

IN RE CHILDREN OF BRANDON M.

Submitted on Briefs February 23, 2022
Decided March 3, 2022

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

MEMORANDUM OF DECISION

The father and mother appeal from a judgment entered by the district court (Waterville, *Montgomery, J.*) terminating their parental rights to their two children. Contrary to the father's contention, neither the court nor the Department delegated its duties to a third party when the Department relied on an expert to gauge progress toward reunification. The court maintained oversight of the reunification process and did not abuse its discretion when it relied on that expert's testimony during the hearing on the termination of parental rights. See *In re Child of Kimberlee C.*, 2018 ME 134, ¶ 5, 194 A.3d 925.

Contrary to the arguments of both parents, the record contains sufficient evidence to support the court's findings that the parents are unwilling or unable to protect the children from jeopardy and that those circumstances are unlikely to change within a time which is reasonably calculated to meet the needs of the children and are unwilling or unable to take responsibility for the children within a time reasonably calculated to meet the needs of the children. See 22 M.R.S. § 4055(1)(B)(2)(b)(i), (ii) (2021); *In re Olivia F.*, 2019 ME 149, ¶ 5, 217 A.3d 1106. Finally, despite the children not being in pre-adoptive placements, the court did not abuse its discretion in finding termination to be in the best interests of the children. 22 M.R.S. § 4055(1)(B)(2)(a)(2021); see *In re Child of Carl D.*, 2019 ME 67, ¶ 8, 207 A.3d 1202 (“[W]here the only real hope for children is to be placed in a healthy, supportive, and permanent adoptive home, the court does not err or abuse its discretion in finding

termination to be in the best interests of the children, even if the possibility of adoption is less than certain.”).

The entry is:

Judgment affirmed.

Julian Richter, Esq., Richter Law, LLC, Gardiner, for appellant father

Mary Kellett Gray, Esq., Brooklin, 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

Waterville District Court docket number PC-2018-5
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