

IN RE ZACHARY L.

Submitted on Briefs September 10, 2001  
Decided October 23, 2001

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

MEMORANDUM OF DECISION

The mother of Zachary L. appeals from a judgment entered in the District Court (Calais, *Romei, J.*) finding that Zachary is in jeopardy to his health and welfare, pursuant to 22 M.R.S.A. § 4035, and relieving the Department of Human Services of rehabilitation and reunification responsibilities. Contrary to the contentions of the mother, there was sufficient evidence on which the court based its finding of jeopardy, *In re Scott S.*, 2001 ME 113, ¶ 12, -- A.2d --; *In re Paul W. Jr.*, 563 A.2d 1105, 1106-07 (Me. 1989); and, evidence admitted by the court was not inadmissible hearsay, and to the extent some of it may have been hearsay, any error in its admission was harmless, M.R. Civ. P. 61, M.R. Evid. 103(a); *State v. Ricker*, 2001 ME 76, ¶ 12, 770 A.2d 1021, 1025; and under 22 M.R.S.A. § 4041(2)(A-1), there was sufficient evidence on which the court based its finding of the existence of an aggravating factor pursuant to 22 M.R.S.A. § 4002(1-B)(A)(2) (providing that a parent subjects a child to an

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\* Wathen, C.J. participated in the initial conference but resigned before this opinion was adopted.

aggravating factor when parent refuses to comply with treatment required in reunification plan), *In re Ashley S.*, 2000 ME 212, ¶ 14, 762 A.2d 941, 947; *In re Heather C.*, 2000 ME 99, 751 A.2d 448, 456.

The entry is:

Judgment affirmed.

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