

IN RE LUKAS S.

Submitted on Briefs June 22, 2016

Decided June 30, 2016

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

MEMORANDUM OF DECISION

The mother and father appeal from judgments of the District Court (Waterville, *Stanfill, J.*) terminating their respective parental rights to Lukas S. pursuant to 22 M.R.S. § 4055(1)(B)(2) (2015). Contrary to the mother's contentions, the court did not err when it considered her testimony from the hearing concerning termination of the father's parental rights as to the child. *See In re Scott S.*, 2001 ME 114, ¶ 12, 775 A.2d 1144.

Additionally, the record supports the court's findings, to a clear and convincing evidence standard, that the father is unfit and has been and will remain unable to protect the child from jeopardy. *See In re M.S.*, 2014 ME 54, ¶ 14, 90 A.3d 443. The father waived his argument about a defect in service of process by not asserting any objection prior to this appeal, *see Peoples Heritage Sav. Bank v. White*, 1997 ME 204, ¶ 4, 704 A.2d 318 (concluding that a party "failed to preserve [a] claim of lack of personal jurisdiction by appearing at a conference with the court without raising any issues concerning the initial service of process"), and, in any event, he had actual notice of the termination hearing.

The entry is:

Judgment affirmed.

On the briefs:

Pamela S. Holmes, Esq., Holmes Legal Group, LLC, Wells, for appellant mother

Scott F. Hess, Esq., The Law Office of Scott F. Hess, LLC, Augusta, for appellant father

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

Waterville District Court docket number PC-2014-27
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