

IN RE CHILDREN OF ANNA A.

Submitted on Briefs February 20, 2019

Decided February 28, 2019

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

MEMORANDUM OF DECISION

Anna A. appeals from a judgment of the District Court (Ellsworth, *Roberts, J.*) terminating her parental rights to her five children pursuant to 22 M.R.S. § 4055(1)(A)(1)(a) and (B)(2)(a), (b)(i) (2018).<sup>1</sup> She contends that the court erred in its decision that termination of her parental rights with a permanency plan of adoption for the children is in the best interests of the children, after the court found “that there was not any compelling reason supporting long-term care.”

The court found by clear and convincing evidence and the record supports that despite three years of involvement with the Department, the mother: (1) has an ongoing relationship with the father of the two youngest children, which is marred by domestic violence to a degree that jeopardizes the children’s safety; (2) has issues with alcohol use and failed to submit to drug screening when scheduled; (3) continues to put her own needs before her children’s needs; and (4) fails to hold herself accountable for how her choices affect her children.

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<sup>1</sup> The parental rights of the father of the three older children were terminated in 2010. The parental rights of the father of the two youngest children were terminated in the orders that are subject to this appeal, but he does not appeal.

The court further supportably found that the three older children and the second youngest child were each traumatized by their removal from the mother's residence in March 2018 due to a failed unsupervised visitation and an attempted trial placement, respectively. All five children have special needs and need permanency. Although the foster parents of the three older children are not in a position to adopt the children, they are prepared to provide long-term care for the older children. The two youngest children are currently living with their great aunt and uncle, who are prepared to adopt them. The court stated that it is satisfied that the foster parents and the great aunt and uncle "will continue to do their part to foster the siblings' relationships."

Contrary to the mother's contention, the court did not err or abuse its discretion in concluding that terminating the mother's parental rights with a permanency plan of adoption, rather than long-term foster care, was in the best interests of the children. *See In re Logan M.*, 2017 ME 23, ¶ 5, 155 A.3d 430; *In re Thomas H.*, 2005 ME 123, ¶¶ 16-17, 889 A.2d 297; *see also In re C.P.*, 2013 ME 57, ¶ 19, 67 A.3d 558. The purposes of the termination statute explicitly include "[e]liminat[ing] the need for children to wait unreasonable periods of time for their parents to correct the conditions which prevent their return to the family," and "[p]romot[ing] the adoption of children into stable families rather than allowing children to remain in the impermanency of foster care." 22 M.R.S. § 4050(2), (3) (2018). Although the mother does not raise the issue on appeal, the evidence also supports the court's finding of parental unfitness by clear and convincing evidence. *See* 22 M.R.S. § 4055(1)(B)(2)(b)(i).

The entry is:

Judgment affirmed.

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Ellsworth District Court docket numbers PC-2015-35, PC-2015-36, and PC-2016-34  
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