

## **APPENDIX A**

**THE STATE OF NEW HAMPSHIRE  
JUDICIAL BRANCH  
NH CIRCUIT COURT**

9th Circuit - Family Division - Manchester  
35 Amherst St.  
Manchester NH 03101-1801

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<http://www.courts.state.nh.us>

**NOTICE OF DECISION**

**WAYNE R BOUCHER  
65 GROVE AVE  
MANCHESTER NH 03109**

**Case Name: In the Matter of Deanne Lyons and Wayne Boucher  
Case Number: 656-2018-DM-00446**

**Enclosed please find a copy of the Court's Order dated September 23, 2019 relative to:**

**Narrative Order re: 9/18/19 hearing  
Decree on Parenting Petition  
Parenting Plan**

**October 15, 2019**

**Mary A. Barton  
Clark of Court**

**(447)**

**C: Deanne E Lyons; Lucinda Hopkins, ESQ**

**THE STATE OF NEW HAMPSHIRE  
JUDICIAL BRANCH  
NH CIRCUIT COURT**

Hillsborough County

9th Circuit - Family Division - Manchester

**In the Matter of Deanne Lyons and Wayne Boucher**

**656-2018-DM-00446**

**ORDER**

On September 18, 2019, the Court conducted a Final Hearing. The parties ("Mother" and "Father") appeared, were self-represented and testified. Attorney Lucinda Hopkins, the Guardian ad Litem ("GAL"), also appeared and testified. By agreement, all outstanding Motions were withdrawn and issues raised in any outstanding Motions were incorporated into the Final Hearing.

The parties are the never wed parents of E.B.

(DOB 10/4/07).

It is evident from the testimony of the parties, that they both love their daughter and want what is best for her. It is also evident that since their separation, the parties have been unable to communicate and effectively co-parent. This has resulted in periods of time in which each has felt isolated from their daughter. Both parties believe that the other has made false accusations against him/her and has maligned the character of the other. Father testified that his mistrust of Mother has caused him to videotape all of their interactions and to audio record all conversations that he has with E.B.

Mother described E.B. as a typical eleven year old. She represented that E.B. does not always follow her rules and that she holds E.B. accountable for her actions. Father testified that he never has to discipline E.B. and she is always well-behaved when she is in his care. He said that she is not a dramatic child and he believes everything that she tells him. Mother stated that E.B. enjoys spending time with Mother's extended family. Father claimed that E.B. hates Mother's family. Mother testified that E.B. panics when she is not able to receive Father's calls, at the prescribed time. Father stated that E.B. can call him whenever she wants.

Based on the considerably different portrayals of E.B.'s reactions to situations, the Court is concerned that E.B. is caught in the middle of her parent's disputes and that she says and does what she believes will please the parent that she is with.

The Court is further alarmed by the evidence that Father is unable to accept when people disagree with him and that he often responds by refusing further discussion and compromise.

Similarly, the Court is troubled by the fact that Mother has caused Father to be restricted from E.B.'s after care program and that while in Mother's care, E.B. is often late for school.

The Court also heard testimony that there have been disputes between the parties over E.B.'s medical treatment. Father represented that Mother does not share information with him. Yet, he admitted that he had registered for the medical portal and he was not aware if Mother was able to access information because of his registration. This is indicative of the parties' ongoing failure to communicate.

NHJB-2010-DFF (11/01/2011)

Applicable Law

RSA 461-A:2, I states that "because children do best when both parents have a stable and meaningful involvement in their lives, it is the policy of this state...to support frequent and continuing contact between each child and both parents" and to "encourage parents to share in the rights and responsibilities of raising their children after the parents have separated or divorced" unless it is clearly shown to be detrimental.

After reviewing the pleadings, exhibits and credible evidence submitted at the hearing, including but not limited to the demeanor of the parties, the Court rules as follows, believing that it is in E.B. 's best interest:

The Court orders a shared parenting schedule.

The Court orders the parties to find a therapist for E.B. . Ideally, this therapist will be covered by insurance, but if not, the parties shall share equally in any costs associated with E.B. 's treatment. The parties shall cooperate with any recommendations made by the therapist, including attending co-parenting classes/sessions and individual or family therapy. *See attached Parenting Plan.*

Father is eager to play a part in E.B. 's treatment but as a result of his unwillingness to allow care to be given in his absence, at times E.B. 's care has been delayed. Father does not appear to support routine vaccinations, such as the flu shot, and his presence at E.B. 's eye appointment resulted in her not receiving prescribed glasses. Therefore, while the Court believes that both parents shall be involved in decision making. The Court grants Mother the ultimate decision making authority in those situations in which the parties disagree about medical or mental health decisions. *See attached Final Decree.*

The evidence suggests that both parties immediately assume the worst of the other parent. This negative opinion of the other parent's decisions is then inadvertently transmitted to E.B. through words and deeds. Therefore, going forward, the parties are prohibited from speaking negatively about the other parent to E.B. or allowing anyone to speak negatively about the other parent in front of E.B. .

The success of this Parenting Plan rests on the ability of the parties to put their disagreements behind them, to effectively communicate and consider the other parent's opinions, to refrain from making rash judgments about the other and to put E.B. 's interests first.

The Court notes that Mother is currently without stable housing. In an effort to maintain consistency in Emma's life, on September 18, 2019, the Court issued a Temporary Parenting Plan. The attached Final Parenting Plan will take effect the first weekend following Mother's move into her new permanent residence.

Within ten days of the notice of this decision, Father shall submit a Financial Affidavit to the Court for purposes of review for child support.

So Ordered.

September 23, 2019

Date

  
\_\_\_\_\_  
Signature of Judge

Erin B. McIntyre

Printed Name of Judge

THE STATE OF NEW HAMPSHIRE  
JUDICIAL BRANCH

<http://www.courts.state.nh.us>

Court Name: 9th Circuit - Family Division - Goffstown - Manchester  
Case Name: In the Matter of Deanne Lyons and Wayne Boucher  
Case Number: 656-2018-DM-00446  
(if known)

DECREE ON PARENTING PETITION

This decree is (choose one):

- ☐ Agreed to by Parties ☐ Proposed By \_\_\_\_\_  
☒ Ordered by the Court after hearing on 09/18/2019 at which ☒ petitioner ☒ respondent appeared.

This decree is (choose one):

- ☐ TEMPORARY. The completed paragraphs apply while this case is pending with this Court.  
☒ FINAL. The completed paragraphs will be incorporated in the Court's final order.

