

**MAINE SUPREME JUDICIAL COURT
SITTING AS THE LAW COURT**

Law Court Docket No. Cum-25-29

EMILY BICKFORD
Plaintiff/Appellant

v.

MATTHEW BRADEEN
Defendant/Appellee

On appeal from a final order of the Portland District Court

Brief of Appellee, Matthew Bradeen

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PROCEDURAL HISTORY

On September 26, 2013, the lower court (Najarian, Magistrate) entered a Parental Rights and Responsibilities Judgment providing that Matthew Bradeen (father) and Emily Bickford (mother) had shared parental rights concerning religious upbringing and medical and mental health care. [RA 5, 46]. On September 17, 2021, Mr. Bradeen filed a Motion to Modify and a Motion to Enforce seeking allocated rights regarding religious upbringing because Ms. Bickford had made unilateral decisions for the parties' minor child concerning religion and those decisions were harmful to the child. [RA 6, 52, 58]. On October 12, 2021, Ms. Bickford filed a Motion to Enforce on the issues of child support and parental communications, [RA 7, 60], and a Motion to Modify seeking sole parental rights and responsibilities as to religious upbringing. [R. 7, 66]. On January 5, 2022, Mr. Bradeen filed Amended Motions to Modify and Enforce seeking allocated decision-making generally in the child's best interest and specifically relating to medical decision-making. [RA 8, 68, 70, 75].

A two-day hearing was held on August 28 and 30, 2024, in the Portland District Court (Nofsinger, J., presiding). On September 18, 2024, Mr. Bradeen filed a Motion to Reopen Evidence based on newly discovered evidence that occurred during the trial proceedings. [RA 92]. Both parties filed post-trial memorandums on September 20, 2024. [RA 22]. The motion to reopen evidence was granted on

September 30, 2024, and additional testimony and evidence was admitted at a hearing on November 27, 2024. [RA 22, 94]. On November 1, 2024, the parties entered into a Stipulated Amended Judgment that addressed contact schedules and child support. The stipulation was subsequently incorporated into the court's Order dated December 13, 2024, and resolved all issues between the parties except religious and medical decision-making. [RA 27].

On December 13, 2024, the lower court (Nofsinger, J.) granted Mr. Bradeen's Motion to Modify and Motion to Enforce, denied Ms. Bickford's Motion to Modify and Motion to Enforce, and issued an Amended Parental Rights and Responsibilities Order. [RA 23, 26]. On December 30, 2024, Ms. Bickford filed a Motion for Additional and Amended Findings and Conclusions, [RA 80], and that motion was denied on January 6, 2025. [RA 45]. Ms. Bickford filed a timely Notice of Appeal on January 23, 2025, [RA 24], and the case was subsequently docketed in this Court.

STATEMENT OF THE FACTS¹

The Trial:

The Court heard testimony from the parties, an expert witness on cults, Dr. Janja Lalich, and the pastor of Ms. Bickford's Church, Pastor Travis Carey. The lower court made the following factual findings, supported by testimony and other evidence in the record:

¹ Additional facts may be set forth in the argument section as needed.

The parties are the parents of [REDACTED], born [REDACTED] 2013. [RA 27, 53]. The parties were never married and separated prior to [REDACTED]'s birth. [RA 27; Tr. I: 16, 20; Tr. II: 87]. [REDACTED] has seasonal allergies and asthma, for which she has been prescribed an inhaler. [RA 31; Tr. I: 10-11, 97]. She also has a nebulizer for use in the winter. [RA 31; Tr. I: 11-12, 97]. [REDACTED] was previously up to date on all recommended vaccinations – but recently Ms. Bickford opposed vaccinations, including the flu and COVID vaccines. [RA 31; Tr. I: 19, 33-34; Tr. II: 76, 125-126]. Mr. Bradeen wanted [REDACTED] to receive the HPV vaccination, but Ms. Bickford failed to respond to his communication regarding [REDACTED] receiving it. [RA 31; Tr. I: 40]. Mr. Bradeen's desire for vaccinating [REDACTED] is based upon [REDACTED]'s physician's recommendation that she receive the flu and COVID vaccines and the Centers for Disease Control (CDC) Guidelines – nevertheless, the parties are unable to agree on vaccinations. [RA 31-32; Tr. I: 38-40; Tr. II: 39-40, 76, 140]. Ms. Bickford has also opposed [REDACTED]'s receipt of antibiotics. On one occasion, when [REDACTED] was diagnosed with pneumonia, she was prescribed antibiotics and Ms. Bickford refused to allow [REDACTED] to take the prescribed antibiotic based on anecdotal evidence of a friend's experience. [RA 32; Tr. I: 38-39; Tr. II: 72-76]. Ultimately, [REDACTED]'s physician prescribed an antibiotic that Ms. Bickford allowed. [RA 32; Tr. I: 39; Tr. II: 75].

In May 2021, Ms. Bickford started attending Calvary Chapel in Portland. [RA 27; Tr. II: 83]. She did not seek Mr. Bradeen's input regarding [REDACTED]'s attendance

there, which Mr. Bradeen only learned about through [REDACTED]'s involvement in a church event. [RA 27; Tr. I: 41; Tr. II: 18, 50-51]. Mr. Bradeen wanted to know more about the church and its teachings and asked Ms. Bickford for additional information – Ms. Bickford replied by providing the name of the church they were attending, without any further context. [RA 27; Tr. I: 27-29; Tr. II: 9-10]. Mr. Bradeen conducted research to educate himself about the teachings of Calvary Chapel and watched approximately fifty to sixty hours of services/sermons posted on the church's Facebook page. [RA 27; Tr. I: 42-43; Tr. II: 10-11, 18]. What he observed concerned him. [RA 27; Tr. I: 93; Tr. II: 10, 48-49].

The church, as described by Pastor Carey, teaches the Bible "verse by verse, chapter by chapter." [RA 27; Tr. II: 185-186]. The sermons that [REDACTED] hears contain messages about warfare, fallen angels, and eternal suffering. [RA 28; Tr. I: 10-11; Tr. II: 205-208]. Because the church studies the Old Testament, focus is placed on the physical conflict depicted in those chapters. [RA 28; Tr. II: 186, 200-202, 206-209]. There are images of warfare displayed on the screens in the sanctuary. [RA 28; Tr. II: 205-206]. Pastor Carey testified that he "preaches a vivid description of hell," including messages about the "wailing and gnashing of teeth," "burning and torment," and "perpetual pain and regret." [RA 28; Tr. II: 209]. The church teaches that people can only be saved by meeting God on God's terms. [RA 28; Tr. II: 209]. Through the church, [REDACTED] has also been taught that there will be a second coming of

Christ, which will involve seven years of hell on earth under the reign of the "beast" called the Antichrist. [RA 28; Tr. II: 200-201]. These messages are reinforced through Calvary Chapel's curriculum for children, which includes workbooks with images, including images of "fallen angels," or demons. [RA 28; Tr. II: 204-205].

