

ANASTASIA M. DREW

v.

MICHAEL P. DREW

Submitted on Briefs December 13, 2013

Decided December 24, 2013

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

#### MEMORANDUM OF DECISION

Anastasia M. Drew appeals from a judgment of divorce entered by the District Court (Rockland, *Sparaco, J.*). Contrary to Anastasia's assertion, the court did not err in finding that Michael P. Drew, at the time of the divorce judgment, was not voluntarily underemployed. *See* 19-A M.R.S. § 2001(5)(D) (2012). *See also Carolan v. Bell*, 2007 ME 39, ¶¶ 19-21, 916 A.2d 945 (concluding that a party was not voluntarily underemployed because her "employment, although a few hours less than a forty-hour week, is consistent with her training and experience, and utilizes all available hours provided by her employer."); *Cf. Sheikh v. Haji*, 2011 ME 117, ¶¶ 16-18, 32 A.3d 1065 (concluding that finding of voluntary underemployment was supported, in part, by defendant's "limited efforts to find employment"). Therefore, the trial court did not abuse its discretion by not imputing Michael with an income equivalent to his previous earning capacity. *See Carolan*, 2007 ME 39, ¶ 19, 916 A.2d 945.

Further, Anastasia argues that the court erred by not incorporating her weekly child care costs in its child support order. Because a child support order must include "the amount for child care costs" *see* 19-A M.R.S. § 2006(3), (8)(C)(2) (2012), we vacate the portion of the divorce judgment calculating

Michael's support obligation, and remand to the District Court to issue a revised child support order that includes Anastasia's child care costs. *See Hedrich v. Hedrich*, 1998 ME 248, ¶ 7, 720 A.2d 1157.

The entry is:

Judgment vacated in part. Remanded to the District Court to issue a revised child support order including Anastasia's child care costs. In all other respects, the judgment is affirmed.

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**On the briefs:**

Kelley E. Mellenthin, Esq., Lincolnville Center, for appellant  
Anastasia M. Drew

Michael P. Drew did not file a brief.