

KELLIE M. ROBERGE

v.

AARON BARTH

Submitted on Briefs May 21, 2025

Decided May 29, 2025

Panel: MEAD, HORTON, CONNORS, LAWRENCE, DOUGLAS, and LIPEZ, JJ.

MEMORANDUM OF DECISION

Kellie M. Roberge appeals from a judgment of the District Court (Springvale, *Moskowitz, J.*), adopting, over her objection, the final order of a Family Law Magistrate (*Cadwallader, M.*) that ordered Aaron Barth to pay child support to Roberge as part of a determination of parental rights and responsibilities with respect to their two minor children.

Contrary to Roberge's contentions, we discern no error or abuse of discretion in the court's determination of Barth's income for child support purposes or its denial of her request for an award of past child support retroactive to the date on which the parties separated. *See Sulikowski v. Sulikowski*, 2019 ME 143, ¶ 12, 216 A.3d 893 (concluding there was competent evidence to support the court's determination of income despite evidence that the father's income was higher than what the court found it to be); *Williams v. St. Pierre*, 2006 ME 10, ¶ 9, 889 A.2d 1011 (suggesting that it is not improper to calculate child support based on the income stated in an older child support affidavit as opposed to a more recent one as long as the court makes explicit findings to justify the reliance on the older affidavit); *Proctor v. Childs*, 2023 ME 6, ¶ 10, 288 A.3d 815 (determining the court did not abuse its discretion when it declined to make the child support order retroactive to the date of the filing

of the complaint and that the evidence in the record supported the court's underlying factual findings in support of its decision).

The entry is:

Judgment affirmed.

Jeremy W. Dean, Esq., Portland, for appellant Kellie Roberge

Aaron Barth did not file a brief

Springvale District Court docket number FM-2021-399
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