

DIANNE M. CRONKITE

v.

THOMAS L. CRONKITE

Submitted on Briefs February 26, 2004  
Decided March 2, 2004

Panel: SAUFLEY, C.J., and CLIFFORD, RUDMAN, ALEXANDER, CALKINS,  
and LEVY, JJ.

#### MEMORANDUM OF DECISION

Dianne Cronkite appeals from a judgment entered in the District Court (Newport, *MacMichael, J.*) that, among other things, modified the parties' divorce judgment by granting Thomas more extensive rights of parent/child contact. Dianne raises various issues on appeal including, but not limited to, that the independent psychological evaluator appointed by the court was unqualified and performed an unreliable evaluation; that the court abused its discretion by not permitting Dianne to call the parties' minor child as a witness; and that the court's factual findings were clearly erroneous.

Contrary to Dianne's assertions, the court acted within its discretion by appointing a licensed psychologist to serve as the independent psychological evaluator and by considering the evaluator's written report and testimony. *See* M.R. Evid. 706(a). In addition, the court acted within its discretion in excluding the parties' minor child as a witness based on the child's psychological condition and the risk of psychological harm to the child if required to testify, *see* M.R. Evid. 601(b), 611(a), and the court's factual findings were supported by competent evidence in the record, *see Rodrigue v. Brewer*, 667 A.2d 605, 606 (Me. 1995) (noting that "[t]he trial court's decision is entitled to substantial deference" and that findings will "stand unless clearly erroneous"). We find Dianne's remaining contentions to be without merit.

The entry is:

Judgment affirmed.

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