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**REPORT No. 217/22**  
**PETITION 1134-14**  
REPORT ON INADMISSIBILITY

LORI HANDRAHAN AND HER DAUGHTER M.M.  
UNITED STATES OF AMERICA

Electronically approved by the Commission on August 13, 2022.

**Cite as:** IACHR, Report No. 217/22, Petition 1134-14. Inadmissibility. Lori Handrahan and her daughter M.M.. United States of America. August 13, 2022.

**I. INFORMATION ABOUT THE PETITION**

<b>Petitioner:</b>	Lori Landrahan
<b>Alleged victim:</b>	Lori Landrahan and her daughter M.M.
<b>Respondent State:</b>	United States of America <sup>1</sup>
<b>Rights invoked:</b>	No specific provisions invoked <sup>2</sup>

**II. PROCEEDINGS BEFORE THE IACHR<sup>3</sup>**

<b>Filing of the petition:</b>	August 12, 2014
<b>Additional information received at the stage of initial review:</b>	November 14, 2015, October 4, 2017
<b>Notification of the petition to the State:</b>	May 14, 2019
<b>State's first response:</b>	August 26, 2019
<b>Additional observations from the petitioner:</b>	October 6, 2020

**III. COMPETENCE**

<b>Competence <i>Ratione personae</i>:</b>	Yes
<b>Competence <i>Ratione loci</i>:</b>	Yes
<b>Competence <i>Ratione temporis</i>:</b>	Yes
<b>Competence <i>Ratione materiae</i>:</b>	Yes, American Declaration on the Rights and Duties of Man <sup>4</sup> (ratification of the OAS Charter on June 19, 1951)

**IV. DUPLICATION OF PROCEDURES AND INTERNATIONAL *RES JUDICATA*, COLORABLE CLAIM, EXHAUSTION OF DOMESTIC REMEDIES AND TIMELINESS OF THE PETITION**

<b>Duplication of procedures and International <i>res judicata</i>:</b>	No
<b>Rights declared admissible</b>	N/A
<b>Exhaustion of domestic remedies or applicability of an exception to the rule:</b>	Yes, in terms of Section VI
<b>Timeliness of the petition:</b>	No, in terms of Section VI

**V. ALLEGED FACTS**

1. The petitioner, Lori Landrahan, claims that her daughter (hereafter "M.M.") was sexually abused by her father (hereafter "I.M.") and that these allegations were never redressed by the domestic authorities.

2. By way of background, the petitioner married I.M. in early 2006, following which they both settled in Maine, in the United States. Later in 2006, M.M. was born to the petitioner and her husband. According to the record, the marriage subsequently broke down, resulting in I.M. petitioning for divorce in 2008 in the Portland District Court. In 2009 a divorce was granted to the petitioner and I.M. Regarding the custody of M.M. the court awarded the parents shared parental rights and responsibilities, with primary physical residence of

<sup>1</sup> Hereinafter "United States", "the U.S." or "the State."

<sup>2</sup> However, the petitioner refers to violations of "the right to be free from violence and sex abuse" and the right to due process and fair trial.

<sup>3</sup> The observations submitted by each party were duly transmitted to the opposing party.

<sup>4</sup> Hereinafter "the American Declaration" or "the Declaration".

M.M. being awarded to the petitioner. Subsequently, in 2011 on the application of I.M., the court granted his motion to modify the judgment by awarding him primary physical residence of M.M., with “*frequent and plentiful*” visitation by the mother. In 2012 the court again modified the judgment by awarding sole parental rights and responsibilities to the father and barring the mother from having any contact with M.M. until the mother received effective mental health treatment.

3. According to the record, in 2009 the petitioner alleged that her daughter was being sexually and physically abused by her father. These complaints were brought to the attention of the Department of Health and Human Services (DHHS) in Maine. It appears from the record that the DHHS initiated an investigation by referring the complaints to the Spurwink Child Abuse Program for a sex abuse evaluation. During this evaluation, the child was seen by Dr. Lawrence Ricci (a pediatrician specializing in child abuse) and Joyce Wientzen, a Licensed Clinical Social Worker. According to the record, Dr. Ricci performed a physical examination of the child and found no signs of any “*genital or rectal trauma, either acute or prior.*” Following consultation with the DHHS, it was agreed that Joyce Wientzen would conduct forensic interviews with the child. Joyce Wientzen subsequently conducted two interviews with M.M. In the first, Wientzen noted that the child could not recite the interview rules, demonstrate resistance to suggestion, or participate in Wientzen’s attempts to assess the child’s understanding of the difference between the truth and a lie. During the second interview, the child disclosed sexual abuse by her father. Following their medical and forensic evaluations, Dr. Ricci and Joyce Wientzen presented the results to a team made up of other Spurwink interviewers, a psychologist, and a nurse practitioner. The team collaborated to place the case into one of four categories: (1) strong evidence of abuse; (2) moderate evidence of abuse; (3) do not know; or (4) no evidence of abuse. Ultimately, the Spurwink team concluded that this case fell within the category of moderate evidence of sexual abuse of the child by I.M. and recommended that the child have no unsupervised contact with him.

