

JAY D. RAISEN

v.

IRENE C. EUGEN

Submitted on Briefs November 18, 2008

Decided November 25, 2008

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

MEMORANDUM OF DECISION

Irene C. Eugen appeals from a judgment of the District Court (Portland, *Eggert, J.*) reducing Jay D. Raisen's child support obligation and increasing the time the parties' child is to spend in residence with Raisen, after hearing on the parties' post-judgment motions to amend the divorce judgment. We had reviewed and affirmed the divorce judgment. *See Raisen v. Raisen*, 2006 ME 49, 896 A.2d 268. Contrary to Eugen's contentions, review of the considerable record demonstrates that: (1) there is sufficient evidence that there was a substantial change of circumstances to justify amending the original divorce judgment, *see* 19-A M.R.S. § 1653(10) (2007); *Smith v. Padolko*, 2008 ME 56, ¶ 11, 955 A.2d 740, 744 (concerning motion to modify child custody); *Jabar v. Jabar*, 2006 ME 74, ¶ 13, 899 A.2d 796, 799 (concerning motion to modify child support); (2) the court did not commit an error of law or abuse its discretion in amending the living arrangements for the child which, the record demonstrated, were not in compliance with the original divorce judgment, *see Smith*, 2008 ME 56, ¶ 9, 955 A.2d at 743; *Fraser v. Boyer*, 1998 ME 253, ¶ 6, 722 A.2d 354, 355; and (3) the evidence supported the court's findings regarding Raisen's income upon which the court based its change in child support obligations, *see Jabar*, 2006 ME 74, ¶ 13, 899 A.2d at 799.

In the appellee's brief, Raisen contends that the appeal should be dismissed as moot because he has moved from Maine to North Dakota, changing his employment and, presumably, changing his income. Those unilateral changes, which occurred since the District Court's decision, do not affect the validity of the District Court's post-judgment amendment order, although those changes may affect Raisen's capacity to meet the obligations he assumed in that order. Accordingly, this appeal is not moot. *See In re Janna Lynn M.*, 2002 ME 45, ¶ 12, 793 A.2d 506, 509. However, Raisen has reportedly filed a new motion to modify in the District Court, and it would appear that these changes are a significant change of circumstances that will require reexamination of the living arrangements and support obligations regarding the parties' child. Accordingly, the matter will be remanded forthwith to the District Court for such further consideration as the court deems appropriate.

The entry is:

Judgment affirmed. Remanded to District Court.
Mandate to issue forthwith.

Irene Eugen, pro se:

Irene Eugen
52 Wild Dunes Way, Suite 17A
Old Orchard Beach, Maine 04064

Attorney for Jay D. Raisen:

Graydon G. Stevens, Esq.
Kelly, Remmel & Zimmerman
53 Exchange Street
PO Box 597
Portland, Maine 04112-0597