

JULIE A. BURNELL

v.

TODD J. SULLIVAN

Submitted on Briefs July 24, 2018  
Decided July 31, 2018

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

## MEMORANDUM OF DECISION

Todd J. Sullivan appeals from a judgment entered in the District Court (Bridgton, *Darvin, J.*) on the motion of Julie A. Burnell (formerly Julie A. Smith) to modify the parties' parental rights and responsibilities as to their minor child. Contrary to Sullivan's contentions, we discern no error of law or fact in the court's determination that Burnell demonstrated that a substantial change in circumstances that affects the best interest of the child had occurred since the entry of the most recent parental rights order. *See* 19-A M.R.S. § 1657 (2017); *Jackson v. MacLeod*, 2014 ME 110, ¶¶ 10, 21-23, 100 A.3d 484. The court also did not err or abuse its discretion in determining that it was in the child's best interest to reside primarily with Burnell or in otherwise modifying Burnell and Sullivan's parental rights and responsibilities.<sup>1</sup> *See* 19-A M.R.S.

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<sup>1</sup> We agree with Sullivan that one of the court's findings—that Sullivan terminated the child's counseling because he believed no benefit was derived from it—is not supported by competent evidence in the record, but we conclude that that error is harmless because that finding did not form the basis of the court's decision. *See* M.R. Civ. P. 61; *cf. Remick v. Martin*, 2014 ME 120, ¶ 10, 103 A.3d 552.

§§ 1653(3), 1657 (2017); *Jackson*, 2014 ME 110, ¶ 23, 100 A.3d 484; *Bulkley v. Bulkley*, 2013 ME 101, ¶ 14, 82 A.3d 116.

The entry is:

Judgment affirmed.

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appellant Todd J. Sullivan

Julie A. Burnell, appellee pro se

Bridgton District Court docket number FM-2014-38  
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