

IN RE CHILDREN OF SHAWN B.

Submitted on Briefs May 21, 2025
Decided May 29, 2025

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

MEMORANDUM OF DECISION

The father appeals from a judgment by the District Court (Bangor, *Szylvian, J.*) determining that he poses circumstances of jeopardy to his two minor children. *See* 22 M.R.S. § 4035 (2025). The father argues that the court erred because there was not sufficient evidence in the record for the court to find by a preponderance of the evidence that circumstances of jeopardy existed. Specifically, the father claims that the court erred by finding the mother to be a credible witness.

We conclude that competent evidence in the record existed for the court to find that the father posed circumstances of jeopardy, specifically a threat of serious harm, as to his two children. *See* 22 M.R.S. § 4002(6)(A) (2025). First, the court did not err in crediting the mother's testimony. *See In re Child of Dawn B.*, 2019 ME 93, ¶ 10, 210 A.3d 169 (“[T]he assessment of the weight and credibility of the evidence [is] for the trial court alone.”). Second, even excluding the findings that were based upon the mother's testimony, the court made sufficient findings, supported by competent evidence in the record, that support a finding of jeopardy. Accordingly, the court did not err in determining that the father poses circumstances of jeopardy as to his two minor children. *See In re Child of Jasmine B.*, 2020 ME 62, ¶ 4, 232 A.3d 240.

The entry is:

Judgment affirmed.

Benjamin Fowler, Esq., Bangor, for appellant Father

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

Bangor District Court docket number CPC-2024-296
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