

IN THE INTERMEDIATE COURT OF APPEALS OF WEST VIRGINIA

FILED

April 22, 2024

**JAMES W.,
Respondent Below, Petitioner**

ASHLEY N. DEEM, DEPUTY CLERK
INTERMEDIATE COURT OF APPEALS
OF WEST VIRGINIA

v.) ICA Nos. 23-ICA-237, 23-ICA-238, and 23-ICA-239 (Fam. Ct. Mason Cnty. No. FC-26-2015-D-171)

**CIARA R.,
Petitioner Below, Respondent**

MEMORANDUM DECISION

Petitioner James W.¹ appeals three orders issued by the Family Court of Mason County on May 24, 2023. These orders are as follows: Final Order on Petitioner’s [Ciara R.’s] Petition for Modification of Parenting and Cross Petitions for Contempt; an Order Dismissing Respondent’s (James W.’s) Petition for Modification filed on April 19, 2023; and the “Dismissal Order Re: Petition for Perjury Charges Against John Stapleton and Alienation of My Boys by John Stapleton.”² The three appeals were consolidated for briefing, consideration, and decision by this court by order dated June 7, 2023. Respondent Ciara R. timely filed a response in support of the family court’s orders, as did John W. Stapleton, Esq., the Guardian ad Litem (“GAL”). James W. filed replies addressing the responses of Ciara R. and the GAL.

This Court has jurisdiction over these appeals pursuant to West Virginia Code § 51-11-4 (2022). After considering the parties’ arguments, the record on appeal, and the applicable law, this Court finds no substantial question of law and no prejudicial error. For these reasons, a memorandum decision affirming the family court’s orders is appropriate under Rule 21 of the Rules of Appellate Procedure.

James W. and Ciara R. are the parents of two children born during their marriage. The parties were divorced by Final Order entered by the Family Court of Mason County

¹ To protect the confidentiality of the juveniles involved in this case, we refer to the parties’ last name by the first initial. *See, e.g.*, W. Va. R. App. P. 40(e); *State v. Edward Charles L.*, 183 W. Va. 641, 645 n. 1, 398 S.E.2d 123, 127 n.1 (1990).

² Petitioner and Respondent are both self-represented in this appeal, although Ciara R. was represented by counsel before the family court. John W. Stapleton, Esq., served as the Guardian ad Litem.

on April 18, 2016. A custody order entered on November 19, 2018, gave James W. parenting time with the children on alternating weekends.

On January 25, 2022, February 7, 2022, and March 3, 2022, James W. filed petitions for contempt against Ciara R. On March 8, 2022, Ciara R. filed a Petition for Modification of Parenting and Petition for Contempt. Thereafter, on April 4, 2022, when represented by counsel, Ciara R. refiled her petition. James W. filed additional petitions for contempt against Ciara R. on July 25, 2022, August 18, 2022, November 14, 2022, and December 29, 2022. Thus, a total of eight petitions for contempt were filed by the parties in this matter.³ On April 19, 2023, James W. filed a Petition for Modification to Current Parenting Order seeking immediate and full custody of the children.

The family court held multiple hearings on these matters. At a hearing on May 18, 2022, the GAL presented his report noting that domestic violence charges had been filed and were pending against James W. following an alleged assault on a different ex-wife, Brittany P. The GAL explained that a domestic violence protective order (“DVPO”) had been issued and criminal charges of domestic assault were filed against James W. Additionally, the GAL noted that James W. had been charged with two felony counts of sexual assault upon a female inmate incarcerated at a facility where James W. was employed. Those charges were still pending. Given these serious charges, but acknowledging that James W. had not been found guilty of any of the charges, the GAL recommended that James W. be granted supervised parenting time with the children. Also at this hearing, Ciara R., through counsel, moved that James W. be ordered to undergo a parental fitness evaluation for which she offered to pay. The family court issued a temporary order holding that James W.’s parenting time be supervised as recommended by the GAL.⁴ Also, Ciara R.’s motion for a parental fitness exam was granted on the condition that James W. was to schedule the exam, Ciara R. was to pay for it initially, and James W. would reimburse her for the cost of the exam after he sold his house.

