

IN RE HEAVEN B.

Submitted on Briefs July 20, 2016

Decided July 28, 2016

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

MEMORANDUM OF DECISION

The mother of Heaven B. appeals from a judgment of the District Court (Caribou, *Soucy, J.*) terminating her parental rights to the child pursuant to 22 M.R.S. § 4055(1)(B)(2) (2015). Contrary to the mother's contentions, the court's failure to, *sua sponte*, strike the opinion testimony of a caseworker did not deprive the mother of a fair trial and did not result in a substantial injustice; the admission of this evidence does not amount to obvious error. *See In re William S.*, 2000 ME 34, ¶¶ 8-15, 745 A.2d 991.

Moreover, there is sufficient competent evidence in the record to support the court's findings, by clear and convincing evidence, that the mother is unable to protect the child from jeopardy and that these circumstances are unlikely to change within a time reasonably calculated to meet the child's needs, and that termination is in the child's best interest. *See* 22 M.R.S. § 4055(1-A)(C) (2015) (providing a rebuttable presumption of parental unfitness where the child has been placed in custody of the Department, "the parent has a chronic substance abuse problem, and the parent's prognosis indicates that the child will not be able to return to the custody of the parent within a reasonable period of time, considering the child's age and the need for a permanent home"); *In re L.D.*, 2015 ME 123, ¶ 15, 123 A.3d 990 (concluding that the evidence was sufficient to support the court's findings that the father was unfit and that termination was in the child's best interest

when the father's history of drug abuse and relapses would prevent him from parenting the child until well after her second birthday).

The entry is:

Judgment affirmed.

On the briefs:

Michele D.L. Kenney, Esq., Houlton, 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