

IN RE LILLIAN B. et al.

Submitted on Briefs January 27, 2011
Decided February 10, 2011

Panel: ALEXANDER, LEVY, SILVER, MEAD, and GORMAN, JJ.

MEMORANDUM OF DECISION

The mother of Lillian B. and Skylar H., and the father of Lillian B., appeal from a judgment of the District Court (Ellsworth, *Staples, J.*) terminating their parental rights to their children. Contrary to their contentions, on this record the evidence was sufficient for the court to find by clear and convincing evidence at least one ground of parental unfitness, and that termination was in the children's best interest. 22 M.R.S. § 4055(1)(B)(2) (2010). Furthermore, under the circumstances of this case any failure by the Department of Health and Human Services to develop or comply with a reunification plan does not require that the judgment be vacated. *See In re Doris G.*, 2006 ME 142, ¶¶ 16, 17, 912 A.2d 572, 578. Finally, the court did not improperly use the father's criminal conviction that was then pending appeal as a basis for finding him to be an unfit parent; it used an independent factual finding to justify the unfitness finding. In any event, this issue is rendered moot by the fact that the father's conviction has since been affirmed on appeal.

The entry is:

Judgment affirmed.

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