

DAWN M. KENNEDY

v.

JEFFERY E. ALBERT

Submitted on Briefs November 28, 2018
Decided December 11, 2018

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

MEMORANDUM OF DECISION

Dawn M. Kennedy appeals from a judgment of the District Court (Bangor, *Budd, J.*) partially granting Jeffery E. Albert's motion to modify the court's parental rights and responsibilities order.¹

Contrary to Kennedy's contentions, the court did not abuse its discretion when it (1) determined that Kennedy's unauthorized unilateral removal of the two oldest children from the public schools, not for the first time, constituted a substantial change in circumstances,² and (2) modified the parental rights and responsibilities order to require that the children be re-enrolled in and not

¹ Albert filed two motions seeking to modify the parties' existing parental rights and responsibilities order. The District Court treated the motions as one and denied Albert's request for primary residence of all three children because it found that there had been no substantial change in circumstances warranting that modification. The court granted his request to modify the judgment regarding school placement on the grounds that Kennedy's removal of the children from the public schools constituted a substantial change in circumstances.

² Kennedy enrolled the children in a home-based online education program.

removed from the public schools, “unless both parties agree, in writing, to alter those placements.”³ See *Neudek v. Neudek*, 2011 ME 66, ¶ 10, 21 A.3d 88; see also *Marston v. Marston*, 2016 ME 87, ¶ 7, 141 A.3d 1106.

Finally, both parties appear to misunderstand the court’s ruling as it relates to the parties’ shared decision-making rights. Nothing in the order, as modified, alters the distribution of decision-making authority; the parties continue to have fully shared parental rights and responsibilities, including making decisions regarding the children’s education, pursuant to the court’s order.

The entry is:

Judgment affirmed.

Dawn M. Kennedy, appellant pro se

Jeffrey E. Albert, appellee pro se

Bangor District Court docket number FM-2012-40
FOR CLERK REFERENCE ONLY

³ The parties’ most recent parental right order required that the children be “enrolled in public schools . . . unless both parents otherwise mutually agree to a different educational plan after thorough discussion and necessary consultation. Neither party has the right to make unilateral decisions. . . . If the parties are unable to otherwise agree, the children shall be enrolled in and attend public school.”