

PAT DOE¹

v.

DEVIN A. DIAZ

Submitted on Briefs April 14, 2020
Decided June 16, 2020

Panel: MEAD, GORMAN, JABAR, HUMPHREY, HORTON, and CONNORS, JJ.

MEMORANDUM OF DECISION

Pat Doe appeals from a judgment of the District Court (Farmington, *Davis, J.*) granting Devin A. Diaz’s motion to modify the protection from abuse order. Doe contends that the trial court erred in modifying the protection order to allow a Florida court to determine parental rights and responsibilities.²

¹ To comply with federal law, we do not identify the plaintiff in this protection from abuse action and limit our description of events and locations to avoid revealing “the identity or location of the party protected under [a protection] order” as required by 18 U.S.C. § 2265(d)(3) (LEXIS through Pub. L. No. 116-141).

² The protection from abuse order was set to expire during the pendency of the appeal. While Doe filed a motion to extend the order, which the court (*Ham-Thompson, J.*) granted, she had not sought leave from us to address her extension motion while the appeal was pending. Generally, “[w]hen an appeal is taken from a trial court action, the trial court’s authority over the matter is suspended” *Doggett v. Town of Gouldsboro*, 2002 ME 175, ¶ 5, 812 A.2d 256; see M.R. App. P. 3(b). In the unique circumstances of this case, we reach the merits of the appeal. See M.R. App. P. 14(c) (permitting suspension of the requirements of the appellate rules for “good cause shown”); *Finucan v. Williams*, 2013 ME 75, ¶ 12, 73 A.3d 1056. We reiterate, however, the importance of the principles set forth in M.R. App. P. 3(b)-(d).

Contrary to Doe’s argument, the court did not err or abuse its discretion by granting Diaz’s motion to modify the protection from abuse order. *See* 19-A M.R.S. § 4007(2) (2020). The court properly amended the protection order to acknowledge that Florida has home court jurisdiction pursuant to the Uniform Child Custody Jurisdiction and Enforcement Act, allowing the Florida court to determine parental rights for the long-term. *See* 19-A M.R.S. § 1748 (2020); *Campbell v. Martin*, 2002 ME 112, ¶ 8, 802 A.2d 395 (“[A] determination made pursuant to a court’s emergency jurisdiction is temporary, intended to protect the child until the State that has jurisdiction . . . enters an order.”) (quotation marks omitted).

The entry is:

Judgment affirmed.

Thomas J. Carey, Esq., and Ashley T. Perry, Esq., Sanders, Hanstein & Carey, P.A.,
Farmington, for appellant Pat Doe

Theodore Small, Esq., Skelton Taintor & Abbott, Auburn, for appellee Devin A.
Diaz