

**SECOND DIVISION
DOYLE, P. J.,
DAVIS and WHITAKER, JJ.**

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October 16, 2026

In the Court of Appeals of Georgia

A26A0864. WALLACE v. BUFFINGTON.

DOYLE, Presiding Judge.

Proceeding pro se, Essie Wallace (“the Mother”) appeals from the trial court’s order granting a motion for modification of child custody and child support filed by Jason Buffington (“the Father”) regarding H. B., the soon-to-be ten-year-old child of the parents. The Mother argues that the trial court erred in several respects.¹ For the reasons that follow, we affirm in part and vacate in part.

When reviewing an order in a child custody case, we view the evidence in the light most favorable to the trial court’s decision. We will not set aside the trial court’s factual findings if there is any evidence to support them, and we defer to the trial court’s credibility

¹ The Father has not filed an appellate brief.

determinations. We review de novo, however, the legal conclusions the trial court draws from the facts.

Mashburn v. Mashburn, 353 Ga. App. 31, 32 (836 SE2d 131) (2019) (citation modified).

Viewed in this light, the record shows that H. B. was born on December 13, 2016, and in September 2019, the trial court entered a consent final order for legitimation, custody, and child support as a result of the Father's petition for legitimation. The 2019 order awarded the parties joint legal custody of H. B. and awarded the Mother primary physical custody and final decision-making authority. The 2019 order also provided that the Father would pay \$559 in child support each month. The order found that the Father previously had been ordered to pay more per month, but had a change in financial condition; it also found that the Father had a \$2,330.24 arrearage, and ordered him to pay an additional \$141 per month. The 2019 order set visitation for the Father and ordered it be supervised until he completed a family violence intervention program. The order also noted that the Father was on probation, and if he should be incarcerated for any reason or fail to comply with any probation requirements, his visitation would be suspended immediately "until further order of this court."

On December 17, 2024, the Father filed a counseled petition for modification of custody and child support and for contempt, alleging a material change in circumstance based on the Mother's plan to move to Alabama, and claiming that she did not have stable income, had thwarted his ability to have a relationship with H. B., did not communicate with him about H. B., and denied him his parenting time. The Father requested primary physical custody, modification of child support, and attorney fees.

In her pro se answer, the Mother admitted that she was planning to move, but she alleged that the Father's parenting time had been suspended automatically pursuant to the 2019 order because the Father had been arrested. The Mother also alleged that the Father lacked secure housing and was living with his parents, had failed to pay back child support as directed in the 2019 order, and failed to pay some support subsequent to the 2019 order, resulting in a total arrearage of \$3,931.38 as well as an arrearage to the Division of Child Support Services of \$1,944.37. The Mother contended that she should remain the primary physical custodian because H. B. was living with her and H. B.'s half-sister; H. B. did well in school and participated in

extra-curricular activities; and the Mother was an involved parent to H. B. and her half-sister.

Thereafter, the Mother acquired counsel, who filed an amended answer and police records, including a 2020 guilty plea by the Father to family violence battery perpetrated against the Mother. The answer reiterated that because the Father had been arrested since the 2019 order, the Mother had the right to suspend his visitation; it also stated that the Mother had obtained a job in Alabama necessitating the move. The amended answer requested the continued suspension of the Father's visitation or, alternatively, supervised visitation; attorney fees; immediate payment of the support arrearage; and dismissal of the Father's petition. The Mother also filed a domestic relations financial affidavit, showing her income from child support for each of her children.

On April 2, 2025, the trial court entered a temporary consent order keeping primary physical custody with the Mother but awarding the Father certain specific weekend visitation during which (1) he and the child would stay at the paternal grandmother's home; and (2) he would transport the child to scheduled extra-

curricular activities during visitation. The order found that the Father had a current support arrearage of \$6,117.00.

On April 24, 2025, the Mother petitioned for contempt of the temporary order, stating that the Father had failed to take the child to certain scheduled girl scout events, resulting in her disqualification from a free summer trip. A second temporary order was entered, outlining summer visitation and an agreement by the Father to pay for the scout trip. The Father also filed a domestic relations financial affidavit.

After a hearing, the trial court entered a final order, awarding joint legal custody but transferring primary physical custody to the Father. The court also awarded the Father final decision making as to all non-emergency issues. The court assigned a visitation schedule for the Mother of visitation every other weekend and certain holidays and summer weeks. The court attached a child support worksheet, directing the Mother to begin paying child support to the Father in February 2027, after applying a credit for the Father's existing arrearage. Thereafter, the Mother filed this pro se appeal.

The Mother's pro se brief, which does not comport with this Court's rules, argues that the trial court was unfair, biased, and issued an order contrary to the

evidence, overlooking evidence of the Mother's involvement, the Father's neglect and history of family violence convictions, drug abuse, and failure to pay child support. She maintains that the order is contrary to H. B.'s best interests, resulting in separation from her half-sister and in the paternal grandparents being the primary caregivers. Finally, the Mother contends that the Thanksgiving break visitation provision, Christmas break visitation provision, lack of a provision designating visitation for February school break, and the failure to award her the Father's child support arrearage are erroneous.

