NOT FOR OFFICIAL PUBLICATION
See Okla.Sup.Ct.R. 1.200 before citing.

IN THE COURT OF CIVIL APPEALS OF THE STATE OF OKLAHOMA

DIVISION II

IN RE THE MARRIAGE OF:

JOSEPH HARROZ, JR.,

Petitioner/Appellee,

vs.

SAMIA M. HARROZ,

Respondent/Appellant.

Case No. 121,599

APPEAL FROM THE DISTRICT COURT OF
CLEVELAND COUNTY, OKLAHOMA

HONORABLE LORI PUCKETT, TRIAL JUDGE

REVERSED

Laura McConnell-Corbyn
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Oklahoma City, Oklahoma — For Petitioner/Appellee

Amelia B. Recla
Norman, Oklahoma — For Respondent/Appellant

OPINION BY JANE P. WISEMAN, PRESIDING JUDGE:

Samia M. Harroz (Mother) appeals orders of the trial court granting a motion to enforce visitation filed by Joseph Harroz, Jr., (Father) finding her guilty of

contempt, awarding "make up visitation," and awarding attorney fees to Father. After review, we find the trial court erred as a matter of law in granting the motion to enforce visitation and finding Mother guilty of contempt and thus erred as a matter of law in awarding attorney fees. Accordingly, we reverse the orders of the trial court.

FACTS AND PROCEDURAL HISTORY

The decree of dissolution of marriage for the parties was filed on June 2, 2017. The joint custody plan attached to the decree designated neither party as the primary custodian of their child ZH and stated, "The parties shall share true joint custody." On July 30, 2021, Father filed a "Motion to Modify Custody and Timesharing for Minor Child" in which he sought sole custody of ZH.

The following facts are taken primarily from the trial court's order granting the motion to enforce visitation and finding Mother guilty of contempt. On April 22, 2022, an "Agreed Order Modifying Joint Custody Plan, Child Support and Timesharing" was filed, which states that the parties still shared joint custody of ZH but designated Father as primary custodian and final decision-maker. The Agreed Order set a visitation schedule for Mother "of every other weekend Friday through Monday morning as well as a set holiday schedule." The Agreed Order allows "the removal of the child's electronics as a disciplinary measure with each parent allowed to make decisions within their own home" and mandates that

Mother "change her home alarm to prevent access by [ZH] at certain times." It also designates Our Family Wizard (OFW) as the parties' assigned method of communication and provides that the Guardian Ad Litem (GAL) will be given access to the parties' communications.

On February 24, 2023, Father's wife brought an incident to Father's attention and the matter was addressed with ZH. At ZH's request, Father allowed her to go to Mother's home on February 25. Father discovered additional information about the incident just addressed with ZH and notified her that she needed to return home. When ZH did not return home, Father went to Mother's home to talk to ZH. He took the car that ZH had driven to Mother's home, notified her of the discipline he would be imposing, and demanded she return home. Father notified Mother of the issues via OFW on February 27, 2023, and demanded Mother return ZH home. Mother failed to timely respond to Father or return ZH to Father's home.

Father asked for assistance from the GAL. The GAL repeatedly attempted to contact Mother before she finally responded. The trial court found, "However, rather than addressing the issue at hand, [Mother] spent a significant amount of time 'badmouthing' and talking about [Father] in a manner contrary to the provisions of the Agreed Order." The GAL advised Mother to return ZH to Father.

ZH's counselor attempted to intervene to help get ZH to return to Father's home. The counselor advised Mother that ZH needed to return to Father.

Mother "believed the issues did not involve her and needed to be resolved between [Father] and child." Mother repeatedly advised ZH to return to Father's home, but ZH refused to do so. The court found that Mother agreed ZH's behavior was inappropriate and Father had imposed appropriate discipline, but she did not enforce Father's disciplinary measures when she allowed ZH to stay at her home. While ZH stayed with her, she provided ZH with a car and cell phone. Mother did not change the code on her home alarm to prevent ZH from accessing the home.

The parties' holiday visitation schedule provided ZH was to spend spring break 2023 with Father, but she refused to join a family vacation in Hawaii during spring break and Father made alternative arrangements for ZH to stay with relatives. Instead of staying with the relatives, ZH remained at Mother's home during spring break. Father filed the motion to enforce visitation on March 23, 2023, and ZH returned to Father's home the next day.

