

IN RE CHILD OF HALEY H.

Submitted on Briefs June 26, 2024

Decided July 2, 2024

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

MEMORANDUM OF DECISION

The mother appeals from a judgment of the District Court (Calais, *David Mitchell, J.*) finding that her child was in circumstances of jeopardy in her custody. *See* 22 M.R.S. § 4035(2) (2024). Contrary to the mother’s contentions, the court did not clearly err when it found jeopardy based on a significant injury that the child sustained while in the mother’s care. *See* M.R. Civ. P. 52(c) (“Findings of fact shall not be set aside unless clearly erroneous, and due regard shall be given to the opportunity of the trial court to judge the credibility of the witnesses.”); *In re Children of Richard E.*, 2020 ME 31, ¶¶ 21, 23, 227 A.3d 159 (“For a court to find jeopardy, it need only find, as a matter of fact, that it was more likely than not that the child would incur serious harm, or be subject to a threat of serious harm, if [he or] she was returned to the custody of the parent.” (alterations and quotation marks omitted)); *In re Child of Ryan F.*, 2020 ME 21, ¶ 32, 224 A.3d 1051 (“In child protection proceedings, what is past is often prologue regarding the threat of serious harm posed by a parent.” (alteration and quotation marks omitted)).

The entry is:

Judgment affirmed.

Nicholas Fowler, Esq., Fowler & Fowler, PLLC, Bangor, 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

Calais District Court docket number PC-2023-2
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