

Note: Decisions of a three-justice panel are not to be considered as precedent before any tribunal.

ENTRY ORDER

SUPREME COURT DOCKET NO. 2001-395

MAY TERM, 2002

	}	APPEALED FROM:
	}	
Kathleen C. Pilla	}	Chittenden Family Court
	}	
v.	}	DOCKET NO. F430-7-01 Cnfa
	}	
John K. Pilla	}	Trial Judge: Brian Burgess, Matthew I. Katz
	}	
	}	

In the above-entitled cause, the Clerk will enter:

Father appeals from several post-divorce judgment orders of the family court. He contends the court erred in denying motions to disqualify the trial judge, to modify parental rights and responsibilities, to dismiss mother's complaint for relief from abuse, and to have the parties' children examined by a licensed psychologist. We affirm.

This appeal arises out of a highly contentious and on-going dispute between the parties over the support and custody of their three minor children. The trial record reveals an extensive catalogue of motions both before and after the parties' August 1998 divorce. Mother currently has sole custody of the children. The series of motions relevant to this appeal commenced on June 25, 2001, when father moved to modify parental rights and responsibilities. The court denied the motion on July 9, and denied a subsequent motion to reconsider on August 2. On August 28, father filed an emergency motion to have the children examined by a licensed psychologist. The court denied the motion on September 11, noting that there was no motion currently pending.

In the meantime, on July 5, mother filed an emergency request for relief from abuse. The court denied the request for temporary relief from abuse, and scheduled a hearing on the petition for July 12, which was subsequently continued on several occasions. On July 25, father moved to dismiss the petition for relief from abuse.

On August 10, father moved to disqualify the court (Judge Burgess) from any further participation in the case, claiming that he was biased against father. Judge Burgess declined to disqualify himself, and referred the matter to the Administrative Judge. See V.R.C.P. 40(e)(3) (judge whose disqualification is sought shall either disqualify himself or herself or refer matter to Administrative Judge or designee thereof). The latter's designee, Judge Katz, held a hearing and issued a written decision, dated August 21, 2001, denying the motion. Judge Katz denied father's motion to reconsider its ruling on August 30. On the same date, the court (Judge Burgess) held a hearing on mother's petition for relief from abuse. The court issued a written decision the following day, August 31, denying father's motion to dismiss and granting the petition, thereby limiting father's contact with the children.

Father has filed separate pro se appeals from all of the foregoing rulings.

Father asserts the trial court's ruling denying the modification motion erroneously misstated the evidence and overlooked evidence that mother had physically and emotionally abused the children and alienated the children towards him. Father's allegations, while numerous, are generally unsupported by specific record citations or legal argument that would allow this Court to meaningfully review and evaluate the claims. Accordingly, we discern no basis to disturb the ruling. See *In re J.A.*, 166 Vt. 625, 626 (1997) (mem.) (noting general allegations of error, without citation of authorities or supporting argument, will not be considered).

Father next contends the court erred in denying his motions to dismiss mother's petition for relief from abuse and to reconsider the court's order granting the petition. In its August 31, 2001 decision and order, the court noted that father had failed to appear at the hearing, and therefore entered a default judgment in favor of mother. On appeal, father claims that the petition was based on false statements by mother, that the evidence was insufficient to demonstrate that father abused the children, that the court misstated the evidence, and that in granting the petition the court aided and abetted mother's efforts to alienate the children from father. Father also makes numerous allegations concerning mother's alleged unfitness. As a result of the default, however, father failed to preserve the claims for review. Furthermore, father's allegations while numerous are unsubstantiated by specific record citations or legal argument, and therefore are insufficient to disturb the judgment. See *id.*

Father also contends the court erred in denying his emergency motion to have the children examined by a licensed psychologist. Father fails to demonstrate any error in the trial court's ruling that the motion failed to pertain to any pending matter, as father's motion to modify parental rights and responsibilities had been denied over a month earlier.

Finally, father contends the Administrative Judge's designee erred in denying the motion to disqualify Judge Burgess. A judge subject to a recusal motion is accorded a presumption of honesty and integrity, and the burden is on the moving party to make a clear and convincing showing of bias or prejudice. *Ball v. Melsur Corp.*, 161 Vt. 35, 39-40 (1993). This Court will disturb the ruling of the Administrative Judge (or his designee) "only if there has been an abuse of discretion, that is, if the record reveals no reasonable basis for the decision." *Id.* at 40. Apart from the bare allegations of bias, animus toward father, and false statements in earlier rulings, the disqualification motion set forth no basis to support a finding that Judge Burgess was personally biased or prejudiced against father, and father has cited nothing in the record to demonstrate otherwise. Thus, we discern no basis to disturb the administrative-judge designee's ruling.

Affirmed.

BY THE COURT:

James L. Morse, Associate Justice

Denise R. Johnson, Associate Justice

Marilyn S. Skoglund, Associate Justice