Mr. Bradeen has observed [REDACTED]'s expressions of fear and anxiety associated with the teachings of Calvary Chapel. [RA 28; Tr. I: 10-11, 13]. [REDACTED] asks Mr. Bradeen a lot of questions, such as who in the family will be in heaven and who will be in hell, and why Mr. Bradeen and her sister, [REDACTED], will not be in heaven with her. [RA 28; Tr. I: 45-46]. [REDACTED] has had panic attacks in Mr. Bradeen's presence when talking about this subject. [RA 28; Tr. I: 44-45]. [REDACTED] also leaves notes around Mr. Bradeen's house for him to find because she believes that the rapture will be coming soon, and she is concerned that he will be left behind. [RA 28; Tr. I: 44-45, 51-52].

[REDACTED] attends multiple weekly church services with Ms. Bickford. [RA 29; Tr. II: 67-68]. On one week, she attends Wednesday evening services and on the next week she attends Friday and Sunday services. [RA 29; Tr. II: 68; 177-178]. The church holds two services on Sundays, one in the morning and one in the evening, both of which [REDACTED] and Ms. Bickford attend. [RA 29; Tr. II: 69; 177-178]. The Friday evening services involve a "rule over addiction ministry," which addresses any life controlling issue, including pornography, eating disorders, and drug or alcohol addiction. [RA 29; Tr. II: 30, 187]. [REDACTED] does not currently attend those services,

attending a children's group on Friday nights instead. [RA 29; Tr. II: 30, 203-204]. Nevertheless, [REDACTED] has worn a sweatshirt that contains wording about the addiction ministry and has attended services that involve "testimonials." [RA 29; Tr. II: 30, 115-116, 178]. These testimonial sessions occur once a month on Sunday evenings and involve married couples sharing their story of how they were "saved." [RA 29; Tr. II: 209-211]. The stories have included discussion of childhood sexual and physical trauma, gay and lesbian relationships, and infidelity. [RA 29; Tr. II: 152-153, 179, 195-196, 210-212].

Mr. Bradeen approached Ms. Bickford regarding his concerns and her decision to bring [REDACTED] to the church's services without first discussing this decision with him. [RA 28; Tr. I: 32, 41; Tr. II: 18, 61-63]. Ms. Bickford's response was that she lived under God's law, not the state's law or earth's law. [RA 28; Tr. I: 43; Tr. II: 64-66]. Ms. Bickford then began making other unilateral choices surrounding [REDACTED]'s participation in the church and engaged in practices to keep the scope of [REDACTED]'s involvement from Mr. Bradeen. [RA 28; Tr. I: 28-29, 32, 42-45, 93-95; Tr. II: 19, 21, 49-50]. For example, Mr. Bradeen learned that [REDACTED] was going to be baptized at the church through a third party. [RA 28; Tr. I: 43-44; Tr. II: 18-19, 103-105]. When Mr. Bradeen called Ms. Bickford about the issue, she placed him on speakerphone to discuss it with [REDACTED] present. [RA 28; Tr. I: 44; Tr. II: 105-106].

Once, Ms. Bickford took [REDACTED] out of school, explaining to Mr. Bradeen that she and [REDACTED] were visiting the state capital. [RA 28; Tr. II: 71-72]. Although this was partially true, Ms. Bickford failed to divulge that she and [REDACTED] went to the state capital with other church members to hold an anti-abortion protest. [RA 28; Tr. II: 71-72, 174]. More recently, Ms. Bickford allowed [REDACTED], who was then 11 years old, to attend an overnight teen retreat at a private residence. [RA 28; Tr. I: 41; Tr. II: 190-192]. This church-sponsored function involved [REDACTED] spending the night at a location that was not disclosed to Mr. Bradeen, and she was not allowed to have her cell phone while at the retreat. [RA 28; Tr. I: 94-96]. Mr. Bradeen only learned about the retreat through his review of the church's Facebook page. [RA 28; Tr. I: 93-94].

Ms. Bickford insists that her values be reinforced even when [REDACTED] is with Mr. Bradeen. Specifically, whenever Mr. Bradeen voices concern about [REDACTED]'s participation in the church, Ms. Bickford doubles down, sending [REDACTED] to Mr. Bradeen's house with more religious paraphernalia than typical. [RA 29; Tr. II: 29-34]. Ms. Bickford does not want beliefs contrary to her own expressed by [REDACTED] and she objected to [REDACTED] wearing a t-shirt that Mr. Bradeen gave her that stated, "Black Lives Matter." [RA 29; Tr. II: 55-56]. Ms. Bickford also started to more actively advocate for homeschooling [REDACTED], as she believes that public schools pose a danger to children. [RA 29; Tr. II: 45-49, 84-87; Def.'s Ex. 27].

Dr. Janja Lalich testified at trial as an expert. [Tr. II: 144]. Dr. Lalich has a Ph.D. in human and organizational systems and is an expert on "self-sealing systems and high control groups." [RA 29; Tr. II: 144-146; Def.'s Ex. 20]. She researches recruitment and indoctrination processes, rules and regulations, and the impact of membership of high control groups. [RA 29; Tr. II: 146]. Dr. Lalich has published six books and several research papers on the topic. [RA 29; Tr. II: 146]. The parties stipulated that Dr. Lalich is an expert on "cults." [RA 29; Tr. II: 144].

Dr. Lalich testified that within closed social systems there is customarily a charismatic and authoritarian leader who delivers the message of a transcendent belief system – a belief system that offers answers as to the past, present, and future and promises some sort of salvation. [RA 29; Tr. II: 147]. Typically, there is also an indoctrination period and a demand for total commitment, i.e., unquestioning loyalty to the group and the organization. [RA 29; Tr. II: 147-148].

After studying Calvary Chapel, Dr. Lalich came to the opinion that it is a prime example of a closed social system that follows the "Moses' model." [RA 29; Tr. II: 149]. In the Moses model, pastors have unquestioned authority and are not accountable to the parishioners, any other pastors, or overseeing organizations. [RA 29; Tr. II: 149]. Because the pastor is only accountable to God the members cannot question him. [RA 29; Tr. II: 149-150].

