

IN RE CHILDREN OF KASSANDRA B.

Submitted on Briefs November 25, 2024

Decided December 3, 2024

Panel: STANFILL, C.J., and HORTON, CONNORS, LAWRENCE, and DOUGLAS, JJ.

MEMORANDUM OF DECISION

Kassandra B. appeals from a jeopardy order as to her three children entered in the District Court (Lewiston, *Ham-Thompson, J.*) on the petitions of the Department of Health and Human Services. Contrary to the mother's contention, we find that the court's failure to issue a jeopardy order within 120 days after the filing of the child protection petitions as required by 22 M.R.S. § 4035(4-A) (2024) was not a violation of the mother's procedural due process rights. See *In re Cameron W.*, 2010 ME 101, ¶ 4 n.1, 5 A.3d 668; *Gregory v. Town of Pittsfield*, 479 A.2d 1304, 1308 (Me. 1984) (holding that the failure to follow statutorily prescribed procedures is not a violation of due process per se because there is "no property interest in statutory procedures themselves"); see also *In re Robyn W.*, 469 A.2d 1351, 1353 (N.H. 1983) (recognizing that dismissal of a child protection petition because court exceeded a deadline for issuance of the judgment would thwart the statute's principal purpose of protecting children and produce illogical results).

We also decline to disturb the jeopardy order based on the court's denial of the mother's motions to continue the jeopardy hearing in order to appoint a guardian ad litem pursuant to M.R. Civ. P. 17(b). See *In re Child of Sherri Y.*, 2019 ME 162, ¶ 17, 221 A.3d 120 (holding that due process did not require court to appoint a guardian ad litem for the mother at the termination hearing); *In re Child of Mercedes D.*, 2018 ME 149, ¶ 16, 196 A.3d 888 (determining that court

did not abuse its discretion in denying counsel's continuance request to seek a guardian ad litem for the mother).

The entry is:

Judgment affirmed.

Jeffrey S. Dolley, Esq., Lewiston, for appellant mother

Aaron M. Frey, Attorney General, and Hunter C. Umphrey, Asst. Atty. Gen., Office of the Attorney General, Bangor, for appellee Department of Health and Human Services

Lewiston District Court docket numbers PC-2023-43 and PC-2023-44
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