

IN RE DENZEL A.

Submitted on Briefs May 14, 2003
Decided May 20, 2003

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

MEMORANDUM OF DECISION

The mother of Denzel A. appeals from a judgment of the District Court (Waterville, *Vafiades, C.J.*) terminating her parental rights. She argues that the District Court erred in finding that she: (1) was unwilling and unable to protect Denzel from jeopardy; (2) was unwilling or unable to take responsibility for Denzel; and (3) had failed to make a good faith effort to rehabilitate or reunify with Denzel. She also argues that termination is not in Denzel's best interests, as his foster parents are not going to be his adoptive parents.

The mother's argument primarily addresses the choices the trial court made in deciding credibility issues, and the significance to attach to evidence in the record. Even with the clear and convincing evidence standard of proof, findings of fact will not be set aside unless clearly erroneous, with due regard given to the

opportunity of the trial court to decide credibility issues. *In re David G.*, 659 A.2d 859, 861 (Me. 1995). Here, the evidence is sufficient to support the trial court's findings made on each of the required elements pursuant to 22 M.R.S.A. § 4055(1)(B)(2)(b) (1992); *In re Charles G.*, 2001 ME 3, ¶ 5, 763 A.2d 1163, 1165-66.

The entry is:

Judgment affirmed.

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