

KEITH J. EMORY

v.

TORI L. (EMORY) TURNER

Submitted on Briefs June 27, 2012

Decided July 3, 2012

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

#### MEMORANDUM OF DECISION

Tori L. (Emory) Turner appeals from a divorce judgment entered in the District Court (Portland, *Eggert, J.*) awarding shared parental rights and responsibilities and shared primary physical residence of the parties' two minor children to her and Keith J. Emory. On appeal, Turner contends that the guardian ad litem's failure to provide copies of her final report and custody recommendations to the parties fourteen days prior to the final hearing violated her right to due process of law.

Contrary to Turner's contentions, the guardian ad litem's late filing did not violate her right to due process. The guardian's initial report provided Turner with notice of the issues that would be raised at the hearing because the guardian's recommendations in the final report did not, in fact, vary from the initial report, aside from the addition of a specific proposed custody schedule for the children; Turner testified at the hearing; she was given the opportunity to cross-examine the guardian, although she chose not to do so; and she does not suggest anything that she or the court would have done differently had the report been timely filed. *See Jusseaume v. Ducatt*, 2011 ME 43, ¶ 12, 15 A.3d 714 (stating what due process requires); *Richards v. Bruce*, 1997 ME 61, ¶ 5, 691 A.2d 1223 (finding no

2

violation of a substantial right where the father had an opportunity to cross-examine the guardian).

The entry is:

Judgment affirmed.

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**On the briefs:**

Tori L. Turner, appellant pro se

Keith J. Emery, appellee pro se

Portland District Court docket number FM-2010-1053  
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