

TIMOTHY SCOVILLE

v.

NINA MILLER f/k/a TIMMS

Submitted on Briefs April 18, 2002
Decided May 3, 2002

Panel: SAUFLEY, C.J., CLIFFORD, RUDMAN, DANA, ALEXANDER, CALKINS,
and LEVY, JJ.

MEMORANDUM OF DECISION

Timothy Scoville appeals from the judgment entered in the Superior Court (Penobscot County, *Marsano, J.*) affirming the judgment entered in the District Court (Bangor, *Gunther, J.*) granting Nina Miller sole custody of their child. He also appeals from a contempt judgment entered in the District Court.¹

Contrary to Scoville's contentions, the District Court did not abuse its discretion in concluding that there was a substantial change in circumstances since the previous custody order or in crafting the visitation schedule. *See* 19-A M.R.S.A. § 1657(2) (1998); *Villa v. Smith*, 534 A.2d 1310, 1312 (Me. 1987) ("The test of substantiality is the degree of significance the change has had in affecting the children's interest."). In

1. Although the record does not indicate that the Superior Court ruled on the contempt issue, we review the District Court's finding of contempt "in the interest of expediting" this appeal. *See* M.R. App. P. 14(c).

addition, there is competent evidence supporting the Christmas holiday parent/child contact schedule established by the District Court, and the District Court did not abuse its discretion in finding Scoville in contempt for his failure to have the parties' minor daughter call Miller by telephone during a scheduled visitation. *See Gillman v. Dep't of Human Servs.*, 1998 ME 122, ¶ 10, 711 A.2d 154, 156 (a finding of contempt cannot be disturbed on appeal absent an abuse of discretion).

The entry is:

Judgments affirmed.

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