

LEAH M. PARSONS

v.

STARVROSE BROOKS et al.

Submitted on Briefs July 19, 2017

Decided July 27, 2017

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

MEMORANDUM OF DECISION

Starvrose Brooks appeals from a judgment entered by the District Court (Lewiston, *Dow, J.*) finding that Leah M. Parsons is a de facto parent of Brooks's child and establishing parental rights and responsibilities. Contrary to Brooks's contention, the court did not err in finding that Parsons had proved at a two-day hearing, by clear and convincing evidence, that "the child's life would be substantially and negatively affected" if she were removed from her undisputed "permanent, unequivocal, committed, and responsible parental role."¹ *Thorndike v. Lisio*, 2017 ME 14, ¶ 19, 154 A.3d 624 (quotation marks omitted).

¹ The judgment was entered one day before the Maine Parentage Act, 19-A M.R.S. §§ 1831-1939 (2016), took effect. *See* P.L. 2015, ch. 296, §§ A-1, D-1 (effective July 1, 2016); P.L. 2015, ch. 456, § 2 (effective July 1, 2016). Accordingly, 19-A M.R.S. § 1891, governing when a court may adjudicate a person to be a de facto parent, did not affect this case, and the trial court properly "relied on the case law in effect at the time of the hearing and decision." *Thorndike v. Lisio*, 2017 ME 14, ¶ 17, 154 A.3d 624.

Furthermore, the court did not clearly err or abuse its discretion in finding Brooks to be voluntarily unemployed and imputing income to him for child support purposes, or in denying his motion to recuse on the second day of the hearing. *See Sullivan v. Tardiff*, 2015 ME 121, ¶ 12, 124 A.3d 652; *State v. Dechaine*, 2015 ME 88, ¶ 44, 121 A.3d 76.

Finally, we conclude that the record provided by Brooks, which includes an audio recording of the hearing authorized by the trial court, is adequate for appellate review; accordingly, we deny Parsons's request for costs and attorney fees. *See* M.R. App. P. 13(f); *State v. Robbins*, 2012 ME 19, ¶ 2, 37 A.3d 294 ("An appellant bears the burden of providing an adequate record upon which the reviewing court can consider the arguments on appeal." (quotation marks omitted)).

The entry is:

Judgment affirmed.

Richard Golden, Esq., Clifford and Golden, P.A., Lisbon Falls, for appellant Starvrose Brooks

Jason Dionne, Esq., Isaacson & Raymond, P.A., Lewiston for appellee Leah M. Parsons