

IN RE CHILDREN OF NICHOLAS B.

Submitted on Briefs April 21, 2021
Decided April 29, 2021

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

MEMORANDUM OF DECISION

Nicholas B. appeals from a judgment entered by the District Court (Bangor, *Campbell, J.*) terminating his parental rights to his two children. 22 M.R.S. § 4055(1)(A)(1)(a), (B)(2)(a), (b)(i)-(ii) (2021). The father does not challenge the court’s unfitness and best interest findings, and on this record we conclude that those determinations were supported by clear and convincing evidence. *See id.* Consequently, the father has “fail[ed] to explain on appeal how [his] absence . . . could have affected the trial or its outcome,” which “is relevant in determining on appeal whether [he] has been deprived of due process.”¹ *In re A.M.*, 2012 ME 118, ¶ 25, 55 A.3d 463; *see In re Child of Danielle F.*, 2019 ME 65, ¶ 6, 207 A.3d 1193.

Furthermore, contrary to the father’s contention, he was not deprived of due process at the termination hearing because he received adequate notice

¹ We note, and reject, the father’s repeated assertion that the trial court “simply defaulted” him when he did not appear at the hearing, an assertion that is without support in the record. Far from entering a default, which is a summary action taken without receiving evidence, *see* M.R. Civ. P. 55, here the court convened a hearing at which the father was represented by counsel and admitted sufficient evidence to support its findings and conclusions. The court’s actions fully complied with our holding that, “[T]he termination of parental rights statute requires an evidentiary hearing before parental rights are terminated. . . . [T]he court must hold a hearing prior to making a termination order.” *In re Robert S.*, 2009 ME 18, ¶ 15, 966 A.2d 894.

and was represented by counsel at the hearing.² See *Adoption by Jessica M.*, 2020 ME 118, ¶ 9, 239 A.3d 633; *In re Child of Haley L.*, 2019 ME 108, ¶¶ 17-18, 211 A.3d 1148; *In re Child of Danielle F.*, 2019 ME 65, ¶ 6, 207 A.3d 1193.

The entry is:

Judgment affirmed.

Ezra A.R. Willey, Esq., Willey Law Offices, Bangor, for appellant Father

Christopher C. Taub, Chief Dep. Atty. Gen., and Meghan Szylvian, Asst. Atty. Gen.,
Office of the Attorney General, Augusta, for appellee Department of Health and
Human Services

Bangor District Court docket number PC-2018-122
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² The father's brief suggests that he is also raising an equal protection claim. That argument is undeveloped and we do not address it further. See *Mehlhorn v. Derby*, 2006 ME 110, ¶ 11 & n.6, 905 A.2d 290.