

GUARDIANSHIP OF RYAN LASANTE

Submitted on Briefs July 23, 2015

Decided August 11, 2015

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

MEMORANDUM OF DECISION

James Lasante appeals from a judgment of the York County Probate Court (*Nadeau, J.*) awarding Anita and Thomas Thibeault a permanent guardianship of Lasante's son Ryan and ordering Lasante to pay child support. *See* 18-A M.R.S. § 5-204 (2014); *see also* 19-A M.R.S. § 2002 (2014). Lasante does not challenge the award of guardianship to the Thibeaults. Instead, he challenges the amount of the child support ordered, which the court calculated using an income imputed to Lasante based on Department of Labor statistics.

Because Lasante did not raise this issue with the Probate Court, either by objecting at the hearing on the guardianship petition<sup>1</sup> or by moving to alter or amend the judgment pursuant to M.R. Prob. P. 59 and M.R. Civ. P. 59(e), or for relief from judgment pursuant to M.R. Prob. P. 60(b) and M.R. Civ. P. 60(b), the issue is not preserved on appeal, and our review is only for obvious error. *See Estate of Bragdon*, 2005 ME 85, ¶ 4, 875 A.2d 697. In Lasante's affidavit consenting to the guardianship, which he filed with the court before the hearing on the petition, Lasante specifically stated that he was aware that he may be subject to a court order to pay child support.<sup>2</sup> Because no evidence of Lasante's actual

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<sup>1</sup> Lasante received notice of the hearing but did not appear.

<sup>2</sup> Although the consent form signed by Lasante did notify him of the potential imposition of a child support obligation, it did not indicate the necessity of filing financial affidavits and any supporting documentation of his current income, as required in matters governed by 19-A M.R.S. § 2004 (2014).

income was presented at or before the hearing, the court was statutorily authorized to impute income to Lasante based on Department of Labor statistics. *See* 19-A M.R.S. § 2004(1)(D)(2) (2014). Therefore, contrary to Lasante’s contention, the court did not commit obvious error by imputing income to Lasante to calculate his child support obligation. *Cf. Bard v. Lord*, 2010 ME 48, ¶ 8, 997 A.2d 101.

The entry is:

Judgment affirmed.

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**On the briefs:**

James Lasante, pro se appellant

Anita and Thomas Thibeault did not file a brief

York County Probate Court docket number 2013-632  
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*See* 19-A M.R.S. § 2002 (2014). To aid parties and the court in accurately calculating child support obligations in guardianship proceedings, the best practice would be to amend the form to include such a requirement.