

IN RE SARA T.

Submitted on Briefs January 14, 2000  
Decided March 9, 2000

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

MEMORANDUM OF DECISION

Hilda T. appeals from a judgment entered in the District Court (Millinocket, *Gunther, J.*) terminating her parental rights to her oldest daughter, Sara T.<sup>1</sup> On appeal, Hilda argues first that the court utilized the incorrect evidentiary standard in making its factual findings underlying its judgment and, second, that when examined under the correct standard the evidence is insufficient to support the judgment. Both of these contentions are flatly contradicted by the record. Although counsel correctly notes that factual findings supporting a termination order must be found by clear and convincing evidence, *see In re Jennifer M.*, 610 A.2d 270, 272 (Me. 1992), she ignores the explicit statement by the District Court that its findings were made pursuant to that standard. Moreover, the record convinces us that the “trial court reasonably could have been persuaded on the basis of

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1. Hilda T.’s youngest daughter, Mikayla is the subject of a separate child protection proceeding that is not the subject of this appeal.

evidence on the record that the required factual findings were ‘highly probable.’” *In re Denise M.*, 670 A.2d 390, 393 (Me. 1996).<sup>2</sup>

The entry is:

Judgment affirmed.

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2. Counsel represented Hilda T. in the trial court and now seeks reimbursement for twenty-nine and one-half hours of legal services allegedly rendered in connection with this appeal. The argument in the brief is three and one-half pages in length and cites authority only for the elemental proposition that clear and convincing evidence is required and that the court must consider the best interests of the child. Such a fruitless expenditure of professional services cannot be justified under any reasonable measure of zealous advocacy.