

HOPE IRELAND

v.

KEVIN R. GLEASON

Submitted on Briefs November 29, 2023

Decided January 4, 2024

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

## MEMORANDUM OF DECISION

Hope Ireland argues that the District Court (Bridgton, *Malia, J.*) violated her due process rights under the United States Constitution by failing to provide counsel for a judicial communication between courts pursuant to the Parental Kidnapping Prevention Act, 28 U.S.C.A. § 1738A (Westlaw through Pub. L. No. 118-30), and the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), 19-A M.R.S. §§ 1731–1783 (2023), and failing to provide an opportunity to present evidence and legal arguments regarding UCCJEA home state jurisdiction in the underlying child custody matter. Ireland also argues that the New York court is improperly exercising jurisdiction. We disagree.

First, there is no federal or Maine specific right to representation in child custody proceedings between parents. *Meyer v. Meyer*, 414 A.2d 236, 238 (Me. 1980) (concluding there is no automatic right to counsel in custody disputes between parents); *Lassiter v. Dep't of Soc. Servs. of Durham Cnty., N. C.*, 452 U.S. 18, 27 (1981) (applying the presumption that there is no federal right to appointed counsel in civil cases that do not result in an indigent litigant losing their physical liberty). Second, Ireland received due process through the

New York court in the underlying child custody matter. The fundamental aspects of federal due process are notice and opportunity to be heard. *Mathews v. Eldridge*, 424 U.S. 319, 348-49 (1976). Ireland received notice of the New York proceedings and had multiple opportunities to be heard throughout the court proceedings.

Furthermore, the New York court asserted home state jurisdiction in the underlying child custody matter, and once a court has home state jurisdiction, that court maintains exclusive continuing jurisdiction. 19-A M.R.S. § 1746; N.Y. Dom. Rel. Law § 76-a (McKinney 2002); 28 U.S.C.A. § 1738A(g). Because Ireland did not submit information with her complaint in Maine to refute the New York court's jurisdiction under 19-A M.R.S. § 1753 (2023), we apply the presumption of regularity to the New York proceedings and conclude that the New York Court has exclusive continuing jurisdiction. See *Marchavich's Case*, 123 Me. 495, 124 A. 209, 211 (Me. 1924) ("The fair presumption is in favor of regularity of conduct on the part of a judicial tribunal."); *Blue Spruce Co. v. Parent*, 365 A.2d 797, 803 (Me. 1976) ("[I]t will ordinarily be presumed in favor of the regularity and validity of the proceedings and judgment of the trial court . . . that the court did only what it by right might do . . .").

The entry is:

Judgment affirmed.

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Hope Ireland, appellant pro se

Kevin R. Gleason did not file a brief