

IN RE ARIEL R.

Submitted on Briefs September 14, 2006
Decided October 2, 2006

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

MEMORANDUM OF DECISION

The father of Ariel R. appeals from a jeopardy order entered in the District Court (Lewiston, *Beliveau, J.*) pursuant to 22 M.R.S. § 4035(4-A) (2005). Contrary to the father's contentions, the court did not err in finding abandonment pursuant to 22 M.R.S. § 4002(1-A)(A), (B), (F) (2005), or in applying the preponderance of the evidence standard of proof in connection with that finding pursuant to 22 M.R.S. § 4035(2) (2005). *See In re Jamara R.*, 2005 ME 45, ¶¶ 12-14, 870 A.2d 112, 115-16.

The court neither clearly erred nor exceeded its discretion in relieving the Department of Health and Human Services¹ of its reunification obligations pursuant to 22 M.R.S. § 4041 (2005). *See In re Jamara R.*, 2005 ME 45, ¶ 17, 870 A.2d at 117. In addition,

¹ The Department of Health and Human Services has replaced the Department of Human Services. *See* P.L. 2003, ch. 689 (effective July 1, 2004).

the court acted within its discretion and did not err in refusing to admit evidence regarding the jeopardy proceeding against the mother of Ariel R. *See In re Kayla S.*, 2001 ME 79, ¶ 9, 772 A.2d 858, 862.

The entry is:

Judgment affirmed.

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