

BENJAMIN MURPHY

v.

CORRIE LAMKIN

Submitted on Briefs September 29, 2020
Decided October 6, 2020

Panel: MEAD, JABAR, HUMPHREY, HORTON, and CONNORS, JJ.

MEMORANDUM OF DECISION

Benjamin Murphy appeals from a parental rights and responsibilities judgment entered in the District Court (Portland, *Kelly, J.*) regarding the minor child of Murphy and Corrie Lamkin. Contrary to Murphy’s contentions, the court’s factual findings are supported by competent record evidence. *See Klein v. Klein*, 2019 ME 85, ¶ 6, 208 A.3d 802; *Pearson v. Wendell*, 2015 ME 136, ¶ 29, 125 A.3d 1149; *see also Nadeau v. Nadeau*, 2008 ME 147, ¶ 35, 957 A.2d 108. Furthermore, the court did not err or abuse its discretion by awarding allocated parental rights and responsibilities, including final decision-making authority, to Lamkin, and rights of contact to Murphy, where the parties had a “present inability to co-parent effectively,” Murphy had exhibited “abusive behavior” toward Lamkin, and Lamkin had been the “sole parental caretaker and decisionmaker for nine years.”¹ *See* 19-A M.R.S. §§ 1501(1), 1653 (2020); *Klein*,

¹ On appeal, Murphy does not contend that the court erred or abused its discretion in its consideration of 19-A M.R.S. § 1653(3)(R) (2020). Even if Murphy had raised this issue, however, we would not have been persuaded that the court erred or abused its discretion where the court’s detailed, thoughtful opinion provided a sufficient foundation for the decision rendered. *See Akers v.*

2019 ME 85, ¶ 8 n.2, 208 A.3d 802; *Pearson*, 2015 ME 136, ¶ 31, 125 A.3d 1149 (acknowledging that a court’s award of sole parental rights was not a declaration that that parent had been free from fault but rather demonstrated that the court properly maintained its focus on the best interests of the children); *Sheikh v. Haji*, 2011 ME 117, ¶¶ 12-15, 32 A.3d 1065. In addition, the court did not abuse its discretion by denying Murphy’s motion to alter or amend the judgment to clarify the Christmas vacation visitation schedule. See M.R. Civ. P. 59; *Theberge v. Theberge*, 2010 ME 132, ¶ 21, 9 A.3d 809.

The entry is:

Judgment affirmed.

Tyler J. Smith, Esq., Libby O’Brien Kingsley & Champion, LLC, Kennebunk, for appellant Benjamin Murphy

Benjamin N. Donahue, Esq., Hallett Whipple Weyrens, Portland, for appellee Corrie Lamkin

Portland District Court docket number FM-2018-111
FOR CLERK REFERENCE ONLY

Akers, 2012 ME 75, ¶ 3, 44 A.3d 311 (“The ultimate determination of the weight to be given each factor requires careful consideration by the court and is left to the sound discretion of the court.”).