

IN RE ELIJAH D. et al.

Submitted on Briefs July 26, 2011

Decided August 4, 2011

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

MEMORANDUM OF DECISION

The mother of Elijah and Isaiah D. appeals from a jeopardy order regarding her sons, entered in the District Court (Lewiston, *Beliveau, J.*). Contrary to the mother's contention, the court did not deprive her of due process by making findings related to her mental health and housing because these findings were not the basis for the court's jeopardy determination; the jeopardy order was based on an agreed-to finding of substance abuse, as well as the court's finding of domestic violence made after a hearing, for which the mother had notice of the issue. *See In re Chelsea C.*, 2005 ME 105, ¶ 20, 884 A.2d 97, 102 ("Once the court has determined that a child is in jeopardy, it has a wide range of choices to determine a course of action within the purpose and priorities of [22 M.R.S. § 4035(3) (2010) and 22 M.R.S.A. § 4036 (2004)<sup>1</sup>].").

The entry is:

Judgment affirmed.

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<sup>1</sup> Section 4036 has since been amended in ways not relevant to the disposition of this appeal. *See* P.L. 2005, c. 526, §1 (effective Aug. 23, 2006); P.L. 2007, c. 256, §1 (effective Sept. 20, 2007).

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Lewiston District Court docket number PC-2010-58  
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