

SCOTT A. BOWEN

v.

MISTY D. SCHOFF

Submitted on Briefs November 29, 2017  
Decided December 7, 2017

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

## MEMORANDUM OF DECISION

Misty D. Schoff appeals from a judgment of the District Court (Farmington, *Carlson, J.*) denying her motion for modification of the parental rights and responsibilities provisions of the parties' divorce judgment. Because Schoff had the burden of proof on her motion to modify, she must demonstrate on this appeal that the evidence compelled the court to grant the motion. *See Harris Mgmt., Inc. v. Coulombe*, 2016 ME 166 ¶ 13, 151 A.3d 7. She failed to meet that burden, and the court did not err or abuse its discretion in finding there had not been a substantial change in circumstances affecting the best interest of the children that authorized it to modify the divorce judgment. *See* 19-A M.R.S. § 1657(2) (2016); *Little v. Wallace*, 2016 ME 93, ¶¶ 12-13, 142 A.3d 585. The court's finding that Schoff's new marriage<sup>1</sup> and move to a larger home in the children's school district do not constitute a substantial change of circumstances affecting the children's best

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<sup>1</sup> One of the changed circumstances upon which Schoff relied is her recent marriage to a convicted murderer who will remain in prison until approximately 2022. *See State v. Schoff*, Mem-99-40 (Apr. 2, 1999).

interests was reasonable and supported by the record. *See McLeod v. Macul*, 2016 ME 76, ¶ 6, 139 A.3d 920; *Dickens v. Boddy*, 2015 ME 81, ¶ 19, 119 A.3d 722.

The entry is:

Judgment affirmed.

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Misty D. Schoff, appellant pro se

Walter Hanstein III, Esq., Sanders & Hanstein, P.A., Farmington, for appellee  
Scott Bowen

Farmington District Court docket number FM-2015-16  
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