

IN RE CHILD OF PATRICIA K.

Submitted on Briefs June 16, 2021

Decided June 24, 2021

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

MEMORANDUM OF DECISION

The parents appeal from a judgment of the District Court (Skowhegan, *Benson, J.*) terminating their parental rights to their child. The parents received notice of the termination hearing and were represented by counsel but failed to attend the hearing and did not raise the due process argument to the trial court. *Adoption by Jessica M.*, 2020 ME 118, ¶¶ 9-11, 239 A.3d 633; *In re A.M.*, 2012 ME 118, ¶ 18, 55 A.3d 463. Reviewing for obvious error, we conclude that the court's decision to change the format of the hearing from in-person to virtual did not seriously prejudice the parents' rights nor render the termination judgment a manifest injustice. *In re A.M.*, 2012 ME 118, ¶¶ 25-26, 55 A.3d 463; *In re Randy Scott B.*, 511 A.2d 450, 452-54 (Me. 1986). Additionally, we conclude that the court's decision to change the format of the hearing did not violate our Pandemic Management Order. *See* PMO-SJC-7(B)(2) (revised December 14, 2020). Finally, the court did not commit clear error nor abuse its discretion in terminating both parents' parental rights to the child based on supported findings of parental unfitness and a determination of the best interest of the child regarding the father.¹ *See* 22 M.R.S. § 4055(1)(B)(2)(a), (b)(i), (ii), (iv) (2021); *In re Children of Jason C.*, 2020 ME 86, ¶¶ 8-11, 236 A.3d 438; *In re Child of Sherri Y.*, 2019 ME 162, ¶ 8, 221 A.3d 120.

¹ Although the mother did not challenge the court's best interest finding as to her on appeal, the court's determination is nevertheless supported by competent evidence in the record.

The entry is:

Judgment affirmed.

Seth Berner, Esq., Portland, for appellant father

Julian Richter, Esq., Richter Law, LLC, Gardiner, 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

Skowhegan District Court docket number PC-2020-5
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