

No. 89-441

IN THE SUPREME COURT OF THE STATE OF MONTANA

1990

IN RE THE MARRIAGE OF
ANN ELIZABETH GREGORY THOMSEN,

Petitioner and Respondent,
and

CHRIS ARTHUR THOMSEN,

Respondent and Appellant.

APPEAL FROM: District Court of the Thirteenth Judicial District,
In and for the County of Yellowstone,
The Honorable Russell Fillner, Judge presiding.

COUNSEL OF RECORD:

For Appellant:

Linda L. Harris; Harris & Ventrell, Billings, Montana

For Respondent:

Virginia A. Bryan; Wright, Tolliver & Guthals, Billings,
Montana

Submitted on Briefs: Dec. 21, 1989

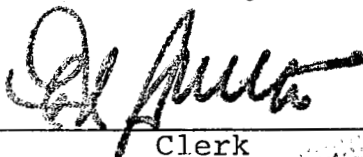
Decided: February 15, 1990

Filed:

FILED

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EDWIN J. HENNING
MONTANA SUPREME COURT



Clerk

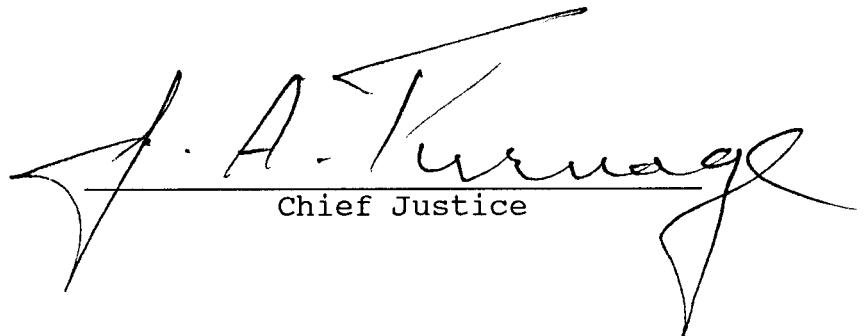
Chief Justice J. A. Turnage delivered the Opinion of the Court.

Chris Arthur Thomsen appeals from the restrictions on his visitation with his minor child in this modification of a dissolution of marriage entered in the Thirteenth Judicial District, Yellowstone County.

On reviewing the record, the Court concludes that substantial evidence supports the finding that a psychologist testified that unsupervised visitation without treatment of Chris would seriously endanger the child's physical and emotional health. Further, the record supports the District Court's conclusion that visitation, absent alcohol abuse evaluation and mental health counseling for Chris, would place the child in an unnecessarily hazardous setting. We hold that substantial evidence supports the restriction of visitation rights under § 40-4-217(1), MCA.

Affirmed.

Pursuant to Section I, Paragraph 3(c), Montana Supreme Court 1988 Internal Operating Rules, this decision shall not be cited as precedent and shall be published by its filing as a public document with the Clerk of this Court and by a report of its result to the West Publishing Company.


Chief Justice

We concur:

Walter G. Barr

John Conway Harrison

John C. Sheehy

Paul J. Loh

Justices