

IN RE CHILDREN OF JENNIFER N.

Argued October 6, 2022
Decided October 18, 2022

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

MEMORANDUM OF DECISION

Jennifer N. appeals from a judgment of the District Court (Calais, *David Mitchell, J.*) terminating her parental rights to her children. *See* 22 M.R.S. § 4055(1)(A)(1)(a), (B)(2)(a), (b)(i)-(ii) (2022). Contrary to her contention, the court did not err in finding that the mother was unwilling or unable to take responsibility for the children and protect them from jeopardy due to the mother's failure to visit consistently with the children, maintain contact with the Department, and appreciate the gravity of the risk and impact her substance use, untreated mental health, and domestic violence altercations with the father have had on the children, and that those circumstances were not likely to change within a time reasonably calculated to meet their needs. The court also did not err in finding that these factors outweighed any deficiencies noted by the court on the part of the Department to comply with its rehabilitation and reunification duties. *See id.* §§ 4041(1-A), 4055(1)(B)(2)(b)(i)-(ii); *In re Alexander D.*, 1998 ME 207, ¶¶ 18-19 n.6, 716 A.2d 222; *In re Child of Lindsay D.*, 2018 ME 87, ¶ 7, 188 A.3d 180.

The record indicates that there were seven judicial reviews where the court was able to review the progress of the mother's attempts to rehabilitate

and reunify with her children.¹ If any party has concerns about the Department's rehabilitation and reunification efforts, such concerns should be promptly brought to the court's attention. Neither the mother nor her attorney raised any objections to the Department's efforts or requested any hearings on any contested issues that may have been present at the time of these judicial reviews.

The entry is:

Judgment affirmed.

Jefferson T. Ashby, Esq., Ashby Law Office, Presque Isle, 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

Calais District Court docket number PC-2018-4
FOR CLERK REFERENCE ONLY

¹ Under the family services and protection statutes, “[i]f a court has made a jeopardy order, it shall review the case at least once every 6 months.” 22 M.R.S. § 4038(1) (2022). At the judicial review hearing the “court shall hear evidence and shall consider the original reason for the adjudication and disposition . . . , the events that have occurred since then and the efforts of the parties.” *Id.* § 4038(5); *see also In re Child of Peter T.*, 2019 ME 56, ¶ 5, 207 A.3d 183 (father contested DHHS's assertion that jeopardy had not been alleviated).