

HUGH SAVAGE JR.

v.

DANIELLE SAVAGE

Submitted On Briefs June 13, 2007
Decided July 26, 2007

Panel: SAUFLEY, C.J., and CLIFFORD, ALEXANDER, CALKINS, SILVER,
and MEAD, JJ.

MEMORANDUM OF DECISION

Hugh Savage Jr. appeals from a divorce judgment as to Danielle Savage entered in the District Court (Farmington, *McElwee, J.*) on his complaint, and from a subsequent order modifying the divorce judgment entered in the same court (*Tucker, J.*). As to the divorce judgment, contrary to Hugh's contentions, there is no clear error in the court's determination that Hugh is not the de facto parent of one or both of Danielle's children, *see Young v. Young*, 2004 ME 44, ¶¶ 4-5, 845 A.2d 1144, 1145-46; *In re Heather G.*, 2002 ME 151, ¶ 12, 805 A.2d 249, 252, nor did the court exceed its discretion in establishing the visitation schedule for

Hugh's third-party contact with the children, *see* 19-A M.R.S. § 1653(2)(B) (2006); *Williams v. Williams*, 1998 ME 32, ¶ 8, 706 A.2d 1038, 1040. The court also acted within its discretion in ordering Hugh to pay all guardian ad litem fees. *See* 19-A M.R.S. § 1507(7) (2006); *El-Shafei v. Elshafei*, 649 A.2d 1106, 1108 (Me. 1994).

As to the order modifying the divorce judgment, the court did not clearly err in determining that Danielle established a substantial change in circumstances justifying modification of the divorce judgment. *See* 19-A M.R.S. § 1657(1) (2006); *Philbrick v. Cummings*, 534 A.2d 1307, 1308 (Me. 1987). Further, the court neither clearly erred nor exceeded its discretion in admitting videotape evidence, *see* M.R. Evid. 801(c); *LDC Gen. Contracting v. LeBlanc*, 2006 ME 106, ¶ 11, 907 A.2d 802, 805; in eliminating Hugh's right of regular third-party contact with the children, *see Williams*, 1998 ME 32, ¶ 8, 706 A.2d at 1040; or in ordering that Hugh pay mediation fees and Danielle's attorney fees associated with modification of the divorce judgment, *see* 19-A M.R.S. § 105(1) (2006); *Estate of Ricci*, 2003 ME 84, ¶ 28, 827 A.2d 817, 825.

The entry is:

Judgment affirmed.

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