

IN RE DAYLA R.

Submitted on Briefs: March 1, 2012

Decided March 20, 2012

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

MEMORANDUM OF DECISION

The mother of Dayla R. appeals from the judgment of the District Court (Lewiston, *Beliveau, J.*) terminating her parental rights pursuant to 22 M.R.S. § 4055(1)(B)(2) (2011). On appeal, the mother argues that the court's findings of parental unfitness and best interests of the child were not supported by clear and convincing evidence. Contrary to her contention, the court's finding of parental unfitness on the grounds that she was unable to protect the child from jeopardy within a time reasonably calculated to meet the child's needs was supported by sufficient evidence in the record. 22 M.R.S. § 4055(1)(B)(2)(i); *see In re Marcus S.*, 2007 ME 24, ¶ 6, 916 A.2d 225 (stating that this Court reviews findings of fact in parental termination cases for clear error "by determining whether there is any competent evidence in the record to support them."). Further, there was sufficient evidence in the record to support the court's finding that termination of the mother's parental rights was in the best interests of the child. *See In re Marcus S.*, 2007 ME 24, ¶ 6, 916 A.2d 225.

The mother also contends that due process requires the court to consider whether further reunification efforts between parent and child are warranted before terminating parental rights. The mother is correct that parents facing the loss of their children to the State generally have the right to reunification services at the State's expense, *see In re Heather C.*, 2000 ME 99, ¶ 23, 751 A.2d 448, however, the reunification efforts of the Department of Health and Human Services were not an issue in this case. Additionally, while courts may consider the Department's lack of reunification efforts as a factor when determining whether a parent is unfit,

it “does not constitute a discrete element requiring proof in termination proceedings.” *In re Doris G.*, 2006 ME 142, ¶ 16-17, 912 A.2d 572.

The entry is:

Judgment affirmed.

On the briefs:

Jack Hunt, Esq., Kennebunk, and the mother, pro se, for appellant mother

William J. Schneider, Attorney General, and Nora Sosnoff, Asst. Atty. Gen.,
Office of the Attorney General, Augusta, for appellee Department of Health
and Human Services