

SHARON L. TIBBETTS

v.

BENJAMIN TIBBETTS III

Submitted on Briefs September 23, 2010
Decided September 30, 2010

Panel: SAUFLEY, C.J., and ALEXANDER, LEVY, SILVER, MEAD, and
JABAR, JJ.

MEMORANDUM OF DECISION

Benjamin Tibbetts III appeals from the judgment of the District Court (Lincoln, *Stitham, J.*) granting, in part, Sharon L. Tibbetts's motion to modify the child contact and visitation portions of the parties' divorce judgment. Benjamin contends that there was no evidence of any improper contact between his stepson and one of his sons and that his son named in the court's order was not the one alleged to have been subjected to improper contact. The record of the hearing contains an allegation of improper contact between Benjamin's stepson and one of Benjamin's sons. However, there is no evidence that the contact involved the son named in the court's order. Accordingly, the portion of the order addressing supervised contact between Benjamin's stepson and his son named in the order is vacated. This matter will be remanded with direction to the court to reexamine the record and determine whether amendments to the order are needed to conform to the evidence presented to the court. In all other respects, the court's amendment order of December 31, 2009, will be affirmed.

The entry is:

Judgment vacated in part. Remanded for further proceedings in accordance with this opinion.

Benjamin Tibbetts III, pro se:

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Sharon L. Tibbetts did not file a brief.

Lincoln District Court docket number FM-2004-23
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