

WILLIAM LIPTON

v.

MARLYN LIPTON

Submitted on Briefs October 31, 2002  
Decided November 15, 2002

Panel: SAUFLEY, C.J., and CLIFFORD, RUDMAN, DANA, ALEXANDER,  
and LEVY, JJ.

## MEMORANDUM OF DECISION

William Lipton appeals from a divorce judgment of the Superior Court (Washington County, *Marden, J.*) granting the parties a divorce on the grounds of irreconcilable marital differences. William argues that the Superior Court erred in: (1) calculating the party's incomes for the purposes of child support; (2) awarding Marlyn sole parental rights and responsibilities; (3) requiring that William pay the costs of an updated best interest evaluation; (4) finding that Marlyn was entitled to one-half of the increase in the value of the home during the marriage; and (5)

ordering that Marlyn receive one-half of any retroactive Social Security disability payments that may be awarded to William.

There is rational and credible support in the record for the court's award of sole parental rights and responsibilities to Marlyn, including evidence of abuse and an expert report. *See Brandis v. Brandis*, 489 A.2d 1110, 1111 (Me. 1985); 19-A M.R.S.A. § 1653(3) (1998 & Supp. 2001). The court's findings and conclusions regarding the economic issues are supported by competent evidence. *See Dargie v. Dargie*, 2001 ME 127, ¶ 20, 778 A.2d 353, 358; *Brandis*, 489 A.2d at 1111.

We modify the portion of the Superior Court's judgment, which ordered William to pay to Marlyn one-half of any retroactive Social Security disability benefits that may be awarded to him, to provide that William shall pay to Marlyn one-half of any retroactive Social Security disability benefits awarded to him for only the time that the couple was married. *See Cummings v. Cummings*, 540 A.2d 778, 779 (Me. 1988).<sup>1</sup>

The entry is:

The judgment, modified as indicated above, is affirmed.

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<sup>1</sup> Marlyn agrees that the judgment should be amended to reflect this clarification.

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