

SUPREME JUDICIAL COURT OF MAINE

In re Jamara R. et al., 2005 ME 45

870 A.2d 112 (Me. 2005) · Decided April 1, 2005

SUMMARY

The Supreme Judicial Court of Maine affirmed findings that Jamara R.'s injuries constituted an aggravating factor under Maine's child protection statutes. The court rejected the mother's due process challenge to using a preponderance-of-the-evidence standard and upheld the order relieving the Department of reunification efforts concerning Jamara.

CASE DETAILS

COURT	Supreme Judicial Court of Maine
WRITING FOR THE COURT	Saufley, C.J.; Clifford, J.; Rudman, J.; Dana, J.; Calkins, J.; Levy, J.
JURISDICTION	Maine
DECIDED	April 1, 2005
DISPOSITION	affirmed
PROCEDURAL POSTURE	The mother appealed from District Court judgments finding an aggravating factor under Maine's child-protection statutes and relieving the Department of its obligation to attempt reunification with Jamara. She challenged the applicable burden of proof on due process grounds, the aggravating-factor finding, and the order ceasing reunification efforts.
STANDARD OF REVIEW	The court reviewed the aggravating-factor determination for an unsustainable exercise of discretion. For the broader exercise of discretion, it examined whether the factual findings were supported by the record, whether the court understood the applicable law, and whether its weighing of the facts was within the bounds of reasonableness.
PRECEDENTIAL VALUE	Published Maine Supreme Judicial Court opinion; precedential.
PARTIES	Mother of Jamara R. and Tenney v. Department of Health and Human Services

TOPICS

- family law procedure
- parental rights
- procedural due process
- due process
- statutory interpretation

PRACTICE AREAS

family law

child protection

constitutional law

QUESTIONS PRESENTED

1. Whether due process required the Department to prove an aggravating factor by clear and convincing evidence rather than a preponderance of the evidence before reunification efforts could cease.
2. Whether the evidence supported the District Court's finding that Jamara's injuries constituted an aggravating factor under 22 M.R.S.A. § 4002(1-B).
3. Whether the District Court abused its discretion by ordering that the Department need not undertake reunification efforts between Jamara and her mother.

HOLDINGS

1. Due process does not require proof by clear and convincing evidence for an aggravating-factor determination in an earlier, nonfinal child-protection proceeding; the existing preponderance standard is constitutionally sufficient.
2. The District Court did not err in finding an aggravating factor because Jamara's multiple serious injuries constituted treatment that was heinous and abhorrent to society under 22 M.R.S.A. § 4002(1-B)(A)(1), even though no person had been criminally convicted for causing the injuries.
3. The District Court acted within its discretion in ordering that the Department could cease reunification efforts between Jamara and her mother.

KEY QUOTATIONS

"Although the clear and convincing standard is appropriate in the final step of parental rights termination, due process does not compel the application of this higher standard "to earlier, nonfinal[] proceedings to protect children." (at 116)

"Rather, it must take into account the nature of the aggravating factor and any relevant facts related to a parent's and child's current circumstances." (at 117)

FACTUAL BACKGROUND

Seventeen-month-old Jamara was hospitalized with a spiral fracture of her arm, multiple bruises, a human bite mark, a black eye, and scratches. The District Court found that the injuries were heinous or abhorrent and that the mother either inflicted the injuries or allowed them to be inflicted by her boyfriend, a known child abuser. The mother had a personality disorder and substantial long-term treatment needs, while Jamara had immediate safety and special needs. The court determined that the mother was not ready to parent Jamara and was unlikely to be ready within the relevant statutory timeframe.

PROCEDURAL HISTORY

The Department filed preliminary protection petitions after Jamara was hospitalized with serious injuries and later filed a similar petition concerning her newborn brother, Tenney. The parents consented to the protection

orders and waived the summary preliminary hearings. After a jeopardy hearing, the District Court placed both children in Department custody, found an aggravating factor, and ordered that reunification efforts with Jamara's mother could cease while continuing efforts concerning Tenney. The Supreme Judicial Court of Maine affirmed.

DISPOSITION

affirmed

CASES CITED

- In re Heather C., 2000 ME 99, 751 A.2d 448
- In re Christmas C., 1998 ME 258, 721 A.2d 629
- Mathews v. Eldridge, 424 U.S. 319, 96 S. Ct. 893, 47 L. Ed. 2d 18 (1976)
- Adams v. Buffalo Forge Co., 443 A.2d 932 (Me. 1982)
- Myrick v. James, 444 A.2d 987 (Me. 1982)
- Harris v. Soley, 2000 ME 150, 756 A.2d 499
- West Point-Pepperell, Inc. v. State Tax Assessor, 1997 ME 58, 691 A.2d 1211
- Comeau v. Maine Coastal Servs., 449 A.2d 362 (Me. 1982)