

IN RE CHILDREN OF RICHARD J.

Submitted on Briefs April 21, 2021

Decided April 29, 2021

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

MEMORANDUM OF DECISION

The mother of three children and the father of two of those children appeal from judgments of the District Court (*Skowhegan, Nale, J.*) terminating their parental rights to the children. The father received notice of the termination hearing and was represented by counsel, but he failed to attend the hearing and did not raise the due process argument that he now sets forth on appeal. *See* 22 M.R.S. § 4005(2) (2021). Reviewing for obvious error, we conclude that the father’s lack of court-appointed counsel at an earlier stage in the proceedings—after the father “fired” counsel and then failed to comply with a court order requiring him to file a child protection financial affidavit to seek appointment of successor counsel—did not seriously prejudice the father’s rights and render the termination judgment a manifest injustice.<sup>1</sup> *See In re Child of Sherri Y.*, 2019 ME 162, ¶ 10, 221 A.3d 120; *In re Child of Stephen E.*, 2018 ME 71, ¶¶ 18-19, 186 A.3d 134; *In re Dustin C.*, 2008 ME 89, ¶ 7, 952 A.2d 993; *see also* M.R. Prof. Conduct 1.16(a)(1), (3). Nor did the court commit clear error or abuse its discretion in terminating both parents’ parental rights to the children based on supported findings of parental unfitness and determinations of the best interests of the children. *See* 22 M.R.S. § 4055(1)(A)(1)(a), (B)(2)(a), (b) (2021); *In re Children of Brandon D.*, 2020 ME 80, ¶ 17, 235 A.3d 831.

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<sup>1</sup> We lack the authority to review directly the court’s earlier decisions on counsel’s motion to withdraw and the father’s motion to continue and set aside the jeopardy order. *See* 22 M.R.S. § 4006 (2021).

The entry is:

Judgments affirmed.

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Christopher S. Berryment, Esq., Mexico, for appellant Mother

Amy L. Fairfield, Esq., Fairfield & Associates, P.A., Lyman, for appellant 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

Skowhegan District Court docket numbers PC-2019-117 & PC-2019-118  
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