Dr. Lalich observed that the sermons at Calvary Chapel are filled with hateful rhetoric – homophobia, disdain of science, and hatred of public schools. [RA 29; Tr. II: 150]. The organization is based on fear, fear of the outside world and its risks, breeding paranoia, anxiety, and separation from the outside world. [RA 29; Tr. II: 150-151, 177]. It also requires a great deal of time commitment from members. [RA 29; Tr. II: 150, 176-177].

Pastor Travis Carey testified that Calvary Chapel is a non-denominational fellowship that does not answer to an organizational body. [Tr. II: 183]. Each church is autonomist, reporting only to their bylaws and God. [RA 31; Tr. II: 183-184]. Pastor Carey preaches that the word of God supersedes the law of the land and of the courts. [RA 31; Tr. II: 183-184, 193-194]. He has counseled Ms. Bickford that she is doing the "right thing" by bringing █████ to services over Mr. Bradeen's objection. [RA 31; Tr. II: 194].

The lower court found that Pastor Carey reinforced the opinions of Dr. Lalich. [RA 30]. The court noted that he presented as charismatic, spoke fast, passionately, at length, and authoritatively. [RA 30]. Further, the lower court found that Pastor Carey had answers for all the questions posed to him and answered those questions in a manner that suggested that there could be no other truth than the message he was delivering. [RA 30].

Dr. Lalich testified that the potential that ■■■ will be harmed by the messages she is receiving is "evident." [RA 31; Tr. II: 152]. She testified that between the ages of seven and eleven, youth are typically developing self-confidence and a sense of self. [RA 31; Tr. II: 153]. If events occur that instill a sense of being inferior and doubt during these years, that will affect the individual into adulthood. [RA 31; Tr. II: 153]. Between the ages of 12 and 18, youth are typically developing their own identity – this cannot happen, according to Dr. Lalich, in a closed social system that teaches that there is only one right way. [RA 31; Tr. II: 153-154]. Dr. Lalich also reviewed screenshots of ■■■'s home study workbook pages. [RA 31; Tr. II: 155-156]. ■■■ has written "this is scary because of the demons," and is reading material about sexual impropriety and adultery. [RA 31; Tr. II: 155]. Dr. Lalich opined that this messaging is confusing and troubling to a typical youth of ■■■'s age. [RA 31; Tr. II: 156].

Further, Dr. Lalich opined that ■■■'s participation in Calvary Chapel is not entirely voluntary. [RA 31; Tr. II: 158-159]. ■■■ bears witness to her mother's unfailing devotion to the teachings of the organization. Ms. Bickford not only models her own faith – she imposes pressure on ■■■ to comply and conform to being a good church member. [RA 31; Tr. II: 158, 176-177]. Dr. Lalich testified that it would be a rare child who would object to participating in the organization because children of ■■■'s age typically want to gain the approval and love of their parents.

[RA 31; Tr. II: 158]. Children who are eleven years old are typically still pliable and impressionable; they are not at an age where they are able to rebel. [RA 31; Tr. II: 158-159]. It would be very unusual for a child of [REDACTED]'s age to complain or push back. [RA 31; Tr. II: 159]. According to Dr. Lalich, [REDACTED] has already internalized much of the fear of this system. [RA 31; Tr. II: 159]. Ultimately, Dr. Lalich opined that the "fear mongering," paranoia, and anxiety taught by Calvary Chapel has, more likely than not, already had an impact on [REDACTED]'s childhood development. [RA 31; Tr. II: 171-172].

November 27, 2024, Hearing:

After the trial judge allowed Mr. Bradeen's motion to reopen the evidence, a hearing was held whereby both parties testified and a video of a sermon by Pastor Carey was played and entered as an exhibit.

Mr. Bradeen testified that following the first day of trial, [REDACTED] was scheduled to transfer from Mr. Bradeen's care to Ms. Bickford's. [RA 33, Hearing Tr. 12]. Mr. Bradeen observed [REDACTED]'s anxiety about the timing of the transfer, as she expressed concern about being late for church services that evening. [RA 33, Hearing Tr. 13]. During the services that evening, Pastor Carey led the congregation in a prayer regarding the "custody battle" between Mr. Bradeen and Ms. Bickford. [Hearing Tr. 20; DE 1, Nov. 27, 2024]. Ms. Bickford knew that Pastor Carey intended to discuss the litigation through prayer and encouraged his actions. [RA 33, Hearing Tr. 16-

17]. Ms. Bickford let [REDACTED] listen to Pastor Carey's words, never removing her from the church. [RA 33, Hearing Tr. 16-17]. When questioned about this choice during the November 27 hearing, Ms. Bickford explained that she thought it was appropriate for [REDACTED] to be present for the prayer. [RA 33, Hearing Tr. 16-17].

The sermon that [REDACTED] listened to is as follows:

Hey good evening, brothers and sisters. Let's, um, let's begin by prayer. There is a dear sister in the church. You guys know Emily Bickford and for months in preparation for what really is a, is a, I guess a custody battle. There's been 50/50 with dear [REDACTED]. Eleven-year-old [REDACTED] who's been with the church family. She's had teen camp with the teenagers this past weekend and [REDACTED]'s grown in the lord. And Emily's made a priority that when she has the custody over her daughter that they're here. And they're here all the time. But [REDACTED]'s father has had a difficult time with that. We've been praying for Matt and his salvation for a long time and it's kind of had this culmination point which has been, actually today was the first of what will be a, a two-day trial, and so half of the day today from one o'clock on, a handful of the ladies, [names redacted], they got to sit in the, in the court as, as you know, witnesses on behalf of the church, on behalf of Emily and [REDACTED]. But it's a unique situation because you guys probably are aware that justice is so much now in the hands of a judge and no matter what area of civilization, culture, politics, you're looking at, that can go one way or the other depending on who appointed that judge. So, the, the what would seem to be an obvious constitutional, both federally and as a state level, you, you look at article one, section three of the Maine State Constitution that every individual has a holy and divine right and responsibility to worship God according to their own conscious - but things have changed in our culture and so really the, the issue is- and it's going to be put in the hands of a judge - is can Emily take her daughter to a Bible teaching church? And sadly, again, you wouldn't think that would be an issue. And one of the things that has happened is the - Matt's side, [REDACTED]'s father - has hired what they call an expert witness and this expert witness out of California was hired for a large sum of money to find any dirt they can on Calvary Chapel, on Pastor [name redacted] and on, on, on myself and on, on [REDACTED]'s faith and Emily's faith. And you read

