

SUPREME JUDICIAL COURT OF MAINE

Kenneth Cabral v. Danielle L'Heureux

2017 ME 50 (2017) · No. Aro-16-6 · Decided March 16, 2017

SUMMARY

The Maine Supreme Judicial Court held that a District Court erred by relying, under the doctrine of judicial notice, on testimony and exhibits from a separate protection-from-harassment proceeding in determining parental rights and responsibilities. The court vacated the judgment awarding Kenneth Cabral primary physical residence of the parties' daughters and remanded for further proceedings.

CASE DETAILS

COURT	Supreme Judicial Court of Maine
WRITING FOR THE COURT	Mead, J.; Saufley, C.J.; Alexander, J.; Gorman, J.; Jabar, J.; Hjelm, J.; Humphrey, J.
JURISDICTION	Maine
DECIDED	March 16, 2017
DOCKET	Aro-16-6
DISPOSITION	vacated
PROCEDURAL POSTURE	L'Heureux appealed from a District Court judgment establishing parental rights and responsibilities and awarding Cabral primary physical residence of the parties' two daughters.
STANDARD OF REVIEW	The court reviewed the District Court's evidentiary use of judicial notice and whether the resulting error was harmless.
PRECEDENTIAL VALUE	Published opinion; precedential under Maine law.
PARTIES	Danielle L'Heureux v. Kenneth Cabral

TOPICS

[judicial notice](#)[evidence](#)[parental rights](#)[family law procedure](#)[appellate procedure](#)

PRACTICE AREAS

[family law](#)[evidence](#)[appellate procedure](#)

QUESTIONS PRESENTED

1. Whether a court may use judicial notice to consider testimony and exhibits presented in a separate proceeding involving the same parties.
2. Whether the District Court's reliance on evidence from the separate protection-from-harassment proceeding was harmless error.

HOLDINGS

1. Judicial notice permits a court to notice the existence or content of pleadings, docket entries, orders, and other court records when germane, but it does not permit the court to sua sponte import and rely on testimony or exhibits presented in a separate proceeding.
2. The error was not harmless because the evidence from the separate proceeding appeared to have materially influenced the award of primary physical residence.

KEY QUOTATIONS

“A clear line of demarcation exists between the fact that a pleading, docket entry, or order exists in separate proceedings—all of which are subject to judicial notice if germane to an issue in later judicial proceedings—and the actual evidence submitted in the earlier proceedings.” (¶ 11)

“A court may incorporate evidence submitted in earlier, separate proceedings by agreement of the parties, or admit pertinent findings made in a different proceeding if those findings meet the requirements of collateral estoppel, but it cannot, under the rubric of judicial notice, simply sua sponte import and rely upon evidence presented in an earlier judicial proceeding.” (¶ 11)

FACTUAL BACKGROUND

Cabral and L'Heureux are the parents of two daughters. At the time Cabral filed the parental-rights complaint, the children were living with him, while L'Heureux lived in Auburn; the case was later transferred to the Houlton District Court. During the parental-rights proceedings, the District Court considered pleadings, testimony, and orders from a separate protection-from-harassment proceeding involving the parties, including evidence concerning L'Heureux's alleged conduct toward a man accused of abusing a child. The District Court awarded Cabral primary physical residence despite conditions in Cabral's mobile home and the older daughter's expressed wish to live with L'Heureux.

PROCEDURAL HISTORY

Cabral filed a complaint for determination of parental rights and responsibilities and child support in August 2012. After the matter was transferred from the Lewiston District Court to the Houlton District Court, the court entered an October 14, 2015 judgment after a hearing. The court denied L'Heureux's motion for amended or additional findings, and she timely appealed.

DISPOSITION

vacated

REMAND INSTRUCTIONS

The judgment establishing parental rights and responsibilities was vacated, and the matter was remanded to the District Court for further proceedings, which could include a further hearing or rehearing at the court's discretion.

CASES CITED

- Finn v. Lipman, 526 A.2d 1380, 1381 (Me. 1987)
- Union Mut. Fire Ins. Co. v. Town of Topsham, 441 A.2d 1012, 1016 (Me. 1982)
- In re Scott S., 2001 ME 114, ¶¶ 12-13, 775 A.2d 1144
- In re Jonas, 2017 ME 48, ¶ 40 n.10