1. Parenting Plan and Uniform Support Order ☐ N/A

☒ See attached Parenting Plan and Uniform Support Order

2. Dependents ☐ N/A

☒ The parties shall claim the minor child(ren) and/or other qualifying relative as dependent(s) for all income tax purposes, in the following manner:

☒ Petitioner, if otherwise qualified under federal/state law, shall be entitled to claim

E.B.

as tax dependent(s) for ☐ all years ☐ even years ☒ odd years ☐ other

☒ Respondent, if otherwise qualified under federal/state law, shall be entitled to claim

E.B.

as tax dependent(s) for ☐ all years ☒ even years ☐ odd years ☐ other

☐ A parent may only claim a child as a dependent if that parent is current on child support for the applicable tax year.

3. Guardian ad Litem Fees ☐ N/A

☒ See Order on Appointment of Guardian ad Litem

☐ Other: \_\_\_\_\_

4. Life Insurance ☒ N/A

☐ \_\_\_\_\_ shall maintain a life insurance policy in the minimum amount of \$ \_\_\_\_\_ designating \_\_\_\_\_ as trustee for the benefit of the child(ren). This obligation shall continue as long as the insured is obligated to pay support.

☐ Other: \_\_\_\_\_

Case Name: In the Matter of Deanne Lyons and Wayne Boucher

Case Number: 656-2018-DM-00446

**DECREE ON PARENTING PETITION**

5. Enforceability After Death ☐ N/A  
☐ The terms of this decree shall be a charge against each party's estate.
6. Restraining Order ☐ N/A  
☒ Wayne Boucher is restrained and enjoined from entering the home or the place of employment of the other party, and from harassing, intimidating or threatening the other party or his/her relatives or other household members.  
☐ Other: \_\_\_\_\_
7. Other Requests  
☒ Attorney's Fees: Any party that unreasonably fails to comply with this decree or other court orders (including "Uniform Support Order") may be responsible to reimburse the other party for whatever costs, including reasonable attorney's fees, that may be incurred in order to enforce compliance.  
☒ Change in address or employment: Each party shall promptly notify the other of any change in his/her address or telephone number, and of any material change in employment as long as there are any continuing obligations under this decree. "Material change" will include availability of medical, dental or life insurance and any substantial increase or decrease in earnings or other income.  
☒ Compliance with Rule 1.25-A:  
☐ The parties complied fully with Rule 1.25-A; or  
☐ The parties agreed to limit their document exchange under Rule 1.25-A.  
☒ Miscellaneous:  
The child may not attend any programs or appointments from which the other parent is prohibited.
8. Post-Secondary Educational Expenses ☒ N/A  
**IMPORTANT NOTE: The court cannot order parties to pay for college or other educational expenses beyond the completion of high school unless BOTH parties agree. However, if the parties agree to contribute to these expenses by checking the boxes in Section 4, below, this agreement will become an enforceable order of the court.**  
☐ The parties agree to contributions to college or other educational expenses beyond the completion of high school in the following manner:  
Type of contribution (check all that apply):  
☐ Contributions to an account by ☐ Petitioner ☐ Respondent ☐ Both  
(Specify the amount and frequency of contributions and account information. Also specify what will happen to the contributions in the event the child does not incur post-secondary educational expenses):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
☐ Contribution of an asset:  
(Specify the account or other asset being contributed and its current balance or value. If an asset is identified specify how the asset will be used. Also specify what will happen to the contributions in the event the child does not incur post-secondary educational expenses):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Case Name: \_\_\_\_\_

Case Number: \_\_\_\_\_

**DEGREE ON PARENTING PETITION**

- ☐ Payments shall be made as post-secondary education expenses are incurred.  
Payments shall be made by ☐ Petitioner ☐ Respondent ☐ Both  
(Specify amount to be paid by each party or the percentage or other formula agreed upon to determine the post-secondary education expense obligation agreed to by the parties):  
\_\_\_\_\_  
\_\_\_\_\_

Select one of the following:

- ☐ Both parties agree that this post-secondary educational expense agreement IS modifiable based on a substantial change in circumstances that was not foreseeable when the agreement was signed.
- ☐ Both parties agree that this post-secondary education expense agreement is NOT modifiable and the specific dollar amount to be contributed by either or both parents is set forth above.

Note: Before any court hearing to modify or enforce the agreement described above, the parties shall participate in mediation.

I/we request that the Court approve this decree.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Petitioner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Attorney/Witness for Petitioner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Respondent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Attorney/Witness for Respondent

I certify that on this date I provided a copy of this document to \_\_\_\_\_ (other party) or to \_\_\_\_\_ (other party's attorney) by: ☐ Hand-delivery OR ☐ US Mail OR ☐ E-mail (E-mail only by prior agreement of the parties based on Circuit Court Administrative Order).

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

Recommended:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Marital Master

\_\_\_\_\_  
Printed Name of Marital Master

So Ordered:

I hereby certify that I have read the recommendation(s) and agree that, to the extent the marital master/judicial referee/hearing officer has made factual findings, she/he has applied the correct legal standard to the facts determined by the marital master/judicial referee/hearing officer.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Judge

\_\_\_\_\_  
Printed Name of Judge

# THE STATE OF NEW HAMPSHIRE

## JUDICIAL BRANCH

<http://www.courts.state.nh.us>

Court Name: 9th Circuit - Family Division - Manchester  
Case Name: In the Matter of Deanne Lyons and Wayne Boucher  
Case Number: 656-2018-DM-00446

### PARENTING PLAN

This parenting plan is: (Choose one)

☐ Agreed upon ☐ Proposed by \_\_\_\_\_ ☒ Developed by Court  
(parent's name)

This parenting plan is: (Choose one)

☐ Temporary: The completed paragraphs apply until the case is concluded. If you are requesting a temporary order on parenting issues, you should include as many of these parenting plan topics as you will need to carry your family through until all parenting issues are resolved.

☒ Final: All completed paragraphs shall be incorporated in the Court's final order.

☐ Changing a prior final Parenting Plan or a prior permanent order on parental rights and responsibilities.

The parental rights and responsibilities statute, RSA 461-A, requires any party in a divorce, legal separation, or parenting (formerly known as "custody") case to file a parenting plan, whether s/he is seeking an order establishing parental rights and responsibilities or an order modifying such rights and responsibilities. The statute also requires that the parenting plan include a detailed parenting schedule for each child, specifying the periods when each parent has residential responsibility or non-residential parenting time.

As you complete the Parenting Plan, please bear in mind this state's policy (below) as set forth in RSA 461-A:2. This policy will guide the court in making decisions affecting your parental rights and responsibilities.

Because children do best when both parents have a stable and meaningful involvement in their lives, it is the policy of this state, unless it is clearly shown that in a particular case it is detrimental to a child, to:

- (a) Support frequent and continuing contact between each child and both parents.
- (b) Encourage parents to share in the rights and responsibilities of raising their children after the parents have separated or divorced.
- (c) Encourage parents to develop their own parenting plan with the assistance of legal and mediation professionals, unless there is evidence of domestic violence, or child abuse/neglect.
- (d) Grant parents and courts the widest discretion in developing a parenting plan.
- (e) Consider both the best interests of the child in light of the factors listed in RSA 461-A:6 and the safety of the parties in developing a parenting plan.

