

SUPREME JUDICIAL COURT OF MAINE

In re Alexavier G. et al.

2017 ME 227 (2017) · No. Cum-17-266 · Decided December 7, 2017

SUMMARY

The Maine Supreme Judicial Court affirmed a judgment terminating the mother's parental rights to Alexavier G. and Amaiya W. The court held that competent evidence supported the termination findings and that the trial court acted within its discretion in denying a continuance for cumulative witness testimony.

CASE DETAILS

COURT	Supreme Judicial Court of Maine
WRITING FOR THE COURT	Saufley, C.J.; Alexander, J.; Mead, J.; Jabar, J.; Hjelm, J.; Humphrey, J.
JURISDICTION	Maine
DECIDED	December 7, 2017
DOCKET	Cum-17-266
DISPOSITION	affirmed
PROCEDURAL POSTURE	The mother appealed from a District Court judgment terminating her parental rights, challenging the sufficiency of the evidence and the denial of a continuance to permit a witness to testify.
STANDARD OF REVIEW	The sufficiency of the evidence supporting termination findings and the denial of a continuance were reviewed under the applicable deferential standards; the court specifically reviewed the continuance ruling for abuse of discretion.
PRECEDENTIAL VALUE	Published Maine Supreme Judicial Court opinion; precedential.
PARTIES	Mother of Alexavier G. and Amaiya W. v. Maine 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 the District Court's findings that the mother failed to take responsibility for the children, was unwilling or unable to protect them from jeopardy, and was unlikely to change within a time reasonably calculated to meet their needs.
2. Whether the District Court abused its discretion by refusing to continue the termination hearing to allow the mother's witness to testify that the Department should have referred her to residential treatment.

HOLDINGS

1. Competent evidence supported the District Court's findings and independently supported the statutory grounds for termination of the mother's parental rights. The unchallenged finding that the mother had not made a good-faith effort to rehabilitate and reunify with the children was itself sufficient to support termination.
2. The District Court acted within its discretion in refusing to continue the hearing because the proposed testimony was cumulative, the mother articulated no prejudice, and the testimony was not likely to affect the judgment.

KEY QUOTATIONS

“The court’s findings regarding the mother’s insufficiently treated substance abuse and mental health issues, as well as their past and potential detrimental effects on the children when they are in her care, support each of the independent grounds for termination of the mother’s parental rights.” (¶ 3)

FACTUAL BACKGROUND

The mother had a long history of substance abuse and mental-health issues, repeatedly relapsed, and failed to complete required substance-abuse and diagnostic evaluations or maintain consistent counseling. The children had significant behavioral and mental-health needs, including post-traumatic stress disorder, and had been in therapeutic foster placements. The trial court found that the mother was in the early stages of recovery and that achieving stability could take up to twenty-four months, while the children needed permanency immediately.

PROCEDURAL HISTORY

The Portland District Court terminated the mother's parental rights to Alexavier G. and Amaiya W. under 22 M.R.S. § 4055. The mother appealed to the Supreme Judicial Court of Maine, which affirmed the judgment.

DISPOSITION

affirmed

CASES CITED

- In re Hope H., 2017 ME 198, ¶ 8, 170 A.3d 813

- Larrabee v. Town of Knox, 2000 ME 15, ¶ 1 n.1, 744 A.2d 544
- Seider v. Bd. of Exam'rs of Psychologists, 2000 ME 206, ¶ 37, 762 A.2d 551
- In re Mya E., 2017 ME 93, ¶¶ 2, 4, 8, 161 A.3d 708
- In re Haylie W., 2017 ME 157, ¶¶ 2-3, 167 A.3d 576
- In re A.M., 2012 ME 118, ¶¶ 14-15, 24-27, 55 A.3d 463
- In re M.B., 2013 ME 46, ¶ 34, 65 A.3d 1260

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