

IN RE TAYLOR H. et al.

Submitted on Briefs May 17, 2007

Decided May 24, 2007

Panel: SAUFLEY, C.J., and, CLIFFORD, CALKINS, SILVER, and MEAD, JJ.

MEMORANDUM OF DECISION

The father of Taylor, Brock, and Avery H. appeals from an order entered in the District Court (York, *Foster J.*) determining that the children were in circumstances of jeopardy and placing them in the sole custody of their respective mothers. Contrary to the father's contentions, the court did not abuse its discretion in allowing the testimony of Taylor's counselor, *see In re Erika R.*, 563 A.2d 369, 373 (Me. 1989); in quashing the father's subpoena of Taylor, *see In re Morris D.*, 2000 ME 122, ¶ 6, 754 A.2d 993, 995; or in admitting Taylor's out-of-court statements, *see id.* ¶ 7, 754 A.2d at 996; 22 M.R.S. § 4007(2) (2006). Although the father contends that the court's order amounted to a de facto termination of his parental rights, thereby requiring proof by clear and convincing evidence, the court did not terminate his rights. It ordered reunification efforts and allowed contact with the children if authorized by the Department of Health and Human Services.

See 22 M.R.S. § 4035(2) (2006). Finally, there was sufficient evidence for the court to find jeopardy.

The entry is:

Judgment affirmed.

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