

SUPREME JUDICIAL COURT OF MAINE

In re Child of Shai F.

2020 ME 67 (2020) · No. Cum-19-482 · Decided May 12, 2020

SUMMARY

The Maine Supreme Judicial Court affirmed a District Court judgment terminating Shai F.'s parental rights. The court held that the record supported findings of parental unfitness based on jeopardy, failure to take responsibility, and failure to make a good-faith effort toward reunification, as well as the finding that termination was in the child's best interest. The court also concluded that an erroneous factual finding regarding visitation was harmless.

CASE DETAILS

COURT	Supreme Judicial Court of Maine
WRITING FOR THE COURT	Mead, J.; Gorman, J.; Jabar, J.; Humphrey, J.; Horton, J.; Connors, J.
JURISDICTION	Maine
DECIDED	May 12, 2020
DOCKET	Cum-19-482
DISPOSITION	affirmed
PROCEDURAL POSTURE	Shai F. appealed from a District Court judgment terminating her parental rights. Appointed counsel filed a no-merit brief under the procedure established in <i>In re M.C.</i> ; the court allowed the mother to file a supplemental brief, but she did not do so.
STANDARD OF REVIEW	The Supreme Judicial Court reviewed whether the record supported the District Court's findings and determinations; it accepted findings supported by competent record evidence and concluded that the supported findings established parental unfitness and that termination was in the child's best interest by clear and convincing evidence.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Shai F. v. Department of Health and Human Services

TOPICS

termination of parental rights

parental rights

family law procedure

appellate procedure

harmless error

PRACTICE AREAS

family law

termination of parental rights

child protection

QUESTIONS PRESENTED

1. Whether the record supported the District Court's findings that the mother was an unfit parent under 22 M.R.S. § 4055(1)(B)(2)(b).
2. Whether clear and convincing evidence established that termination of the mother's parental rights was in the child's best interest under 22 M.R.S. § 4055(1)(B)(2)(a).
3. Whether an erroneous finding concerning the suspension of the mother's visitation required reversal.

HOLDINGS

1. The record supported the District Court's findings, by clear and convincing evidence, that the mother was unable or unwilling to protect the child from jeopardy, unable or unwilling to take responsibility for the child within a reasonable time, and failed to make a good-faith effort to reunify.
2. The District Court's supported findings established by clear and convincing evidence that termination of the mother's parental rights was in the child's best interest.
3. The erroneous finding that the mother's weekly visits had been suspended since May 1, 2019 was harmless and did not require reversal.

KEY QUOTATIONS

“Because the record supports the court’s findings that the mother is an unfit parent and that termination of her parental rights is in the child’s best interest, we affirm the judgment.” (¶ 1)

“The court’s supported findings are sufficient to support these determinations.” (¶ 4)

FACTUAL BACKGROUND

The child had mental-health and behavioral needs and required structure and consistency. The mother had unstable housing, ongoing cannabis dependence, three positive cocaine tests, sporadic participation in counseling and family-team meetings, missed visits, and limited progress toward reunification. The child was bonded with the foster mother, who was willing to provide a permanent home. The District Court found the mother unfit and found termination of her parental rights to be in the child's best interest.

PROCEDURAL HISTORY

The Department of Health and Human Services filed a child-protection petition and obtained a preliminary protection order and custody of the child in June 2017. The mother later consented to a jeopardy order. The Department petitioned to terminate her parental rights in December 2018, and after a contested hearing in October 2019, the District Court terminated her parental rights. The Maine Supreme Judicial Court affirmed.

DISPOSITION

affirmed

CASES CITED

- In re M.C., 2014 ME 128, ¶¶ 6-7, 104 A.3d 139
- In re Child of Stephenie F., 2018 ME 163, ¶ 2 n.2, 198 A.3d 203
- In re Child of Nathaniel B., 2019 ME 120, ¶ 5, 212 A.3d 863

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