

IN RE CHILD OF ELIZABETH T.

Submitted on Briefs October 21, 2020

Decided October 29, 2020

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

MEMORANDUM OF DECISION

Elizabeth T. appeals from a judgment entered in the District Court (West Bath, *Raimondi, J.*) after a testimonial hearing terminating her parental rights as to her child on the petition of the Department of Health and Human Services. Stephanie G., the grandmother of the child, also appeals from the court's judgment denying her petition for guardianship. Contrary to the mother's contentions, there is sufficient competent evidence in the record to support the court's finding—by clear and convincing evidence—of parental unfitness. *See* 22 M.R.S. § 4055(1)(B)(2)(b) (2020); *In re Child of Sherri Y.*, 2019 ME 162, ¶ 5, 221 A.3d 120. In addition, contrary to the contentions of the mother and the grandmother, there is sufficient competent evidence in the record to support the court's finding—by clear and convincing evidence—that the grandmother's guardianship was not in the child's best interest and that the grandmother would not be a suitable guardian for the child.<sup>1</sup> *See* 18-C M.R.S. § 5-204 (2020); *Guardianship of Donovan C.*, 2019 ME 118, ¶ 9, 212 A.3d 851.

---

<sup>1</sup> The grandmother asserts that the court erred in taking judicial notice of a pending forcible entry and detainer action against her in its judgment because the court did not give her an opportunity to be heard on the matter. Although we conclude that the court erred in failing to give sufficient notice to the grandmother, this error is harmless in light of the overwhelming evidence that her guardianship was not in the child's best interest and that she would be an unsuitable guardian for the child. *See In re M.S.*, 2014 ME 54, ¶ 12, 90 A.3d 443.

The entry is:

Judgment affirmed.

---

Thaddeus V. Day, Esq., Law Offices of Thaddeus V. Day, PLLC, Cumberland Center, for appellant Elizabeth T.

Philip Notis, Esq., Portland, for appellant Stephanie G.

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