

JAMES P. MCLEOD

v.

NICHOLE L. MCLEOD

Submitted on Briefs January 23, 2020
Decided January 30, 2020

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

MEMORANDUM OF DECISION

James McLeod appeals from a judgment entered by the District Court (Bangor, *Larson, J.*) granting in part and denying in part cross-motions to modify a judgment of divorce from Nichole McLeod. Contrary to James's contention, the court did not err in holding that he could not, as a matter of law, unilaterally delegate his shared parental rights to a third party pursuant to 18-A M.R.S. § 5-104 (2018).

We also discern no error or abuse of discretion in the court's two child support orders, which were both based on findings supported by competent record evidence. *Ellis v. Ellis*, 2008 ME 19, ¶ 20, 962 A.2d 328. The court's findings regarding the children's primary residence and the parties' respective incomes and earning capacities were fully supported by documentary evidence and trial testimony.

We conclude that the court did not abuse its discretion by (1) allowing the expert testimony of the children's therapist, or (2) not allowing testimony regarding domestic violence that allegedly occurred before the parties divorced.

Finally, the court did not abuse its discretion in awarding Nichole partial attorney fees based on the parties' differing ability to absorb the costs of litigation and the litigious manner in which James approached the parties' many disagreements.¹ See *Wooldridge v. Wooldridge*, 2008 ME 11, ¶ 12, 940 A.2d 1082.

The entry is:

Judgment affirmed.

Joseph Baldacci, Esq., Law Office of Joseph Baldacci, Bangor, for appellant James P. McLeod

Kirk D. Bloomer, Esq., Bloomer Russell Beaupain, Bangor, for appellee Nichole L. McLeod

Bangor District Court docket number FM-2016-644
FOR CLERK REFERENCE ONLY

¹ We need not reach James's additional arguments in order to render a decision on the merits of this appeal. His arguments regarding the parties' contractual agreement are not relevant to the case at bar, and his arguments regarding witness credibility constitute mere re-argument of points fully and fairly litigated at trial.