

SUPREME JUDICIAL COURT OF MAINE

In re Child of Cassie S.

2026 ME 26 (Supreme Judicial Court of Maine 2026) · No. Cum-24-426 · Decided March 17, 2026

SUMMARY

The Maine Supreme Judicial Court affirmed a jeopardy order finding that Cassie S. subjected her child to medical abuse and affirmed the denial of her motion for relief from judgment based on ineffective assistance of counsel. The court rejected challenges concerning appointed counsel, the timing of the jeopardy hearing, judicial recusal, and an alleged negative inference from missing witnesses. It vacated and remanded the speech-restraining order because the restriction was not narrowly tailored to protect confidential information and the child’s identity.

CASE DETAILS

COURT	Supreme Judicial Court of Maine
WRITING FOR THE COURT	STANFILL, C.J.; MEAD, J.; LAWRENCE, J.; DOUGLAS, J.; LIPEZ, J.
JURISDICTION	Maine Supreme Judicial Court
DECIDED	March 17, 2026
DOCKET	Cum-24-426
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from jeopardy order and denial of Rule 60(b) motion
STANDARD OF REVIEW	Clear error for factual determination of indigency; abuse of discretion for continuance; obvious error for recusal; clear error or abuse of discretion for evidentiary decisions; abuse of discretion for denial of Rule 60(b) motion
PRECEDENTIAL VALUE	Published
PARTIES	Cassie S. v. Department of Health and Human Services

TOPICS

- child custody
- domestic violence
- first amendment
- free speech
- due process
- appellate procedure
- evidence
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the court violated the mother's right to appointed counsel by determining she was not indigent
2. Whether the court erred in continuing the jeopardy hearing beyond the 120-day deadline
3. Whether the judge should have recused herself
4. Whether the court erred in drawing a negative inference from the mother's failure to call witnesses
5. Whether the order enjoining the mother from social media, media contact, and discussing litigation violated the First Amendment
6. Whether the court erred in denying the Rule 60(b) motion without a hearing

HOLDINGS

1. The court did not err in determining the mother was not indigent; there is no right to court-appointed counsel for parents who are not indigent.
2. The court did not abuse its discretion in granting the continuance; the 120-day deadline does not require dismissal when exceeded, and good cause existed.
3. No obvious error in the judge's failure to recuse; the mother implicitly waived the objection by not making a timely motion.
4. Any negative inference was harmless error given the great volume of evidence supporting the jeopardy findings.
5. The order restraining the mother's speech is an unconstitutional prior restraint that is not narrowly tailored; it is vacated and remanded for modification.
6. The court did not abuse its discretion in denying the motion without a hearing because the mother did not make a prima facie showing of ineffective assistance.

KEY QUOTATIONS

“The mother's ability to speak to the press about her experience with this case as a means of advocating for policy or governmental change is the exact kind of 'core speech' that the First Amendment is intended to protect.” (§41)

“A prior restraint with no definite term may be overbroad, depending on the circumstances.” (§42)

FACTUAL BACKGROUND

Cassie S. is the mother of a child with a complex medical history. She persuaded doctors to perform invasive procedures including a tracheotomy and gastrostomy tube, and refused removal despite medical recommendations. After a New York specialist found no abnormalities and recommended removal, the mother refused evaluation and scheduled an enlargement procedure. The Department petitioned for a child protection order.

PROCEDURAL HISTORY

Cassie S. appealed from a District Court jeopardy order finding she placed her child in jeopardy by medical abuse. She also appealed the court's denial, without hearing, of her M.R. Civ. P. 60(b) motion for relief from judgment alleging ineffective assistance of counsel. The appeals were consolidated.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The order restricting the mother's speech is remanded for modification, including by providing a time limit and narrowing the order's scope to encompass only the disclosure of confidential information or information that would tend to identify the child.

CASES CITED

- In re Child of Radiance K., 2019 ME 73, 208 A.3d 380
- State v. Smith, 677 A.2d 1058 (Me. 1996)
- State v. Lowden, 2014 ME 142, 106 A.3d 1134
- In re Destiny H., 2024 ME 66, 322 A.3d 1183
- In re Child of Mercedes D., 2018 ME 149, 196 A.3d 888
- In re Cameron W., 2010 ME 101, 5 A.3d 668
- Dalton v. Dalton, 2014 ME 108, 99 A.3d 723
- Charette v. Charette, 2013 ME 4, 60 A.3d 1264
- In re Kaitlyn P., 2011 ME 19, 12 A.3d 50
- MacCormick v. MacCormick, 513 A.2d 266 (Me. 1986)
- In re Michael M., 2000 ME 204, 761 A.2d 865
- In re William S., 2000 ME 34, 745 A.2d 991
- In re Child of Kaysean M., 2018 ME 156, 197 A.3d 525
- State v. Ellis, 2025 ME 56, 339 A.3d 794
- State v. Brewer, 505 A.2d 774 (Me. 1985)
- Budzko v. One City Ctr. Assocs. Ltd. P'ship, 2001 ME 37, 767 A.2d 310
- In re Kayla S., 2001 ME 79, 772 A.2d 858
- In re Caleb M., 2017 ME 66, 159 A.3d 345
- Childs v. Ballou, 2016 ME 142, 148 A.3d 291
- Alexander v. United States, 509 U.S. 544 (1993)
- Neb. Press Ass'n v. Stuart, 427 U.S. 539 (1976)
- New York Times Co. v. United States, 403 U.S. 713 (1971)
- Vance v. Universal Amusement Co., 445 U.S. 308 (1980)

- Shak v. Shak, 144 N.E.3d 274 (Mass. 2020)
- Mowles v. Comm'n on Governmental Ethics & Election Pracs., 2008 ME 160, 958 A.2d 897
- Ass'n of Indep. Pros. v. Me. Lab. Rels. Bd., 465 A.2d 401 (Me. 1983)
- Globe Newspaper Co. v. Super. Ct. for Norfolk Cnty., 457 U.S. 596 (1982)
- Handler v. Mayhew, 841 F. Supp. 2d 443 (D. Me. 2012)
- In re Dunleavy, 2003 ME 124, 838 A.2d 338
- S.B. v. S.S., 243 A.3d 90 (Pa. 2020)
- In re Child of Shaina T., 2019 ME 107, 211 A.3d 229
- In re David H., 2009 ME 131, 985 A.2d 490
- Smith v. Kennard, 496 A.2d 660 (Me. 1985)
- In re Children of Kacee S., 2021 ME 36, 253 A.3d 1063
- Estate of Turcic, 2017 ME 118, 164 A.3d 134

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