

IAN M. FRASER

v.

RACHEL E. FRASER

Argued September 12, 2018  
Decided September 27, 2018

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

## MEMORANDUM OF DECISION

Rachel E. Fraser appeals from a judgment of divorce from Ian M. Fraser entered by the District Court (Belfast, *Worth, J.*) after a contested hearing.<sup>1</sup> Rachel argues that the court's factual findings are unsupported by the record and that the court erred by failing to order additional contact conditions when it ordered shared primary residence and shared parent-child contact with Ian regarding their minor child. Based on the record before us,<sup>2</sup> we discern no

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<sup>1</sup> Rachel filed a "request" for a name change with us while her appeal was pending. Because the record available to us does not indicate that Rachel made this request to the trial court, we decline to address her request on appeal.

<sup>2</sup> Rachel moved for reconsideration of the trial court's order denying her a transcript or audio recording of the hearing at state expense. On April 4, 2018, we granted Rachel's motion, providing for an audio recording at state expense. Although the order did not say that the audio recording would be included in the record on appeal in lieu of a transcript, it did cite to M.R. Civ. P. 91(f)(2)(B)(i), which states: "If the proceeding was recorded electronically, the court may order that a copy of the recording of the hearing be provided at state expense in lieu of a transcript." M.R. Civ. P. 91(f)(2)(B)(i). Pursuant to M.R. App. P. 5(b)(2)(B)(iii), an appellant may not use such an audio recording as part of the record on appeal unless the trial court has determined that the appellant is indigent and has approved the use of the audio recording in lieu of the transcript. M.R. App. P.

error in the court's factual findings, nor do we determine that the court abused its discretion in awarding shared parental rights and primary residence to Ian and Rachel. *See Grant v. Hamm*, 2012 ME 79, ¶ 6, 48 A.3d 789.

The entry is:

Judgment affirmed.

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Natasha C. Irving, Esq. (orally), Waldoboro, for appellant Rachel E. Fraser

Christopher K. MacLean, Esq., and Laura P. Shaw, Esq. (orally), Camden Law LLP, Camden, for appellee Ian M. Fraser

Belfast District Court docket number FM-2016-215  
FOR CLERK REFERENCE ONLY

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5(b)(2)(B)(iii). While Rachel did not follow these precise steps in this case, because this Court's order cited M.R. Civ. P. 91(f)(2)(B)(i), we consider the audio recording provided to us as part of the record on appeal.