

SUPREME JUDICIAL COURT OF MAINE

In re Children of Jennifer B.

Children of Jennifer B., 2026 ME 47 (Supreme Judicial Court of Maine 2026) · No. Pen-24-575 · Decided May 21, 2026

SUMMARY

The Maine Supreme Judicial Court vacated a judgment terminating Jennifer B.’s parental rights to five children. The court held that testimony concerning three drug-screen results was inadmissible hearsay because it lacked an adequate foundation, and that the erroneous admission of the June and July results was not harmless given the trial court’s reliance on them in finding parental unfitness. The case was remanded for further proceedings, with the court also noting concerns about the trial court’s best-interests analysis.

CASE DETAILS

COURT	Supreme Judicial Court of Maine
WRITING FOR THE COURT	MEAD, J.; STANFILL, C.J.; LAWRENCE, J.; DOUGLAS, J.; LIPEZ, J.
JURISDICTION	Maine Supreme Judicial Court
DECIDED	May 21, 2026
DOCKET	Pen-24-575
DISPOSITION	vacated
PROCEDURAL POSTURE	The mother appealed from a District Court judgment terminating her parental rights to five children. She challenged the sufficiency of the evidence, the best-interests determination, and the admission of several drug-screen results. The Supreme Judicial Court vacated the judgment and remanded.
STANDARD OF REVIEW	Foundational findings or implicit findings supporting evidentiary admissibility are reviewed for clear error; the ultimate decision to admit hearsay is reviewed for abuse of discretion. Unpreserved evidentiary error is reviewed for obvious error. An evidentiary error is harmless only if it is highly probable that the error did not affect the factfinder's judgment.
PRECEDENTIAL VALUE	Published and precedential
PARTIES	Jennifer B. v. Maine Department of Health and Human Services

TOPICS

termination of parental rights

hearsay

evidence

harmless error

appellate procedure

PRACTICE AREAS

family law

evidence

appellate procedure

QUESTIONS PRESENTED

1. Whether the District Court erred by admitting testimony about the January, June, and July drug-screen results when the testimony was based on statements in a file compiled by third persons and lacked an adequate foundation.
2. Whether the error in admitting the June and July drug-screen testimony was harmless.
3. Whether the admission of the August drug-screen result was erroneous.

HOLDINGS

1. The testimony about the June and July drug screens was inadmissible hearsay because the program director testified to statements in a record compiled by third persons for the truth of the matter asserted, without the underlying documentation or evidence establishing the testing circumstances, method, or sample handling.
2. The January drug-screen result was inadmissible hearsay for the same reason as the June and July results, although the unobjected-to admission ordinarily would be reviewed for obvious error.
3. The District Court did not err in admitting the August drug-screen result.
4. The error in admitting the June and July drug-screen testimony was not harmless.

KEY QUOTATIONS

“Under the obvious error standard, we review the admissibility of controverted testimony only when the error complained of is so highly prejudicial and so taints the proceeding as virtually to deprive the aggrieved party of a fair trial.” (¶ 6)

“An error is harmless if it is highly probable that the error did not affect the factfinder’s judgment.” (¶ 14)

“Because the court’s conclusion of unfitness was based in very large part upon the testimony about the four positive drug screens, two of which were admitted in evidence (over objection) and without adequate foundation in error, we conclude that the error was not harmless.” (¶ 16)

FACTUAL BACKGROUND

The Department sought protection of five children based on unsafe home conditions and truancy, and the children were placed in the Department's care. At the termination hearing, a program director testified from the mother's treatment file about positive January, June, and July 2024 drug screens, while a forensic toxicologist properly testified about and authenticated an August 2024 cocaine-positive screen. The mother objected to the June and July testimony, but the underlying testing documentation was never produced and the program director

lacked personal knowledge of the testing process or results. The District Court relied substantially on all four screens in finding parental unfitness and terminating parental rights.

PROCEDURAL HISTORY

The Department of Health and Human Services petitioned for a child protection order and preliminary protection as to five children. The District Court placed the children in the Department's care, held a termination hearing over three dates, and entered judgment terminating the mother's parental rights on December 6, 2024. The mother timely appealed.

DISPOSITION

vacated

REMAND INSTRUCTIONS

The termination judgment is vacated and the matter is remanded for further proceedings.

CASES CITED

- State v. Sheppard, 2024 ME 84, ¶ 14, 327 A.3d 1144
- State v. Mills, 2006 ME 134, ¶ 8, 910 A.2d 1053
- In re Child of Corey B., 2020 ME 3, ¶ 6, 223 A.3d 462
- State v. Profenno, 516 A.2d 201, 203 (Me. 1986)
- State v. Pratt, 2020 ME 141, ¶ 11, 243 A.3d 469
- State v. Kalex, 2002 ME 26, ¶ 22, 789 A.2d 1286
- In re Child of Stacy H., 2020 ME 66, ¶ 8, 232 A.3d 212
- In re Children of Billie S., 2024 ME 1, ¶ 8, 307 A.3d 1046