

IN RE CHILDREN OF MELISSA R.

Submitted on Briefs November 18, 2021

Decided November 30, 2021

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

MEMORANDUM OF DECISION

The mother of two children appeals from a judgment of the District Court (Waterville, *Dow, J.*) terminating her parental rights to the children. *See* 22 M.R.S. § 4055(1)(A)(1)(a), (1)(b)(2)(a), (b)(i), (ii) (2021). The court did not commit obvious error depriving the mother of due process in holding a hearing in the mother’s absence when she failed to appear despite having notice of the hearing date and time, and of the consequences of a failure to attend the hearing. *See In re Child of James R.*, 2018 ME 50, ¶ 17, 182 A.3d 1252; *In re Child of Sherri Y.*, 2019 ME 162, ¶ 10, 221 A.3d 120. Whether or not the court omitted an explicit finding that the mother had voluntarily, knowingly, and intentionally relinquished her right to be present at trial, we discern no “seriously prejudicial error tending to produce a manifest injustice” on this record because the mother has not argued, or made an offer of proof to establish, that her absence was involuntary, and she made no offer of proof as to the information that would have been added by her presence or testimony. *In re Child of Sherri Y.*, 2019 ME 162, ¶ 10, 221 A.3d 120 (quotation marks omitted); *see In re Kaylianna C.*, 2017 ME 135, ¶ 10, 166 A.3d 976; M.R. Evid. 103(a)(2). The court’s findings are adequate to allow for effective appellate review, *see In re Aubrey R.*, 2017 ME 37, ¶¶ 2-3, 157 A.3d 212, and we conclude that the court did not err in finding parental unfitness and determining the best interests of the children, *see In re Children of Brandon D.*, 2020 ME 80, ¶ 17, 235 A.3d 831.

The entry is:

Judgment affirmed.

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Rory A. McNamara, Esq., Drake Law LLC, York, 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

Waterville District Court docket number PC-2020-04  
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