

IN RE KYLE H. et al.

Submitted on Briefs April 14, 2000
Decided June 30, 2000

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

MEMORANDUM OF DECISION

The father of Kyle H. and Matthew H. Jr. appeals from the judgment of the Superior Court (Cumberland County, *Cole, J.*) affirming the order of the District Court (Portland, *Bradley, J.*) relieving the Department of Human Services of any further rehabilitation and reunification responsibilities with respect to him. Contrary to the father's contentions, there is competent evidence in the record to support the District Court's determination that he was unwilling and unable to rehabilitate and reunify with his children within a timeframe reasonably calculated to meet their needs. *See* 22 M.R.S.A. § 4041(2)(A)(3) (1992), *amended by* P.L. 1997, ch. 715, § B-11. Furthermore, the court was not precluded from ordering the cessation of reunification in this case by the absence of a written reunification plan. The court's determination that the absence of the written plan was not the cause of the father's failure to rehabilitate is supported by the record. As a result,

the absence of the plan does not compel us to vacate the order ceasing reunification efforts. *Cf. In re Justin T.*, 640 A.2d 737, 740 (Me. 1994).

The entry is:

Judgment affirmed.

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