

IN RE SOPHIA D.

Submitted on Briefs July 20, 2016
Decided August 9, 2016

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

MEMORANDUM OF DECISION

The father appeals from an Order After Judicial Review and Permanency Planning Order modifying the permanency plan to provide for the creation of a permanent guardianship with Sophia's paternal grandmother entered in the District Court (Biddeford, *Foster, J.*) after a hearing. *See* 22 M.R.S. §§ 4038, 4038-B (2015); M.R. App. P. 2. We are unpersuaded by his argument that an appeal taken from the order is not interlocutory because the court made additional written findings which it termed "additional findings of jeopardy." *See* 22 M.R.S. § 4006 (2015); *cf. In re Dustin C.*, 2008 ME 89, ¶ 3, 952 A.2d 993; *In re Janna Lynn M.*, 2002 ME 45, 793 A.2d 506. Nor are we persuaded by the father's arguments that (1) prior to making additional findings of parental unfitness to protect the child from jeopardy, the court should have required the Department to file another child protection petition pursuant to 22 M.R.S. §§ 4032, 4033, 4035 (2015); or (2) the procedures employed by the court violated the father's due process rights.

The entry is:

Appeal dismissed.

On the briefs:

Brian D. Burke, Esq., Fairfield & Associates, Lyman, for
appellant father

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

Biddeford District Court docket number PC-2013-09
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