However, pursuant to RSA 461-A:6, 1-a, if the court concludes that frequent and continuing contact between each child and both parents is not in the best interest of the child, the court shall make findings supporting its order.



Case Name: In the Matter of Deanne Lyons and Wayne Boucher

Case Number: 556-2018-DM-00446

**PARENTING PLAN**

This parenting plan is for the following child(ren) born to, or adopted by, the parties:

Full Name

Date of Birth

Emma-Lee Elizabeth Boucher

October 04, 2007

**A. Decision-Making Responsibility:**

1. **Major Decisions:** These include, but are not limited to, decisions about the child(ren)'s education, non-emergency health and dental care, and religious training: (Choose one)
- ☒ (a) **Joint Decision-Making:** Both parents shall share in the responsibility for making major decisions about the child(ren). However, if there is a disagreement over medical or mental health treatment, Mother has the authority to make the final decision.

NOTE: If parents have joint decision-making responsibility, RSA 461-A:4 requires parenting plans to include the legal residence of each parent unless the court finds that there is a history of domestic abuse or stalking or that including such information would not be in the best interest of the child(ren). If the parenting plan includes a parent's residence, the parent shall be responsible for promptly notifying the court and the other parent of any change in residence. The failure to provide such information may result in a finding of contempt of court.

Legal Residence of: Deanne E Lyons (parent's name)

67L Tsienneto Road Derry NH 03038

Legal Residence of: Wayne R Boucher (parent's name)

65 Grove Ave Manchester NH 03109

☐ The court finds that there is a history of domestic abuse or stalking or that including such information would not be in the best interest of the child(ren).

☐ (b) **Sole Decision-Making:** \_\_\_\_\_ (parent's name) shall have sole decision-making authority on major decisions about the child(ren).

2. **Day-To-Day Decisions:** Each parent shall make day-to-day decisions for the child(ren) during the time he/she is caring for the child(ren). This includes any emergency decisions affecting the health or safety of the child(ren). A parent who makes an emergency decision shall share the decision with the other parent as soon as reasonably possible.

3. **Other Provisions:** \_\_\_\_\_

**B. Residential Responsibility & Parenting Schedule:**

1. **Routine schedule:** (Choose one)

☒ (a) Set forth the detailed parenting schedule for the child(ren) specifying periods when each parent has residential responsibility or non-residential parenting time (such as dinners or other parenting time that is not overnight).

NOTE: Neither parent shall be described as having the child "reside primarily" with him or her or as having "primary residential responsibility" or "custody" or be designated as the "primary residential parent":

Father shall have parenting time with E.B. Sunday at 6 p.m. until Wednesday school drop off or 8 a.m., if there is no school.

Mother shall have parenting time with Emma from Wednesday at the end of school or 8 a.m., if there is no school, until Friday after school or 6 p.m., if there is no school.

The parties shall alternate weekends from after school on Friday or 6 p.m., if there is no school until Sunday at 6 p.m., with Father having parenting time the first weekend after the notice of this decision.

Father shall have parenting time on the weekends that Mother is on call. Mother shall be entitled to one of Father's scheduled weekend, when this occurs.

If Mother is on call during the week, Father shall have parenting time. Mother shall be entitled to parenting time the next weekday that is Father's scheduled parenting time.

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**Case Number: 656-2018-DM-00446**

## PARENTING PLAN

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☐ (b) The child(ren) shall reside solely with \_\_\_\_\_ (parent's name).  
Based on the following, the court concludes that frequent and continuing contact between each child and both parents is not in the best interest of the child and makes the following findings in support of this order:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**2. Holiday and Birthday Planning: (Choose (a), (b), or (c))**

- ☐ (a) No holiday and birthday schedule shall apply. The routine schedule set forth above shall apply.
- ☐ (b) Holiday and birthday parenting time shall be as the parties agree.
- ☐ (c) The holidays and birthday(s) listed below should be shared as described. Specify start and end times and days/dates as necessary. (For example, Thanksgiving: One parent—even years, other parent—odd years, starting on the Wednesday prior to Thanksgiving at 6pm, ending the Friday after Thanksgiving at 6pm). Parenting time on holidays and birthdays which are not checked and described shall be according to the routine schedule set forth above.
- ☒ Mother's Day with Mother
- ☒ Father's Day with Father
- ☒ July 4<sup>th</sup> with Mother odd years, with Father even years
- ☒ Thanksgiving with Mother odd year and Father even years, from Wednesday after

school, or 6 p.m., if there is no school, until Thursday at 2 p.m. From Thursday at 2 p.m. until Friday at 6 p.m. with Mother in even years and Father in odd years.

Case Name: In the Matter of Deanne Lyons and Wayne Boucher

Case Number: 656-2018-DM-00446

PARENTING PLAN

- ☒ Christmas Eve with Father from December 23 at 6 until 3 p.m. December 25th
- ☒ Christmas Day with Mother from 3 p.m. December 25th until December 27<sup>th</sup> at 6 p.m.
- ☐ Child(ren)'s Birthday(s) \_\_\_\_\_
- ☐ One Parent's Birthday \_\_\_\_\_
- ☐ Other Parent's Birthday \_\_\_\_\_
- ☒ Other religious, civil and family celebrated special occasions:  
Halloween alternating years. With Father odd years and with Mother even years.  
Easter - with mother  
July 4 - with Father even years, with Mother odd year.

3. Three-day weekends: (Choose (a), (b), or (c))

- ☐ (a) No three-day weekend schedule shall apply. The routine schedule set forth above shall apply.
- ☒ (b) The parent exercising parenting time on the weekend before a Monday holiday shall have parenting time on that Monday holiday.
- ☐ (c) The three-day weekends listed below should be shared as listed and described. Parenting time on three-day weekends which are not checked and described shall be according to the routine schedule set forth above.
- ☐ M. L. King Jr. Civil Rights Day \_\_\_\_\_
- ☐ Presidents' Day \_\_\_\_\_
- ☐ Memorial Day \_\_\_\_\_
- ☐ Labor Day \_\_\_\_\_
- ☐ Columbus Day \_\_\_\_\_
- ☐ Other \_\_\_\_\_

4. Vacation Schedule:

(a) December Vacation: (Choose one)

- ☒ (i.) No December vacation schedule shall apply. The routine schedule set forth above shall apply.
- ☐ (ii.) The parent exercising parenting time with the child(ren) on Christmas Eve (as outlined above) shall have the following additional parenting time with the child(ren) over the December vacation:

\_\_\_\_\_  
\_\_\_\_\_  
The parent exercising parenting time with the child(ren) on Christmas Day (as outlined above) shall have the following additional parenting time with the child(ren) over December vacation:

☒ (iii.) The above choices do not fit this parenting situation. Instead, the residential schedule for the child(ren)'s December vacation shall be as follows:

Case Name: In the Matter of Deanne Lyons and Wayne Boucher

Case Number: 656-2018-DM-00446

**PARENTING PLAN**

(b) February, April, and Summer Vacations. Specify the day of the week vacation starts and ends, if necessary. (Choose one)

☐ (i.) No February, April, or summer vacation schedule shall apply. The routine schedule set forth above shall apply.

