

PETER J. KOLBE JR.

v.

LYNN E. (KOLBE) GIASSON

Submitted on Briefs March 14, 2012

Decided April 3, 2012

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

MEMORANDUM OF DECISION

Lynn E. (Kolbe) Giasson appeals from the judgment of the District Court (Lewiston, *Beliveau, J.*) finding her in contempt for failure to pay \$9,252 in past-due child support and imposing an immediate sanction of four days in the county jail, which could be purged by a partial payment of \$4,000 toward her child support obligation. On appeal, Giasson contends that the court erred in finding that she had quit her job in Maine and moved to Arkansas to avoid wage garnishments imposed to pay her child support obligation and that the amount of the lump sums that the court ordered her to pay toward her arrearages exceeds the sums allowable by federal law, citing 15 U.S.C.S. § 1673 (2011) (providing limitations on garnishment of disposable earnings).

We review the record on appeal most favorably to the trial court's judgment. So viewed, the evidence fully supports the court's findings that supported its contempt order to the clear and convincing evidence standard. *See Wrenn v. Lewis*, 2003 ME 29, ¶ 13, 818 A.2d 1005.

Giasson's second point on appeal, that the lump sum amounts she had been ordered to pay in child support violate 15 U.S.C.S. § 1673 by ordering payments in

amounts in excess of those allowed by federal law, was not asserted before entry of the court's May 20, 2011, order setting the amounts in child support now challenged by Giasson, nor does it appear that the issue was asserted in the contempt proceeding. Rather, the issue appears to be asserted for the first time on appeal. Because that issue was not asserted before the trial court, which in May 2011 set the weekly child support amount that is challenged, and because that issue likewise was not asserted before the contempt proceeding, that issue is not preserved for appeal.

The entry is:

Judgment affirmed.

On the briefs:

Lynn E. Giasson, pro se appellant

Timothy M. Kenlan, Student Attorney, and Deirdre M. Smith, Esq., Faculty Supervisor, Cumberland Legal Aid Clinic, Portland, for appellee Peter J. Kolbe Jr.