

SUPREME JUDICIAL COURT OF MAINE

In re Daniel H.

2017 ME 89 (2017) · No. Oxf-16-535 · Decided May 9, 2017

SUMMARY

The Maine Supreme Judicial Court affirmed a judgment terminating both parents' parental rights to Daniel H. The court held that competent evidence supported findings of parental unfitness and that termination was in the child's best interest, notwithstanding the father's contention that the Department of Health and Human Services failed to make sufficient reunification-service referrals.

CASE DETAILS

COURT	Supreme Judicial Court of Maine
WRITING FOR THE COURT	Saufley, C.J.; Alexander, J.; Mead, J.; Gorman, J.; Jabar, J.; Humphrey, J.
JURISDICTION	Maine
DECIDED	May 9, 2017
DOCKET	Oxf-16-535
DISPOSITION	affirmed
PROCEDURAL POSTURE	Both parents appealed from a District Court judgment terminating their parental rights to Daniel H.
STANDARD OF REVIEW	The court reviewed the record in its entirety to determine whether clear and convincing evidence supported parental unfitness and reviewed the best-interest determination for clear error or abuse of discretion.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Judicial Court of Maine
PARTIES	Mother of Daniel H., Father of Daniel H. v. Department of Health and Human Services

TOPICS

termination of parental rights

parental rights

family law procedure

appellate procedure

standard of review

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether competent evidence supported findings of one or more statutory grounds of parental unfitness as to each parent.
2. Whether the Department's alleged failure to make or prioritize certain reunification-service referrals precluded termination of the father's parental rights.
3. Whether the trial court clearly erred or abused its discretion in determining that termination of each parent's parental rights was in Daniel's best interest.

HOLDINGS

1. The Department's compliance with its rehabilitation and reunification duties under 22 M.R.S. § 4041 is not a discrete element requiring proof in a termination proceeding, and noncompliance does not preclude findings of parental unfitness; the trial court must consider the extent of reunification efforts as one factor among many in evaluating parental fitness.
2. Competent evidence supported the trial court's finding, by clear and convincing evidence, of one or more statutory grounds of parental unfitness as to each parent.
3. The trial court did not clearly err or abuse its discretion in determining that termination of each parent's parental rights was in Daniel's best interest.

KEY QUOTATIONS

“The Department’s compliance with its rehabilitation and reunification duties as outlined in section 4041 does not constitute a discrete element requiring proof in termination proceedings, nor does the failure of the Department to comply with section 4041 preclude findings of parental unfitness.” (¶ 15)

FACTUAL BACKGROUND

Daniel was born in Maine in May 2014 and was removed from his parents' care after repeated Department involvement, including concerns about hazardous conditions, the father's violence, and the father's active Michigan arrest warrant. The parents agreed to a jeopardy order based on their inability to safely supervise Daniel, substance abuse, allegations involving the father, and violent conduct. The mother had an extremely low IQ, lacked the ability to safely care for Daniel without intensive supervision, and had a history of substance abuse and prior termination of parental rights involving four older children. The father had an extensive criminal and violent history, failed to complete reunification services, and remained subject to restrictions concerning contact with minors. Daniel needed consistency, stability, and permanence, and the trial court found termination of both parents' rights to be in his best interest.

PROCEDURAL HISTORY

The Department of Health and Human Services obtained a preliminary protection order in August 2015 and a jeopardy order by agreement in November 2015. The Department petitioned to terminate both parents' parental rights in July 2016, and the District Court held a termination hearing on October 31, 2016. The District Court

found statutory grounds of parental unfitness and that termination was in Daniel's best interest; both parents timely appealed.

DISPOSITION

affirmed

CASES CITED

- In re Logan M., 2017 ME 23, ¶ 3, 155 A.3d 430
- In re William P., 2001 ME 25, ¶ 3, 765 A.2d 76
- In re Hannah S., 2016 ME 32, ¶¶ 11-12, 133 A.3d 590
- 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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