

IN RE CHILD OF SARAROSE F.

Submitted on Briefs June 16, 2021
Decided June 24, 2021

Panel: MEAD, GORMAN, HUMPHREY, HORTON, and CONNORS JJ.

MEMORANDUM OF DECISION

SaraRose F. appeals from a jeopardy order as to her child entered in the District Court (Ellsworth, *Roberts, J.*) on the petition of the Department of Health and Human Services. Contrary to the mother's contentions, there is sufficient evidence in the record to support the court's determination, by a preponderance of the evidence, that the child would be in circumstances of jeopardy to her health or welfare in the mother's care. See 22 M.R.S. §§ 4002(6), 4035 (2021); *In re Child of Ryan F.*, 2020 ME 21, ¶¶ 30-31, 224 A.3d 1051. We also decline to disturb the jeopardy order based on the court's failure to meet the requirement in 22 M.R.S. § 4035(4-A) (2021) that a jeopardy order must be issued within 120 days after the filing of the child protection petition. See *In re Cameron W.*, 2010 ME 101, ¶ 4 n.1, 5 A.3d 668; *State v. Mayberry*, 2001 ME 176, ¶ 7, 787 A.2d 135; *Davric Me. Corp. v. Me. Harness Racing Comm'n*, 1999 ME 99, ¶ 13, 732 A.2d 289; *State v. Clark*, 642 A.2d 159, 160-61 (Me. 1994).

The entry is:

Judgment affirmed.

Bronson Stephens, Esq., Bucksport, for appellant mother

Aaron M. Frey, Attorney General, and Meghan Szylvian, Asst. Atty. Gen., Office of the Attorney General, Augusta, for appellee Department of Health and Human Services

Ellsworth District Court docket number PC-2019-36
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