

In re VALLERY S. et al.

Submitted on Briefs January 17, 2002

Decided January 22, 2002

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

# MEMORANDUM OF DECISION

The parents appeal from a judgment of the District Court (Portland, *Eggert, J.*) terminating their parental rights to Vallery, Curtis, and Kiley. We remanded the case to the District Court to address an issue raised by the father concerning notice under the Indian Child Welfare Act, 25 U.S.C. § 1912(a) (2001); as that was the only issue raised by the father on appeal, his appeal is now moot, *see Monroe v. Town of Gray*, 1999 ME 190, ¶ 4, 743 A.2d 1257, 1258. Contrary to the mother's contentions on appeal: (1) the record does not support her claim that DHS failed to fulfill its statutory responsibilities to provide reunification services pursuant to 22 M.R.S.A. § 4041 (Supp. 2001), *see In re Denise M.*, 670 A.2d 390, 394 & n.8 (Me. 1996); (2) she was not denied due process when DHS stopped her visitation with the children, as permitted by the court's jeopardy order, *see In re Heather C.*, 2000 ME 99, ¶ 32, 751 A.2d 448, 457; and (3) the evidence was sufficient for the court to find, by clear and convincing evidence, the three grounds of parental unfitness and that termination was in the best interest of the children, 22 M.R.S.A. § 4055(B)(2)(a), (b)(i), (ii), (iv) (1992).

The entry is:

Father's appeal dismissed. Judgment as to mother affirmed.

Attorneys for appellants:

James S. Hewes, Esq.  
48 Free Street  
Portland, ME 04101

Kevin T. Cole, Esq.  
Lundgren & Cole  
33 Fessenden Street  
Portland, ME 04103-4817

Attorneys for appellee:

G. Steven Rowe, Attorney General  
Matthew Pollack, Assistant Attorney General  
6 State House Station  
Augusta, ME 04333-0006

Guardian *ad Litem*:

Donna Bailey, Esq.  
88 North Street  
Saco, ME 04072