At a status hearing on September 21, 2022, it was noted that James W. had refused to undergo the parental fitness evaluation. James W. testified that he would undergo the evaluation if Ciara R. were also required to undergo one. He also reported that he had attended one supervised visit with the children at a child visitation center. James W. attempted to submit text messages from “Gail” at the visitation center as evidence against Ciara R., but the family court did not allow the text messages into the record, as they were

³ In addition to these eight petitions, on March 31, 2023, James W. filed a Petition for Contempt, in which he alleged that Ciara R. had failed to communicate with him through the app “Appclose” as required. By order dated July 13, 2023, the family court denied James W.’s petition; this Court affirmed the family court’s order. *James W. v. Ciara R.*, 23-ICA-331 (Ct. App. W. Va. Feb. 8, 2024) (memorandum order).

⁴ The temporary custody order is not in the record on appeal.

hearsay. However, the family court stated that either party could subpoena the center's staff to testify (in person or telephonically) at the final hearing. The GAL raised the question of whether the family court had authority to order James W. to undergo the evaluation or be incarcerated under the family court's contempt powers, but the judge interrupted his testimony and explained that she did not have authority to incarcerate someone for failing to undergo a parental fitness evaluation. The GAL agreed, although he felt a negative inference could be drawn from such refusal. The GAL testified that some criminal charges related to the alleged domestic abuse had been dismissed by the prosecutor at the request of James W.'s ex-wife – although the GAL noted that it was hearsay as to why the charges were dismissed. At this hearing, the family court ruled that Ciara R. was not required to undergo a parental fitness evaluation, but because criminal charges had been filed against James W., he was to undergo such evaluation or, if he refused, a negative inference could be drawn. The parties were given a time by which discovery had to be completed and a final hearing was scheduled.

At the final hearing held on November 28, 2022, it was noted that James W. had undergone a parental fitness examination by Megan Green, Psy.D., a licensed clinical and forensic psychologist with Hudson Forensic Psychology. Her report had only recently been issued and James W. testified that he saw the report for the first time just before the hearing began. Over Ciara R.'s objection, the family court granted James W.'s motion for a continuance so that he could review the report, subpoena Dr. Green, and prepare for a final hearing.

On February 8, 2023, the family court again convened for a final hearing on all matters, including Ciara R.'s Petition for Modification, her Petition for Contempt, as well as the seven separate contempt petitions filed by James W. At this hearing, Dr. Green testified about her credentials and the family court found her to be qualified as an expert. Dr. Green also testified that she had prepared a parental fitness report of James W. following a review of documents from multiple sources and an interview with James W. She noted that James W. had a violent history of abuse and sexual assault, including an incident in which his former wife called the police after James W. made threats of physical harm. Handcuffs and guns were found when the police arrived. There were also allegations by the former wife that James W. abused alcohol when the children were present. Dr. Green further noted that James W. had been arrested and charged with assaulting an inmate where he had worked. Based on her review, Dr. Green found that James W. tended to blame others for his problems and that his presentation showed that he was more interested in disparaging Ciara R. than he was interested in his children. Dr. Green acknowledged that she did not pursue fact finding to determine if all of the allegations that had been made against James W. were factually accurate; she also noted that she did not interview anyone else in her evaluation process. Based upon her evaluation, Dr. Green diagnosed James W. with Unspecified Personality Disorder and she recommended an investigation into whether James W. also has a substance abuse disorder. She found that James W. demonstrated a pervasive pattern of dysfunction, noting that he was routinely at odds with many people

and that he had anger control issues. Additionally, Dr. Green opined that James W. exhibited prominent antisocial traits. Further, Dr. Green clarified that her diagnosis of “unspecified” personality disorder was because many criminal complaints remained unresolved and were just allegations at this point. However, she elaborated, that if James W. was convicted, then it would be reasonable to diagnose a personality disorder.

Based on her evaluation, Dr. Green recommended that, since the children wanted to maintain a relationship with James W., their contact with him should be supervised. Additionally, Dr. Green also recommended the following for James W.: psychotherapy; alcohol monitoring for six months with treatment, if necessary; maintain a habitable home free from alcohol and abuse; maintain relationships; show the ability to avoid a volatile home; and provide his treatment professional with Dr. Green’s findings. Dr. Green also recommended that a new evaluation be performed after James W. had undergone treatment. Finally, Dr. Green noted that, after her interviews, she always invites the interviewee to send her additional documentation, and she noted that James W. had not done so.

