

IN RE PRECIOUS P.

Submitted on Briefs February 23, 2017
Decided March 2, 2017

Panel: ALEXANDER, MEAD, GORMAN, JABAR, and HUMPHREY, JJ.

MEMORANDUM OF DECISION

The mother of Precious P. appeals from a judgment of the District Court (Portland, *Eggert, J.*) terminating her parental rights to the child pursuant to 22 M.R.S. § 4055(1)(B)(2) (2016). The mother argues that the court erred by limiting evidence about her prenatal care and medical attention for the child at the time of the child's birth on the basis that such evidence was irrelevant.

The trial court's decision to limit testimony about the mother's prenatal care and circumstances of the child's birth was not clearly erroneous. *See In re M.S.*, 2014 ME 54, ¶ 10, 90 A.3d 443; M.R. Evid. 401. The court permitted testimony about the mother's prenatal care, her birth plan, and medical attention for the child from the caseworker, the mother, and the guardian ad litem. Although relevant to the mother's fitness as a parent, the court's decision to limit extended testimony from the caseworker on these issues was not clearly erroneous.

Furthermore, any error would have been harmless. *See* M.R. Civ. P. 61. The court's decision to terminate the mother's rights was based on her failure to treat her diagnosed mental illness, failure to separate from the child's father until soon before the hearing, homelessness, and admission that she is currently incapable of caring for the child. These findings are supported by clear and convincing evidence in the record and are sufficient to support at

least one ground of parental unfitness. *See In re L.D.*, 2015 ME 123, ¶ 14, 123 A.3d 990.

The entry is:

Judgment affirmed.

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Biddeford, 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

Portland District Court docket number PC-2016-11
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