

IN RE VANESSA G. et al.

Submitted on Briefs July 29, 2008

Decided August 26, 2008

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

MEMORANDUM OF DECISION

The mother and father of Vanessa G. and Dominic P. appeal from a judgment entered in the District Court (Springvale, *Douglas, J.*) terminating their parental rights to the children pursuant to 22 M.R.S. § 4055(1)(B)(2) (2007). Contrary to the mother's contention, the court rationally could have found clear and convincing evidence in the record to support its determination that the mother was: (1) 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, and (2) unable to take responsibility for the children within a time reasonably calculated to meet their needs. *See In re Thomas D.*, 2004 ME 104, ¶ 21, 854 A.2d 195, 201. Contrary to the father's contention, the permanency guardian statute, 22 M.R.S. § 4038-C (2007), does not require the court to hear expert testimony as to whether establishing a permanency guardianship, rather than the termination of parental rights, is in the children's best interest. Further, the court rationally could have found clear and convincing evidence in the record to support its determination that the termination of the parental rights was in the children's best interest. *See In re Thomas D.*, 2004 ME 104, ¶ 21, 854 A.2d at 201; *see also In re Michaela C.*, 2002 ME 159, ¶ 27, 809 A.2d 1245, 1253.

The entry is:

Judgment affirmed.

Attorneys for the Department of Human Services:

G. Steven Rowe, Attorney General
Nora Sosnoff, Assistant Attorney General
State House Station 6
Augusta, Maine 04333

Attorney for the mother:

Thomas P. Elias, Esq.
Elias Law Offices
226 York Street
York, Maine 03909

Attorney for the father:

Amy B. McGarry, Esq.
McGarry & Holmes
P.O. Box 1647
Wells, Maine 04090

Guardian Ad Litem:

Robert Powers, Esq.
64 Alfred Street
Biddeford, Maine 04005