

DEPARTMENT OF HEALTH AND HUMAN SERVICES

v.

FRANCIS J. HALLISSEY

Submitted on Briefs July 29, 2009

Decided August 25, 2009

Panel: SAUFLEY, C.J., and ALEXANDER, LEVY, SILVER, and GORMAN, JJ.

MEMORANDUM OF DECISION

Francis J. Hallissey appeals from a judgment of the District Court (Bangor, *Gunther, J.*), denying his motion for dismissal and granting the Department of Health and Human Services' cross-motion for summary judgment finding Hallissey responsible for child support arrearages. Contrary to Hallissey's argument, the Department was not required by federal law to bring an expedited paternity action and had discretion to act pursuant to Maine's Uniform Act on Paternity, 19-A M.R.S. §§ 1551-1570 (2008). Further, Hallissey's arguments concerning res judicata and collateral estoppel are unavailing as there was no final judgment in his prior paternity suit, *see Portland Water Dist. v. Town of Standish*, 2008 ME 23, ¶¶ 7, 9, 940 A.2d 1097, 1099, 1100; nor was he required to be joined as a party to the divorce action between the children's mother and her ex-husband. Finally, Hallissey failed to prove the required elements of waiver or laches. *See Dep't of Human Servs. v. Bell*, 1998 ME 123, ¶¶ 6-7, 711 A.2d 1292, 1294-95.

The entry is:

Judgment affirmed.

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