

NATHAN J. GIGUERE

v.

JODY A. GIGUERE

Submitted on Briefs August 16, 2011  
Decided September 1, 2011

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

#### MEMORANDUM OF DECISION

Jody A. Giguere appeals from the judgment of the District Court (Waterville, *Westcott, J.*) that: (1) denied her motion to modify the divorce judgment to change parental rights; (2) denied her motion for contempt for alleged violation of the divorce judgment; and (3) denied her motion to terminate or dismiss a previously entered protection from abuse order. Although the protection from abuse order was entered in a separate proceeding, the motions were appropriately consolidated for consideration by the court.

Jody contends that the court should have believed her testimony and statements and decided in her favor. On each of the motions presented to the court, Jody bore the burden of proof to demonstrate entitlement to relief. When a party has the burden of proof to demonstrate entitlement to relief, and the court decides that the burden of proof has not been met, the result can be overturned only if the record demonstrates that the court was compelled to rule in favor of the appellant based on the evidence in the record. *Handrahan v. Malenko*, 2011 ME 15, ¶¶ 13-14, 12 A.3d 79; *see also Neudek v. Neudek*, 2011 ME 66, ¶ 10, 21 A.3d 88 (party seeking modification of a parental rights and responsibilities order bears the burden of showing a substantial change in circumstance). Here, the results Jody

seeks are not compelled by the record. The court's decision is supported by the record regarding each motion that was addressed by the court through the hearing process.

The entry is:

Judgment affirmed.

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