

IN RE ANDREW B. et al.

Submitted on Briefs July 20, 2016

Decided July 28, 2016

Panel: SAUFLEY, C.J., and ALEXANDER, MEAD, GORMAN, JABAR, HJELM, and HUMPHREY, JJ.

MEMORANDUM OF DECISION

The mother of Andrew B. and Evan B. appeals from a judgment entered in the District Court (Caribou, *Soucy, J.*) terminating her parental rights to the children pursuant to 22 M.R.S. § 4055(1)(B)(2) (2015). As the mother acknowledges, there is sufficient competent evidence in the record to support the court's findings, by clear and convincing evidence, of at least one ground of parental unfitness and that termination is in the children's best interests. *See In re M.S.*, 2014 ME 54, ¶ 13, 90 A.3d 443. The court also did not abuse its discretion in determining that termination of parental rights is in the best interests of the children. *See In re Marcus S.*, 2007 ME 24, ¶ 6, 916 A.2d 225. Because nothing in the record indicates that the court applied an incorrect standard of proof in making its best interests determination, we presume the court made that determination by clear and convincing evidence in accordance with 22 M.R.S. § 4055(1)(B)(2). *See In re Amber B.*, 597 A.2d 937, 937-38 (Me. 1991); *New England Tel. & Tel. Co. v. Pub. Utils. Comm'n*, 448 A.2d 272, 281 (Me. 1982); *State v. Ashe*, 425 A.2d 191, 194 n.4 (Me. 1981). Contrary to the mother's contention, therefore, we need not remand the case for further proceedings.

The entry is:

Judgment affirmed.

**On the briefs:**

Matthew A. Hunter, Esq., Caribou, for appellant mother

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

Caribou District Court docket number PC-2014-21  
FOR CLERK REFERENCE ONLY