

IN RE ZAVION N. et al.

Submitted on Briefs January 19, 2017

Decided January 26, 2017

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

MEMORANDUM OF DECISION

The father of Zavion N. appeals from a judgment of the District Court (Lewiston, *Oram, J.*) terminating his parental rights pursuant to 22 M.R.S. § 4055(1)(B)(2) (2016). Contrary to the father's contention, the trial court did not place too much emphasis on his incarceration in its determination of parental unfitness. *See In re Alijah K.*, 2016 ME 137, ¶ 16, 147 A.3d 1159. There was sufficient competent evidence in the record to support the court's findings that the child has lived most of his life in the safe and stable care of his maternal uncle; and that the father has a history of serious criminal conduct, is currently incarcerated, faces the risk of extended prison time, has no established relationship with the child, and has no plan for assuming the care and custody of the child in the near future.

The court did not err when it found, by clear and convincing evidence, that the father is unable to take responsibility for the child within a time reasonably calculated to meet the child's needs and that termination is in the best interests of the child. *See* 22 M.R.S. § 4055(1)(B)(2); *In re Thomas H.*, 2005 ME 123, ¶ 24, 889 A.2d 297; *In re David G.*, 659 A.2d 859, 862 (Me. 1995). We discern no abuse of discretion in the court's conclusion that termination is in the child's best interest. *See In re M.S.*, 2014 ME 54, ¶ 15, 90 A.3d 443.

The entry is:

Judgment affirmed.

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Lorne Fairbanks, Esq., Lewiston, 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

Lewiston District Court docket number PC-2015-36  
For Clerk Reference Only