

IN RE DAKOTA C. et al.

Submitted on Briefs November 23, 2009
Decided December 1, 2009

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

MEMORANDUM OF DECISION

The parents of Dakota and Jonah C. appeal from a judgment entered in the District Court (Calais, *Romei, J.*) terminating their parental rights to Dakota and Jonah pursuant to 22 M.R.S. § 4055(1)(B)(2) (2008). We uphold a termination order if the District Court rationally could have found clear and convincing evidence in the record supporting one of the statutory bases for the termination of parental rights, and that termination is in the best interests of the children. *In re Thomas D.*, 2004 ME 104, ¶ 21, 854 A.2d 195, 201. Contrary to the parents' contentions, the court rationally could have found clear and convincing evidence to support its determinations that: (1) the parents were unwilling or unable to protect the children from jeopardy and that these circumstances were unlikely to change within a time reasonably calculated to meet the children's needs; (2) the parents were unwilling or unable to take responsibility for the children within a time reasonably calculated to meet the children's needs; (3) the parents failed to make a good faith effort to rehabilitate and reunify with the children; and (4) termination of the parents' rights was in the best interests of the children. *See id.*; 22 M.R.S. § 4055(1)(B)(2).

Additionally, the court did not abuse its discretion by denying the father's motion to transfer venue. *See State v. Holland*, 2009 ME 72, ¶ 46, 976 A.2d 227, 241 (applying abuse of discretion standard). The venue was proper, and the court was not required to transfer for the convenience of the parents. *See* 22 M.R.S. § 4051 (2008); *In re David W. Jr.*, 568 A.2d 513, 514-15 (Me. 1990) (holding that

court did not err in denying change of venue where venue was properly laid at the time of the petition). The parents have demonstrated no deprivation of their constitutional right to travel, and their liberty interests in the care, custody and control of their children is protected by the required determination of parental unfitness, *see Guardianship of Jeremiah T.*, 2009 ME 74, ¶¶ 27-28, 976 A.2d 955, 962.

The entry is:

Judgment affirmed.

Attorney for the mother:

Carol J. Lewis, Esq.
PO Box 203
Lubec, Maine 04652

Attorney for the father:

Norman P. Toffolon, Esq.
PO Box 58
Machias, Maine 04654

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

Janet T. Mills, Attorney General
Heidi Silver, Asst. Atty. Gen.
Office of the Attorney General
6 State House Station
Augusta, Maine 04333-0006

Guardian ad litem:

John H. Hawkes, Esq.
411 US Route 1
Robbinston, Maine 04671

Calais District Court docket number PC-2008-1
FOR CLERK REFERENCE ONLY