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IN THE COURT OF APPEALS OF INDIANA

DANIEL BREWINGTON,	)	
	)	
Appellant-Respondent,	)	
	)	
vs.	)	No. 69A05-0909-CV-542
	)	
MELISSA BREWINGTON,	)	
	)	
Appellee-Petitioner.	)	

APPEAL FROM THE RIPLEY CIRCUIT COURT
The Honorable James D. Humphrey, Special Judge
Cause No. 69C01-0701-DR-7

July 20, 2010

MEMORANDUM DECISION - NOT FOR PUBLICATION

Panel Per Curiam

Daniel Brewington appeals from the trial court's Judgment and Final Order on Decree of Dissolution of Marriage dissolving his marriage to Melissa Brewington, dividing the marital estate, and awarding sole custody of the parties' two minor children to Melissa. Daniel presents six issues for our review, which we consolidate and restate as:

1. Did the trial court err in including certain assets as part of the marital estate?

2. Did the trial court abuse its discretion in admitting the report and testimony of the custody evaluator?

3. Did the trial court abuse its discretion in ordering that Daniel have supervised visitation with the minor children?

4. Did the trial court abuse its discretion in awarding Melissa attorney fees?

We affirm.

Daniel and Melissa were married on August 10, 2002. Two children were born of the marriage: M.B., born October 30, 2003, and A.B., born February 26, 2006. During the course of the marriage, Daniel and Melissa lived together in a home on a farm currently owned by Daniel's mother. The farm is held in trust with Daniel's mother having a life estate with the remainder to go to her two children—Daniel and Daniel's brother. Daniel and Melissa renovated the home in which they lived.

This three-year-long divorce battle began on January 8, 2007, when Melissa filed a petition for dissolution of marriage in the Ripley County Circuit Court. On May 15, 2007, the trial court approved an agreed order for a custodial evaluation by Dr. Edward Connor. On September 9, 2007, the custody evaluation was filed with and sealed by the trial court. Dr. Connor filed with the court an addendum to the custody evaluation on April 16, 2008.

On September 27, 2007, Daniel requested release of the custody evaluation, and the court ordered that it be distributed on October 9, 2007. On February 27, 2008, Daniel's second attorney requested and was granted permission to withdraw his appearance on behalf of Daniel. Daniel served as his own attorney throughout the rest of the proceedings.

Serving as his own attorney, Daniel filed numerous motions requesting the release of Dr. Connor's *entire* case file and/or for an order dismissing Dr. Connor as an impartial custody evaluator. After a hearing, the trial court issued an order denying all of Daniel's pending motions. On June 6, 2008, Melissa filed a motion to set a final hearing. Daniel filed an objection to the motion and then filed a motion to clarify. After the trial court denied Daniel's motion to clarify, Daniel filed a petition for contempt citation, which the trial court also denied. Daniel filed another verified petition for contempt citation, and Melissa filed a response thereto. On October 9, 2008, Daniel filed a Motion to Compel Dr. Connor to Honor His Contract and Release the Child Custody Evaluation Case File. All pending matters were set for a hearing before the court on November 24, 2008, at the conclusion of which the trial court denied Daniel's motion to compel and petition for contempt citation. Daniel then sought to continue the final hearing, which the court denied.

On December 5, 2008, Daniel filed a motion for change of judge. Judge James Humphrey accepted appointment on December 29, 2008. Upon Melissa's request, a final hearing was set for May 27, 2009. On March 11, 2009, an appearance was filed by counsel representing Judge Taul, the original judge hearing this matter, whom Daniel had subpoenaed to testify. On March 26, 2009, Judge Taul's motion to quash the subpoena was granted. Daniel filed a motion to reconsider, which was denied. On April 16, 2009, Daniel filed his

first motion for mistrial. After that motion was denied, Daniel filed a second motion for mistrial, which was also denied.

The final hearing on the dissolution petition was held on May 27, June 2, and June 3, 2009. On August 18, 2009, the trial court entered its Judgment and Final Order on Decree of Dissolution of Marriage in which the court dissolved the parties' marriage, divided marital assets, awarded sole legal and physical custody of the minor children to Melissa, granted Daniel supervised visitation upon completion of mental health counseling, and ordered Daniel to reimburse Melissa for a portion of her attorney fees. The trial court made extensive findings of fact and conclusions of law in support of its judgment. On August 20, 2009, Daniel filed with the trial court a motion to clarify and reconsider certain aspects of the dissolution decree. Four days later, Daniel filed a motion to grant relief from judgment. The trial court denied both motions. Daniel now appeals.

