

IN RE BRYNNLEA S.

Submitted on Briefs June 22, 2016

Decided June 30, 2016

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

MEMORANDUM OF DECISION

The mother and father of Brynnlea S. appeal from a judgment of the District Court (Skowhegan, *Benson, J.*) terminating their parental rights pursuant to 22 M.R.S. § 4055(1)(B)(2) (2015).

Contrary to the parents' contentions, the court did not err or abuse its discretion by determining that orders and guardian ad litem reports issued in separate matters involving the parents' three older sons were admissible pursuant to Maine Rules of Evidence 401 and 403, *see In re Kayla S.*, 2001 ME 79, ¶ 9, 772 A.2d 858; and there is sufficient competent evidence in the record on which the court could find, by the clear and convincing standard, that the Department of Health and Human Services had proved at least one ground of parental unfitness, and that termination is in the best interest of the child, *see In re C.P.*, 2013 ME 57, ¶¶ 9-10, 16-20, 67 A.3d 558.

Additionally, contrary to the mother's contention, the Department was not required to request a cease reunification order before filing a termination petition. *See In re Jeremiah Y.*, 2002 ME 135, ¶ 8, 804 A.2d 357. Finally, it appears that the court did not conduct a judicial review within the period prescribed by statute. *See* 22 M.R.S. § 4038(1) (2015). That requirement, however, is not an element of proof in termination proceedings, *see* 22 M.R.S. § 4055(1), and in any event, although the record is not entirely clear on the issue, the court stated that the scheduled judicial reviews were continued at the request of the parents, which

would foreclose the mother's challenge on this ground, *see* Alexander, *Maine Appellate Practice* § 402(b) at 245 (4th ed. 2013).

The entry is:

Judgment affirmed.

On the briefs:

David Paris, Esq., Bath, for appellant father

Eugene M. Sullivan Jr., Esq., Law Office of Joseph M. Baldacci, Bangor, 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