James W. objected to Dr. Green’s report noting that it contained a mistaken reference to a daughter and he did not have a daughter. Dr. Green testified that this information was not relevant to her conclusion. James W. disagreed with Dr. Green’s findings and testimony; instead, he asserted that his former wife, who made the accusations against him, was mentally unstable and that all three of his ex-wives were mentally unstable and abused him. He also denied having sexually assaulted the inmate and objected on the basis that he was not offered the opportunity to submit documentation to Dr. Green. James W. also contended that much of Dr. Green’s report relied on allegations toward him that were made before the prior parenting plan. Further, he disagreed with Dr. Green and contended that he did not have psychiatric, anger management, or substance abuse problems. He also expressed his belief that the GAL was against him. The parental fitness report was admitted over James W.’s objections.

Also at the February 2023 hearing, Ciara R. testified that she filed the Petition for Modification after she learned that James W. was going to be arrested for an incident of domestic violence and she was troubled by the events that had occurred. Ciara R. explained that after the DVPO was issued, she felt that something had changed in James W.’s household and she became concerned for her children due to the domestic violence. Ciara R. offered into evidence printouts of the criminal charges filed against James W.

Additionally, Ciara R. moved to amend her pleading pursuant to Rule 15(b) of the West Virginia Rules of Civil Procedure and argued that Dr. Green’s report was ordered and the results were unknown at the time the petition was filed, and that Dr. Green’s report was relevant to the change in circumstances. The family court granted Ciara R.’s motion over the objection of James W. and determined that Dr. Green’s report qualified as newly discovered evidence and could be used to show that there was a change of circumstances. Addressing James W.’s objections, the family court observed that Dr. Green had testified

that her opinion would not have changed regardless of whether the allegations of crimes were true and Dr. Green testified that she was not a “fact finder” on those criminal matters. James W. also contended that his indictment for the sexual misconduct occurred prior to the issuance of the custody order in 2018, and therefore, it should not be considered as a change in circumstance in this proceeding. The family court took judicial notice of the criminal charges pending against James W. and deferred a ruling on the admissibility of the sexual misconduct charges until James W. presented his case.

At one point in his testimony, James W. wanted to present a video recording of “Ms. Guthrie” but the family court upheld objections to the evidence by Ciara R. and the GAL because Ms. Guthrie had not been served with a subpoena, and was not present and subject to cross-examination.

The GAL testified that there had been a substantial change in circumstances since the 2018 custody order. He noted Dr. Green’s findings as well as the charges of assault and violation of the DVP (although he noted that those charges were dismissed). The GAL felt that until James W. complied with Dr. Green’s recommendations, Ciara R.’s petition should be granted and that James W.’s limited parenting time should remain supervised by the paternal grandfather.

The family court also found at the February 2023 hearing, that James W. was not given an opportunity to submit documents to Dr. Green for her consideration. Thus, James W. was granted additional time to submit documents to Dr. Green for her review and to determine if they would change her opinion. The next hearing was scheduled for April 11, 2023, at which time additional testimony of Dr. Green could be taken following her review of any documents provided to her by James W.

The family court also took evidence regarding the petitions for contempt filed by James W. against Ciara R., noting that he had the burden to prove contempt. James W. testified that he believed Ciara R. had the burden to prove that she was not in contempt. James W. had not subpoenaed a supervisor at the visitation center and the family court did not allow him to testify as to what “Gail” had said. James W. did not present evidence to prove contempt and Ciara R. moved that the petitions for contempt be dismissed.

On April 19, 2023, James W. filed a Request for Modification to Current Parenting Order in which he asserted that he should be granted immediate full custody of the children because they were in a dangerous, abusive environment. In his request, James W. contended that Ciara R. had made false allegations against him and that the GAL was biased in favor of Ciara R. and was not protecting the children.

On May 24, 2023, the family court issued several orders, the first being the Final Order on Petitioner’s Petition for Modification of Parenting and Cross Petitions for Contempt. In that order, the family court noted that the hearing scheduled for April 11,

2023, was canceled and she had issued an order closing the evidence after James W. issued a letter on April 14, 2023, advising the court that he did not intend to recall Dr. Green as a witness. This followed a letter dated April 10, 2023, in which Dr. Green advised that she had reviewed the additional documentation provided by James W., but her evaluation findings remained unchanged.

