

CHARLES J. TURNER

v.

ALLISON BLAIS

Submitted on Briefs June 26, 2019
Decided July 2, 2019

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

MEMORANDUM OF DECISION

Charles J. Turner appeals from a judgment of the District Court (Bangor, *Larson, J.*) denying his motions for contempt and to modify the judgment governing his and Allison Blais's parental rights and responsibilities regarding their daughter, and granting in part the mother's motion to modify the judgment to include targeted restrictions on the father's contact with the child. The court's determination that the father was not credible, based on its consideration of the father's demeanor and testimony in conjunction with all other evidence, was well within the court's authority and judgment. *Boyd v. Manter*, 2018 ME 25, ¶ 6, 179 A.3d 906; *Cashman v. Robertson*, 2019 ME 5, ¶ 12, 199 A.3d 1169. The court's findings of fact regarding the competing motions to modify are supported by competent evidence of the continued need for supervision of the father's contact with the child to protect the child's safety and well-being—the primary considerations for determining the best interest of a child. *See* 19-A M.R.S. § 1653(3) (2018); *Roalsvik v. Comack*, 2019 ME 71, ¶ 7, --- A.3d ---; *Cashman*, 2019 ME 5, ¶ 12, 199 A.3d 1169. The court did not err or abuse its discretion in denying the father's motion to modify and granting

in part the mother's motion to modify.¹ *See Cashman*, 2019 ME 5, ¶ 12, 199 A.3d 1169. Nor was the court compelled to find the mother in contempt when the mother, with sole parental rights and responsibilities, ceased delivering the child for visits due to indications that the father's fiancée was no longer a reliable supervisor who would meet the court-ordered goals for supervised contact. *See* M.R. Civ. P. 66(d)(2)(D); *McCarthy v. Goroshin*, 2016 ME 98, ¶ 11, 143 A.3d 138; *Beckerman v. Pooler*, 2015 ME 80, 119 A.3d 74.

The entry is:

Judgment affirmed.

Alice E. Knapp, Esq., Law Office of Alice E. Knapp, Richmond, for appellant Charles J. Turner

Erik T. Crocker, Esq., Farrell, Rosenblatt & Russell, Bangor, for appellee Allison Blais

Bangor District Court docket number FM-2016-104
FOR CLERK REFERENCE ONLY

¹ Although the father attempts to characterize the standard of review as de novo on the basis that his fundamental parental rights have been affected, "a court order that allows one parent to make the decision on a disputed child-related issue does not violate the constitutional rights of either parent." *Mills v. Fleming*, 2017 ME 144, ¶ 10, 166 A.3d 1012.