

KYLE B. FARNHAM

v.

VIRGINIA L. GUMAER

Submitted on Briefs April 26, 2012

Decided May 29, 2012

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

MEMORANDUM OF DECISION

Virginia L. Gumaer appeals from an order for protection from abuse, 19-A M.R.S. § 4007 (2011), entered against her in the District Court (Portland, *Powers, J.*) in response to the complaint filed by Kyle B. Farnham on behalf of the couple's two children. The order awards primary residence of the children to Farnham with Gumaer having limited rights of contact and visitation.¹ On appeal, Gumaer contends that the court should not have believed the testimony and other evidence offered by Farnham in support of his position and that the court erred in finding abuse, 19-A M.R.S. § 4002(1) (2011), on the facts presented to it.

Contrary to Gumaer's contentions, Farnham's testimony constitutes competent evidence that supports the court's finding of abuse by a preponderance of the evidence. *See Preston v. Tracy*, 2008 ME 34, ¶¶ 10-11, 942 A.2d 718. The court did not clearly err in granting the final order of August 26, 2011, nor in entering the final amended order of December 2, 2011, based on its finding.

¹ We note that there is a pending family division matter between the same parties in the District Court. The District Court may consider consolidating these matters.

The entry is:

Judgment affirmed.

On the briefs:

Virginia L. Gumaer, appellant pro se

Wendy Moulton Starkey, Esq., Rose Law, LLC, York, for appellee Kyle B. Farnham

Portland District Court docket number PA-2011-790
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