

THERESA MOREY

v.

ALLEN T. JOHNSON

Submitted on Briefs January 11, 2007  
Decided February 1, 2007

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

#### MEMORANDUM OF DECISION

Allen T. Johnson appeals and Theresa Morey cross-appeals from a judgment entered in the District Court (Skowhegan, *LaVerdiere, J.*) granting Johnson and Morey shared parental rights and responsibilities of their minor child, and granting primary physical residence of the child to Morey. The court did not abuse its discretion in awarding primary residence to Morey because there is sufficient evidence in the record to support the court's judgment and neither party made a request for additional findings of fact pursuant to M.R. Civ. P. 52(a). *See Lyons v. Baptist Sch. of Christian Training*, 2002 ME 137, ¶ 13, 804 A.2d 364, 369. We similarly find that there is sufficient evidence to support the court's calculation of

child support owed by Johnson to Morey. *See id.* The court did not abuse its discretion in ordering Johnson to pay the guardian ad litem's fees. *See* 19-A M.R.S. § 1507(7) (2006); *Dolliver v. Dolliver*, 2001 ME 144, ¶¶ 1-2, 782 A.2d 316, 316. Contrary to Johnson's contention, the imposition of past child support pursuant to 19-A M.R.S. § 2006(2) (2006), for a period of time when he was practicing his Baha'i faith does not deny Johnson his constitutional right to freedom of religion because Johnson did not meet his burden of showing that his religious practice was substantially burdened. *See Anderson v. Town of Durham*, 2006 ME 39, ¶¶ 24-25, 895 A.2d 944, 952. Contrary to Morey's contention on her cross-appeal, the court did not abuse its discretion in declining to amend the order to give her nine consecutive days with the child. *See Lee v. Lee*, 595 A.2d 408, 412-13 (Me. 1991).

The entry is:

Judgment affirmed.

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