

IN RE SAMANTHA C.

Submitted on Briefs May 25, 2001
Decided June 19, 2001

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

MEMORANDUM OF DECISION

The father of Samantha C. appeals from a judgment of the District Court (Presque Isle, *Griffiths*, J.) finding that Samantha 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 in declining to issue a subpoena for another minor child at the jeopardy proceeding. *See* 22 M.R.S.A. § 4007(2) (1992); *In re Kayla S.*, 2001 ME 79, ¶¶ 7-8, -- A.2d --. The court did not err in determining that the other child's in court testimony was not necessary to assess her credibility and that such testimony would be harmful to her. *See In re Morris D.*, 2000 ME 122, ¶¶ 6-7, 754 A.2d 993, 995-96; *In re Priscilla S.*, 1997 ME 16, ¶ 3, 689 A.2d 593, 594-95. Furthermore, the court did not exceed the bounds of its discretion in refusing to allow contact between the father and Samantha, *see* 22 M.R.S.A. § 4036 (1992 & Supp. 2000), and there was sufficient evidence to support the court's finding of jeopardy, 22 M.R.S.A. § 4035 (1992 & Supp. 2000).

The entry is:

Judgment affirmed.

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