

CRAIG A. LUCE et al.

v.

KATHLEEN E. CYPHER

Submitted on Briefs October 2, 2008

Decided October 7, 2008

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

MEMORANDUM OF DECISION

Kathleen E. Cypher appeals from a judgment of the District Court (Farmington, *Stanfill, J.*) ordering her to pay child support retroactive to the date she served a motion to dissolve an interim parental rights and responsibilities order. Contrary to Cypher's contention, the court acted within its authority in ordering her to pay the Department of Health and Human Services the retroactive child support after she agreed that her motion to dissolve should be treated as a motion to modify. *See* 19-A M.R.S. § 2009(2) (2007) ("Child support orders may be modified retroactively but only from the date that notice of a petition for modification has been served upon the opposing party, pursuant to the Maine Rules of Civil Procedure."); *see also Ames v. Ames*, 2003 ME 60, ¶¶ 8-9, 27-30, 822 A.2d 1201, 1205, 1209-10; *cf. Arnheiter v. Carreiro*, 539 A.2d 629, 630 (Me. 1988) (treating a motion to modify or vacate a court's order as a motion to alter or amend, with consent of the appellant's counsel).

The entry is:

Judgment affirmed.

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