



Gregory Ankney (“Father”) has filed a petition for rehearing asking that we reconsider our holding that the trial court abused its discretion when it modified physical custody and parenting time in this matter. In particular, Father points out that we applied the incorrect standard of review. We grant Father’s petition for rehearing for the limited purpose of applying the correct standard of review. We affirm our prior memorandum decision in all other respects.

A trial court has discretion to determine whether custody should be modified. Rea v. Shroyer, 797 N.E.2d 1178, 1181 (Ind. Ct. App. 2003). When reviewing the trial court’s determination, we may not reweigh the evidence or judge the credibility of the witnesses. Id. Rather, we consider only the evidence most favorable to the judgment and any reasonable inferences from that evidence. Id.

Father is correct that a trial court need no longer find that an existing custody order is unreasonable in order to modify custody. See Joe v. Lebow, 670 N.E.2d 9, 21 (Ind. Ct. App. 1996). But the evidence must show a substantial change in one of the statutory factors, and the trial court must find that modification is in the child’s best interests. See id. Here, again, we do not find evidence of changes substantial enough to warrant a modification in custody or parenting time. And the trial court did not make any finding that modification was in the children’s best interest.

Father also contends that the trial court’s modification order is supported by Mother’s “stipulation” that there has been a substantial change in one or more of the statutory factors. But, again, “[w]hen custody, support, or visitation issues are being determined, the best interests of the child are the primary consideration.” Beaman v.

Beaman, 844 N.E.2d 525, 532 (Ind. Ct. App. 2006) (quoting In re Paternity of K.J.L., 725 N.E.2d 155, 158 (Ind. Ct. App. 2000)). And continuity and stability in the life of a child is an important component in determining the proper custodial arrangement for a child. In re Paternity of M.J.M., 766 N.E.2d 1203, 1210 (Ind. Ct. App. 2002). Those considerations take precedence over a parent's contention that substantial changes have occurred to warrant modification. See, e.g., Beaman, 844 N.E.2d at 532-33 (holding trial court may reject custody agreement between parties where agreement is not in child's best interests or if agreement is unworkable). And those considerations in this case persuade us that modification is improper. We reaffirm our holding that the trial court's modification order is not supported by the evidence.

Petition for rehearing granted, memorandum decision affirmed.

MATHIAS, J., and BRADFORD, J., concur.