

PAT DOE

v.

RYAN RICHARDS

Submitted on Briefs November 29, 2023

Decided December 7, 2023

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

MEMORANDUM OF DECISION

Ryan Richards appeals from the District Court's (Farmington, *Daniel Mitchell, J.*) denial of Doe's request for a final protection from abuse order on behalf of her minor children, grant of her request for an order on her own behalf, and allocation of temporary primary residential care of the minor children to her. Richards contends that the cumulative effect of the court's erroneous evidentiary rulings was prejudicial to Richards because he was unable to present evidence of Doe's history of aggressive behavior that would have affected the court's finding of abuse against him and its analysis of whether allocating primary residential care of the children to Doe was in the children's best interests. He also argues that the court abused its discretion in denying his motion for further findings of fact and conclusions of law, *see* M.R. Civ. P. 52(a), (b), and erred by finding that Richards poses a credible threat to the physical safety of the plaintiff or minor children. Doe requests an award of attorney fees for the appeal as a sanction because the appeal is frivolous. M.R. App. P. 13(f).

Contrary to Richards' contentions, the court did not err or abuse its discretion by limiting the admission of evidence that Doe has behaved aggressively in the past. M.R. Evid. 401-403(a), 611(a); *State v. Michaud*, 2017 ME 170, ¶ 8, 168 A.3d 802; *State v. Hamel*, 2007 ME 18, ¶¶ 6-7, 913 A.2d 1287; *State v. Wyman*, 2015 ME 1, ¶ 16, 107 A.3d 641. There was competent evidence in the record, notwithstanding the court's limitation on extensive inquiry into the parties' past behavior, to support its findings that Richards abused Doe and that allocating primary residential care to Doe was in the children's best interests, *Smith v. Hawthorne*, 2002 ME 149, ¶¶ 4-5, 16-20, 804 A.2d 1133; *Capelety v. Estes*, 2023 ME 50, ¶ 27, 300 A.3d 817. Considering the purpose of the protection from abuse statute to provide "expeditious and effective protection" to victims of abuse and the temporary nature of the parental rights order, the court acted within its discretion by imposing a reasonable limit on evidence not directly related to Doe's allegations of abuse. 19-A M.R.S. § 4101(2); *Copp v. Liberty*, 2008 ME 97, ¶¶ 14-15, 952 A.2d 976; *Daud v. Abdullahi*, 2015 ME 48, ¶ 11, 115 A.3d 77; *Sparks v. Sparks*, 2013 ME 41, ¶ 26 & n.4, 65 A.3d 1223. Further, even if the court's rulings were in error, any error was harmless in light of the substantial competent evidence in the record supporting the court's finding of abuse and award of temporary parental rights. *Capelety*, 2023 ME 50, ¶ 18, 300 A.3d 817.

Nor did the court abuse its discretion in denying Richards' Rule 52 motion, *see Dargie v. Dargie*, 2001 ME 127, ¶ 2, 778 A.2d 353; *Wandishin v. Wandishin*, 2009 ME 73, ¶¶ 18-19, 976 A.2d 949, or clearly err in finding that Richards presents a credible threat to Doe's physical safety when there was sufficient evidence in the record to support the court's finding of abuse, *see Seger v. Nason*, 2016 ME 72, ¶¶ 8-9, 138 A.3d 1221.

Although we affirm the judgment, we deny Doe's request for sanctions pursuant to M.R. App. P. 13(f) because Richards' appeal is not frivolous. *Compare Lincoln v. Burbank*, 2016 ME 138, ¶¶ 45-64, 147 A.3d 1165, *with Handrahan v. Malenko*, 2011 ME 15, ¶ 21, 12 A.3d 79.

The entry is:

Judgment affirmed.

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appellant Ryan Richards

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Pat Doe

Farmington District Court docket number PA-2023-19
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