When, as here, the trial court enters findings of fact and conclusions of law, its findings and conclusions shall not be set aside unless clearly erroneous. *Shady v. Shady*, 858 N.E.2d 140 (Ind. Ct. App. 2006), *trans. denied*. "A finding or conclusion is clearly erroneous when a review of the evidence leaves us with the firm conviction that a mistake has been made." *Id*. at 140. We review the judgment by determining whether the evidence supports the findings and whether the findings support the judgment. *Shady v. Shady*, 858 N.E.2d 140. We consider only the evidence favorable to the judgment and all reasonable inferences to be drawn from that evidence. *Id*. We neither reweigh the evidence nor assess witness credibility. *Id*.

Daniel argues that the trial court erred in including in the marital estate his vested, remainder interest in the family farm that had a present value of $264,530.00.[1] Daniel's interest in the family farm comprises the bulk of the marital estate. Daniel asserts that he does not presently have any possessory interest which may be sold, transferred, or mortgaged and furthermore, that his interest therein is subject to complete defeasance should he predecease his mother. Daniel maintains that his interest is too remote to be valued as a marital asset.[2]

On April 20, 1998, Daniel's father executed a revocable trust agreement to ensure that the family farm remained in the family and for tax benefits. The family farm consists of six tracts of land, a residence, and outbuildings, all valued at $1,425,000.00. Daniel's father passed away on May 19, 1998. Daniel's father was survived by his wife, Sue Brewington, and his sons, Daniel and Matt. Pursuant to the trust agreement, upon Daniel's father's death, Sue was entitled to receive the trust income during her life with the remainder to Daniel and his brother "equally, ***per stirpes*** and not ***per capita***." *Appellant's Appendix* at 40 (emphasis

[1] The court made the following findings with regard to the present value of Daniel's remainder interest in the family farm:

> H. The value of Daniel and Matt Brewington's future interest or remainder interest in the 163+ acre parcel is $343,425.00, as of the date of filing (Petitioner's Exhibit #5), and the value of Daniel and Matt Brewington's future or remainder interest in the 78+ acre parcel that contained the marital residence is $185,635.00, as of the date of filing. (Petitioner's Exhibit #6). As such the total value of the future interest vested in both Daniel and Matt Brewington in the "Trust" was $529,060.00, at the time of filing, and the value of the future interest attributable to [Daniel]'s share in the "Trust" was $264,530.00, at the time of filing.

Appellant's Appendix at 170. On appeal, Daniel does not challenge the calculated value of his remainder interest.

[2] The trial court considered the fact that Daniel inherited his interest therein in finding that an unequal division of the marital estate was appropriate. The trial court thus deviated from the presumptive equal division and awarded Daniel fifty-five percent and Melissa forty-five percent of the marital estate.

in original). The trust became non-revocable upon Daniel's father's death, thereby vesting the interests of all parties, including Daniel.

It is well-established in Indiana that all marital property goes into the marital pot for division, whether it was owned by either spouse prior to the marriage, acquired by either spouse after the marriage and prior to final separation of the parties, or acquired by their joint efforts. *Hill v. Hill*, 863 N.E.2d 456 (Ind. Ct. App. 2007); *see also* Ind. Code Ann. § 31-15-7-4 (West, Westlaw through 2010 Public Laws approved and effective through 3/25/2010). Property is broadly defined to include "all the assets of either party or both parties." Ind. Code Ann. § 31-9-2-98 (West, Westlaw through 2010 Public Laws approved and effective through 3/25/2010). We have consistently held, however, that only property in which the party has a vested interest at the time of dissolution may be divided as a marital asset. *Hann v. Hann*, 655 N.E.2d 566 (Ind. Ct. App. 1995), *trans. denied*. The "one pot" theory thus requires the trial court to include in the marital pot any asset in which a party has a vested interest. *Id*.

Daniel cites *Loeb v. Loeb*, 261 Ind. 193, 301 N.E.2d 349 (1973) as support for his claim that his remainder interest in the family farm was too remote and therefore should not have been included as a marital asset. In *Loeb*, our Supreme Court held that a husband's vested remainder subject to a condition subsequent in a trust created by his mother was not a marital asset subject to division. During the marriage of the parties, the husband's mother created a trust consisting of common stock of the family corporation. The trust provided that the husband's mother would receive the income from the stock during her lifetime. Upon her death, the principal and any undistributed income was to be paid over to the husband and his

two siblings in equal shares. If any of the beneficiaries did not survive the husband's mother, his or her share was to be paid to the surviving issue of that beneficiary per stirpes, or in the event that no such person existed, then to the other beneficiaries in equal shares.

