

JESSIE M. CHESSA

v.

SIDNEY D. HODGKINS II

Submitted on Briefs February 24, 2011

Decided March 15, 2011

Panel: ALEXANDER, LEVY, SILVER, MEAD, GORMAN, and JABAR, JJ.

#### MEMORANDUM OF DECISION

Jessie M. Chessa appeals from a judgment of the District Court (Ellsworth, *Staples, J.*) placing primary residence of the parties' daughter with Sidney D. Hodgkins II. Contrary to Chessa's contentions, the court's determination of the child's best interests was supported by competent evidence in the record and was not clearly erroneous. *See Grenier v. Grenier*, 2006 ME 99, ¶ 20, 904 A.2d 403, 408 (stating standard of review); *see also Handrahan v. Malenko*, 2011 ME 15, ¶ 13, --- A.3d ---, --- (stating that a decision will not be overturned on clear error review even though there is evidence in the record that could support a contrary conclusion); *Malenko v. Handrahan*, 2009 ME 96, ¶ 37, 979 A.2d 1269, 1278 (stating that when neither party moves for findings of fact and conclusions of law, this Court will "infer that the trial court made all the findings necessary to support its judgment, if those findings are supported by the record"). The court did not abuse its discretion in its application of the factors set forth in 19-A M.R.S. § 1653(3) (2010) and its consideration of the report of the guardian ad litem. *See Cloutier v. Lear*, 1997 ME 35, ¶ 8, 691 A.2d 660, 663 (stating that the application of the best interest factors "is necessarily an individualized process"). Further, the court did not abuse its discretion in imputing an income of \$32,000 to Chessa. *See Nadeau v. Nadeau*, 2008 ME 147, ¶ 48, 957 A.2d 108, 121 (stating standard of review); *see also Wrenn v. Lewis*, 2003 ME 29, ¶ 17, 818 A.2d 1005, 1010 (stating

that “an individual’s personal preference to pursue education or vocational training cannot, standing alone, justify a reduction in a preexisting support obligation”).

The entry is:

Judgment affirmed.

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