

JAMES LEE et al.

v.

CHRISTOPHER LARRABEE

Submitted on Briefs November 19, 2015

Decided November 24, 2015

Panel: SAUFLEY, C.J., and ALEXANDER, MEAD, JABAR, and HJELM, JJ.

MEMORANDUM OF DECISION

James Lee appeals from a judgment of the District Court (Lewiston, *Beliveau, J.*) denying his petition for a protection from abuse order on behalf of his minor son against Christopher Larrabee, the boyfriend of his son's mother. *See* 19-A M.R.S. §§ 4001-4014 (2014). The court's key factual findings are fully supported by the record and include the following: Lee "failed to make adequate efforts to cooperate with the DHHS investigation," the "caseworker determined and concluded that the Defendant presented no risk of harm," "the full clinical examination of [the child] revealed no evidence of physical or sexual abuse," and "there is no reliable corroborative evidence of the alleged abuse." Thus, contrary to Lee's contentions, the record does not compel a finding that Larrabee abused Lee's minor son within the meaning of the statute. *See Handrahan v. Malenko*, 2011 ME 15, ¶ 13, 12 A.3d 79; 19-A M.R.S. § 4002 (2014). Further, the court did not err in its interpretation of section 4002(A) of the protection from abuse statute.

The entry is:

Judgment affirmed.

On the briefs:

Jason Dionne, Esq., and Juliana McKittrick, Esq., Isaacson & Raymond, P.A., Lewiston, for appellant James Lee

James P. Howaniec, Esq., Lewiston, for appellee Christopher Larrabee

Lewiston District Court docket number PA-2015-40
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