The wife argued that the husband's interest in the trust was a vested remainder that was subject to division by the dissolution court. The husband disagreed, and characterized his interest as contingent. The Court concluded that the husband held a vested remainder subject to a condition subsequent because his interest was subject to complete defeasance if he predeceased his mother. The Court concluded that such a determination, however, was not dispositive. Instead, "[t]he central question is not whether the interest is 'vested' or 'contingent,' but, rather, the issue is whether the future interest is so remote that it should not have been included in the property settlement award." *Id.* at 198, 301 N.E.2d at 352. In the case before it, the court determined that the husband's interest was too remote. It noted that the husband had no present possessory interest and that the interest was of no present pecuniary value to him. Thus, the husband's interest in the trust was not divisible in the property settlement award.

Daniel also directs us to *Fiste v. Fiste*, 627 N.E.2d 1368 (Ind. Ct. App. 1994), wherein this court held that a husband's remainder interest in real property was too remote to be included as a divisible marital asset. In *Fiste*, the husband had a remainder interest in a substantial amount of real property, subject to a life estate in his grandmother and a life estate in his mother. We held that despite the statutory language requiring division of all "assets" in dissolution, some assets are simply too remote to be capable of division. *Fiste v. Fiste*, 627 N.E.2d 1368 (citing *Loeb v. Loeb*, 261 Ind. 193, 301 N.E.2d 349). We determined in that

case that because the husband had no present possessory interest in the land and because his interest was subject to complete defeasance if he predeceased his mother, his remainder interest in the real property was too remote to constitute marital property.

We find the cases cited by Daniel to be distinguishable from the case at hand. Here, Daniel does not dispute that he has a vested remainder interest in the trust. Contrary to Daniel's assertion, his interest is not subject to a condition subsequent and as such, his interest is not subject to complete defeasance should he predecease his mother. Per the terms of the trust, Daniel's remainder interest will pass through him regardless of whether he predeceases his mother. Further, Daniel's remainder interest has a present pecuniary value. In this regard, we find the rationale of *Moyars v. Moyars*, 717 N.E.2d 976 (Ind. Ct. App. 1999), *trans. denied*, to be helpful.

In *Moyars*, this court likened a vested future interest in land to vested pension benefits. Citing *Schueneman v. Schueneman*, 591 N.E.2d 603 (Ind. Ct. App. 1992), the *Moyars* court noted that if pension benefits are vested, they are a marital asset subject to division by the dissolution court. The *Moyars* court further noted that implicit in this determination is that if the benefits are fixed they constitute a valuable asset even though there is no present right to receive income. The court concluded that although husband had no current possessory interest in land, his right to take legal possession of the land at some point in the future was fixed and certain. The court therefore held that the husband's vested remainder interest should have been included as a marital asset subject to division.

As in *Moyars*, Daniel had no current possessory interest in the land, as his mother held a life estate therein. Daniel's right to take legal possession of the land at some point in the

future was fixed and certain. Having reviewed the trust document and in light of the above cases, we conclude that Daniel's interest was not too remote such that it should not have been considered as a marital asset. The trial court did not err in including Daniel's remainder interest in the marital estate.[3]

2.

Daniel argues that the trial court erred in admitting the report and testimony of Dr. Connor, who, by agreement of the parties, performed a custody evaluation. The basis for Daniel's argument is that the trial court's failure to order the release of Dr. Connor's entire case file violated Ind. Code Ann. § 31-17-2-12(c) (West, Westlaw through 2010 Public Laws approved and effective through 3/25/2010) rendered Dr. Connor's report and testimony inadmissible.

I.C. § 31-17-2-12(c) provides:

> The court shall mail the investigator's report to counsel and to any party not represented by counsel at least ten (10) days before the hearing. The investigator shall make the following available to counsel and to any party not represented by counsel:
>
> (1) The investigator's file of underlying data and reports.
>
> (2) Complete texts of diagnostic reports made to the investigator under subsection (b).
>
> (3) The names and addresses of all persons whom the investigator has consulted.

