

IN RE CHILD OF ASHLEY S.

Submitted on Briefs November 18, 2021

Decided November 30, 2021

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

MEMORANDUM OF DECISION

Ashley S. appeals from a judgment of the District Court (Lewiston, *Oram, J.*) terminating her parental rights to her child.¹ We discern no error in the court's termination of the mother's parental rights, as there is sufficient evidence in the record to support the court's parental unfitness and best interest findings, and the court did not abuse its discretion in concluding that termination of the mother's parental rights was in the child's best interest. *See* 22 M.R.S. § 4055(1)(B)(2)(a), (b)(i), (ii) (2021); *In re Child of Louise G.*, 2020 ME 87, ¶¶ 8-9, 236 A.3d 445.²

¹ The mother's counsel filed both an appellate brief, including a procedural history, statement of facts, and statement that he did not believe that there were arguable issues of merit on appeal, and a motion to allow the mother to submit a supplemental brief, which was granted. *See In re M.C.*, 2014 ME 128, ¶¶ 7-8, 104 A.3d 139. The mother elected not to file a supplemental brief.

² The Department of Health and Human Services' fulfillment of its statutory duties to rehabilitate and reunify is not an element in parental termination proceedings, nor does the Department's failure to meet those duties preclude a finding of parental unfitness. *See, e.g., In re Doris G.*, 2006 ME 142, ¶ 17, 912 A.2d 572. Regardless, contrary to the mother's argument, there is sufficient evidence to support the court's finding that the Department fulfilled its statutory duties with respect to reunification. *See* 22 M.R.S. § 4041 (2021); *In re Child of Heather W.*, 2018 ME 31, ¶ 11 & n.2, 180 A.3d 661.

The entry is:

Judgment affirmed.

Henry Griffin, Esq., Auburn, for appellant mother

With leave of the Court, the Department of Health and Human Services did not file a brief

Lewiston District Court docket number PC-2019-110
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