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**IN THE  
COURT OF APPEALS OF INDIANA**

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IN RE: THE PATERNITY OF N.S.L. by his )  
next friend, )

KAREN S. GRAMLING, )  
Appellant-Respondent, )

No. 02A03-0609-JV-419

vs. )

STEVEN A. LEFEBVRE, )  
Appellee-Petitioner. )

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APPEAL FROM THE ALLEN SUPERIOR COURT  
The Honorable Stephen M. Sims, Judge  
Cause No. 02D07-0003-JP-69

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**July 26, 2007**

**MEMORANDUM DECISION ON REHEARING-NOT FOR PUBLICATION**

**BAKER, Chief Judge**

We grant appellee-petitioner Steven A. LeFebvre's petition for rehearing for the limited purpose of revising the standard of review contained in our original decision. Our Supreme Court has described the rules regarding child custody modification as follows:

a court may not modify a child custody order unless modification is in the child's best interest and there is a substantial change in one of several factors that a court may consider in initially determining custody. . . . [A] petitioner bears the burden of demonstrating the existing custody should be altered.

Kirk v. Kirk, 770 N.E.2d 304, 306-07 (Ind. 2002). We review the trial court's decision for an abuse of discretion, with a preference for granting latitude and deference to the trial court. Id. at 307. When reviewing a decision to modify a custody arrangement, we may neither reweigh the evidence nor judge the credibility of the witnesses, instead considering only the evidence most favorable to the judgment and any reasonable inferences that may be drawn therefrom. Leisure v. Wheeler, 828 N.E.2d 409, 414 (Ind. Ct. App. 2004).

As we found in our original decision, the trial court's ruling modifying the parties' custody agreement was based on "N.S.L.'s age and need to have a relationship with his father, Mother's lack of employment and frequent changes of residence, and N.S.L.'s poor dental hygiene while in Mother's care." In re: The Paternity of N.S.L., No. 02A03-0609-JV-419, slip op. p. 11 (Ind. Ct. App. Apr. 4, 2007). The analysis of these factors

does not change when we apply the slightly altered standard of review described above, and we reach the same conclusion as we did in our original decision. Thus, we grant the petition for rehearing and revise the standard of review as stated herein. In all other respects, we deny the petition for rehearing and leave the original decision unchanged.

FRIEDLANDER, J., and CRONE, J., concur.