

IN RE DAMIAN S. et al.

Submitted on Briefs May 29, 2008  
Decided June 17, 2008

Panel: SAUFLEY, C.J., and CLIFFORD, ALEXANDER, LEVY, SILVER,  
MEAD, and GORMAN, JJ.

MEMORANDUM OF DECISION

The father of Damian and Maleak S. appeals from a judgment entered in the District Court (Lewiston, *Beliveau, J.*) terminating his parental rights to Damian and Maleak pursuant to 22 M.R.S. § 4055(1)(B)(2) (2007). Contrary to the father's argument, the court rationally could have found clear and convincing evidence in the record to support its determination that termination of the father's parental rights was in the best interest of the children. *Id.*; *see also In re Michaela C.*, 2002 ME 159, ¶ 24, 809 A.2d 1245, 1252. The court could have also rationally found clear and convincing evidence in the record to support its determination that the father: (1) was unwilling or unable to protect the children from jeopardy and these circumstances were unlikely to change within a time reasonably calculated to meet the children's needs; (2) was unwilling or unable to take responsibility for the children within a time reasonably calculated to meet their needs; (3) had abandoned the children; or (4) had failed to make a good faith effort to rehabilitate and reunify with the children. *See In re Thomas D.*, 2004 ME 104, ¶ 21, 854 A.2d 195, 201.

Contrary to the father's argument, the court did not err in failing to hold the hearing open so that he could undergo a psychological evaluation. The District Court did not abuse its discretion in denying the father's motion. *See In re Jamara R.*, 2005 ME 45, ¶ 17, 870 A.2d 112, 117.

The entry is:

Judgment affirmed.

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