

# SUPREME JUDICIAL COURT OF MAINE

## In re Children of Melissa S.

2019 ME 63 · No. Cum-18-478 · Decided May 2, 2019

### SUMMARY

The Maine Supreme Judicial Court affirmed a District Court judgment terminating Melissa S.'s parental rights to her three children. The court held that the record supported findings that she could not protect the children from jeopardy or assume responsibility for them within a reasonable time, failed to make a good-faith reunification effort, and that termination was in the children's best interests.

### CASE DETAILS

|                       |                                                                                                                                                                                                                                                                        |
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| COURT                 | Supreme Judicial Court of Maine                                                                                                                                                                                                                                        |
| WRITING FOR THE COURT | Saufley, C.J.; Alexander, J.; Mead, J.; Gorman, J.; Jabar, J.; Hjelm, J.; Humphrey, J.                                                                                                                                                                                 |
| JURISDICTION          | Maine                                                                                                                                                                                                                                                                  |
| DECIDED               | May 2, 2019                                                                                                                                                                                                                                                            |
| DOCKET                | Cum-18-478                                                                                                                                                                                                                                                             |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                                               |
| PROCEDURAL POSTURE    | The mother appealed from a District Court judgment terminating her parental rights to her three children. Her appointed counsel filed a no-merit brief, the mother did not file a supplemental brief, and the Supreme Judicial Court reviewed the record and affirmed. |
| STANDARD OF REVIEW    | The termination findings must be supported by clear and convincing evidence. The court reviewed the best-interests determination for error or abuse of discretion and reviewed the record for support of the trial court's factual findings.                           |
| PRECEDENTIAL VALUE    | Published precedential opinion                                                                                                                                                                                                                                         |
| PARTIES               | Melissa S. v. Department of Health and Human Services                                                                                                                                                                                                                  |

### TOPICS

termination of parental rights

parental rights

family law procedure

appellate procedure

standard of review

## PRACTICE AREAS

family law

child welfare

termination of parental rights

appellate procedure

## QUESTIONS PRESENTED

1. Whether the record supported termination of the mother's parental rights on the grounds that she was unable to protect the children from jeopardy or take responsibility for them within a time reasonably calculated to meet their needs.
2. Whether the record supported the finding that the mother failed to make a good-faith effort toward reunification.
3. Whether termination of the mother's parental rights was in the children's best interests.
4. Whether the District Court committed error or abused its discretion in terminating the mother's parental rights.

## HOLDINGS

1. The record supported, by clear and convincing evidence, the finding that the mother was unable to protect the children from jeopardy or take responsibility for them within a time reasonably calculated to meet their needs.
2. The record supported the District Court's finding that the mother failed to make a good-faith effort toward reunifying with her children.
3. There was no error or abuse of discretion in the District Court's conclusion that termination of the mother's parental rights was in the children's best interests.

## KEY QUOTATIONS

*“The record supports the court’s findings, by clear and convincing evidence, that the mother is unable to protect the children from jeopardy or take responsibility for them within a time reasonably calculated to meet their needs.”* (¶ 6)

## FACTUAL BACKGROUND

The mother had not completed significant portions of her reunification plan, had inconsistently submitted to drug screening, had not consistently visited the children, and had not obtained consistent counseling, substance-abuse evaluation, or psychological evaluation. She lacked suitable housing and had not demonstrated an understanding of the children's daily care needs. The children had been out of her care for twenty months, and at least two had developmental or medical needs that improved after placement and services.

## PROCEDURAL HISTORY

The Department of Health and Human Services petitioned the District Court to terminate the mother's parental rights. After a November 2018 hearing, the Portland District Court terminated her rights based on statutory grounds and the children's best interests. The mother timely appealed; appointed counsel identified no arguable issue of merit, and the Supreme Judicial Court affirmed after reviewing the record.

## DISPOSITION

affirmed

## CASES CITED

- In re Children of Bradford W., 2019 ME 15, ¶ 6, 200 A.3d 1256
- In re M.C., 2014 ME 128, ¶ 7, 104 A.3d 139
- In re Child of Everett S., 2018 ME 93, ¶ 3, 189 A.3d 240
- In re Thomas D., 2004 ME 104, ¶ 21, 854 A.2d 195
- In re Thomas H., 2005 ME 123, ¶¶ 16-17, 889 A.2d 297

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