

IN RE NICKAYLA P.

Submitted on Briefs July 29, 2009
Decided August 4, 2009

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

MEMORANDUM OF DECISION

The mother and father of Nickayla P. appeal from a judgment of the District Court (Biddeford, *Foster, J.*) terminating their parental rights pursuant to 22 M.R.S. § 4055(1)(B)(2) (2008). Contrary to the parents' contentions, the record supports the court's findings, by clear and convincing evidence, that: (1) the parents are unable to take responsibility for the child and unwilling or unable to protect the child from jeopardy and these circumstances are unlikely to change within a time reasonably calculated to meet the child's needs; (2) the parents failed to make a good faith effort to rehabilitate and reunify with the child; and (3) termination of parental rights is in the best interest of the child. *See In re Marcus S.*, 2007 ME 24, ¶ 6, 916 A.2d 225, 227; *In re Kaleb C.*, 2002 ME 65, ¶ 7, 795 A.2d 71, 74.

Furthermore, any error in the admission of a letter relating to reunification was harmless, as it was duplicated by other evidence, *see In re Elijah R.*, 620 A.2d 282, 285-86 (Me. 1993), and we discern no abuse of discretion in the court's other evidentiary rulings challenged; review of the record does not support the father's allegation of ineffective assistance of counsel, *see Strickland v. Washington*, 466 U.S. 668, 698-700 (1984); the court did not abuse its discretion in permitting the foster parents to intervene, after the evidence was closed in the termination proceeding, in anticipation of the placement proceeding, *see M.R. Civ. P. 24*; and we decline to consider evidence presented for the first time on appeal, *see Beane v. Me. Ins. Guar. Ass'n*, 2005 ME 104, ¶ 9, 880 A.2d 284, 286.

The entry is:

Judgment affirmed.

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