

SUPREME JUDICIAL COURT OF MAINE

Judy Sparks v. Brant Sparks

2013 ME 41 (Me. 2013) · No. Cum-12-73 · Decided April 4, 2013

SUMMARY

The Maine Supreme Judicial Court held that Maine's protection from abuse statute permits a stepparent or other nonparent responsible for an abused child to receive temporary parental rights and responsibilities. The court concluded that such an award can satisfy substantive and procedural due process requirements when the parent has abused the child, the award is temporary and narrowly tailored, and the parent receives notice and an opportunity to be heard. Although the appeal was technically moot because the stepparent obtained a guardianship, the court reached the issue under the public-interest exception to mootness.

CASE DETAILS

COURT	Supreme Judicial Court of Maine
WRITING FOR THE COURT	Jabar, J.; Saufley, C.J.; Alexander, J.; Levy, J.; Silver, J.; Mead, J.; Gorman, J.
JURISDICTION	Maine
DECIDED	April 4, 2013
DOCKET	Cum-12-73
DISPOSITION	vacated
PROCEDURAL POSTURE	Judy Sparks appealed from a District Court judgment that granted a protection-from-abuse order on behalf of her fifteen-year-old stepson but denied her request for temporary parental rights and responsibilities over him.
STANDARD OF REVIEW	The court reviewed statutory interpretation and constitutional questions de novo.
PRECEDENTIAL VALUE	Published precedential opinion of the Maine Supreme Judicial Court
PARTIES	Judy Sparks v. Brant Sparks

TOPICS

- family law procedure
- domestic violence
- parental rights
- procedural due process
- statutory interpretation

PRACTICE AREAS

family law

domestic violence

constitutional law

appellate procedure

QUESTIONS PRESENTED

1. Whether the appeal was moot after the Probate Court appointed Judy full guardian of the child, and, if so, whether the public-interest exception permitted review.
2. Whether Maine's protection-from-abuse statute permits a nonparent who is a person responsible for a child to receive temporary parental rights and responsibilities for that child.
3. Whether awarding temporary parental rights and responsibilities to such a nonparent violates the biological parent's substantive due process rights.
4. Whether awarding temporary parental rights and responsibilities violated the biological parent's procedural due process rights where he participated in the protection-from-abuse hearing.

HOLDINGS

1. Although Judy's guardianship gave her the same practical rights she sought through the protection-from-abuse proceeding, the court could review the technically moot appeal under the public-interest exception because the issue was public, likely to recur, and required authoritative guidance.
2. Maine's protection-from-abuse statute permits a nonparent who is a person responsible for the child to receive temporary parental rights and responsibilities when the nonparent seeks protection on behalf of the child against an abusive legal parent.
3. An award of temporary parental rights to a nonparent responsible for an abused child does not violate the legal parent's substantive due process rights when the parent has abused the child, no other parent is willing or able to exercise parental rights, and the award is narrowly tailored to protect the child from harm or a threat of harm.
4. Awarding temporary parental rights to Judy did not violate Brant's procedural due process rights because he was present at and participated in the hearing and had an opportunity to present evidence concerning the possible award.

KEY QUOTATIONS

“Thus, if the court finds that a parent has abused his or her child, the state has a compelling interest in protecting the abused child from harm or a threat of harm and may award temporary parental rights and responsibilities to a nonparent who is responsible for the child if no other parent is willing or able to exercise those rights.” (¶ 22)

“Because the award of temporary parental rights and responsibilities to a nonparent responsible for the child is consistent with the language and express purposes in the protection from abuse statute and does not violate the parent’s constitutionally protected interests, we vacate the portion of the trial court’s judgment denying those rights to the stepmother.” (¶ 30)

FACTUAL BACKGROUND

Judy and Brant Sparks married in 2009 and separated approximately a year and a half later. After Brant moved out, his biological son continued living with Judy and her children, and the son regarded Judy as his mother while Brant had little contact with him. The son testified that Brant struck him, threatened violence, and had abused other family members; the District Court found that Brant had abused his son and prohibited contact. Judy sought temporary parental rights so she could make medical, counseling, and school-related decisions for the child pending a guardianship proceeding.

PROCEDURAL HISTORY

Judy filed a protection-from-abuse complaint on behalf of herself, two biological children, and Brant's son. The District Court found that Brant had abused his son, issued an order of protection prohibiting contact through 2014, and denied Judy temporary parental rights and responsibilities, leaving the child without a legal caretaker. During the appeal, the Probate Court appointed Judy full guardian of the child. The Supreme Judicial Court held that the appeal was technically moot but reviewable under the public-interest exception, then vacated the portion of the District Court judgment denying temporary parental rights and responsibilities while affirming the remainder of the protection order.

DISPOSITION

vacated

CASES CITED

- Int'l Paper Co. v. United Paperworkers Int'l Union, 551 A.2d 1356, 1360-61 (Me. 1988)
- Young v. Young, 2002 ME 167, ¶¶ 7-11, 810 A.2d 418
- King Res. Co. v. Envtl. Improvement Comm'n, 270 A.2d 863, 870 (Me. 1970)
- L'Heureux v. Michaud, 2007 ME 149, ¶¶ 5, 7, 938 A.2d 801
- In re Adoption of Tobias D., 2012 ME 45, ¶¶ 15, 20-21, 40 A.3d 990
- Rideout v. Riendeau, 2000 ME 198, ¶¶ 12, 14, 16, 19-23, 26, 29-33, 761 A.2d 291
- In re Melissa T., 2002 ME 31, ¶ 4, 791 A.2d 98
- Troxel v. Granville, 530 U.S. 57, 65-66 (2000)
- In re Baby Duncan, 2009 ME 85, ¶ 13, 976 A.2d 935
- J.M.R. v. S.T.R., 15 P.3d 253, 256 (Alaska 2001)
- Guardianship of Hughes, 1998 ME 186, ¶ 9, 715 A.2d 919
- In re Robert S., 2009 ME 18, ¶ 12, 966 A.2d 894
- Kirkpatrick v. City of Bangor, 1999 ME 73, ¶ 15, 728 A.2d 1268