

IN RE BRIAN C. et al.

Submitted on Briefs January 19, 2017

Decided January 26, 2017

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

MEMORANDUM OF DECISION

The mother of Brian C. and Ciara C. appeals from a judgment of the District Court (Portland, *Powers, J.*) terminating her parental rights to her children. Contrary to the mother's contention, there is sufficient evidence in the record to support the court's findings, by clear and convincing evidence, that the mother is "unwilling or unable to protect the child[ren] from jeopardy and these circumstances are unlikely to change within a time which is reasonably calculated to meet the child[ren]'s needs" and that the mother "has been unwilling or unable to take responsibility for the child[ren] within a time which is reasonably calculated to meet the child[ren]'s needs." 22 M.R.S. § 4055(1)(B)(2)(i), (ii) (2016); *see In re M.S.*, 2014 ME 54, ¶ 13, 90 A.3d 443. There is also sufficient evidence in the record to support the court's finding, by clear and convincing evidence, that termination is in the best interests of the children. *See* 22 M.R.S. § 4055(1)(B)(2)(a) (2016); *In re M.S.*, 2014 ME 54, ¶¶ 13, 15, 90 A.3d 443. The court did not abuse its discretion in determining that termination is in the best interests of the children. *See In re Thomas H.*, 2005 ME 123, ¶ 16, 889 A.2d 297. Furthermore, the court did not abuse its discretion in considering a Court-Ordered Diagnostic Evaluation (CODE) created for a separate child protection matter and related testimony; the mother's concerns about this evidence addressed its weight rather than its admissibility. *See In re B.C.*, 2014 ME 99, ¶ 1 n.1,

97 A.3d 1086 (explaining that the weight given to evidence is the sole province of the court as the fact-finder).

The entry is:

Judgment affirmed.

Zack M. Paakkonen, Esq., Portland Legal LLC, Portland, 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

Portland District Court docket number PC-2014-71
FOR CLERK REFERENCE ONLY