

IN RE CHILD OF CHARLES H.

Submitted on Briefs November 28, 2018

Decided December 11, 2018

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

MEMORANDUM DECISION

A relative of the father of the child at issue in this matter appeals from a judgment of the District Court (Belfast, *Mathews, J.*) denying her motion for intervenor status pursuant to 22 M.R.S. § 4005-D(5) (2017) and M.R. Civ. P. 24. Her motion was filed five months after the court entered an agreed upon order terminating the parental rights of both parents and several months after the filing of two competing petitions for adoption by other parties.

On the record before us, we are not persuaded that the court erred as a matter of law in denying intervention as of right, *see* M.R. Civ. P. 24(a), or in treating and denying the motion as a motion for discretionary intervention, *see* M.R. Civ. P. 24(b). *In re N.W.*, 2013 ME 64, ¶¶ 7, 11, 70 A.3d 1219. In either instance, the motion was not “timely” filed. M.R. Civ. P. 24(a), (b). The child had been awaiting permanent placement since the fall of 2016; the moving party had been aware of the child’s circumstances for more than a year—even submitting to an evaluation pursuant to the Interstate Compact on the Placement of Children during that time; the home study and evaluations of the competing prospective adoptive families were completed; and further assessments of the moving party could have delayed a permanent placement by many more months.

As we have held in similar circumstances, “it was well within the bounds of the trial court’s discretion to conclude that . . . intervention at this late stage in the child protection proceedings would have unduly delayed adjudication of a prompt and permanent placement for [the child],” *In re N.W.*, 2013 ME 64, ¶ 13, 70 A.3d 1219, and therefore, the denial of the very late motion to intervene did not constitute an error of law or abuse of discretion.

The entry is:

Judgment affirmed.

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Janet T. Mills, Attorney General, and Hunter C. Umphrey, Asst. Atty. Gen., Office of the Attorney General, Augusta, for appellee Department of Health and Human Services

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