

IN RE DAVID S.

Submitted on Briefs June 30, 2011  
Decided July 5, 2011

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

MEMORANDUM OF DECISION

The father of David S. appeals from a judgment of the District Court (Machias, *Romei, J.*) that granted sole parental rights and responsibilities to the mother, pursuant to 22 M.R.S. § 4036(1-A) (2010), 19-A M.R.S. § 1653 (2010), in this child protection and parental rights and responsibilities action. Contrary to the father's contentions, the judgment did not constitute a de facto termination of his parental rights because it provided for the father's continuing contact with the child, and because it was subject to future modification, pursuant to 22 M.R.S. § 4036(1-A)(B); 19-A M.R.S. §§ 1653(10), 1657(1) (2010). *See Hatch v. Anderson*, 2010 ME 94, ¶ 8, 4 A.3d 904, 906. Consequently, the court did not err in applying the evidentiary standard of a preponderance of the evidence, which applies to jeopardy proceedings, pursuant to 22 M.R.S. §§ 4035(2) (2010), 4036(1-A), *see In re Matthew W.*, 2006 ME 67, ¶ 8, 903 A.2d 333, 336-37, rather than the standard of clear and convincing evidence applicable to termination proceedings, pursuant to 22 M.R.S. § 4055(1) (2010), *see In re Robert S.*, 2009 ME 18, ¶ 15, 966 A.2d 894, 898.

The entry is:

Judgment affirmed.

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Machias District Court docket number PC-2010-6  
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