that twenty-page expose and at times it is almost laughable because of they're how, just you know, reaching and striving for anything. But it's not laughable because this is going to be brought before a judge. And depending on where this judge stands with and his word will depend on how the decision goes forth. So I'm bringing this up to you all because today was day one. And you know, you know, Emily's got great confidence in a big and great God, but Friday is day two and I, I'll actually have the opportunity to, I guess the saying is "take the stand," and, and answer questions including from a lawyer who has read this twenty-page expose from the expert witness. So, this is a unique situation we are living in. You wouldn't think this is the, the nation that we, that you know, founded by Godly men and women. Uh, it's hard to take God's word out of almost every area of our government. I mean, courthouses have scripture written on them. But this isn't really an attack on Emily, or ■■■, or Calvary Chapel. This is really an attack on God's word and so our prayer would be that the judge would have a little bit of a, I don't know, conscious conflict and realize this - that fundamental we are, if fundamental means that we stick to the scripture, and fundamental we are if we believe that God is the head of the church. So, I'm hoping that justice will prevail, but I'm asking you guys, in case this is the first time you're hearing of it - I know many of you have not - you, you have been alongside Emily and ■■■ through this. I really ask you guys to be in prayer, especially Friday. Am I, am I correct in saying 9 a.m.? It kinds of kicks off, it could go all day. [audience member inaudible] Okay, so most of the day on Friday. Would you guys please be in prayer? One, we obviously pray for Miss Emily. That God would keep her in perfect peace. You can imagine all the emotion, all the derogatory things, all the, all the accusations. Certainly for, for ■■■. We pray for her. You know, I was talking to Emily on the phone earlier today. We were texting back and forth and you think about - we, we talk often about how the church as a whole has only grown through persecution. You look through church history and as the enemy seeks to, you know, crush and, and quench, and strangle the church, the church grows through it. That's always been the case. Individually, that's true also. It's hard to imagine that when you're 11-years-old, 11-years-old and you, you're dealing with a level of persecution that young ■■■ is dealing with. So, we pray that God would use that in her life and, and would continue to strengthen her faith. But would you, church family, join me now? Let's pray that God would have his hand on this family and that justice would prevail. Biblical justice would prevail.

Would you guys pray with me? Lord, we lift this entire hearing up to you and lord I, I know Emily's heart has been that she would gladly go through every bit of the stress and anxiety if it meant the salvation of Matt or some of the lawyers involved, or lord anyone, anyone in the hearing of this hearing. Lord, I pray that. We, we pray would you use this for your good, that a soul might be saved. Lord, we pray for Emily, that her mind and her heart would, would be fixed on you. Lord, by the holy spirit in her and upon her that lord, she would have great courage as she has today and will continue Friday. Give her the words to speak. Lord, I pray for [REDACTED]. Thank you for her. It's undeniable to all of us looking on, lord, her faith is real as real can be. Lord, she believes in the living God and so thank you for how you have done that in her life. I pray as the enemy seeks to destroy and dismantle, that lord you would work all things together for good, and what the enemy means for evil, lord, you would actually bring to good. And bring to nothing the plans and the snares and the tricks of the enemy. I pray lord as I have an opportunity to testify on behalf of the ministry here and on behalf of the Bickford family. What I've seen Emily and [REDACTED] accomplish, lord, as they have made this a priority to be in the fellowship of believers and to be under the authority of God's word. I pray you'd give me clarity by the holy spirit. Please, lord, would justice prevail? Lord, we trust you. Whatever the outcome might be, lord, we trust you and we pray, lord, that your people bring a holy remembrance to all of us on Friday. That we'd be reminded to pray for such a family, such a cause. And we ask these things in Jesus name, amen.

[RA 33-35; DE 1].

The lower court issued its order modifying parental rights and responsibilities, awarding allocated medical decision-making to Mr. Bradeen for decisions “significantly affecting [REDACTED]’s medical health care, including but not limited to vaccinations and the administration of any prescribed medication.” [RA 43]. The lower court also allocated to Mr. Bradeen the right to determine if [REDACTED] “attends any services, gatherings, or events associated with Calvary Chapel.” [RA 42].

ISSUES FOR REVIEW

- I. Whether the trial court did not abuse its discretion by awarding Mr. Bradeen allocated decision-making over ■■■'s participation in and with the Calvary Chapel where the court set forth the compelling State interest in avoiding substantial harm to ■■■ and narrowly tailored its restrictions?
- II. Whether the lower court did not abuse its discretion by awarding Mr. Bradeen allocated decision-making for medical decisions where Ms. Bickford's choices regarding such issues were not in ■■■'s best interests?

SUMMARY OF THE ARGUMENT

Although it cannot be disputed that the First Amendment provides the fundamental right to freely exercise one's religion, that right is not without limitations. Restrictions may be placed on the exercise of religion where there is a compelling state interest, so long as the restriction is narrowly tailored. In matters involving parental rights and responsibilities, the state has a compelling interest in preventing psychological or mental harm to children. When two parents cannot agree as to the religious upbringing of their child, the state must also ensure that orders awarding parental rights and responsibilities reflect the best interests of that child.

In circumstances, such as the present case, where there is a demonstrated harm to the child from exposure to a particular religion or church, courts are empowered

to make parental rights and responsibilities orders that restrict religious freedoms. This is particularly so where the order is in the best interests of the child and narrowly tailored to effectuate those interests.

In this case, the lower court carefully set forth the harm that resulted from ■■■'s exposure to Calvary Chapel, based on credible testimony from Mr. Bradeen and the expert witness, and crafted an order that did not prohibit ■■■ or Ms. Bickford from practicing any religion, but rather awarded Mr. Bradeen allocated decision-making over ■■■'s involvement with Calvary Chapel. This Order was not an abuse of discretion.

Furthermore, because the parents could not agree on a number of important medical decisions for ■■■, and demonstrated an inability to co-parent on that issue, the lower court awarded Mr. Bradeen allocated medical decision-making over such decisions as vaccinations and use of antibiotics. The lower court did so because it found that Ms. Bickford's medical decisions were not rationally based, while Mr. Bradeen made decisions based on the recommendations of ■■■'s pediatrician and CDC Guidelines. Because this decision was not an abuse of discretion, this Court should affirm the Order.

