

BRENDA S. CAPONE-BARNES

v.

TYLER A. CAPONE-ZEMAN et al.

Submitted on Briefs April 27, 2017  
Decided May 4, 2017

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

## MEMORANDUM OF DECISION

Brenda S. Capone-Barnes appeals from a judgment of the District Court (Bangor, *Lucy, J.*) dismissing, for lack of standing, her petition for court-ordered visitation with her grandchildren pursuant to the Grandparents Visitation Act, 19-A M.R.S. §§ 1801-1805 (2015).<sup>1</sup> Contrary to Capone-Barnes's contentions, the court did not err when it concluded that Capone-Barnes failed to demonstrate, through her petition and supporting affidavit, that there exists a "sufficient existing relationship" with the children or that "a sufficient effort to establish one has been made." 19-A M.R.S. § 1803(1)(B), (C); *see Dorr v. Woodard*, 2016 ME 79, ¶ 7, 140 A.3d 467 (stating that appellate review of a grandparent's standing to petition for visitation rights is *de novo*); *id.* ¶¶ 13-17 (explaining that a grandparent seeking to establish standing to litigate a petition for visitation must demonstrate an

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<sup>1</sup> Title 19-A M.R.S. § 1802(1), providing the definition of "grandparent," has been amended since Capone-Barnes filed her petition. P.L. 2015, ch. 296, §§ C-19, D-1 (effective July 1, 2016) (codified at 19-A M.R.S. § 1802(1) (2016)). The amendment is not relevant to our review in this case because the parties do not dispute that Capone-Barnes is a "grandparent" within the meaning of the statute.

“urgent reason” that the court should force a parent to defend against litigation concerning the fundamental right to control the care and custody of the child); *see also Conlogue v. Conlogue*, 2006 ME 12, ¶¶ 12-17, 890 A.2d 691; *Robichaud v. Pariseau*, 2003 ME 54, ¶¶ 6, 10, 820 A.2d 1212; *Rideout v. Riendeau*, 2000 ME 198, ¶¶ 20-25, 761 A.2d 291.

The entry is:

Judgment affirmed.

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Brenda Capone-Barnes, appellant pro se

Tyler Capone and Matthew Zeman, appellees pro se

Bangor District Court docket number FM-2016-148  
For Clerk Reference Only