

JENNIE A. POWELL

v.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Submitted on Briefs May 17, 2007
Decided June 7, 2007

Panel: SAUFLEY, C.J., and CLIFFORD, CALKINS, LEVY, SILVER, and
MEAD, JJ.

MEMORANDUM OF DECISION

Jennie A. Powell appeals from a dismissal with prejudice of her complaint against the Department of Health and Human Services entered in the Superior Court (York County, *Fritzsche, J.*). Powell's complaint asserts, in part, that the Department acted without justification in initiating a separate child protective proceeding against Powell's adult daughter that resulted in the termination of the adult daughter's parental rights. Contrary to Powell's contentions, the court did not err in dismissing her complaint because it was barred by the doctrine of res judicata. *See Macomber v. MacQuinn-Tweedie*, 2003 ME 121, ¶ 22, 834 A.2d 131, 138-39. Her claims for

damages against the Department were also properly dismissed as time-barred, *see* 14 M.R.S. § 8110 (2006), and because she failed to file a prior notice of claim, *see* 14 M.R.S. § 8107 (2006). In addition, we are without authority to address the additional claims that Powell has raised on appeal because these claims were not included in her original complaint, and have not been preserved for our review. *See, e.g., New England Whitewater Ctr., Inc. v. Dep't of Inland Fisheries & Wildlife*, 550 A.2d 56, 58-61 (Me. 1988).

The entry is:

Judgment affirmed.

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