

IN RE I.H. et al.

Submitted on Briefs July 1, 2014

Decided July 8, 2014

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

MEMORANDUM OF DECISION

The father of I.H., I.H., A.H., and J.H. appeals from a judgment entered in the District Court (Fort Kent, *Soucy, J.*) terminating his parental rights to the children pursuant to 22 M.R.S. § 4055(1)(A), (B)(2) (2013).

Contrary to the father's contentions, the judgment indicates no error in the court's application of the burden of proof, and there is sufficient competent evidence in the record to support the court's findings, by clear and convincing evidence, of parental unfitness and that termination of his parental rights is in the best interests of the children. *See In re M.B.*, 2013 ME 46, ¶ 37, 65 A.3d 1260; *In re Thomas D.*, 2004 ME 104, ¶ 21, 854 A.2d 195 (stating that the court may not terminate a parent's rights unless the Department has met its burden of proof); *see also In re A.M.*, 2012 ME 118, ¶ 30, 55 A.3d 463.

Additionally, the court did not, on this record, abuse its discretion in denying the paternal grandfather's request, and the father's motion, to place the children in the paternal grandfather's care in the hope that the father will be able at some future time to take responsibility for the children. *See* 22 M.R.S. §§ 4002(9-B), 4003,¹ 4005-E(2) (2013); *In re Zoe M.*, 2004 ME 94, ¶ 8, 853 A.2d 762 ("When an

¹ Title 22 M.R.S. § 4003(5) (2013) was amended to replace the phrase "Bureau of Child and Family Services" with "Office of Child and Family Services" by operation of P.L. 2013, ch. 368, § CCCC-7 (effective June 26, 2013). This revision, not incorporated in the 2013 volume of the Maine Revised Statutes, does not affect this appeal.

appellant challenges a court's order denying placement to a grandparent in a child protective setting, the appellant must show that the evidence compels a finding that placement with the grandparent is in the child's best interest.").

The entry is:

Judgment affirmed.

On the briefs:

James M. Dunleavy, Esq., Currier & Trask, P.A., Presque Isle, for appellant father

Janet T. Mills, Attorney General, and Nora Sosnoff, Asst. Atty. Gen., Office of the Attorney General, Augusta, for appellee Department of Health and Human Services