☐ (ii.) The child(ren) shall reside with \_\_\_\_\_ (parent's name) during February vacation, except for the following days and times when the child(ren) shall be with the other parent:

The child(ren) shall reside with \_\_\_\_\_ (parent's name) during April vacation, except for the following days and times when the child(ren) shall be with the other parent:

The child(ren)'s summer residential schedule shall be as follows:

☐ (iii.) The above choices do not fit this parenting situation. Instead, the residential schedule for the child(ren)'s February, April, and summer vacations shall be as follows:  
E.B. shall reside with Mother during February vacation in even years and April vacation in odd years.

E.B. shall reside with Father during February vacation in odd years and April vacation in even years.

(c) Other Vacations - describe the schedules for any other vacations:

Each parent is entitled to 10 consecutive days of summer vacation time. The party wishing to exercise parenting time shall notify the other parent at least 30 days prior to the scheduled vacation.

**5. Supervised Parenting Time: (Choose one)**

☒ (a) Not applicable.

☐ (b) The residential schedule is subject to the restrictions or limitations set out as follows:

☐ (i.) All parenting time of \_\_\_\_\_ (parent's name(s)) shall be at a supervised visitation center that uses a metal detection device and has trained security personnel onsite.

☐ (ii.) Other:

6. Other Parental Responsibilities:

Each parent shall promote a healthy, beneficial relationship between the child(ren) and the other parent and shall not demean or speak out negatively in any manner that would damage the relationship between either parent and the child(ren).

Neither parent shall permit the child(ren) to be subjected to persons abusing alcohol or using illegal drugs. This includes the abuse of alcohol or the use of illegal drugs by the parent.

The parties agree to, or the court establishes, the following additional expectations:

(Choose all that apply)

☒ (a) A parent requesting a temporary change to the parenting schedule shall act in good faith and ask the other parent about such change as soon as possible. The parents are expected to fairly adjust parenting schedules when family situations, illnesses, or other commitments make modification reasonable.

Case Name: In the Matter of Deanne Lyons and Wayne Boucher

Case Number: 656-2018-DM-00446

PARENTING PLAN

☒ (b) If a parent requires child care by some person who does not reside in his or her residence, for a period reasonably expected to last longer than 4 hours, then the other parent shall be offered the opportunity to parent the child. This section does not apply to regularly scheduled day care.

☒ (c) Each parent shall supply the appropriate child(ren)'s clothing for them for their scheduled time with the other parent. These clothes are to be considered the child(ren)'s clothes and shall be returned with the child(ren).

☒ (d) Each parent shall be responsible for ensuring that the child(ren) attend regularly scheduled activities, including but not limited to sports and extra-curricular activities, while the child(ren) are with that parent.

☒ (e) As the child(ren) get older, their individual interests may impact the parenting schedule set forth in this parenting plan. Each parent shall be flexible in making reasonable adjustments to the parenting schedule as the needs and interests of their maturing children require.

☒ (f) Other Parenting Responsibilities:

Neither party shall consume alcohol while E.B. is in his/her care. Neither parent shall speak negatively about the other parent to E.B. or allow anyone to speak negatively about the other parent in front of E.B. Both parents are authorized to review call history, texts and web browsing on E.B.'s phone. Emma shall be enrolled in therapy and the parties shall cooperate with any recommendations made by the therapist, including co-parenting classes and individual or family therapy.

C. Legal Residence of a Child for School Attendance: (Choose one)

☐ 1. The parties agree that, as allowed by RSA 193:12, II(a)(2) their child's legal residence for school attendance purposes shall be \_\_\_\_\_ (parent's name) residence. See the attached Agreement and Parenting Plan Order Designating School District (NHJB 2763-F). Each parent shall furnish a copy of the Agreement to the school district in which the parent resides.

☒ 2. The court orders that the child(ren) shall attend school in the Manchester school district where parent Wayne Boucher (parent's name) resides.

☐ 3. The child(ren) shall attend school in the school district where the parent with sole residential responsibility resides. Under this plan, that parent is \_\_\_\_\_

☐ 4. Other provisions regarding school:

**D. Transportation and Exchange of the Child(ren): (Choose all that apply)**

☐ 1. Transportation arrangements for the child(ren) between parents shall be as follows:

☐ 2. Unless both parents agree upon a different meeting place, the exchange of the child(ren) shall be at:

☐ 3. Transportation costs shall be shared as follows:

☒ 4. Other: The parties will work together to arrange pickup up and drop off.

Case Name: In the Matter of Deanne Lyons and Wayne Boucher

Case Number: 556-2018-DM-00446

**PARENTING PLAN**

**E. Information Sharing and Access, Including Telephone and Electronic Access:**

Unless there is a court order stating otherwise:

Both parents have equal rights to inspect and receive the child(ren)'s school records, and both parents are encouraged to consult with school staff concerning the child(ren)'s welfare and education. Both parents are encouraged to participate in and attend the child(ren)'s school events.

Both parents have equal rights to inspect and receive governmental agency and law enforcement records concerning the child(ren).

Both parents have equal rights to consult with any person who may provide care or treatment for the child(ren) and to inspect and receive the child(ren)'s medical, dental or psychological records, subject to other statutory restrictions.

Each parent has a continuing responsibility to provide a residential, mailing, or contact address and contact telephone number to the other parent.

Each parent has a continuing responsibility to notify the other parent of any emergency circumstances or substantial changes or decisions affecting the child(ren), including the child(ren)'s medical needs, as close in time to the emergency circumstance as possible.

**1. Parent-Child Telephone Contact: (Choose one)**

The children shall be given privacy during their conversations with either parent. While the child(ren) reside with one parent, the other parent shall be permitted to speak by telephone with the child(ren):

☒ (a) At reasonable times.

☐ (b) At the following times only: \_\_\_\_\_

☐ (c) Other: \_\_\_\_\_

**2. Parent-Child Written Communication: (Choose one)**

☒ (a) Both parents and child(ren) shall have the right to communicate in writing or by e-mailing during reasonable hours without interference or monitoring by the other parent.

