

IN RE JOHNNA M. et al.

Submitted on Briefs November 16, 2006
Decided December 21, 2006

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

MEMORANDUM OF DECISION

The father of Johnna M. and Jamie M. appeals from a judgment of the District Court (Portland, *Beaudoin, J.*) terminating his parental rights pursuant to 22 M.R.S. § 4055(1)(B)(2) (2005). Contrary to the father's contentions, the court applied the proper standards in making its findings of fact and coming to its conclusions of law, *see In re Scott S.*, 2001 ME 14, ¶¶ 10-14, 775 A.2d 1144, 1148-50, and the record supports the court's findings by clear and convincing evidence for at least one ground of parental unfitness, and that termination of parental rights is in the children's best interest, *see In re Thomas D.*, 2004 ME 104, ¶ 21, 854 A.2d 195, 201. Furthermore, the court did not err in determining that the Department of Health and Human Services had made sufficient efforts to identify any native heritage of the children pursuant to the Indian Child Welfare Act

(ICWA), 25 U.S.C.S. §§ 1901-1923 (LexisNexus2005), and in concluding that the ICWA does not apply to the children. *See* 25 U.S.C.S. § 1903(4) (stating that an “‘Indian child’ means any unmarried person who is under age eighteen and . . . is eligible for membership in an Indian tribe *and* is the biological child of a member of an Indian tribe” (emphasis added)).

The entry is:

Judgment affirmed.

Attorney for appellant:

Philip Notis, Esq.
71 Ocean Street
South Portland, ME 04106

Attorneys for appellee:

G. Steven Rowe, Attorney General
Page Lockhart, Asst. Atty. Gen.
Lise Wagner, Asst. Atty. Gen.
6 State House Station
Augusta, ME 04333-0006

Guardian *ad Litem*:

Pamela Trudo, Esq.
P.O. Box 220
Portland, ME 04101

Attorney for mother:

Carolyn Asquith, Esq.
503 Woodford Street
Portland, ME 04103