

CORY M. KELLEY

v.

LAURA E. MCKEE

Submitted on Briefs September 29, 2020  
Decided October 6, 2020

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

#### MEMORANDUM OF DECISION

Laura McKee appeals from a judgment of the District Court (Portland, *Darvin, J.*) finding her in contempt of two orders requiring her to facilitate supervised visitation between Cory Kelley and the parties' daughter. To support a contempt order, a court must find, by clear and convincing evidence, that the person alleged to be in contempt (1) has failed or refused to perform an act required or continues to do an act prohibited by a court order, and (2) has the power to perform the act required or to cease performance of the act prohibited. M.R. Civ. P. 66(d)(2)(D); *see also Pratt v. Spaulding*, 2003 ME 56, ¶ 11, 822 A.2d 1183.

The written findings<sup>1</sup> in the January 22, 2020, order for contempt demonstrate that the District Court found that Kelley met his burden of proof by clear and convincing evidence by establishing that McKee is in contempt of the District Court's direct orders. Further, the District Court found that the

---

<sup>1</sup> McKee provided a transcript of only the judge's opening remarks at the contempt hearing, and not the remainder of the hearing. These remarks reiterated that the District Court would be incorporating the hearing record from prior hearings and limiting the evidence to events occurring after the May 28, 2019, enforcement hearing.

contempt is a result of McKee's willful failure to comply with the requirement for supervised visitation and that McKee had the ability to comply with the order thus satisfying M.R. Civ. P. 66(d)(2)(D). Contrary to McKee's contentions, we conclude that the trial court did not abuse its discretion in reaching this conclusion. *Harshman v. Harshman*, 2019 ME 48, ¶ 7, 206 A.3d 297.

The entry is:

Judgment affirmed.

---

Peggy L. McGehee, Esq., Perkins Thompson, Portland, for appellant Laura E. McKee

Corey M. Kelley, appellee pro se

Portland District Court docket number FM-2016-811  
FOR CLERK REFERENCE ONLY