

IN RE ANYA L.

Submitted on Briefs April 9, 2003

Decided April 28, 2003

Panel: SAUFLEY, C.J., and CLIFFORD, RUDMAN, DANA, ALEXANDER,
and LEVY, JJ.

MEMORANDUM OF DECISION

The mother of Anya L. appeals from a judgment entered in the District Court (W. Bath, *Westcott, J.*) terminating her parental rights. Contrary to the mother's contentions, sufficient evidence exists in the record to support the District Court's findings by clear and convincing evidence that she is unable to protect Anya from jeopardy, and that those circumstances are unlikely to change within a time reasonably calculated to meet Anya's needs, *see* 22 M.R.S.A. § 4055(1)(B)(2)(b)(i) (1992), and that termination of her parental rights is in Anya's best interest, *see* 22 M.R.S.A. § 4055(1)(B)(2)(a) (1992). Moreover, the mother does not challenge the court's finding that she is unable to take responsibility for Anya in a time reasonably calculated to meet Anya's needs. *See* 22 M.R.S.A. § 4055(1)(B)(2)(b)(ii) (1992). Further, contrary to the mother's

contention, the error, if any, by the court in not allowing the mother's husband to fully participate in the termination hearing was harmless because it did not prejudice the mother or affect the outcome of this case. *See In re Scott*, 2001 ME 114, ¶ 30, 775 A.2d 1144, 1154. Finally, the mother's contention that the court should not have applied the rebuttable presumption is without merit, particularly since the court specifically stated that it had no need to rely on the presumption to support its findings. *See* 22 M.R.S.A. § 4055(1-A)(D)(Supp. 2002).

The entry is:

Judgment affirmed.

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