

IN RE LUKE M.

Submitted on Briefs April 27, 2011

Decided May 3, 2011

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

MEMORANDUM OF DECISION

The father of Luke M. appeals from the judgment of the District Court (West Bath, *Worth, J.*) terminating his parental rights to Luke pursuant to 22 M.R.S. § 4055(1)(B)(2) (2010). On appeal, the father contends that the termination order was not supported by clear and convincing evidence in the record.

Contrary to the father's contention, sufficient evidence exists in the record on which the court could find, by clear and convincing evidence, at least one ground of parental unfitness. *See In re Robert S.*, 2009 ME 18, ¶ 15, 966 A.2d 894, 898; *see also Adoption of Lily T.*, 2010 ME 58, ¶¶ 20-22, 29, 997 A.2d 722, 726-27, 729 (explaining that an incarcerated parent or a parent subject to a protection from abuse order prohibiting contact with a child must make "an even greater effort to foster a nurturing relationship with the child using the means available" and that a "mere flicker of interest" is not enough (quotation marks omitted)); *In re Charles G.*, 2001 ME 3, ¶ 7, 763 A.2d 1163, 1166 (stating that although the inquiry "concerning the parents' inability or unwillingness to protect the children from jeopardy and to take responsibility for the children, is prospective, the evidence to be considered is retrospective" (quotation marks omitted)). Additionally, the record fully supports the court's finding, to the clear and convincing evidence standard, that termination is in the best interest of the child. *See In re Thomas H.*, 2005 ME 123, ¶ 16, 889 A.2d 297, 301-02.

The entry is:

Judgment affirmed.

Attorney for the father:

David Paris, Esq.
72 Front Street
Bath, Maine 04530-2657

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

William J. Schneider, Attorney General
Jeffrey C. Joyce, Student Atty.
Nora Sosnoff, Asst. Atty. Gen.
Office of the Attorney General
6 State House Station
Augusta, Maine 04333-0006