

IN RE EMILY S. et al.

Submitted on Briefs December 12, 2008
Decided December 16, 2008

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

MEMORANDUM OF DECISION

The mother of Emily S., Kyla S., Joshua L., Derek L., and Piper L., and the father of Joshua L., Derek L., and Piper L., appeal from a judgment entered by the District Court (Calais, *Romei, J.*) terminating their parental rights pursuant to 22 M.R.S. § 4055(1)(B)(2) (2007).

Contrary to the parents' contention, the evidence was sufficient for the trial court to reasonably find it was highly probable that they were unwilling or unable to protect the children from jeopardy within a time reasonably calculated to meet their needs, and that termination of their parental rights was in the children's best interest. *In re Thomas H.*, 2005 ME 123, ¶ 18, 889 A.2d 297, 302; 22 M.R.S. § 4055(1)(B)(2)(a), (b)(i). Furthermore, even if the Department of Health and Human Services failed to comply with 22 M.R.S. § 4041 (2007) as the parents claim, the court was not precluded from terminating their parental rights upon properly making the findings required by 22 M.R.S. § 4055(1)(B)(2). *In re Doris G.*, 2006 ME 142, ¶¶ 16, 17, 912 A.2d 572, 578.

The entry is:

Judgment affirmed.

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