

DARLENE DREISCH

v.

LINDA ABSTON

Submitted on Briefs April 30, 2009

Decided May 28, 2009

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

MEMORANDUM OF DECISION

Darlene Dreisch appeals from the denial of temporary emergency jurisdiction pursuant to 19-A M.R.S. § 1748 (2008) and the consequent dismissal of her complaint for protection from harassment from Linda Abston, entered in the District Court (Bangor, *Gunther, J.*). Dreisch sought and obtained a temporary order for the protection of herself and her minor child. Abston responded by producing a child custody order from Alabama. That order grants sole legal and physical custody of the child to Abston. Dreisch requested that the court exercise temporary emergency jurisdiction so that she could request a reconsideration of the Alabama custody order. Contrary to Dreisch's contentions, the court did not err in declining to exercise ongoing temporary emergency jurisdiction pursuant to 19-A M.R.S. § 1748(3). Pursuant to section 1748, the court's exercise of emergency jurisdiction is temporary and intended to protect the child only until the state that has jurisdiction enters an order. *Campbell v. Martin*, 2002 ME 112, ¶ 8, 802 A.2d 395, 398. Given that a custody order has already been entered in Alabama, the District Court did not abuse its discretion in declining to exercise ongoing temporary emergency jurisdiction. *See id.*

The entry is:

Judgment affirmed.

Attorney for Darlene Dreisch:

Eugene M. Sullivan, Jr., Esq.
PO Box 1423
Bangor, Maine 04402-1006

Linda Abston, pro se:

Linda Abston
Confidential Address