

SUPREME JUDICIAL COURT OF MAINE

In re Children of Bethmarie R.

2019 ME 59 (2019) · No. Ken-18-436 · Decided April 18, 2019

SUMMARY

The Maine Supreme Judicial Court affirmed a judgment terminating a mother's parental rights to two children. The court held that the evidence supported the unfitness findings, that the best-interest determination was not improperly based on adoption by a specific person, and that the interaction between the Probate Court and District Court did not deprive the mother of due process.

CASE DETAILS

COURT	Supreme Judicial Court of Maine
WRITING FOR THE COURT	Per Curiam; Chief Justice Saufley; Justice Alexander; Justice Mead; Justice Gorman; Justice Jabar; Justice Hjelm; Justice Humphrey
JURISDICTION	Maine
DECIDED	April 18, 2019
DOCKET	Ken-18-436
DISPOSITION	affirmed
PROCEDURAL POSTURE	The mother appealed from a District Court judgment terminating her parental rights to two children.
STANDARD OF REVIEW	The unfitness finding is reviewed for clear error. The ultimate best-interests determination is reviewed for abuse of discretion. Due-process issues are reviewed as questions of law.
PRECEDENTIAL VALUE	Published Maine Supreme Judicial Court opinion; precedential.
PARTIES	Mother v. Department of Health and Human Services

TOPICS

termination of parental rights parental rights family law procedure appellate procedure due process

PRACTICE AREAS

family law termination of parental rights appellate procedure constitutional law

QUESTIONS PRESENTED

1. Whether competent evidence supported the District Court's finding that the mother was unfit under Maine's parental-rights termination statute.
2. Whether the District Court improperly based its best-interests determination on the identity of a prospective adoptive parent rather than on whether adoption or permanency was in the children's best interests.
3. Whether the procedural interaction between the Probate Court and District Court deprived the mother of due process.

HOLDINGS

1. The District Court's unfitness finding was not clearly erroneous because it was supported by competent evidence and clear and convincing proof that the statutory grounds for termination were satisfied.
2. The District Court did not commit factual error or abuse its discretion in finding that termination was in the children's best interests. Its findings were based on the children's need for a safe, predictable, stable home, permanency, and closure, rather than solely on an assumption that the grandmother would adopt them.
3. The mother was not deprived of due process because the Supreme Judicial Court had previously rejected the same due-process contention in the appeal from the jeopardy order, and nothing occurring at the termination hearing changed that conclusion.

KEY QUOTATIONS

“The question of who is the best person to adopt the child . . . is beyond the scope of a termination proceeding because that question must be addressed in a separate adoption action” (¶ 6)

“Nothing that occurred at the termination hearing changes that conclusion.” (¶ 9)

FACTUAL BACKGROUND

The children had suffered serious emotional harm in the mother's care and had been in the care of their maternal grandmother for most of their lives. Despite court orders finding that visits were not in the children's best interests, the mother repeatedly appeared uninvited at events and near the grandmother's home, attempted to contact the children, and refused to acknowledge the effect of her conduct or accept responsibility for past actions. The District Court found by clear and convincing evidence that the mother remained unable to protect the children from jeopardy, was unlikely to change within a time reasonably calculated to meet their needs, had failed to make a good-faith effort to reunify and rehabilitate, and that termination was in the children's best interests.

PROCEDURAL HISTORY

The District Court had previously entered a jeopardy order concerning the children, which the Maine Supreme Judicial Court affirmed. The Department of Health and Human Services then petitioned to terminate the mother's parental rights. After an evidentiary hearing, the District Court entered judgment terminating those rights on October 16, 2018. The mother timely appealed, challenging the sufficiency of the evidence, the best-interests analysis, and the interaction between the Probate Court and District Court.

DISPOSITION

affirmed

CASES CITED

- In re Children of Bethmarie R., 2018 ME 96, 189 A.3d 252
- State v. Retamozzo, 2016 ME 42, 135 A.3d 98
- In re Caleb M., 2017 ME 66, ¶ 23, 159 A.3d 345
- In re Child of Kaysean M., 2018 ME 156, ¶ 5, 197 A.3d 525
- In re Children of Nicole M., 2018 ME 75, ¶ 17, 187 A.3d 1
- In re Child of Amanda H., 2019 ME 39, ¶ 5