

CHRISTOPHER RODRIGUES

v.

ROBERTA LOVEJOY

Submitted on Briefs March 3, 2009

Decided March 17, 2009

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

MEMORANDUM OF DECISION

Christopher Rodrigues appeals from the judgment of the District Court (Waterville, *Dow, J.*) denying his request to amend a 1996 Texas parental rights order to award him physical custody of his daughter and modifying that order to allow visits with his daughter solely at the discretion of the child's guardian, her maternal grandmother, Roberta Lovejoy, in consultation with the child's treatment providers. Contrary to Rodrigues' contentions, the court did not err in finding that he had failed to demonstrate sufficient justification or capacity to assume primary parental rights and responsibilities for the child.¹ *See Sargent v. Braun*, 2006 ME 96, ¶¶ 8-9, 902 A.2d 839, 841-42. The record also supports the court's determination to allow contact with the child only as approved by the maternal grandmother in consultation with the child's treatment providers. *Id.*

The entry is:

Judgment affirmed.

¹ To the extent the court erred when it failed to find, as a threshold matter, a substantial change of circumstances, *see* 19-A M.R.S. § 1657(2) (2008), that error was harmless, *see* M.R. Civ. P. 61, given the court's extensive findings concerning the child's best interest, which findings are supported by substantial record evidence.

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