The trial court acknowledged that failure to encourage visitation is not the same as interference with visitation or denial of visitation, explaining that Mother asserts "she repeatedly told the child she needed to resolve the issues with [Father] and return to his home, but the child refused." The court concluded the evidence

supports Mother's contention that she made such statements. The court, however, found:

> It is clear from the statements to the GAL that [Mother] harbored ill-will toward [Father] and believed he was deserving of the predicament that had arisen with his daughter. The overall message from [Mother] to the GAL was [Father] now knew how it felt and was getting what he deserved by [ZH's] behavior. Rather than supporting the appropriate measures, [Mother] behaved in a manner that allowed [ZH] to evade consequences. In providing a safe haven, vehicle and cell phone as well as additional activities such as concert attendance, [Mother] interfered with the custodial visitation of [Father].

The trial court sustained Father's motion to enforce visitation and awarded him compensatory visitation.

The trial court noted that 43 O.S. § 111.1(C)(1) provides that violation of a visitation order may be prosecuted as indirect contempt. It concluded, "The unrefuted evidence presented showed [Mother] was aware of the court order and did not abide by it." It further concluded that Mother "agreed that she had been instructed by not only [Father] but also the GAL and child's counselor to return [ZH] to [Father] and she failed to do so." The court found Mother knowingly and willingly violated the Agreed Order and found her guilty of contempt.

On September 25, 2023, the trial court also awarded Father "make up visitation." It also deferred "judgment and sentencing of [Mother] for a six month period, at which time the same will be dismissed."

Father then filed an "Application to Assess Mandatory Attorney's Fees and Costs Against [Mother]," arguing he is entitled to a mandatory attorney fee award. The trial court awarded Father attorney fees in the amount of $39,870.35.

Mother appeals.

STANDARD OF REVIEW

In resolving the issues before us, we are called on to examine the applicability of two statutes, 43 O.S.2021 §§ 111.1 and 111.3. "A legal question involving statutory interpretation is subject to *de novo* review . . . i.e., a non-deferential, plenary and independent review of the trial court's legal ruling." *Fulsom v. Fulsom*, 2003 OK 96, ¶ 2, 81 P.3d 652 (citation omitted).

The issue of whether a party is entitled to an award of attorney fees pursuant to a specific statute is also a question of law to be reviewed *de novo*. *See Comanche Nation of Oklahoma ex rel. Comanche Nation Tourism Ctr. v. Coffey*, 2020 OK 90, ¶ 5, 480 P.3d 271.

ANALYSIS

After review, we conclude the trial court erred in granting Father's motion to enforce visitation pursuant to 43 O.S. § 111.3 because that statutory provision applies when the noncustodial parent seeks enforcement of visitation provisions against the custodial parent. Father was the primary custodian and could not avail himself of the procedure in § 111.3. Because Father did not meet the requirements

of § 111.3, he is not entitled to an attorney fee award pursuant to that statute or 43 O.S.2021 § 111.1(C).

I. A motion to enforce visitation was not the proper means for Father to enforce his custody rights.

Father filed his motion to enforce visitation pursuant to 43 O.S.2021 §§ 111.1[1] and 111.3. Mother asserts on appeal, among other things, that the trial court erred as a matter of law in granting the motion to enforce and § 111.3 does not apply because Father is not the noncustodial parent. After examining the plain language of § 111.3, we agree.

"The primary goal of statutory construction is to ascertain and follow the intention of the Legislature." *Fulsom*, 2003 OK 96, ¶ 7. "The plain meaning of a

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[1] The applicable subsection is 43 O.S.2021 § 111.1(C), which provides:

> 1. Violation of an order providing for the payment of child support or providing for the visitation of a noncustodial parent with any of the children of such noncustodial parent may be prosecuted as indirect civil contempt pursuant to Section 566 of Title 21 of the Oklahoma Statutes or as otherwise deemed appropriate by the court.
>
> 2. Any person complying in good faith with the provisions of Section 852.1 of Title 21 of the Oklahoma Statutes, by refusing to allow his or her child to be transported by an intoxicated driver, shall have an affirmative defense to a contempt of court proceeding in a divorce or custody action.
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> 3. Unless good cause is shown for the noncompliance, the prevailing party shall be entitled to recover court costs and attorney fees expended in enforcing the order and any other reasonable costs and expenses incurred in connection with the denied child support or denied visitation as authorized by the court.

statute's language is conclusive except in the rare case when literal construction would produce a result demonstrably at odds with legislative intent." *Id.* "[W]e must apply the legislative definition as written because it is the duty of a court to give effect to legislative acts, not to amend, repeal or circumvent them." *City of Tulsa v. State ex rel. Pub. Emps. Relations Bd.*, 1998 OK 92, ¶ 18, 967 P.2d 1214.