☐ (b) Specific agreements/orders regarding written or e-mail access between child(ren) and parent(s): \_\_\_\_\_

**F. Relocation of a Residence of a Child: (Choose one)**

☒ 1. The relocation of a child's residence in which s/he lives at least 150 days per year is governed by RSA 461-A:12. Any time after the filing of a parenting or divorce petition, a parent shall not relocate the residence of a child without a court order unless: 1) relocation results in the residence being closer to the other parent, or 2) relocation is to any location within the child's current school district, or 3) relocation is necessary to protect the safety of the parent or child, or both, as later determined by the court. In general, either parent may move the child's residence if it results in the parents living closer and if it will not affect the child's school enrollment. Prior to relocating the child's residence farther from the other parent or in such a way that school enrollment will be impacted, the parent shall provide reasonable notice to the other parent. For purposes of this section, 60 days notice shall be presumed to be reasonable unless other factors are found to be present or the parents have a written agreement to the contrary. At the request of either parent, the court shall hold a hearing on the relocation issue. Either parent may request that the court issue ex parte orders as provided in RSA 461-A:9 to prevent or allow relocation of the child(ren).

Case Name: In the Matter of Deanne Lyons and Wayne Boucher

Case Number: 656-2018-DM-00446

**PARENTING PLAN**

☐ 2. This parenting plan shall expressly govern the relocation issue as follows:  
In addition to the provisions of RSA 461-A:12, this plan shall include the following relocation details:

**G. Procedure for Review and Adjustment of Parenting Plan: (Choose one)**

☒ 1. The parents shall meet as set out below to review this parenting plan and the well-being of the child(ren). Any agreed-on changes shall be written down and shall include the grounds for modification from those listed in RSA 461-A:11. (Found at: <http://www.gencourt.state.nh.us/rsa/html/XLIII/461-A/461-A-11.htm>) Any agreement shall be signed by both and filed with the court. (Each should keep a copy.) Choose (a), (b), (c), or (d).

☐ (a) Meetings shall be in \_\_\_\_\_ (month).

☐ (b) Meetings shall be yearly.

☐ (c) Meetings shall be every 2 years.

☒ (d) Meetings shall not be on a set schedule but shall be as often as necessary for the benefit of the child(ren).

☐ 2. Other: \_\_\_\_\_

**H. Method(s) for Resolving Disputes: (Choose one)**

☒ 1. In the future, if the parents have a disagreement about parenting issues, the parents shall try to work it out in the best interest of the child(ren). They are encouraged to seek the help of a neutral third party to assist them. If the parents are unable to work out the disagreement they may ask the court to decide the issue.

☐ 2. Other: \_\_\_\_\_

**I. Other parenting agreements important to the parents or child(ren) are listed below or are**



set forth in the \_\_\_\_\_ number of attached pages.

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Case Name: In the Matter of Deanne Lyons and Wayne Boucher

Case Number: 656-2018-DM-00446

PARENTING PLAN

Date

Signature of Petitioner

Date

Signature of Attorney/Witness for Petitioner

Date

Signature of Respondent

Date

Signature of Attorney/Witness for Respondent

Date

Signature of Guardian *ad Litem*

**Recommended:**

Date

Signature of Marital Master

Printed Name of Marital Master

**So Ordered:**

I hereby certify that I have read the recommendation(s) and agree that, to the extent the marital master/judicial referee/hearing officer has made factual findings, she/he has applied the correct legal standard to the facts determined by the marital master/judicial referee/hearing officer.

Date

9/23/19

Signature of Judge

ERIN R. MCINTYRE

Printed Name of Judge

## **APPENDIX B**

RECEIVED

THE STATE OF NEW HAMPSHIRE

OCT 10 2019

Court Name: 9th Circuit - Family Division - Manchester MANCHESTER FAMILY DIVISION  
Case Name: In the Matter of Deanne Lyons and Wayne Boucher  
Case No: 856-2018-DM-00445

Motion from Father for a Retrial with a Non Discriminating Judge and Contempt of Court Charges  
Against Deanne Lyons

NOW COMES the father, Wayne Boucher files a motion for a retrial with a judge that is non discriminatory and contempt charges against Deanne Lyons:

1. On Sunday September 29, 2019 Deanne Lyons violated the temporary court order that E.B. was suppose to be returned to me by 6:00pm at the Manchester police station.
2. At 5:45 pm on Sunday September 29, 2019 I texted Deanne to verify the meeting and she didn't respond.
3. I called E.B. to see what was happening and E.B. told me that Deanne was not with her and she was with Deanne's friend Skip's daughter Sydney.
4. I asked E.B. if she wanted me to come get her and she said yes and that she was going to call mom to tell her.
5. A few minutes later Deanne called and said she was on the way to the campground to get E.B. and will be back to Manchester shortly, so I said ok I can wait.
6. At 7:15 pm I texted E.B. to see where they were and E.B. said that they were just leaving camp.
7. Deanne then told me I had to pick up E.B. at the hotel which she didn't get there until 8:30 pm.
8. I asked E.B. why mama left her at the campground and E.B. said that Sydney told her that mama's friend Carl got so drunk that he passed out and was having seizures and had to be rushed to the hospital and mama was going to check on him.
9. On October 2, 2019 Deanne called me at 3:18 pm and told me that she was picking up E.B. so they could go look at apartments like she did the 2 nights prior. I had let E.B. go with Deanne to look at apartments to give Deanne extra time and try to be nice.
10. Then Deanne told me that E.B. was staying the night at the hotel and I told her no because E.B. didn't want to stay the night. Deanne got upset and hung up on me.
11. At 7:38 pm I tried to call E.B. and Deanne answered the phone and told me that E.B. was

22

not going home and hung up, at that point I called the Manchester police and told them I needed them at the Quality Inn in Manchester and drove over to the Inn to get E.B. .

12. I waited in the lobby of the Quality Inn for the police for over an hour to show up and they never did.

13. During that time I tried Texting E.B. and calling her and Deanne would send me nasty texts telling me to stop texting E.B. , the court order clearly states that I can contact E.B. at any reasonable time during the day which Deanne violated that part of the court order.

14. After about an hour of calling and texting E.B. finally answered the phone and I told her the time and that I was down in the lobby waiting for her.

15. E.B. grabbed her stuff and Deanne tried to stop her but E.B. said she didn't want to spend the night and left to meet me in the lobby.

16. Deanne started sending me texts saying that I was forcing E.B. to leave and that I was bullying her and E.B. is afraid to stay because I would harm her if she did.

17. E.B. on the ride home said that she never wants to stay at the hotel because it's not very nice and there is nothing to eat there.

18. Deanne told the court at the trial that she had one more night at her house which was a lie because E.B. said they stayed the night at the hotel.

