

SUPREME JUDICIAL COURT OF MAINE

In re Child of Rebecca R.

2019 ME 165 (2019) · No. Yor-19-213 · Decided December 12, 2019

SUMMARY

The Maine Supreme Judicial Court affirmed a judgment terminating both parents' parental rights under Maine's child-protection statute. The court upheld findings of parental unfitness and that termination was in the child's best interest, rejected the mother's constitutional claims, and found no error in limiting the pastor's testimony or in treating the father's sleep pattern as a lifestyle choice rather than a disability. The court also affirmed the denial of the mother's motion for relief from judgment.

CASE DETAILS

COURT	Supreme Judicial Court of Maine
WRITING FOR THE COURT	Saufley, C.J.; Alexander, J.; Mead, J.; Jabar, J.; Hjelm, J.; Humphrey, J.
JURISDICTION	Maine
DECIDED	December 12, 2019
DOCKET	Yor-19-213
DISPOSITION	affirmed
PROCEDURAL POSTURE	The parents appealed from a District Court judgment terminating their parental rights. The mother also appealed the denial of her Maine Rule of Civil Procedure 60(b)(6) motion for relief from judgment, and that appeal was consolidated with the termination appeal.
STANDARD OF REVIEW	The court reviews factual findings supporting parental unfitness and the child's best interest for clear error and reviews the ultimate best-interest determination for abuse of discretion. Evidentiary rulings concerning expert testimony are ordinarily reviewed for abuse of discretion; an unpreserved claim is reviewed for obvious error.
PRECEDENTIAL VALUE	Published opinion; precedential
PARTIES	Mother, Father v. Maine Department of Health and Human Services

TOPICS

termination of parental rights

family law procedure

appellate procedure

expert testimony

ada / disability

PRACTICE AREAS

family law

termination of parental rights

appellate procedure

evidence

disability rights

QUESTIONS PRESENTED

1. Whether clear and convincing evidence supported the District Court's findings that each parent was unfit under 22 M.R.S. § 4055(1)(B)(2)(b)(i), (ii), and (iv).
2. Whether clear and convincing evidence supported the finding that termination of parental rights was in the child's best interest under 22 M.R.S. § 4055(1)(B)(2)(a).
3. Whether termination of the mother's parental rights violated substantive due process or equal protection because of her alleged inability to finance suitable housing.
4. Whether the District Court erred by refusing to qualify the parents' pastor as an expert witness concerning counseling.
5. Whether the District Court violated the Americans with Disabilities Act or Maine Human Rights Act by failing to accommodate the father's asserted disability related to his sleep pattern.

HOLDINGS

1. The District Court's findings that both parents were unfit and that termination was in the child's best interest were supported by competent evidence and were not clearly erroneous or an abuse of discretion.
2. The court did not reach the mother's substantive due process and equal protection claims because they rested on the faulty premise that her parental rights were terminated solely because she could not afford housing.
3. The District Court did not commit obvious error by limiting the pastor's testimony to factual matters and declining to permit him to testify as an expert concerning the parents' counseling.
4. The father's ADA and Maine Human Rights Act accommodation claim was unpreserved because he did not request an accommodation, and the record alternatively supported the finding that his sleep pattern was a correctable lifestyle choice rather than a disability.

KEY QUOTATIONS

“We review the court’s factual findings supporting its determination of parental unfitness and best interest[] of the child[] for clear error, and review its ultimate conclusion that termination is in the best interest[] of the child[] for an abuse of discretion, viewing the facts, and the weight to be given them, through the trial court’s lens, and giving the court’s judgment substantial deference.” (¶ 2)

“Before we reach directly any constitutional issue, prudent appellate review requires that we first determine whether the issue may be resolved on a basis that does not implicate the constitution.” (¶ 6)

“Accordingly, the court’s factual finding that [the father’s] “unorthodox sleep pattern” was a “choice” and not a disability was not clearly erroneous.” (¶ 15)

FACTUAL BACKGROUND

The child entered Department custody after concerns about the parents' ability to provide safe care, including leaving the infant with unsafe individuals and failing to maintain safe, stable housing. Over approximately two and a half years, the parents did not remedy the housing problems, continued allowing unsafe individuals to live in or access their home, and failed to make sufficient progress toward reunification. The father maintained a voluntarily chosen sleep pattern that prevented him from functioning during morning visits and court proceedings, while the mother failed to recognize or adequately address the resulting risks. The child remained in foster care for most of her life in a safe, stable placement that was willing to adopt her.

PROCEDURAL HISTORY

The District Court in Biddeford terminated both parents' parental rights after finding by clear and convincing evidence that each was unfit and that termination was in the child's best interest. The court also denied the mother's Rule 60(b)(6) motion. The Maine Supreme Judicial Court affirmed the termination judgment and the order denying relief.

DISPOSITION

affirmed

CASES CITED

- In re Children of Jessica D., 2019 ME 70, ¶ 4, 208 A.3d 363
- In re Christopher H., 2011 ME 13, ¶ 18, 12 A.3d 64
- State v. Burbank, 2019 ME 37, ¶¶ 7-10, 204 A.3d 851
- Maietta v. International Harvester Co., 496 A.2d 286, 294 (Me. 1985)
- Gallagher v. Penobscot Community Healthcare, 2019 ME 88, ¶ 6 n.2, 209 A.3d 106
- Newbury v. Virgin, 2002 ME 119, ¶ 14, 802 A.2d 413
- Blackhouse v. Doe, 2011 ME 86, ¶ 8, 24 A.3d 72

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