ARGUMENT

I. THE LOWER COURT’S ORDER AWARDING MR. BRADEEN ALLOCATED DECISION-MAKING OVER █████’S PARTICIPATION IN AND WITH CALVARY CHAPEL DID NOT VIOLATE THE FIRST OR FOURTEENTH AMENDMENTS, NOR WAS IT AN ABUSE OF THE COURT’S BROAD DISCRETION BECAUSE THE COURT SET FORTH COMPELLING STATE INTERESTS IN AVOIDING SUBSTANTIAL HARM TO █████ AND NARROWLY TAILORED ITS RESTRICTIONS.²

This Court reviews an award of parental rights and responsibilities for an abuse of discretion. *Grant v. Hamm*, 2012 ME 79, ¶ 6, 48 A.3d 789, 792. The review requires the Court to consider: (1) whether factual findings, if any, are supported by the record pursuant to the clear error standard; (2) whether the court understood the law applicable to its exercise of discretion; and (3) given the facts and applying the law, whether the court weighed the applicable facts and made choices within the bounds of reasonableness. *Violette v. Violette*, 2015 ME 97, ¶ 30, 120 A.3d 667, 676. Because a motion for further findings was timely filed and denied, this Court can

² The First Circuit Court of Appeals has noted that First Amendment free exercise clause and Fourteenth Amendment due process claims are interrelated and overlap and should be analyzed together: “[T]he Court [in *Wisconsin v. Yoder*, 406 U.S. 205 (1972),] did not analyze separately the due process and free exercise interests of the parent-plaintiffs, but rather considered the two claims interdependently, given that those two sets of interests inform one other.” *Parker v. Hurley*, 514 F.3d 87, 98 (1st Cir. 2008). The Appellant, although setting forth a due process argument in a separate heading, does not analyze her due process claim independent from her free exercise claim. Furthermore, Appellant does not make a separate State Constitutional claim and has therefore waived that claim on appeal to the extent that it was raised below. *Mehlhorn v. Derby*, 905 A.2d 290, 293 (2006).

consider only the express factual findings of the lower court in reviewing the ultimate judgment, *Riemann v. Toland*, 2022 ME 13, ¶ 15, 269 A.3d 229, 234, and “will not infer any findings that the court did not expressly state in its judgment.” *Ehret v. Ehret*, 2016 ME 43, ¶¶ 13-14, 135 A.3d 802. In making factual findings, a court “is free to accept or reject the testimony of individual witnesses in whole or in part, and it is free to reject testimony that is not contradicted if it finds that testimony incredible.” *In re Marpheen C.*, 2002 ME 170, ¶ 5, 812 A.2d 972. The court “must consider all properly admitted evidence” and then apply “its independent judgment to that evidence in reaching its findings and conclusions.” *Klein v. Klein*, 2019 ME 85, ¶ 6, 208 A.3d 802, 804.

A. First Amendment religious freedoms and Fourteenth Amendment due process rights are not limitless and can be overcome by a showing of a compelling State interest that is narrowly tailored to serve that interest.

The First Amendment to the United States Constitution provides that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.” U.S. Constit. Amend. I. The Fourteenth Amendment provides that no State shall “deprive any person of life, liberty, or property, without due process of law.” U.S. Constit. Amend. XIV. The due process clause includes a substantive component that “provides heightened protection against government interference with certain fundamental rights and liberty interests.” *Troxel v. Granville*, 530 U.S. 57, 65 (2000). Together, the two Constitutional provisions have

been interpreted to allow parents the right to generally direct the upbringing of their children, and in particular, religious upbringing. Specifically, there can be no question that the rights to freely practice one's religion and to raise children “according to the dictates of [one's] own conscience” are among the most sacred private interests, long recognized as such by the United States Supreme Court. *Meyer v. Nebraska*, 262 U.S. 390, 399 (1923). *See also Troxel v. Granville*, 530 U.S. 57, 65 (2000) (“The liberty interest at issue in this case -- the interest of parents in the care, custody, and control of their children -- is perhaps the oldest of the fundamental liberty interests recognized by this Court”); *Wisconsin v. Yoder*, 406 U.S. 205, 213-214 (1972) (“[T]he values of parental direction of the religious upbringing and education of their children in their early and formative years have a high place in our society.”); *Pierce v. Society of Sisters*, 268 U.S. 510, 534–535 (1925).

Nevertheless, “a state is not without constitutional control over parental discretion in dealing with children when their physical or mental health is jeopardized.” *Parham v. J.R.*, 442 U.S. 584, 603 (1979). “[N]either rights of religion nor rights of parenthood are beyond limitation. Acting to guard the general interest in youth’s well-being, the state as *parens patriae* may restrict the parent’s control.” *Prince v. Massachusetts*, 321 U.S. 158, 166 (1944) (“[T]he state has a wide range of power for limiting parental freedom and authority in things affecting the child’s welfare; and that includes, to some extent, matters of conscience and religious

conviction.”); *Osier v. Osier*, 410 A.2d 1027, 1028, 1031 (1980) (“It is firmly established that ‘the right to practice religion freely does not include liberty to expose . . . the child . . . to ill health or death.’”) (*quoting Prince*, 321 U.S. at 166-167). The state may restrict a parent’s decision making with regard to religion if it demonstrates a compelling state interest and a restriction of the parent’s rights that is narrowly tailored to serve that interest. *Reno v. Flores*, 507 U.S. 292, 302 (1993) (the Fourteenth Amendment “forbids the government to infringe certain ‘fundamental’ liberty interests *at all*, no matter what process is provided, unless the infringement is narrowly tailored to serve a compelling state interest”); *Washington v. Glucksberg*, 521 U.S. 702, 721 (1997) (same).³

Here, the lower court, in awarding allocated decision-making to Mr. Bradeen on the limited issue as to whether █████ could participate in and attend Calvary Chapel set forth a compelling state interest in ensuring that no substantial physical or mental harm resulted to her from exposure to this specific church. The lower court’s

³ It is not clear from this Court’s prior decisions whether a strict scrutiny analysis applies when child custody is not at issue, i.e. when allocated decision-making is the sole issue. *Osier*, 410 A.2d at 1031 (1980). A number of courts across the country have found that the best interest test is proper, even when religious rights are at stake. *See In re Marriage of Crouch*, 490 P.3d 1087 1092 (Colo. App. 2021), and cases cited (“A parent’s free exercise rights are not implicated by a court’s allocation of decision-making responsibility between parents. Indeed, *McSoud* expressly rejects the need for strict scrutiny, and therefore the need to show substantial harm, when allocating decision-making responsibility between the child’s parents because, in that context, the court is merely expanding one parent’s fundamental right at the expense of the other parent’s similar right.”). Here, the lower court employed the more stringent strict scrutiny analysis. [RA 39].

decision was narrowly tailored in that it did not restrict participation in all religion – it was limited to this particularly harmful church. This Court should affirm that decision.

