

IN RE SEAN T.

Submitted on Briefs January 28, 2010
Decided February 9, 2010

Panel: ALEXANDER, LEVY, SILVER, MEAD, GORMAN, and JABAR, JJ.

MEMORANDUM OF DECISION

The mother of Sean T. appeals from a judgment entered in the District Court (Springvale, *Foster, J.*) terminating her parental rights to her son pursuant to 22 M.R.S. § 4055(1)(B)(2) (2009). Contrary to the mother's contentions, the court made specific and adequate findings regarding her parental fitness and the best interests of the child. *See* 22 M.R.S. § 4055(1)(B)(2), (2). Based on those findings, the court rationally could have found clear and convincing evidence in the record to support its determination that the mother was unwilling or unable to protect the child from jeopardy and these circumstances are unlikely to change within a time that is reasonably calculated to meet the child's needs, and that termination is in the best interests of the child. *See In re Frederick P.*, 2001 ME 138, ¶ 17, 779 A.2d 957, 961.

In reaching these findings, the court did not rely on inadmissible hearsay because: (1) the expert psychological report was admitted into evidence at the termination hearing, and (2) the judge presiding at the termination hearing presided over the judicial review hearings when the guardian ad litem reports containing the challenged findings were admitted into evidence. *See In re Soctt S.*, 2001 ME 114 ¶ 12, 775 A.2d 1144, 1149 (“When the trial judge has actually heard the evidence presented in prior stages of a child protection proceeding, that judge may consider the evidence in the following stages”). The court also did not err in determining that the Department of Health and Human Services made reasonable efforts to reunify and rehabilitate the family. *See* 22 M.R.S. § 4041 (2009); *In re Doris G.*, 2006 ME 142, ¶¶ 13-16, 912 A.2d 572, 577-78.

The entry is:

Judgment affirmed.

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