

LISA D. KEATHLEY

v.

GARY W. MARSTON II

Submitted on Briefs November 18, 2021

Decided November 30, 2021

Panel: STANFILL, C.J., and MEAD, JABAR, HUMPHREY, HORTON, and
CONNORS, JJ.

MEMORANDUM OF DECISION

Lisa D. Keathley appeals from a judgment of the District Court (West Bath, *Raimondi, J.*) granting Gary W. Marston II's motion to modify the parental rights and responsibilities order concerning the parties' minor child.¹ Contrary to the mother's contentions, the court's admission of police records pertaining to her was harmless error when the court did not rely on them in any of its findings, *see Banks v. Leary*, 2019 ME 89, ¶ 19, 209 A.3d 109, the court acted within its jurisdiction, *see* 19-A M.R.S. § 103 (2021), and it provided the mother with sufficient notice to satisfy due process, *see Mathews v. Eldridge*, 424 U.S. 319, 333 (1976) ("The fundamental requirement of due process is the opportunity to be heard . . .").² There is ample evidence in the record to support the court's

¹ We address the merits of the mother's appeal notwithstanding the deficiencies of the mother's appendix and our order of August 25, 2021, requiring the mother to file a new appendix in compliance with M.R. App. P. 8.

² In the District Court's final pretrial order, the court encouraged the mother to appear and be heard in this matter. Its judgment modifying parental rights and responsibilities states that the

implicit conclusion that the mother's contempt for the court's prior orders of parental rights and responsibilities qualified as a substantial change in circumstances, *see Sloan v. Christianson*, 2012 ME 72, ¶ 39, 43 A.3d 978, and the record also supports the court's determination that modification was in the best interest of the child, *see Clark v. Leeman*, 2016 ME 170, ¶ 7, 151 A.3d 505; *see also* 19-A M.R.S. § 1653(3) (2021). The District Court therefore did not abuse its discretion in granting the father's motion to modify.

The entry is:

Judgment affirmed.

Lisa D. Keathley, appellant pro se

With leave of the Court, Gary W. Marston II did not file a brief

West Bath District Court docket number FM-2011-229
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mother came to the courthouse on the date of the hearing held on the father's motion to modify "but refused to enter the courtroom."