

IN RE CHILD OF AMANDA M.

Submitted on Briefs October 20, 2021

Decided October 28, 2021

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

MEMORANDUM OF DECISION

The mother and legal father¹ appeal from judgments entered by the District Court (Portland, *Cashman, J.*) terminating the parental rights to their child. Contrary to the mother's contention, the record contains clear and convincing evidence to support the court's finding of unfitness. *See* 22 M.R.S. § 4055(1)(B)(2)(b)(i), (ii); *In re Child of Erica H.*, 2019 ME 66, ¶ 9, 207 A.3d 1197; *In re Olivia F.*, 2019 ME 149, ¶ 5, 217 A.3d 1106. Because the court found evidence of parental unfitness, it did not err in considering the best interest of the child. *See Adoption by Stefan S.*, 2020 ME 5, ¶ 8, 223 A.3d 468. The court's determination that termination of the mother's rights was in the best interest of the child was not an abuse of discretion. *See In re Bentley G.*, 2017 ME 238, ¶ 3, 176 A.3d 724.

Contrary to the legal father's contention, his constitutional right to due process was not violated by service by publication, as allowed by Rule 4(g)(1)(ii) the Maine Rules of Civil Procedure. The Department of Health and Human Services had exhausted other means of attempting to provide service and, as such, service by publication was used as it should be—as a method of last resort. *See Gaeth v. Deacon*, 2009 ME 9, ¶ 26, 964 A.2d 621.

¹ C.A. is designated the legal father as he was married to the mother at the time of the child's birth. The biological father is unknown and is not involved in this appeal.

The entry is:

Judgment affirmed.

Jason A. MacLean, Esq., Bridgton, for appellant mother

Nathaniel Seth Levy, Esq., Portland, for appellant legal father

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

Portland District Court docket number PC-2019-79
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