The statute Father relies on to "enforce his visitation rights" is 43 O.S.2021 § 111.3(B), which provides:

> When a noncustodial parent has been granted visitation rights and those rights are denied or otherwise interfered with by the custodial parent, in addition to the remedy provided in subsection B of Section 111.1 of this title, the noncustodial parent may file with the court clerk a motion for enforcement of visitation rights. The motion shall be filed on a form provided by the court clerk. Upon filing of the motion, the court shall immediately set a hearing on the motion, which shall be not more than twenty-one (21) days after the filing of the motion.

The plain language of § 111.3(B) clearly states it applies only to a custodial parent's denial of the noncustodial parent's visitation.

Father argues on appeal that he qualifies as a "noncustodial parent" because he did not have physical custody of ZH at the time. His argument draws a finer line than we think circumstances here will fairly permit. And Father's interpretation would require us to read into the statute a good deal more than it

says, a step outside our purview in examining legislative intent when the language is clear on its face.

Although Father relies on the parties' joint custody of ZH, their agreement gave Father primary decision-making authority and primary physical custody of ZH which constituted an estimated 85% of the time. With the exception of holidays, Mother's physical custody of ZH is limited to every other weekend after school on Friday to the following Monday morning when ZH returns to school. More specifically, the trial court's order on the motion to enforce visitation describes Mother's "visitation schedule" with ZH to be "every other weekend Friday through Monday morning as well as a set holiday schedule." The parties' agreement also states: "The summer visitation for Z.H. will continue to be every other weekend as it is with the regular visitation." The parties' agreement as well as the trial court order classifies Mother's time with ZH as visitation. Under the custody/visitation arrangement presented, we are hard-pressed to see how Father as the primary physical custodian qualifies as the "noncustodial parent" as intended by the statute.

Further to the point, Title 43 O.S.2021 § 109(B), the applicable statute before amendment in 2024, provided: "For the purposes of this section, the terms joint custody and joint care, custody, and control mean the sharing by parents in all or some of the aspects of physical and legal care, custody, and control of their

children." However, parties who have joint custody are not viewed equally as custodial parents. For example, in *Boatman v. Boatman*, 2017 OK 27, ¶ 6, 404 P.3d 822, the Supreme Court held "that a joint custodian who is not the primary physical custodian cannot invoke the relocation statute." This relocation statute provision, 43 O.S.2021 § 112.3(G)(1), which remains unchanged from the one at issue in *Boatman*, provides: "The person entitled to custody of a child may relocate the principal residence of a child after providing notice as provided by this section unless a parent entitled to notice files a proceeding seeking a temporary or permanent order to prevent the relocation within thirty (30) days after receipt of the notice." The Supreme Court concluded, "The use of the phrase 'the person' in [this subsection] indicates that a single individual has the ability [to] relocate the principal residence of a child." *Boatman*, 2017 OK 27, ¶ 6. The Supreme Court decided, "Consequently, before a joint custodian can invoke the relocation provisions, the court must make a determination regarding who is the primary physical custodian." *Id.* The Court determined, "In the present case, Mother did not have primary physical custody. As such, she was not 'the person entitled to custody' who had statutory authority to relocate the minor child." *Id.* ¶ 7. The Supreme Court thus recognized a significant difference between a parent with primary physical custody and the one without, finding that the parent who does not have primary physical custody is not "the person entitled to custody." *Id.*

It is also important to note that the joint custody agreement between Mother and Father more closely resembles the standard visitation schedule provided when one party has sole custody. Title 43 O.S.2021 § 111.1A(A) required the Director of the Administrative Office of the Courts (AOC) to develop "a standard visitation schedule and advisory guidelines which may be used by the district courts of this state as deemed necessary." AOC Form 76, titled "Advisory Guidelines—Standard Visitation Schedule with Forms" prepared by the AOC supports the conclusion that the parties' agreement is essentially a standard visitation agreement. There are "Example Visitation Schedules" in Form 76, and three of the four examples provide in the first entry under the subheading "Regular Visitation" that "[t]he non-custodial parent shall have visitation every other weekend from Friday after school or day care until Monday morning when the noncustodial parent returns the child(ren) to school or day care." https://www.oscn.net/datafiles/forms/aoc/domestic/standard-visitation-schedule.pdf?d=202510215. The forms also provide for holiday and summer visitation.