19. Deanne also told the court that her hotel room had a kitchen and that she could cook food for E.B. , E.B. told me that there isn't even a microwave in the hotel room and they cannot cook anything.

20. For the pass 2 weeks because it has been getting cold we have been asking Deanne to get E.B. 's winter coats and some long pants to E.B. and Deanne is refusing to get E.B. any of her clothes saying that she paid for them so I can't have them.

21. Deanne didn't not pay for all the clothes, I paid for most of them and that is not the point, they are E.B. 's clothes and she should be able to take them to either parents place as needed. If the courts are going to say that who ever paid for the items they keep them then I paid for Deanne's truck and I should have it.

22. On Monday October 7, 2019 at around 3:00 pm Deanne tried to get E.B. at my house against her will, E.B. was scared and didn't know what to do and called me.

23. This pickup was not agreed upon and I told Deanne that she was not to pick up E.B. but Deanne despite the court order tried to get E.B. anyway, this frightened E.B. and I had to teach what to do next time Deanne tries to take her. This is not what a twelve year child should have to worry about, her mother kidnaping her.

24. On Tuesday October 8, 2019 I filed an Ex Parte with the courts and Judge Erin McIntyre refused to let me have a hearing. If this had been me refusing to give E.B. her clothes to her I am sure that Judge McIntyre would have heard the case and gave Deanne the right to take the clothes E.B. needs for the winter.

25. Judge Erin McIntyre apparently doesn't test that Deanne trying to kidnap E.B. from my house or E.B. having her winter clothes at this time of the year.

26. Judge Erin McIntyre also thinks that it's ok for Deanne to violate the court order and take E.B. whenever she wants when the court order that Judge Erin McIntyre is being violated by Deanne Lyons but refuses to see the proof of have of this violation.

27. During the trial on September 18, 2019 I tried to tell Judge McIntyre that Deanne Lyons house was foreclosed on and Judge McIntyre interrupted me and told me it wasn't relevant. I responded with your honor I think it is relevant since miss Lyons is homeless.

28. Judge McIntyre also refused to let me finish the statement that I am concerned that miss Lyons makes \$35 an hour with lots of over time and has little bills yet is homeless.

29. I have concerns that Deanne Lyons considering her alcohol abuse that her money is going toward drugs and should be tested but Judge McIntyre refused to let me say this in court.

30. Deanne Lyons family has a history of mental illness that I tried to bring up in the trial that Judge McIntyre would not listen to and because of the mental illness I fear for E.B.'s well being.

WHEREFORE, the Father Wayne Boucher, respectfully requests that this Honorable court:

A. I am requesting a retrial because Judge Erin McIntyre refuses to hear E.B.'s wishes.

B. I am requesting a retrial because Judge Erin McIntyre was discriminating against me because I am the father and showed that she favors the mother with the first temporary parenting plan.

C. I am requesting a retrial because during the trial Judge Erin McIntyre would not let me finish a sentence most of the time with out interrupting me making it impossible to present my case.

D. I am requesting that Deanne Lyons give E.B. her clothes that E.B. needs for the winter and give E.B. the right to take anything that is her property like clothes and gifts to which ever place she chooses.

E. Because of Deanne's refusing to give E.B.'s clothes I had to spend \$370 to purchase new

clothes and coats for E.B. and I want Deanne to reimburse me half the cost \$105.

F. I want Deanne Lyons restricted from my property, at no point do I ever want her on my property ever again and she is to never try to take E.B. from my house again.

G. I want Deanne Lyons held in contempt of court for violating the current court orders and not returning E.B. as stated on the court orders on multiple occasions.

H. I want Deanne Lyons held in contempt of court for violating the current court orders to where I have the right to contact E.B. to which Deanne has violated that order 13 times in the past and did it again on Wednesday October 2, 2019.

I. I want Deanne Lyons to provide me with current financial documents to see where her money is going that she can not afford housing on her salary.

J. I feel that Deanne Lyons is using illegal drugs and would like her tested.

Respectfully submitted

October 8, 2019




Wayne Boucher  
65 Grove Ave  
Manchester, NH 03109

STATE OF NEW HAMPSHIRE  
COUNTY OF HILLSBOROUGH

CERTIFICATION

I hereby certify that on this 8th day of October, 2019 copies of the foregoing Motion to Dismiss have been forwarded by first-class mail, postage prepaid, to Deanne Lyons the Petitioner

Prayers A, B, & C are denied.  
Prayer D is granted.  
Prayer E - I shall be addressed at a hearing.  
JWB  
11/14/19  
JAN 21, 2020  
JULY 14, 2020



Wayne Boucher

## **APPENDIX C**



THE STATE OF NEW HAMPSHIRE  
JUDICIAL BRANCH

<http://www.courts.state.nh.us>

2019-0635

RULE 7 NOTICE OF MANDATORY APPEAL

This form should be used for an appeal from a final decision on the merits issued by a superior court or circuit court except for a decision from: (1) a post-conviction review proceeding; (2) a proceeding involving a collateral challenge to a conviction or sentence; (3) a sentence modification or suspension proceeding; (4) an imposition of sentence proceeding; (5) a parole revocation proceeding; (6) a probation revocation proceeding; (7) a landlord/tenant action or a possessory action filed under RSA chapter 540; (8) an order denying a motion to intervene; or (9) a domestic relations matter filed under RSA chapters 457 to 461-A other than an appeal from a final divorce decree or from a decree of legal separation. (An appeal from a final divorce decree or from a decree of legal separation should be filed on a Rule 7 Notice of Mandatory Appeal form.)

1. COMPLETE CASE TITLE AND CASE NUMBERS IN TRIAL COURT

IN THE MATTER OF DEANNE LYONS AND WAYNE BOUCHER  
656-2018-DM-00446

2. COURT APPEALED FROM AND NAME OF JUDGE(S) WHO ISSUED DECISION(S)

9TH CIRCUIT - FAMILY DIVISION - MANCHESTER  
JUDGE ERIN MCINTYRE

3A. NAME AND MAILING ADDRESS OF APPEALING PARTY. IF REPRESENTING SELF, PROVIDE E-MAIL ADDRESS AND TELEPHONE NUMBER

WAYNE BOUCHER  
65 GROVE AVE  
MANCHESTER, NH 03109  
E-Mail address: BALOO@FUEZY PHOTO.COM  
Telephone number: 603 566 7505

3B. NAME, FIRM NAME, MAILING ADDRESS, E-MAIL ADDRESS AND TELEPHONE NUMBER OF APPEALING PARTY'S COUNSEL

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
E-Mail address: \_\_\_\_\_  
Telephone number: \_\_\_\_\_

4A. NAME AND MAILING ADDRESS OF OPPOSING PARTY. IF OPPOSING PARTY IS REPRESENTING SELF, PROVIDE E-MAIL ADDRESS AND TELEPHONE NUMBER

