

IN RE SHAINÉ W.

Submitted on Briefs October 18, 2000
Decided November 28, 2000

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

MEMORANDUM OF DECISION

The father of Shaine W. appeals from a judgment of the District Court (Presque Isle, *Griffiths, J.*) finding that Shaine was in circumstances of jeopardy from the threat of sexual abuse by the father. Contrary to the father's contentions, the court did not abuse its discretion by denying the father access to documents created by a nontestifying therapist who had treated another child for sexual abuse because the documents created by the nontestifying therapist were irrelevant to the testifying therapist's opinion that the other child should not testify. *See Roberts v. Tardif*, 417 A.2d 444, 450 (Me. 1980); *Simon v. Town of Kennebunkport*, 417 A.2d 982, 986 (Me. 1980). Furthermore, the court did not err when it concluded that the father could not interview the other child at the jeopardy proceeding. *See In re Morris D.*, 2000 ME 122, ¶ 6, 754 A.2d 993, 995. Both parties presented out-of-court statements made by the other child, and the court did not abuse its discretion by determining that her in-court testimony was not necessary to assess her credibility and that such testimony would be

harmful to the child. *See In re Morris D.*, 2000 ME 122, ¶ 7, 754 A.2d at 996; *In re Priscilla S.*, 1997 ME 16, ¶ 3, 689 A.2d 593, 594-95.

The entry is:

Judgment affirmed.

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