

IN RE KAYLA S.

Submitted on Briefs December 20, 2006

Decided January 4, 2007

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

MEMORANDUM OF DECISION

The father of Kayla S. appeals from a judgment entered in the District Court (Portland, *Goranites, J.*) terminating his parental rights to Kayla pursuant to 22 M.R.S. § 4055(1)(B)(2) (2005). Contrary to the father's contentions, the record supports the court's determination by the clear and convincing evidence standard that termination of the father's parental rights was in the best interest of the child, and that the father: (1) was unable and unwilling to protect Kayla from jeopardy and these circumstances were unlikely to change within a time reasonably calculated to meet the child's needs; (2) was unable and unwilling to take responsibility for Kayla within a time that was reasonably calculated to meet her needs; and (3) abandoned the child within the statutory meaning of section 4055(1)(B)(2)(iii), by failing to communicate meaningfully with the child for a period of at least six months and by failing to respond to notice of the child protective proceedings. *See In re Thomas D.*, 2004 ME 104, ¶ 21, 854 A.2d 195,

201. Because the court found that the father had “abandoned” Kayla, and parental abandonment is an “aggravating factor” pursuant to 22 M.R.S. § 4002(1-B)(D) (2005), the Department was not required to develop a rehabilitation and reunification plan with the father. *See* 22 M.R.S. § 4041(2)(A-2)(1) (2005).

The entry is:

Judgment affirmed.

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