

CYNTHIA REMICK

v.

KEVIN R. MARTIN

Submitted On Briefs May 30, 2013

Decided June 11, 2013

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

#### MEMORANDUM OF DECISION

Kevin R. Martin appeals from an order of contempt and a divorce judgment amended by the District Court (Biddeford, *Driscoll, J.*) to further limit Martin's contact with his minor son.

Contrary to Martin's contention, the court did not err in declining to order disclosure of confidential Department of Health and Human Services (DHHS) records related to Martin's son, or in quashing Martin's witness subpoena that sought to compel the attendance of a DHHS caseworker at the hearing. The proposed *Clifford* order submitted by Martin failed to provide for the court's in camera review of the records to determine the extent to which Martin should receive access to copies of the records. *See State v. Dechaine*, 572 A.2d 130, 135 (Me. 1990). Further, Martin would not agree to the court's offer to continue the scheduled hearing, which would have enabled the court and DHHS to examine the records. In addition, Martin was not harmed by the order quashing the subpoena because the DHHS records pertained to a factual dispute that the court ultimately decided in Martin's favor. *See M.R. Civ. P.* 61.

We decline to impose sanctions in this case.

The entry is:

Judgment affirmed.

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**On the briefs:**

Kevin Martin, pro se appellant

Timothy E. Robbins, Esq., South Portland, for appellee Cynthia Remick