

IN RE CHILDREN OF CODY M.

Submitted on Briefs November 21, 2019

Decided December 23, 2019

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

MEMORANDUM OF DECISION

One father (Cody) and two mothers (Alyssa and Kayla) appeal from judgments entered by the District Court (Ellsworth, *Roberts, J.*) in four consolidated child protective cases. See 22 M.R.S. § 4006 (2018). Cody and Alyssa both appeal from the termination of their parental rights to their son, D.M., and daughter, T.M.¹ Cody also shares a daughter, A.M., with Kayla; they both appeal the termination of their parental rights to A.M.² All three parents argue that the court erred in finding parental unfitness pursuant to 22 M.R.S. § 4055(1)(B)(2)(b)(i)-(ii) (2018), and abused its discretion in concluding that termination was in the best interests of their children.

Contrary to Cody's contentions, the record supports the court's findings, by clear and convincing evidence, that (1) Cody had not obtained and maintained adequate housing; (2) Cody did not adequately communicate with his children's service providers and foster parents; and (3) the Department

¹ Cody has one more biological daughter who is not involved in this matter.

² We do not address Kayla's appeal as it pertains to the court-ordered permanency guardianship for her two sons, C.C. and T.C. An appeal of an order creating a permanency guardianship is deemed interlocutory by operation of statute. See 22 M.R.S. § 4006 (2018); *In re Children of Corey W.*, 2019 ME 4, ¶ 12, 199 A.3d 683; *In re Children of Nicole M.*, 2018 ME 75, ¶ 11, 187 A.3d 1.

provided Cody with appropriate services and provider referrals. The court did not err in finding parental unfitness by clear and convincing evidence. *See* 22 M.R.S. § 4055(1)(B)(2)(b)(i)-(ii); *In re Cameron B.*, 2017 ME 18, ¶ 10, 154 A.3d 1199.

Notwithstanding Alyssa's arguments, the record supports the court's findings, by clear and convincing evidence, that (1) Alyssa did not take advantage of the Department's various efforts to provide her with visitation to accommodate her work schedule; and (2) Alyssa continues to associate with unsafe persons. The court's factual findings and ultimate finding of parental unfitness were not erroneous. *See* 22 M.R.S. § 4055(1)(B)(2)(b)(i)-(ii); *In re R.M.*, 2015 ME 38, ¶ 7, 114 A.3d 212.

Kayla argues that the evidence was insufficient to support, or is even contrary to, the court's finding of unfitness. However, the record supports the court's findings, by clear and convincing evidence, that Kayla is unable to protect her daughter, A.M., from jeopardy and unable to take responsibility for her within a time reasonably calculated to meet A.M.'s needs. *See* 22 M.R.S. § 4055(1)(B)(2)(b)(i)-(ii); *In re Cameron B.*, 2017 ME 18, ¶ 10, 154 A.3d 1199; *In re R.M.*, 2015 ME 38, ¶ 7, 114 A.3d 212.

Finally, the court did not err in determining that the termination of Cody's, Alyssa's, and Kayla's parental rights was in the best interests of D.M., T.M., and A.M., based on the children's need for permanency and their parents' inability to provide them with stability and security after more than two years of reunification services. *In re Child of Shaina T.*, 2019 ME 107, ¶ 14, 211 A.3d 229; *see* 22 M.R.S. §§ 4001-4099-H (2018).

The entry is:

Judgment affirmed.

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Mary Kellett Gray, Esq., Brooklin, for appellant Alyssa

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Ellsworth District Court docket numbers PC-2017-9, PC-2017-10, PC-2017-11, and PC-2017-13
FOR CLERK REFERENCE ONLY