

JUDY THAYER

v.

MERCEDES THAYER

Argued June 12, 2013  
Decided July 11, 2013

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

MEMORANDUM OF DECISION

Grandmother Judy Thayer appeals from a judgment of the District Court (Biddeford, *Foster, J.*) dismissing for lack of standing her petition seeking visitation rights with the child of her daughter, Mercedes Thayer, pursuant to the Grandparents Visitation Act, 19-A M.R.S. §§ 1801-1805 (2012). The grandmother filed the petition even though she was having regular contact with the grandchild, facilitated by the child's father. Contrary to her contention, given the lack of evidence of an urgent reason for the State's intervention into the Mother's parenting decisions, *see Rideout v. Riendeau*, 2000 ME 198, ¶ 24, 761 A.2d 291, the District Court did not err in dismissing the petition. *See* 19-A M.R.S. §§ 1803(1)(B), (2)(A)-(C); *Katon v. Brandi M.*, 2011 ME 131, ¶ 3, 32 A.3d 1047; *see also Philbrook v. Theriault*, 2008 ME 152, ¶¶ 22, 26, 957 A.2d 74. Although the child's father supports the award of visitation rights to the grandmother, "standing cannot be conferred by agreement of the opposing party, any more than jurisdiction may be conferred upon a court by agreement." *Sevigny v. Home Builders Ass'n of Me., Inc.*, 429 A.2d 197, 200 (Me. 1981). Moreover, the father remains free to allow contact between the child and the grandmother when the child is in his care.

The entry is:

Judgment affirmed.

**On the briefs:**

Dana E. Prescott, Esq., Prescott, Jamieson, Nelson & Murphy, LLC,  
Saco, for appellant Judy Thayer

Roger M. Champagne, Esq., Champagne & Simpson, LLC,  
Biddeford, for appellee Mercedes Thayer

**At oral argument:**

Dana E. Prescott, Esq., Saco, for appellant Judy Thayer

R. July Simpson, Esq., Champagne & Simpson, LLC, Biddeford,  
for appellee Mercedes Thayer