

PAULA JOY

v.

DANIEL J. BENSON

Submitted on Briefs April 19, 2023
Decided May 2, 2023

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

MEMORANDUM OF DECISION

Paula Joy appeals from a judgment of the District Court (Augusta, *Rushlau, J.*) modifying the parties' divorce judgment by reducing the amount of Daniel J. Benson's monthly spousal support payments to Joy. *See* 19-A M.R.S. § 951-A(4) (2023). Contrary to Joy's contentions, on this record the court did not clearly err or abuse its discretion in modifying the spousal support award upon finding a substantial change in Benson's financial circumstances, *id.*; *see Sulikowski v. Sulikowski*, 2019 ME 143, ¶ 9, 216 A.3d 893, or in declining to extend the term of spousal support beyond that ordered in the divorce judgment.

With respect to Joy's argument regarding economic misconduct, although such misconduct is not necessarily limited to conduct undertaken primarily to divert marital assets, *see Williams v. Williams*, 1998 ME 32, ¶ 11, 706 A.2d 1038, here the court did not abuse its discretion in declining to consider Benson's personal conduct resulting in the suspension of his medical license as economic misconduct because Benson's actions had only indirect and unintended financial consequences that did not directly divert marital assets. *See Levy,*

Maine Family Law § 7.7[3][d][ii] at 7-60 (8th ed. 2013) (noting that when dividing marital property the court may consider evidence that “relate[s] to conduct by a spouse that had a direct adverse financial impact upon the marital estate”).

Furthermore, nothing in the record suggests that the court was unaware of or disregarded Benson’s non-wage assets, and the court was not required to “identify the reasoning it use[d] to reach each finding of fact” in making its ultimate determination. *Sulikowski*, 2019 ME 143, ¶ 11, 216 A.3d 893 (quotation marks omitted).

The entry is:

Judgment affirmed.

Gene R. Libby, Esq., and Sean C. Rogers, Esq., Libby O’Brien Kingsley & Champion, LLC, Kennebunk, for appellant Paula Joy

Kristin A. Gustafson, Esq., Gustafson Family Law, Augusta, for appellee Daniel J. Benson

Augusta District Court docket number FM-2015-125
FOR CLERK REFERENCE ONLY