CHRISTOPHER HARVEY

v.

MAGGIE WIDHALM et al.

Submitted on Briefs May 26, 2016
Decided July 21, 2016

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

MEMORANDUM OF DECISION

Christopher Harvey appeals from a judgment entered in the District Court (Houlton, *O'Mara, J.*) denying his complaints for protection from abuse on behalf of his son against the child's mother and the mother's boyfriend, granting the mother's complaint for protection from abuse against him on behalf of the child, and denying his motion for contempt in connection with a parental rights and responsibilities order between Harvey and Widhalm. Even if, as Harvey contends, the court erred by excluding the Department of Health and Human Services caseworker's testimony as irrelevant, any error was harmless because the substance of the excluded testimony was admitted during the hearing through several witnesses. *See* M.R. Civ. P. 61; *In re M.S.*, 2014 ME 54, ¶ 12, 90 A.3d 443 (holding that, because the father testified himself as to the subject matter of erroneously excluded relevant testimony, the error was harmless).

Contrary to Harvey's contentions, the court did not err in concluding that there was sufficient evidence to support its finding that Harvey was responsible for the abuse to the child, *see Handrahan v. Malenko*, 2011 ME 15, ¶ 14, 12 A.3d 79 ("A court is not required to believe the testimony of any particular witness, expert or otherwise . . . ." (quotation marks omitted)), and did not abuse its discretion by

denying his motion for contempt because he failed to prove that Widhalm did not comply with the order. *See* M.R. Civ. P. 66(d)(2)(D)(i).

The entry is:

Judgment affirmed.

On the briefs:

Michele D.L. Kenney, Esq., Houlton, for appellant Christopher Harvey

James M. Dunleavy, Esq., Currier & Trask, P.A., Presque Isle, for appellee Maggie Widhalm

Joseph Hardy, appellee pro se