

IN RE DOMINIC B.

Submitted on Briefs April 26, 2012

Decided May 1, 2012

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

MEMORANDUM OF DECISION

The father and mother of Dominic B. appeal from a judgment of the District Court (Portland, *Goranites, J.*) that terminated their parental rights to the child pursuant to 22 M.R.S. § 4055 (2011). The father and mother both assert that the Department of Health and Human Services failed to make reasonable efforts to reunify them with the child, and that the evidence was not sufficient for the court to conclude that the parents are unfit or that termination of parental rights is in the best interests of the child. In addition, the father asserts that the court erred by not addressing in its order the viability of a permanent guardianship for the child, in lieu of the termination of parental rights.

Contrary to the parents' contentions, the court did not err. The Department's reunification efforts are not a discrete element of proof, but instead a factor for the court to consider when evaluating parental unfitness. *In re Thomas D.*, 2004 ME 104, ¶ 28, 854 A.2d 195; *In re Daniel C.*, 480 A.2d 766, 770 (Me. 1984). Here, the Department's efforts were reasonable and displayed a good faith effort to work with the parents to develop and pursue a reunification plan. *See In re Thomas D.*, 2004 ME 104, ¶ 24, 854 A.2d 195. In addition, there is ample evidence in the record to support the court's finding, by clear and convincing evidence, that both parents are unfit with respect to at least one ground of parental unfitness, and that termination of their parental rights is in the best interest of the child. *See In re*

Charles G., 2001 ME 3, ¶ 5, 763 A.2d 1163. Furthermore, the court was not required to explicitly consider a permanency guardianship in its order because it is clear from the findings that the court considered the central importance of stability and consistency for this child and concluded that termination of parental rights is in his best interest. *See In re David W.*, 2010 ME 119, ¶¶ 9-10, 8 A.3d 673.

The entry is:

Judgment affirmed.

On the briefs:

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Philip Notis, Esq., South Portland, for appellant mother

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