

LORI A. SEELEY

v.

WILLIAM S. CARNEY

Submitted on Briefs September 10, 2019
Decided September 17, 2019

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

MEMORANDUM OF DECISION

William S. Carney appeals from the judgment of the District Court (Calais, *D. Mitchell, J.*) modifying a 2012 judgment granting a divorce between him and Lori A. Seeley. He argues that the court erred by determining that he was in arrears concerning his child support obligation and by denying him past and future credit towards his child support obligation due to a lump-sum payment of retroactive social security disability benefits that Seeley received on behalf of the parties' minor children. He further argues that he was entitled to a deviation pursuant to 19-A M.R.S. § 2007.

Contrary to Carney's argument, the court did grant him credit towards his past child support obligations based on the lump-sum payment to the maximum extent allowable by statute, and the court did not err or abuse its discretion by determining that he was in arrears. *See* 19-A M.R.S. §§ 2009(2), 2107 (2018); *Petersen v. Van Overbeke*, 2018 ME 104, ¶ 17, 190 A.3d 244; *Teele v. West-Harper*, 2017 ME 196, ¶¶ 13, 17, 170 A.3d 803. Likewise, the court did not err or abuse its discretion by denying him credit towards future child support obligations based upon the lump-sum payment of dependent benefits, because such a credit towards *future* obligations is prohibited by statute. *See*

19-A M.R.S. § 2107(2)(C); *Sullivan v. George*, 2018 ME 115, ¶ 12, 191 A.3d 1168; *Teele*, 2017 ME 196, ¶ 19, 170 A.3d 803.

Finally, the court did not err by declining to grant him a deviation downward in his child support obligation because he failed to submit proposed findings pursuant to 19-A M.R.S. § 2007(2).

The entry is:

Judgment affirmed.

Joseph M. Baldacci, Esq., Bangor, for appellant William S. Carney

Lori A. Seeley did not file a brief

Calais District Court docket number FM-2012-07
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