

SUPREME JUDICIAL COURT OF MAINE

In re Richard M.

2017 ME 211 (2017) · No. And-17-244 · Decided October 31, 2017

SUMMARY

The Maine Supreme Judicial Court affirmed a District Court judgment terminating the parental rights of Richard M.'s mother and father. The court held that competent evidence supported findings of parental unfitness and that termination, with adoption as the permanency plan, was in the child's best interest.

CASE DETAILS

COURT	Supreme Judicial Court of Maine
WRITING FOR THE COURT	Saufley, C.J.; Mead, J.; Gorman, J.; Jabar, J.; Hjelm, J.; Humphrey, J.
JURISDICTION	Maine
DECIDED	October 31, 2017
DOCKET	And-17-244
DISPOSITION	affirmed
PROCEDURAL POSTURE	The mother and father appealed from a District Court judgment terminating their parental rights to Richard M. under 22 M.R.S. § 4055.
STANDARD OF REVIEW	Findings on parental unfitness are reviewed for clear error; the determination that termination is in the child's best interest is reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Published opinion; precedential
PARTIES	Mother of Richard M., Father of Richard M. v. Maine 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 appellate procedure

QUESTIONS PRESENTED

1. Whether competent evidence supported the District Court's findings of parental unfitness under 22 M.R.S. § 4055.
2. Whether the District Court abused its discretion in determining that termination of both parents' parental rights was in Richard M.'s best interest.
3. Whether the District Court sufficiently linked the parents' parenting deficiencies to specific risks of harm to the child.

HOLDINGS

1. Competent record evidence supported each of the three statutory bases for parental unfitness found by the District Court, including failure to take responsibility, inability or unwillingness to protect the child from jeopardy within a time reasonably calculated to meet his needs, and failure to make a good-faith effort toward reunification.
2. The District Court properly linked the parents' parenting deficiencies to specific risks of harm to Richard M.; the lack of a sexual-abuse conviction and the legal status of recreational marijuana did not negate the risks identified by the court.
3. The District Court did not abuse its discretion in determining that termination of the mother's and father's parental rights, with a permanency plan of adoption, was in the child's best interest.

KEY QUOTATIONS

“Competent record evidence supports each of the three bases for termination found by the court and its determination of the child’s best interest.” (¶ 3)

“The mother and father have refused to acknowledge the risks to their son that stem from allegations of the father’s sexually deviant behavior and their continued substance abuse.” (¶ 5)

FACTUAL BACKGROUND

Richard M. had been in foster care for more than a year when the termination hearing occurred. The District Court found that both parents had made only marginal progress toward reunification and had failed to take responsibility for the child or make a good-faith effort to address jeopardy. The findings included the father's violence, mental-health concerns, alleged sexually deviant behavior, substance abuse, inconsistent visitation, and failure to participate in services, as well as the mother's mental-health and intellectual-functioning concerns, failure to complete drug screens and counseling, and failure to protect the child from risks associated with the father.

PROCEDURAL HISTORY

The Lewiston District Court terminated both parents' parental rights after finding parental unfitness and determining that termination was in the child's best interest, with a permanency plan of adoption. The parents appealed, challenging the sufficiency of the evidence supporting the unfitness findings and the court's best-interest determination. The Supreme Judicial Court of Maine affirmed.

DISPOSITION

affirmed

CASES CITED

- In re Alana S., 2002 ME 126, ¶¶ 13, 21-23, 802 A.2d 976
- In re Logan M., 2017 ME 23, ¶¶ 3, 5, 155 A.3d 430
- In re Hope H., 541 A.2d 165, 166-67 (Me. 1988)
- In re Sarah C., 2004 ME 152, ¶ 13, 864 A.2d 162
- In re Serena C., 650 A.2d 1343, 1345 (Me. 1994)
- In re Jesse B., 2017 ME 90, ¶¶ 6-8, 160 A.3d 1187