

PATRICK J. WALLACE

v.

CINTHIA L. (WALLACE) MADDEN

Submitted on Briefs April 29, 2014

Decided May 13, 2014

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

MEMORANDUM OF DECISION

Patrick J. Wallace appeals from a judgment entered in the District Court (Portland, *Powers, J.*) denying his motion to modify an existing post-divorce judgment in which he sought to reinstate his visitation rights with his child. Contrary to Patrick’s contention, the trial court did not abuse its discretion or otherwise err in permitting Cinthia, a parent, to initially assess whether reinstatement of his visitation rights was warranted based on, among other things, his participation in counseling. *See Richards v. Thompson*, 2004 ME 25, ¶¶ 7-10, 842 A.2d 1289 (explaining that in each parental rights and responsibilities order containing visitation contingencies, the parent with decision-making authority over visitation has a “duty to refrain from unreasonably interfering with the rights of the other parent”). Further, the court did not abuse its discretion in declining to award Patrick immediate visitation rights based on the child’s best interest. *See* 19-A M.R.S. § 1653(3) (2013); *Shirley v. Shirley*, 482 A.2d 845, 848 (Me. 1984) (stating that “[i]n approving a particular scheme for visitation,” a court “must consider a wide variety of factors affecting the best interests of the children involved . . .”).

The entry is:

Judgment affirmed.

On the briefs:

Craig T. Gardner, Esq., Craig T. Gardner Law Office,
Biddeford, for appellant Patrick Wallace

Cinthia Madden, pro se appellee

Portland District Court docket number FM-2009-581
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