- 1. The State, as *patrons patriae* of minor children, has a compelling interest in ensuring that no substantial harm, either physical or emotional, results from the child’s participation in religious activities, and that orders align with a child’s best interests.**

Although parents enjoy a great deal of deference in determining religious education and participation for their children, that deference can be defeated, when as here, there is a showing of a compelling state interest to overcome the parent’s right. [RA 39]. In *Prince v. Massachusetts*, the United States Supreme Court analyzed a violation of a Massachusetts state child labor law statute that prohibited adults from furnishing magazines to a minor knowing they would sell them unlawfully and permitting a minor under a specific age from distributing magazines, newspapers, and periodicals on public streets. *Prince*, 321 U.S. at 160-161. The Court addressed a custodian Jehovah’s Witness’s First Amendment religious rights against these statutes and affirmed the criminal convictions. *Prince*, 321 U.S. at 160-161. In doing so, the Court noted that the “state’s authority over children’s activities is broader than over like actions of adults.” *Prince*, 321 U.S. at 168. The line of demarcation is whether the conduct sought to be restricted by the state causes harm to the child that the state has an interest in preventing. *Id.* at 170 (harm could include “emotional excitement and psychological or physical injury”). *Contrast Yoder*, 406

U.S. at 230 (“This case, of course, is not one in which any harm to the physical or mental health of the child or the public health safety, peace, order, or welfare has been demonstrated or may be properly inferred”).

Similarly, state courts across the country are in widespread agreeance that First Amendment religious rights can be restricted where there is a demonstrated harm, either physical or emotional, to the child. *See, e.g., Kingston v. Kingston*, 532 P.3d 958, 974 (Utah 2022) (the state has a compelling interest in shielding children from psychological harm); *In re Marriage of Minix*, 801 N.E. 2d 1201, 1204 (Ill. App. Ct. 2003) (religious freedom cannot be restricted absent a showing of harm to child with exposure to that religion); *Pater v. Pater*, 588 N.E.2d 794, 798–99 (Ohio 1992) (“[A] parent's actions are not insulated from the domestic relations court's inquiry just because they are based on religious beliefs, especially actions that will harm the child's mental or physical health.”) (*citing Prince*, 321 U.S. at 158); *Zummo v. Zummo*, 574 A.2d 1130, 1140 (Pa. Super. Ct. 1990) (state intervention is permitted where there is a demonstrated risk of harm to the child); *In re Marriage of Murga*, 103 Cal. App. 3d 498, 504-505 (Cal. Ct. App. 1980) (religious beliefs and practices may be restricted when there is an “affirmative showing that these religious activities will be harmful to the child”).

Here, the lower court carefully and explicitly set forth the evidence of immediate and substantial harm to which ■■■ was subjected by her exposure to Calvary Chapel:

- Mr. Bradeen has observed ■■■'s expressions of fear and anxiety associated with the teachings of Calvary Chapel. [RA 28; Tr. I: 10-11, 13].
- ■■■ asks Mr. Bradeen a lot of questions, such as who in the family will be in heaven and who will be in hell, and why Mr. Bradeen and her sister, ■■■, will not be in heaven with her. [RA 28; Tr. I: 45-46].
- ■■■ has had panic attacks in Mr. Bradeen's presence when talking about this subject. [RA 28; Tr. I: 44-45].
- ■■■ leaves notes around Mr. Bradeen's house for him to find because she believes that the rapture will be coming soon, and she is concerned that he will be left behind. [RA 28; Tr. I: 44-45, 51-52].
- ■■■ has written "this is scary because of the demons," in her religious workbooks. [RA 31; Tr. II: 155-156].
- Pastor Carey's characterization of those who challenge the church's beliefs – Mr. Bradeen – as the "enemy," along with his delivery of vivid images of violence and "eternal suffering" for those enemies, has caused harm to ■■■ that has objectively manifested in her anxiety. [RA 33-25, 40; DE 1].

- “The risk of psychological harm to a child from learning their parents are in conflict, especially conflict relating to them, is well-known.⁴ The court is influenced by the fact that Ms. Bickford knew that Mr. Carey was going to reference the litigation in front of [REDACTED] and encouraged him to do so. Even if Ms. Bickford could not anticipate the scope of Mr. Carey’s comments that were to follow, she placed [REDACTED] at risk of psychological harm by encouraging Mr. Carey to discuss the litigation in front of her.” [RA 36; Nov. 27, 2024, Hearing at 16-17]. “At no point did Ms. Bickford remove [REDACTED] from the congregation once it became clear that Mr. Carey was not going to offer a simple prayer.” [RA 36].
- Noting that it specifically found Dr. Lalich’s testimony credible, the lower court found that “[REDACTED]’s participation in Calvary Chapel cannot be defined as strictly voluntary.” [RA 41; Tr. II: 158-159]. *Prince*, 321 U.S. at 170 (when harm can result, “Parents may be free to become martyrs themselves . . . it does not follow they are free, in identical circumstances, to make martyrs of their children before they have reached the age of full and legal discretion when they can make that choice for themselves”).

⁴ In fact, the parties original Order for Parental Rights and Responsibilities specifically forbids this type of conduct. “Neither party shall do anything that could estrange their child from the other party or injure the child’s opinion about the other parent or which may hamper the free and natural development of their love, respect, and feeling for each parent. . . . Each party shall refrain from making, or tolerating from others, negative statements about the other parent, to or in front of their child.” [RA 47].

In addition, Dr. Lalich testified that the potential that ■■■ will be harmed by the messages she is receiving is “evident.” [RA 31; Tr. II: 152]. She testified that:

- Between the ages of seven and eleven, youth are typically developing self-confidence and a sense of self. If events occur that instill a sense of being inferior and doubt during these years, that will affect the individual into adulthood. [RA 31; Tr. II: 153].
- Between the ages of 12 and 18, youth are typically developing their own identity – this cannot happen in a closed social system that teaches that there is only one right way. [RA 31; Tr. II: 153-154]. Dr. Lalich opined that this messaging is confusing and troubling to a typical youth of ■■■'s age. [RA 31; Tr. II: 156].

The messages learned from attending Calvary Chapel and doing at-home religious studies also demonizes others who do not follow their teachings:

- Pastor Carey testified that the church teaches that people can only be saved by meeting God on God's terms, and he "preaches a vivid description of hell," for those who do not, including messages about the "wailing and gnashing of teeth," "burning and torment," and "perpetual pain and regret." [RA 28; Tr. II: 209]. *See Kingston*, 532 P.3d at 974 (exposure to teachings that ostracize outsiders and demonize those who have left the group are harms that demonstrate a compelling state interest).

