

IN RE ALEX W.

Submitted on Briefs September 27, 2011
Decided October 4, 2011

Panel: SAUFLEY, C.J., and ALEXANDER, SILVER, MEAD, and JABAR, JJ.

MEMORANDUM OF DECISION

The mother and father of Alex W. appeal from a judgment entered in the District Court (West Bath, *Tucker, J.*) terminating their parental rights pursuant to 22 M.R.S. § 4055(1)(B)(2) (2010). Contrary to their contentions, the court's determination that a doctoral candidate was qualified to provide an expert opinion based on her "knowledge, skill, experience, training, or education" was within the discretion of the court. *See* M.R. Evid. 702; *State v. Herbest*, 551 A.2d 442, 445-46 (Me. 1988). The court also did not err in considering statements by the parents reported in the parents' psychological evaluation reports. *See* M.R. Evid. 801(d)(2). The facts reported in the parents' statements were consistent with a substantial volume of other evidence. Furthermore, sufficient evidence exists in the record on which the court could find that at least one ground of parental unfitness was proved to the clear and convincing evidence standard of proof, *see In re Thomas D.*, 2004 ME 104, ¶¶ 21, 38, 854 A.2d 195, 201, 207, and that termination of parental rights is in the child's best interests, *see In re Marcus S.*, 2007 ME 24, ¶¶ 6-8, 916 A.2d 225, 227.

The entry is:

Judgment affirmed.

On the briefs:

David Paris, Esq., Bath, for appellant mother

Caroline Wilshusen, Esq., Chester & Vestal, PA, Portland, for appellant father

William J. Schneider, Attorney General, Nora Sosnoff, Asst. Atty. Gen., Augusta, for appellee Department of Health and Human Services

West Bath District Court docket number PC-2009-3
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