

IN RE BRIANA W., AMBER G., AND AARON G.

Submitted on Briefs May 25, 2000
Decided June 14, 2000

Panel: WATHEN, C.J., and CLIFFORD, RUDMAN, DANA, SAUFLEY,
ALEXANDER, and CALKINS, JJ.

MEMORANDUM OF DECISION

Michelle H. appeals from a child protection order of the District Court (Ellsworth, *Staples, J.*) as to her three children, and Keith W. appeals from that same order insofar as it involves the one child that he fathered. The parents contend that the doctrines of res judicata and collateral estoppel preclude the court from considering evidence concerning allegations that Keith W. sexually abused a different child, born of a different mother, and involved in a different proceeding terminating Keith W.'s parental rights to that child. Contrary to the parents' contentions, even if the doctrines were not precluded by 22 M.R.S.A. § 4031(3) (Supp. 1999), the argument that they apply in this case is totally without merit. In this matter, the issue of the father's sexual abuse of a different child was never actually adjudicated.

The entry is:

Judgment affirmed.

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