

IN RE ELANA F. et al.

Submitted on Briefs January 30, 2012
Decided February 7, 2012

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

MEMORANDUM OF DECISION

The father of Elana F. and Raymond F., Jr., appeals from a judgment of the District Court (Biddeford, *Foster, J.*) that terminated his parental rights to his children pursuant to 22 M.R.S. § 4055(1)(B)(2) (2011). The father argues that he was denied due process when the court resumed the hearing in his absence, after the father left the courtroom voluntarily during another witness's testimony and declined to return. A party who voluntarily absents himself or herself from a trial does not thereby create a due process violation requiring that the proceeding be suspended. *See State v. Murphy*, 2010 ME 140, ¶ 17, 10 A.3d 697. The hearing proceedings met the requirements for due process; although the father left, his attorney remained for the duration of the proceeding and actively cross-examined opposing witnesses, and the court reopened testimony at a later proceeding to allow the father to testify. *See In re Chelsea C.*, 2005 ME 105, ¶ 16, 884 A.2d 97.

Further, the record supports the court's findings, by clear and convincing evidence, of parental unfitness and that termination of parental rights is in the children's best interests. *See In re Thomas D.*, 2004 ME 104, ¶ 21, 854 A.2d 195.

The entry is:

Judgment affirmed.

On the briefs:

Jack Hunt, Esq., Kennebunk, for appellant father

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

Biddeford District Court docket number PC-2010-23
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