

SUPREME JUDICIAL COURT OF MAINE

In re Aubrey R.

2017 ME 37 · No. Han-16-441 · Decided March 7, 2017

SUMMARY

The Maine Supreme Judicial Court affirmed a District Court judgment terminating the parents’ parental rights to Aubrey R. The court held that the trial court’s findings sufficiently explained the basis for parental unfitness and supported meaningful appellate review. It further held that the unchallenged finding that the mother could not take responsibility for the child, as well as the finding that she could not protect the child from jeopardy, was supported by clear and convincing evidence.

CASE DETAILS

COURT	Supreme Judicial Court of Maine
WRITING FOR THE COURT	Per Curiam; Alexander, J.; Mead, J.; Gorman, J.; Jabar, J.; Hjelm, J.; Humphrey, J.
JURISDICTION	Maine
DECIDED	March 7, 2017
DOCKET	Han-16-441
DISPOSITION	affirmed
PROCEDURAL POSTURE	The parents appealed from a judgment of the Maine District Court terminating their parental rights to Aubrey R. under 22 M.R.S. § 4055(1)(A)(1)(a) and (B)(2).
STANDARD OF REVIEW	The court reviewed the sufficiency of the trial court's factual findings and the evidence supporting parental unfitness, including whether the findings permitted meaningful appellate review. It reviewed the best-interest determination for abuse of discretion and affirmed findings of unfitness supported by clear and convincing evidence.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Mother, Father v. Maine Department of Health and Human Services

TOPICS

- termination of parental rights
- parental rights
- family law procedure
- appellate procedure
- evidence

PRACTICE AREAS

family law

child protection

termination of parental rights

appellate procedure

evidence

QUESTIONS PRESENTED

1. Whether the District Court's findings were sufficiently specific to inform the parties of the basis for its parental-unfitness determination and permit meaningful appellate review.
2. Whether competent evidence supported the determination that the mother was unable to protect Aubrey from jeopardy and would not be able to do so within a reasonable time.
3. Whether the unchallenged finding that the mother was unable to take responsibility for Aubrey and would not be able to do so within a reasonable time independently supported termination.
4. Whether the termination of parental rights was in Aubrey's best interest.

HOLDINGS

1. A termination judgment must contain factual findings sufficient to inform the parties of the basis for the parental-unfitness determination and to permit meaningful appellate review; the District Court's findings met that requirement.
2. The unchallenged finding that the mother was unable to take responsibility for Aubrey and would not be able to do so within a reasonable time independently supported the termination order.
3. Competent evidence supported the finding that the mother was unable to protect Aubrey from jeopardy and would not be able to do so within a reasonable time.
4. The finding that termination was in Aubrey's best interest did not reflect error or an abuse of discretion.

KEY QUOTATIONS

“Rather, the trial court’s findings must be sufficient to inform the parties of the basis for the termination decision and to allow for “meaningful review” on appeal.” (¶ 2)

“Where the court finds multiple bases for unfitness, we will affirm if any one of the alternative bases is supported by clear and convincing evidence.” (¶ 5)

FACTUAL BACKGROUND

During the termination proceedings, the mother continued associating with the father despite a court jeopardy order and a reunification plan prohibiting or restricting that contact. Evidence showed that the father had committed domestic violence against the mother and had chronic substance-abuse issues. Witnesses, a therapist, a clinical psychologist, and a guardian ad litem described the mother's inability to separate from unsafe individuals and the resulting risk of serious mental, behavioral, or developmental harm to the child.

PROCEDURAL HISTORY

The Ellsworth District Court terminated both parents' parental rights. The mother challenged the sufficiency of the court's findings and the evidence supporting parental unfitness; the father argued only that his parental rights should be restored if the mother's rights were restored. The Supreme Judicial Court affirmed, concluding that the

findings adequately supported meaningful appellate review and that at least one unchallenged basis for unfitness was supported by clear and convincing evidence.

DISPOSITION

affirmed

CASES CITED

- In re Amber B., 597 A.2d 937, 938 (Me. 1991)
- In re David G., 659 A.2d 859, 862 (Me. 1995)
- In re Dylan B., 2001 ME 31, ¶ 4, 766 A.2d 577
- In re K.M., 2015 ME 79, ¶ 9, 118 A.3d 812
- In re Jazmine L., 2004 ME 125, ¶ 15, 861 A.2d 1277
- In re Cameron Z., 2016 ME 162, ¶¶ 14, 17
- In re Cameron Z., 2016 ME 162, ¶ 16