

IN RE AMBER H.

Submitted on Briefs November 3, 2004
Decided November 9, 2004

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

MEMORANDUM OF DECISION

The mother and father of Amber H. appeal from a judgment in which the District Court (Newport, *MacMichael, J.*) found Amber to be in jeopardy pursuant to 22 M.R.S.A. § 4035(2) (2004), placing Amber in the custody of the Department of Human Services,¹ with an additional finding of aggravating circumstances, thereby relieving the Department of its duty to provide reunification services to the father. Contrary to the contentions of the parents, there was sufficient evidence of a history of sexual abuse in the record to support the court's jeopardy finding. *See In re Dorothy V.*, 2001 ME 97, ¶ 12, 774 A.2d 1118, 1122. In addition, the evidence was sufficient to support the court's conclusion that the Department

¹ On July 1, 2004, DHS was subsumed by the Department of Health and Human Services. P.L. 2003, ch. 689.

should cease reunification efforts with the father pursuant to 22 M.R.S.A. § 4036(1)(G-2) (2004). *See In re Ashley M.*, 2000 ME 120, ¶ 14, 754 A.2d 341, 345. Further, the court's admission of the testimony of witnesses who inadvertently received copies of the confidential child protection petition before the trial does not constitute obvious error. *See In re Joshua B.*, 2001 ME 115, ¶ 10, 776 A.2d 1240, 1243.

The entry is:

Judgment affirmed.

Attorneys for appellants:

Barbara L. Crider, Esq.
P O Box 2208
Bangor, ME 04401

Schuyler G. Steele, Esq.
P O Drawer F
Newport, ME 04953

Attorneys for appellee:

G. Steven Rowe, Attorney General
Matthew Pollack, Asst. Atty. Gen.
Patrick Downey, Asst. Atty. Gen.
6 State House Station
Augusta, ME 04333-0006

Guardian *ad Litem*:

Wayne Doane, Esq.
P O Box 60
Exeter, ME 04435

Attorney for intervenors:

Joseph Baldacci, Esq.
P O Box 1423
Bangor, ME 04402