

SOPHIE SAWYER

v.

MICHAEL MCGLINCHEY

Submitted on Briefs October 18, 2023
Decided October 26, 2023

Panel: STANFILL, C.J., and MEAD, JABAR, HORTON, CONNORS, LAWRENCE,
and DOUGLAS, JJ.

MEMORANDUM OF DECISION

Michael McGlinchey and Sophie Sawyer are the parents of a minor child. Following a hearing, the District Court (West Bath, *Robinson, J.*) entered a parental rights and responsibilities and child support judgment which, inter alia, allocates primary residence to Sawyer, awards McGlinchey specific rights of contact, and orders McGlinchey to pay child support and a portion of Sawyer's attorney fees. McGlinchey filed motions for further findings of fact and to alter or amend the judgment, which were denied. *See* M.R. Civ. P. 52(b), 59(e). McGlinchey appeals the judgment.

Contrary to McGlinchey's assertions, the trial court did not err or abuse its discretion in concluding that primary residence with Sawyer is in the best interest of the child and allocating her primary residence. *See* 19-A M.R.S. § 1653(2)(D)(1), (3) (2023); *Bergin v. Bergin*, 2019 ME 133, ¶ 7, 214 A.3d 1071; *Nadeau v. Nadeau*, 2008 ME 147, ¶ 35, 957 A.2d 108; *Wechsler v. Simpson*, 2016 ME 21, ¶ 20, 131 A.3d 909; *Low v. Low*, 2021 ME 30, ¶¶ 5 & n.3, 10, 251 A.3d 735. Nor did it err or abuse its discretion in ordering specific rights of contact that will assure frequent and continuing contact between McGlinchey and the

child. See 19-A M.R.S. § 1653(1)(C); *Sullivan v. Doe*, 2014 ME 109, ¶ 19, 100 A.3d 171. Moreover, the court did not err or abuse its discretion in imputing only part-time earning capacity to Sawyer and ordering McGlinchey to pay child support computed based on that imputed income. See 19-A M.R.S. §§ 2001(5)(D), 2006(1), (4) (2023); *Sylvester v. Vitagliano*, 2002 ME 141, ¶¶ 3-4, 10, 804 A.2d 391; *Brown v. Brown*, 2007 ME 89, ¶ 13, 929 A.2d 476. Finally, the court did not abuse its discretion in ordering McGlinchey to pay a portion of Sawyer's attorney fees. See 19-A M.R.S. § 105(1) (2023); *McMahon v. McMahon*, 2019 ME 11, ¶¶ 13-14, 200 A.3d 789.

The entry is:

Judgment affirmed.

Michelle R. King, Esq., Irwin & Morris, Portland, for appellant Michael McGlinchey

Dylan R. Boyd, Esq., Law Offices of Dylan Boyd, Portland, for appellee Sophie Sawyer