

WALTER A. SIKES

v.

AUBREY H. MERRITT

Submitted on Briefs November 18, 2021
Decided December 2, 2021

Panel: STANFILL, C.J., and MEAD, JABAR, HUMPHREY, HORTON, and
CONNORS, JJ.

MEMORANDUM OF DECISION

Walter A. Sikes appeals from a judgment entered in the District Court (Ellsworth, *Roberts, J.*) determining parental rights and responsibilities regarding his two children with Aubrey H. Merritt. Contrary to Sikes’s arguments on appeal, the court did not abuse its discretion in its best interest analysis pursuant to 19-A M.R.S. § 1653(3) (2021) or by setting Sikes’s rights of contact with the children at three hours per week initially and conditioning future overnight visits upon Sikes’s demonstrating his ability to communicate with Merritt respectfully and cooperatively.¹ See *Young v. Young*, 2015 ME 89, ¶ 5, 120 A.3d 106; *Jackson v. MacLeod*, 2014 ME 110, ¶ 23, 100 A.3d 484. As phrased, the court’s condition regarding overnight visitation sets an objective standard of behavior for Sikes to meet rather than delegating to Merritt the determination of whether he has met it.

¹ Because the court found that Merritt was a victim of abuse at the hands of Sikes, we clarify the requirement that the parties “engage in counseling to enhance their co-parenting skills” to mean that they participate separately in a co-parenting education or counseling program. See 19-A M.R.S. § 1653(6)(E) (“The court may not order a victim of domestic abuse to attend counseling with the parent who has committed domestic abuse.”).

The entry is:

Judgment affirmed.

Gene Sullivan Jr., Esq., Bangor, for appellant Walter A. Sikes

Sarah J. Becker, Esq., and Rick Doyle, Esq., Next Step Domestic Violence Project,
Ellsworth, for appellee Aubrey H. Merritt

Ellsworth District Court docket number FM-2020-158

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