

IN RE CHILD OF SHARON H.

Submitted on Briefs July 13, 2021

Decided July 20, 2021

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

MEMORANDUM OF DECISION

Sharon H. appeals from a judgment of the District Court (Skowhegan, *Benson, J.*) terminating her parental rights to her child. Contrary to her contentions, the record provides support for the court's finding, by clear and convincing evidence, that termination of her parental rights is in the child's best interest. See 22 M.R.S. § 4055(1)(B)(2)(a) (2021); *In re Cameron B.*, 2017 ME 18, ¶¶ 10, 11, 154 A.3d 1199.

The mother also contends that the court abused its discretion in concluding that termination of her parental rights rather than a permanency guardianship was in the child's best interest. We disagree. A permanency guardianship with the foster family was originally considered by the Department. However, the mother's failure to alleviate jeopardy despite the protracted length of the case convinced the Department and the court that the child's need for permanency counseled in favor of termination of parental rights over the less-certain permanency guardianship arrangement. See *In re Child of Kimberly K.*, 2019 ME 145, ¶ 13, 217 A.3d 63 (“[W]hen a parent's rights have not been terminated, the parent is statutorily authorized to petition the court not only to determine rights of contact but even to terminate the permanency guardianship itself. Thus, termination in such circumstances attenuates the prospect of impermanence in the permanency guardianship.” (citations omitted) (quotation marks omitted)).

We cannot conclude on this record that the court abused its discretion in determining that the child's need for a final and permanent resolution to this case outweighed the clear bond that the mother and child share and that termination of the mother's parental rights and adoption is in the child's best interest. *See id.* ¶ 14 (holding that the trial court "did not err or abuse its discretion in determining that termination of the parents' parental rights would ensure permanency for the child and would be in the child's best interest"); *In re Child of Ronald W.*, 2018 ME 107, ¶ 13 n.3, 190 A.3d 1029 (noting that the court is not required to find that a relationship with a parent would be harmful to the child before determining that termination is in the child's best interest).

The entry is:

Judgment affirmed.

---

Ashley T. Perry, Esq., Sanders, Hanstein & Carey, P.A., Farmington, 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