

SUPREME JUDICIAL COURT OF MAINE

In re Child of Eric K.

2018 ME 32 · No. Cum-17-424 · Decided March 6, 2018

SUMMARY

The Maine Supreme Judicial Court affirmed the termination of Eric K.'s parental rights under 22 M.R.S. § 4055. The court held that competent evidence supported findings that he was unable or unwilling to eliminate jeopardy and assume responsibility for the child 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, J.; Mead, J.; Gorman, J.; Jabar, J.; Hjelm, J.; Humphrey, J.
JURISDICTION	Maine
DECIDED	March 6, 2018
DOCKET	Cum-17-424
DISPOSITION	affirmed
PROCEDURAL POSTURE	The father appealed from a District Court judgment terminating his parental rights, challenging the sufficiency of the evidence supporting the termination and the court's best-interest determination.
STANDARD OF REVIEW	The court reviews the sufficiency of the evidence supporting parental unfitness for competent evidence in the record and reviews the best-interest determination for abuse of discretion.
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	Eric K., father v. Maine Department of Health and Human Services

TOPICS

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

PRACTICE AREAS

- family law
- juvenile law
- parental rights

QUESTIONS PRESENTED

1. Whether competent evidence supported the District Court's finding that the father was unwilling or unable to protect the child from jeopardy and that the circumstances were unlikely to change within a time reasonably calculated to meet the child's needs.
2. Whether the District Court abused its discretion in determining that termination of the father's parental rights was in the child's best interest.

HOLDINGS

1. Competent evidence supported the District Court's findings, by clear and convincing evidence, that the father was unwilling or unable to protect the child from jeopardy, that the circumstances were unlikely to change within a time reasonably calculated to meet the child's needs, and that he was unwilling or unable to take responsibility for the child within that time.
2. The District Court did not err or abuse its discretion in determining that termination of the father's parental rights, with a permanency plan of adoption, was in the child's best interest.

KEY QUOTATIONS

“the time frame which the court is gauging must be seen from the child’s perspective” (¶ 3)

“it is unreasonable to ask or expect [the child] to wait for some unspecified additional period of months or years for her [father] to resolve jeopardy.” (¶ 3)

FACTUAL BACKGROUND

The father had a lengthy history of substance abuse and criminal activity, including probation violations based on crack-cocaine use and positive drug tests. He had never lived with or parented the child, failed to obtain adequate housing, missed or cancelled visits, stopped visiting for approximately five months, and failed to demonstrate age-appropriate parenting skills. The child had been in Department custody and foster care for more than half of her young life and needed a consistent, reliable, and capable caregiver.

PROCEDURAL HISTORY

The Portland District Court terminated the father's parental rights under 22 M.R.S. § 4055(1)(A)(1) and (B)(2) (a), (b)(i)-(ii), finding by clear and convincing evidence that he was unwilling or unable to protect the child from jeopardy, that the circumstances were unlikely to change within a time reasonably calculated to meet the child's needs, and that termination was in the child's best interest. The father appealed, and the Supreme Judicial Court of Maine affirmed.

DISPOSITION

affirmed

CASES CITED

- In re Cameron B., 2017 ME 18, ¶ 10, 154 A.3d 1199
- In re Charles G., 2001 ME 3, ¶ 7, 763 A.2d 1163

- In re Alexander D., 1998 ME 207, ¶ 18, 716 A.2d 222
- In re Thomas H., 2005 ME 123, ¶¶ 16-17, 889 A.2d 297

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