

No. 24-\_\_\_\_\_

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**SUPREME COURT OF THE UNITED STATES**

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In re Child of Kariann V.

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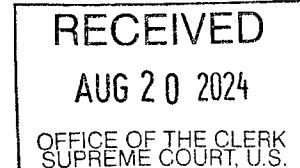
On Petition for a Writ of Certiorari  
to the Supreme Judicial Court of Maine

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**PETITION FOR A WRIT OF CERTIORARI**

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## **I. Question Presented**

Where a State court of last resort is bound by statute to address all questions of law presented in appeals, may that court issue an order denying an appeal without addressing all questions of law presented to it?

## **II. Petition for Writ of Certiorari**

Kariann Venable, by and through Bronson C. Stephens, Esq., respectfully petitions this Court for a writ of certiorari to review the judgment of the Supreme Judicial Court of the State of Maine.

## **III. Opinions Below**

The opinion of the Supreme Judicial Court of Maine denying Ms. Venable's appeal is reported as In re Kariann V., 2023 Me. Unpub. LEXIS 148. The Maine Supreme Judicial Court denied Ms. Venable's appeal seeking reversal of the Maine District Court of Portland's judgment terminating her parental rights in an action brought against her by the State of Maine. The Supreme Judicial Court's order and the Maine District Court of Portland's judgment are attached in the Appendix at 1-2 and 3-13 respectively.

## **IV. Jurisdiction**

The Supreme Judicial Court of Maine denied Ms. Venable's appeal in an order dated December 7, 2023

without deciding each question of law as required by Title 4 Maine Revised Statutes Section 57. Ms. Venable invokes this Court's jurisdiction under 28 U.S.C. § 1257, having timely filed this petition for a writ of certiorari within 90 days of the Maine Supreme Judicial Court's judgment.

#### **V. Constitutional and Statutory Provisions Involved**

United States Constitution, Amendment XIV, Section 1:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Maine Revised Statutes, Title 4, Section 57:

*See Appendix, 14-15.*

#### **VI. Statement of the Case**

The liberty interest of parents in the care, custody, and control of their children "is perhaps the oldest of the fundamental liberty interests recognized . . ." *Troxel v. Granville*, 530 U.S. 57, 65 (2000). The Due Process Clause

of the United States Constitution “provides heightened protection against government interference” with this fundamental liberty interest. *Id.* at 65; U.S. Const. amend.

XIV. The Supreme Judicial Court of Maine may review orders for termination of parental rights under its “general superintendence of all inferior courts for the prevention and correction of errors and abuses . . . .” 4 M.R.S. § 7 (2024).

Under 4 M.R.S. § 57, “[w]hen the issues of law presented in any case before the Law Court can clearly be understood, they *must* be decided . . . .” 4 M.R.S. § 57 (2024) (emphasis added).

Ms. Venable’s parental rights were terminated in an order of the Portland District Court dated May 25, 2023.

*See Appendix 3-13* She timely appealed based on the following issues:

- A. The court abused its discretion in concluding that Kariann is an unfit parent because it failed to base that conclusion on specific findings of fact.
  - i. The court’s findings do not support a conclusion that Kariann is unwilling or unable to protect Kaitlyn-Julia from jeopardy because the court’s findings fail to state with specificity facts

demonstrating that she would be at risk of immediate serious harm if returned to Kariann's care.

ii. The court's findings do not support a conclusion that Kariann is unwilling or unable to take responsibility for the Kaitlyn-Julia in a time reasonably calculated to meet her needs because the court fails to state with specificity the facts supporting that conclusion.

B. The court abused its discretion in determining that termination is in Kaitlyn-Julia's best interest because it relied only on 22 M.R.S. § 4055(2) and did not also review the best interest standards in 19-A M.R.S. § 1653.

When the Supreme Judicial Court of Maine issued its opinion without first hearing oral arguments, its order addressed only Issue B. *See Appendix 14-15.*

## **VII. Reasons for Granting the Writ**

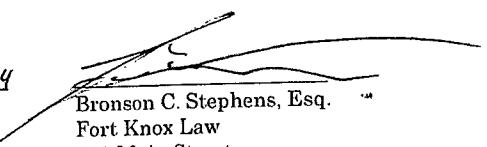
As the court of last resort in the State of Maine, the Supreme Judicial Court is the final government actor in an action to terminate a parent's fundamental liberty interest in the care, custody, and control of their children. The Court is therefore bound by the United States Constitution and common law to preserve a parent's due process rights in reaching its decisions. Where the Court failed to abide by

Maine statutory requirements dictating that it must decide clearly understood questions of law before it, it denied Ms. Venable her due process rights. A State's highest court must act in accordance with the laws of that State. If petitioners cannot receive due process from a court of last resort, their rights may be interfered with while leaving them no further recourse.

### **VIII. Conclusion**

For the foregoing reasons, Ms. Venable respectfully requests that this Court issue a writ of certiorari to review the opinion of the Supreme Judicial Court of Maine.

Dated: 7/12/2024

  
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