4. Armed with this information, in August 2009 the petitioner filed a complaint before the Portland District Court for an order of protection from abuse on behalf of her daughter. The matter was heard on its merits by Judge Jeffrey Moskovitz, a judge of the Portland District Court. At the conclusion of the hearing, the court found that the petitioner had not proved abuse by a preponderance of the evidence. The court distinguished judicial fact-finding from that of “*examiners and medical professionals.*” In this regard, the court noted that, although the child’s statements were the crux of the Spurwink team’s opinion that there was moderate evidence of abuse, the court was hesitant to assign great weight to the statements of a child who was unable to distinguish between the truth and a lie. In addition, the court noted that it, unlike the examiners, was required to consider “*bias, motive to fabricate, and other circumstantial evidence*” to determine what had or had not been proved. In sum, the court determined that the petitioner had presented “*extremely precarious evidence of an extremely serious allegation.*” The petitioner subsequently appealed to the Maine Supreme Judicial Court, which on January 25, 2011, affirmed the judgment of the lower court.

5. According to the petitioner, the court system in Maine has operated in a corrupt manner in dealing with and deciding on the claims regarding the alleged abuse of her daughter. The petitioner claims that the courts have effectively shielded I.M. from prosecution for his “*crimes of domestic violence and child sex abuse.*” The petitioner also claims that the Attorney General of Maine appears to be “*heavily involved in the trafficking*” of her daughter.

6. The petitioner also states that she has made complaints to other authorities, including the (federal) Department of State. She asserts that the Department of State notified her in February 2012, that they had no jurisdiction over the complaints, indicating that the complaints were being forwarded to the (federal) Department of Justice.

7. According to the record, in April 2013 three private citizens filed an application in the Portland District Court for a child protection order in favor of M.M. The plaintiffs claimed that M.M. required protection because of “*circumstances of jeopardy*” created by her father (I.M.). The application was opposed by both I.M. and the DHHS, before being dismissed in June 2013 by Judge Goranites (of the Portland District Court). The plaintiffs appealed to the Maine Supreme Judicial Court. The Court ultimately dismissed the appeal on February 11, 2014. Among other things, the Court considered that Judge Goranites had correctly found that the claims of assault on M.M. were barred from consideration by the application of the principle of *res judicata*. In this regard,

the Court held that these claims had previously been litigated during the divorce proceedings and therefore the plaintiffs were barred from relitigating the claims.

8. In general terms, the petitioner contends that she has exhausted all available domestic remedies.

9. The petitioner rejects the State's contentions, reaffirming that her petition is admissible, and that her complaints are amply supported by the documentation that she has submitted. The petitioner contends that the judgment that against her (for negligent and intentional infliction of emotional distress, as well as for defamation) was a default judgment. She states that she was unable to defend herself against the suit because of warnings that she received that she would be liable to arrest if she appeared in Maine to defend the suit.

10. The State rejects the petition as inadmissible on several grounds. In this regard, the State submits that the petitioner has failed to pursue and exhaust domestic remedies. The State also contends that to the extent that the domestic courts have adjudicated the claims of the petitioner, any consideration of these claims by the Commission would violate its fourth instance doctrine. The State also submits that the petition fails to state facts that tend to establish any violations of the American Declaration and that the claims in the petition are otherwise manifestly groundless.

11. With respect to the issue of domestic remedies, the State argues that the petitioner presents no indication of any attempt to litigate the violations alleged in the petition in U.S. courts at either the state or federal level beyond vague reference to family court proceedings. In this regard, the State notes that the petitioner claims "*[t]his case has been going on in Maine family courts since 2009,*" but provides no specifics as to the proceedings initiated or exhausted. The State further submits that there is no record of any domestic proceedings related directly to the abuses alleged to have been committed, except to the extent that some of these allegations may have been raised during the custody proceedings between the petitioner and her daughter's father. According to the State where such allegations have been considered in that context in fact by domestic courts in the United States the Commission's reevaluation of those same allegations is precluded by the Commission's fourth instance doctrine.

