

IN RE CHILD OF JANELLE G.

Submitted on Briefs December 20, 2023

Decided January 2, 2024

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

MEMORANDUM OF DECISION

Janelle G. appeals from a judgment entered by the District Court (Portland, *Powers, J.*) finding that her child is in circumstances of jeopardy as to his health and welfare in the mother's care pursuant to 22 M.R.S. § 4035 (2023). On appeal, the mother does not challenge the trial court's jeopardy determination¹ but rather contends that the trial judge abused his discretion by denying her motion to recuse, which was made orally during the jeopardy hearing. Contrary to the mother's contention that the trial judge's "impartiality might reasonably be questioned" where he had "heard cases regarding her older children in the past," the fact that a court has decided disputed issues of law and fact against a party in the past is not, without more, evidence of partiality. *See In re Michael M.*, 2000 ME 204, ¶ 9, 761 A.2d 865; *In re Children of Crystal G.*, 2019 ME 9, ¶ 4, 200 A.3d 267; *In re J.R. Jr.*, 2013 ME 58, ¶¶ 16-18, 69 A.3d 406.

¹ Although the mother does not challenge the sufficiency of the evidence, upon reviewing the record, we conclude that the trial court's finding of jeopardy, by a preponderance of the evidence, is amply supported. *See In re Child of Brooke B.*, 2020 ME 20, ¶ 8, 224 A.3d 1236 (reviewing the trial court's factual findings for clear error and affirming a jeopardy determination unless there is no competent record evidence to support the judgment).

The entry is:

Judgment affirmed.

Jason A. MacLean, Esq., Bridgton, for appellant Janelle G.

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

Portland District Court docket number PC-2022-62
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