

IN RE MARCUS C. et al.

Submitted on Briefs March 2, 2011

Decided March 17, 2011

Panel: ALEXANDER, LEVY, SILVER, MEAD, GORMAN, and JABAR, JJ.

MEMORANDUM OF DECISION

The father of Marcus C. and Autumn C. appeals from the judgment of the District Court (Newport, *Sparaco, J.*) finding jeopardy, 22 M.R.S. § 4035(2) (2010), with respect to his two children and ordering that custody of the children remain with the Department of Health and Human Services. The father does not appear to contest the jeopardy finding but does contest the court's finding of an aggravating factor, 22 M.R.S. § 4002(1-B) (2010), and its authorizing the Department to cease reunification efforts with the parents of both children pursuant to 22 M.R.S. § 4036(1)(G-2) (2010). A challenge to a cease reunification order, although based on a challenged finding of an aggravating factor, is generally an interlocutory appeal that is subject to dismissal. *See In re Matthew W.*, 2006 ME 67, ¶¶ 14-15, 903 A.2d 333, 338. We reach the merits of the father's contentions, however, because this is technically an appeal of the jeopardy order. The record contains more than sufficient evidence to support the court's finding that the father either perpetrated or was aware of and did not prevent brutal assaults committed against the younger child. *See In re Cameron W.*, 2010 ME 101, ¶¶ 2-4, 5 A.3d 668, 669. That finding is sufficient to support the court's aggravating factor determination pursuant to 22 M.R.S. § 4002(1-B). Further, the record contains more than sufficient evidence to support the court's finding of jeopardy because of the parents' refusal to acknowledge responsibility or engage in good faith efforts to rehabilitate to address the present problems that justified the court's cease reunification order pursuant to 22 M.R.S. § 4036(1)(G-2).

The entry is:

Judgment affirmed.

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