Although 43 O.S.2021 § 111.3(B) does not define custodial and noncustodial parent, the Oklahoma Legislature does provide such definitions elsewhere in Title 43. Title 43 O.S.2021 § 118A(4) provides, "'Custodial person' means a parent or third-party caretaker who has physical custody of a child more than one hundred eighty-two (182) days per year . . . ." Section 118A(6) provides,

"'Noncustodial parent' means a parent who has physical custody of a child one hundred eighty-two (182) days per year or less . . . ." Although these definitions are found in the portion of Title 43 regulating child support, we find them particularly instructive of legislative intent here because the contempt provision of § 111.1(C), pursuant to which the trial court found Mother in contempt, applies both to the "[v]iolation of an order providing for the payment of child support or providing for the visitation of a noncustodial parent with any of the children of such noncustodial parent" and provides that a violation of a child support or visitation order "may be prosecuted as indirect civil contempt pursuant to Section 566 of Title 21 of the Oklahoma Statutes or as otherwise deemed appropriate by the court."

We must ascertain legislative intent "from the whole act in light of its general purpose and objective considering relevant provisions together to give full force and effect to each." *McClure v. ConocoPhillips Co.*, 2006 OK 42, ¶ 12, 142 P.3d 390 (footnotes omitted). "The Court presumes that the Legislature expressed its intent and that it intended what it expressed." *Id.*

We conclude Father does not qualify as a noncustodial parent as that term is used in § 111.3 and cannot avail himself of the remedies for "enforcement of visitation" provided in that statute or in 43 O.S.2021 § 111.1. Nothing in § 111.3 shows the Legislature intended its provisions to apply to a parent who has primary

physical custody of his or her child. As Mother points out in her appellate reply brief, if the Legislature had intended to allow either parent, whether custodial or noncustodial, to employ § 111.3 under the circumstances such as those present here, it could simply have used "parent" rather than limiting its application to noncustodial parents. The definitions of custodial parent and noncustodial parent found elsewhere in Title 43 support our conclusion.

Father also failed to comply with the express mandate of § 111.3(B) which states, "The motion shall be filed on a form provided by the court clerk." Section 111.3(G) mandates that AOC must maintain on OSCN the required form "to be used for a motion to enforce visitation rights which shall be in substantially the following form:"

MOTION FOR ENFORCEMENT OF
NON-CUSTODIAL PARENT VISITATION RIGHTS

The undersigned Non-Custodial Parent in the above case moves the Court, pursuant to the provisions of Section 111.3 of Title 43 of the Oklahoma Statutes, to enforce visitation rights which have been unreasonably denied or interfered with by the Custodial Parent.

The Name(s) and Age(s) of the Child(ren) to which my visitation rights have been unreasonably denied are:

_____

Date of Birth: _____

Date of Birth: _____

Date of Birth: _____

The approximate date of my last visit with the Child(ren) was:

_____.

Within the past 12 months, I have visited with the Child(ren) approximately _____ of times of visitation times.

Within the past 12 months, I have been denied requested visitation approximately _____ of times of denied visitation times [*sic*].

On the attached page, I have stated THE SPECIFIC DETAILS as to how and when my visitation with the Child(ren) was denied.

Signed under penalties of perjury this _____ day of _____, 20_____.

My Signature: _____

My Full Name:

_____

My Mailing Address:

_____

My Telephone Numbers:

_____

_____

_____

Subscribed and sworn to before me this _____ day of _____, 20__.

_____
Notary Public (or Clerk or Judge)

My Commission Expires:

_____

ORDER

The people of the State of Oklahoma, to the within-named defendant:

You are hereby directed to appear and answer the foregoing claim and to have with you all books, papers, and witnesses needed by you to establish your defense to the claim.

This matter shall be heard at _____ (name or address of building), in _____, County of _____, State of Oklahoma, at the hour of ____ o'clock of the _____ day of _____, 20__. And you are further notified that in case you do not so appear judgment will be given against you as follows:

For the enforcement or modification of custody as requested by the movant.

And, in addition, for costs of the action (including attorney fees where provided by law), including costs of service of the order.

Dated this _____ day of _____, 20__.