The lower court, as factfinder, was the sole determiner of the credibility of each of these witnesses, including the expert witness, and had the prerogative to “selectively accept or reject” testimony. *Dionne v. LeClerc*, 2006 ME 34, ¶ 15, 896 A.2d 923, 929. *See also State v. Smith*, 2024 ME 56, ¶ 24, 320 A.3d 405, 414 (“As long as the expert is qualified, the extent of the qualifications goes to the weight of the expert’s testimony.”).⁵ The lower specifically determined that both Mr. Bradeen and Dr. Lalich presented credible testimony, [RA 30, 40, 41], and it had broad discretion to make an order consistent with the evidence of harm to [REDACTED].

Thus, the lower court’s conclusion that there was demonstrated psychological harm to [REDACTED] was sufficient to support the compelling state interest in preventing such harm.⁶ *Compare LeDoux v. LeDoux*, 452 N.W.2d 1, 3 (Neb. 1990) (demonstrated stress and anxiety to child resulting from parents’ conflicting religious practices was evidence of harm), *with Pater*, 588 N.E.2d at 798–99 (“[A] court must base its decision that a particular religious practice will harm the mental health of a child on more than the fact that the child will not participate in certain

⁵ Although Ms. Bickford questioned the qualifications of the expert in her post trial memorandum, [RA 30], the parties had agreed at trial that Dr. Lalich was an expert on cults. [Tr. II: 144].

⁶ Ms. Bickford’s argument that Mr. Bradeen has received a “Heckler’s Veto” over her decision to take [REDACTED] to church is misplaced. A “Heckler’s Veto” relates to the First Amendment free speech clause and forbids the government to silence speech based on the reaction of a hostile audience, unless there is a “clear and present danger” of grave imminent harm. *Terminiello v. Chicago*, 337 U.S. 1, 4 (1949). Here, the lower court neither restricted nor suppressed Ms. Bickford’s speech, nor that of Calvary Chapel’s – the court issued an order that prevented [REDACTED] from being subjected to the teachings of Calvary Chapel because they are harmful to her.

social activities”); *In re Marriage of Murga*, 103 Cal. App. 3d at 504-505 (no evidence of harm to the child from exposure to the father’s religious practices); *In re Marriage of Heriford*, 586 S.W. 2d 769, 773 (Mo. Ct. App. 1979) (record devoid of any evidence that exposure to father’s religion caused the children emotional harm).

In addition, the lower court determined that an award of allocated decision-making over ■■■■■’s participation with Calvary Chapel was aligned with her best interests. [RA 40-42]. Furthering the best interests of the child is a compelling state interest that allows for restrictions on parental religious freedoms. *Kendall v. Kendall*, 687 N.E.2d 1228, 1235 (Mass. 1997) (“Promoting the best interests of the children is an interest sufficiently compelling to impose a burden on the [parent’s] right to practice religion and [her] parental right to determine the religious upbringing of [her] children.”). *See also In re Marriage of Short*, 698 P.2d 1310, 1313 (Colo. 1985) (“While courts must remain sensitive to first amendment concerns, a court in a custody proceeding must not blind itself to evidence that religious beliefs or practices of a party seeking custody which may impair or endanger the child’s welfare.”); *Funk v. Ossman*, 724 P.2d 1247, 1250 (Ariz. Ct. App. 1986) (“When it is made to appear that a conflict between divorced parents as to religious instruction is affecting the welfare of their children, a court should

always act in accordance with what is best for the happiness and welfare of the child.”).

Here, the lower court explicitly stated that it relied upon best interest factors 19-A M.R.S. § 1653(3)(A, B, F, K, N, & S) in determining that it was in ■■■■■’s best interests for Mr. Bradeen to have allocated decision-making over whether she could affiliate with Calvary Chapel. [RA 40]. Specifically, the court found:

- Dr. Lalich’s credible testimony established the age of 12 years old (which ■■■■■ was approaching) as the beginning of meaningful identity development for a child, and that ■■■■■ needed the love and guidance of both parents as she navigates this time. [RA 40]. *See* 19-A M.R.S. § 1653(3)(A).
- Ms. Bickford’s choices have endangered ■■■■■’s relationship with her father because Ms. Bickford is motivated by one objective – the promise of salvation. She believes this objective is more important than anything, including ■■■■■’s relationship with Mr. Bradeen. [RA 40; Tr. II: 133-134]. *See* 19-A M.R.S. § 1653(3)(B & F).
- Ms. Bickford has exercised sole control over ■■■■■’s religious upbringing that has caused ■■■■■ to receive messages that pose an immediate risk of significant psychological harm to her. There is little to no room for co-parenting on this issue. [RA 40]. *See* 19-A M.R.S. § 1653(3)(K).

- The messages ■■■ receives from attending Calvary Chapel are not psychologically safe for ■■■. [RA 41]. *See* 19-A M.R.S. § 1653(3)(N).
- Mr. Bradeen is in a better position to weigh the psychological effects of participation in Calvary Chapel because Ms. Bickford has handed over her decision-making responsibilities to the church and is no longer exercising independent decision-making over the messaging ■■■ receives. [RA. 42] *See* 19-A M.R.S. § 1653(3)(S).

These best interest factors are a compelling state interest and weigh in favor of awarding Mr. Bradeen allocated decision-making over whether ■■■ can attend and participate in activities with Calvary Chapel. *See Felton v. Felton*, 418 N.E.2d 606, 607 (Mass. 1981) (“[T]he best interests of the child are to be promoted, and when parents are at odds, the attainment of that purpose may involve some limitation of the liberties of one or other of the parents.”). *See also Funk*, 724 P.2d at 1251 (evidence that it was detrimental to the welfare of the child to allow him to be indoctrinated in the Jewish religion was cause for restriction on that process).

Therefore, because the lower court carefully set forth two compelling interests, amply supported by credible evidence, for allocating decision-making to Mr. Bradeen on the limited issue as to whether ■■■ can affiliate with Calvary Chapel, this Court should uphold the Order modifying Parental Rights and Responsibilities.

