

GINA M. CHILDS

v.

ROBERT A. BALLOU JR.

Submitted on Briefs May 26, 2016
Decided September 13, 2016

Panel: SAUFLEY, C.J., and ALEXANDER, GORMAN, JABAR, HJELM, and HUMPHREY, JJ.

MEMORANDUM OF DECISION

Robert A. Ballou Jr. appeals from a judgment of the District Court (South Paris, *Lawrence, J.*) granting Gina M. Childs's motion to modify the parties' divorce judgment with respect to parental rights and responsibilities. In the absence of a timely filed motion for findings of fact and conclusions of law, we assume that the court made all necessary subsidiary findings in support of its judgment when those findings are supported by the record, which they are here. *See* M.R. Civ. P. 52; *Dube v. Dube*, 2016 ME 15, ¶ 5, 131 A.3d 381; *Fitzpatrick v. Fitzpatrick*, 2006 ME 140, ¶ 17, 910 A.2d 396. Based on the explicit and assumed findings, we discern no error or abuse of discretion in the court's finding of a substantial change in circumstance justifying the modification of the divorce judgment. *See Pearson v. Ellis-Gross*, 2015 ME 118, ¶ 4, 123 A.3d 223.

Nor do we conclude that the court violated Ballou's free speech or due process rights in its application of the parental rights and responsibilities statute when it prohibited Ballou from making disparaging remarks about Childs to the child, constrained Ballou's contact with Childs, and required

Ballou to obtain counseling. *See* 19-A M.R.S. § 1653(6)(B)(3) (2015); *Childs v. Ballou*, 2016 ME 142, --- A.3d ---. Finally, we discern no error or abuse of discretion in the court's order that Ballou pay the remaining guardian ad litem fees, particularly in light of Ballou's extensive use of the guardian ad litem's time after receiving notice that the initial payment made by Childs had been fully consumed by the litigation. *See* 19-A M.R.S. § 1507(7) (2015); *Akers v. Akers*, 2012 ME 75, ¶ 8, 44 A.3d 311.

The entry is:

Judgment affirmed.

On the briefs:

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appellee Gina M. Childs