

IN RE CARA H.

Submitted on Briefs July 26, 2000  
Decided July 28, 2000

Panel: WATHEN, C.J., and CLIFFORD, RUDMAN, DANA, SAUFLEY, and  
ALEXANDER, JJ.

MEMORANDUM OF DECISION

The mother of Cara H. appeals from the judgment of the District Court (Portland, *Bradley, J.*) terminating her parental rights. Contrary to the mother's assertions, it was not error for the court to terminate her parental rights in spite of the fact that DHS's attempts to reunify her with Cara had been flawed. *See* 22 M.R.S.A. § 4041(1)(a)(1) (1997) (requiring DHS to develop a family reunification plan for children in its custody, and to make a good faith effort to implement the plan).

DHS's obligation pursuant to section 4041 is but one factor to be considered in a termination case. *See In re Justin T.*, 640 A.2d 737, 740 (Me. 1994). While the record in this case indicates that DHS's rehabilitation and reunification efforts were less than desirable, there is also ample evidence in the record supporting the court's conclusion that, after more than six years, the mother remains unable to parent and protect Cara, and that this circumstance is not likely to change within a time reasonably calculated to meet Cara's needs. *See* 22 M.R.S.A. § 4055(1)(B)(2)(b)(i) and (ii) (1992 & Supp. 1998). Moreover, as Cara has already spent more than

six years in foster care and has become very attached to her foster family, which has indicated a desire to adopt her, it is clearly in her best interests that the mother's parental rights be terminated. *See* 22 M.R.S.A. § 4055(1)(B)(2)(a).

The entry is:

Judgment affirmed.

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Attorneys for appellant:

Rose Mary Merrill, Esq.  
Kenneth P. Altshuler, Esq.  
Childs, Rundlett, Fifield, Shumway & Altshuler, LLC  
257 Deering Avenue  
Portland, ME 04103-4898

Attorneys for appellee:

Andrew Ketterer, Attorney General  
Michael C. Kearney, Asst. Attorney General  
Matthew Pollack, Asst. Attorney General  
6 State House Station  
Augusta, ME 04333-0006

*Guardian ad Litem:*

Timothy E. Robbins, Esq.  
555 Forest Avenue, suite 200  
Portland, ME 04101

Attorney for intervenors:

Anne C. Pomroy, Esq.  
P O Box 750  
Old Orchard Beach, ME 04064-0750