The family court found that Ciara R. had proven a substantial change in circumstances, thus warranting a modification of the parenting plan, and such modification was in the best interests of the children pursuant to West Virginia Code § 48-9-401 (2022). Among the circumstances warranting the modification according to the family court were the final DVPO that had been granted against James W., the findings and recommendations of the parental fitness evaluation, and James W.'s relocation from Mason County, West Virginia, to Sabina, Ohio. Further, the family court found that the DVPO granted against James W. was a limiting factor pursuant to West Virginia Code § 48-9-209(a)(2022).⁵ The family court also found that the parenting plan she set forth was in the best interests of the children and was not manifestly harmful to them.

Ciara R. was ordered to continue as the primary residential parent of the children and James R. was granted supervised parenting time on alternating Sundays for two hours, the paternal grandfather was to supervise the visits, and additional direction was given for how the visits would take place. James W. was also permitted phone calls or Facetime calls with the children on certain days for a maximum of fifteen minutes per child. Additionally, James W. was restricted from seeking a modification of his parenting time until he complied with the following recommendations of Dr. Green: enroll in individual psychotherapy at a frequency recommended by the treatment provider; maintain a stable, habitable home free from domestic violence and substance abuse; demonstrate the ability to consistently maintain stable interpersonal relationships; demonstrate attachment to the children by complying with intervention and interacting appropriately during supervised parenting time; meaningfully participate in treatment implementation – meaning that mere attendance does not constitute treatment compliance; and provide the treatment professional with a copy of the parental fitness evaluation.

⁵ In pertinent part, West Virginia Code § 48-9-209[a] provides, “[w]hen entering an order approving or implementing a temporary or permanent parenting plan order, including custodial allocation, the court shall consider whether a parent ...(3) Has committed domestic violence, as defined in § 48-27-202 of this code...” Further, pursuant to West Virginia Code § 48-9-209(b), “[i]f a parent ...is found to have engaged in any activity specified by subsection (a) of this section, the court shall impose limits that are reasonably calculated to protect the child or child’s parent from harm.”

In the Final Order, the family court also found that James W. failed to prove that Ciara R. was in contempt of any order. Thus, James W.'s Petitions for Contempt were denied. It was noted that Ciara R. had withdrawn a Petition for Contempt that she filed against James W., and thus, it was also denied. James W. appeals the Final Order.

On the same date it ruled on the Petition for Modification filed by Ciara R. and the multiple Petitions for Contempt filed by James W., the family court also issued a separate ruling on May 24, 2023, dismissing James W.'s Request for Modification. In this order, the family court noted that James W. had filed his motion after he advised the court that he did not intend to recall Dr. Green as a witness, but before the court had issued the final order. The family court found that the petition failed to set forth any change in circumstances after evidence was closed on February 8, 2022, or any other allegation to support a modification. James W. also appeals this order dismissing his Request for Modification.

On May 22, 2023, James W. filed with the family court a "Petition for Perjury Charges against John Stapleton and Alienation of My Boys by John Stapleton." In his petition, James W. asserted that the GAL did not testify about the damage Ciara R. had done to the children. Also, James W. asserted that the GAL testified regarding the criminal charges, even though these charges were eventually dismissed and the GAL indicated that these charges should not be held against him [James W.]. Further, James W. complained that he was being punished for not having an attorney and he claimed that the GAL threatened him with being jailed until he took the parental fitness evaluation. Finally, James W. contended that the GAL and Ciara R. were responsible for alienating the children from him. The family court issued a Dismissal Order on May 24, 2023, holding that the court was without authority to address alleged perjury charges and noted that the allegations set forth by James W. appeared to be an argument for an appeal on the matters that were heard on February 8, 2023. James W. appeals this order.

Our standard of review is as follows:

"In reviewing . . . a final order of a family court judge, we review the findings of fact made by the family court judge under the clearly erroneous standard, and the application of law to the facts under an abuse of discretion standard. We review questions of law *de novo*." Syl. Pt., [in part,] *Carr v. Hancock*, 216 W. Va. 474, 607 S.E.2d 803 (2004).

Amanda C. v. Christopher P., 248 W. Va. 130, 133, 887 S.E.2d 255, 258 (Ct. App. 2022); *accord* W. Va. Code § 51-2A-14(c) (2005) (specifying standards for appellate court review of family court order); *See* Syl. Pt. 1, *Carter v. Carter*, 196 W. Va. 239, 470 S.E.2d 193 (1996) (holding that an abuse of discretion standard applies to contempt rulings).

