

WHITNEY T. LIND

v.

DUSTIN T. HARTFORD

Submitted on Briefs January 22, 2025
Decided February 4, 2025

Panel: MEAD, HORTON, CONNORS, LAWRENCE, and DOUGLAS, JJ.

MEMORANDUM OF DECISION

Dustin T. Hartford appeals from the judgment of the District Court (Augusta, *Daniel Mitchell, J.*) awarding primary residence of and final decision-making authority regarding Hartford's daughter to her mother, Whitney T. Lind. The judgment also requires Hartford to pay the child support obligation agreed to in the parties' original divorce judgment. Hartford argues that the court abused its discretion by granting final decision-making authority to Lind and by not awarding a more liberal contact schedule between Hartford and the parties' child. He also argues that the court abused its discretion by not granting his motion that sought the opportunity to introduce evidence of Hartford's qualification for social security benefits, which he argues would entitle him to a credit against his child support obligation.¹

The court's findings are supported by competent record evidence and because the court properly weighed the best interest factors, *see* 19-A M.R.S. § 1653(3) (2024), it did not abuse its discretion when setting the parties'

¹ The motion was titled "further findings of fact, amendment of the judgment, take additional testimony, or grant a new trial."

contact schedule and awarding Lind final decision making authority. The court's decision regarding the child support obligation was not an abuse of discretion because the evidence did not compel a finding that a substantial change in circumstances warranted a change in Hartford's child support obligation. *See* 19-A M.R.S. § 2009(3) (2024).

After the court entered its judgment, Hartford filed a timely motion according to Maine Rules of Civil Procedure 52 and 59 for further findings of fact and a new trial based on newly discovered evidence. The court did not abuse its discretion in denying Hartford's motion for further findings of fact because its "judgment is supported by express factual findings that are based on record evidence, are sufficient to support the result, and are sufficient to inform the parties and any reviewing court of the basis for the decision." *Ehret v. Ehret*, 2016 ME 43, ¶ 9, 135 A.3d 101. The court also did not abuse its discretion in denying Hartford's Rule 59 motion for a new trial based on newly discovered evidence. Rule 59 requires convincing proof before granting a motion for a new trial. *Chiapetta v. Lumbermens Mut. Ins. Co.*, 583 A.2d 198, 203 (Me. 1990). The mere assertion of a disability benefit that may or may not include a dependent benefit portion does not constitute proof, i.e., evidence, sufficient to justify a new trial. *See* M.R. Civ. P. 59(a); *Rodrigue v. Letendre*, 158 Me. 375, 378, 184 A.2d 777, 779 (1962) (discussing affidavits filed in support of the motion for a new trial).

The entry is:

Judgment affirmed.

Verne E. Paradie, Jr., Esq., Paradie & Rabasco, P.A., Lewiston, for appellant Dustin T. Hartford

Michelle R. King, Esq., Thistle Weaver & Morris, Portland, for appellee Whitney T. Lind