_____
Clerk of the Court (or Judge)

A copy of this order must be mailed by certified mail, return receipt requested to the non-moving party and return of service brought to the hearing.

"The Legislature's use of the word 'shall' connotes a mandatory duty equivalent to a command. The statute is not ambiguous." *Cathey v. Board of*

Cnty. Comm'rs for McCurtain Cnty., 2024 OK 50, ¶ 30, 550 P.3d 910. Father did not use the required form to submit his motion and therefore did not comply with the statutory requirements. And the content of the form is specifically directed at visitation and requires the noncustodial parent to give details as to when the custodial parent denied visitation and to specify the times the noncustodial parent has visited with the children in the past 12 months and the times the custodial parent has denied visitation. This further supports our conclusion that § 111.3 applies to situations in which the custodial parent denies visitation to the noncustodial parent, not the reverse. The custodial parent has custody rights unavailable to the noncustodial parent, not visitation rights.

We conclude that the motion to enforce visitation pursuant to § 111.3 with its concomitant provisions in § 111.1 for contempt and mandatory attorney fees was not the proper method to enforce Father's custodial rights to ZH.

This Court is cognizant of the difficulty the parents faced in this situation. It is clear that neither party wanted to physically wrest 16-year-old ZH away from Mother's home and forcibly return her to Father's home. As the trial court found, the evidence clearly disclosed Mother repeatedly advised ZH she should return to Father's home, but ZH would not do so until after Father filed his motion to enforce. Mother claimed she attempted to get ZH into her car to take her back to Father's home. The evidence showed that Father had multiple face-to-face

contacts with ZH during the time she stayed at Mother's home. As Mother points out, Father testified he went to pick up ZH from Mother's home on March 1st and they "drove around." Father did not try to force ZH to return to his home during his contact with her. But these events do not change the fact that Father was the custodial parent and could not rely on the provisions of § 111.3 to resolve this conflict.

Accordingly, we reverse the trial court's order granting Father's motion to enforce visitation and finding Mother guilty of contempt for failure to enforce visitation because Father was the custodial parent. We also reverse the order of the trial court providing Father with "make up visitation" for the same reason.

II. The attorney fee award is reversed.

Because it was error as a matter of law to grant Father's motion to enforce visitation, we must reverse the trial court's order granting him attorney fees pursuant to either § 111.1(C)(3) or § 111.3. Father is not entitled to the mandatory attorney fee award provided when a custodial parent fails to provide visitation to the noncustodial parent because Father is not a noncustodial parent with visitation rights.

"The rules that each litigant bears the cost of their legal representation and our courts are without authority to assess and award attorney fees in the absence of a specific statute or a specific contract between the parties are firmly established in

this jurisdiction." *Fleig v. Landmark Constr. Grp.*, 2024 OK 25, ¶ 13, 549 P.3d 1208. Neither 43 O.S.2021 § 111.1(C)(3) nor 43 O.S.2021 § 111.3(E) supports an award of attorney fees because Father is not a noncustodial parent enforcing his visitation rights. The award of attorney fees must also be reversed. Based on the analysis above, we will not address any remaining issues pressed in this appeal.[2]

CONCLUSION

The trial court erred as a matter of law in granting Father's motion to enforce visitation pursuant to 43 O.S. § 111.3 and in awarding Father attorney fees pursuant to 43 O.S. § 111.1(C)(3) or § 111.3(E).[3] Accordingly, the orders of the trial court are reversed.

REVERSED.

FISCHER, J., concurs, and BLACKWELL, J., dissents.

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[2] In light of the dissent below, we refer to the Supreme Court's guidance in *Keota Mills & Elevator v. Gamble*, 2010 OK 12, ¶ 9, 243 P.3d 1156, where the Court said, "we cannot ignore applicable, controlling law." The parties in *Keota* stipulated to two statutes they agreed governed the outcome in their dispute over whether liability for a defaulted promissory note was barred by the statute of limitations. In reversing the trial court, the Supreme Court relied on a different statute, holding that "When an issue or claim is properly before the court, the court is not limited to the particular legal theories advanced by the parties, but rather retains the independent power to identify and apply the proper construction of the governing law." *Id.* ¶ 19.

[3] Father's request in his appellate brief for appeal-related attorney fees is denied for failure to comply with Supreme Court Rule 1.14(B), 12 O.S.2021, ch. 15, app. 1.

