, the children’s primary care provider considered not only the report made by a child but also the size, shape, and location of the bruise, as well as any swelling and redness. She made a general determination as to whether the bruise was new or old. The court described the provider’s examination of F.B. The provider noticed a faint bruise that was yellowed and healing. She had seen bruising in her practice and taken classes on bruising. New bruises typically are red, warm, hot, and swollen at the outset. They can become dark over time and then yellow and fade. F.B.’s bruise appeared older. The provider questioned F.B. about the injury, asked additional questions about father, and documented the healing bruise in her notes. The bruise was in a suspicious location and based on F.B.’s disclosure and her examination, the provider determined that the apparent age of the bruise fit his explanation. The healing bruise appeared after the child visited father for five days and the court could reasonably conclude, based on the totality of the evidence recited above, that it was “more probably true than false” that father inflicted the injury while the children were in his care over Labor Day weekend. The trial court’s findings are supported by the evidence and they support the court’s conclusion that father abused F.B.

C. Argument as O.B.

Father next argues that the court erred in concluding that he knowingly allowed O.B. to be sexually abused. He questions whether abuse can occur from a failure to act, as in the juvenile cases cited by the trial court. He asserts that the children were never left alone with paternal grandparents, citing testimony from paternal aunt. Father also appears to challenge the admission of O.B.’s medical records, which included O.B.’s statement to the primary care provider that “Nonnie did this,” although he also appears to challenge the provider’s testimony to this effect at trial.

As an initial matter, the court did not find that father knowingly allowed O.B. to be abused. It concluded that father, by his acts or omissions while he was responsible for the children’s welfare, allowed O.B. to be harmed either physically, sexually, or both when his penis was pulled and twisted. As indicated above, “abuse” under the statute includes “abuse to

children” as defined in the juvenile statutes, 33 V.S.A. §§ 4911-4923. An “abused or neglected child” under § 4912(1) means “a child whose physical health, psychological growth and development, or welfare is harmed or is at substantial risk of harm by the acts or omissions of his or her parent or other person responsible for the child’s welfare.” With respect to the case law cited by the trial court, father makes no compelling argument why a parent’s acts or omissions cannot put a child at “risk of harm” as in juvenile cases involving children in need of care or supervision. Indeed, he argues only that it is “unclear” if the case law cited by the trial court is applicable here. To the extent he is claiming error, the claim is inadequately briefed. See V.R.A.P. 28(a)(4)(A) (explaining that argument on appeal “must contain . . . the issues presented, how they were preserved, and appellant’s contentions and the reasons for them—with citations to the authorities, statutes, and parts of the record on which the appellant relies”); Johnson v. Johnson, 158 Vt. 160, 164 n.* (1992) (stating that Supreme Court will not address contentions so inadequately briefed as to fail to minimally meet standards of V.R.A.P. 28(a)).

As to the admission of O.B.’s medical records from his visit with the primary care provider, father argued below that statements in these records “go far beyond what is necessary for medical treatment,” citing “concerns of physical violence between [paternal grandparents]” and the section entitled “history of present illness.” The court admitted the exhibit, explaining that it was able to determine what statements were “used for purposes of medical diagnosis and treatment versus something not used for that.” See V.R.E. 803(4) (providing exception to hearsay rule for “statements made for purposes of medical diagnosis or treatment and describing medical history, or past or present symptoms, pain, or sensations”). Father did not identify any particular statement in his objection as inadmissible because it concerned “the inception or cause of the injury,” as he asserts on appeal.

The primary care provider testified that, after Labor Day, mother called about concerns that O.B. was sexually abused and she made an appointment for O.B. When the provider was asked “what did [O.B.] explain to you happened,” father objected on “hearsay” grounds. Mother argued that what O.B. said to the provider during his appointment were “statements made for the purposes of medical treatment, and they’re what this provider [was] basing her decisions on as far as how to treat this child.” The court overruled father’s objection. As with the medical records, father fails to show that he specifically argued below that O.B.’s statement “Nonnie did this” was inadmissible because it “related to the inception or cause of the injury.” The specific argument father now raises in his brief was therefore not preserved. See In re White, 172 Vt. 335, 343 (2001) (“[T]o properly preserve an issue for appeal a party must present the issue with specificity and clarity in a manner which gives the trial court a fair opportunity to rule on it,” and “[w]e have repeatedly stressed that we will not address arguments not properly preserved for appeal” (quotation omitted)).

Finally, the court did not err in finding that father allowed the children to spend the night at paternal grandparents and allowed them to have contact with paternal grandparents over Labor Day weekend despite the parties’ previous order that he would not allow grandmother to be unsupervised around the children. As to paternal aunt’s testimony, she acknowledged that she had not “seen every single interaction between [grandparents] and the boys.” Father knew of mother’s concern that grandmother might sexually abuse the children and he knew a prior order had been in place prohibiting unsupervised contact between grandmother and the children. When O.B. returned from father’s care, he had redness around his genitalia and described his penis as having been pulled and twisted. Father does not challenge the court’s finding that O.B. was harmed physically. Based on the totality of the evidence, the court could reasonably

conclude that father failed to protect O.B. and O.B. was thereby abused within the meaning of 33 V.S.A. § 4912(1).

Affirmed.

BY THE COURT:

Paul L. Reiber, Chief Justice

Harold E. Eaton, Jr., Associate Justice

Christina E. Nolan, Associate Justice