

WANDA J. FINCH

v.

H. CRAIG HIGGINS

Submitted on Briefs September 27, 2011

Decided September 29, 2011

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

MEMORANDUM OF DECISION

H. Craig Higgins appeals the entry of judgment by the District Court (Portland, *Eggert, J.*) following its denial of his objection to the family law magistrate's (*Kidman, M.*) final order granting his motion to modify his child support obligation, pursuant to 19-A M.R.S. § 2009 (2010). Contrary to Higgins's contentions, there was competent evidence in the record to support the court's finding, pursuant to 19-A M.R.S. § 2001(5)(D) (2010), that Higgins was voluntarily underemployed, and the court did not abuse its discretion in imputing income to him based on its determination that his earning capacity was greater than his current income. *See Nadeau v. Nadeau*, 2008 ME 147, ¶¶ 47-49, 957 A.2d 108; *Carolan v. Bell*, 2007 ME 39, ¶ 19, 916 A.2d 945.

The entry is:

Judgment affirmed.

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**On the briefs:**

Jed J. French, Esq., and Maryellen Sullivan, Esq., Powers & French, P.A.,  
Freeport, for appellant H. Craig Higgins

Susan B. Driscoll, Esq., and Laura H. White, Esq., Bergen & Parkinson,  
LLC, Kennebunk, for appellee Wanda J. Finch

Portland District Court docket number FM-1994-74  
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