

IN RE AJAH T.

Submitted on Briefs July 25, 2012

Decided August 7, 2012

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

MEMORANDUM OF DECISION

The father of Ajah T. appeals from the order of the District Court (Augusta, *French, J.*) finding jeopardy as to Ajah T. and issuing a child protection order. *See* 22 M.R.S. § 4035(2) (2011). On appeal, the father asserts that the evidence in the record was insufficient to support the jeopardy finding and that the Department of Health and Human Services failed to make reasonable efforts to reunify by waiting too long to find and serve him, and not giving him enough time to prepare to demonstrate that the child would not be in jeopardy in his care.

The court's findings as to the basis for a jeopardy order must be supported to the preponderance of the evidence standard of proof. 22 M.R.S. § 4035(2). Judged by that standard, the evidence is more than sufficient to support the court's findings of jeopardy. *See In re Dakota P.*, 2005 ME 2, ¶ 15, 863 A.2d 280. The hearing was conducted just a month after the father's release from incarceration and the delays asserted to have been the fault of the State actually occurred because the State had been led to believe that another individual was the child's father, and the father accepted responsibility for the child only after paternity testing.

The entry is:

Judgment affirmed.

On the briefs:

Scott F. Hess, Esq., Law Office of Scott F. Hess, LLC, Augusta, for appellant father

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