DEANNE LYONS  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
E-Mail address: DELIGHTYOU@HOTMAIL.COM  
Telephone number: 603 737 2035

4B. NAME, FIRM NAME, MAILING ADDRESS, E-MAIL ADDRESS AND TELEPHONE NUMBER OF OPPOSING PARTY'S COUNSEL

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
E-Mail address: \_\_\_\_\_  
Telephone number: \_\_\_\_\_

Case Name: IN THE MATTER OF DIANNE LYONS AND WAYNE BOYER

**RULE 7 NOTICE OF MANDATORY APPEAL**

**5. NAMES OF ALL OTHER PARTIES AND COUNSEL IN TRIAL COURT**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**6. DATE OF CLERK'S NOTICE OF DECISION OR SENTENCING. ATTACH COPY OF NOTICE AND DECISION.**

9/18/19

DATE OF CLERK'S NOTICE OF DECISION ON POST-TRIAL MOTION, IF ANY. ATTACH COPY OF NOTICE AND DECISION.

\_\_\_\_\_

**7. CRIMINAL CASES: DEFENDANT'S SENTENCE AND BAIL STATUS**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**8. APPELLATE DEFENDER REQUESTED?**

☐ YES

☐ NO

IF YOUR ANSWER IS YES, YOU MUST CITE STATUTE OR OTHER LEGAL AUTHORITY UPON WHICH CRIMINAL LIABILITY WAS BASED AND ATTACH FINANCIAL AFFIDAVIT (OCC FORM 4)

\_\_\_\_\_  
\_\_\_\_\_

**9. IS ANY PART OF CASE CONFIDENTIAL?**

☐ YES

☐ NO

IF SO, IDENTIFY WHICH PART AND CITE AUTHORITY FOR CONFIDENTIALITY. SEE SUPREME COURT RULE 12.

\_\_\_\_\_  
\_\_\_\_\_

**10. IF ANY PARTY IS A CORPORATION, LIST THE NAMES OF PARENTS, SUBSIDIARIES AND AFFILIATES.**

\_\_\_\_\_  
\_\_\_\_\_

**11. DO YOU KNOW OF ANY REASON WHY ONE OR MORE OF THE SUPREME COURT JUSTICES WOULD BE DISQUALIFIED FROM THIS CASE?**

☐ YES

☒ NO

IF YOUR ANSWER IS YES, YOU MUST FILE A MOTION FOR RECUSAL IN ACCORDANCE WITH SUPREME COURT RULE 21A.

**12. IS A TRANSCRIPT OF TRIAL COURT PROCEEDINGS NECESSARY FOR THIS APPEAL?**

☐ YES

☒ NO

IF YOUR ANSWER IS YES, YOU MUST COMPLETE THE TRANSCRIPT ORDER FORM ON PAGE 4 OF THIS FORM.

Case Name: IN THE MATTER OF DEANNE LYONS AND WAYNE BUCHNER  
RULE 7 NOTICE OF MANDATORY APPEAL

13. LIST SPECIFIC QUESTIONS TO BE RAISED ON APPEAL, EXPRESSED IN TERMS AND CIRCUMSTANCES OF THE CASE, BUT WITHOUT UNNECESSARY DETAIL. STATE EACH QUESTION IN A SEPARATELY NUMBERED PARAGRAPH. SEE SUPREME COURT RULE 16(3)(b).

VERBAL CHILD ABUSE  
CHILD THREATENING  
DRUGGING OF CHILD  
FORCING THE CHILD TO TAKE DRUGS  
IN APPROPRIATE ACTIONS OF DEANNE LYONS BOYFRIEND TO CHILD  
DEANNE LYONS ~~THREAT~~ THREATS  
DEANNE LYONS FAMILY THREATENING ME  
DEANNE LYONS TRYING TO BREAK INTO MY HOUSE  
DEANNE LYONS DAMAGING MY CAR AFTER THE SEPARATION  
DEANNE LYONS TRYING TO TAKE E.B. FROM MY HOUSE BY FORCE  
DEANNE LYONS FORCING E.B. TO STAY WITH HER INSTEAD OF LETTING  
ME PICK E.B. UP PER COURT ORDER  
DEANNE LYONS BEING HOMELESS EVENTHOUGH SHE MAKES \$80,000 PER YEAR  
DEANNE LYONS ALCOHOL AND DRUG ADDICTION  
DEANNE LYONS FILTERING EVERYTHING THROUGH E.B. BECAUSE SHE  
REFUSES TO TALK TO ME  
DEANNE LYONS TELLING EVERYONE THAT I'M TRYING TO KIDNAP E.B.  
TO TRY AND HAVE ME ARRESTED AND LETTING ME BANNED FROM  
E.B.'S AFTER SCHOOL PROGRAM AND E.B.'S DOCTORS  
E.B. WANTS NO FURTHER CONTACT WITH MOTHER  
E.B.'S ~~PSYCH~~ COUNSELOR REPORTS NEED TO BE ACCEPTED BY COURT  
E.B.'S JOURNAL NEEDS TO BE READ BY THE COURTS  
MANY MORE

14. CERTIFICATIONS

I hereby certify that every issue specifically raised has been presented to the court below and has been properly preserved for appellate review by a contemporaneous objection or, where appropriate, by a properly filed pleading.

Wayne Buchner  
Appealing Party or Counsel

I hereby certify that on or before the date below, copies of this notice of appeal were served on all parties to the case and were filed with the clerk of the court from which the appeal is taken in accordance with Rule 26(2).

11/22/19  
Date

Wayne Buchner  
Appealing Party or Counsel

## TRANSCRIPT ORDER FORM

### INSTRUCTIONS:

1. If a transcript is necessary for your appeal, you must complete this form.
2. List each portion of the proceedings that must be transcribed for appeal, e.g., entire trial (see Supreme Court Rule 15(3)), motion to suppress hearing, jury charge, etc., and provide information requested.
3. Determine the amount of deposit required for each portion of the proceedings and the total deposit required for all portions listed. Do not send the deposit to the Supreme Court. You will receive an order from the Supreme Court notifying you of the deadline for paying the deposit amount to the court transcriber. Failure to pay the deposit by the deadline may result in the dismissal of your appeal.
4. The transcriber will produce a digitally-signed electronic version of the transcript for the Supreme Court, which will be the official record of the transcribed proceedings. Parties will be provided with an electronic copy of the transcript in PDF-A format. A paper copy of the transcript will also be prepared for the court.

