

IN RE CHILDREN OF TANYA H.

Submitted on Briefs February 21, 2024

Decided February 29, 2024

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

MEMORANDUM OF DECISION

The mother appeals from a judgment of the District Court (Waterville, *Dow, J.*) terminating her parental rights to her three children. Contrary to the mother's contention, the court did not err or abuse its discretion in finding at least one ground of parental unfitness and determining that termination of the mother's parental rights was in the best interest of the children. *See* 22 M.R.S. § 4055(1)(B)(2)(a), (b)(i)-(ii) (2023); *In re Child of Louise G.*, 2020 ME 87, ¶ 8, 236 A.3d 445. There is competent evidence in the record to support the court's finding by clear and convincing evidence that the mother is "unwilling or unable to protect the child[ren] from jeopardy and these circumstances are unlikely to change within a time which is reasonably calculated to meet the child[ren's] needs" and that the mother "has been unwilling or unable to take responsibility for the child[ren] within a time which is reasonably calculated to meet the child[ren's] needs." 22 M.R.S. § 4055(1)(B)(2)(b)(i)-(ii).

Furthermore, although the Department's performance was deficient regarding its failure to develop a rehabilitation and reunification plan under 22 M.R.S. § 4041 (2023), the court did not abuse its discretion in determining that the Department's failure did not bar the termination of the mother's

parental rights. *In re Doris G.*, 2006 ME 142, ¶ 16, 912 A.2d 572; *In re Dakota K.*, 2016 ME 30, ¶ 5, 133 A.3d 257.

The entry is:

Judgment affirmed.

Allison Muir Kuhns, Esq., Law Office of Allison Muir Kuhns, Portland, 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

Waterville District Court docket number PC-2021-72
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