

GUARDIANSHIP OF PRESTON T.

Submitted on Briefs November 1, 2007
Decided January 8, 2008

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

MEMORANDUM OF DECISION

The mother of the minor child Preston T. appeals from the entry of a judgment in the Androscoggin County Probate Court (*Couturier, J.*) appointing the child's paternal grandmother as his guardian pursuant to 18-A M.R.S. § 5-204(c) and (d) (2007). Although the mother challenges the court's application of the de facto guardianship statute, which appears in subsection (d), the court's findings support its separate, independent ground for appointing the grandmother as the child's guardian pursuant to subsection (c). We affirm the judgment because, even if the court erred in applying subsection (d), the error would be harmless because the court determined that the grandmother should be appointed guardian pursuant to subsection (c). *See* M.R. Civ. P. 61 ("The court at every stage of the proceeding must disregard any error or defect in the proceeding which does not affect the

substantial rights of the parties.”); M.R. Prob. P. 61; *Shaw v. Packard*, 2005 ME 122, ¶ 13, 886 A.2d 1287, 1290.

The entry is:

Judgment affirmed.

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