BLACKWELL, J., dissenting:

While I do not necessarily disagree with the majority's assessment of the unavailability of sections 111.1 and 111.3 to Mr. Harroz,[1] for the following reasons I would find that Ms. Harroz failed to preserve or is otherwise estopped from making this argument on appeal.

The minor child turned eighteen in October of last year. As such, all issues presented in this appeal are moot, except the question of attorneys' fees. On that question, Ms. Harroz made no argument below that the referenced sections were not applicable.[2] Rather, she argued that Mr. Harroz's attorney's hourly rate was unreasonable, and—directly contrary to her argument on appeal that the statutes do not apply—that she (despite having been both held in contempt and been ordered to provide makeup visitation) was the prevailing party under both sections 111.1 and 111.3. She thereby sought her own fees—more than $40,000 worth—under the authority of those statutes. At the fee hearing she continued to press her own claim for fees and offered no argument—*none*—that sections 111.1 and 111.3 were unavailable to Mr. Harroz.

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[1] Or to Ms. Harroz, for that matter, as neither party is a "noncustodial parent."

[2] Nor can I find *anywhere* below where Ms. Harroz made this argument as to the merits of Mr. Harroz's case. Rather, she litigated the matter to completion under the assumption that sections 111.1 and 111.3 applied.

Rather, for the first time on appeal, Ms. Harroz argues that these sections are inapplicable and that the entire litigation below was *ultra vires*. While this may be correct as an academic matter, having sought to use them herself, and making no argument below that they were unavailable to Mr. Harroz, I would find that the issue has not been preserved for appeal or that Ms. Harroz is otherwise estopped from raising this issue at this late juncture. *McKinney v. Harrington*, 1993 OK 88, ¶ 5, 855 P.2d 602, 604 ("Cases too numerous to compile stand for the proposition that this Court will not entertain a theory for reversal advanced for the first time on appeal."); *Harrell v. Samson Resources Co.*, 1998 OK 69, ¶ 17, 980 P.2d 99 ("On appeal, parties are bound by theories tried below and cannot secure reversal by assuming a position inconsistent with that taken at trial."). We should not, therefore, reverse on this basis.[3]

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[3] The majority cites *Keota Mills & Elevator v. Gamble*, 2010 OK 12, 243 P.3d 1156, to justify its reversal. I do not believe the case provides the refuge the majority seeks. In that case, the basic question of the proper length of the statute of limitations was fairly presented to both the trial court and the Supreme Court. *Id.* ¶ 7, 1158 ("The trial court held a hearing on November 17, 2005. It issued an order on January 6, 2006, determining that the action was time-barred by 12 O.S.1981 § 95."); *id.* ¶ 9, 1159 ("Certainly, whether the continuation of payments serves to toll or revive the statute of limitations is within the merits of the dispute and the issues raised and argued on appeal regardless of the parties' attempt at narrowing the issue by stipulation."). As relevant here, the case ultimately stands for the indisputable proposition that "'[a] stipulation between the parties or their counsel cannot control the action of the court in a matter of law, although they may stipulate respecting facts.'" *Id.* ¶ 19 (quoting *First Nat. Bank of Cordell v. City Guaranty Bank of Hobart et. al.*, 1935 OK 1105, ¶ 0, 51 P.2d 573). In the words of the Court itself, the rule relied on by the majority applies only when "an issue or claim *is properly before the court* . . . ." *Id.* (emphasis added). The Court did not and has not condoned what the majority does here: reverse on a question of law that was *never presented* to the trial court *in any fashion*, and which the appellant argued vociferously below *did apply* but (naturally) only benefitted only her.

I have further reviewed Ms. Harroz's remaining contentions of error and would affirm the trial court's rulings in all respects.[4] Accordingly, I respectfully dissent.

March 6, 2025

[4] I note finally that the majority offers no explanation of its reversal of that portion of the trial court's order finding Ms. Harroz in contempt. In its opening paragraph the Court holds: "After review, we find the trial court erred as a matter of law in . . . finding Mother guilty of contempt . . . ." *Majority Opinion*, *supra*, pg. 2. The Court offers no further analysis as to *why* the contempt finding was in error. While I would find the question moot, if that portion of the trial court's order was to be affirmed, we should, at minimum, remand this matter to allow the trial court to make a first-instance determination as to whether an award of attorneys' fees under another applicable provision of law would be appropriate given the newly pronounced unavailability of sections 111.1 and 111.3.