PROCEEDINGS TO BE TRANSCRIBED					
PROCEEDING DATE (List each day separately, e.g. 5/1/11; 5/2/11; 5/30/11)	TYPE OF PROCEEDING (Motion hearing, opening statement, trial day 2, etc.)	NAME OF JUDGE	LENGTH OF PROCEEDING (in .5 hour segments, e.g., 1.5 hours, 8 hours)	RATE (standard rate unless ordered by Supreme Court)	DEPOSIT
				X \$137.50	\$
				X \$137.50	\$
				X \$137.50	\$
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				X \$137.50	\$
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				X \$137.50	\$
				X \$137.50	\$
				TOTAL DEPOSIT	\$

PROCEEDINGS PREVIOUSLY TRANSCRIBED					
PROCEEDING DATE (List date of each transcript volume)	TYPE OF PROCEEDING (Motion hearing, opening statement, trial day 2, etc.)	NAME OF JUDGE	NAME OF TRANSCRIBER	DO ALL PARTIES HAVE COPY (YES OR NO)	DEPOSIT FOR ADDITIONAL COPIES
				<input type="checkbox"/> Yes <input type="checkbox"/> No	TBD
				<input type="checkbox"/> Yes <input type="checkbox"/> No	TBD
				<input type="checkbox"/> Yes <input type="checkbox"/> No	TBD

**NOTE:** The deposit is an estimate of the transcript cost. After the transcript has been completed, you will be required to pay an additional amount if the final cost of the transcript exceeds the deposit. Any amount paid as a deposit in excess of the final cost will be refunded. The transcript will not be released to the parties until the final cost of the transcript is paid in full.

## **APPENDIX D**

## THE STATE OF NEW HAMPSHIRE

### SUPREME COURT

**In Case No. 2019-0635, In the Matter of Deanne Lyons and Wayne Boucher, the court on April 2, 2020, issued the following order:**

Having considered the briefs and record submitted on appeal, we conclude that oral argument is unnecessary in this case. See Sup. Ct. R. 18(1). We affirm.

The respondent, Wayne Boucher (father), appeals a final decree entered by the Circuit Court (McIntyre, J.), following a hearing, on a parenting petition filed by the petitioner, Deanne Lyons (mother). We construe the father's brief to argue that the trial court erred by finding that a shared parenting schedule is in the best interest of the parties' child, by not accepting or considering certain evidence, by crediting other evidence, including testimony and a report of the guardian ad litem and testimony of the mother, by not ruling on his motions but ruling on the mother's motions, and by allegedly being biased.

The trial court has broad discretion in matters involving parenting rights and responsibilities. In the Matter of Miller & Todd, 161 N.H. 630, 640 (2011). Its overriding concern in such matters is the best interest of the child. Id. We will not overturn the trial court's ruling on a parenting petition absent an unsustainable exercise of discretion. This standard of review means that we review only whether the record establishes an objective basis for the trial court's discretionary judgments, and will not disturb its determinations if they reasonably could have been made. Id. We defer to the trial court's judgment on issues such as resolving conflicts in testimony, evaluating the credibility of witnesses, and determining the weight of the evidence presented. In the Matter of Aube & Aube, 158 N.H. 459, 465 (2009). The trial court is free to accept or reject, in whole or in part, the testimony of any witness, and is not required to believe even uncontested evidence. Id. at 465.

Whether an appearance of judicial bias exists that would require a judge's disqualification is determined under an objective standard; that is, a judge's disqualification is required if a reasonable person, and not the allegedly biased judge, would question the judge's impartiality. See State v. Bader, 148 N.H. 265, 268 (2002). Merely rendering rulings adverse to a party does not establish that the judge is biased against that party. See id.

It is the father's burden, as the appealing party, to provide a record that is sufficient to decide the issues he is raising. Bean v. Red Oak Prop. Mgmt., 151 N.H. 248, 250 (2004); see Sup. Ct. R. 15(3) ("If the moving party intends to argue in the supreme court that a finding or conclusion is unsupported by the evidence or is contrary to the evidence, the moving party shall include in the record a transcript of all evidence relevant to such finding or conclusion."). Absent a transcript, we assume that the evidence provided at trial supports the trial court's decision, see id., and we review its decree for errors of law only, Atwood v. Owens, 142 N.H. 396, 397 (1997).

In this case, the father has not provided a transcript. Nor has he provided an appendix with the report of the guardian ad litem, or with any of the motions that he argues the trial court improperly failed to rule upon. See Sup. Ct. R. 13(3). Accordingly, we assume that the trial court's rulings are supported by the record. Bean, 151 N.H. at 250. We find no error of law appearing on the face of the trial court's decree. Atwood, 142 N.H. at 397. Nor do we find, upon this record, either that a reasonable person would have questioned the trial judge's impartiality, or that any factor that would have per se disqualified the trial judge was present. See Bader, 148 N.H. at 268, 270.

Affirmed.

Hicks, Bassett, Hantz Marconi, and Donovan, J.J., concurred.

Timothy A. Gudas,  
Clerk

Distribution:

9th N.H. Circuit Court - Manchester Family Division, 656-2018-DM-00446  
Honorable Erin B. McIntyre  
Honorable David D. King  
✓ Mr. Wayne Boucher  
Ms. Deanne Lyons  
Lucinda N. Hopkins, Esquire  
Carolyn A. Kogler, Supreme Court  
Lin Willis, Supreme Court  
File

## **APPENDIX E**



**THE STATE OF NEW HAMPSHIRE**

**SUPREME COURT**

**In Case No. 2019-0635, In the Matter of Deanne Lyons and Wayne Boucher, the court on April 23, 2020, issued the following order:**

Supreme Court Rule 22(2) provides that a party filing a motion for rehearing or reconsideration shall state with particularity the points of law or fact that he claims the court has overlooked or misapprehended.

We have reviewed the claims made in the motion for reconsideration and conclude that no points of law or fact were overlooked or misapprehended in our decision. To the extent the respondent understands our decision to be comparing him to the father in In the Matter of Miller & Todd, 161 N.H. 630 (2011), and thus, to be painting him in a negative light, we observe that: (1) we cited Miller & Todd solely to establish the legal standards applicable to the issues raised by the respondent in this case, and not to compare the facts of this case to the facts of Miller & Todd; and (2) all of the allegations of abuse against the father in Miller & Todd were ultimately determined to be unfounded, see id. at 632-36, 638, 639. Accordingly, upon reconsideration, we affirm our April 2, 2020 decision and deny the relief requested in the motion.

Relief requested in motion for reconsideration denied.

Hicks, Bassett, Hantz Marconi, and Donovan, JJ., concurred.

**Timothy A. Gudas,  
Clerk**

**Distribution:**

9th N.H. Circuit Court - Manchester Family Division, 656-2018-DM-00446

Honorable Erin B. McIntyre

Mr. Wayne Boucher

Ms. Deanne Lyons

Lucinda N. Hopkins, Esquire

Lin Willis, Supreme Court

File