

In re DAMON N.

Submitted on Briefs September 27, 2011

Decided October 18, 2011

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

MEMORANDUM OF DECISION

The parents of Damon N. appeal from a jeopardy and cease reunification order entered in the District Court (Calais, *Romei, J.*). See 22 M.R.S. §§ 4035, 4036(1)(G-2) (2010). Contrary to the father's contention, to the extent that the Americans with Disabilities Act applied, see 42 U.S.C.S. §§ 12131-12134 (LexisNexis 2009), the Department of Health and Human Services and the court adequately accommodated the father's disability. *In re Angel B.*, 659 A.2d 277, 279 (Me. 1995). Further, there is evidence in the record to support the court's finding, by a preponderance of the evidence, that "the child is in circumstances of jeopardy to the child's health or welfare." 22 M.R.S. § 4035(2); see *In re Adrian D.*, 2004 ME 144, ¶ 4, 861 A.2d 1286. Because we have affirmed the judgment terminating the parents' parental rights to the child's sibling, see *In re Marii-Jyne N.*, Mem 11-143 Sept. 29, 2011), any issues regarding the finding of an aggravating factor pursuant to 22 M.R.S. §§ 4002(1-B)(C) and 4036(1)(G-2) (2010) are moot. See *In re Misty B.*, 2000 ME 67, ¶ 7, 749 A.2d 754. Finally, we discern no abuse of discretion in the court's denial of the father's motion for the court's recusal. See *State v. Atwood*, 2010 ME 12, ¶¶ 20-22, 988 A.2d 981.

The entry is:

Judgment affirmed.

On the briefs:

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Dennis L. Mahar, Esq., Fletcher & Mahar, Calais, for appellant mother

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Augusta, for appellee Department of Health and Human Services

Calais District Court docket number PC-2010-6
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