[3] As noted in footnote 2, *supra*, the trial court deviated from the presumption of an equal property division in favor of Daniel based in part upon the fact that Daniel inherited his interest in the family farm. The trial court also found that Daniel and Melissa lived in a home located on the property during the marriage and that Melissa (and her father) "did much work to the marital home during the marriage and helped pay for many of the projects done to the home". *Appellant's Appendix* at 170-71. Daniel does not argue that the trial court abused its discretion in awarding him fifty-five percent of the marital estate.

Daniel does not deny that he was provided with the custody evaluation report. Daniel, however, cluttered the proceedings by filing numerous motions and requiring the court to hold several hearings regarding his belief that the above statute requires that he be provided with Dr. Connor's *entire* case file. Although not specific as to the materials he was seeking and was not provided, the crux of Daniel's requests appeared to be his desire to obtain Melissa's medical records. Because Daniel believes that Dr. Connor did not comply with the above statute by providing him with his entire case file, Daniel argues that Dr. Connor's report and testimony should have been excluded from evidence.

We first note that I.C. § 31-17-2-12(c) does not require that Dr. Connor's *entire* case file be provided to Daniel. All the items specified by statute were provided. Other than his belief that I.C. § 31-17-2-12(c) was violated, Daniel asserts no other basis on which to find that Dr. Connor's report and testimony were inadmissible or should have been excluded from evidence.

Daniel's arguments that the trial court erred in relying upon Dr. Connor's report given "the large number of self admitted errors contained in the report, the errors in handling the evaluation paperwork, and the bias demonstrated by Dr. Connor against [Daniel] in his ex-parte communications with the court" are matters that go to the weight of the evidence, not its admissibility. *Appellant's Brief* at 22. In any event, we note that in response to a seventeen-page letter written by Daniel outlining his perceived errors in Dr. Connor's report, Dr. Connor submitted an addendum to his report in which he made minor corrections, none of which affected Dr. Connor's ultimate conclusion as to custody. Further, Daniel was provided with the opportunity to cross-examine Dr. Connor regarding the findings and

conclusions contained in his report and to point out any discrepancies. Having provided no basis for a finding that Dr. Connor's report and testimony were inadmissible, the trial court did not abuse its discretion in admitting and relying upon such evidence.

3.

Daniel argues that the trial court erred in effectively terminating his parental rights by denying him visitation with his children without specifically finding that he posed a danger to the physical or mental well-being of the children. Daniel contends that the trial court's findings are not supported by the evidence and are not sufficient to sustain the effective termination of his parental rights.

Restriction or denial of parenting time is governed by I.C. § 31-17-4-2 (West, Westlaw through 2010 Public Laws approved and effective through 3/25/2010), which provides as follows:

> The court may modify an order granting or denying parenting time rights whenever modification would serve the best interests of the child. However, the court shall not restrict a parent's parenting time rights unless the court finds that the parenting time might endanger the child's physical health or significantly impair the child's emotional development.

Even though the statute uses the word "might," this Court has previously interpreted the language to mean that a court may not restrict parenting time unless that parenting time "would" endanger the child's physical health or emotional development. *See Stewart v. Stewart*, 521 N.E.2d 956, 960 n.3 (Ind. Ct. App. 1988), *trans. denied*.

Upon review of a trial court's determination of a parenting time issue, we reverse only when the trial court manifestly abused its discretion. *J.M. v. N.M.*, 844 N.E.2d 590 (Ind. Ct. App. 2006), *trans. denied*. The trial court does not abuse its discretion if there is a rational

basis in the record supporting its determination. *Id*. Upon appeal, we neither reweigh the evidence nor judge the witnesses' credibility. *Id*. In all parenting time controversies, courts are required to give foremost consideration to the best interests of the children. *Id*.

In support of its decision that Melissa should be granted sole custody of the minor children and that Daniel's "visitation with the minor children be restricted . . .", the court found that Melissa is the primary caretaker for the children in that she is primarily involved with their medical providers and their formal education, that she involves the children in family activities and organized activities, that she encourages their spirituality, and that she provides the minor children with a clean and safe environment. *Appellant's Appendix* at 157. The trial court also made the following specific findings:

