

JEROLD W. SAWYER SR.

v.

REBECCA M. SAWYER

Submitted on Briefs April 30, 2009

Decided May 14, 2009

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

#### MEMORANDUM OF DECISION

Rebecca M. Sawyer appeals from an order entered by the District Court (Lincoln, *Stitham, J.*) modifying her divorce judgment and awarding primary residence and sole parental rights and responsibilities to Jerold W. Sawyer Sr. Rebecca argues that the court erred by admitting and relying on the report of the guardian ad litem and that the court's factual findings regarding the best interests of the children are clearly erroneous.

Although the report of the guardian ad litem was not filed fourteen days prior to the hearing, as required by the court's order appointing the guardian ad litem, the court did not err by admitting the report because Rebecca did not object to its admission. *See Coppersmith v. Coppersmith*, 2001 ME 165, ¶ 5, 786 A.2d 602, 604 (objection to guardian ad litem's report was not preserved where defendant gave "no indication that the late arrival of the . . . report would adversely affect her ability to continue with the hearing"); *see also* 19-A M.R.S. § 1507(5) (2008) (report of guardian ad litem must be submitted "reasonably in advance of the hearing" and is admissible as evidence "whether or not objected to by a party"). Furthermore, Rebecca's status as a pro se litigant did not make the admission of the report prejudicial. *See Dep't of Envtl. Prot. v. Woodman*, 1997 ME 164, ¶ 3

n.3, 697 A.2d 1295, 1297 (“It is well established that pro se litigants are held to the same standards as represented parties.”).

Contrary to Rebecca’s remaining arguments, the court was not compelled to find that the guardian ad litem’s report was biased against Rebecca. *See* 19-A M.R.S. § 1507(6) (2008); *Wood v. Bell*, 2006 ME 98, ¶ 12, 902 A.2d 843, 849 (trial court’s determinations regarding witness credibility and significance of evidence must be given “due regard”). The court also did not err by referencing a disorderly conduct charge against Rebecca arising from an incident in 2003 because the court did “not consider [the charge] to be a factor to be accorded any weight.” Finally, in determining that it was in the best interests of the children for Jerold to have sole parental rights and responsibilities, the court acted within its discretion and its findings of fact were supported by competent evidence in the record. *See Smith v. Padolko*, 2008 ME 56, ¶¶ 9, 14, 955 A.2d 740, 743, 744.

The entry is:

Judgment affirmed.

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