In his three appeals, James W. asserts that the family court wrongly allowed hearsay offered by the GAL and the psychologist into the record. Further, he contends that Ciara R.'s counsel sent hearsay to the psychologist who performed the parental fitness evaluation and that she relied on "lies" in her report. James W. also alleges that the family court violated various rules within the Code of Judicial Conduct by allowing the GAL to be biased in favor of Ciara R. and by not allowing him to be heard, submit all of his evidence, and call witnesses to testify. Additionally, James W. contends that the family court violated the Code of Judicial Conduct by communicating in private with Ciara R.'s attorney and the GAL and that the family court predetermined the outcome of the case and found computerized documents to aid Ciara R., while not providing him with time to find documentation regarding the contempt charges he filed against Ciara R. Also, James W. alleged that the family court berated him and dismissed his allegations when he could not find documentation.

The GAL filed a brief denying James W.'s assertions. Of note, the GAL observes that James W. made no specific allegations as to what hearsay should have been excluded nor did he object to any hearsay at the hearing, and further, there are exceptions to the hearsay rule by which certain hearsay may be admitted. The GAL contends that while James W. alleges that everyone was biased against him, he fails to cite to the record to prove his conclusory allegations. The GAL also denies that his testimony was untruthful or that he had engaged in any ex parte communications. Also, the GAL denies James W.'s assertion that the family court berated him. Instead, the GAL contends that James W. was given his day in court. Ciara R. issued a response and James W. replied to the responses provided by Ciara R. and the GAL. In his reply, James W. reasserts his contentions that hearsay and false allegations were improperly allowed and used against him.

We disagree with James W. and note that he failed to provide specific instances in the record to which he objects. Rule 10(c)(7) of the West Virginia Rules of Appellate Procedure requires arguments to contain appropriate and specific citations to the record on appeal, including when and how the issues presented in the assignments of error were presented to the lower court(s). Otherwise, "[t]he Intermediate Court . . . may disregard errors that are not adequately supported by specific references to the record on appeal." *Id.* In this case, James W. did not raise objections to hearsay during the family court hearings and his brief lacks citations in the record that pinpoint when and how the issues he raises in his assignments of error were presented to the family court. James W. fails to demonstrate that he preserved his objections for appeal purposes. We also note that the West Virginia Rules of Evidence would not apply to the information sent to Dr. Green for her parental fitness evaluation, but would apply to testimony by Dr. Green before the family court. Information that would otherwise be inadmissible in evidence may be relied upon by an expert in forming her opinion. *See* Rule 703 of the West Virginia Rules of Evidence. Finally, we find that James W. failed to demonstrate that he requested any discovery that he was not provided by Ciara R. or the GAL, failed to subpoena witnesses, and did not object to alleged evidentiary errors during any of the family court hearings.

We also disagree with James W. that the family court showed prejudice or bias in its rulings or conduct of the multiple hearings in this matter. This Court cannot set aside a family court's factual findings "unless they are clearly erroneous." A finding is clearly erroneous only when "the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been committed." Syl. Pt. 1, *In re Tiffany Marie S.*, 196 W. Va. 223, 470 S.E.2d 177 (1996). Under the clearly erroneous standard, an appellate court does not reweigh the evidence and cannot reverse a family court's findings simply because it may have viewed the evidence differently. *See Mulugeta v. Misailidis*, 239 W. Va. 404, 408, 801 S.E.2d 282, 286 (2017). Further, a family court is entitled to deference to the extent it relies on determinations it made of the parties' credibility. *See Thomas E. v. Amy F.*, No. 13-0176, 2013 WL 5708438, at *2 (W. Va. Oct. 21, 2013) (memorandum decision). In the present case, the family court specifically found the testimony of Dr. Green to be relevant and credible and it also relied upon the testimony of Ciara R., the GAL's report, and the GAL's testimony.

We find that the findings of fact and conclusions of law made by the family court in the Final Order on Petitioner's Petition for Modification of Parenting and Cross Petitions for Contempt were not clearly erroneous, and the family court did not abuse its discretion in applying the law to the facts presented in this case. Upon review of the recordings of the multiple family court hearings held in this matter, we find that the family court's conduct was appropriate and that many of the allegations made by James W. in these appeals are without proper legal foundation.⁶ Other allegations made by James W. simply represent his disagreement with about everyone who played a role in these matters (i.e., Ciara R., counsel for Ciara R., the GAL, Dr. Green, and the family court). James W. was provided with a fair hearing on all matters. James W. has failed to demonstrate that the family court was clearly wrong in finding that a substantial change of circumstances had occurred that warranted a modification of parenting and that such modification was in the best interests of the minor children. We note that the statute governing a modification of a parenting plan applicable to this case provides that:

[e]xcept as provided in § 48-9-402 or § 48-9-403 of this code, a court shall modify a parenting plan order if it finds, on the basis of facts that were not known or have arisen since the entry of the prior order and were not anticipated in the prior order, that a substantial change has occurred in the circumstances of the child or of one or both parents and a modification is necessary to serve the best interests of the child.

