

SUPREME JUDICIAL COURT OF MAINE

Darby J. Costa v. Adam W. Vogel

2001 ME 131 (Supreme Judicial Court of Maine 2001) · Decided August 8, 2001

SUMMARY

The Maine Supreme Judicial Court affirmed a judgment awarding primary physical residence of a minor child to the plaintiff while granting shared parental rights and extensive contact rights to the defendant. The court held that the trial court properly considered the child's best interests, including stability and predictability of living arrangements, under 19-A M.R.S.A. § 1653(3).

CASE DETAILS

COURT	Supreme Judicial Court of Maine
WRITING FOR THE COURT	Wathen, C.J.; Clifford, J.; Rudman, J.; Dana, J.; Saufley, J.; Alexander, J.; Calkins, J.
JURISDICTION	Maine
DECIDED	August 8, 2001
DISPOSITION	affirmed
PROCEDURAL POSTURE	Vogel appealed from the Superior Court's judgment affirming the District Court's award of primary physical residence of the parties' minor child to Costa in an action determining parental rights and responsibilities.
STANDARD OF REVIEW	When the Superior Court has acted as an intermediate appellate court, the Supreme Judicial Court reviews the District Court's judgment directly. A decision regarding the best interests of a child receives substantial deference and findings stand unless clearly erroneous.
PRECEDENTIAL VALUE	Published Maine Supreme Judicial Court opinion; precedential.
PARTIES	Adam W. Vogel v. Darby J. Costa

TOPICS

- child custody
- visitation
- family law procedure
- appellate procedure
- standard of review

PRACTICE AREAS

- family law
- child custody
- appellate procedure

QUESTIONS PRESENTED

1. Whether the District Court abused its discretion or clearly erred in awarding primary physical residence of the parties' child to Costa.
2. Whether the District Court improperly relied on the parties' prior shared-residence arrangement, evidence concerning the child's development, or general concerns about stability rather than conducting an individualized best-interests analysis.
3. Whether the District Court was authorized to consider the stability of the child's living arrangements under Maine's parental-rights statute.

HOLDINGS

1. The District Court did not abuse its discretion or clearly err in awarding primary physical residence of the child to Costa while maintaining shared parental rights and extensive contact rights for Vogel.
2. The District Court did not improperly substitute a generalized understanding of child development for an individualized assessment of the child's best interests.

KEY QUOTATIONS

“The [trial] court's decision regarding the best interests of the child is entitled to substantial deference and its findings will stand unless clearly erroneous.” (¶ 4)

“To determine the best interests of the child, the trial court must act as a “competent and cautious guardian of the child's interest and determine what parental rights arrangements will serve that interest.” (¶ 4)

FACTUAL BACKGROUND

Adam W. Vogel and Darby J. Costa were unmarried and lived together for nearly thirteen years before separating in 1999. They are the parents of Calvin Costa-Vogel, born August 8, 1994. The District Court ordered shared parental rights but awarded primary residence to Costa after finding that repeated transitions between homes, particularly during the school week, created confusion and undermined stability and predictability for the child. Vogel nevertheless received extensive visitation and contact rights.

PROCEDURAL HISTORY

After the parties separated, Costa filed a complaint seeking a determination of parental rights and responsibilities, and Vogel counterclaimed. The District Court ordered shared parental rights and awarded primary residence to Costa. The Superior Court affirmed that portion of the judgment, and Vogel appealed to the Supreme Judicial Court of Maine, which affirmed.

DISPOSITION

affirmed

CASES CITED

- Hinkley v. Hinkley, 2000 ME 64, ¶ 7, 749 A.2d 752

- Rodrigue v. Brewer, 667 A.2d 605, 606 (Me. 1995)
- Town of Mount Desert v. Smith, 2000 ME 88, ¶ 8, 751 A.2d 445

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