



**SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY
COURT OF APPEALS
10,005 E. OSBORN RD. SCOTTSDALE, AZ 85256 (480)362.6315**

TERESA MARIE CRUZ,

Petitioner,

v.

GREGORY LORING,

Respondent.

Case No. APC 18-0017

(No. D-14-0007 below)

**MEMORANDUM and ORDER
DISMISSING APPEAL**

2018 OCT 24 PM 3:29

**FILED
SALT RIVER PIMA-MARICOPA
INDIAN COMMUNITY COURT**

This is an appeal from the trial court's August 22, 2018 Order denying Ms. Cruz's Motion for Modification of Judgment Affecting Alimony, Custody and Support. Essentially, she requested that the father's visitation with their one remaining minor child (Charles Loring, Jr.) be changed from every weekend to every other weekend. This visitation schedule had been arranged by agreement between the parties, who were awarded joint custody of Charles, Jr. in their divorce. Ms. Cruz's asserted basis for the modification request was domestic violence which had occurred between the parents and had been observed by the minor.

There is no dispute that Mr. Loring committed acts of domestic violence during the parties' marriage. Ms. Cruz and Ms. Loring were divorced in 2015. There is no evidence of any domestic violence occurring between them after the date of divorce, in Charles, Jr.'s presence or outside of it.

Ms. Cruz's testimony at the August 22 hearing indicated that, at most, Charles, Jr. was present for "plenty of verbal abuse." The parties' son, Marshall Loring testified that, "there was no physical abuse." Their daughter, Sandy Loring, testified to the same effect. In fact she denied having observed even any "yelling" between the parents in Charles, Jr.'s presence.

The Guardian ad Litem, Amy Alexander, presented her report and recommendations at the August 22 hearing. Based on her interviews of Charles, Jr., Ms. Alexander found that he had been exposed to no arguing or fighting between his parents. Her interview with Ms. Cruz revealed no concerns about domestic violence. The minor expressed to her his happiness with the current (every weekend) visitation schedule with his father and his request that it continue.

Based on this record, the trial court concluded that "the mother's request to change the current parenting schedule" should be denied. This Court finds no error in that decision. Therefore, IT IS ORDERED that this appeal is dismissed.

Dated this 24th day of October, 2018.

Electronically approved 10/24/2018

/s/
Judith Dworkin, Justice

S E A L

Electronically approved 10/24/2018

/s/
Mary Guss, Justice

Electronically approved 10/24/2018

/s/

Jan Morris, Justice