

IN RE CHILD OF ANN F.

Submitted on Briefs December 18, 2020

Decided December 29, 2020

Panel: MEAD, GORMAN, JABAR, HORTON, and CONNORS, JJ.

MEMORANDUM OF DECISION

Ann F. appeals from a judgment of the District Court (Calais, *Mitchell, J.*) terminating her parental rights to her child. She contends that the evidence was insufficient to support the court's determination of unfitness and that her due process rights were violated because she participated in the termination hearing by video from a remote location and the video format deprived her of the opportunity to participate meaningfully in the hearing.

Contrary to her contentions, competent evidence in the record supports the court's determination, by clear and convincing evidence, of at least one ground of unfitness. *See* 22 M.R.S. §§ 4038-C, 4055(1)(B)(2)(a), (b)(i)-(ii) (2020); *In re Cameron B.*, 2017 ME 18, ¶¶ 10-13, 154 A.3d 1199.

We review Ann F.'s due process claim for obvious error because it was not raised in the trial court. *See In re Child of Sherri Y.*, 2019 ME 162, ¶ 10, 221 A.3d 120. Obvious error is "seriously prejudicial error tending to produce a manifest injustice." *In re Child of Lacy H.*, 2019 ME 110, ¶ 9, 212 A.3d 320 (quotation marks omitted). Further, the manifest injustice must be "of the exceptional kind that seriously affected the fairness or integrity of the proceeding." *Morey v. Stratton*, 2000 ME 147, ¶ 10, 756 A.2d 496 (alterations omitted) (quotation marks omitted). The record reveals no manifest injustice. During the hearing, Ann F. and her attorney were in different locations by their choice but were able to communicate via text. The hearing transcript contains

no indication that participants had any ongoing or significant difficulty seeing, hearing, and understanding each other. Ultimately, the fact that neither Ann F. nor her attorney voiced objection to the hearing format or raised any due process issue in the trial court before, during, or after the hearing undermines the viability of her due process claim.

The entry is:

Judgment affirmed.

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Robert Van Horn, Esq., Van Horn Law Office, Ellsworth, for appellant mother

Aaron M. Frey, Attorney General, and Meghan Szylvian, Asst. Atty. Gen., Office of the Attorney General, Augusta, for appellee Department of Health and Human Services