

IN RE S.B.

Submitted on Briefs September 28, 2015

Decided October 6, 2015

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

MEMORANDUM OF DECISION

The mother of S.B. appeals from a judgment of the District Court (Portland, *Powers, J.*) terminating her parental rights pursuant to 22 M.R.S. § 4055(1)(A), (B)(2) (2014). The record supports the trial court's finding that, notwithstanding the mother's love for her child and her participation in mental health and supported parenting services, she has not been successful in her reunification efforts and is unable to care for the child.

Contrary to the mother's contentions, competent evidence in the record supports the court's determination, by clear and convincing evidence, of at least one ground of parental unfitness. *See* 22 M.R.S. § 4055(1)(B)(2)(b)(i)-(ii) (2014); *In re Elizabeth D.*, 2006 ME 2, ¶ 2, 888 A.2d 281. To the extent the court erred in allowing S.B.'s half-sister, a nonparty, to remain in the courtroom during the termination hearing,¹ the error was harmless and did not result in prejudice. *See* 22 M.R.S. § 4005-D(2)–(3) (2014); M.R. Civ. P. 61.

¹ We clarify now that a nonparty must request status as an interested party, intervenor, or participant pursuant to 22 M.R.S. § 4005-D(2), (3), or (5) (2014), and the court must designate a nonparty's status as such, before allowing the nonparty to remain in the courtroom during a closed child protective proceeding.

The entry is:

Judgment affirmed.

On the briefs:

Erika S. Bristol, Esq., Auburn, for appellant mother

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