

JENNIFER (PIISPANEN) SHEEHAN

v.

MARK PIISPANEN

Submitted on Briefs May 30, 2013

Decided June 4, 2013

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

MEMORANDUM OF DECISION

Mark Piispanen appeals from a judgment entered in the District Court (Portland, *Moskowitz, J.*) granting Jennifer (Piispanen) Sheehan's motion to modify child support. Because Piispanen did not move for additional findings of fact pursuant to M.R. Civ. P. 52 and 120(c), we assume that the court made all findings necessary to support its judgment and will not set aside the assumed findings if supported by the record, which we review most favorably to the court's order. *See Payne v. Payne*, 2006 ME 73, ¶ 9, 899 A.2d 793; *Pratt v. Spaulding*, 2003 ME 56, ¶ 10, 822 A.2d 1183.

Contrary to Piispanen's contention, the court did not clearly err in implicitly finding that a substantial change in circumstances occurred for purposes of modifying child support. *See* 19-A M.R.S. § 2009 (2012); *Jabar v. Jabar*, 2006 ME 74, ¶ 13, 899 A.2d 796 ("We review the factual finding regarding whether there was a substantial change in circumstances for clear error."). The record discloses no error or abuse of discretion in the court's imputing current income, based on imputed earning capacity, to Piispanen; no error in its implicit finding that Piispanen's imputed income increased since the entry of the existing child support order; and no error in its implicit finding that this increase constitutes a

substantial change in circumstances. *See* 19-A M.R.S. §§ 2001(5)(D), 2009 (2012); *Weston v. Weston*, 2012 ME 50, ¶ 18, 40 A.3d 934 (stating that “increased income . . . since the time of the divorce may constitute a change in circumstances that would warrant a modification” in support obligations); *Sheikh v. Haji*, 2011 ME 117, ¶ 16, 32 A.3d 1065 (stating standards of review in imputation of earning capacity); *Brown v. Brown*, 2007 ME 89, ¶ 11, 929 A.2d 476 (“We review factual findings regarding a party’s income for clear error.”). The court did not err or abuse its discretion in modifying child support. *See Weston*, 2012 ME 50, ¶ 11, 40 A.3d 934.

The entry is:

Judgment affirmed.

On the briefs:

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appellant Mark Piispanen

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