

MARIA F. HUGHES-SHIVERICK

v.

DAYLE HUGHES-SHIVERICK

Submitted on Briefs October 13, 2016
Decided November 3, 2016

Panel: ALEXANDER, MEAD, GORMAN, JABAR, HJELM, and HUMPHREY, JJ.

MEMORANDUM OF DECISION

Maria F. Hughes-Shiverick appeals from a judgment entered by the District Court (Waterville, *E. Walker, J.*) amending a parental rights and responsibilities order following a hearing on Dayle Hughes-Shiverick's motion to modify the order. Maria contends on appeal that the court improperly relied upon hearsay testimony during the hearing, and that she was prejudiced by late receipt of a witness list which included the child. Maria also contends that the court abused its discretion by reducing her parental contact schedule with the child.

Having made no objections to hearsay during the hearing, on appeal Maria points to no testimony in the transcript that would constitute hearsay. Because there is no plain error in the record affecting her substantive rights, we discern no obvious error. *See State v. Pabon*, 2011 ME 100, ¶ 29, 28 A.3d 1147.

Similarly, despite Maria's assertion that she was prejudiced by late receipt of Dayle's witness list, she indicated to the judge that she was not surprised by her child's inclusion on the witness list, and the court did not

allow testimony from the other witness to whom Maria objected. Maria was therefore not prejudiced by this discovery error. *State v. Rich*, 395 A.2d 1123, 1130 (Me. 1978).

Finally, the court made the findings necessary to support its determination that it is in the best interest of the child to have reduced contact with Maria, and those findings are adequately supported by the record. *See* 19-A M.R.S. § 1653(3); *Pearson v. Ellis-Gross*, 2015 ME 118, ¶ 5, 123 A.3d 223. Consequently, the court did not abuse its discretion in amending the parental rights and responsibilities order.

The remainder of Maria's contentions are not persuasive and do not require further discussion.¹

The entry is:

Judgment affirmed.

On the briefs:

Maria F. Hughes-Shiverick, appellant pro se

Roger J. Katz, Esq., and Peter B. Bickerman, Esq., Lipman & Katz, P.A., Augusta for appellee Dayle Hughes-Shiverick

Waterville District Court docket number FM-2009-169
FOR CLERK REFERENCE ONLY

¹ Additionally, because Maria has relocated to Massachusetts and Dayle resides in Berwick, the court may wish to consider a change of venue to a York County court location for any future proceedings.