As an initial matter, the Mother has failed to provide a transcript of the hearing, and her brief does not comply with this Court's rules, lacking separately enumerated errors and citations to authority or the record. If

an appeal is taken which draws in question the transcript of the evidence and proceedings, it shall be the duty of the appellant to have the transcript prepared at the appellant's expense. ... [The Mother], as the appellant here, bears the burden of showing error below. In accordance with the presumption of the regularity of court proceedings, [this Court] must assume in the absence of a transcript that there was sufficient competent evidence to support the trial court's findings.

Reed v. Reed, 295 Ga. 574, 577–78(2) (761 SE2d 326) (2014) (citation modified). Moreover, although the Mother is pro se, it was still incumbent on her to provide citations to the record and to applicable case law to support her appellate arguments. See *Colclough v. Dep’t of Human Servs.*, 367 Ga. App. 567, 570(1) (887 SE2d 407) (2023) (“It is the appellant’s burden, as the party challenging the ruling below, to affirmatively show error from the record on appeal.” (citation modified)). Cf. *Lewis v. State*, 330 Ga. App. 650, 652 (768 SE2d 821) (2015) (“A party is not held to a different or more lenient standard merely because [she] elected to proceed pro se. One who knowingly elects to represent [her]self assumes full responsibility for complying with the substantive and procedural requirements of the law.” (citation modified)).

The majority of the errors raised by the Mother are not subject to reversal by this Court given the presumption of regularity on appeal, the lack of a transcript, and the lack of legal citations. See *Soto v. Daniels*, 378 Ga. App. 176, 179(1)(b) (924 SE2d 796) (2025) (explaining that “a trial court has broad discretion when deciding which parent is entitled to custody of their child and that ‘it is the duty of the trial judge to resolve the conflicts in the evidence’”). See also *Reed*, 295 Ga. at 577–78(2); *Colclough*, 367 Ga. App. at 570(1); *Mashburn*, 353 Ga. App. at 32. Nevertheless, the

plain language of the order supports her contention that the court erred in some respects.

We note that the modification order “did not comply with the requirements of OCGA § 19-9-1 because it did not (1) include an explicit recognition that a close and continuing parent-child relationship and continuity in the child[]’s life would be in [her] best interest, [or] (2) include an explicit recognition that the child[]’s needs would change and grow as [she] matured[.]” *Pryce v. Pryce*, 359 Ga. App. 590, 592(1) (859 SE2d 554) (2021). Additionally, there are errors that should be corrected as follows.

The Thanksgiving visitation provision separates odd and even years, and it assigns the Father a different span of visitation during odd years (from 6:00 p.m. before Thanksgiving to 4:00 p.m. on Thanksgiving) as compared to even years (from 4:00 p.m. on Thanksgiving to 6:00 p.m. the day after Thanksgiving). It also states that the regular parenting schedule applies to the weekends before and after Thanksgiving break. Given that the Father has primary physical custody, the most logical reading of the Thanksgiving provision is that the trial court intended to award the Mother physical custody of H. B. during the week of Thanksgiving break (exclusive of

weekends) and award the Father limited visitation as stated depending on whether the year is odd or even. Reading the provision otherwise results in the Father having visitation during his own custody, and the Mother having no Thanksgiving visitation, which is incongruent with the custody awards for most holidays and Fall and Spring breaks that rotate between the parents.

The same issue arises with the Christmas break visitation provision, which assigns the Mother limited Christmas break visitation in even years from 9:00 a.m. on December 24 until 6:00 p.m. on December 26; the provision assigns this same limited visitation time to the Father in odd years. With regard to this provision, the most logical reading is that the Mother would have limited visitation from 9:00 a.m. on December 24 until 6:00 p.m. on December 26 in even years, but that the Mother would have custody for the entire Christmas break during odd years during which time the Father would exercise that limited visitation from December 24–26. Because the Father has primary physical custody, there was no reason for the court to say that he has specific visitation in odd years unless the court had intended for the Mother to have custody of H. B. during the remainder of the break those years. The order also lacks a definition specifying the period constituting Christmas break.

Although these are the most logical ways to read these provisions, it is not entirely clear what the court meant with either. Thus, we vacate the order as to those provisions and remand for clarification. Although the Mother also argues that the trial court erred by failing to grant her visitation during the one-week February/Winter school break, we cannot say that the trial court abused its discretion by failing to do so; however, because we are remanding the case for clarification of the Christmas and Thanksgiving provisions, the court may clarify whether visitation for the February/Winter break was inadvertently omitted from the parenting plan.

The other issue relates to the child support provision. In the order, the trial court directed the Mother to begin paying \$229 per month on November 1, 2025. Later in the order, the trial court found that the Father had an arrearage of \$3,684.35 and assigned a child support credit to the Mother of \$229 per month, moving the start date of her payments to February 1, 2027. The Mother should have been ordered to begin paying child support on March 1, 2027, and the March 2027 payment should be discounted by \$20.35 to \$208.64 to account for the remainder of the arrearage credit rather than \$229, which amount the Mother would begin paying on April 1, 2027. Otherwise, the credit provided contradicts the trial court's arrearage finding.

Accordingly, we vacate the order as to that provision and remand for clarification or correction thereof consistent with this opinion.

Judgment affirmed in part and vacated in part, and case remanded with direction.

Davis and Whitaker, JJ., concur.