2. The lower court narrowly-tailored its restrictions on Ms. Bickford's religious freedom.

Once the court sets forth a compelling state interest in restricting a parent's free exercise of their religion, the court must narrowly tailor any solution to serve that interest. *Reno*, 507 U.S. at 302. The lower court did so here. The lower court did not order a prohibition of all religious practices – in fact, both parents maintained decision-making over whether and what religious organizations ■■■ can participate in other than Calvary Chapel. [RA 42]. The only restriction was that Mr. Bradeen has allocated decision-making over whether ■■■ can affiliate with Calvary Chapel due to the harm it had caused ■■■. [RA 42].

This restriction was narrowly tailored as it was not a total prohibition on religious education or upbringing. In *Prince*, the United States Supreme Court noted that a restriction on religious activity that is an “absolute prohibition” against religious activity stands on different ground than a reasonable restriction. *Prince*, 321 U.S. at 166. Narrowly tailored, reasonable restrictions are constitutionally permissible. *Compare LeDoux*, 452 N.W.2d at 2 (the trial court's order that required the father, a Jehovah's Witness, to refrain from exposing, or permitting any other person to expose his minor children to any religious practices or teachings inconsistent with the Catholic religion was narrowly tailored), *with Kingston*, 532

P.3d at 974-975 (prohibition on “encouraging the children to adopt teachings of any religion” was not narrowly tailored).

Because the lower court narrowly tailored its decision to allocate decision-making to Mr. Bradeen on the limited issue of whether ■■■ could affiliate with Calvary Chapel in response to the compelling state interests, this Court must affirm the decision.

II. THE LOWER COURT DID NOT ABUSE ITS DISCRETION BY MODIFYING THE PARENTAL RIGHTS AND RESPONSIBILITIES ORDER TO AWARD MR. BRADEEN ALLOCATED DECISION-MAKING FOR MEDICAL DECISIONS BECAUSE MS. BICKFORD’S CHOICES REGARDING SUCH ISSUES WERE NOT IN ■■■’S BEST INTERESTS.

Because Ms. Bickford was clear that her medical decision-making for ■■■ was in no way related to her religious beliefs, [RA 11; Tr. II: 110], the lower court correctly applied the best interest test when awarding Mr. Bradeen allocated decision-making over ■■■’s medical care. In so doing, the lower court did not abuse its discretion.

In determining whether a modification is warranted, the lower court engages in a two-step inquiry: “First, whether since the prior order there has occurred a change in circumstances sufficiently substantial in its effect upon the child's best interest to justify a modification; and second, if so, how should the custody arrangement be modified in furtherance of the child's best interest.” *Bulkley v. Bulkley*, 2013 ME 101, ¶ 11, 82 A.3d 116, 120. This Court reviews the lower court's

“factual findings related to the child's best interest to determine whether they are supported by competent evidence in the record. The ultimate determination of the weight to be given each factor requires careful consideration by the court and is left to the sound discretion of the court.” *Boyd v. Manter*, 2018 ME 25, ¶ 6, 179 A.3d 906, 908. This Court affords “very substantial deference” to the lower court because of its opportunity to evaluate the evidence as presented during trial. *Pearson v. Wendell*, 2015 ME 136, ¶ 29, 125 A.3d 1149, 1158. Here, the lower court's judgment included extensive factual findings concerning the parties and [REDACTED], as well as additional findings related to the best interest factors enumerated in 19-A M.R.S. § 1653(3), and this Court should not disturb that decision. *Ewing-Wegmann v. Allerding*, 2023 ME 47, ¶ 11, 299 A.3d 609, 612.

The parental rights and responsibilities statute provides that in determining the best interests of the child, “the court shall consider as primary the safety and well-being of the child.” 19-A M.R.S. § 1653(3); *Aranovitch v. Versel*, 2015 ME 146, ¶ 19, 127 A.3d 542, 547. In conducting the best interest analysis, the court must consider the statutory factors. 19-A M.R.S. § 1653(3). The court is not required to make detailed findings regarding every best interest factor, even when a party moves for further findings pursuant to M.R. Civ. P. 52. *Nadeau v. Nadeau*, 2008 ME 147, ¶ 35, 957 A.2d 108 (the parental rights and responsibilities statute “does not obligate the court to ‘robotically address every statutory factor ... so long as it is otherwise

evident that the court has evaluated the evidence with the best interest factors in mind”).

Here, the lower court explicitly stated that it relied upon factors (I)(J)(K) & (N), in determining that it was in ■■■■■’s best interests for Mr. Bradeen to have allocated decision-making over medical decisions. These factors include:

- I. The capacity of each parent to cooperate or to learn to cooperate in child care;
- J. Methods for assisting parental cooperation and resolving disputes and each parent's willingness to use those methods;
- K. The effect on the child if one parent has sole authority over the child's upbringing;
- N. All other factors having a reasonable bearing on the physical and psychological well-being of the child;

19-A M.R.S. § 1653(3).

The court’s conclusion that Mr. Bradeen’s decision-making over ■■■■■’s medical care is grounded in ■■■■■’s physician’s recommendations and CDC Guidelines, and is focused on ■■■■■’s well-being, is well-supported in the record. [Tr. I: 39-40; Tr. II: 39-40, 76]. Although the lower court found that Ms. Bickford intended no harm to ■■■■■ by withholding medical care, its determination that Ms. Bickford’s “practice of decision-making is not reasonable or objective and that it places ■■■■■’s well-being at risk,” is similarly grounded in the record. [Tr. I: 19, 33-34; Tr. II: 76]. This conclusion is grounds for allocating specific medical decision-making to one parent over the other. *Seymour v. Seymour*, 2021 ME 60, ¶ 28, 262 A.3d 1079, 1087, and cases cited.

In analyzing the best interest factors, the court also determined, based on the testimony of the parties, that they are unable to co-parent on the issues of vaccinations and antibiotics, even after participating in the I-Cope program. 19-A M.R.S. § 1653(3)(I)(J). [Tr. I: 38-40; Tr. II: 39-40, 72-76, 141]. The court reasonably concluded that given [REDACTED]'s asthma, her well-being would be better protected by allocating final medical decision-making to Mr. Bradeen. [RA 12]. 19-A M.R.S. § 1653(3)(K)(N). Because these findings are supported by competent evidence from the record, *Boyd*, 2018 ME at ¶ 6, this Court must afford the lower court substantial deference in its conclusion that [REDACTED]'s well-being necessitates an award of allocated medical decision-making to Mr. Bradeen. *Pearson*, 2015 ME at ¶ 29. Therefore, this Court should affirm the lower court's decision.

CONCLUSION

For the foregoing reasons, this Court should affirm the lower court's Order on parental rights and responsibilities.

Date: May 23, 2025

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CERTIFICATE OF SERVICE

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