

IN RE ALEXIA T. et al.

Submitted on Briefs February 23, 2017
Decided March 2, 2017

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

MEMORANDUM OF DECISION

The mother and father both appeal from a judgment of the District Court (Augusta, *Nale, J.*) terminating their parental rights to their children, Alexia T., Gage T., and Aiden T.

Despite the father's contentions, the court's order terminating his parental rights did not fail to recite sufficient factual findings on the record so as to permit informed judicial review. *See* M.R. Civ. P. 52(a) ("[I]n every action for termination of parental rights, the court shall make specific findings of fact and state its conclusions of law thereon as required by 22 M.R.S. § 4055."). The facts found by the court were both sufficient and fully supported by the evidence presented.

Also, the court did not err as a matter of law in applying the presumption that the mother is unwilling or unable to protect the children from jeopardy and that those circumstances are unlikely to change in a time reasonably calculated to meet the children's needs. *See* 22 M.R.S. § 4055(1-A)(C). The presumption is not conclusive, and was not applied conclusively in this matter. *See id.*; *In re Sarah T.*, 629 A.2d 53, 54-55 (Me. 1993). The court's determination that the mother was unable or unwilling to protect the children from jeopardy was supported by ample evidence in the record, including evidence showing that she had failed to provide for the children's medical and educational needs, and failed to

meaningfully participate in reunification services, including visits with the children, substance abuse treatment programs, and mental health counseling.

The parents' remaining arguments are unpersuasive, and we do not address them further.

The entry is:

Judgment affirmed.

Rory A. McNamara, Esq., Drake Law, LLC, Berwick, for appellant mother

Lorne Fairbanks, Esq., Lewiston, 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