

IN RE O.D.

Submitted on Briefs January 28, 2016

Decided February 2, 2016

Panel: ALEXANDER, MEAD, GORMAN, JABAR, and HUMPHREY, JJ.

MEMORANDUM OF DECISION

The father of O.D. appeals from a jeopardy order entered by the District Court (West Bath, *Dobson, J.*) that included a provision, based on the court's finding that he had abandoned the child, relieving the Department of Health and Human Services of its obligation to provide him with reunification services. *See* 22 M.R.S. §§ 4002(1-A)(A)-(B), 4002(1-B)(D), 4036(1)(G-2), 4041(2)(A-2) (2015). Contrary to the father's contention, the court did not err in making the finding of abandonment based on evidence that it heard during the dispositional phase of the jeopardy hearing, which was held immediately following the parties' stipulation to other facts constituting jeopardy. *See* 22 M.R.S. §§ 4035(3) (2015) (“[i]f the court determines that the child is in circumstances of jeopardy . . . the court shall hear *any relevant evidence* regarding proposed dispositions . . . under section 4036” (emphasis added)), 4036(1)(G-2) (providing that one such disposition is a protection order including a cease reunification provision).

The entry is:

Jeopardy order affirmed.

On the briefs:

Nathaniel Seth Levy, Esq., Brunswick, for appellant father

Janet T. Mills, Attorney General, and Meghan Szylvian, Asst. Atty. Gen, Office of the Attorney General, Augusta, for appellee Department of Health and Human Services

West Bath District Court docket number PC-2014-21
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