> H. [Melissa] has sought help from a psychologist, Dr. Melowsky, [for one of the minor children]. [Daniel] contacted said psychologist with concerns about confidentiality, refused to fill out the paperwork for Dr. Melowsky, and sent Dr. Melowsky a lengthy letter stating that he was afraid the paperwork would be used against him in Court and he would have to subpoena Dr. Melosky [sic]. Dr. Melowsky then refused to treat [the minor child].
>
> I. [Daniel] took monies from [M.B.]'s account that was funded with her birthday, Christmas, Baptism money, and small contributions from [Melissa]'s salary. With the monies that he withdrew and the bank fees due to his withdrawl [sic], [Daniel] owed [M.B.]'s account $640.00.
>
> J. Joint custody is inappropriate given the findings of the custodial evaluation, the addendum, the testimony of the parties and Dr. Connor, the Court's file in this action, and [Daniel]'s actions in the Court. [Daniel] has severe Attention Deficit Disorder that affects his ability to focus and concentrate, he rambles and forgets, and is given to impulsive and incoherent thought. (Petitioner's Exhibit #39). [Daniel] could not communicate with [Melissa] with the skills necessary to conduct joint custody.
>
> K. The Psychometric Test Results of [Daniel] reported in the Confidential Custody Evaluation of August 29, 2007, and Dr. Connor's testimony, indicate that he has "a degree of psychological disturbance that is concerning and does not lend itself to proper parenting." His profile as

per the Custody Evaluation and Dr. Connor's testimony indicates that [Daniel] is paranoid, is manipulative, exhibits a "manic-like existence", is "unwilling to accept responsibility for his behavior", is self-centered, "has difficulty seeing an issue from another's perspective", likes to do "things on his own was [sic] as opposed to being more cooperative and compromising" when needed, and "does not handle criticism well." Most of these behaviors were exhibited by [Daniel] at some time during the hearings before this Court.

L. According to Dr. Connor's testimony, [Daniel]'s writings are similar to those of individuals who have committed horrendous crimes against their families.

M. In the past, [Daniel] has shoved Wife and has blocked her car to prevent her from leaving. (Petitioner's Exhibit #39).

N. [Daniel] has posted information about the dissolution proceeding on his website, on his blog, and on various other sites, and continued to post information even after the hearing for a temporary restraining order wherein the Court's Order stated that the "Court may also consider evidence presented at this hearing regarding the temporary restraining order in regard to the Court's decision as to visitation and custody and how [Daniel]'s actions may affect the best interests of the children now and in the future." [Daniel] quoted portions of the custodial evaluation in said postings, does not seem to appreciate the harm to the children by making these issues public, and is even instructing the children on how to use computers to access the internet.

O. [Daniel] admitted to posting on his Face book [sic] page in regard to these proceedings that "This is like playing with gas and fire, and anyone who has seen me with gas and fire know [sic] that I am quite the accomplished pyromaniac". [Daniel] also posted that if this Court wanted him to take down the internet posting concerning the dissolution that they would have to kill him to stop him.

P. [Daniel] has threatened to share information about the dissolution with friends and families of the parties, to poll friends and family to determine which parent was acting more rational, and to put all the information about the dissolution in a time capsule for the children to open in the future. The Court finds this is part of his continuing effort to manipulate [Melissa].

Q. [Daniel] began instructing [M.B.], now age 5, in the use of firearms when she was 4 years old over [Melissa]'s concerns and protests. [Melissa] expressed concern for [Daniel] leaving firearms around the house at the time of the Provisional Hearing, and [Daniel] testified that he got the gun safe only to appease [Melissa].

R. Daniel has exposed the children to movies with inappropriate content for their age, and when confronted by [Melissa] concerning [M.B.]'s

nightmares, [Daniel] responded that Disney movies were more detrimental to the children than "Austin Powers".

S. The record of this case shows that [Daniel] has attempted to intimidate the Court, Court staff, [Melissa], Dr. Connor and anyone else taking a position contrary to his own. The Court is most concerned about [Daniel]'s irrational behavior and attacks on Dr. Connor. Frankly it appears that these attacks have been an attempt at revenge for taking the position regarding custody contrary to [Daniel]. The Court also finds that [Daniel] has made a less than subtle attempt to intimidate Attorney Loechel [Melissa's attorney] by contacting Attorney Loechel's husband regarding weapons training during the pendency of the case. The Court also considers [Daniel]'s verbal explosion on the first day of the final hearing and the necessity to have a Sheriff's Deputy present in the Courtroom for all three (3) days of said hearing. *In sum, the Court finds [Daniel] to be irrational, dangerous and in need of significant counseling before he can conduct himself as a parent. [Daniel] has stated that he acts in this manner to show his children that he is fighting for them. To the contrary, his words and actions show that he is, at least presently, unable to conduct himself with the level of maturity necessary to be a parent.* [Daniel] would be better served to show how much he can co-operate with [Melissa] and the professionals involved for the best interests of the children.

