

SUPREME JUDICIAL COURT OF MAINE

In re Tiyonie R.

203 A.3d 824 (Me. 2019) · Decided March 5, 2019

SUMMARY

The Maine Supreme Judicial Court affirmed the termination of a mother's parental rights to her two children. The court held that competent evidence supported findings of parental unfitness based on mental health issues, domestic violence, failure to protect the children, lack of reunification efforts, and inability to provide timely care, and it concluded that the termination was in the children's best interests.

CASE DETAILS

COURT	Supreme Judicial Court of Maine
JURISDICTION	Maine
DECIDED	March 5, 2019
DISPOSITION	affirmed
PROCEDURAL POSTURE	The mother appealed from a District Court judgment terminating her parental rights to her two children, challenging the sufficiency of the evidence supporting the findings of parental unfitness.
STANDARD OF REVIEW	Findings of parental unfitness are reviewed for clear error and will be reversed only if there is no competent evidence supporting them, the fact-finder clearly misapprehended the evidence, or the findings are so contrary to the credible evidence that they do not represent the truth and right of the case. The best-interests determination is reviewed for clear error or abuse of discretion.
PRECEDENTIAL VALUE	Published opinion; binding Maine Supreme Judicial Court precedent.
PARTIES	Tiyonie R. v. Department of Health and Human Services

TOPICS

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

PRACTICE AREAS

family law termination of parental rights child protection

QUESTIONS PRESENTED

1. Whether competent evidence supported the findings that the mother was unwilling or unable to protect the children from jeopardy within a time reasonably calculated to meet their needs.
2. Whether competent evidence supported the finding that the mother was unwilling or unable to take responsibility for the children within a time reasonably calculated to meet their needs.
3. Whether competent evidence supported the finding that the mother failed to make a good-faith effort to rehabilitate and reunify with the children.
4. Whether the pending parental-rights proceeding involving the older child's father precluded termination of the mother's parental rights.
5. Whether termination of the mother's parental rights was in the children's best interests.

HOLDINGS

1. The record contained sufficient evidence to support all three findings of parental unfitness under 22 M.R.S. § 4055(1)(B)(2)(b).
2. The time within which a parent must be able to take responsibility for and protect a child is evaluated from the child's perspective, not the parent's perspective.
3. The fact that the older child's father's parental rights had not been terminated did not preclude termination of the mother's parental rights.
4. The termination of the mother's parental rights was in the children's best interests, and the District Court did not abuse its discretion in so determining.

KEY QUOTATIONS

“As the mother acknowledges, the court must examine from the child's perspective-not the parent's-the time within which the parent can take responsibility for a child and protect that child from jeopardy.” (203 A.3d at 827)

“Thus, the termination or nontermination of one parent's rights may be of no moment in the determination of whether it is appropriate to terminate the other parent's rights.” (203 A.3d at 827)

FACTUAL BACKGROUND

The mother and her children moved to Maine in 2017 and soon lived in a homeless shelter. The mother had a history of domestic violence involving her boyfriend, significant and poorly managed mental-health issues, and threats to kill the children; the children were also subjected to abuse by the boyfriend. The mother made little progress in rehabilitation, abandoned reunification efforts, had no contact with the children for several months, and the children were thriving and bonded with their foster family.

PROCEDURAL HISTORY

The Department of Health and Human Services initiated child protection proceedings in April 2017. The District Court entered a jeopardy order based on neglect and threats of physical harm, and after a testimonial hearing on the Department's termination petition, found three statutory grounds of parental unfitness and that termination

was in the children's best interests. The mother timely 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 Child of Ronald W., 2018 ME 107, ¶ 11, 190 A.3d 1029
- In re Child of Troy C., 2018 ME 150, ¶ 8, 196 A.3d 452