

IN RE K.F.

Submitted on Briefs September 26, 2013
Decided October 1, 2013

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

MEMORANDUM OF DECISION

The mother of K.F. appeals from a judgment of the District Court (Ellsworth, *Mallonee, J.*) terminating her parental rights pursuant to 22 M.R.S. § 4055(1)(B)(2)(b)(i), (ii), and (iv) (2012).¹ Contrary to the mother's contentions, the record supports the court's findings by clear and convincing evidence of at least one ground of parental unfitness and that termination of parental rights is in the child's best interest. *See In re Robert S.*, 2009 ME 18, ¶ 15, 966 A.2d 894; *In re Justin S.*, 595 A.2d 1058, 1059-60 (Me. 1991).

The entry is:

Judgment affirmed.

¹ The father died shortly after filing his appeal, and we dismiss the father's appeal as moot. *See, e.g., Smith v. Hawthorne*, 2002 ME 149, ¶ 24, 804 A.2d 1133; M.R. Civ. P. 25(a)(1) ("Unless [a] motion for substitution is made . . . after [a party's] death is suggested upon the record . . . the action shall be dismissed as to the deceased party."). We therefore address the merits of only the mother's appeal.

On the briefs:

Jeffrey C. Toothaker, Esq., Ellsworth, for appellant mother

Matthew Foster, Esq., Ellsworth, for appellant father

Janet T. Mills, Attorney General, Nora Sosnoff, Asst. Atty. Gen., and
Jacob Bowie, Law Student Intern, Augusta, for appellee Department
of Health and Human Services

Ellsworth District Court docket number PC-2011-20
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