12. The State contends that the petitioner has effectively asked the Commission to involve itself in a private dispute between herself and the father of her daughter, combined with vague allegations against state and local officials in the U.S. State of Maine, for alleged actions and inactions related to that custody dispute, with little to no supporting evidence. The State further submits that to the extent that reviewing the merits of this petition would require the Commission to delve into sensitive family matters governed by domestic family law, involving significant evidentiary records and testimony, including from expert witnesses, the Commission does not have the resources, the mandate, or the requisite expertise to perform such a task.

13. The State submits that the petition fails to state facts that tend to establish any violation of the American Declaration, and that the claims therein are otherwise manifestly groundless. The State note that the petitioner alleges that "*the right to be free from violence and sex abuse. . . has been totally abdicated,*" which the State understands to refer to the right to the security of person under Article I of the American Declaration. However, the State contends that the petitioner has not articulated facts that tend to establish any violation of this right by the United States. The State also notes that the petitioner further alleges that the "*right of due process, and fair trial [have been] completely abdicated,*" which the State understands to refer to Articles XVIII and XXVI of the American Declaration. Here again, the State argues that the petitioner has failed to articulate any action by the United States contrary to those rights.

14. The State also indicates that the petitioner is subject to a judgment in favor of her ex-husband and daughter for negligent and intentional infliction of emotional distress, as well as for *per se* defamation of her husband, in relation to the same allegations underlying the petition.

## **VI. ANALYSIS OF EXHAUSTION OF DOMESTIC REMEDIES AND TIMELINESS OF THE PETITION**

15. The petitioner generally contends that she exhausted all available domestic remedies, while the State argues that the petitioner failed to do so. Based on the record, in August 2009 the petitioner sought a judicial order of protection on behalf of her daughter based on allegations that her former husband had sexually abused her daughter. The petitioner's application was dismissed by a District Court. The petitioner's subsequent appeal to the Maine Judicial Supreme Court was dismissed on January 25, 2011. The record also shows that in April 2013 three private citizens filed an application in the Portland District Court for a child protection order in favor of the petitioner's daughter – broadly on the basis that her father had placed her in "*circumstances of jeopardy*". This application was dismissed by the Portland District Court in June 2013. A subsequent appeal to the Maine Judicial Supreme Court was dismissed on dismissed the appeal on February 11, 2014.

16. As a general principle, the Commission has held that the requirement of exhaustion of domestic remedies does not mean that the petitioner has an obligation to exhaust all available remedies. Consequently, if the alleged victim raised the issue through one of the valid and adequate alternatives according to the domestic legal system, and the State had the opportunity to remedy the issue in its jurisdiction, the purpose of the international standard is fulfilled. In the instant case, the Commission notes that the last remedy invoked and exhausted by the petitioner was the appeal before the Maine Judicial Supreme Court that ended in a dismissal in 2011. The litigation initiated by private citizens appears to have been conducted independently of the petitioner and would appear to be the pursuit of a remedy that cannot be attributed to the petitioner. In fact, that application was even opposed by the Department of Health and Human Services (DHHS).

17. Having regard for the foregoing, the Commission considers that the dismissal of the petitioner's appeal in 2011 by the Maine Judicial Supreme Court represents the exhaustion of domestic remedies in accordance with Article 31 (1) of the Commission's Rules of Procedure. However, the Commission notes that the petition was received on August 12, 2014, more than three years after the 2011 decision of the Maine Judicial Supreme Court. In the circumstances, the Commission concludes that petition fails to comply with the six-month period prescribed by Article 32 (1) of the Commission's Rules of Procedure and is therefore inadmissible.

18. In any event, the Commission considers that the petitioner is effectively requesting the IACHR to review the content of judgments adopted during domestic proceedings. The IACHR reiterates that the interpretation of the law, the pertinent procedure, and the evaluation of the evidence is, among others, the exercise of the function of domestic jurisdiction, which cannot be replaced by the IACHR. In this sense, the function of the Commission is to guarantee compliance with the obligations assumed by the States, but it cannot act as a court of appeal to examine alleged factual and legal errors that may have been committed by national courts that have acted within the limits of their jurisdiction. Having regard for the foregoing analysis, the Commission finds that, it is not possible to identify potential violations of the American Declaration, and that the petition is also inadmissible on this ground. Accordingly, the Commission does not consider it necessary to proceed with an analysis of the other admissibility requirements.

## **VII. DECISION**

1. To find the instant petition inadmissible;
2. To notify the parties of this decision; and to publish this decision and include it in its Annual Report to the General Assembly of the Organization of American States.

Approved by the Inter-American Commission on Human Rights on the 13<sup>th</sup> day of the month of August, 2022. (Signed:) Julissa Mantilla Falcón, President; Margarette May Macaulay, Second Vice President; Joel Hernández, and Roberta Clarke, Commissioners.