

IN RE CHILD OF ROBERT G.

Submitted on Briefs on July 19, 2022  
Decided August 9, 2022

Panel: STANFILL, C.J., and MEAD, JABAR, HORTON, CONNORS, and  
LAWRENCE, JJ.

MEMORANDUM OF DECISION

Robert G. and Angie G. appeal from a judgment of the District Court (Waterville, *Dow, J.*) terminating their parental rights as to their child after a testimonial hearing. Contrary to the parents' contentions, the record contains sufficient evidence to support the trial court's findings that (1) they are 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) they are unwilling or unable to take responsibility for the child within a time reasonably calculated to meet the child's needs; (3) they failed to make a good faith effort to rehabilitate and reunify with the child; and (4) that the termination of their parental rights is in the best interest of the child.<sup>1</sup>

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<sup>1</sup> The parents' argument that the trial court erred in finding that the Department of Health and Human Services had met its obligation to provide reasonable efforts toward reunification is unavailing. The Department is required to produce a reunification plan that identifies "the problems that present a risk of harm to the child" along with "the services needed to address those problems," 22 M.R.S. § 4041(1-A)(A)(1)(a) (2022), and to "[m]ake good faith efforts to cooperate with the parent in the pursuit of the plan," 22 M.R.S. § 4041(1-A)(A)(3) (2022). The record reflects that the Department provided both parents with a reunification plan early on in this case, and both parents agreed at each judicial review that the Department had fulfilled its rehabilitation and reunification responsibilities. Moreover, whether the Department has complied with its rehabilitation and reunification duties is not a discrete element of proof in a termination of parental rights proceeding. *In re Hannah S.*, 2016 ME 32, ¶ 12, 133 A.3d 590; *In re Children of Danielle M.*, 2019 ME 174, ¶ 15, 222 A.3d 608; *In re Child of Heather W.*, 2018 ME 31, ¶ 11, 180 A.3d 661; *In re Lacie G.*, 2017 ME 129, ¶ 6 n.3, 165 A.3d 363; *In re Doris G.*, 2006 ME 142, ¶¶ 16, 17, 912 A.2d 572 (discerning no legislative

*See* 22 M.R.S. § 4055(1)(B)(2)(a), (b)(i),(ii), (iv) (2022); *In re Children of Brandon D.*, 2020 ME 80, ¶¶ 17-19, 235 A.3d 831; *In re Child of Amber D.*, 2020 ME 30, ¶¶ 6-7, 226 A.3d 1157.

The entry is:

Judgment affirmed.

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Christopher S. Berryment, Esq., Mexico, and the father, pro se, for appellant father

Ashley T. Perry, Esq., Sanders, Hanstein & Carey, P.A., Farmington, for appellant mother

Aaron M. Frey, Attorney General, and Hunter C. Umphrey, Asst. Atty. Gen., Office of the Attorney General, Augusta, for appellee Department of Health and Human Services

Waterville District Court docket number PC-2020-33  
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intent that the Department's reunification obligations, although mandatory, be made a discrete element of proof in termination proceedings). Any shortcomings in the Department's compliance with section 4041 therefore do not preclude a finding of parental unfitness. 22 M.R.S. § 4055(1)(B)(2) (2022); *In re Hannah S.*, 2016 ME 32, ¶ 12, 133 A.3d 590; *In re Child of Heather W.*, 2018 ME 31, ¶ 11, 180 A.3d 661; *In re Lacie G.*, 2017 ME 129, ¶ 6 n.3, 165 A.3d 363; *In re Doris G.*, 2006 ME 142, ¶ 17, 912 A.2d 572.