* * *

W. [Daniel] has been having his mother, Sue Brewington, watch the children for him while he "works" on his "legal project" instead of spending time with the children. . . .

Id. at 159-69 (emphasis supplied). Based on these findings, the court ordered that Daniel "shall not be entitled to visitation until he undergoes a mental health evaluation" the purpose of which is "to determine if he is possibly a danger to the children, [Melissa] and/or to himself" *Id*. at 172 (emphasis in original). In the event it is determined that Daniel is not a danger to the children, Melissa, or himself, the court ordered that Daniel have supervised visitation in a therapeutic setting in increments of two, two-hour visits a week. Upon recommendation of the mental health provider and the provider of supervised visitation, Daniel could motion the court for unsupervised visitation.

We further note that the record contains additional evidence supporting the court's supervised visitation order. During the court proceedings, Daniel was disruptive, requiring the court to stop the proceedings and make a record of his conduct which included rants and throwing paperwork. The trial court threatened to hold Daniel in contempt of court on several occasions.

We commend the trial court for its thorough findings, each of which are supported by the record. The court clearly and adequately articulated its concern based upon the testimony presented and the court's own observations that Daniel posed a threat the physical and emotional well-being of the children. We are not in a position to second-guess the trial court's assessment in this regard. Moreover, contrary to Daniel's position, the court did not effectively terminate his parental rights. The court took the steps it felt necessary to ensure the safety of the children. The limitation on Daniel's visitation with his children was brought about by Daniel's own actions and his continued visitation with his children is within his control, i.e., undergo a mental health evaluation and follow the recommendations of the mental health provider. In light of the evidence presented during the final hearing, the testimony of the custody evaluator, Daniel's conduct throughout the proceedings, and the trial court's own observations of Daniel's temperament, we cannot say the trial court's limitation on Daniel's visitation rights was a manifest abuse of discretion.

4.

Daniel argues that the trial court erred in ordering him to pay a portion of Melissa's attorney fees. In this regard, the trial court made the following finding:

> 10. Wife has incurred the sum of $50,242.00 in attorney fees through June 1, 2009. A majority of said fees were incurred based upon the actions of [Daniel] which include filing many frivolous and, at times, nonsensical motions and petitions, and not co-operating in basic discovery.

Appellant's Appendix at 166. The court ordered Daniel to pay Melissa $40,000.00 as partial reimbursement for the attorney fees she incurred throughout the divorce proceedings.

Pursuant to Ind. Code Ann. § 31-16-11-1 (West, Westlaw through 2010 Public Laws approved and effective through 3/25/2010), a trial court has broad discretion to impose attorney fees on either parent. *Thompson v. Thompson*, 868 N.E.2d 862 (Ind. Ct. App. 2007). In awarding attorney fees, the trial court may consider the resources of the parties, the financial earning ability of the parties, and "'any other factors that bear on the reasonableness of the award.'" *Id*. at 870 (quoting *Claypool v.* Claypool, 712 N.E.2d 1104, 1110 (Ind. Ct. App. 1999), *trans. denied*). The trial court may also consider any misconduct on the part of either of the parties that creates additional legal expenses not otherwise anticipated. *Id*. We will reverse an order for the payment of attorney fees only when the award is clearly against the logic and effect of the facts and circumstances before the court. *Id*.

Here, the record demonstrates that Daniel needlessly prolonged the proceedings with repetitive motions seeking Dr. Connor's entire case file, motions for contempt, motions for continuance, and motions to reconsider or seeking clarification. Even after a hearing on the issue of the release of Dr. Connor's case file and the trial court's continued denial of Daniel's request for the same, Daniel repeatedly rehashed his argument for the release of Dr. Connor's entire case file to the court. During the pendency of the proceedings, Daniel posted information concerning the dissolution on his website and blog, in response to which Melissa

sought a protective order and a temporary restraining order on more than one occasion. As noted above, Daniel disrupted the proceedings, forcing the court to take time to make a record of his outbursts and to threaten him with contempt. The court became so frustrated with Daniel's repeated request and his behavior in the courtroom that the court told Daniel, "I am not going to allow this courtroom to be turned into a circus by you, sir." *Transcript* at 84. A review of the record reveals that Daniel's behavior completely disrupted and prolonged the course of the proceedings. Further, Melissa's attorney was required to spend extensive time responding to Daniel's repetitive and meritless motions. There is nothing in the record that leads us to conclude that the trial court's award of attorney fees was clearly against the logic and effect of the facts and circumstances before the court.

Judgment affirmed.