

In re James D. II

Submitted on Briefs November 23, 2009  
Decided December 3, 2009

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

MEMORANDUM OF DECISION

The father of James D. II appeals from a judgment entered in the District Court (West Bath, *Tucker, J.*) terminating his parental rights to James pursuant to 22 M.R.S. § 4055 (2008). Despite the father's efforts towards rehabilitation and reunification with James, there is clear and convincing evidence in the record to support the court's findings that: (1) the father is unable to protect James from jeopardy and these circumstances are unlikely to change within a time reasonably calculated to meet the child's needs; (2) the father is unable to take responsibility for James within a time reasonably calculated to meet the child's needs; and (3) the father failed to rebut the presumption of unfitness for having a chronic substance abuse problem. *See* 22 M.R.S. § 4055. Having first found parental unfitness, the court did not abuse its discretion in addressing the importance of establishing permanency for James in its best interest analysis. *See In re Thomas H.*, 2005 ME 123, ¶¶ 29-30, 889 A.2d 297, 307-08. Finally, contrary to the father's contentions, the court was not required to find that the Department's reunification efforts were reasonable before terminating his parental rights, *see In re Doris G.*, 2006 ME 142, ¶¶ 16-17, 912 A.2d 572, 578, and the termination proceeding did not violate his due process rights, *see In re Austin T.*, 2006 ME 28, ¶ 11, 898 A.2d 946, 950 (providing that, in the termination of parental rights context, due process requires service and notice, a hearing, and the clear and convincing burden of proof).

The entry is:

Judgment affirmed.

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