

SUPREME JUDICIAL COURT OF MAINE

In re Jonathan D.

200 A.3d 799 (Me. 2019) · Decided January 24, 2019

SUMMARY

The Maine Supreme Judicial Court affirmed a judgment terminating Jonathan D.'s parental rights under 22 M.R.S. § 4055. The court held that the trial court's supported findings established that he remained unable to protect the child from jeopardy or assume responsibility within a time reasonably calculated to meet the child's needs, and that termination was in the child's best interest.

CASE DETAILS

COURT	Supreme Judicial Court of Maine
WRITING FOR THE COURT	Alexander; Gorman; Hjelm; Humphrey; Jabar; Mead
JURISDICTION	Maine
DECIDED	January 24, 2019
DISPOSITION	affirmed
PROCEDURAL POSTURE	The father appealed from a District Court judgment terminating his parental rights. Appointed counsel filed a brief stating that she believed there were no meritorious appellate issues; the father was granted additional time to file a supplemental brief but did not do so.
STANDARD OF REVIEW	The Supreme Judicial Court reviewed whether the District Court's findings were supported by competent evidence, whether the statutory grounds for termination were established by clear and convincing evidence, and whether the best-interest determination involved error or an abuse of discretion.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Jonathan D., father v. Department of Health and Human Services

TOPICS

- termination of parental rights
- parental rights
- family law procedure
- appellate procedure
- standard of review

PRACTICE AREAS

- family law
- termination of parental rights
- child protection
- appellate procedure

QUESTIONS PRESENTED

1. Whether competent evidence and clear and convincing evidence supported termination of the father's parental rights on the grounds that he was unable or unwilling to protect the child from jeopardy or take responsibility for the child within a time reasonably calculated to meet the child's needs.
2. Whether the District Court erred or abused its discretion in determining that termination of the father's parental rights was in the child's best interest.

HOLDINGS

1. The District Court did not err in determining that the father remained unable to protect the child from jeopardy or take responsibility for the child within a time reasonably calculated to meet the child's needs.
2. The District Court did not err or abuse its discretion in determining that termination of the father's parental rights was in the child's best interest.

KEY QUOTATIONS

“Based on the court's findings of fact, all of which have evidentiary support, the court did not err in determining that the father remains unable to protect the child from jeopardy or take responsibility for the child within a time that is reasonably calculated to meet the child's needs.” (802)

“Nor did the court err or abuse its discretion in determining that termination of the father's parental rights was in the child's best interest.” (802)

FACTUAL BACKGROUND

The father was a registered sex offender who had been convicted of Class B unlawful sexual contact involving a two-year-old child. He had serious mental-health conditions and had engaged only sporadically in sex-offender treatment, while refusing at least twice to sign required treatment contracts and declining to accept responsibility for the conduct underlying his conviction. The District Court found that he remained unable to protect the child from jeopardy, that the risk of sexual abuse remained high, and that reunification would disrupt the child's relationship with the mother.

PROCEDURAL HISTORY

The Department of Health and Human Services filed a child-protection petition, and the District Court transferred custody of the child to the Department. After a jeopardy hearing, the court relieved the Department of its obligation to pursue reunification efforts with the father but ordered sex-offender treatment and individual counseling. The Department later petitioned to terminate the father's parental rights, and the District Court granted the petition after finding by clear and convincing evidence that statutory grounds existed and termination was in the child's best interest. The Supreme Judicial Court of Maine affirmed.

DISPOSITION

affirmed

CASES CITED

- In re M.C., 2014 ME 128, ¶ 7, 104 A.3d 139
- In re Child of Gustavus E., 2018 ME 43, ¶ 8, 182 A.3d 153
- In re Thomas D., 2004 ME 104, ¶ 21, 854 A.2d 195
- In re Alexander D., 1998 ME 207, ¶ 18, 716 A.2d 222
- In re A.H., 2013 ME 85, ¶ 16, 77 A.3d 1012
- In re Marcus S., 2007 ME 24, ¶ 11, 916 A.2d 225

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