W. Va. Code § 48-9-401.

⁶ This Court does not have authority to evaluate or make any finding regarding James W.'s allegation that the family court judge violated the Code of Judicial Conduct. The Judicial Investigation Commission has such authority. Therefore, we decline to consider these allegations.

The family court's finding of a substantial change in circumstances in light of the DVPO, parental fitness testimony, and other legal cases pending against James W. is not clearly erroneous. The court's application of the § 48-9-209(a)(3) limiting factor lays a proper basis for overcoming the presumption that equal (50-50) parenting time is in the best interest of the children. Finally, the family court could have reasonably concluded that the revised custodial allocation maximizes the time each parent has with the child and is consistent with ensuring the child's welfare. *See* W. Va. Code § 48-9-102a (second sentence).

Additionally, in light of the family court's determination regarding the modification petition filed by Ciara R., we find that James W. failed to demonstrate that the family court was clearly wrong or abused its discretion in dismissing his petition for modification filed on April 19, 2023.

Further, we also note that in *Deitz v. Deitz*, 222 W. Va. 46, 54, 659 S.E.2d 331, 339 (2008) (per curiam), the Supreme Court of Appeals of West Virginia acknowledged that “[a]n integral part of the family court's authority to enter final orders of divorce is its corresponding power to enforce those orders through contempt proceedings.” Additionally, the family court's enforcement of such orders is within the discretion of the family court. *See Mark V.H. v. Dolores J.M.*, 232 W. Va. 378, 387, 752 S.E.2d 409, 418 (2013) (per curiam) and *Joshua T. v. Angela M.*, No. 22-ICA-221, 2023 WL 2366493, at *2 (W. Va. Ct. App., Mar. 6, 2023) (memorandum decision). We find that James W. has failed to demonstrate that the family court was clearly wrong or abused its discretion in dismissing the Petitions for Contempt filed by James W. on the basis that he failed to prove that Ciara R. was in contempt of an order of the court and that such contempt was willful and contumacious.

Finally, we find that the family court's dismissal of James W.'s Petition for Perjury Charges Against John Stapleton and Alienation of My Boys by John Stapleton is not clearly erroneous nor does it constitute an abuse of discretion. The family court ruled that it was without authority to address the charges or the relief requested. We agree with the family court that the assertions made by James W. in this petition are more akin to arguments to be made on appeal. For instance, among the allegations made by James W. in his Petition for Perjury Charges are the following: that the GAL testified that he was referencing all of his reports, yet he never “brought up” the instances in which Ciara R. harmed the children; that the criminal charges filed against James W. were dismissed and the GAL said they should not be held against him – but they were; James W. is considered innocent until proven guilty on the charges of sexual imposition on an incarcerated person, but the GAL is still taking it into consideration; James W. is being punished for not having an attorney to represent him and he is taken advantage of because he cannot afford an attorney; and that the GAL told the judge that he wanted James W. jailed until he underwent the parental fitness evaluation. We also note that James W. fails to cite any authority by which the family court would be required to act upon his allegations of perjury – especially since

James W. has failed to demonstrate that the GAL perjured himself. James W.'s assertions amount to a disagreement with or a dislike of the GAL's testimony, and there is a lack of evidentiary support for James W.'s allegations of perjury. The allegations made in the petition filed with the family court amounted to a request to reweigh the evidence presented at the February 2023 hearing. We also decline to reweigh the evidence and find that James W. failed to cite any authority that would demonstrate that the family court's dismissal of his petition was clearly erroneous or constituted an abuse of its discretion.

Accordingly, we affirm the family court's three orders dated May 24, 2023.

Affirmed.

ISSUED: April 22, 2024

CONCURRED IN BY:

Chief Judge Thomas E. Scarr
Judge Charles O. Lorensen
Judge Daniel W. Greear