

IN RE CHILDREN OF DANIELLE M.

Submitted on Briefs June 26, 2024
Decided August 6, 2024

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

MEMORANDUM OF DECISION

The mother appeals from the District Court's (Presque Isle, *Langner, J.*) order finding that her three children¹ would be in circumstances of jeopardy if returned to her care. She also appeals from an order of the same court modifying a prior parental rights and responsibilities judgment regarding one of the children.

Contrary to the mother's contentions, the court did not clearly err when it determined that the children would be in circumstances of jeopardy in her care, and its findings are sufficient to inform the Department's rehabilitation and reunification efforts going forward. *See In re Nicholas S.*, 2016 ME 82, ¶ 9, 140 A.3d 1226; M.R. Civ. P. 52(c); *see also In re Children of Richard E.*, 2020 ME 31, ¶ 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)). Similarly, the court did not err or abuse its discretion when it concluded, based on the same facts, that there had been a substantial change of circumstances

¹ On July 26, 2024, the District Court dismissed the child protective case regarding the eldest child, so the mother's appeal from the jeopardy order as to that child is moot. However, her appeal from the parental rights and responsibilities order regarding the eldest child remains in controversy, as does her appeal from the jeopardy order as it pertains to the other two children

that supported modification of the parental rights and responsibilities order regarding the eldest child. *See Kelley v. McKee*, 2019 ME 155, ¶ 7, 218 A.3d 753; 19-A M.R.S. § 1657(2)(B) (2024).

Finally, we decline to address the mother’s argument that the court could rely on its jeopardy finding, made by a preponderance of the evidence, in a later termination proceeding where a higher standard of proof applies because that issue is not ripe. *See Johnson v. Crane*, 2017 ME 113, ¶ 10, 163 A.3d 832 (“Without a concrete, certain, or immediate legal problem, a controversy is not fit for judicial consideration.” (quotation marks omitted)).

The entry is:

Judgment affirmed.

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