

SCOTT D. BURNETT

v.

MEGAN L. DENBOW

Submitted on Briefs January 17, 2019
Decided January 24, 2019

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

MEMORANDUM OF DECISION

Scott D. Burnett appeals from a parental rights and responsibilities order entered in the District Court (Springvale, *Cantara, J.*) regarding the minor child of Burnett and Megan L. Denbow. Burnett sought to modify the January 2014 parental rights and responsibilities order to allow him to relocate with the child out of state. After a contested hearing, the court awarded shared parental rights and responsibilities to the parties and primary physical residence of the child to Denbow.¹

Contrary to Burnett's contention, the court did not err in finding that relocating the child out of state would not be in the best interest of the child, and that awarding shared parental rights and primary physical residence to Denbow would be in the child's best interest. *See Violette v. Violette*, 2015 ME 97, ¶ 30, 120 A.2d 667; *Smith v. Padalko*, 2008 ME 56, ¶¶ 11-15, 955 A.2d 740;

¹ The record indicates that the mother lives in New Hampshire with the child, and that the father has relocated to Arizona. The Uniform Child Custody Jurisdiction and Enforcement Act will determine whether any future litigation about their child should occur in Maine or in a jurisdiction where one of them or the child resides. *See* 19-A M.R.S. §§ 1731-1783 (2017).

see also 19-A M.R.S. §§ 1653(3), 1657(1)(A), (2) (2017). There is sufficient competent record evidence to support the court's findings that the child has strong family, community, school, and social connections in Maine and New Hampshire and a special and loving bond with the child's sisters who reside in this area, and that removing the child from this environment would deprive the child of the benefits of these relationships and would separate the child from the mother. Therefore, the court did not abuse its discretion in awarding shared parental rights and responsibilities to the parties and allocating primary physical residence to Denbow.

The entry is:

Judgment affirmed.

Scott D. Burnett, appellant pro se

Megan L. Denbow did not file a brief

Springvale District Court docket number FM-2013-227
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