

IN RE CHILD OF KYMBER C.

Submitted on Briefs October 18, 2023

Decided October 26, 2023

Panel: STANFILL, C.J., and MEAD, JABAR, HORTON, CONNORS, LAWRENCE,
and DOUGLAS, JJ.

MEMORANDUM OF DECISION

Kymber C. appeals from a judgment of the District Court (Skowhegan, *Nale, J.*) terminating her parental rights to her child. *See* 22 M.R.S. § 4055(1)(A)(1)(a), (B)(2)(a), (b)(i)-(ii), (iv) (2023). The mother challenges the sufficiency of the evidence, primarily arguing that the trial court erred or abused its discretion in terminating her parental rights when she had made progress toward alleviating jeopardy despite the Department's failure to provide sufficient rehabilitation and reunification services.

Contrary to the mother's contentions, the court recognized that the mother had recently engaged in some services, but also found, with ample support in the record, that the mother had nevertheless failed to make a good faith effort to rehabilitate and reunify with the child and that she was unable or unwilling to protect the child from jeopardy or take responsibility for the child within a time reasonably calculated to meet the child's needs. *See In re Hope H.*, 2017 ME 198, ¶¶ 8-10, 170 A.3d 813 (stating that marginal progress toward reunification is not enough to ameliorate jeopardy); *see also In re Children of Jason C.*, 2020 ME 86, ¶¶ 8-9, 236 A.3d 438; *In re Children of Anthony M.*, 2018 ME 146, ¶¶ 9-11, 195 A.3d 1229. We discern no error in the court's findings of parental unfitness or in its determination that termination of the mother's parental rights is in the child's best interest. Finally, on this record, we cannot conclude that the Department failed to make a good faith effort to satisfy its

statutory obligations. *See* 22 M.R.S. § 4041 (2023); *In re Doris G.*, 2006 ME 142, ¶ 17, 912 A.2d 572; *In re Child of Amelia C.*, 2020 ME 28, ¶¶ 7-9, 227 A.3d 156.

The entry is:

Judgment affirmed.

Neil J. Prendergast, Esq., Fort Kent, for appellant Kymber C.

Aaron M. Frey, Attorney General, and Hunter C. Umphrey, Asst. Atty. Gen., Office of the Attorney General, Bangor, for appellee Department of Health and Human Services

Skowhegan District Court docket number PC-2021-44
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