

IN RE CHILDREN OF ASHLEY C.

Submitted on Briefs January 24, 2024

Decided February 8, 2024

Panel: MEAD, HORTON, CONNORS, LAWRENCE, and DOUGLAS, JJ.

MEMORANDUM OF DECISION

Ashley C. appeals from a judgment of the District Court (Augusta, *Nale, J.*) terminating her parental rights to her children. Contrary to the mother's contentions, there is sufficient evidence in the record to support the court's findings regarding parental unfitness, and the court did not clearly err in its finding of the mother's parental unfitness.¹ *See, e.g.,* 22 M.R.S. § 4055(1)(B)(2)(b)(i)-(ii), (iv) (2023); *In re Children of Quincy A.*, 2023 ME 49, ¶¶ 5-8, 12-13, 17-18, 300 A.3d 832; *In re Children of Anthony M.*, 2018 ME 146, ¶¶ 6-11, 195 A.3d 1229 (stating that "[m]arginal progress toward reunification and a simple desire to remain parents is not enough to ameliorate jeopardy" (quotation marks omitted)); *In re Children of Corey W.*, 2019 ME 4, ¶¶ 14-17, 20, 199 A.3d 683.

Further, the Department of Health and Human Services' fulfillment of its statutory duties to rehabilitate and reunify is not an element in parental termination proceedings, nor does the Department's failure to meet those

¹ The mother does not challenge the court's determination that termination of her parental rights is in the children's best interests. Regardless, we determine that competent record evidence supports the court's findings regarding the children's best interests and that the court did not clearly err or abuse its discretion in terminating the mother's parental rights. *See, e.g.,* 22 M.R.S. § 4055(1)(B)(2)(a) (2023); *In re Children of Christopher S.*, 2019 ME 31, ¶¶ 7-11, 203 A.3d 808; *In re B.P.*, 2015 ME 139, ¶ 19, 126 A.3d 713.

duties preclude a finding of parental unfitness. *See In re Doris G.*, 2006 ME 142, ¶ 17, 912 A.2d 572; 22 M.R.S. § 4041 (2023). Regardless, contrary to the mother's argument, there is sufficient evidence to support the court's finding that the Department made reasonable efforts to rehabilitate and reunify the family. *See In re Child of Heather W.*, 2018 ME 31, ¶ 11, 180 A.3d 661.²

The entry is:

Judgment affirmed.

Mary-Ann Letourneau, Esq., Holmes Legal Group, LLC, Wells, for appellant mother

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

Augusta District Court docket number PC-2021-02
FOR CLERK REFERENCE ONLY

² We reject the mother's remaining contentions. *See, e.g., In re Child of Dawn B.*, 2019 ME 93, ¶¶ 3, 14-16, 210 A.3d 169.