

SUPREME JUDICIAL COURT OF MAINE

Jenna Gordius v. Randall G. Kelley

2016 ME 77 (2016) · No. Han-15-100 · Decided May 26, 2016

SUMMARY

The Maine Supreme Judicial Court reviewed Randall G. Kelley’s appeal from a determination that he was not a de facto parent. The court held that the trial court’s findings were legally inconsistent because it found Kelley had undertaken a permanent, committed parental role and that his exclusion would harm the child, yet treated the circumstances as generically unexceptional. The judgment was vacated and the matter remanded for further proceedings applying the child-focused exceptional-circumstances standard.

CASE DETAILS

COURT	Supreme Judicial Court of Maine
WRITING FOR THE COURT	Jabar, J.; Saufley, C.J.; Alexander, J.; Mead, J.; Gorman, J.; Humphrey, J.
JURISDICTION	Maine
DECIDED	May 26, 2016
DOCKET	Han-15-100
DISPOSITION	vacated
PROCEDURAL POSTURE	Randall G. Kelley appealed from a District Court judgment determining that he was not a de facto parent of Jenna Gordius's child.
STANDARD OF REVIEW	The court reviews the trial court's factual findings with considerable deference, but reviews de novo whether the court correctly articulated and applied the law governing de facto parenthood. Because Kelley bore the burden of proof, he was required to establish the elements by clear and convincing evidence.
PRECEDENTIAL VALUE	Published precedential opinion; the majority opinion establishes and applies a binding standard for evaluating de facto-parent claims under Maine law.
PARTIES	Randall G. Kelley v. Jenna Gordius

TOPICS

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parental rights

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. What legal standard governs a claim for de facto parenthood under Maine law?
2. Whether the District Court properly applied the exceptional-circumstances requirement when it found that Kelley's removal would hurt the child but characterized the circumstances as generally unexceptional.

HOLDINGS

1. A person seeking de facto parent status must prove by clear and convincing evidence both that the person has undertaken a permanent, unequivocal, committed, and responsible parental role in the child's life and that exceptional circumstances exist sufficient to justify interference with the legal or adoptive parents' rights.
2. Exceptional circumstances must be evaluated with a focus on the individual child. The court must determine by clear and convincing evidence whether the child's life would be substantially and negatively affected if the person who undertook the permanent, unequivocal, committed, and responsible parental role were removed from that role.

KEY QUOTATIONS

“In Pitts, we held that a party seeking de facto parent status must prove two elements by clear and convincing evidence: first, that he or she has undertaken a permanent, unequivocal, committed, and responsible parental role in the child’s life; and second, that there are exceptional circumstances sufficient to allow the court to interfere with the legal or adoptive parents’ rights.” (¶ 11)

“The ultimate question is whether the harm to this child creates the exceptional circumstances that allow the interference with parental rights, i.e., whether the court determines, by clear and convincing evidence, that “the child’s life would be substantially and negatively affected” if Kelley is removed from his “permanent, unequivocal, committed, and responsible parental role. . . .” (¶ 15)

FACTUAL BACKGROUND

Kelley and Gordius were in a romantic relationship for approximately ten years, lived together for several years, married in May 2012, and separated in October 2013. Gordius's child was born in July 2011; Arvide J. Pennartz was the biological father, and a 2013 judgment awarded Gordius and Pennartz shared parental rights and responsibilities, with Gordius having primary residence. Kelley had a close and supportive relationship with the child, and the District Court found that he had undertaken a permanent, unequivocal, committed, and responsible parental role and that excluding him would hurt the child, but concluded that the circumstances were not exceptional.

PROCEDURAL HISTORY

Gordius and Kelley divorced after a long-term relationship during which Kelley developed a parental relationship with Gordius's child. Kelley sought intervenor status and modification of an existing parental-rights order between Gordius and the child's biological father. The District Court initially granted Kelley preliminary de facto-parent status but later entered a final order concluding that he had not established exceptional circumstances. After denying Kelley's motions for further findings and to alter or amend the judgment, the District Court was reversed on appeal because its findings and legal analysis did not resolve the child-focused exceptional-circumstances inquiry.

DISPOSITION

vacated

REMAND INSTRUCTIONS

The District Court must conduct further proceedings applying the child-focused exceptional-circumstances standard and determine whether, by clear and convincing evidence, removal of Kelley from his parental role would substantially and negatively affect this child. The trial judge may decide whether to reopen the record for updated information.

CASES CITED

- Buck v. Buck, 2015 ME 33, ¶ 5, 113 A.3d 1095
- Pitts v. Moore, 2014 ME 59, ¶¶ 11-12, 18-29, 90 A.3d 1169
- Troxel v. Granville, 530 U.S. 57, 65 (2000)
- C.E.W. v. D.E.W., 2004 ME 43, 845 A.2d 1146
- Young v. Young, 2004 ME 44, ¶ 5, 845 A.2d 1144
- Rideout v. Riendeau, 2000 ME 198, ¶ 26, 761 A.2d 291
- Carter v. Williams, 2002 ME 50, ¶ 9, 792 A.2d 1093
- Guardianship of Gionest, 2015 ME 154, ¶ 5, 128 A.3d 1062
- Davis v. Anderson, 2008 ME 125, ¶ 18, 953 A.2d 1166
- Wandishin v. Wandishin, 2009 ME 73, ¶ 19, 976 A.2d 949

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