

IN RE GAVIN L.

Submitted on Briefs October 24, 2005

Decided December 2, 2005

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

MEMORANDUM OF DECISION

The mother of Gavin L. appeals from a judgment entered in the District Court (Portland, *Bradley, J.*) terminating her parental rights pursuant to 22 M.R.S.A. § 4055(1)(B)(2) (2004). Contrary to the mother's contention, sufficient evidence exists in the record to support the court's finding, by clear and convincing evidence, that the mother's mental health issues render her unable to protect Gavin from jeopardy and that these circumstances are unlikely to change within a time reasonably calculated to meet Gavin's needs. *See id.* § 4055(1)(B)(2)(i); *In re Jazmine L.*, 2004 ME 125, ¶¶ 11, 16, 861 A.2d 1277, 1280-81. Additionally, the fact that the Department of Health and Human Services may have failed to develop a rehabilitation and reunification plan for the mother does not preclude a finding of parental unfitness because that finding rests upon the mother's mental health issues rather than her failure to complete specific services, *see In re Thomas D.*, 2004 ME

104, ¶ 28, 854 A.2d 195, 204, and, moreover, the Department did provide rehabilitation and reunification services to the mother, *see In re Kayla S.*, 2001 ME 79, ¶¶ 12-13, 772 A.2d 858, 862-63. Finally, contrary to the mother's assertion, the court acted within its discretion and did not err in admitting testimony of an attachment evaluation performed by a licensed clinical social worker. *See In re Sarah C.*, 2004 ME 152, ¶¶ 10, 14, 864 A.2d 162, 164-66.

The entry is:

Judgment affirmed.

Attorney for appellant:

Michael C. Lyons, Esq.
Gregory B. Brown, P.A.
P.O. Box 2397
South Portland, ME 04116-2397

Attorneys for appellee:

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

Guardian ad Litem:

Mary-Anne E. Martell, Esq.
P.O. Box 690
Westbrook, ME 04098-0690

Attorney for intervenor:

Lloyd P. LaFountain III, Esq.
8 Apple Ridge Drive
Biddeford, ME 04005