

KARL BECHTEL

v.

JODY GREEN

Argued September 12, 2023

Decided October 3, 2023

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

MEMORANDUM OF DECISION

Karl Bechtel and Jody Green are the parents of a minor child. In this consolidated appeal, Bechtel timely appeals from a parental rights and responsibilities judgment and a denial of a motion to extend a protection from abuse (PFA) order. 14 M.R.S. § 1901(1) (2023); M.R. App. P. 2B(c)(1).

During portions of a two-day consolidated hearing on Bechtel's parental rights and responsibilities complaint and his PFA complaint against Green, the District Court (Bangor, *Larson, J.*) excluded Bechtel from the courtroom because of his repeated intemperate language and interruptions after warnings from the court. The court also denied Bechtel's attempts to compel the child to testify. After the hearing, the court entered a judgment awarding shared parental rights and responsibilities between the parties and a final PFA order, lasting for one week, against Green for the benefit of the child.¹ Bechtel filed a

¹ Although the judgment did not cite to the statute that controls the award of parental rights and responsibilities in cases involving domestic abuse, the court's judgment was consistent with the statute's requirements. See *Mayberry v. Janosky II*, 2022 ME 37, ¶ 2 n.1, 276 A.3d 530; 19-A M.R.S. 1653(6) (2023).

motion to extend the order of protection. The court denied the motion after a hearing. Contrary to Bechtel's assertions, the court did not abuse its discretion in denying the motion to extend the order of protection. *Dyer v. Dyer*, 2010 ME 105, ¶ 11, 5 A.3d 1049; 19-A M.R.S. §§ 4110(5)(A), 4111(1) (2023).

Moreover, in light of the testimony by the child's therapist and the guardian ad litem that compelling the child to testify would be harmful and against the child's best interest and wishes, the court did not abuse its discretion in excluding the child's testimony at the consolidated hearing and the hearing on the motion to extend the PFA order. *See Nadeau v. Nadeau*, 2008 ME 147, ¶¶ 28-31, 957 A.2d 108; *Robertson v. Gerakaris*, 2015 ME 83, ¶ 12, 119 A.3d 739. Nor did the court err in excluding Bechtel from the courtroom during the consolidated trial after numerous warnings for repeated inappropriate behavior. The court demonstrated exemplary patience and fairness in its conduct of the trial. *See State v. Murphy*, 2010 ME 140, ¶ 17, 10 A.3d 697. His attorney remained in the courtroom and the court took steps to protect Bechtel's due process rights. *See id.*; *State v. Merchant*, 2003 ME 44, ¶ 15, 819 A.2d 1005; *cf. In re A.M.*, 2012 ME 118, ¶¶ 13-27, 55 A.3d 463. Finally, the court did not err or abuse its discretion in awarding Green primary residence and establishing shared parental rights between both parties. *See Dube v. Dube*, 2016 ME 15, ¶ 5, 131 A.3d 381; *Francoeur v. Berube*, 2023 ME 27, ¶ 11, 293 A.3d 418; *Bergin v. Bergin*, 2019 ME 133, ¶ 5, 214 A.3d 1071; 19-A M.R.S. § 1653(3) (2023).

The entry is:

Judgment affirmed.

Laura P. Shaw, Esq., and Cheryl Saniuk-Heinig, Esq. (orally), Dirigo Law Group LLP, Camden, for appellant Karl Bechtel

Martha C. Gaythwaite, Esq., Jonathan M. Dunitz, Esq., and Martin C. Topol, Esq. (orally), Verrill Dana LLP, Portland, for appellee Jody Green