

IN RE CHILDREN OF DAVIS B.

Submitted on Briefs December 20, 2023

Decided December 28, 2023

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

MEMORANDUM OF DECISION

The father appeals from a judgment entered by the District Court (Ellsworth, *Harrigan, J.*) finding that his three children are in circumstances of jeopardy as to their health and welfare pursuant to 22 M.R.S. § 4035 (2023). Contrary to the father's contentions, there was sufficient evidence for the court to find, by a preponderance of the evidence, that the Department engaged in reasonable efforts to prevent removal of the children from the home and to rehabilitate and reunify the family. *See* 22 M.R.S. §§ 4036-B(3), (4), 4041(1-A) (2023); *In re Dakota P.*, 2005 ME 2, ¶ 14, 863 A.2d 280; *In re E.A.*, 2015 ME 37, ¶ 7, 114 A.3d 207.

The evidence was also sufficient to find it more likely than not that the children are in jeopardy due to a threat of serious emotional injury. *See* 22 M.R.S. § 4002(6)(A), (10)(B) (2023); *In re Child of Ryan F.*, 2020 ME 21, ¶ 30, 224 A.3d 1051. There was competent evidence in the record that the father has engaged in abusive behavior toward the mother, that the children have witnessed that behavior, and that the children are likely to suffer emotional injury from exposure to the father's behavior and the father's failure to acknowledge its impact on his children. *See In re Children of Richard E.*, 2020 ME 31, ¶ 23, 227 A.3d 159; 19-A M.R.S. § 1653(1)(B) (2023); *cf. In re Children of Quincy A.*, 2023 ME 49, ¶¶ 3, 6, 18, 300 A.3d 832; *In re K.M.*, 2015 ME 79, ¶¶ 2, 6, 10, 118 A.3d 812.

The entry is:

Judgment affirmed.

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Ellsworth District Court docket number PC-2023-21
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