

IN RE EVAN W. et al.

Submitted on Briefs July 29, 2009

Decided July 30, 2009

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

MEMORANDUM OF DECISION

The mother of Evan W. and Samuel W. appeals from a judgment entered in the District Court (Lewiston, *Beliveau, J.*) terminating her parental rights to Evan and Samuel pursuant to 22 M.R.S. § 4055(1)(B)(2) (2008). Contrary to the mother's contentions, the lack of an order ceasing reunification efforts did not preclude the court from terminating her parental rights. *See In re Jeremiah Y.*, 2002 ME 135, ¶ 8, 804 A.2d 357, 359 (noting the distinction between circumstances where the Department of Health and Human Services *may* file a petition for termination pursuant to 22 M.R.S. § 4052(1) (2008) and circumstances where it *must* file such a petition pursuant to 22 M.R.S. § 4052(2-A) (2008)); 22 M.R.S. § 4055(1)(B)(2). In addition, the record supports the court's findings by clear and convincing evidence of at least one ground of parental unfitness and that termination is in the children's best interest. 22 M.R.S. § 4055(1)(B)(2); *In re Marcus S.*, 2007 ME 24, ¶ 6, 916 A.2d 225, 227.

The entry is:

Judgment affirmed.

---

**Attorney for the mother:**

Stephen J. Sucey, Esq.  
190 Bates Street  
Lewiston, Maine 04240

**Attorneys for the Maine Department of  
Health and Human Services:**

Janet T. Mills, Attorney General  
Nora Sosnoff, Asst. Atty. Gen.  
Michael P. Dixon, Student Intern  
Office of Attorney General  
6 State House Station  
Augusta, Maine 04333

**Guardian Ad Litem:**

Holli Boccelli, Esq.  
202 Rt. 1 PMB 136  
Falmouth, Maine 04105