

IN RE KAYLAN H.

Submitted on Briefs June 30, 2008

Decided July 8, 2008

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

MEMORANDUM OF DECISION

The mother of Kaylan H. appeals from a judgment entered in the District Court (Bangor, *Gunther, J.*) terminating her parental rights to Kaylan pursuant to 22 M.R.S. § 4055(1)(B)(2) (2007). Contrary to the mother's contentions, the court rationally could have found by clear and convincing evidence that the mother is: (1) unable to protect Kaylan from jeopardy and that this is unlikely to change within a time reasonably calculated to meet the child's needs; and (2) unable to take responsibility for Kaylan within a time reasonably calculated to meet the child's needs. See *In re Thomas D.*, 2004 ME 104, ¶ 21, 854 A.2d 195, 201; see also *In re Kayla M.*, 2001 ME 166, ¶ 8, 785 A.2d 330, 332-33; *In re Dean A.*, 491 A.2d 572, 574-75 (Me. 1985) (upholding the termination of the mother's parental rights based on the finding that the mother could not protect the child from jeopardy, within the meaning of section 4055, because the child's removal from a stable foster home would likely result in trauma and serious developmental regression and because the mother was unable to meet the special needs of the child resulting from his previous abuse). Further, the court rationally could have found clear and convincing evidence in the record to support its determination that termination of the mother's parental rights is in the best interest of the child. See *In re Thomas D.*, 2004 ME 104, ¶ 21, 854 A.2d at 201; *In re Michaela C.*, 2002 ME 159, ¶ 27, 809 A.2d 1245, 1253 ("The . . . [c]ourt's judgment on the issue of best interest [of the child] is entitled to substantial deference . . ."); *In re Elijah R.*, 620 A.2d 282, 285-86 (Me. 1993). Finally, we conclude that the court made specific findings of fact that reflect the court's independent judgment as to all of the evidence admitted and that the court properly referenced testimony as support

for its findings. *See In re Marpheen C.*, 2002 ME 170, ¶¶ 5-6, 812 A.2d 972, 973-74.

The entry is:

Judgment affirmed.

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