

IN RE CHILDREN OF JOHNATHAN C.

Submitted on Briefs September 25, 2024

Decided October 3, 2024

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

MEMORANDUM OF DECISION

Johnathan C. appeals from an order of the District Court (Lewiston, *S. Driscoll, J.*) denying his Maine Rule of Civil Procedure 60(b)(6) motion for relief from the judgment terminating his parental rights to his children. Contrary to the father's arguments, he has not made a prima facie showing of ineffective assistance of counsel that would warrant reopening the evidence, and therefore the court did not abuse its discretion in denying his motion for relief from the judgment. *See In re Destiny H.*, 2024 ME 66, ¶¶ 35, 42, --- A.3d --- (concluding that on the record presented the court did not abuse its discretion in denying mother's Rule 60(b)(6) motion for relief from judgment because, although there were flaws in the mother's representation, those flaws did not compel the court to find ineffective assistance of counsel despite the revisions in the Rule 60(b)(6) process); *c.f. In re Children of Kacee S.*, 2021 ME 36, ¶ 37, 253 A.3d 1063, *as amended* (Nov. 9, 2021) (concluding that the parent had made a prima facie showing and vacating and remanding for the court to hold an evidentiary hearing on the ineffective claims).

Moreover, the father was not prejudiced by our revision of the Rule 60(b)(6) process in the context of a claim of ineffective assistance of counsel because the District Court enlarged the timelines for filing post judgment motions and considered the affidavit he submitted with his filing. *See In re Destiny H.*, 2024 ME 66, ¶¶ 35, 42, --- A.3d --- (revising the Rule 60(b)(6) process but declining to require that process in the case on appeal because it

would not have altered the District Court's judgment). Likewise, application of the revised process here would not have altered the District Court's order.

The entry is:

Judgment affirmed.

Brittany Sawyer, Esq., Holmes Legal Group, LLC, Wells, for appellant father

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 number PC-2019-18
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