

IN RE JEREMIAH W.

Submitted on Briefs October 2, 2008
Decided October 23, 2008

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

MEMORANDUM OF DECISION

The mother and father of Jeremiah W. each appeal from a judgment entered in the District Court (Lewiston, *Beliveau J.*) terminating their parental rights to Jeremiah W. pursuant to 22 M.R.S. § 4055(1)(B)(2) (2007). Contrary to the mother's contentions, the court properly considered the issues of familial attachment and permanence and did not abuse its discretion by concluding that termination was in Jeremiah's best interests. *See In re Thomas H.*, 2005 ME 123, ¶¶ 16, 23-30, 889 A.2d 297, 301, 303-08; *In re Justin S.*, 595 A.2d 1058, 1060 (Me. 1991). The record evidence also did not compel the court to find a compelling reason justifying long-term foster care as the child's permanency plan. *See Thomas H.*, 2005 ME 123, ¶ 35, 889 A.2d at 309-10. Further, the court never ordered the department to cease reunification efforts and was not, therefore, obligated to expressly find that two placements of Jeremiah with the mother had failed, nor does the record indicate insufficient rehabilitation efforts. *See* 22 M.R.S. § 4041(2)(A-2)(2)(a) (2007). *See also* 22 M.R.S. § 4052(2-A)(A) (2007).

Contrary to the father's contention, the court did not omit all evidence of familial attachment from its findings of fact, and was under no obligation to make findings regarding an open adoption. *See* 22 M.R.S. § 4055 (2007). We do not reach the merits of the father's contention that his constitutional rights were

violated because it was not properly preserved for review. *See Berg v. Bragdon*, 1997 ME 129, ¶ 9, 695 A.2d 1212, 1214.

The entry is:

Judgment affirmed.

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