

KaRYN K. KUCHENBAUR

v.

MATTHEW J. MATTES

Submitted on Briefs February 27, 2006

Decided March 30, 2006

Panel: CLIFFORD, DANA, ALEXANDER, CALKINS, LEVY, and SILVER, JJ.

MEMORANDUM OF DECISION

KaRyn K. Kuchenbaur appeals, and Matthew J. Mattes cross-appeals, from a post-divorce judgment of the District Court (Ellsworth, *Staples, J.*). Contrary to Kuchenbaur's contentions, the court did not abuse its discretion in modifying parental rights and responsibilities so that the two children reside with Mattes during the school week, *see Fraser v. Boyer*, 1998 ME 253, ¶¶ 6, 13, 722 A.2d 354, 355, 356; did not abuse its discretion, or deny her due process, by its conduct of the hearing, *see In re Chelsea C.*, 2005 ME 105, ¶ 16, 884 A.2d 97, 102; *Dolliver v. Dolliver*, 2001 ME 144, ¶ 10, 782 A.2d 316, 317-18; and did not clearly err in finding a reduction in Mattes's income, *see Dargie v. Dargie*, 2001 ME 127, ¶ 18, 778 A.2d 353, 358.

Contrary to Mattes's contentions, the court did not abuse its discretion in requiring him to pay child support in accordance with the statutory provisions governing a situation where the parents provide substantially equal care, 19-A M.R.S. §§ 2001(8-A), 2006(5)(D-1) (2005); *see Twomey v. Twomey*, 2005 ME 124, ¶ 12, 888 A.2d 272, 275; and did not clearly err in finding that Kuchenbaur was not in contempt on most of the grounds alleged by Mattes, *see Pratt v. Spaulding*, 2003 ME 56, ¶ 10, 822 A.2d 1183, 1186.

Kuchenbaur's argument that the court erred in continuing in its post-divorce order a restriction on out-of-state travel that was included in the original divorce judgment should be addressed by an appropriate motion directed to the District Court, rather than raised for the first time on appeal. *See Bonville v. Bonville*, 2006 ME 3, ¶ 13, 890 A.2d 263, 266-67.

The entry is:

Judgment affirmed.

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