

DARCEY J. STEVENSON

v.

TODD C. STEVENSON

Argued May 13, 2014

Decided May 22, 2014

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

MEMORANDUM OF DECISION

Darcey J. Stevenson appeals from a judgment entered in the District Court (West Bath, *Billings, J.*) granting Todd C. Stevenson's motion to modify the parties' divorce judgment to reallocate primary residence of the parties' children to Todd with rights of contact to Darcey. We review factual findings for clear error and the court's ultimate decision on the motion to modify for an abuse of discretion or error of law. *Sloan v. Christianson*, 2012 ME 72, ¶¶ 25-26, 43 A.3d 978; *Handrahan v. Malenko*, 2011 ME 15, ¶ 13, 12 A.3d 79.

Contrary to Darcey's contentions, the court's finding that a substantial change in circumstances had occurred to justify a modification of the parental rights and responsibilities provisions in the divorce judgment is supported by competent record evidence. *See* 19-A M.R.S. § 1657(1)(A) (2013); *Sloan*, 2012 ME 72, ¶ 38, 43 A.3d 978; *Smith v. Padolko*, 2008 ME 56, ¶ 11, 955 A.2d 740. Statements in the court's December 2012 order denying Darcey's April 2012 motion to modify the divorce judgment in no way constrained the court to find otherwise in the current proceeding. *See* 19-A M.R.S. § 1657(1)(A). *See generally Smith*, 2008 ME 56 ¶¶ 10-16, 955 A.2d 740.

Further, it is evident from the judgment that the court properly considered all of the relevant factors at 19-A M.R.S. § 1653(3) (2013) in determining the best interests of the children, focusing on those factors it found more determinative. *See Sheikh v. Haji*, 2011 ME 117, ¶¶ 12-14, 32 A.3d 1065; *Smith*, 2008 ME 56, ¶¶ 14-16, 955 A.2d 740; *see also Douglas v. Douglas*, 2012 ME 67, ¶¶ 16, 18, 43 A.3d 965. The court's finding, in applying the best interest of the child factor at 19-A M.R.S. § 1653(3)(E), that certain of Darcey's actions have "created great instability in the children's lives," is not clearly erroneous, and the court did not abuse its discretion in awarding primary residence to Todd.

Finally, the record does not support Darcey's contentions that, by questioning her at trial and properly limiting Darcey's interrogation of the guardian ad litem in her role as a fact witness, the court evidenced a bias against her or that it had predetermined the outcome of the proceedings. *See* M.R. Evid. 611(a), 614(b), (c), 701; *Rinehart v. Schubel*, 2002 ME 53, ¶ 13, 794 A.2d 73; *Bradford v. Dumond*, 675 A.2d 957, 963 (Me. 1996) (noting that the court may impose reasonable limitations on cross-examination to avoid, among other things, confusion of the issues); *State v. Pickering*, 491 A.2d 560, 563-64 (Me. 1985).

The entry is:

Judgment affirmed.

On the briefs:

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At oral argument:

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