

TAMMY RYAN

v.

KEVIN J. RICKETT

Submitted on Briefs November 29, 2016  
Decided December 13, 2016

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

#### MEMORANDUM OF DECISION

Kevin J. Rickett appeals from a judgment of the District Court (Portland, *Powers, J.*) denying his motion to modify the provisions of the parties' divorce judgment that required him to pay child and spousal support to Tammy Ryan, and finding him in contempt due to a spousal support arrearage. The court found, based on competent evidence in the record, that Rickett had unilaterally decided to quit one of his two jobs within months after the entry of the divorce judgment due to issues of which he was aware when he agreed to the terms of that judgment, and that he had unilaterally reduced the amount of child and spousal support that he was paying to Ryan.

Given these supported findings, the court was not compelled to find that Rickett's earning capacity had substantially changed since the time of the divorce judgment such that there was a substantial change in circumstances warranting modification. See 19-A M.R.S. §§ 951-A(4), 2009(3) (2015); *McCarthy v. Goroshin*, 2016 ME 98, ¶ 15, 143 A.3d 138; *Marston v. Marston*, 2016 ME 87, ¶ 7, 141 A.3d 1106; *Gomberg v. Gomberg*, 2015 ME 133, ¶¶ 9, 13, 125 A.3d 724; *Twomey v. Twomey*, 2005 ME 124, ¶¶ 14-17, 888 A.2d 272;

*Koszegi v. Erickson*, 2004 ME 113, ¶¶ 13, 14, 855 A.2d 1168; *Harvey v. Robinson*, 665 A.2d 215, 217-18 (Me. 1995). Nor did the court err or abuse its discretion in finding Rickett in contempt and ordering him to pay \$4,650 in spousal support arrearages. See *Sullivan v. Tardiff*, 2015 ME 121, ¶ 17, 124 A.3d 652. We infer from the court's judgment that it found, by clear and convincing evidence, that Rickett had an existing ability to pay, and there is competent evidence to support that finding. See M.R. Civ. P. 66(d)(2)(D); *Sullivan* 2015 ME 121, ¶¶ 15, 17, 124 A.3d 652 (holding that findings may be inferred despite a motion for further findings of fact and conclusions of law, M.R. Civ. P. 52, when the motion does not specify what findings or conclusions are sought).

The entry is:

Judgment affirmed.

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**On the briefs:**

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appellant Kevin J. Rickett

Tammy Ryan, appellee pro se