

IN RE CHILD OF NATHAN L.

Submitted on Briefs May 19, 2021

Decided May 27, 2021

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

MEMORANDUM OF DECISION

Nathan L. and Melissa R. appeal from a judgment entered by the District Court (Presque Isle, *Nelson, J.*) terminating their parental rights to their child. *See* 22 M.R.S. § 4055(1)(B)(2)(a), (b)(i)-(ii) (2021). Contrary to the mother’s contentions, the trial court’s findings of unfitness are fully supported by competent record evidence. Although the mother made some effort to address her mental health and substance abuse issues in the months before the termination hearing, the trial court’s findings that the mother’s progress was “marginal” and that she remained in the “precontemplation stage of change in understanding the impact her substance abuse and mental health issues have on the child” were not clearly erroneous. *In re Children of Brandon D.*, 2020 ME 80, ¶¶ 17-18, 235 A.3d 831; *In re Children of Anthony M.*, 2018 ME 146, ¶¶ 7-11, 195 A.3d 1229. The mother does not challenge the trial court’s best interest determination, but we nevertheless conclude that the court’s determination was supported by clear and convincing evidence. *See* 22 M.R.S. § 4055(1)(B)(2)(a).

The father’s attorney filed a brief stating that he did not believe that there were any arguable issues on appeal and that he followed the process identified in *In re M.C.*, 2014 ME 128, ¶ 7, 104 A.3d 139. Although we ordered an enlargement of time for the father to personally file a brief, the father has neither filed a brief nor requested the appointment of new counsel. We discern no error or abuse of discretion in the trial court’s findings of unfitness as to the

father and its determination that termination of the father's parental rights is in the best interest of the child. *In re Daniel H.*, 2017 ME 89, ¶¶ 14, 17, 160 A.3d 1182.

The entry is:

Judgment affirmed.

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

John W. Tebbetts, Esq., Tebbetts Law Office, LLC, Presque Isle, for appellant mother

Aaron M. Frey, Attorney General, and Hunter C. Umphrey, Asst. Atty. Gen., Office of the Attorney General, Augusta, for appellee Department of Health and Human Services

Presque Isle District Court docket number PC-2018-13  
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