

IN RE S.C.

Submitted on Briefs December 1, 2014

Decided December 11, 2014

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

MEMORANDUM OF DECISION

The father of S.C. appeals from a judgment of the District Court (Rockland, *Billings, J.*) terminating his parental rights to the child pursuant to 22 M.R.S. § 4055(1)(A)(1)(a) and (B)(2) (2013). Contrary to his contentions, there is evidence in the record to support the court's findings, by clear and convincing evidence, of at least one ground of unfitness and that termination of his parental rights was in the child's best interest. *See In re Robert S.*, 2009 ME 18, ¶ 15, 966 A.2d 894. The court did not determine parental unfitness based on the father's incarceration alone, and it could properly consider a failure to avoid incarceration during the pendency of the child protection proceeding as evidence of parental unfitness. *See In re A.M.*, 2012 ME 118, ¶ 31, 55 A.3d 463; *In re Cody T.*, 2009 ME 95, ¶ 28, 979 A.2d 81; *In re Randy Scott B.*, 511 A.2d 450, 455 (Me. 1986). The court's finding that termination of the father's parental rights was in the best interest of the child was supported by findings sufficient to inform the parties and us of the basis of the ultimate finding. *See In re David G.*, 659 A.2d 859, 862-63 (Me. 1995); *cf. In re Amber B.*, 597 A.2d 937, 937-38 (Me. 1991).

The entry is:

Judgment affirmed.

On the briefs:

William F. Pagnano, Esq., Rockland, for appellant father

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Atty. Gen., Office of the Attorney General, Augusta, for
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Rockland District Court docket number PC-2012-10
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