

CARRIE L. STOKES

v.

ETHAN NICHOLS

Submitted on Briefs June 30, 2008

Decided July 8, 2008

Panel: SAUFLEY, C.J., and CLIFFORD, ALEXANDER, SILVER, MEAD, and GORMAN, JJ.

MEMORANDUM OF DECISION

Carrie L. Stokes appeals from a judgment entered in the District Court (Biddeford, *O'Neil, J.*) on Ethan Nichols's motion to modify and enforce a post-divorce judgment. Stokes has been found to have sufficient resources, but she declined to pay for a transcript of the hearing. Because Stokes failed to provide a transcript, "we must assume that the record would support the trial court's findings and evidentiary rulings." *Putnam v. Albee*, 1999 ME 44, ¶ 10, 726 A.2d 217, 220. Consequently, we affirm the trial court's decision not to review Nichols's current wife's records generated during the divorce or to hear directly from the parties' minor child regarding her preference, *see In re Priscilla S.*, 1997 ME 16, ¶ 3, 689 A.2d 593, 595 (citing *In re Shane T.*, 544 A.2d 1295, 1297-98 (Me. 1988)), as well as its decision to grant to Nichols residential custody and sole parental rights and responsibilities. The transfer of the child to her father's care is fully supported by the court's finding that Stokes "engaged in a pattern of behavior throughout this case of being uncooperative with the therapeutic providers," that continuing counseling for the child is crucial to the child's wellbeing, and that counseling would not occur if the child remained with her mother. Furthermore, because the court's child support order of seventy-nine dollars per week is based on a proper

downward deviation from the child support guidelines and is supported by competent evidence in the record, we will not disturb this order. *See Sutherland v. Morrill*, 2008 ME 6, ¶ 5, 940 A.2d 192, 193-94.

The entry is:

Judgment affirmed.

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